



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 29th DAY OF NOVEMBER, 2000 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi, Hales, Saltzman and Sten, 5.

OFFICERS IN ATTENDANCE: Britta Olson, Clerk of the Council; Harry Auerbach, Senior Deputy City Attorney; and Peter Hurley, Sergeant at Arms.

Item Nos. 1719 and 1721 were pulled for discussion and on a Y-5 roll call, the balance of the Consent Agenda was adopted.

- 1717** Accept bids of Re-Mac, Inc., David McLean dba McLean Landscaping, Keen Services LLC and Pro Landscape, Inc. to furnish nuisance abatement services for \$494,029 annually (Purchasing Report - Bid No. 100380)

Disposition: Accepted Prepare Contract. (Y-5)

Mayor Vera Katz

- 1718** Approve the re-appointment of Dan Volkmer to the Historic Landmarks Commission for a term to expire October 1, 2004 (Report)

Disposition: Confirmed. (Y-5)

- 1719** Authorize Participation in Measure 7 litigation (Resolution)

Disposition: Resolution No. 35945. (Y-5)

- *1720** Authorize Treasurer and Police Bureau to establish trust fund account or accounts for compliance with Ballot Measure Three (Ordinance)

Disposition: Ordinance No. 175116. (Y-5)

- *1721** Agreement with Youth Gangs Outreach program to address crime prevention (Ordinance)

Disposition: Ordinance No. 175122. (Y-5)

- *1722** Contract with Michael Willis Architects to provide a master plan for the Bureau of Maintenance and provide for payment (Ordinance)

Disposition: Ordinance No. 175117. (Y-5)

November 29, 2000

- *1723** Amend agreement with GeoDesign, Inc. for geotechnical engineering services for Fire Station 21 and provide for payment (Ordinance; amend Contract No. 32364)

Disposition: Ordinance No. 175118. (Y-5)

- *1724** Pay claim of Compass Cafe & Caterers Ltd. (Ordinance)

Disposition: Ordinance No. 175119. (Y-5)

Commissioner Jim Francesconi

- 1725** Accept contract with Brant Construction, Inc. for the Macleay Park trail improvements as substantially complete, authorize final payment and release retainage (Report; Contract No. 33161)

Disposition: Accepted. (Y-5)

- *1726** Contribute \$2,750 from Portland Parks and Recreation and \$47,000 from the Bureau of Water Works towards the purchase price of the Yu Property on the eastern foot of Powell Butte in the East Buttes Regional Target Area (Ordinance)

Disposition: Ordinance No. 175120. (Y-5)

Commissioner Erik Sten

- 1727** Contract with the U.S. Geological Survey for streamflow and water quality monitoring without advertising for bids (Ordinance)

Disposition: Passed to Second Reading December 6, 2000 at 9:30 a.m.

City Auditor Gary Blackmer

- *1728** Cancel City Liens which must be extinguished because of Multnomah County foreclosure, or which are otherwise uncollectible (Ordinance)

Disposition: Ordinance No. 175121. (Y-5)

REGULAR AGENDA

Mayor Vera Katz

- S-*1729** Establish a procedure for Measure 7 compensation claims (Ordinance; add new Code Chapter 5.75)

Motion to accept the substitute: Moved by Commissioner Hales and gavelled down by Mayor Katz after no objections.

November 29, 2000

Disposition: Substitute Ordinance 175123 as amended. (Y-5)

- *1730** Authorize the purchase of telecommunications network equipment for the Integrated Regional Network Enterprise project using State Contract No. 5251 (Ordinance)

Disposition: Ordinance No. 175124. (Y-5)

- 1731** Amend Ordinance No. 174509 and Sections of City Code relating to Purchasing (Ordinance; amend Chapter 5.33)

Disposition: Passed to Second Reading December 6, 2000 at 9:30 a.m.

Commissioner Charlie Hales

- 1732** Set hearing date, 6:00 p.m., Wednesday, December 20, 2000, to vacate a portion of NE Emerson Street between NE 33rd and NE 34th Avenues (Report; C-9982)

Disposition: Adopted. (Y-5)

Commissioner Dan Saltzman

- 1733** Adopt a Waste Reduction Program and enter into a Waste Reduction Program with the Metropolitan Service District to receive Metro Waste Reduction Challenge Funds in the amount of \$236,671 in FY 00/01 (Ordinance)

Disposition: Passed to Second Reading December 6, 2000 at 9:30 a.m.

Communications

- 1734** Request of Christy Hoppe to address Council regarding Student Hope, a non-profit organization against gun violence (Communication)

Disposition: Placed on File.

At 11:22 a.m., Council recessed.

November 29, 2000

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 29th DAY OF NOVEMBER, 2000 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Katz (left at 4:53 p.m.), Presiding; Commissioners Francesconi (left at 4:12 p.m.), Hales, Saltzman and Sten, 5. Commissioner Saltzman presided after the Mayor left.

OFFICERS IN ATTENDANCE: Britta Olson, Clerk of the Council; Kathryn Beaumont, Ruth Spetter and Ben Walters, Senior Deputy City Attorneys; and Peter Hurley, Sergeant at Arms.

- 1735** **TIME CERTAIN: 2:00 PM** – Amend Title 32 Signs and Awnings and Title 33 Planning and Zoning to rename Title 32, to move sign regulations previously in Title 33 into Title 32, and to clarify regulation of certain signs (Ordinance introduced by Mayor Katz and Commissioner Hales)

Disposition: Passed to Second Reading December 20, 2000 at 10:30 a.m. Time Certain.

Commissioner Charlie Hales

- 1736** Amend Code to provide consistency with Title 32, Signs and Related Regulations (Ordinance; amend Code Titles 10, 16 and 17)

Disposition: Passed to Second Reading December 20, 2000 at 10:30 a.m. Time Certain.

- 1737** Update fee schedules for electrical, sign and awning permits, establish sign registration fees and replace fee schedules adopted by ordinances 174721 and 174722 (Ordinance)

Disposition: Passed to Second Reading December 20, 2000 at 10:30 a.m. Time Certain.

Mayor Vera Katz

- 1739** Hear appeal of Lawrence Mills (PIAAC #00-10/IAD #98-155) to the Police Internal Investigations Auditing Committee, per City Code 3.21.085(4)(d) (Report) **Note:** Rescheduled from Thursday, November 30, 2000 at 2:00 p.m.

Motion to uphold recommendations of PIIAC, but change exonerated to insufficient evidence for two items -- the use of force and the procedure: Moved by Commissioner Sten and seconded by Commissioner Hales.

Disposition: Appeal Denied, with conditions. (Y-3)

At 6:23 p.m., Council recessed.

November 30, 2000

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND,
OREGON WAS HELD THIS 30th DAY OF NOVEMBER, 2000 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi, Hales,
Saltzman and Sten, 5.

OFFICERS IN ATTENDANCE: Britta Olson, Clerk of the Council; Linda Meng, Chief
Deputy City Attorney; and Peter Hurley, Sergeant at Arms.

- 1738** **TIME CERTAIN: 2:00 PM** – Report from Planning Director on the Land Division Code
rewrite project and Design for Quality Neighborhoods (Report introduced by Mayor Katz)

Disposition: Accepted. (Y-5)

Mayor Vera Katz

- 1739** Hear appeal of Lawrence Mills (PIAAC #00-10/IAD #98-155) to the Police Internal
Investigations Auditing Committee, per City Code 3.21.085(4)(d) (Report)

Disposition: Rescheduled to Wednesday, November 29, 2000 at 2:00 p.m.

At 4:32 p.m., Council adjourned.

GARY BLACKMER
Auditor of the City of Portland



By Britta Olson
Clerk of the Council

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

November 29, 2000

Closed Caption Transcript of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

NOVEMBER 29, 2000 9:30 AM

Katz: Council will come to order. Please call the roll. [roll call] all right. There's been a request to pull 1719, and we will move it with 1729 so we deal with ballot measure 7 issues together under the regular agenda. There's a request to pull 1721, and there's a -- as a matter of fact I think it's a good idea for everybody on the council to hear what is actually going on on the streets. There's been -- flag 1733, that has been amended. And we have an addition of daniel larkin who will be speaking with us during our communication period, even though he's not on the agenda. There's no objections. And for those who were confused, piac case will be heard this afternoon instead of thursday. But commissioner Saltzman and I probably depending on how long the signs will go on, will have to leave early. Okay. Any other items to be pulled off the consent agenda? Roll call.

Katz: Mayor votes aye. All right. 1721.

Item 1721.

*******:** I have some things for you all. We're expecting our board President to be here, but i'm sure -

Katz: Just before they start, I just wanted to remind you that funding for this particular program unfortunately, and maybe that will change, is not out of our general fund, it's out of a portion of a local block grant given to the police bureau. And then we work with our jurisdictions to identify where we think the money is needed, and this is one of the programs we identified because of the work that's being done. Most of you don't hear about the work that's being done. That's why I thought it would be a good opportunity for folks to talk and say something to you. Okay. Who wants to start?

Brown: I'll start. Good morning, mayor Katz. Commissioners.

Good to see you again.

Katz: Why don't you bring the mike closer to you and identify yourself.

Willie Brown, President, Northeast Coalition of Neighborhoods (NECN): I'm willie brown. This work that we're doing is very important to us. In order to continue, we try to find funding in different areas. And this is one of the areas that our director has found some funding. So we're here this morning to answer some questions that you may have in regards to that. So I will turn it over to him.

Katz: Okay.

John Canda, Executive Director, NECN: Good morning, mayor, and commissioners. I'm john canda, executive director of the northeast coalition neighborhoods. I've worked for the coalition since late 1989, certainly different capacity. Came to the coalition as a youth Gangs outreach worker myself, working with the african-american male and female populations. To my right is tanya dick yens, currently the program manager for the outreach program. Because this is what we do on a daily basis, working with young people, and families, and schools, and communities at their homes, and wherever we find young people in the communities, we take for granted that the people that we work with, ordeal with, have the same amount of information as to what's going on with the youth population today. Especially as it relates to youth violence. Now, there are the notables that we hear by way of media, papers and television and radio and so forth, but those it seems anymore only become televised And only get written about when somebody's lying dead in the street. But what happens in between time, when people are -- young people are having altercations on their way to

November 29, 2000

school? What happens to the kids on the playground that we get called about frequently, or in the brink area, or on the football field that aren't newsworthy? How do you hear about those? And perhaps that's what we're here to speak, or what my message to you is mostly about this morning. And it's about these situations right here. I don't know how many of those 0 bitch wares there are that we have here -- 0 -- obituaries. I have to remind myself every time I come to work and we prepare or staff to go on the streets in places it seems no one else wants to go, other than the police and certainly parole and probation. It takes a special type of person, I think, to be able to have the skills, first of all, to engage young people today. After all, I think we're all competing for the attention of young people, because of internet, because of television, because of the violence and the sex and the drugs that they see every day. This is what we're in competition against. And it's almost like we're looking at the clock. And every day, every second that the clock ticks, and we're not in touch with a young person, the potential is that they could come in harm's way. So we have for the past -- this youth gang's outreach program since 1988 has been working on the streets of Multnomah county, basically, the city of Portland, trying to deter young people from choosing to commit crimes. Now, we have a very good partnership with the city of Portland, and we've appreciated that over the years. Especially the support of the past mayor and our current mayor. We have a close relationship with the Portland police bureau. We have a very close relationship with Multnomah county parole and probation, youth, and adults. And certainly the us attorney's office. Today we asked to come down here, and I don't know if there will be time for them to speak to you, some of our partners that we work with on a daily basis. I don't know if a couple days or -- Certainly a week doesn't go by that John and I and Tanya are having some kind of conversation, whether it's at the King facility, at the northeast precinct or in the community somewhere about what's going on and how can we, as a small, smallish community-based program, impact those young people before they go through his doors. And certainly Mr. Brown's doors, being at Multnomah county himself. So this is something that we struggle with. This youth gang's outreach program was created after our board members in 1987, and other people from the community have had the opportunity to go to California, specifically Orange County, Los Angeles, to look at what happens when communities are overrun, basically, by gangs. And gang violence. Mr. Ford, who was also to be here, recounted a story to me going on a ride-along with the crash unit through a place they call the jungle in Los Angeles. They call it that because the trees have grown over and now touch each other in the middle. So even during the daytime, no light gets through there. But he went on that ride-along in the back of a squad car as they chased suspect after suspect, and came back broken hearted, because our youth had come to this end. He vowed he would not let that happen here in Portland, and since that time, he and others have come back and created this thing that we call the youth gangs task force, which is a conglomeration of service providers who talk and share information about current trends. Of gang information, what are kids wearing, what are their mannerisms now, what seems to be the latest fashion, what is the latest gang initiation, what happens when kids are initiated, who's the target group. And it used to be that we could say kids above 16. Now it's an -- in elementary school, and that's something I'm sure all of us have a very big problem with. So this program -- and I'll be brief here -- this program was created to address some needs. And those were the needs of some young people who needed a little extra attention. Prior to becoming involved in the juvenile justice system, who needed mentors, who needed some support, who needed recreation, who needed somebody to stop on the side of the street when they were waiting for the bus to say, Can I give you a ride? Are you hungry? Can I buy you a meal? It looks like you've got holes in your sneakers. Let me get you a pair of sneakers. If that's what's keeping you from getting your education. These outreach workers, while some people might look at their meager salaries and say, that money could be better spent somewhere else, I can tell you the city of Portland doesn't have enough money to pay these outreach workers what they're really worth. These individuals go out during the times that perhaps you and I, and I go out on occasions too, are oblivious to what's happening in the community, two, 3:00, 4:00, 5

November 29, 2000

o'clock in the morning, responding to shots fired, responding to homicides, Or responding to the hospital to speak to the family members and try to ease their pain, or help them along in their grieving process. After tragic events have happened. It's no secret this is a passion of mine, and a passion of ours, and I think we are all passionate about certain things. But when I look at my children, and I have four, when I go home, my oldest is 15. She's at Benson. Sophomore. I want to make sure that her school, that this community, certainly the area that we live, is as safe as it can possibly be. Because I don't want to be that apparent that gets called when I'm away, working on somebody else's kids, that I need to respond to Benson, or Grant, or Mt. Tabor, or the community learning center, where my kids go to school to find out that because of youth gang violence, it is yet plain -- has yet claimed another victim. That will not happen. And so this program, along with many others, is just one spoke in the wheel that we'll continue -- will continue to go around, and we're very proud of our accomplishments. I've given you some things to look at, basically what it is is just a little overview of Tanya and Paul, their efforts, their experience, some of the things they've done this year, and it goes back to 1988, when we first began to get this funding from you. Over here I also have some brochures about the program.

Tonya Dickens, NECN Youth Gangs Program Manager: My name is Tanya Dickens, the program manager for youth gang outreach program. Don -- John said it all, pretty much. I really don't have much to say. He pretty much said it all. This is something that is also very dear to my heart. This is something that we -- that we do, and I say we, because even though John is not the outreach worker, sometimes he has to team up with us, with me and Paul, we -- so we don't have to be by ourselves to go out there at night. We're going in those hot spots and dealing with those young people so that there will be more peace on the street, so that there will be not be

Another retaliation, so, you know, we can calm the fears. It's also the schools. We're in the schools, because things that happen out in the community, it affects all of us. Sometimes that spills over to the schools the next morning, whether it's their relatives that attend those schools, whether it's relatives of the victims, or the perpetrators, you know. That's our purpose, is to be there to make sure everything is as calm as possible, that we can get through that day without another retaliation. And again, we do that with the help of parole and probation, and the police bureau, crisis response team, and we work really close with them, and they work really close with us. We're in this partnership to work together, because we know One can't do it without the other.

Katz: Thank you. Questions, and then I want to bring John Miller up and Peter, I don't know if you want to testify, and then Captain Radcliff and Lieutenant Maciac.

Francesconi: I asked this be pulled from consent because I wanted to learn more about this. Just two preliminary comments. I agree with you 100% we've got to focus on the long run, and not crisis ease that happen with one -- with shootings and then we respond and react. So we've got to take the long-term view. Second of all, I think you're doing good work. In terms of the questions, there's two, as I understand it, maybe two groups of young people. One, the very high risk, maybe

People who have been in serious gang activity, returning from the prisons. There's the stacks process, the strategy of having parole, working with police and -- in a coordinated effort in home visits, et cetera. Are you part of that or is that somebody else's responsibility?

Canda: We're very much a part of that process.

Francesconi: Is that happening? Is parole working with the police?

Canda: Absolutely. I can tell you, Commissioner Francesconi, that we have identified with the help of Mr. Ozan from the U.S. Attorney's office, and I don't want to steal your thunder, Peter, but a three-leg stool proper -- stool process with a platform.

The platform is research. They've hired researchers from Reed College who are very competent and who are researching best practices, not only in social service or intervention programs across the nation, but parole and probation services, and law enforcement techniques across the country. So our

November 29, 2000

research is solid about causations as to why young people become involved in youth violence, or more specifically, gang violence.

Francesconi: I don't mean to cut you off. I'm aware of that. Are you providing employment services for example from kids returning from the correctional institution or adults? Are you creating -- is that your job or somebody else's?

Canda: We're not an employment agency, no. We are the conduit, because we built relationships with young people, and adults now, who have gone to the penitentiary. Oftentimes before they even come out of the institution, we're their first call, because we're the last organization that they've had contact with. So we will, and -- in many cases, try to get those resources in the hands of those young people.

Francesconi: What I can't tell from the documents you've given, because it goes back to '98-99, is how many of these people do you mentor? How many are there returning from the prisons? And do you meet with them on a regular basis? Do you try to be their advocate? How often do you meet with them? How many are there? Those kinds of data.

Do you have that?

Canda: Good questions that I can't tell you. How many -- I don't know how many people are returning from prison. I know it's a large number. We don't have the capacity to serve the number of people, certainly that are coming back on a weekly or monthly basis. And our role as a support -- is a supportive role. If these people are coming back from, let's say, Oregon youth authority custody, hill crest, for example, certainly the daughters on the Oregon state penitentiary or others, they have a parole or probation officer. That person will be their primary contact. It is through that person's advice to their client that they should contact the youth gangs Outreach program, and we will work in conjunction to meet whatever plans that that parole or probation officer has set forth for their client to meet. So it's a very supportive role.

Katz: It's not a direct responsibility.

Francesconi: I didn't think that was.

Katz: But we're going to hear a little bit about it in a few minutes.

Francesconi: There's another group of kids, kind of the kids that are being recruited from middle schools, even elementary schools, you get referrals from schools, they need mentors, they need positive role models. That's the second group, different group.

*****: Yes.

Francesconi: I thought that was the group that was your primary. But I'm not clear. But when I look again at your data from '98-99, I see 13 mentorships. I'm not clear as to whose responsibility that is, because I actually think the churches, and efforts I've tried that have not been very successful, there's a role for churches on mentorships, there's a role for others. But I'm trying to get clear, is that also your responsibility to provide mentorships? Is it your responsibility to do school intervention? If so, how many kids are you dealing with? What are the outcomes? What are the performance measures, those kinds of things.

Canda: Performance measures will vary from child to child, as all children are individuals and have different situations. And the outreach staff do receive referrals from a variety of sources. The police bureau is one of them, specifically tod, tactical operations division, the gang team. The school alternative education, and the public schools are also referral sources. And the way we have it set up, each outreach worker is assigned to a specific school cluster. Let's take jefferson, for example. That person would also have the feeder middle schools and then the primary elementary schools. And they make contact on a consistent basis with the people in those buildings. If there are situations that occur in those schools, we have developed what we call a rapid response team list, and that consists of not only ourselves, but a list of our partners, so we respond to those situations. And we do intervene in some of the delinquent activity that goes on. From there, then the outreach

November 29, 2000

staff will set up individual meetings with these students, with parents, and certainly with the educators to determine --

Francesconi: But are these short-term interventions, kind of coming in, correcting the problem and kind of moving on to the next?

Canda: It varies, sir. It could be that the young person just had a flare-up for a particular day, or it could be that they have seen a series of this type of behavior, and so they need longer term treatment. Or mentorship. We don't do treatment. But in that case the outreach

Workers will develop an individual action plan for that particular person. It could include some time on weekends together, maybe even light tutoring. If it gets into other areas where there is drug and alcohol involved, chronic truancy, the outreach workers are not in a position to deal with those issues. We then do partnerships with the school attendants initiative, we do partnerships with the tualatin used to be mainstream, I can't think of their name right now for drug and alcohol treatment. We're a conduit to -- actually a gateway to other services.

Francesconi: I'm just about done. How many outreach workers do you have?

Canda: In this particular program we

Have tanya and paul, and paul is part-time.

Francesconi: In all the programs. Roughly.

*****: Nine.

Francesconi: Okay. And are you coordinating with the work force grant people who are also going to be hiring outreach workers for employment for high-risk youth?

Canda: It's funny you mentioned that. I'm supposed to be at that meeting right now. Yes, we are.

Francesconi: Thank you. I don't have any other questions.

Saltzman: I wanted to say i'm glad that we took some time to focus on this very important program, and also to commend each one of you for your activities and also your

Colleagues who aren't here today. Many of whom actually are in the audience, and I did want to say that john's not an outreach -- to say he's not an outreach worker, when I go out in the community with john, he certainly looks like an outreach worker. But I guess I do want to say, you know, last time I was out in talking to you all, I met with a couple of youth, and their plea to me was, we need jobs. And I know that -- and we've gist had a nice q and a about this whole issue, but it does seem from my perspective, and maybe if I can be so bold to say, from their perspective too, a couple people get shot and killed, and we have a lot of meetings, we have a lot of employers, everybody gets together saying we've got to do something, then the calm sets in, and here we have these youths, and -- who can't get jobs or the promise is made about, we will help you find jobs, somehow we don't seem to be following through on that. I don't know what the answer is. Sometimes maybe there's too many cooks in the kitchen, frankly. And I just want to say we need to sort of figure this out and then you have my commitment certainly about the whole -- the city council, you know, we know the jobs are a very effective antidote for a lot of problems. So we want to try to iron that out. My other question was, I noticed you do not have currently a hispanic outreach specialist. Are there plans to fill a position, fill that position?

Canda: Yes, sir. That's a great question.

For some time we -- the coalition did enjoy the luxury of having an extremely diverse staff. Funding did not enable us to continue that. But we do have plans to not only hire male and female latino outreach workers, but additionally russian and romanian outreach workers. That is an increasing demand in our community. So, yes.

Saltzman: Those will be within this fiscal year? Next five, six months?

Canda: That is our hope.

Saltzman: Okay. Great. I just wanted to say you're all doing a fantastic job.

Katz: Thank you. Let's bring the group, the other group. Why don't you come up and join them too. While we're doing this, we might as well get the whole perspective. And i'll try to tackle the

November 29, 2000

job issue after you're finished. John, thank you. And tanya, thank you. Willie, thank you. John, why don't you, since you're sort of, kind of the cochair of a nameless group that meets every other friday, why don't you start and then we'll just go right along.

John Miller, Multnomah County Department of Adult and Juvenile Justice: Thank you, mayor. I'm John Miller with the department of adult and juvenile community justice Multnomah county. Part of my responsibilities is to work in the stacks initiative.

Katz: Explain that and then we'll have Peter do that as well.

Miller: Strategic approaches to community safety. It's also a portion in partnership with youth gun antiviolence task force that the mayor initiated. Our role, the department before -- the department promoted the idea of having community folks participate in outreach for these -- for this particular population. And we have worked with the northeast coalition over the years, as a matter of fact we're housed in the same facility, my gang unit and the northeast coalition's youth gang outreach program. There has been years of collaborations and coordinations in providing services to this particular population, which is at highest risk of committing violent act and/or being the victims of violence. We have often had the same types of clients, but in the program there's an additional to that. Because they grew up with some of the same kids that are now adults, their relationship is quite strong with that population that is over the age of 18 that are sort of graduated through the systems of juvenile justice to criminal justice. Their relationships and flair work with this particular population -- their work with this particular population, what the -- with the adult side of our department, as well as those off probation has kept a strong link between these individuals, and some serving agencies. Our greatest concern quite naturally is no more homicides. Our greatest concern is to reduce the amount of violence that happens in our community. And part of that is truly the partnerships between community organizations, law enforcement, probation, whether it's juvenile or adult, it does not really matter. Those kids, they're all intermingled. Our problem in a lot of respects with resources that we bring to the table is that they are often segregated into adult services or juvenile services. And I should say on the adult side, lack of services, and on the juvenile side, some services. Because it is truly a different -- a difference. The youth gangs has been able to sort of bridge that gap for us in our department by being able to service those youth who are over the age of 18. And that has been a real benefit to all of us. I guess I'm going to reserve any more time for the rest of the group to talk. If there are any specific questions regarding Multnomah county and our relationship or our resources, I'd be more than willing to answer.

Katz: Peter, we'll start with you, since you represent the U.S. Attorney's office until the end of this year, at least. Until we have a new president. And then we'll go down the line.

Peter Ozanne, Chief Counsel, US Attorney: Thank you. I'm Peter Ozan, chief counsel to the United States Attorneys. I'm -- I also happen to be the director of the local public safety coordinating council. A number of you are members of both. The SAC's approach is to -- is community safety and the public safety coordinating council. Just briefly, I think you can --

You know and I've heard of the human element of outreach and how important it is that mentorship, that coach, that adult nonauthoritarian figure not attached to somebody who is going to arrest how outreach works. I want to talk briefly about the strategic importance of outreach. I say and I'm here speaking on behalf of the department of justice and the FBI, who asked me to speak, to say in short, we believe that outreach is an integral part of our interagency strategies, period, end of sentence. You may know as federal employee I can't make recommendations or take positions on policies, so I'll change hats and say director of the local public safety coordinating council. The outreach component in my view, youth and adult, is an essential strategic element in community policing, and community problem-solving. Because, number 1, they are the purveyors and conveyors of messages that we want to send to our targeted youth, a very high-risk youth. They are credible messengers to -- for the messages that if you get involved in gun play you can go along with -- for very long periods of time, and we're working on those projects, on that goal for those who don't get

November 29, 2000

the message. Also, they're an essential source of credibility to all of us. John and tanya are my guides, if you will, escorts to the neighborhoods in Portland, where we work. They understand the neighborhoods. Think know -- they know the people there. And I think they help all of the other partners, probation, parole, and police in that regard. They are a source -- I hesitate to use the word intelligence, because they have a client relationship, and they have to protect that and protect their credibility, but they know what's going on in the community in the sense of crime trends and developments and what's going on with the kids. Most of the rest of us are too far away from it. So they serve not only as the conduit for messages from us to our population, but back from the population in the community to us. Frankly, I would say even more strongly, I don't think we collectively in this community are putting enough resources in the outreach capacity. Some of the cities that are leading the way around the country, and most of you probably know about some of these, I won't mention names, but some cities and local governments have actually established within their own government a capacity for outreach, hired outreach workers that report to local governments. Professionalize the corps of outreach workers and made them officially a part of the process. I think in those cities they're making a lot of community policing gains that we're trying to do here, but it's really a place that we're still not sufficiently directing enough attention towards. That's about all I have to say. Thank you for your attention. I hope you see us all here as how important we see this.

Captain Larry Ratcliff, Police Bureau: Good morning, mayor. I'm police bureau tactical division. We house the gang enforcement team as well as the task force. I would like to say that i've been working with john and the youth gang outreach folks since basically the late '80s, early '90s, beginning with some of the very first gang homicides that we had. Since that time we have somewhere in the neighborhood of 80 plus gang-involved homicides. One of the -- in fact I see some of the funeral notices here. For me that's why this program is important. John said two things that I think are extremely important. Number 1 is passion.

This group of people, since the day I first met them, has passion for what they do. The other thing he said was that the city of Portland does not have enough money to pay these people for what they do. They -- they're an extraordinary group of folks. They believe in what they do. And because of that, I believe that their work has helped us really turn the tied on gang violence. If you look at where we are today, compare us to where we were five, six, seven, eight years ago, it's incredible. And this is in no small measure to what they have done for us. And for this community. I -- gangs are still here. They're still out there. We still have problems. We still have youth violence. It hasn't gone away. It's different now than it was then, but their work in the community is no less important, and it is -- echoing what peter said, it's a combination of all of us working together as a team to make this problem go away. And I -- again, I cannot support them enough, I cannot give them enough accolades. I don't know that as a community that we have done enough of that, frankly, for those people. And I just -- I think if we can support them in more ways, in fact, like peter said, make it a permanent part of the city government and part of our outreach program, I think it would be the right way to go.

Lt. Jim Maciag, Police Bureau: Good morning. I'm lieutenant jim macey, currently in charge of the gang enforcement team and the task Force. There's a disadvantage to going late in the speaking realm, because everybody has said everything I wanted to say. What I do want to add is, john and his crew, they've been an integral part of the reaction response that is happening in the communities right now. When we do have a gang incident, whether it's 1 o'clock in the morning, 2 o'clock in the morning, john was upset with me when I wouldn't call him right at 2 o'clock in the morning. And to me I found that a little absurd, because I don't like getting the call at 2 o'clock in the morning, but john wanted himself and his crew out there hitting the neighborhood immediately to go out and respond to trouble-shoot and try to quell the violence before we get any retaliations. Everything john and his crew do is proactive. Without his crew out there helping quell the gang violence in the city,

November 29, 2000

I think the police, we would have our hands full. Even when he is proactive, in a reactive mode showing up at the shooting scenes, they're being proactive trying to quell future shootings that we're going to be having. So i'm -- the passion word has been mentioned before, but john's had the passion since 1988, and I think his passion is even stronger to continue doing the job he's doing.

Victoria Wade, Police Bureau: Good morning. My name is victoria, i'm a police officer with the city of Portland. My current position is the crisis response team program coordinator.

The crisis response team is sort of a new community policing program in the sense of, as long as police work has been around, it's been in existence now since 1994. There are four teams, north, northeast, asian, hispanic and minorities. I say that to say I can't really add too much to what everyone has said, but maybe a little different light that a lot of us don't get to take the time, and we don't actually see the -- what really happens out at these different scenes and why these people are so important. One thing is in developing the crisis response team, from the beginning on the -- of the onset, individuals in northeast Portland and agencies offer their assistance to be willing to volunteer on top of working full-time and having family. The volunteering consisted of going through 55 hours of training as though they were not already had the expertise and experience as well as commit to being on call once a week and getting called out in the middle of the night, because most of the shootings and homicides occurring between 12 and 3 o'clock in the morning. And again, what i'd like to emphasize, besides working full-time, youth gangs, youth outreach as well as other community-based organizations committed to a verbal partnership in providing and -- help providing staff for each of those teams. Youth gangs has been with us since 1994, and one thing they do is that at 2:00 and 3 o'clock in the morning, and when the police officers can't sort out any of this, and I mean Literally we can't sort out who's found and who's not, because everyone is related because they want to be on the inside, tan ya will say, that's not the mother. That's not the sister. That's not the brother. Here is the mother. Here is the sister. Here comes the mother, here comes the brother. And they're able to help us sort out. The other thing people don't see, these people also help us view the bodies at nighttime. We as officers a lot of times cannot do that because of what our job is at that time. Also because of the emotions and feelings had and things that are going on, these people ask citizens, these people who live in the community that work with the families, they already come With the trust. They already come with respect within the family. They do not only prevention, but intervention. A lot of times you can't split the two. When you are out at a homicide scene and the fact that they're there and they're sorting out who are the most likely people to retaliate, who are most likely the people who are going to be angry and walk away, who should we get in contact with, that's not on adult probation and parole. That's not on juvenile parole or probation. Do they have a relationship with them. And they will assist us in basically identifying the people and actually going to their home and talking with them and trying to quell any problems. The other thing that happens at a call-out in terms of the funeral services, a lot of times when we have youth funerals, a lot of the ushers are very frightened of the youth. Just because they're not familiar with them. We actually work as ushers there to the point of passing out programs, to passing out kleenexes, to helping make sure people get out of the church, allow the family space, to actually having to take the family away from viewing the bodies. So it's a very -- without them and without all of the different partners, we wouldn't be able to do it. The one thing I don't know if people talked about that we're seeing a real merge of, and tanya is getting overworked with it, there's not seem can to be Enough money or resources to work the females. To work the young girls. And in Portland we have not experienced too much of it, but we're going to get to the point where there's going to be the point we're going to see girls splitting off. Not the girlfriends, not the girlfriends of the gangsters, not the girlfriends of the dope dealers, but their own gang within themselves. We're seeing that begin to merge. We try to do intervention. We inundate youth gangs with it all the time. We have an appointment that we try to go for two weeks where we received -- the -- a girl is going to be killed because of retaliation of her boyfriend, and she wasn't involved, and he can't get to that gentleman. I'm asking Tonya, can

we talk to this girl. Can we do anything for the family? I don't think there is enough. You have to have prevention and intervention. And it has to be 24 hours.

Katz: Thank you. Questions? Thank you, ladies and gentlemen. I appreciate you coming down and we don't do enough of this. This is -- this was an opportunity, so thank you. Anybody else want to testify? If not, roll call.

Francesconi: A couple thoughts. One is, a lot of good things have happened. The coordination, the attention on this is terrific. The coordination between law enforcement, parole, the community groups on this issue. It's a long-term issue, it's also terrific. And the acknowledgment that outreach has to be part of this is also terrific. As I count the number of outreach workers, it's my understanding, I could be wrong, Multnomah county has approximately 20. I'm not sure exactly. The work force board is going to hire 30 more, 70% dealing with outreach -- out of school youth, the youth gang task force has got nine or ten. We've got about 50 outreach workers that are being hired by different points in the system, is my understanding. I need a clearer sense from all of those as to what they're doing. And I have to say that I'm a lot less interested in kind of trouble shooting and showing up at shootings just as I think we need a long-term focus. What I'm interested in is, how do we create these relationships with these kids? That's the key. It's not making gang presentations anymore, it's not just showing up at shootings, important as that is. It's how do we do this? That's tough. And you're ahead of us. And you're ahead of every other group. So you are doing good work, but how do we do that? And how do we measure it, and how do we hold the people accountable for doing that? I didn't even add that ten outreach workers at least in the community groups. They must have another ten to 20 too. So I'm not saying that it's your fault. I'm saying you're ahead of us. But we do not have a handle on this. I've been spending my attention lately on the education side. Commissioner Saltzman said it right, employment. But it's education and employment. And as long as we have this achievement gap in our schools, focused on poor kids and kids of color, we're going to need a million outreach workers. And so we've got to get a handle on that as well. So this is a complicated problem. I need to understand what the professionals are doing that are being paid for this, then I need to work harder on how we have volunteers supplement that. And that's what I need to get back. I'm being back engaged, Peter has done a terrific job going out into the community trying to assess the lack of capacity that's been out there. And community folks have not responded adequately. And I haven't responded adequately. Let me be clear about that. I guess the last thing too I want to say -- I lost track of it. Thank you for the -- your work that you're doing here. We're moving in the right direction, but we still have a long way to go. Aye.

Hales: Aye. **Saltzman:** Aye.

Sten: Let me thank all of you for your work. This is a problem I think we had hoped was in better shape than it is, but I think it would be in worse shape without all the work. I don't profess to know the answer, but I know what you're doing makes a big difference, and it's appreciated. Aye.

Katz: You know how I feel about you. I guess I'm the fortunate one that I have the opportunity to listen when they have something to say to Tanya and to John and to Victoria, and Captain Radcliff and Lieutenant Maciac, and everyone else every other week to talk about what's happening on the streets, and what's happening in the schools. The issue you raised Commissioner Francesconi is a very legitimate one, and part of that discussion every other Friday is what are we doing with the \$20 million grant over five years, WSI, work force systems

Inc has received? They are hiring outreach workers, some of them into downtown to work with homeless youth, but most -- and that's -- that covers the enterprise zone and most will be in north and northeast Portland. They're not yet all on board, but what you -- the issue you described is a very legitimate one. And they are at the table, and at the point when they all do come on board we'll be able to see how they fit and intertwine with the work that John and others are doing. So the job piece is almost ready to be functioning, and maybe at some time I'd like to bring the director of the youth employment opportunity grant, YEO grant, into the council so she can share with you what's

happening. It's a little early, and we need to give her a chance to gear up. But there are two other partners that weren't here today that are tied to jobs. Better people that take ex-offenders and run them through -- I think it's a 12 or 11 -- it's a 12-step program, somewhat similar to the 12-step program that we're very familiar with, and they have an enormous amount of success if somebody is willing to stick with them. In fact, Lisa and I -- Elise and I went to graduation, and I have to tell you, that was a very emotional moment to see people stand up whose lives have been ruined, and who have ruined their own lives, to finally straighten out and have a job and have a family. The other is a literacy project, where this group that's located on Killisworth actually will take anybody -- anybody you heard from, when they come across people in the community that can't read, because they can't read they can't get a job, we have an open door at that literacy project. And if people aren't using it, we need to encourage them to use it. But these are free programs. No cost toll the city or to the client, other than attending and participating. So thank you, everybody. Aye. All right. We're on regular agenda. Let's read 1719, and 1729.

Items 1719 and 1729.

Katz: Let me just open it up by saying that this is a follow-up to the council informal that we had that there's no question, but the city and the council will follow the law. But because it is so poorly drafted, and because the risks are so high to our community, to our city, to be able to protect our neighborhoods, we feel it's our duty to challenge its legality in courts as well as today, discussing how we formulate the claims procedure. So let's discuss first 1719, and bring Jeff forward. I just got a little note. Multnomah county did not pass ballot measure number 7.

Jeff Rogers, City Attorney: The voters in Multnomah county.

Katz: Right. Rejected it.

Rogers: Jeff Rogers, city attorney. These two ordinances taken together do these two things simultaneously. One, they -- one provides for a

Clean procedure once the measure goes into effect, and we'll get to that in a moment. The -- and the mayor's asked me to address the other measure, which would authorize our office to participate in litigation testing the constitutionality of ballot measure 7. The question -- primary question would be, was it legal for this measure to be put on the ballot to begin with. One lawsuit has already been filed raising that question, and some others, and that lawsuit has been filed by four individuals, Audrey McCall, wife of former governor Tom McCall, Hector McPhearson, who was a formerly a republican legislator who was quite instrumental in developing Oregon's land use program, the third individual is a plaintiff, Michael Swain, the mayor of Salem, and the fourth individual is James Lewis, the mayor of Jacksonville, and of course Jacksonville was the city in which the first ballot measure 7 claim was filed in court, and that was for \$50 million. Until spite of the fact that lawsuit is underway now, there may be additional interests that the city of Portland has that would not be addressed directly by that lawsuit because it is on behalf of several individuals. So we are recommending that the council adopt this resolution which would authorize us to participate with other cities and with the -- the league of Oregon cities in a lawsuit testing the constitutionality of having placed measure 7 on the ballot.

Katz: Commissioner Hales, you just sent a memo out, the league actually did file --

Hales: The executive committee has decided to file, and has forwarded that decision to the rest of the board and we expect the rest of the board to affirm that. But we've not actually filed yet. The plan for the league's litigation is to ask individual cities to participate and obviously Portland is one of those that we hope will, because on a technical level, the league of Oregon cities isn't injured by measure 7, it's an association of cities. Jacksonville could be impacted. Portland might be impacted. Hood River has had a claim. So it's communities that are directly in the gun sites of measure 7, and therefore the plaintiffs in the league's lawsuit will need to include cities and perhaps individuals

As well as the league itself on behalf of all those cities. So that's -- that's the suit that I think is

November 29, 2000

more likely that we'll end up joining, is the effort by all of the cities of Oregon, and we hope the counties too, to say, you know, is this really constitutional? Can local government really still function and perform its traditional responsibilities if this is in effect the way it reads?

Katz: Jeff, will you be coming back to us if and when you decide that there is a role for us to actually be -- become a friend of the court?

Rogers: We would probably be more than a friend to the court. We would be an actual plaintiff.

Katz: Plaintiff.

Rogers: Because of the short time frame, we may not have a chance to come back to you in a full Council session.

Katz: But you will let us know?

Rogers: We'd advise you and make sure everyone is on board with the approach we're taking. This resolution would meet the legal requirements of an authorization by council to file such an action. And it does look like some other cities and counties are likely participants in that lawsuit as well. As I understand it Multnomah county commission has approved litigation, I think Eugene is likely, and some others as well. So it would be a joint lawsuit with the league of Oregon cities taking a key role, and there might be some individuals named as plaintiffs as well, but that's probably the form in which the city of Portland would be litigating.

Katz: Let me just add, I think everybody on the council knows that we have a group of PIOs from all the bureaus now trying to make sure that the message is very clear to the public, and also to the press. And if and when you decide that you are going to join in a lawsuit, that information will come out to the public and to the press as well.

Saltzman: We're giving you the authorization to participate in the plaintiff -- as a plaintiff in the league of Oregon cities lawsuit and no other lawsuit. Is that correct?

Rogers: The resolution doesn't specify that. It's broader than that.

Saltzman: I'd like to discuss that. I'm comfortable with us joining

As a plaintiff with the league of Oregon cities, but I'm not necessarily comfortable with any blanket authorization for you to join the city in any other lawsuits, or to initiate lawsuits on our own without clearance from us. I'd like explicit understanding that that's the case. If there is any other lawsuits we intend to join, or if we intend to initiate any lawsuits on our own, that would be cleared with us first.

Rogers: Of course. As I said, whatever we do, before we do it, it will be cleared first.

Saltzman: So we're simply authorizing to you participate as a plaintiff under the league of Oregon cities lawsuit.

Rogers: I understand your point. I do -- I don't want to quibble over something that's probably a technicality. In case there's a need to do something different and we come to you individually and everybody approves, we wanted to have a resolution in place that was broad enough to cover all those possibilities. But I can assure you that nothing will be done without council's approval first. And I understand your position --

Saltzman: I guess coming to us individually with everybody approving, meaning you would not do anything unless it was unanimous. Correct?

Hales: I think we're safe from that contingency. I understand your concern, but having spent the last three weeks particularly at the league just trying to figure this thing out and get to the point where the league could say we want to challenge this, I know of no more efforts underway like that, and I think at this juncture all I can see for Portland is that we would join this challenge, which is going to be the league plus individual counties, plus perhaps individual citizens and other cities, or if we're going to make up something on our own, we'd probably have to have another council informal at least. So I understand the hypothetical concern that you've raised. I just don't see it as a practical matter that that's going to emerge any time in the next few weeks, and Jeff will have adequate time to

November 29, 2000

get back to us as a full council. I don't think we need to argue this out. The league lawsuit is the only game in town for now. If somebody else develops --

Saltzman: There was another lawsuit filed yesterday.

Hales: I guess you're not proposing we would join that one.

Saltzman: No. What I'm trying to say is, I do not want us willy nilly, forgive me if that sounds too strong, I don't want us becoming plaintiffs with every lawsuit without our explicit authorization to do that, and not necessarily be approached one-on-one about this issue. I think it's important we pick and choose our battles and that we make sure our efforts are focused and we're unite order which lawsuits we join, which ones we decide maybe not to join. And we not just become sort of part of the noise out there joining every lawsuit that comes along to challenge measure 7, because there will be more. There's already been -- things are happening pretty fast and furious. It's only passed three weeks ago, you know, we're already talking about two major lawsuits being filed. Things are happening fast and I just don't want us to be sort of going off in every direction. As I said the other day, I'm concerned about the resources we're devoting to this effort. It's an important issue, but I also am concerned that it not get out of hand in terms of the resource upon the city and particularly on the city attorney's office. All I'm asking for is that there be -- if there's any other lawsuits we're going to join, we discuss it collectively, whether it's -- probably executive Session. It's fair game for executive session.

Katz: Let me just first of all, jeff rogers doesn't do anything willy nilly, even when we want him to do it. [laughter]

Saltzman: This issue has inspired a lot of passion, a lot of people in city government.

Katz: You're absolutely right. It has. And that's the reason I asked the question, because I realize there may be concerns on the part of the council, so jeff, if there isn't any time to come to the council, we'll do it in an executive session, because it is a lawsuit. Or if you feel it can be done in a work session, outside of an executive session, we'll do it here as well. And it will be televised and -- since most of our executive sessions -- our work sessions will be here.

Rogers: That's fine. Could you put that on my too many stone? -- tombstone?

Katz: No willy nilly? [laughter] all right. Any further questions? Anybody else want to testify? On this piece? All right. Let's go take -- talk to us on 1729.

Rogers: 1729 is an ordinance which would add a chapter to the Portland city code, and that's a chapter providing a process by which a claimant could file an application for compensation under ballot measure 7. The measure is scheduled to go into effect december 7th and we want to be prepared at that date to handle any claims that are filed. In the work session we have no idea whether claims will come in quickly, slowly, whether they will be small or large, but in any case we want to be prepared. This new chapter of the city code would provide in very brief outline form the following things in terms of handling claims. A property owner could be an individual or a business, a property owner who believes he or she is entitled to compensation would be able to file a claim with the city auditor. I should stop right at that point. As you know, it is also possible that some claims might be filed directly in court, as has happened in jacksonville. We want to have a procedure available here in the city so that claims can be filed with us. The claim would be filed with the auditor, the ordinance provides a series of categories of information that the claimant would need to provide, and would need to pay a processing fee. We're going to need to set that fee and have the council approve it probably within the next week, and we're working on trying to figure out what a reasonable processing fee is.

Katz: Is that regarding the substitute?

Rogers: Oh, that's right. Harry --

Katz: I know. I was going to let you finish.

Rogers: Okay. The auditor then will would have -- would have 14 days to decide whether the required categories Of information have been provided with the claim. The auditor wouldn't be

November 29, 2000

assessing the efficiency of that information or the entitlement of the person to compensation, but rather would be determining whether all the categories have been submitted. If not, the auditor returns it to the claimant for the additional information. Once all the required information is submitted, the 90-day clock starts. As you know under ballot measure 7, once a claim has been adequately filed, the -- a city or county must act within 90 days to either pay the compensation or lift the application of the regulation from the property. During those 90 days, the city would be processing that claim. We haven't tried to set up in this ordinance all of the internal processing. We're working on that separately and we'll be providing that to you as well. But in a different format. However, what is provided in this ordinance would be -- is that the auditor would schedule a city council hearing well within the 90-daytime limit, and would provide notification to neighbors and property owners within a certain geographical area of the property which is the subject of the claim. That would include notification to neighborhood associations and other community associations recognized by the city. Then after the internal processing, the city council would hold its hearing and it's provided in here that it's legislative in nature, that is to say witnesses can come and Testify, since these claims could affect not only the claimant, but surrounding property owners, and associations. And others who might have concerns about the effect on the city's land use laws. As I say, the city council's decisions would be basically one of three things. Either to pay the claim in full, to by one means or another withdraw application of that regulation from a lease -- release that property, or reveal the regulation, and as we know there's lots of discussion about whether the city even has authority to waive those regulations or not. Will but -- and the third option in addition to paying the claim, or lifting the regulation, would be to decline to pay the claim as requested and then the Claimant can go into court and the city has to pay the claimant's attorney fees and costs in that litigation. That's basically what this ordinance does. It tries to make sure there's a process in place by which we can handle these things in a -- an appropriate manner. But it's only the first step. There's going to have to be refinement of this procedure as we go along, as we learn more from the courts what the terms mean we'll have to be applying those. This does not make an effort to define terms, does not make an effort to get the kinds of answers we're going to be getting from the legislature and the courts if this measure stays on the books.

Saltzman: We have a substitute before us, and I know that the auditor had had some concerns about this, so I don't know if the auditor wants to speak to these. I guess I do -- if he doesn't want to speak to it, I want to speak to one of his concerns, and that is paragraph o on page 3 of the ordinance. Did you want to speak to this, gary? I guess --

Katz: He decided not to.

Saltzman: I tend to agree we do not need this in here. It says although not part of the required information for filing a claim, the owner is encouraged to provide the names and addresses of all property owners within 400 feet of the boundaries of the real property for which the claim is asserted. I guess I don't know why we'd have it in there. Certainly as the auditor said in his statement to us, he is legally obligated to do this as part of filing the claim. He cannot rely on this information provided by the applicant. I understand there's sort of -- this is sort of considered to be a neighborly gesture. While providing us with the names of the legal owners is not neighborly, maybe notifying the neighbors is neighborly, so I would say if we're going to keep this, we encourage the own tore notify all property owners within 400 feet. Or otherwise I would suggest we strike paragraph o all together. Because I really don't see it's its role here. I invite comment from anybody who feels a compelling need to keep this in here, or should we change it? Encourage them to notify the neighbors --

Hales: What was the thinking behind that?

Katz: Why don't you explain that, jeff?

Rogers: The -- as you know, ballot measure 7 does not on its face take into account at all the effect on neighbors or surrounding property owners. And this was an attempt, it's not legally binding, as

November 29, 2000

the commissioners indicated, and I don't consider it to be an essential part of this ordinance. But this was an attempt to emphasize that these claims do have substantial impact on the community, on surrounding neighbors, on other property owners, and this was an opportunity -- an attempt to encourage owners to recognize that in the process of their filing claims. We think it's possible in fact that owners will appreciate the opportunity to demonstrate in a formal way that they are concerned about neighbors, and that they have provided this kind of information. On the other hand, if they decline to provide it, will it will not change the processing of the claim. It goes on in any case, but it perhaps can serve as a reminder of the wide impacts of this thing. So as I say, it's not a required part, and the idea of encouraging them to notify neighbors may be an appropriate alternative. I don't feel strongly about this particular component, but those are the reasons it's in there. It's a reminder that this ballot measure 7 thing goes far beyond what it seems to on its face.

Katz: Let's hear from the rest of the council on this.

Hales: I think that's an improvement, then. We -- if we can -- we can amend this, because it's an emergency ordinance. If your motion is to change the words provide the names and addresses to, notify, I'd second that motion. I think that's an improvement. We're going to notify --

Katz: Anyway.

Hales: We've got a database to do that. But if they exercise the courtesy of informing their neighbors they're filing a claim, they'll get advance notice before we send them the notice there's a hearing about the claim.

Saltzman: I think that's an improvement too.

Harry Auerbach, Senior Deputy City Attorney: Before you start amending the substitute, you might want to move the substitute.

Katz: Thank you.

Hales: I'll move to substitute. As amended.

Katz: All right. Further discussion?

Francesconi: We just amended this?

Katz: No, no.

Saltzman: I'll move the amend.

Katz: Let me move the substitute.

Hales: The substitute is moved.

Katz: Any objections? Hearing none, so ordered. All right.

Francesconi: I appreciate your attempt, but encouraging somebody to do something as part of a claims process, I just don't think it belongs there. I think it's better to eliminate it, for what it's worth.

Katz: Okay.

Hales: Either one would be okay.

Francesconi: I don't have strong feelings, though. It won't stop me from voting for the ordinance.

Hales: We might end up modifying this down the line. That's an improvement for now. I say go ahead and leave it, encourage them to notify their neighbors.

Sten: I'd leave it in.

Katz: With the notification? All right. Roll call on the amend.

*****: Never mind.

Francesconi: On this amend or the whole thing?

Katz: On just -- on this amendment [to **Item 1729**]

Francesconi: Which amendment?

Katz: To notify. **Francesconi:** No. **Hales:** Aye. **Saltzman:** Aye. **Sten:** Aye.

Katz: Mayor votes aye. Fine. Before we vote on this, does anybody want to testify on these issues? All right. Then let's have a roll call on 1719 with a clear understanding that the council will be involved in the decision to file any additional lawsuits whether it's an -- in a council informal, council executive session, or a regular council session. Roll call.

Olson: On 1719 --

Francesconi: I'm going to address both, because the second one relates to something the

Mayor said we want to clearly communicate to all the citizens of Portland and all the citizens of Oregon. That is we're going to follow this law right now. And we're going to implement it as best we can. And we're creating a claims procedure to do that. Having said that, I do believe that we should join any lawsuits, and I care less about which ones they are. I can defer to you, our city attorney. There's two basic reasons we should do that. I believe measure 7 did not allow voters a fair chance to express their opinion. And the reason is because the text of the measure is confusing and it makes more than one change to the constitution. So that's one basic reason why We have to join this appeal. The second is that it doesn't let us do our job. It doesn't let cities regulate the individual actions of citizens for the common good. And there's kind of three basics that any city must deal with, and that our city is trying to deal with. We're trying to at a time of high growth, protect our open space and green space, our citizens want that. We won't be able to do that under this measure. Second, we want to protect our neighborhoods from -- so that families can continue to live in the city. At a time we're losing children from many parts of our city. We're not going to be able to do that under this. Third, our citizens want us to provide basic city services -- Police, fire, and parks from our general fund. If we're going to protect our neighborhoods, protect open space and green space, it's going to come out of our general fund or else we're going to have to wipe out all those regulations, which means there won't be police on the street and there won't be firefighters responding to fires. That's why our citizens didn't want this. And that's why it was clear that the message was confusing, because we can't do all three. It's not possible. And so for that reason it's not even close. We need to appeal this. But we need to go through and -- an education process with our own citizens so that they understand. Aye.

Hales: There's still a lot we don't know about measure 7. But I think we've learned a couple of things in these few weeks, and I should say at the outset, it's not very common for the city of Portland to file lawsuits against voter-approved legislation. And let me assure you, it's even less common for the league of Oregon cities to do that. I don't think we ever have, actually. You do something like that very soberly and with a real deference to the right of the people to enact things by initiative. But I think there are two compelling things going on here that really require that we do that. First is i've -- we -- you can say we have the political Clearance to oppose this thing because it didn't pass in Portland. But one of the things that convinced me to do this was talking to Portlanders who voted for it, and once they understood what it says, not what the proponents said it says, but what it actually says, they changed their complexion changed color and their mouths dropped off and -- open and they said, oh, my god, what have I done? That was a direct quote from a Portlander who voted for this whose name will remain anonymous for their embarrassment for the sake of protecting their embarrassment. And so that was pretty compelling to me, to hear somebody who voted for this say, I was had. I was the victim of a packaging scam in which the outside of This measure said, let's make government be reasonable when it takes people's property. But the inside of the package says every citizen has the right to hold up their neighbors for money if they don't get to do anything they want with their land. That's what we think the measure says. We'll find out if that's what the measure really says, but one of my predictions -- i'll make two predictions -- one, the next hearing there will be people here to testify. The hearing after that, the balcony will be full, and after that we'll need an overflow room. As people realize what this measure says, they're going to be outraged. The second prediction is that the proponents of this measure will be emitting a lot of soothing noises over the next kim of weeks. Oh, no, it doesn't mean that, it's not that extreme, because they've hatched a dinosaur in the back yard and they're going to try to convince us all to contain it. But we think it's going to eat the neighbors. And -- [laughter] I think this thing is going to get bigger and meaner as people come to understand it. The second reason why we ought to take this action is that we have a responsibility as community leaders to try to do what you were talking

about, jim, be stewards of a livable community. And if measure 7 works the way it appears to read, we simply won't be able to do that Anymore, because the expense will ruin the ability of a jacksonville to prevent a gravel pit or a Portland to prevent a cell phone tower in a residential neighborhood or a billboard on a street where they're not now allowed. We'll simply financially either be ruined if this thing works in practice the way it appears on paper. It's our responsibility to say, wait a minute, before a policy like that goes into effect. So I think we're going to all learn a lot more, me included, but I think this is the appropriate step for now. I appreciate jeff and his staff and the good work they've done so far in this effort. Thank you. Aye.

Saltzman: I'm very supportive of the efforts, but I disagree Strongly that we should join any and all litigation associated with challenging measure 7. No pun intended, but we have to be jew dishes about which battles we choose to fight. There are some organizations who I would not like to see Portland associated with that may challenge measure 7. Secondly I think it's important to get away from the syndrome that because it didn't pass in Multnomah county, that we have this carte blanche to go -- to challenge this under any venue we can possibly do it. These are stat ballot measures. One of the most pressing issues facing the state is the urban rural split. And we have to disabuse ourselves of the notion that somehow we in Multnomah county are -- our voters, if we go one way we can clearly have a clear mandate to suppress that view. I think we've got to keep that balance in mind too. Aye.

Sten: I think it's mostly been said. I do -- I personally am opposed to in measure -- this measure, and we need to implement it now that it's passed. What's clear, however, you cannot implement this until the courts interpret it. There's too much range of opinion out there. So I think what we can do with this process, which I think is a good one, is to begin hearing claims here in the city council chambers, understand what they look like, and then begin with other partners, probably really on both sides of this issue, asking the courts to interpret it. There's -- there's a lot to figure out, and it's possible this measure could put local governments out of business, it's possible that it could actually be a major shift in how we approach land use, but something that I oppose, but that is workable. And I think that's -- that depends entirely on how the courts go forward. I don't think even at its least it's a smart policy measure, but it may be workable. I think the only way we'll know it is to hear claims and ask judges for help in interpreting this. I don't think there's any way around that, and I think this is the right process. In terms of having a council forum, I think the idea that we -- we're not going -- we ask people to notify their Neighbors. This ultimately gets down to, it's not of the government versus the property owner, it's this community deciding how it wants to govern itself. It's about whether or not your neighbors have certainty that what they thought they were buying their property next to is going to stay that way, and it's about if it's not, who's going to be able to do it and who's going to pay for that? So I think this chamber is a good place to try to mediate this discussion, and if you're of the mind-set that government should pay you not to do something on your property, you ought to be willing to talk to your neighbors about it. Ultimately they're the ones paying you. And I think that's something we're just going to have to work Through. My hope is that this measure does not end up standing because I think it's going to change this city dramatically and whether that's through a process of reconsidering that at the ballot or through the courts, i'm strong -- in support strong -- in strong support of doing that. I think this will give us a fair way to work through that process, and I appreciate all the work the city attorney and the staff has done. Aye.

Katz: It has all been said. Let me just add that I don't know what the legislature can or will do or is able to do just because of the demographics of the legislature. But I will predict that this measure will be changed. It may be changed by the Legislature, it may be changed by initiative. Because I think that when the citizens not only of this community but of the state of Oregon realize that this measure will change the face of this state, and that it doesn't protect the livability of organize or the special place called Portland, that the citizens will be adamant about making those particular changes. The irony of all of this is that this year we celebrate the "money" magazine naming

Portland as the most livable city in the country, and in January we'll be celebrating our 150th birthday, and we're so proud of all the advances that we have made as a community over the last 100 years, that we're now faced with a measure that can destroy all of this. But we are going to follow the law, we will take advantage of opportunities to join with other lawsuits, the council will have a say on this, we will lobby the legislature, we'll wait for the interpretation by the attorney general to see if all the questions are, a, asked, and how -- what the response is going to be. We may have to go to the attorney general ourselves, because there may be questions that the governor didn't ask of him that concerns local government. And then commissioner Hales and Jeff raise the whole issue of whether we have the authority to waive regulations, whether we have the authority to waive regulations for one property owner, whether we have to rescind all of them, can we rescind all of them? Can we rescind the state Regulations? I'm not a lawyer, I don't have the answers. But those answers are absolutely critical for us in the next couple of months. Aye. All right. 1729.

Francesconi: Aye. **Hales:** Aye. **Saltzman:** Aye. **Sten:** Aye. **Katz:** Mayor votes aye. Thank you. 1730.

Item 1730.

Katz: Everybody remember, this is Ernie. [Integrated Regional Network Enterprise]

Nancy Jesuale, Communication Services, Bureau of General Services: Nancy Judgewild. We're making a purchase of optical multiplexing equipment to light our fiber optics. We're using a very advantageous contract that's in place with the state of Oregon.

Saltzman: I apologize not having the chance to share this concern with you earlier. Sometimes I guess we sort of practice just in time government, and this is an example of that. I was reading through OMF's analysis of this contract last night, and I guess I'm a little concerned that the original capital budget was estimated to be \$462,000, and now we're entering into a contract that's almost \$300,000 greater than that amount, and we're drawing down a contingency already to a level that I would say is probably too low. Drawing our contingency down pretty low at the beginning of a pretty major project here. And OMF further goes on to say that they've concluded that the present value of the savings generated over a ten-year period of this entire project is very sensitive to minor changes in the model's key assumption. I guess I'm asking you, are these major costs changes to the model's assumptions and therefore costs -- cause us to go back and revisit before we take the plunge here? I guess I can't help but express some nervousness about taking the plunge with a company and a project like this, given that we've had issues very recently where we associate with the vendor and sometimes we get already -- we're starting out with a vendor going higher than we wanted to pay, and how far down the road do we go and what kind of situation will we find ourselves in where we're forking out more money to get something and we're sort of over a barrel to a vendor?

Jesuale: Let me clarify some key points that I think are not too clear in that analysis. The original budget was -- you're right, about \$460,000 for optical multiplexing for data equipment. After that we received a grant of \$280,000 for additional data equipment. And that was from the cable commission. Those funds were placed in a different line item. And have been -- they're actually being used for this project. So there's a little bit of line item --

Saltzman: Did we know at the time when we got the funds from the Mt. Hood cable commission that those funds were to be joined with the 462, or was --

Jesuale: Yes, but when we got the grant we added buildings to the project. For instance, the Pittock block building. And we added capabilities into the data equipment that we would not do, just to serve the city. So there's a financial model that you're referring to that was a forecast based on certain set of assumptions, now we're into the implementation realities. And what's going to happen here is we're going to buy equipment that's capable of doing everything that we need to do for both the proposal that we made to the cable commission, which is to offer open internet access, via the institutional network joined with Ernie, and we're going to serve the data needs of the city and potentially Portland State University, Multnomah County, and other people that may come into the

project. The analysis also points out that we can anticipate adding additional expenditures in this line item as we add additional buildings. For instance, after the ernie model was created, we proposed in a federal grant application to extend the fiber to all the police precincts, which in the original model, there was no fiber to them. So what you're seeing here is an anticipation of the fiber being extended further to more buildings than the original forecast used as a model. And remember, that forecast was Created to contrast the do-nothing scenario to the build the ernie scenario. So what we had to do was take a forecast of costs into the future if we continued to keep our voice and data network set rat and lease them, versus building a city-owned converged facility for voice and data. So I guess the short answer is, I personally am very comfortable that we have the funds in the budget to make this purchase, and that we will have the funds, we will be building the contingency back up before we make additional purchases.

Saltzman: How will we be doing that?

Jesuale: There's a couple ways we can do that. One is that the telecom providers in Portland have been helping by providing capital into this project as well as Physical assets through the cable office. And basically what they do is they --

Saltzman: That 2 million we got from the cable regulatory commission was actually money from the telecom providers?

Jesuale: The 280,000 was from the cable commission, but it's actually provided from franchise fees of at & t. So we will get another --

Saltzman: How do the providers provide us capital through the mt. Hood regulatory commission?

Jesuale: They don't -- they do it directly through the cable and franchise office. I'll give you an example. Metromedia is a franchisee who may decide, or has decided, I can't quite remember where they are in the process, that rather than have a certain franchise Provision in their franchise, they would like to negotiate a different deal with the city. And at that point the cable office works with me to try to add ernie assets so that the city is getting full value for its rights of way, and the company is buying down a regulatory provision in the franchises.

Saltzman: It's an item of negotiation. It's not necessarily a certainty.

Jesuale: It's not a done deal, no.

Saltzman: It's basically one of the negotiating temperatures.

Jesuale: That's right. So I have -- I have full expectation that we will, but I can't guarantee that we will. So I would not be able to obviously spend money that isn't available in the fund.

Saltzman: I would be to say That I basically support ernie. I think it makes sense for us to take more control over our own destiny and get away from relying on these traditional providers, but nevertheless, I the want to express the concerns here as expressed by financial planning in this memo here that -- I guess one of their bottom line recommendations is that they're being updated review on the projects, and i'd like to ask when we will do that. I want to do it before we go too far down the road. I'm encouraged other people are buying into the system. But I want to make sure this is all being done in a way that is being done in a financially sound manner and we're not exposing ourselves, a, to overreliance on a particular Vendors, but b, to promising more than we can realistically denver.

Jesuale: I absolutely agree. And we've discussed in -- internally in omf about the best time to review the financial forecast on this project. My suggestion to them is we have an engineering consultant on staff right now that is completing the engineering design. And we expect that we will have some pretty detailed engineering at the end of january. All of that is being prepared so that we can issue our -- rfps to the vendor community to supply the rest of the vended services and products that we need to complete the network. So my suggestion would be that we're going to have instead of a forecast that we did a year ago, we're going to have a real costed out design around february 1st, and I think at that point before we go further in terms of spending down this \$8 million worth of capital, that we look at the cost benefit and the -- the rois at that point. There's also a chance at that

November 29, 2000

point to do some real value engineering with respect to how broadly we deploy and when we deploy. Because a network is a moving thing. It has to go wherever the people are, and so we'll make some decisions about which places will be served by fiber and which places won't, and -- so my suggestion is that we reconvene -- this is the only major purchase that we're going to make on this network prior to that point.

Saltzman: So that's something we could -- we can talk about?

Katz: Yeah. Right. So nancy, make sure that on a regular basis, or just before you see another purchase, some other activity, to bring that to our attention at a council informal.

Jesuale: Okay. I will.

Katz: All right. Further questions? Anybody want to testify on this item? If not, roll call.

Francesconi: Commissioner Saltzman, your question were good, especially the point about the shrinking contingency. I guess there's three things that have given me even more confidence than I had before. One is being able to -- having met now with a substantial number of the vendors and seeing Nancy interact with them and seeing that she knows at least as much as they do. That's one factor. The second is that nancy is now part of ofa, and -- as opposed to a separate bureau. And I know there's actually, despite that budget note, i'm confident there's the expertise and the scrutiny that is necessary. The third thing, and maybe the most important, is that since we've had a large discussion with nancy's full support and with tim, we actually tried to have the private sector bid on building this thing. And instead of kind of complaining to us about what we were doing in interfering in the private sector, we actually encouraged them to submit bids. And so they have not been forth -- it hasn't happened. So not only do I think we have the expertise, but I think we're doing it at a cost that is efficient -- that is right for the taxpayers. That's happened as well. But we still need to watch this for all the reasons you articulated. Aye. **Hales:** Aye.

Saltzman: Aye. **Sten:** Aye. **Katz:** Mayor votes aye. Thank you. 1731.

Item 1731.

Katz: Sue did say she was going to come back, and she's back.

Sue Klobertanz, Purchasing Agent, Bureau of Purchases: Director of purchasing for the city of Portland. As you probably remember in may of this year, you approved substantive changes to the purchasing code. Following that the staff moved to complete the documents necessary to implement that. The purchasing manual and division one construction specs. This is really the first major update of the purchasing code in over 20 years, and it will be in effect implemented january 1 of 2001. The ordinance that you have before you makes some anticipated changes to the code that you approved in may. The nonsubstantive changes that are in the ordinance today just capture small word corrections, some additional feedback that we received from some of the bureaus, and other small clarifications. All of the changes that you have in front of you today have been reviewed by the city attorney, the auditor's office, the bureau of representatives, and the Mayor's fair contracting forum. As I indicated in addition to these code changes, the city will begin using a new purchasing manual and division 1 specifications on january 1. These new documents reflect not only the new code, but also efforts to reduce the amount of redundant paperwork, the actual number of pages that it takes to execute a contract, and the -- and distribute bid specs, and other process improvements that will best serve both our internal and external clients. Training on how this whole new system will work is scheduled to occur in december and january. Looking beyond today, I guess I want to warn you that I anticipate coming back with more changes. We're working on a number of fronts now, specifically following today, the whole area of the code dealing with purchasing sustainable products has been under review. I've been working with the office of sustainable development here in the city, and they've supplied us some draft language we'll begin now to review, and figure out how to incorporate into our purchasing practices. And also i've been appointed to the governor ease sustainable supplier council, who is looking at best practices statewide with regard to these issues. And putting into place efforts that balance economics, equity, and the environment in our purchasing

November 29, 2000

procedures. Other areas such as the use of electronic signature, online catalogs, and other system improvements that are arising out of the discussion from the administrative services review, will also continue to percolate and move forward and come back to the council for inclusion in the code. This code that you have today seems fairly minor, but a lot of people have put a lot of time and effort into not only this code, but the code changes that you approved in may and the purchasing manual and the construction specs. Craig Johnson, I want to recognize as our procurement division manager. Nancy airs from the city attorney's office, and Jim Van Dyke from the city attorney's office have all been instrumental in helping us get to today. The media has all left. I'm sorry. These changes to the code and administrative procedures, they're not as beautiful as our New Chinese Garden, they're not as wonderful to look at as the children playing in our new day care, they're not even as public as our new cable car system or East Bank development. But they are important. These rules assist the city in ensuring integrity and fairness in our procurement system while allowing our projects to come to realization more efficiently. I recommend approval of this ordinance.

Katz: Thank you. Thank you for all your work in this area. Questions of Sue? Why don't you tell them, Sue, that you're almost all automated order your purchasing.

Klobertanz: That's very exciting. We have brought online a website where our vendors may go to a page called bid opportunities, and we are beginning to -- the hyper link so that we may download automatically plans, bid specs on items. We expect everything to be online by the middle of December. They do not need to come into the office, and they can actually at their leisure view those plans and specifications and download them as they see fit. So we're pretty excited about that. The second phase of that will be looking at how to allow vendors to submit electronic bids, and that will require us a little more work during the next year.

Katz: I just wanted -- she showed it to me, and of course since I'm a novice, I was terribly impressed.

*****: As well you should be:

Katz: I wanted all of you to

Hear that. Questions of Sue? Anybody else? Anybody else want to testify? Anybody have questions of Jim? All right. It passes on to second. Thank you. 1732.

Katz: This is a report?

Saltzman: This was reviewed by the planning commission last night.

Hales: It will be coming to us with their recommendations.

Katz: Okay. And you'll come back with an ordinance on this?

Hales: Yes.

Katz: All right. Roll call. Anybody want to testify on this item? If not, roll call.

Francesconi: Aye.

Hales: Aye.

Saltzman: Aye.

Sten: Aye.

Katz: Mayor votes aye. 1733. We have an amended version. Why don't you go ahead and read it.

Katz: Will you have an amended version in front of you, do I hear a motion to accept the amended version and a second?

Hales: So moved.

Saltzman: Second.

Katz: Hearing no objections, so ordered. Commissioner Saltzman.

Saltzman: The substance remains unchanged. The amendments were basically technical in nature. This is a good news type of thing this. Is to accept a grant from Metro in the amount of \$236,671. This is a waste reduction challenge grant. It's a successful example of cooperation between Metro, the cities and the counties to address the difficult solid waste and recycling issues we all face in this

November 29, 2000

region. This is the -- this program returns a portion of the disposal fee that metro collects on refuse to local governments to assist with the implementation of recycling programs. This is the 11th year of this program, the waste reduction challenge grant program, and the city of Portland has used the funds to pay for programs like residential recycling bins, recycling shelters in multifamily complexes, recycling containers for businesses and also public outreach efforts to increase our recycling rates. So i'm excited about this -- the opportunity that we principal to use this money for in the next year, and I think they will help us extend our recycling efforts eastbound further. I -- even further. I urge adopt answer this -- of this grant.

Katz: Anybody want to testify? 1734.

Item 1735.

Katz: We've also extended the courtesy to danielle harkin if he's here. Why don't both of you come on up.

Christy Hoppe: Good morning. My name is christie hoppe, i'm chair -- Good morning, my name is christie hoppe, chair of student hope. I'm here this morning to address you on an issue that has been facing our nation quite drastically within the last three years, but certainly many times previously over the last 15 years. That's the issue of student gun violence in our schools. Our most recent episode certainly in Oregon drastically -- it was springfield, of course columbine high school, kentucky, alabama, several other places across the country. In january, we're going to be having a public forum on student gun violence in our schools to take place at Portland state university, and this is going to be free and open to the public. We have sent letters to all of your offices, and also requesting letters from you and inviting you to attend and speak. We also have gotten support from the governor's office. We have gotten support from the Multnomah county board of commissioners. We've received letters of support from them as well as getting backing through a standard commission meeting. This is an issue that, for instance, someone said to me the other day, don't you think this is a message kids have already gotten that they're not supposed to bring guns to school? Certainly they've heard that. They've also heard they're not supposed to have fights at school. They do it anyway. And if people have really gotten the message, if the students have gotten this message, then these incidents would not still be happening. Columbine wouldn't have Happened, thurston wouldn't have happened, back in the '80s when a gunman opened fire on a california elementary school playground out of revenge on innocent elementary school children, this forum is going to be set up in a manner to openly address this issue. We have families who survived the columbine attack and thurston attack coming to speak at this forum, and they are students who can directly speak to our students to say -- relate on their level, this is what we've been through, and this is what we need to say to you. And the other part that's going to be a big part of it, we're going to have microphones set up throughout the audience. It was interesting listening to the beginning of the council meeting to the gang task force members talking about how do we Relate to kids, mentoring, et cetera? One of those ways is to listen to them. We're going to have microphones set up throughout the audience so that anyone in attendance, whether it be kids, teachers, or parents, or general members of the community, have a chance to come up to the microphones and tell us what they're seeing in their schools, what they're feeling, how they deal with their own issues of violence and conflict at school, if they feel safe in their schools. And also to ask questions of our guests, of such things as conflict resolution and mediation tactics, and how we can work to a better way of prevention and intervention so we don't have to again in Oregon react. We want to intervene so we don't Get to the point to react. And the point is we only hear about this issue when a major issue happens. When it is not happening we don't hear about it anymore. And we want to have an ongoing continual discussion of this issue so that we can get flew, get through, get through. I'm just asking for the council and the mayor's support.

November 29, 2000

Katz: Thank you. I don't usually do this, but I think you did talk to sam adams, who asked for some information -- adams who asked for some information. I gather what's in our book is the information.

Hoppe: Yes.

Katz: Mr. Market?

Daniel Larkin: I'm daniel lark 89. I'm a sophomore. I work for the city of Portland on saturdays pulling ivy. I'm here to talk about an issue a lot of people don't want to talk about. I'm here to talk about an issue a lot of people wish didn't exist. But does exist. Every day I go to school through an unlocked door, and we don't talk about columbine, we don't talk about thurston, even though it only happened an hour away, because it's too painful. It's difficult imagining a shooter coming to your school and, you know, pulling -- holding you hostage. It's difficult for a lot of the students. So we don't talk about it. The timers don't talk about it, and -- the teachers don't talk about it. It's sort of like the way child abuse was in the 1950s. It was a problem, but it was too painful to talk about. And a lot of people didn't would be to see it, so nobody wanted to talk about. Finally the pain of child abuse had to be greater than the pain of talking about it. And we're afraid the pain of this school violence is going to become so great it's going to overwhelm the pain of talking about it now. And it's difficult. And it's a difficult subject. But we have to deal with it. Because ply hope is that maybe -- my hope is that maybe the kids in kindergarten now can be given an opportunity to be raised differently, and then they won't have to deal with this -- the fear of thurston and the fear of columbine.

Katz: Thank you. If it's okay with the council,

Hoppe: We'll draft something that all of you would sign.

Katz: Okay. Thank you very much. All right, everybody. We stand adjourned until 2 o'clock.
At 11:22 a.m., Council recessed.

NOVEMBER 29, 2000

2:00 PM

Mike Houck, Audubon Society: Stop and smell the roses, or look at the birds or smell the black cotton woods. This book, wild in the city, which has in it 100 site descriptions of green spaces throughout the Portland-vancouver region, this is a regional approach, including clark county, Washington, with maps and descriptions telling people how to get access to these green spaces that i'm very pleased to say all of you have been incredibly supportive of over the years. This book represents a culmination for me personally of 30 years' work, starting back in graduate school at psu with oaks bottom wildlife refuge. I wanted to thank you for your support. You'll notice each of you has -- does have a little signed Message, and it says, let's stop to celebrate what we've done, but we've got a lot more to do. The cover illustration, by the way, this was published by Oregon historical society, the cover illustration is by evelyn hicks. It's very beautiful. You probably won't believe me, it is actually coincidental that the cover is very close to north macadam. This is a view from willamette park and evelyn went out and looked down the willamette river toward downtown Portland with ross island on the right and the bank on the left, and it depicts our vision of what we're trying to achieve in this city of integrating the natural environment. I hope you enjoy it. I hope you get out -- we have lots of field trips, you're Welcome to come along. Now you've got the maps, you can go out on your own and explore an amazing variety of green spaces in the region. This is volume 1, and we'll be back in another two or three years with additions to this book. I hope you enjoy it. Thank you for your support.

Katz: Thank you very much. I'll go a little ad for you. Where do the proceeds go, michael?

Houck: Eventually the royalties would go back to the audubon society of Portland, and of course ohs will recoup --

Katz: They're both nonprofit organizations. So everybody, take a look at this book, wild in the city, a guide to Portland's natural areas. Edited by our own michael c.

Houck. So what a wonderful gift for the holidays.

Houck: We have a book signing tonight at audubon society if anybody is interested, at 7 o'clock. And of course they're available at ohs and presumably at book stores around the city.

Katz: Thank you. All right, everybody. Commissioner Francesconi will be right here. I understand the bridge went up. [laughter] and he was on the wrong side. So we'll start anyway. I think this is going to take a while. 1735.

Katz: Let me start by saying that both commissioner Hales and I together supported the current status on the signs, but we also discovered, as we began seeing the effect of it, that there are some -- the consequences of the total prohibition of many of these signs. And you all said, come back and get to work and see what you can do to streamline the sign code, make it readable, step back from the original prohibition and see if you can put something together that still will maintain the kind of city that we want. Everybody was concerned with the large banners that became huge, huge signs and you asked us to close the banner loophole. And you also said, you know, it would be nice if we could replicate some of the moving signs such as the Portland sign in certain parts of the city, including moving the tiffany clock sign, which is a moving sign. You also were concerned about signs that read the time, or the date, or a message to the community. So commissioner Hales and I went back to work, and you have the product of the work. A lot of people in the audience, so realize that not everybody is going to be happy with this. But the test for us, does this make sense? Is it better than what we had before? But most importantly, does it pass the constitutional test and the legal test? And we have failed on that over the years by allowing some thing to -- some things to stay up just because we liked them and thought they were pretty, and others that had to come down. And I think I going to hear today that what's been crafted by both opdr and planning will meet the legal

requirements as well. Commissioner Hales, did you want to say anything? Okay. So why don't we start.

Item 1735.

Gil Kelley, Director, Planning Director: Thank you, gil kelly, planning director. I want to make a few opening remarks and then turn it over to margaret mahoney during mahoney. I want to say this project, which we're calling science 2000 project, has been a joint effort between planning and opdr. In fact the city attorney's office and with some additional support from department of transportation and I want to just say first off that we're all in concurrence that this recommendation ought to be adopted. Let me summarize just very briefly what the major contents are, and then staff later will go into more detail. The project means to accomplish five major objectives. The first is to make the current sign code more understandable to members of the public and to administrators, both. Secondly, to strengthen the code's ability to meet the requirements of the organize and -- the Oregon and u.s. Constitutions, particularly with regard to free speech protections, replace certain prohibitions that have proved onerous and unenforceable over time, and replace those with workable solutions. You'll hear more in detail about what those are. Fourthly, to enact up-to-date banner restrictions that support the purpose statement of the sign regulations. That's a crucial part of this effort as well. And finally, to upgrade the existing administrative and enforcement systems so that it functions efficiently and is fair in its implementation. So those are the major goals there as the mayor mentioned. This project came out of a council directive and we have followed that through making sure that we paid attention to the major issues of banners, portable signs and moving image signs and to update title 32 with regard to signs and awnings. I mentioned this has been a collaborative effort. It's been one of those really nice product to see stevie and kermit working so hard and the rest of us filling in as necessary. I mentioned before we're all in support of this recommendation, all of the bureaus that have been involved, including the office of transportation. So with that interim -- with that intro, let me turn it to margaret.

Margaret Mahoney, Director, Office of Planning and Development Review (OPDR): Margaret mahoney. I concur with the comments that gil just made to you. I think the collaboration on this project has been due in large part to the wonderful work that stevie and kermit have done, and the tremendous amount of support we've had from the city attorney's office in working through these issues. As we all know, issues relating to signs can be very complex and controversial, and while signs 2000 report as it's before you today isn't without some controversy, I think the report does come to you with what I see as a limited number of areas of dispute at this time. The proposals within the report in addition to what gil mentioned also reflect a first step in opdr's effort to reinvent and restructure our compliance and enforcement processes. The proposal contains a new system aimed at speeding up the compliance process, instituting a graduated fine structure, which we hope will encourage compliance, and that we hope will shift the financial burden for enforcement onto those who are violating the code as opposed to all sign permittees. We're requesting an implementation date of march 1, 2001, to allow for the time to set up the registration program and establish the other training and administrative systems to put the revisions in place. We've also proposed within the recommendations a new fee schedule, and a fine structure. Both of those reflect our best estimates today of what we think it will take to support the sign enforcement program. As you know from our previous fee discussions and from our budget discussions, the program has not been at 100% cost of recovery for a couple of years, and we need to rectify that situation. Obviously we'll need to get experience with this and see how it works and come back to you and report on whether our estimates are accurate. Before I turn this over to stevie and kermit to summarize the changes for you, jeff rogers would like to provide some comments to you on the legal environment surrounding the proposal.

Jeff Rogers, City Attorney: Jeff rogers, city attorney. I want to echo the comments that gil and margaret have made about the hard work that's been put into this. All of their staffs and especially

stevie greathouse and kermit robinson have done an outstanding job, and they've worked closely with a number of people in our office, pete, katherine and ben, and they too deserve a lot of credit I think. This collaborative effort has resulted in something that is very hard to do, which is to develop what we believe the council will consider to be good policy while still complying with the constitutional restrictions. As all of you know and as the mayor indicated, one of the difficulties over the years has been that the Oregon constitution has been interpreted in such a way to prohibit the kinds of fine distinctions that policymakers might want to do ideally. And it's meant there's been a need to either overregulate or underregulate. This document that's before you I think manages to walk the line, and I believe it is legally sound. I think it's legally defensible in the form that it's presented to you in. However, I should also be realistic and indicate that given the history of this issue and given the legal issues involved, I think there is a substantial likelihood of continued litigation. I'm quite confident about the outcome of that litigation, but I think it is likely that this will continue to -- parts of this, anyway, will continue to be addressed in court. I should also remind you what I'm sure you are aware, since this is regulation and it's regulation of things which people do with their land, that there is a likelihood that there will be claims under ballot measure 7, and of course that will be true, any regulatory efforts you undertake from now on I think that there are arguments to be made that might weaken some of those claims if they're made, but it would not be surprising if ballot measure 7 claims remain. Nonetheless, I think this is legally sound and I do recommend it as a document that you can adopt with high confidence legally.

Katz: Let me just ask a question. We're in a better position than we were if we didn't do anything under the legal claims of ballot measure 7. Yes? No? I got you.

Francesconi: Following up on that --

Rogers: As you know, there are more questions about ballot measure 7 -- [laughter]

Katz: He's not going to give me an answer.

Rogers: Any time you enact regulations that affect what people may do with their land, they're a ballot measure 7 question. If you didn't, there's also ballot measure 7 possibilities based on past actions. So you can't get away from ballot measure 7 and I'm not sure which is better or worse in that regard. I think this is good policy and I recommend it.

Katz: Because of your comment with regard to 7, if we enacted this, I wanted to clarify that by our past actions there are other questions that are related to ballot measure 7. All right. Questions of our three leaders?

Francesconi: What would the effect of -- effective date be?

Rogers: March 1st.

Francesconi: Okay. Because on this ballot measure 7 question, we may need to make some decisions in light of how we're going to handle that that we're not quite ready to make. So I'd suggest we proceed, but since it's not going to be implemented until March 1st, we might want to take a look at that later in a broader context. That's what I would suggest. Does that make sense to you?

Rogers: Sure.

Francesconi: Okay. Thanks.

Katz: This is not an emergency ordinance, and you are recommending that it come back to us next week?

Rogers: That's correct.

Katz: And then following what commissioner Francesconi just said, that we can always go back and revisit it before it goes into effect.

Rogers: Right.

Katz: All right. Thank you. I just want to say that this comes to you from the planning commission as well, planning commission heard all the arguments you're going to hear today, and made a decision that's in front of you. All right. Thank you.

Mahoney: I think we'd like stevie and kermit to get into a bit more detail.

November 29, 2000

Katz: Okay, you two. Neither one were very happy when given this task. [laughter]

Stevie Greathouse, Planning Bureau: Stevie, bureau of planning staff on the project. I'm going to give a power point presentation. I'm going to start out and then Kermit will finish our presentation today. Kermit Robinson and I have worked on this project partially at the direction of city council, and part of the project has been recommended to you by the -- by the Portland city planning commission. Planning commission does not make recommendations on measures related to enforcement and administration and those parts of this proposal are coming to you directly from the office of planning and development review. As part of this project, the city council is being asked to adopt a new sign code and amend sign regulations throughout title 33 planning and zoning. The complete package of amendments being recommended is detailed in the recommended report the city council has received for consideration today. The recommendation on -- would consolidate sign regulations from title 33 zoning and title 22 into a new title 32 signs and related regulations. The recommendation would also amend regulations for changing image signs, portable signs, banners and other temporary signs, including real estate signs. Will the recommendation also include several minor amendments as well as amendments to the structural permitting and enforcement provisions of the sign code. I'm going to summarize briefly the amendments being recommended by the planning commission and then turn the presentation over to Kermit Robinson, who will summarize the recommendation as it relates to administration and enforcement. The first piece of the recommendation toll the consolidated all sign regulations into a single code is a response of the fact that currently Portland sign regulations that apply to signs outside the right of way are contained in two titles of Portland city code, 32, sign and awnings, and 33, planning and zoning. There is considerable overlap and inconsistency between the exemptions, definition and regulations found in these two titles, and amendment that's have been made to one title must often be followed by a duplicative process to make parallel amendments to the other. The recommendation would pull all sign regulations applying the signs on private property and -- under title 32. And the sign regulation that's currently exist in title 33 would be moved into this title and replaced with references to the new code. For the most part the review process is -- that may apply to signs would continue to be handled under the titles they are handled under now. Consolidation of all the regulations under one code will allow users of Portland city code to find all regulations applying the signs on private property within one title, will allow amendments to be made to the sign code once with no need for a parallel amendment process to amend another title, and will move authority for maintaining and administering the code entirely to the office of planning and development review. In terms of the regulations that are actually being amended as part of this process, changing image signs is one topic. Changing image signs are currently prohibited citywide. Under the Oregon constitution we cannot differentiate between different signs based on content. So this applies to clocks and score boards as well as flashing neon signs, electronic message centers and video signs.

Francesconi: Did you say clocks?

Greathouse: That's correct.

Katz: As an example.

Greathouse: The recommendation that is before the council today would Remove the complete prohibition of changing image signs and would instead regulate changing image signs including closures to allow 20 square feet of changing image signs features per site in the -- in several commercial zones, including the commercial office 2 zone, storefront considerable zone, general commercial, central commercial, employment, and industrial zones. Changing image signs would continue to be prohibited in all other zones unless they're in a sports field. The 20-square-foot could be apportion of a sign or divided among several signs on a site or beyond a single sign. -- be on a single sign. To apply for an adjustment, a site would have to include a major event or entertainment use, be in the downtown Broadway Bright lights district, or the sign would have to be in a sports field. The 20 square feet would allow this board with the changing elements of the sign to add up to less

November 29, 2000

than 20 square feet. This sign is less than 20 square feet. It would also allow the rotating portion of this sign, which is less than 20 square feet, the electronic information portion of this sign, which is less than 20 square feet would be able to tell somebody whether parking was available and actually change throughout the day, or the blanking neon portion of this sign, which is less than 20 square feet. Brief background on this issue. Changing image signs have been prohibited since 1999 when the city council amended titles 32 and 33 to prohibit all changing image signs. At the time the prohibition was adopted there was interest on the planning commission and some members of the count to find a more refined way of addressing the impacts of changing image signs. The mayor asked the bureau of planning to meet and discuss the issue. The work group met with bureau planning staff three times in the autumn of 1999 and staff presented a report to the city council summarizing the outcome of those meetings in november of '99. At that time the mayor directed starch to continue working on the issue and the -- to develop possible code amendments. Everyone who has been involved has had to come to terms with the fact there's no solution to the changing image sign issue That is going to work well for absolutely everyone. While the work group and others discuss the notion of regulating changing image signs combination order their rate of change, staff feels strongly this is not a viable option from an administration perspective. Instead of trying to define receipt of change, the proposal is based on their size. The 20 square feet is based on a code precedent, changing image or electronic information sign features were allowed to be up to 20 square feet in the central commercial zone prior to adoption of the prohibition. The recommendation also recognizes that larger changing image signs may be appropriate and -- in limited situations but does not allow adjustments in most places. The next piece of major regulatory change that this recommendation includes relates to banners. The recommendation would set size and time limits for temporary banners, would allow banners that cannot meet the regulations for temporary banners to apply for permits and be installed as permanent signs and would allow the installation of three banners on site from the open space zone. Currently the regulations do not allow banners in the open space zone. Specifically the recommendation will allow up to three 32-square-foot banners per site, no more than one on any given building wall. Sites in the cs and cx zone could additionally install one banner up to 50 square feet in size for 180 days per calendar year and sites in the co2 General commercial employment and industrial zones could install one banner up to 100 square feet in size for up to 180 days per calendar year. These additional temporary banners would need to be registered with the office of planning and development review. The recommendation would also allow banners to apply for permit and be installed as permanent signs. 32 square feet would allow the banner on the left of this building, which is about 32 square feet in size, and the banner on the right is smaller than 32 square feet, so under the recommendation a building could install two -- up to three banners without registration, provided no more than one of those banners was on each building wall. Staff was directed to revise the

Regulations applying to banners because the regulations no longer adequately address the current practices among banner users. The current regulations allow one banner per building wall and the, banners to be up for 60 days about -- without -- with that limit on the number of 60-day periods per year and the current regulations do not limit the sides of banners. On the other hand, the current regulations also did not allow banners on sites without buildings, banners in the open space zone or in lower residential -- lower density residential zones, and the current regulations make no provision for the use of banners as permanent signage. Because the current regulations do not limit the size of banners, we have seen an Increasing use of very large banners in locations where we would not allow a comparably sized permanent wall sign or painted wall sign. For example, this wall size banner installed along interstate 84 -- installed along interstate 84, this wall-sized banner along west burnside, and this wall-sized banner that's installed on the east citywide -- east side industrial district. All of these are banners. And all of them are considerably larger than even 200 square feet in size. The recommendation before you responds to the increasing trend in the sign industry

towards the use of banners and vinyl signage in general. The need for our code to regulate comparable signage, comparably, we can't continue to

Limit the size and require permits for painted wall signs when we don't require permits for banners that have comparable impact. And the recommendation also reflecting the need for businesses and others to be able to efficiently cheaply and easily meet their needs for temporary communication, by allowing smaller banners without requiring registration or permit for those banners. The next major category of regulation that's being proposed is part of this recommendation involves portable signs. Portable signs are currently regulated by the office of planning and development review on private property and are prohibited in the right of way by the Portland office of transportation. The recommendation would allow Portable signs in the right of way if they meet certain size and placement standards. To be allowed in the right of way the sign would need to be smaller than six square feet in size, would need to be placed within six inches of the curb and would need to allow six feet of clear zone for pedestrians. In addition, no block frontage could have more than one portable sign per building entrance. Portable signs outside of the right of way would be continued to be allowed up to 12 square feet in size as they are today. Portable signs would continue to be allowed only in the rxce and I zones under the recommendation. This diagram shows the allowed placement of portable signs in the right of way under the recommendation, with the six Feet of clear zone closer than six inches to the curb, and this photograph shows a portable sign that would be allowed with registration under the recommendation. The sign is six square feet in size, placed adjacent to the curb and allows pedestrians to easily move between it and the building. Currently all portable signs are prohibited in the right of way. In 1995, the pored office of transportation sidewalk obstruction task force prepared a report that analyzed the issue of portable signs and other obstructions in the right of way. This report included the conclusion that these signs should be allowed in limited circumstances and regulated in a way that kept them from getting in people's way walking down the Sidewalk. The office of transportation's pedestrian advisory committee supports allowing these signs with size and placement standards. The prohibition of portable signs in the right of way has not been effective and the office of planning and development review and transportation can no longer afford to enforce this often ignored prohibition. In addition, some feel the signs actually add to the lively character of Portland's commercial areas when they're appropriately placed. The americans with disabilities act requires that the city maintain usable pedestrian walkways allowing the use of portable signs in the right of way with the requirement they be registered with the office of Planning and development review will provide the enforcement resources necessary to ensure the signs do not violate the accessibility requirements of the ada. In addition, allowing the signs to be larger if they're placed outside the right of way will encourage businesses and others to place them on private property if that is an option. Just to give you an example of this of the typical portable sign sizes that are out on Portland streets today, the six square foot sign, which would be allowed in the right of way under the recommendation, slightly larger, six to 12 square foot signs that would be allowed on private property, this one happens to be a little less than eight square feet. And portable signs larger than 12 square feet in size Prohibited today, they would continue to be not allowed under the proposal. And -- in either the right of way or on private property. In addition to these sort of major areas of regulatory change that are being proposed, there are several minor amendments. The minor amendments being recommended philadelphia one of three purposes. They rely the regulations to fit within the new structure of the code, the structure of the new title 32 sign and rerated regulations, they improve the administration of the code, or they remove regulations from the code that could be argued to be based on content. They also include modifying the existing design review exception for signs. Sufficiently -- the recommendation would modify this

Exemption to exempt only the first 32 square feet of signage. Deleting the category of real estate sign from the code and i'll have a little more detail about that on the next slide. And creating two new categories of temporary signs, temporary fascia and temporary freestanding sign. Because of

November 29, 2000

the considerable amount of input we've had from the real estate and construction industries throughout this process, and because we anticipate you'll hear additional testimony from those industries, today, it's worth providing additional background to the council about how the proposal relates to the signage typically used by these industries. Real estate signs are currently defined as a separate class of sign in the zoning code and Allowed without limit in all zones. However, the current regulations do not extend this allowance to signs in the right of way which are typically prohibited regardless of whether it can be defined as a real estate sign or not. The recommendation would get rid of real estate signs as a separate category because of the concern that this category of sign could be argued to differentiate based on content, and the recommendation would instead regulate all real estate signs as temporary freestanding signs, temporary signs, portable signs, lawn signs, banners, or some type of permanent signage if they're going to be up for longer than would be allowed as a temporary sign. Specifically residential realtors often use off-site Signs to direct potential buyers to open houses in the form of either small lawn signs or small portable signs. Under the existing regulations, placement of the so-called open signs or any other portable sign or lawn sign is prohibited in the right of way. Under the recommendation, lawn signs would continue to be allowed on private property in all zones and portable signs would be allowed in the right of way in the rxce and I zone if they are registered. The recommendation actually provides more options to realtors and others who wish to place signage in the right of way than is provided under the current regulations which prohibit the use of portable signs or lawn signs in the right of way. With that I'm going to turn the Presentation over to Kermit Robinson to talk about administration and enforcement and a conclusion.

Katz: Okay. Do you want to hold your questions now? Okay. Let's go ahead.

Kermit Robinson, OPDR: Our main efforts -- Kermit Robinson, office of planning and review. Our main efforts in the administration and enforcement section assist to bring the sign code on title 32 administrative provisions up to speed with our other titles. The title 32 administrative provisions have not been amended significantly in ten years, while our other titles have been updated progressed. We have set up clear sections on application for permits and registrations.

The -- technical. We're going for consistency with the other codes. We've set up clear standards for the applications for review of permits, what people have to include in their applications, and the inspections, et cetera. We're also set up, as Margaret let you know, the first of what we're looking forward to as a citation-based program for enforcement. Similar to traffic tickets or parking tickets, something that has an immediate fine structure, gives a certain number of days to appeal the first level of appeal will be to the director, and then if we still don't gain compliance, moving into the administrative enforcement program similar to our code compliance sections now. We hope through these processes to shorten the time frame between us noticing something, or we receive a complaint about something being in violation of the code, from many months that happens now. We often have cases that will last three to six months before we get resolution to shorten it down to a much quicker compliance. And as Margaret mentioned, set up a fine structure that encourage compliance and pays for the compliance provisions rather than having that supported by the fee structure for new permits. The registration programs, the fees and the proposal are for existing sign -- the existing sign categories for new signs for permanent signs, those fees are not proposed to be changed fit. What is -- at this time. What is proposed is new fees for the registration programs, for banners and for the portable signs. And the registration for the banners only applies if you go beyond the three 32-foot banners that you would be allowed. Those don't have to be registered but you go to the larger ones, those have to be registered. The a-boards we're proposing a dual registration program that they can either register by a site or a business can register a number of portable signs that they can use in various locations. There are two companion ordinances that come forward with the proposal. One does amendments to title 10, and title 16 and 17 for consistency with the proposed 32. What the amendment title 10 does is exempt sign installations from having to do erosion control

November 29, 2000

measures, and the title 16 and 17 amendments help clarify which title is dealing with signs in and out of the right of ways. Finally, we are -- we would like to recommend two -- too, we would like to recommend two amendments to the proposal that you received from the planning commission. The first has to do with the portable signs allowed in the right of way. The planning commission and the pedestrian advisory task group had recommended that portable signs only be allowed in the right of way if they're limited to six square feet in area. We would like to recommend to the council that that be changed to an eight square foot limitation. When we went out looking at the signs recently, we discovered that only 20 to 25% of the portable signs in the right of way would meet the six square foot thing limitation. We are now proposing any of the existing signs be vested, therefore to come into the registration program, they would have to comply or move out of the right of way. In many of these locations such as hawthorne, northwest, et cetera, there's no out of the right of way for them to go to if they're larger than six square feet. Eight square feet seems to be much more common, will bring in probably 80 to 90% of the signs that are already out there in the right of ways. The second proposal is to go back to our existing standard on one design review is required. We would like to leave the language where it is that any sign under 32 square feet except in the south auditorium district be subject to design review rather than it be -- if you put up one sign under 32, you're exempt from design review, and then go into review after that for any other signs. And in multiple tenant building, the first tenant in gets exempted from the design review, the second tenant in wouldn't be, so we recommend going back to the original exemption of having everything under 32 exempted. That concludes our presentation. If you have any questions --

Greathouse: I'd like to make one additional final formal finality comment. The record is in the room if anybody needs to refer to any of the additional information that was not filed as part of the exhibits.

Katz: Okay. Questions by the council?

Sten: I guess a -- i'm kind of skeptical about charging for the portable signs and I just wanted to get a sense of how much money you think that will raise and what that will actually do on the ground.

Robinson: The -- we did a photo inventory of signs in the city about two years ago. At that time there was someplace in the order of 3,000 to 3500 portable signs out there. The registration proposed fee is \$35 a year. If they'll -- they all come in, I think it's around \$70,000. For a two-year period.

Sten: What would that money Be spent on?

Robinson: That money would be spent to -- for the staff to enforce these provisions to make -- to make sure that the signs stay where they're supposed to stay, to respond to complaints we receive, and essentially help support the sign program that has remained in a deficit situation.

Sten: So would there be dedicated staff to this?

Robinson: There is -- already a dedicated staff to the sign program.

Sten: How many?

Robinson: Two sign inspectors.

Sten: So there would be more? It's a lot of money to charge people for relatively little benefit to the community that I see. I'm trying to get at what's going to happen with \$70,000 specifically.

Robinson: It's going into that program. I don't have the figures of that program.

Katz: Do you -- can you come up and help?

Mahoney: The major -- it would do the three things that kermit just mentioned -- it would cover costs that are not being covered, it would cover new costs to actually register the signs and then respond to the complaints. We have never had funding to respond to the complaints on these kinds of signs and we get a considerable number of them and we get a considerable bit of feedback, negative feedback from folks that we aren't able to respond to those. And I think the issues that within the last ten years in terms of ada compliance make it more important for us to be able not only to respond to the Complaint about the size, but to look at the placement of these signs to ensure we've got clear passage alongside walks.

November 29, 2000

Sten: Do you have any quantitative sense of how many complaints we get?

Mahoney: Frankly off the top of my head I couldn't give that to you, but could I come back to you with that information.

Sten: Is it 10 or a thousand a week? Which is closer?

Mahoney: I would guess roughly it's probably 25, in the neighborhood of 25 to 30 complaints within a week period. Frequently we get a lot of them, but we do not respond at this time.

Sten: And how much of the \$35 would go to setting up the new fee? Because you're going to have to set up a whole new system.

Mahoney: The new costs would be setting up the system --

Sten: Administrative to fund the new program --

Mahoney: Probably about a third of that \$35 fee would go to the actual, the clerical support function of registration, tracking the information, keeping the database, sending out the registration stickers or whatever we come up with on those.

Sten: Do they just call opdr to complain now? Is that the --

Mahoney: We get complaints in a variety of ways. We get complaints through commissioner office, sometimes a number of your offices we get them. We'll get them from organizations, we've had calls from the city club on sign issues like this. We get them probably primarily from neighborhood residents who are particularly concerned about this. And there are a number of neighborhoods who have people who, this is an issue for them and they'll call about it. We'll also get them from time to time from a business where there's an obstruction of somebody else's sign in terms of where they're placed.

Sten: I'm sure this is -- i've never had one in my years, i've never had a citizen stop me and complain about portable signs. When we're charging a \$35 fee, a third much which goes to charge the fee, I want to be sure if i'm going to vote for it that there's really a need for it. There's a lot of things out there that are not enforced, and if we try and enforce all of them, that's all we're going to do. And people are going to pay a lot of money. That's what i'm trying to get at with this.

Mahoney: The difficulty here is that as stevie pointed out in her presentation, they are -- they have been prohibited in the right of way. So over the period of time that i've dealt with these issues, we've sort of been damned if we enforce and damned if we don't enforce. And in past years when we have tried to enforce the provisions, we've gotten complaints from business own there's come true our office that we shouldn't do this, so we've tried to find a way to allow them, get rid of the prohibition, but give us some means of tracking them and then also having a funding source that doesn't draw from something else so we can in fact respond and check on these when there is a problem in the field.

Sten: Well, i'm very supportive of legalizing them. You take a third out for administration, now you're at 50,000 or something like that left, that ought to -- that ought to fund a full-time close to something full-time to get out there and deal with this. We've already got two people, and I don't believe we have a level of problem that we need a full-time street sign inspector that people who have street signing and i've never had a complaint about one to me personally, pay for aside from it's just going to drive people -- let's get to the bottom -- it's going to drive people nuts to pay \$35 a year to put up a little sign that it hasn't gotten any complaints. I'm skeptical we ought to start this whole new. I don't have any problem allowing people to put the signs which are there anyway

Mahoney: I certainly understand. We can come back with information for you on what the budget looks like and what comes from various categories of signs. The dilemma is how we can respond and attach the cost to that category of sign.

Greathouse: We're trying to set up administrative system where it is possible to register these by mail with a simple application form, site plans or drawings, they'll just fill out a simple form and they can mail it in.

November 29, 2000

Sten: I mean, it's still going to be knowing the people and -- the vast majority of People, I don't have any sense what percentage of these signs are abused, but my sense is it's not high. If we are getting 25 complaints a week, that's five a day. It doesn't sound like a full-time job to me. I'm trying to get at, you know, right now i'm a no vote on the registration fee. But i'm trying to see if I can get convinced.

Mahoney: I understand.

Katz: Let me ask you a question, because I didn't know what to do, the other day very close to city hall there was a sign right in the middle of the sidewalk. Right in the middle. It wasn't seen subtle on one side or the other. Could I have moved it?

Mahoney: Sure.

Katz: Seriously.

Mahoney: You're the mayor. [laughter]

Katz: It's the same thing in terms of citizens removing the illegal signs. You don't know.

Mahoney: You can certainly move it. I think what we've found over the years with these particular provisions which are difficult is that they sometimes can lead to confrontations among people. So we do in fact have some citizens I think you know who do remove signs. We have others who've gotten into unpleasant situations when -- the owner of the sign comes out and gets into some kind of confrontation.

Katz: I was just trying to help you with this if we could actually remove thome ourselves. But that's the reason I ask the question. I was concerned I really didn't Have any legal rights to remove them, and take them off the sidewalk. I -- further questions?

Francesconi: Three areas of concern. First let me say you've done a terrific job. You've got a tough job, because what you're trying to do is balance protecting the community without overregulating small business. And it's tough, because of the limitations imposed upon you by the courts and the judicial system. How do you protect the community, have regulations that the small business folks can stomach and still, you know, have -- accomplice something. You're in a tough position. And you've done a very good job. One issue is because i'm the parks commissioner, but the Issue of open space, and what signage is allowed in our open space zones, when we first looked at this back and created these zones in 1991, I think we actually said that one size doesn't fit all, and we were going to relook at this issue. And pioneer square, you know, community centers, the signage is too restrictive, frankly. I'm not suggesting an amendment at this point, because i'm trying to be a team player and have this kind of balance. But I need some look at this issue so that we can have some master planning done in our open space zones so we can look at this. And I know it's a budgetary issue, so I guess i'm just asking, can we get to this? Can you give me any kind of -- I guess I don't know if I am talking to you, margaret, which you have so many other budgetary needs of your own, or if i'm talking to gil, or the mayor, or if i'm talking to the council. But we have to have a more refined position in our open space zones. And parks suggested some amendment right now, i'd rather not do that. But for the good of the order here. But I need -- can somebody talk to me a little bit about this?

Mahoney: Commissioner, I had a chance to talk briefly yesterday with charles jordan about this, and indicated that I think with help from park staff, we could take a look at what the issues are, particularly for parks and open space. I think there are provisions in what's before you today, that create the opportunity to do things that haven't been allowed In those spaces thus far. Also do recognize that sports fields and entertainment venues have some different needs. So part of the issue is taking care of what you've got here. And then there's also provisions where the signage is not visible on the right of way, that it is exempt. So I think what may be needed in addition to that, i'm guessing is probably pretty narrow. So i'm more than happy to do a very focused review with the parks staff on that and come back to you with an analysis of whether some amendment is needed or not.

Francesconi: Okay.

Mahoney: But I think the other thing we were concerned about was being equitable based on all private property, I respective of ownership and looking at function. And I think what we've got thus far does that, but certainly if there are other means we can look at that with the park staff.

Francesconi: Thank you. I appreciate that. The second issue, commissioner Sten already flagged this, I would appreciate that information on the budget and the signing and whether we really have to charge the 35 or at least the full 35. The third issue, maybe i'm just -- we really need to include clocks in this? I know there's one particular clock, but it just encourage disrespect for the regulatory process. If we pass this can we -- can tiffany's turn on the clock?

Robinson: Tiffany's clock is turned on. The -- our problem with how we have to define sign is that it's A assemblage of materials conveying a message or -- I could read the definition. It's in the thing. But it's very hard to draw that line. The moment we say, this is a sign and this is a clock, we've made a content distinction in our minds. And it's -- we would love to do that, but we feel constrained by the constitution that we can't.

Francesconi: Okay. I guess -- later, not now, i'd like to talk -- i'll talk to the lawyers. Thank you.

Katz: Questions?

Saltzman: The banners that are under 32 square feet, there can be no more than three per commercial establishment and it has to be one per wall? I guess I --

Robinson: That's the proposal.

Saltzman: I'm sure there was some balancing act that went into that, but why couldn't you have two on one wall and one on the other? Is it part of the compromise? It just seems a little specific, although I realize much of this code is very specific in intent.

Robinson: It was part of the compromise. The original proposal that when the planning commission regulated all banners regardless of size, and they felt that was perhaps overregulating in areas of -- overregulating in terms of charitable events, that might happen at a church or a small event, a routine use of banners at a small business, and they wanted to exempt a certain class of small signs, they also recognized if you just exempted anything under 32 square feet, you have the other problem of a Proliferation of banners at certain businesses. And I can direct you to two or three locations where that is quite common. You'll have six, self, eight banners on one business. And so it was a compromises to say, okay, we want to exempt smaller banners for a reasonable purpose, but we don't want a littering of the city's walls with banners.

Katz: Small banners.

Saltzman: On the open house, portable signs for real estate, our proposal would basically say a realtor could get a permit for a certain number of signs that could then be location --

Mahoney: They could register if they wanted to use portable signs. They could register portable signs in the same way a business would register portable signs.

Saltzman: Same fee, \$35 per Year per sign?

*****: Per year per sign.

Saltzman: Or per set of signs.

Mahoney: Per year per sign. And then they would be required to place those signs in a way that met the regulations.

Saltzman: I was just curious, commissioner Sten was asking earlier what sorted of the history of complaints have been. Are open house signs -- do we receive complaints about those? As much as we do about other signs with commercial establishments?

Mahoney: Frankly, we do. Under the current regulations they're prohibited because they're in the right of way. What we frankly have done, and we've communicated through the real estate associations, we've taken an enforcement stance within opdr that we would

Basically not look for them between friday and tuesday morning. Because most -- we put that in writing so the real estate industry a number of years ago, and that's been the practice. Frankly i'll tell

you that the open house signs and directional for sale sign resist not -- have expanded from portable ones in the parking strip to ones that are nailed and screwed into utility poles and otherwise affixed in -- on corners and other places to provide directions. So this -- I think it goes back -- the primary question is back to, what's the expense. But this in fact does -- the proposal would legalize having those out there in the right of way, as long as they're placed as stevie described, in a way that doesn't obstruct passage.

Saltzman: And so getting back to the nature of the complaints, are we just getting complaints from sort of the purists saying it's in the public right of way, I don't like it, or similar to what I imagine we get with can respect to signs associated with commercial establishments related to ada issues and other types of things like that?

Mahoney: I guess I would have to describe them as a couple of categories of complaints. Complaints from neighborhood residents who just don't like them out there and know that they're prohibited under the current regulations, and then we're -- because they've gone beyond more portable to being affixed to poles, we're getting complaints from people who recognize that as prohibited, are offended they're attached in a semipermanent way to the pole, and we've had the discussion was the utility companies in the past. They find a safety problem to have things affixed particularly higher up on those poles. But probably the majority of the complaints are from neighborhood residents who understand it's illegal to do that and don't like it.

Saltzman: Finally on that topic, have we discussed perhaps a reduced fee, given sort of the -- there's a different type of a use. It is -- the location varies. Is there any discussion to perhaps a lesser fee?

Mahoney: Commissioner, we haven't at this point, but I think the requests i've heard from several members of the council is to look at that, the whole notion of the registration fee on the portable signs and come back to You in a way we can talk about what the real cost implications are there. So i'd take your question and add it to that -- to the previous ones in that regard.

Katz: And that also, that's not an emergency, so she'll be able to -- Further questions? All right.

Sten: A comment. I guess this is probably more for the council, because we haven't had a council discussion of this proposal and we've got a lot of people here. I would be interested in testimony of people on the banner issue. I did not support the ban on painted walls, and murals, and so I see these as the same. I don't intend to support the banner ban either. But i'd be curious to hear what people's views are on that.

Katz: Okay. Tack on -- tag on to that, jeff, when we get to the discussion on the banners, the legal issues. Because we got in trouble once because we left painted walls, murals on. So I want to know if there's a parallel to that if we exempt the banners. Okay. Britta? There may be a lot of representatives here from the real estate industry. You don't need to tell us 15 times the same thing. We'll listen very carefully, but if you hear your testimony, you may make a choice of not wanting to come up. But if you want to, that's fine too.

*****: Do you want us to leave in case --

Katz: No, you're lucky. You're on first. Go ahead.

Karl Schultz, Oregon Convention Center: PO Box 12210, 97212. My name is karl schultz, I represent the Oregon convention center as the project manager for the expansion. Today I would -- I represent jeff, the director, who could not attend. I hope that you can take the time to read a letter that he has prepared regarding the signage issues. We as a project are concerned about how the sign regulation resist going to be enacted for the expansion to the Oregon convention center. As you are aware, the facility itself requires signage to identify not only its usage, but to help people enter the facility and attend the events that they are concerned about. We have multiple events with multiple changing signage that is required for that. Based on our experience today, we do not have adequate signage. The restrictions that might be enacted will also restrict more signage. We do support, however, the work that's been done, have worked with the group, the planning department, including meetings directly with mr. Robinson to discuss these issues, and we support the exception that has

November 29, 2000

been put in place for the changing image sign an. We would request, though, for a major event usage, that we extend that exception to other signages, and that would be the portable signs, temporary signs And directional signs with changing images. Again, this is based on the fact that the site itself, the campus of the Oregon convention center is such a large one and does not necessarily act as a typical site. You'll hear this on other testimony that this particular facility will need multiple sign locations and with restrictions that might be in place this, would limit this ability. We again would ask that you consider an exception to those types of signs and allow us through the design review process to regulate the signs so they meet the design intent and the -- that the signs we propose for the project do have a regulatory capability but yet meet the needs of our facility. Thank you for your consideration. I'd like to ask Charles Kelly to speak specifically on the exceptions that we request for the Oregon convention center.

Katz: As we hear these exceptions, Jeff, you identify for us what -- both Jeff and Stevie and Kermit -- what that means in terms of our regulatory procedures. If and if we give exceptions here do we also have to provide other exceptions somewhere else? And then we're on a slippery slope and we'll end -- slippery slope and we'll end up with basically nothing, or everything.

Charles Kelley, architect: 320 SW Oak, Suite 500, 97204. Commissioners, Mayor Katz, my name is Charles Kelly, and I'm an architect. We have been commissioned to design the expansion of the Oregon convention center. In this role, we make the following request on behalf of Jeff and the Oregon convention center. That is that we ask that an exception for some of the prohibited sign features be considered and allowed for specific -- a specific use in major event and entertainment use such as the Oregon convention center. This would give a major event -- entertainment used flexibility to employ all available sign types to achieve optimal information and directional signage around the site. In a few cases, sign features in the ordinance are desirable for this purpose but are currently prohibited, such as changing image directional signage, electric portable signs, as well as the general prohibition for adjustments and modifications to temporary sign standards. With this requested exception, The major event entertainment use would be allowed to seek adjustments or modifications through the normal review process. And bear in mind that the Oregon convention center is required to go through design review, and in that case it's the type 3 process in which all of the issues and the reason for the signs would be -- the onus would be on the applicant to prove the signs were valid. We have three locations in the current ordinance where we would ask to make these exception remarks. They are under portable signs at the end of the last sentence under 32.32.030 g-1, the last sentence, except major event entertainment use. Under 32.32.030 h-3, directional signs, at the end of the only sentence under that, add to the End, except major entertainment -- major event entertainment use. And then under 32.32.030 k-1, temporary sign, at the end of the last sentence, once again add the same.

Katz: Okay. We got -- we're not going to write the language right now, but we appreciate you giving it to us.

Kelley: I have something to give you that indicates those things for you.

Katz: Okay. My question to Stevie and Kermit, that then doesn't limit it only to the Oregon convention center. When you make exceptions to major event -- for entertainment use, that allows for a lot of other areas around the city. So it's not only the convention center.

Charl Cloud, Tri West Group, Oregon City: Mayor Katz, commissioners, I -- my name is Charles Cloud. I'm just absolutely amazed a sign has first amendment time sign or temperatures -- but anyway, I'll go on. I'm sorry.

Hales: We are too.

Katz: You have people sitting in the -- sitting in the audience that have sued us.

Cloud: That's fine. I'm glad to be sitting on this side. My name is Charles Claude and I'm a realtor at Tri West Group in Oregon City. I have clients in the entire greater Portland area. The new sign ordinance for the great city of Portland would have far reaching and devastating effects on the real

November 29, 2000

Estate community at large. We, the real estate agents, all have permanent offices which we are licensed. This is true for almost all other forms of businesses. However, our product that we sell cannot be stored in our offices. Unlike retail, restaurants and other professional service providers, real estate agents' products are the cities, neighborhoods and specific houses that we offer to sell. Directional and open house signs are vital for us to display our products and attract customers. Unfortunately, some of these signs do get stolen. I lose a little over a sign a month in a year. With the sign fee, that would mean an extra \$900 a year for the signs. Not counting the signs, just counting the fees. That loss, with the cost of the signs, means I would have to sell an additional house just to stay even. Please consider allowing us to do business with directional and open house signs from friday through monday and at least tuesday until noon where we have brokers open without this extra cost or fees. Thank you

Katz: Mr. Cloud, just because I think you have a good sense of humor, are they stolen because they're illegal and they're in the right of way?

Cloud: No. [laughter]

Katz: From wednesday to thursday or whatever day?

Cloud: Actually, I got to tell you, it's funny. I have a very bad back, so when I have an open house, it's hard for me to do anything. A lot of times I ask the permission to put the sign up. And kids come back and toss it down, you know, well, I can't find the stupid thing when I go back there and it's Oregonian. A few -- and it's gone. A few weeks later, a garage sale, there's my sign.

Rick Seifert: 1509 Sw Sunset Blvd., 2D, 97201. Good afternoon, i'm rick seifert. I live in hillsdale, I work there. I've come before you before on questions dealing with this -- aesthetics, overhead wires in particular, and I hope you're still interested in that issue in the way of getting rid of some of them. I come today as the president of the hillsdale business and professional association, and i'm here to inform you that the association on november 15th voted to oppose making sandwich board signs, here referred to as portable signs, legal. We're opposed to that, as would be the case under the proposed project revision. Sign 2000 project revision. I refer you to pages 84 and 85 for this section. Making such signs legal would allow 60 sandwich board signs to crowd the curb along capitol highway in the hillsdale town center pedestrian district, and this is in fact where all the signs would go, and I know commissioner Hales and commissioner Saltzman know the area very well. We would have 60 signs right on the curb for all the people Riding the bus, going through in cars, et cetera, to see. The change will undermine much of the improvement the property owners have made in the recent years. The attractiveness of our new trees will be diminished. Our new sidewalks will be seen as little more than staging areas for intrusive curb-hugging signs. Because there is no on-street parking on capitol highway, these signs with bold colors, will appeal solely to motorists, not pedestrians. I personally have been able to persuade all but one of the businesses here to keep sandwich board signs off the right of way and the sidewalks. And I very often do so by emphasizing that the signs are illegal. If necessary, I remind business Owners that the business and professional association would report offenders for violating the law. So far we haven't had to. The mere existence of the law has solved the problem. Please don't take this persuasive tool away from us. The business and professional association urges you to continue to make these signs illegal in the right of way. But if that isn't possible, and i'm hearing that it may not be, you could take one of the following actions. Prohibit portable signs in pedestrian districts. Prohibit them where there is no on-street parking to shield them. I think mike will mention it this, heavy traffic will blow down these signs and they will end up in the right of way and Who's going to monitor that? So to shield them from passing, from high whipped that's blow them down, for instance, prohibit them in metro designated town centers like hillsdale, which, by watt -- by the way, is the one remaining up and running community-supported town center in southwest. The only one left where we're trying to do the job right. And finally, if that -- none of these are possible, prohibit them in hillsdale: [laughter]

having said all this, if you would not make one of these changes, we want to know specifically why not? Why would you allow this to happen in our community?

Katz: Did you recommend the notion of the town centers having prohibitions against these at the planning commission?

Seifert: I did.

Katz: Did they have discussion on that?

Seifert: They did. Actually, I left the planning commission thinking I had actually won the day and that it wasn't until the code revision actually came out again I saw that I hadn't. I was quite surprised. They seemed quite persuaded at the time, but maybe they were just buying polite and nodding their heads.

Seifert: You'd have to ask them. I really don't know. Perhaps staff would know.

Katz: We'll ask them later.

Sten: I think there's some business districts that probably disagree strenuously. Is it not possible for -- you guys are pretty thoughtful and close bunch to just agree amongst yourselves not to do it rather than seek something that -- you don't have to put a sign up if this law passes.

Seifert: Good question. I have used -- there are certain number of -- a minority of business owners who really would like to put their signs right on the curb. And they do respect the law. We really do want to proceed with helping signage in our area, to try to address this problem in other ways. Other things, folks like us aren't going around forever and who knows what will happen in ten years, or 20 years, and my guess is there will be a proliferation. There is a sort of escalation that happens. Once five or six or seven get out, other people say, gee, maybe I ought to get mine out there too.

Francesconi: Why is it that there -- the minority of those folks want to put a sign out there?

Seifert: It's cheap advertising, let's face it. You just put that thing out there and \$35 is dirt cheap to get, I don't know how many thousands of cars go through hills day every day. I would say at \$100 a year they would go for it. I know about advertising costs.

Francesconi: I'm not saying i'm in favor of this, but I think you just answered the question you asked small businesses have to compete with Major businesses, large businesses who sometimes can offer a price discount because of the nature of their volume. So they're trying to figure out how to compete in this economy. So i'm not saying that that should be permissible, but that's the anxious to your question.

Seifert: I know why they do it, yes, and I quite agree with you. The problem is it pulls down all the businesses if our town center is unattractive. And I don't think they realize that. Where does it stop? And what i'm saying to you is, we need to stop it right now and keep the prohibition in splice we don't have 60 -- in place so we don't have 60 signs on this very short segment of capitol highway. And i'm sure this applies in other areas, we just happen to be very vocal about it and are concerned about it.

Michael Roach, Paloma Clothing: 6315 SW Capitol hwy, 97201. My name is michael roach. I'm co-owner of paloma clothing in hillsdale. I want to first read a letter from john braidwood of the largest property owner in hillsdale. To Portland city council regarding legalization of sidewalk sign boards. We are a commercial property owner in hillsdale with 32 tenants. We are opposed to legalizing sidewalk sign boards. Last year construction was complete order highway and sidewalk improvements along capitol highway in hillsdale. This project which was funded primarily by a local improvement district, i'd add of which he was the largest participant by far, and it wouldn't happen without him -- had as its goal improving the environment for pedestrians and making the sidewalks more pedestrian friendly. Allowing sidewalks sign boards flies in the face of the these efforts. Sign boards are not only a safety hazard for pedestrians, but they contribute to visual clutter as well. We understand you not to allow sign boards on public sidewalks. I would just add that we've been in hillsdale for 25 years, and i've spent 25 years trying to help merchants understand that, yeah, it's great to get your name out there on the highway, but if we all do that, it makes our area look

junky and we're going to discourage people from stopping here. It wasn't until Rick arrived five years ago that -- and took an active interest in basically one-on-one, going on every merchant who had a sign board saying, we need to get that sign board at least off the sidewalk. Pull it back onto private property. Please keep the sidewalk free and clear. It makes the area look better. And the problem with making -- and the only reason he's been successful at doing that was the tool -- the tool that the present ordinance making them illegal provided him with. At the point that these are completely legal, there's no reason not to have one. And once you get five or ten of them out there just as Rick said, then you're a chump if you don't have one. So you put one out there and that's why you end up getting 60 sign boards on a small stretch of highway, and I can guarantee you, the average business owner taking it out there every morning is not going to be taking his measuring tape or her measuring tape. And the six inches from the curb and six feet from the wall, you're going to have a lot of people, pedestrians, site-disabled people are going to be bumping into signs because it's going to be very difficult for those measurements to be strictly adhered to, and I don't hear there's enough money in the budget at 35, even at 35 bucks a sign to enforce the microplacement of these sandwich boards throughout the city. I just see it as not workable. So I would urge you to -- I know making them legal sounds like a great idea, but I think the actual doing it would be a disaster.

Mike Hale, Elmer's Flag and Banner: 1332 NE Broadway, 97232. I'm Mike Hale with Elmer's flag and banner. I'd like to thank everybody on the committee that work order this. I think they did go a lot of compromising to the good, and I appreciate it. I would like to speak also to the idea of -- that you should accept the idea of having smaller banners allowable without permits, but have some limitation of where they're placed, how many can be placed on a building and I make these banners, so I'm saying that I agree with this, I think that having a limit of 32 square feet is all right. The larger banners, if there's a provision for people to acquire them if necessary, then that would be good. As far as a-boards, they are potentially a problem when there are too many. As I see 90 our neighborhood, in the Broadway district, Lloyd Center, off then are too many on one corner. I have a neighborhood who places their sign next to our sign. If we get two or three people doing that, that is a problem. Though need to be placed properly, and I believe if it's specified, they will be. I explained it to her and she moved the sign. In front of her own building. I'd like to talk a couple other issues. One is flags. That wasn't addressed very much here. The present definition that the city has, I don't think holds much water. It basically would have limited signs to one to two ratio. If you can just bear with me, if you can imagine a blank piece of paper in front of you, imagine drawing an outline of a flag on that piece of paper. You probably just drew a horizontal rectangle. And yet over half the world would run that flag the other direction. And the United States is not a colony of Europe. We have a conglomeration of people. Flags were invented in China. Flags are there, are vertical position. So to define flags by dimension I feel is improper. I sent you all a copy of this flag chart so you could see that flags are all kinds of sizes, including very long ones. Look at the military vessels and postcard -- coast guard vessels that come to our port here. And so I'd like to suggest that the city eliminate that in the definition of flags and concentrate on how it's attached to a post or a pole, because flags are seldom affixed to a building. And if they become affixed to a building, they become a banner. And I gave you an amendment of how I thought of that. The last thing I'd like to speak to is I'm glad to hear Stevie say that some of these things that are sometimes called murals are in fact going to be considered banners, they're not going to be allowed under this code. I don't feel it's fair to ask the banner people to pay a fee for a banner and be limited in the sizes they are and allow the billboard community, which you've been beat up badly by, and I have no axe to grind with them, but I feel it's unfair to allow that to continue, for them to proliferate these banners in the name of murals, which are -- they're in fact not. Not murals at all.

Katz: Thank you. We'll have Stevie come back and talk to us about it. I think he makes a good point about the design of the flag, but I don't know what was in your mind on it. Okay. Let's go.

Keith Claycomb, Oregon Roadside Council: 3326 SW 13th, 97201. I thought I knew it: I -- keith clay? I'm here on behalf of Oregon road side council. I've given the city clerk a copy, a complete copy of the text. I'd like to emphasize will the following points. Oregon road side supports the planning commission recommendations of the restructuring of the title 32 but are not in accord with the road educations in respect to changing image signs and signs in the right of way. I do want to give them kudos for a fine presentation, and for the amount of work that had to go into this. What we request is that the sign review committee review all proposed signs that -- the design zone, to make sure that's done. And that no grand fathering of illegal signs upon the adoption of amendments to title 32, I think this body knows this, has gone on and on and on. You come in with a new code, you grand father in what's already been there and some have been illegal signs. One that has not been addressed, and I don't know if it's a conflict of council's problem, but signs inside of stores and businesses that -- windows that are visible from the outside should require permits if they're -- for no other reason than employee safety when the windows are completely occluded. I know they're in the southwest neighborhood we did have a murder in one of the stores. I don't -- I can't say there wouldn't -- it wouldn't have occurred, but at least somebody could have been looking in. You stand on the street and you just can't see inside those. What are the amendments and restructures that are adopted -- whatever the amendments are, please enforce them, even if you have threats of lawsuits and -- and I thank you for your time.

Paul Buss, Chair, Governmental Affairs Committee, Portland Metropolitan Assn. Of Realtors: 3361 NE Broadway, 97232. Good afternoon. I thank you for the opportunity to testify. My name is paul bus. I am chairman of the governmental affairs committee of the Portland metropolitan association of realtors. I am a realtor. I am the manager of a real estate office with over 50 agents. With this depth of experience I come to you today to do two things. To explain how realtors use signs in their business, in helping the consumer buy or sell a house. And then to ask for further amendment to the city sign code. Realtors are business people who serve the community. We help people realize the american dream of homeownership. One of the tools we use in our business is sciences. We place signs on the property to communicate the -- to potential buyers. We appreciate that in the draft sign code before you, it allows for lawn signs on private property without limit in all zones. This benefits the consumer. However, it's often not enough just to put out a lawn sign. When we hold a house open for public viewing, it's necessary to use signs to direct the clients and customers to that particular home. If a house is located deep in a residential zone, it's not going to help us to be allowed to put our open house sign in the neighboring commercial zone. It does us no good. So we need to be able to put them curbside or alongside of the highway to assist buy nurse finding their way. These are known as open signs. It's not uncommon for a realtor to use between three and five open house signs for a particular open house. Open houses occur normally on a sunday afternoon. Sometimes on saturday. Once usually in the term of a listing realtor will hold what we call realtor opens, or brokers opens. And the sign is placed for a period as all of thome are placed for a very specific period of time, from two to five hours only. And then they're moved. Regardless of the day that the open house is held, it's always temporary. Because the signs are temporary, the -- they're constructed in a-board fashion. They're easy to move. They're put up and removed frequently and moved from location-to-location. It's note practical that they be defined as lawn signs. Due to their construction, the a-board sign the realtor now uses meets the proposed definition of a portable sign. We disagree with classifying the realtors' a-board sign as a portable sign. They should be classified as temporary signs. They're not there every day, they're not in any one location regularly, they are out maybe one time every month for a period of three to five hours. This brings me to my second point. I'm with the -- under the sign code, portable signs and temporary signs are not allowed in residential zones. It's in these zones the majority of realtors sell homes. Not many homes in the commercial zone. Or industrial. We ask that you amend the sign code to allow portable signs and temporary signs in residential zones on private property and if

November 29, 2000

placed for a limited time, a limited amount of time, in right of ways. Perhaps a new category for this type and use of temporary sign needs to be created in the code. You've already -- all received a letter from the Portland metropolitan association of realtors which sites the -- cites the sign code adopted by wilsonville.

Katz: Your time is up.

Buss: This is an example, the wilsonville sign code is an example of how signs can legally be allowed in the right of way and used as we have recommended.

Lise Glancy, Port of Portland: 121 NW Everett. I represent the port of Portland. We met with city staff, discussed some concerns we had with the city sign code changes. Unfortunately -- and they related specifically to public rights of way at Portland international airport. Unfortunately we were unable to gain concurrence on amendments to those code changes, despite working with staff. We think we're almost there, and the failures on our part, but we'd like to -- we wouldn't like to stand in the way of your adopting this sign code ordinance into -- and to recognize all the work you've put into it. But we would like to come back with you at a later date with some proposed revision that's we and I think staff view as minor and -- in nature.

Katz: Thank you. That's the most unique testimony from a lobbyist that I have ever heard. [laughter] it is very refreshing. I didn't win, it's our fault, go ahead and adopt this, and let us work again.

Glancy: Just to be clear, if you don't mind --

Katz: I don't want you to lose your job, but I think did you a wonderful job. [laughter]

Glancy: The issue was in developing a map and coming up with language about streets for refinement of the code.

Francesconi: How long do you need? How long would it take to do this?

Glancy: They tell me the mapping will take at least three weeks, and it was longer than I think staff was comfortable kind of delaying this.

Hales: You're not suggesting we should delay it?

Glancy: No.

Kurt Wehbring, Chair, City Club Sign and Billboard Committee: I'm kurt, the chair of the City club of Portland's sign and billboard committee. As you know, the city club has taken a very strong interest that goes back not just into the last few years, but goes back 20, 25 years. First of all, i'd like to say this piece of work is a good document. It represents a lot of hard work by the staff and by the different advocates, and I think for the most part it's a good solid document. And we would recommend to you adoption. We have at least one exception, and that is around moving image signs. The prohibition that was created came about as you well know because of the sudden appearance of this technology which offended many, many people. Unfortunately they were all Grand fathered in, so we have four or five signs in the area. And this document would permit moving image signs. We would prefer no moving image signs, but we understand that there is this issue around time, temperature and signs like that and kinds of information that needs to be done. So our recommendation to you is 20 is a lot and ten is more reasonable. We're recommending to you ten square feet as opposed to 20 square feet. And just to do a little street theater for you, to demonstrate the size of what 20 square feet can be, and my concern is that the people who develop moving image signs, both their technology and their creativity are quite substantial, and the amount of let's say mischief that can be created over the Long haul might create -- put into our public domain signs that we really don't want there. This is the kind of size you get -- it's more than half of that. It should allow the kinds of things, time and temperature, highlighting, changing of information.

Hales: That's 20 square feet?

Wehbring: That's 20, yeah.

Alan Mehrwein: 12550 SW 68th. Good afternoon. My name is allen merwine, i'm a real estate broker and a branch manager running an office of about 50 agents. We have almost 700 agents in

November 29, 2000

the Portland metro area. I am also the president-elect of the Portland metropolitan association of realtors. I've been in the business for 18 years. One of the things that's pretty important for us as required by our sellers, our clients who we have an obligation to work very hard for is to put people through their houses so they can get them sold. There are a large number of listings available, and so making the houses available for potential buyers is a very important part of what we do. The signs are very temporary in nature, like previously stated, sometimes three or four hours on a Sunday afternoon. The issue about charging permit fees or something like that for signs, yes, there are signs that are lost or confiscated, rarely are they confiscated, mostly they're just lost or used for other purposes. But it would put an economic burden on our agents with the replacement not only the cost of the sign, but cost of Repermitting, or getting new permits for each of those signs. We have many new agents coming into the business, they don't have a lot of money to get started, but these are the people that are trying to get a business started and by adding more costs to get them started I think that does hurt overall the economy of the area.

Jane Leo, Portland Metropolitan Assn. Of Realtors: I'm Jane Leo, governmental affairs director for the Portland metropolitan association of realtors. Before we begin, I truly want to compliment Stevie, who has been a fabulous resource to us and has been in full communication with the association throughout this entire process. I can't compliment her enough. I do also want to do two visuals, because often when people talk about things we all imagine something differently in our minds. When a realtor is talking about a quote unquote open sign, that's what the language that is used in the industry. What they are referring to is this style sign. This one is printed, but it is the image that is put on the street corner, on private property, and in the case of our association, predominantly residentially zoned areas. The single-family, duplex, attached housing areas. Currently that sign, even if it is on private property is prohibited. I fail to understand why if the sign is one dimensional such as this, on a stick in the ground with the same message on private property, it's allowed. If it changes its physical characteristics to that sandwich board, on private property, it's not allowed in those residential zones. I also want to respond to some comments with my comments in reaction to a memo sent out which all of you received via e-mail Monday, November 27th, from Stevie. Just for clarification, a couple of the comments made as signs currently used by realtors to direct people to open houses would be defined by code as lawn signs. I think I've already described how actually under the proposed code they wouldn't be. It does say that under existing code portable signs are both prohibited in the right of way, we would like to see that changed. To those signs being known as temporary signs and being allowed in residential right of way zones because of their temporary nature. It also mentions the regulations being proposed would liberalize regulations applying to signs in the right of way by allowing portable signs. That liberalization does not apply to the zones, the residential zones, the single family duplexes or attached houses. There's reference to portable signs being allowed in public right of way and the need to meet the Americans with Disabilities Act. I agree with meeting those needs. However, I do point out that the part of the code that references this, the 3232.30 c-3 references measuring from the curb side. There's a great deal of Portland that doesn't have a curb, and the question arises, where do you measure from. There's also talk of the registration program. It does cause a financial burden to realtors to have to register every sign that they own that they may be using on temporary nature for an open house. I would like to expand the definition of the portable signs, or if it's determined to call them temporary signs, to allow them in a residential zone, recognizing that these signs are temporary in nature. And the second thing that came out today during staff presentation which is news to me, I've been with the realtors for six years, I also am the governmental affairs director, I've never seen this letter referring to the enforcement division will not be looking for open signs from Friday to Tuesday. So if there is such a letter, would I appreciate getting a copy.

Katz: Don't push this. [laughter] don't push it. All right. Thank you.

Katz: How many more people want to temperature? We may have to go -- let's -- how many people want to testify? All right.

Don Baack: I'm don bock, 6495 southwest burlingame place in Portland. First of all, I want to talk about safety. Near my house there's an apartment building with an oversize sign. He puts 90 such a place, it's a very great danger to bicyclist and pedestrians. It's on a downhill slope and it's in the wrong place. Frequently it gets knocked over and pushed away, but I really would like to make sure that the traffic safety in any code change you make is very much considered. Second, relating to southwest particularly, we've got a lot of streets without sidewalks, and people feel therefore they can put signs wherever they like. Yet there are many established paths people need -- use, and if there's not a sidewalk i'd like not to be able to see a sign there, any kind of sandwich sign unless it's well off the roadway, maybe six feet or something like that, or out of any pedestrian area. There's a note as i've Understood the explanation of the code, six-foot clear distance for pedestrians. I think that in many places, if you're going to have these things, six feet may not be the appropriate width in areas where you've got high density traffic and pedestrian traffic. I think it ought to be a minimum of six and more if necessary as judged by the people administrating the code. Where we've got high density of people like downtown, some areas we're you've got a big store, huge crowds of people moving. The sandwich signs can very much interfere with the flow of people. I think the motto ought to be people sign and signs later if necessary. There's been a proposal come to you as an amendment saying raise the size from eight feet to six-- from six feet to eight feet. Keep them at six feet. I see no need for just because people have selected eight feet is what they'd like to have on the street, it doesn't mean that's what the public needs or wants. I'd like to refer to the hillsdale plan, adopted in '97. Under urban design, we've got specific things referred to this, we'd like to have them honor and figure out in way to keep these things out of hillsdale. Remove physical implements in sidewalk. That was focus order sandwich signs. Further, we have ensure that locations design and clustering of cellular -- that's another issue. I didn't mean to circle that one. There's -- the other thing is billboards. We didn't want to see billboards. We're very explicit about this. I'd like to see you not change this code in such a way that we can't continue to enforce it locally without calling, in all due reference to commissioner Sten, people learn after a period of time when there's no response, they don't bother calling because nothing happens, you don't call. Yet a lot of people do worry about issues. And commissioner Francesconi made a point about signage is important for the economics of rents, of property owners. Basically I think you'll find that properties that don't have access to signage rent for less than those that have access. You'll find in my view, whether They do a lot of business, the rents go up. Part of that is discounted in the amount of rent they actually pay. Finally, with regard to signs in residential zones, i'd like to see it kept the way it is as far as real estate signs. What happens now, they ask for -- the person on the corner, can I put the sign there. I've never seen anyone turn them down unless the sign became offensive. And then the sign isn't permit and it's gone. I any that's an ease way to enforce it without being -- putting it in the code. Thank you.

Cody Reich: 5305 E. 18th St., Suite b-West, Vancouver, 98661. Good afternoon, mayor, and commissioners. I'm cody, and I own a sign company that strictly does real estate signs, commercial real estate signs. This is going to be changing gears a little bit. I want to discuss and throw out a few ideas concerning the commercial temporary signage and i'll make this really short, but I am actually the installer that installs these signs, so about 60% of the signs you see in the field were put up by my hands, dug with my diggers. I'm usually the person making the decision on where the sign goes out on the field, reading the work orders and putting them up. So my concerns after reading some of these proposed conditions would be that the amount of days that the temporary signs are allowed to be up of 120 days from my past experience i've been doing this for nine years, and during that time I keep track of how long my Signs stay up in the field, and we usually average well over a year in the field. We also remove the signs also, so 120 days I think I feel puts a constraint on the,

you know, the listing. If we could somehow extend that, you know, I don't know if you can for commercial real estate or if it has to be for all temporary signage, the second one would be the size of the signs being 32 square feet. Some of the freeway signage for the larger buildings only being a four by eight could be difficult to read, so my concern would be that if it was possible if we could go slightly larger, maybe to 64 square feet, and last but not least, be in that -- being that we're -- in this sign proposal here we're considering a back-to-back sign to be one sign, but a v-sign to be two signs, although they use the same exact amount of square feet -- footage of sign. If we're encouraged to put up back-to-back signs, we're going to find wind will tend to break those. In the long run, i'll make more money going out and maintaining signs, but it makes the city look worse when you have signs laying on the ground or tipped over. So if we can some way change the degree from ten degrees to 45 degrees, allowing a v-sign to be considered one sign, it could greatly increase the ability of that sign to stay up.

Saltzman: Is that the same as an a-sign?

Reich: No. I think i'm the first person to talk about this here today. I'm not talking about a-board signs or -- i'm talking about The commercial real estate signs that you see with three posts in the ground. And they're dug in and they're usually on white post and they're nailed up to those boards and then xed in the back. That process braces the sign compared to one with two posts. In this situation I feel I -- if we're able to consider it as one sign and still have that v go up instead of enforcing -- basically it will force people to put up back-to-back signs. Most of the time the signs are allowed, 120 days is very, very short for the commercial industry.

Anne Bradwell: 840 SW Dolph St., 97219. I'm ann brad december well, I live -- ann breadwell. I was the land use chair for three years, I did retire, but it's hard to give up. I'm not speaking for the neighborhood, only from the experience that I had. Second to traffic, signs were the most cause that I had, and i'm sorry i'm going to put your phone number down and -- you're on my list now. [laughter] for people to complain to. I don't see very many citizens here really, individual citizens. We've had some concerns in ctlh when our southern gateway started, not terribly attractive, how do we prevent it from becoming like, with due respect, 82nd street? The signs are just proliferating. This is an area that's been densified, a lot of housing, and some business. So this is our home. We may live two blocks from Macadam or something of this nature. I understand that when macadam was having I think it was optic things dug into the street, business increased because the speed was slower.

Katz: Because the speed was --

Bradwell: Slower on macadam. That would be easier to take than more signs, I think, from my perspective, anyway. And I would also suggest that when I look around here I did see three cups which means six dollars, probably at least of starbucks, so \$35 is a lot when you don't have \$35, but maybe 15 cups of coffee? I think that rick's plan was wonderful, when he went around the neighborhood. And chatted with people. However, that means that we have to find somebody with time to do That. And not too many people have that kind of time. So I would like to see the rules stay as they are, particularly with sandwich signs, that kind of thing. And be enforced. Part of the problem seems to me that we haven't been able to enforce them. And so I would say \$35, probably it isn't enough. I think we need to be more realistic in our enforcement. We've got almost \$2 gas for the inspector, or the city to pay for to go after these places. Perhaps we can have more community pressure, or something like that with help from the city. But I did pass around some photographs of macadam, that were taken in about four blocks close to the entrance to Willamette park, and about the middle of october -- in about the middle of october. And this appears to be normal, everyday sign that's we have there. With no mention of real estate or anything. This is just business signs that are there.

November 29, 2000

Sten: Ann, your point is very clear. You're supporting the fee but you're also against legalizing them. That's the package that's in front of us. All the signs that you're upset about will be legal, and the \$35 fee won't do anything for you.

Bradwell: It would enforce some of the ones that aren't legal.

Sten: But the vast majority of the ones in those pictures would be legal, so we would be paying a fee -- I mean, that's -- to legalize, which you don't like. I assume your first choice is you'd rather keep them illegal.

Bradwell: I would. Yes, I would.

Sten: If we do have to --

Bradwell: Or come up with some way to keep the neighborhoods a little more aesthetic. You know. 25 signs are no longer fine.

Sten: Paying 35 bucks to enforce it isn't going to help you in your case because they're all going to be legal. The vast majority are going to be okay under this proposal.

Bradwell: I think there's regularly at least seven of those signs that are totally illegal almost all the time.

Sten: Under the newer proposal would they still be?

Bradwell: They would be.

Sten: They could still be illegal? Okay. Thanks.

Paul Leistner, Research Director, City Club: I'm Paul Eisner, the research director with the City Club of Portland, and I want to also add my compliments to Stevie and Kermit. Not only was this a wonderful document, I read the 200 pages through again last night, but the comment area for citizens on what are the changes and why were they necessary, it's something I think would be a model for the -- a lot of the other documents that come out. That was very helpful. The City Club, since 1971, has been pushing for a number of the things that actually have finally happened in here. Unified sign code, unified administration of the code and attempt to make administration financially self-sustaining and more of an effective enforcement. So we think that's great, and very, very strongly support your adoption of this proposal. The closing the loophole with the banners is also something very supportive of, and the citation process which I think will really help with enforcement. So I urge you guys to consider making sure that's fully staffed and making sure that works. With the changing image signs, think of that as -- ifs -- as a big TV. Some of the things that Stevie showed you where there are different separate elements, the neon, blinking lights, that's fine. But when you group it all together it's way too big. And I think that one thing you might consider that 20-foot size came from the CX zone. That was not standard for the community. You might consider allowing 20 feet in total worth much moving elements, but if there's a continuous piece in there letting that be ten square feet. We measured one of the stock market signs this morning by our office, that was eight square feet. The small televisions and the Ods tower Copeland Sports were eight square feet. So I'm not sure you needed 20 square feet across the city. You, also make it bigger later, but please don't open the door too wide at this time. Also I just wanted to say, Measure 7 obviously you think everybody has a lot of concerns. I know Lynn is here today, and I'm concerned those adjustments that were denied in the past were likely to come back under Measure 7, and I know you guys and Jeff Rogers are working madly to prepare for how to deal with that. One thing we'd like to bring up again is the amortization program. Not only would that give you a tool to finally start to take down some of the things that might go up under Measure 7, you've got a golden opportunity in the past it was very difficult to get financial information on the value of individual signs. Suddenly you've got a process where people have to come forward and give you the information about the value of that individual sign, and that's the crucial information that's been missing to actually put together a legally defensible amortization program. So I urge you to try to get at least one of the city attorneys to be trying to track that with that in mind, and try to get at least a leg up on the developing that kind of system. You can always choose not to implement it, but at least give yourselves that option.

November 29, 2000

Katz: Let me ask you the question with regard to the ten square feet versus 20 square feet. That issue, did that come up at the planning commission as well? Was there a lot of discussion on that?

Leistner: I was not at that meeting. Kurt was there and he brought up he thought it was too large. We actually we -- when we measured the elements, which Both commissioner Sten and Saltzman brought up the concern about the stock market and the temperature signs, they're not that big. And I think that -- I know you're trying to group all the changing image technology in together, but this is one way where you could take a step in that direction, see how that works and if you need to make it -- expand to it 20 feet later you could do that. But please don't open the door that wide right now.

Robin White, Building Owners and Managers: 1211 SW 5th, 97204. Good afternoon. I'm robin white, the executive advise partnership of several commercial real estate associations. I believe I actually hope that you received a lot of communication from the Commercial real estate industry, so i'll really recall our concerns. I want to add my thanks to stevie and kermit, they were absolutely great to work with. It was rather refreshing to find city people who were wanting to hear our concerns and try to come up with solutions. So they were absolutely great. As you know, prior to this time real estate signs were exempted from the sign code. And with the development of the temporary sign concept, which is on page 97 of the draft, the proposal has come a long way, but we have a couple of issues that are very difficult for us to deal with and we would earnestly request some amendments to it. Our first problem is the stipulation that temporary signs can be -- remain in place for Only two 120-day periods in a year. This limit is unmanageable. First from a standpoint that most listing agreements are run for six months to one year periods. So you've got a disconnect between how long the signs can be up and how long the list assisting for. If in fact the leasing agents change, obviously the signs are going to come down and be replaced. It's a costly endeavor to replace signs, to have them installed, removed, replaced, especially if you have a situation where you have to bring a crane in to do this. And actually to be within the law, we would have to have a sign up for 1 hundred 20 days, have it -- have someone come n. Take it down for one day, only to put it back up the next day. Quite frankly we don't see how the city benefits by this. But it is an added unnecessary cost of doing business in Portland. If you have a crane involved, obviously you're going to have vehicular and pedestrian traffic interfered with. Finally, after you run out of your 100-day periods for your sign, then you're going to have to find another way to advertise the availability of space within a building and that could possibly be a banner. Which is -- would be up for the remainder of the year. Another unnecessary expense and far less desirable from an appearance standpoint. As with the gentleman from the hillsboro -- the hillsdale association, when we left the planning commission hearing we Thought the planning commission had agreed with us on this situation because their discussion focused around limiting signs by size rather than time. However, when the second draft came out, that change applied to banners only and did not apply to the temporary signs. Our second problem is with that temporary signs are limited to 32 square feet. Which in the in the downtown area is far more than generous. We can definitely live within that. However if you get out to a situation where you're seeing a sign from the freeway, from an arterial with fast-moving traffic or where the sign is set back, 32 feet just doesn't work. Pennsylvania state -- pen state university did a sign index, and i've included some excerpts from

That study in my testimony that I presented to you. What they do is by using a formula they've determined what size the letters must be to be legible at certain distances and certain speeds. Both to convey the information and to be consistent with safety and safe driving practices. Using their formula, you really arrive at the conclusion that a four by eight sign is not big enough for 45 miles an hour, nor for the amount of feet. So we would ask that it be changed to b, the same 200 square feet in the permanent sign that would make them both legible. We do have other issues that were in my testimony and in the letters, and we would be glad to work with with stevie and kermit on any language changes that could be accomplished.

Saltzman: 120 days to 180 days --

White: 280 days?

Saltzman: 180 days, six months.

White: It would still be a problem. The problem that we have when you're dealing with office buildings and office parks and such, the signage is our primary way of getting the information out that there is space within that's available. And if you would be allowed to have signage up for one 180 days and take it down for the rest of the year, you've basically got no way of letting the public that would be renting that space know that there's space available. So quite frankly it really doesn't help.

Hales: That was my question. How long is temporary?

White: You know, in all honesty, we worked with stevie on this trying to come up with wording that would tie it to the time of the leasing agreement. Which would be six months or a year. Quite frankly, what you run into is the inability to actually enforce it. And quite frankly, even with the wording as it is, how are you going to know -- nobody's going to be out there saying, this sign went up on such and such a date, so it has to come down. The whole thing is very difficult to enforce.

Hales: It's a complaint driven system.

White: Exactly. But it may be a complaint driven system, but we have a law that we're supposed to abide by, and the law says you can only have them up for two 1 hub-day periods.

So being good citizens, we would feel we would have to take them down after that. So even though it's a complaint system, that doesn't help us. And we would agree that the signs, the timing or the signs should be controlled by the size rather than the time.

Hales: If we're going to keep it temporary provision at all we have to define what temporary is.

White: And we would be glad to try to come up with that. We went round and round, stevie can tell you how difficult it was. I think she even brought in the city attorney to try to come up with language. I guess I would like to hope that we can do it.

Hales: What do you think is reasonable?

White: Well, I guess maybe what we're saying is that probably a time limit is not reasonable. It just extremely difficult to work with. And we would rather try to find another way of coming up with the fact that they're temporary signs rather than the timing. The same thing with the banners. The banners, if they're under a certain amount of time, there is no time limit on when they have to be up, and there's quite frankly we're concerned about how the city looks also. And we would rather see a lot of the signs up with rather than banners being up to say this space for lease. And so -- but if it were a situation where we ran out of our 220-day periods, we probably have to resort to banners. And we think that that's going to be worse for the city than allowing those signs to be up. The fact that they're just attached to the building, they're not permanently attached, they're not illuminated, there are some other things that do in fact make a sign permanent as opposed to what we're talking about. We're just talking about the plywood signs that are professionally designed and attached to the buildings. So they're not a -- eliminated; there are just some other things that fall into the definition of a permanent sign that do not apply to the temporary signs we're talking about.

Hales: Okay. Thanks.

John Cox: My name is John Cox, I live at 1378 southwest maplecrest drive. I don't think I'm going to take all my time because I think Robin covered a lot of the items. I am a real estate -- a commercial real estate broker. I am the sales manager of bluestone realty, and I can't stress enough how important the for lease signs are to our business. In bringing in tenants for our clients, our clients being major office buildings, industrial parks, and shopping centers. The for lease signs are major way of generating traffic, letting people know that people are coming in, or that the space is available. With another item that we had concern, was the number of signs that are permitted per lot under this section we're allowed one sign, one freestanding sign per site. I don't think this really addresses some of our larger shopping centers where we have multiple entrances, where we've got two -- we have entrances on two major roads. The fair signs were allowed, a "fantasia" sign, if we

had a building on an intersection, we're allowed to have a sign on each side or each street, but the way the code is written we're only allowed to have one freestanding sign, we would not be allowed to have one on each street. And I would like to see that possibly amended or addressed so that we can at least -- at least get signage on various streets and larger industrial parks, office buildings, various entrances. The second item was also the 120-day limit on freestanding signs along with --

Katz: Let's not repeat. We've got too many people still to testify.

Cox: With that, we were talking about the timing. I would just say real estate signs for lease or for sale, the nature of the sign is temporary. The property is not always for sale and it's not always going to be for lease. And if we could actually do away with the time limit, just based on the nature of the sign --

Francesconi: As you know, I have to go.

Katz: You need to go and the two of us need to go. So you'll go and i'll go, and dan will stay.

Francesconi: What i'd like to know, in addition to the issues that i've flagged earlier, so far what i've heard in terms of The things I want to particularly flag this, major event usage issue, I need to better understand it. We haven't had a work session on this ahead of time, and I haven't done some of the homework, frankly. So on the issue of major event usage, and then on the issue of sandwich boards on the sidewalk and places like hillsdale, the argument you had 60 of them sitting out there does -- I want to make some sense to me that the issue of the effect on the real estate industry about bans in residential areas as well as this latest issue on the commercial realtors, I need to know are they really going to -- major cranes, are we putting them in the position of defying the law, or having to get cranes out to take it down for one day? If that's really the case, That's a problem. So I need to better understand at least of the issues i've heard, those. In terms of the council, mayor, I don't know, is there an urgency. Do we really have to bring this back in a week? I think we need a little time to work on a couple of these issues. I'd suggest two weeks or three weeks as opposed to one week. That's -- it's up to you. That's just my request. And I do need to see you in my office to go over some of these -- i'm looking at stevie. And my staff is here, so thank you, everybody. [laughter]

Katz: I was supposed to go in his place. Two, three weeks?

Francesconi: Yeah, I think so.

Katz: We're going to go over. I'm keeping a list of all the points, you're keeping a list of all the points. I don't know what's going to happen to the piii, if we're going to have anybody left by the time we get through this. But commissioner Saltzman is kind enough to stay. One of us needs to go to impact tonight. There's important work that needs to be done on the region. And so since i'll pull rank, i'll go and he will need to stay. And I really appreciate -- i'll do the same for him someday. All right. Go ahead.

Tony Reser, Society of Industrial and Office Realtors: 200 Sw Market, 97201. My name is tony, i'm a commercial realtor. I'm also a member of the society Of industrial and office realtors and i'm speaking today on their behalf. I'm an industrial specialist, and that means I handle the sale and leasing of manufacturing and warehouse buildings and vacant land parcels for users and developers. At any given time I will represent the owners of multitenant industrial parks for lease, freestanding industrial buildings for sale and lease, and vacant land parcels. And each one of those respective properties will have at least one or more real estate signs advertising their availability. I can understand the need and desire to regulate real estate signage, but I think some of the regulations you have are overly restrictive. I would echo the comments of robin white on behalf of -- that The duration limits that you have are unreasonable given the nature of our business, which is typically tied to the duration of a listing agreement. If I lease a building in six months my sign goes down. If I don't lease it in 18 months, my sign goes down because i'm probably fired. But to tie to it a 120-day limit just isn't feasible. The signs the gentleman from sign source -- he puts up most of the signs for the real estate commercial companies in Portland. A lot of those signs cost 200 to \$300. The majority signs I utilizes will be about an 8 by 8 sign. My manager dictates that each property will

have one sign. They're not erected in the right of way, they're a liability issues when you have signs that large. We self police ourselves those signs are expensive and we don't put a great many of them up. Similarly said, as a practical matter the restriction for a 32-square-foot sign is a 4-by-eight sign. That can probably work well in a downtown environment or for a building and -- in a historic district. It doesn't work well for a warehouse in an industrial zone that's set back significantly from the street right of way. It's just simply inadequate to maintain the visibility of people going by and inquiring about that sign. Now, the gentleman from sign source also alluded to v-signs. A sign that has the apex towards a major arterial. Airport way is an example. We frequently use v-signs because they're oriented toward traffic at high speeds when people are whizzing by. In your -- your regulations limit the facade to 32 square feet, which when you divide that in two, it's not capable of being seen. Another issue is a discrepancy you have in the provisions of subset 5 and subset 6 under the temporary sign restrictions. You've allowed temporary signs that go on a building, you're allowed one sign per street facade. Now, for temporary signs that are freestanding, signs that are pole mounted and would be in front of a large industrial building or an industrial project, you've limited those to only one sign per site. And this in consideration of the fact some of the industrial projects are handled, we have 15-acre sites with multiple buildings. Which might encompass six to seven buildings. I would ask you to modify that to make it consistent with the provisions for signs that would allow a freestanding sign, like a pole-mounted sign -- I should distinguish. Not a pole-mounted sign, a brace-mounted sign, one sign for each street facade for a site. Finally, the last discrepancy has to do with the columbia south shore plan district overlay. I sat on the board of directors for eight years, and I know that signs have been a problem in columbia corridor more or less temporary signs, a-board signs, a proliferation of signs and banners. Your regulations in here limit and actually prohibit freestanding signs in columbia south shore. As you know, the columbia south shore contains --

Katz: All right. All right. We'll note it. We'll come back. I'm going to ask all of you, please don't repeat your testimony. We've got somebody here that's been waiting, and he's going to lose the audience.

Reser: Can I finish the one comment? You prohibit freestanding signs in columbia south shore. Keep in mind that's your largest inventory of vacant developable industrial land and not only Portland in the region, and pdc's directives are to beef up the development out there for jobs and the fact that those are fully -- i'm asking you to strike that prohibition and allow freestanding sites on those vacant land parcels because there are no buildings to put those signs on.

Katz: We'll come back and ask staff what happened to that. Go ahead.

Ramona Harrington, President, Commercial Assn. of Realtors: 200 SW Market, 97201. I'm wynona harrington. I'm a broker and the president of the commercial association of realtors. I'm going to save you time. Robin white did 90 an eloquent way. Our position to find our position, I just want to make one statement, and that is signs are traditional method for marketing and sign calls are the basis of real estate practice. And there is probably direct correlation between sign calls and successful real estate individuals.

Terry Shanley, Cushman and Wakefield: 200 SW Market St., 97201. I'm terry, the manager director for cushman and wakefield. I live on sylvania court in Portland. While I agree with the intent of this regulation, I support the intent of the regulation, but as I understand it, it's too control -- to control and provide measure of regulation for signage. So that it's appropriate and it is not offensive. And while I support that, there are some I think within it some undue concerns, or restrictions relative to the real estate industry, particularly commercially that are imposed upon us that we would suffer roughly 65% of our business comes from sign calls, that's a very important aspect of our business. Removing signs while -- during the course of a listing from a building will cause unnecessary damage to the building itself. And it would be economically restrictive. It would be a little bit of a burden. I would ask that this is a very complicated issue, obviously. I would ask

that we exempt the real estate signage as it exists today with the proviso that we take a look at it and be more than happy to work with the council and with the commissioners, with the group that's analyzing this and come up with some detailed language that relates to real estate signage. Thank you very much.

Bill Reed: I'm bill reed, with wcr company. One of the things that I want to address here is how the small business owner isn't represented here in this forum, as I see. I think that's partly related to the fact if you're a small business owner trying to start out you don't have time to come to these meetings. So I think that when -- the permit process by nature favors the better educated, better financed businesses and puts another obstacle in the way of the small neighborhood businesses. So a lot of the people i'm renting to, small neighborhood lot minority businesses, don't have the expertise to go through the sign process permitting. And I think you'd find that you'd have a lot less variety in Small businesses because they wouldn't be able to survive. And signs are vital to the success of small businesses just starting. If you get your sunday Oregonian, you'll notice that it's crammed full of gi joe stores, fred meyer stores and other advertisements. But you don't find any small businesses advertising in that forum. As I was here about a year and a half ago when you were passing the ordinance on the flashing signs, one of the things that the mayor suggested was a-frames. And that's in order to allow the residents in the neighborhood to understand what businesses are there and what they're trying to sell. And so I think that when we take a look at outlawing a-frame signs and that might be okay in the more affluent neighborhoods where people have the option to advertise because they make more money, I think we're really significantly hurting the small neighborhoods, the ones that are just oncoming, that don't have businesses that are well established.

Saltzman: Are you saying you're opposed to our proposal to legalize --

Reed: I like the way the system is now. It's not legal, but it's not enforced.

Katz: They're illegal.

Reed: That's just being frank about it. I think what you're going to do is turn a lot of small business owners -- they're not going to be able to do the process that goes by to legalizing them. The other thing I would suggest, I looked at the fine system, it's pretty punitive, and it requires a certain type of response. I think you should just impound the signs as opposed to trying to write a ticket and then enforce the ticket. If you have a sign in the wrong place, just pick the sign up if they want it back, they'll go through and figure out how to do it right.

Katz: Let me see if I understand. You support the illegal signs.

Reed: Absolutely. [laughter]

Sten: Frankly, i'm starting to agree.

Reed: If you want to be candid about it, I do.

Peggy Hennessy, Oregon Electric Sign Assn.: PO Box 86100, 97286. I'm peggy here on behalf.

Katz: I'll be visiting your establishment with pdc very shortly.

Hennessy: Great.

Hales: I thought you meant with the sign inspector:

Katz: But i'm going to get authority to move the signs. Go ahead.

Hennessy: I'm peggy hennesey on behalf of the Oregon electric sign association. We too would like to commend the planning department on the job they've done with the revamp of the sign ordinance. With the exception of the changing image sign provisions, we have a real problem with the maximum of 20 square feet. We think that it is not narrowly tailored enough to address any kind of legitimate government interest. We do support the amendment of your section 33420.041 f, which will continue to exempt am 32 square foot signs from design

Review, and think that that is a step in the right direction. But with respect to the changing image signs, we feel that it goes too far and can't be justified. In addition to which there's no provision for variance or any adjustment for general commercial interest with respect to those changing image signs. The only people who get the benefit of a potential adjustment is if you have, or a sporting

field or major event facility. Or if you're located in the bright light district, and we've lived -- believe that is unequal treatment. Mr. Paulsen is here also on behalf of the Oregon electric sign association, and he can give you more specifics as to the actual impacts of that 20-foot limitation.

Darryl Paulsen, Ramsey Signs: 9160 SE 74th, 97206. Good afternoon. Eye maim is darryl paulson, i'm with ramsey signs. Just to give you a little example of what 20 square feet does, as a matter of fact -- as a matter of perspective, from 100 feet away, 20 square feet has the equivalent perceived size of a little over two square feet. That's the perceived size of something that's 100 square -- 20 square feet, 100 feet away. So 20 square feet has worked well downtown, and we don't have any video boards in downtown, thank god, but what we're suggesting and we wrote a letter to council and planning, is that if you take 20 square feet, that was -- under the cx zoning, that's how they came to that figure. It was 60 percent. That had worked well in the past. And 20 square feet was the number brought forward. If you allow 60% of the allowable square footage to be used as changing image, it doesn't necessarily have to be full video, but it could certainly be time and temps, stock indicators, conventional message centers, and/or other changing elements. And that would work, and it would be proportionate throughout the code. By doing to a square footage, or a percentage rather than a set square footage. So we would ask that consideration.

Hales: We've got -- you've pushed robin white on this point, we have strong signals from the business community to develop clear objective standards. Not arbitrary ones and certainly every time we try anything where adjustment is applied there's a vulnerability of lawsuits. So i'm a big fan much clear numbers in the code. We have testimony on the record here favoring zero for changing image signs. We have the sierra club recommending -- the city club recommending 10 square feet. Your recommendation is --

Paulsen: Going to a percentage of the allowable area that makes it proportionate for the sizes you're allowing.

Hales: 60%?

Paulsen: Yes. If you take 60% of 20 square feet, that's 20 square feet.

Hales: That means in the auto oriented zones we would have 60% of 200 square feet -- Ten by ten. Isn't that commercially feasible size for a video sign?

Paulsen: Not really if you have the other allowable part of the sign as a design function. If that 40% is dedicated to other elements, other than the electronic or changing image portion, then you have that balance. You don't have 100% of the allowable square footage in your face, have you a design element attached to that as well.

Hales: Even 100 square feet of video sign would I assume would be big enough that -- on a principle boulevard that people could see it. Right?

Paulsen: From 100 feet away, 100 square feet has the equivalent size of about ten square feet.

Hales: Right.

Paulsen: So it's not like a 200 square Foot full color video board, it's a proportionate amount of the allowable square footage.

Hales: I think the video sign next to the new seasons grocery on tacoma street on a pedestrian oriented street in southeast Portland is less than 100 square feet.

Paulsen: Yes.

Hales: So you are your proposal would allow --

Paulsen: What they did was they took the allowable square footage and used 100% of it for the video board portion. What we're saying is only allow 60% of that fob used as changing image. It didn't dedicated 100% to that product. And it fits the time place and manner. It fits that scenario for regulating it.

Bob Fredrickson: 2806 SE 75th, 97206. My name is bob fredrickson. I am opposed to illegal signs, absolutely. And I want enforcement. But I don't see it coming after many years that i've been looking for it. One of the things that this proposal is going to do is take away one of your possible

enforcement codes. Right now part of title 32 prohibits the placing of signs on utility poles. And this proposal is going to kick this out. We won't have it anymore, and the city won't have it anymore. It needs to be replaced by something stronger in title 17 to be administered by the office of transportation. I can accept the a-boards with Enforcement. But they should be as small as possible, stick with the six square feet. Don't go to the eight. The -- if portable signs are going to be allowed perhaps they should be restricted to some zones instead of all zones. We don't need them to proliferate, for example, 82nd avenue, where they're designed for the drivers of cars to look at them. They should be designed for pedestrians to know what they're looking for. If they are allowed on private property, under the new provisions, the sign area should be counted in the total site signage area. And some commercial location that's would put up an a hood river board have adjacent to their property some vacant space That they could put an a-board on and get it on their own private property. Allocations wouldn't have to have it out in the public right of way because not only stores are right up abutting against the sidewalk. And -- in residential areas, home businesses are presumably allowed to have a one square foot sign on their building or on the house. But that means nothing. Because they can have the lawn sign out in front of their house of three square feet. They could have two lawn signs. They could have three or five, was there's no limit on the line sawn -- lawn sign quantity that can be allowed on a front yard. The current law and this proposed law prohibits strobe lights. But there are other flashing lights that are not true strobe lights. I think the language should be modified to include many flashing or blinking lights visible from the public right of way. Balloon signs will be limited, but there's no limit on a balloon which doesn't have words on it. A balloon is not a sign if it doesn't have words on it. That's like car dealers use the balloons to try to tell you that they're there. Sky dancers. These fabric things that a fan blows air up into, these are not restricted. They should be. I'll close with that.

Jerry Hanson: 3204 SE Woodward, 97202. Can you help me run the slides here a moment? Thank you. I have some slides. Could you stay and help me run the slides?

Hanson: I'm jerry hanson, a private citizen in the richmond neighborhood. There's much to say about the ugliness that's -- some businesses have laid on this community with their billboards. Utility pole signs, bench signs and sidewalk signs. In addition to being ugly, they're a hazard. They take driver's attentions away from the road, endangering other drivers, bicyclists and pedestrians. I'm all three and I know if a Driver is distracted into my path as a -- into my path, as a cyclist or pedestrian, i'm going to be on the losing end. I'm going to argue that citizen safety is -- trumps commerce any day of the week here. So anything you can do with this proposed signs 2000 project to eliminate signs has my strong vote. I'd like to focus on a subset of signs and take you around town on a visual tour. Imagine as you walk -- watch these slides that these sidewalks are congested or that you're in a wheelchair or that you're visually impaired. I'm certain the americans with disabilities act is not permit a sign to sit in the middle of a sidewalk. If it hasn't been already addressed, i'd recommend that someone on your staff, ada Specialist, take a look at what's going on with your project here and report to you. Next slide. Here's a sidewalk that's an obstacle course even for those who can walk. If you're walking down the street with a white cane or in your wheelchair, this is an impossible street. Next slide. Note the chain on this slide. You currently have regulations in title 17 that prohibit attaching signs to posts. I encourage you to reference and strengthen if necessary that provision in title 32 to make it perfectly clear that this is an illegal act. Next slide. Note the thick cable attached to the iron work around this tree. I'm not sure this is actually prohibited, but it ought to be. This sign presents a less obvious problem to those of us who can walk. But imagine how this sign bench presents a problem to folks in wheelchairs or to those who are visually impaired when a bus stops at the line. Once -- what's a person supposed to do if you're in that condition? Here's a sign bench that sits directly in front of the pedestrian flow. Here's an unnecessary sign bench in the back blocking flow of pedestrian traffic. I would argue the main beneficiaries of sign benches are for those who put them up and not those who come along and wait

for business. These sign benches are often redundant, they're always in the open, which means they're always in the wind and you're always Getting wet. And they're often placed without regard to provisions of the Americans with Disabilities Act. Okay. Here's another sign, we don't have time to go into it today. I'm going to leave you with a short poem. I'm a volunteer leader for the Friends of Trees and I've had a couple of you on my crews over the years. My poem is, I think I shall never see signs as pretty as my trees. And if these signs will never fall, we may not see our trees at all.

Tom O'Keefe, United Citizens Action Network: Tom O'Keefe. Great video by a citizen. This is like sign, sign, everybody wants a sign. The signs he showed and I will talk about the newspaper racks, it is against law to attach anything to public or private property, especially news racks. They used to use chain until I told them I'll cut those chains and they're now using all coated cable, because it was causing damage. And they don't do it to trees, there are new kids on the block that have come in town and put racks in. That are chaining to trees. And I have a concern when we make exemptions to different corporations such as newspapers, and allow them to break the law, but then we want to get down on others that want to attach to public property also. And so that needs to be addressed. Also when it comes to A-boards, I don't like them at all. I don't like any signage, so I know the right -- I know it has a right to be there. Last time I talked about signage was several months ago. Warning you, you're going to find trouble when it came to those video signs. And of course you did. Some of the A-sign resist big problems. I think we should -- you have the authority to increase fees, make the fees as high as you can, because it will discourage signage and A-boards, and we must remember, other businesses such as tobacco companies, you see these camel filters, camel cigarette signs, they pay those owners \$2,000 a year to place that sign in public right of way. And to me, that should be illegal, and not allowed. And any signage that is Advertising products that are illegal to people under the age of 21 should be considered to be wanted -- banned, such as tobacco, alcohol, lottery. And I would be concerned about all those. Especially corporations such as tobacco corporations approaching small business owners and saying, listen, I'll give you \$2,000 to put this big camel filter sign out on that sidewalk. And I'll give it to you every year. And they do. And to me I have a problem with that. And so I have a problem with any of the advertising, but I also know the freedom of speech rights.

Steve Beck, BOEK Manufacturing: 1924 SE 139th, 97233. I'm Steve Beck with BOEK Manufacturing, banners of every kind. I thank you for the opportunity to address you all today. I appreciate the work that's been done on this draft. It's drastically improved over the original ones, and I'm thankful I can put a banner up on my son's house to wish him a happy anniversary and don't have to get a permit to do it. There's just a couple of areas that I would like to address. One, it does pertain to -- per feign to the portable signs, portable freestanding. We specialize in signage for special events. On the rental administration portion it does specify the location of where the sign is supposed to be used. For some of my customers that use these signs, they may use a sign per day, several different locations during the course of the year, and the \$35 that they had to register for each particular location, could get a little much for them. A lot of the signs are merely directional signs which are very important to the success of any special event, sharing with people where to park, where the restrooms are, those type of things that are essential needs which -- whether we like signs or not, we're all dependent upon them. So I would like to suggest that the -- possibly it may be restrictive with regard to the registration. Also with regards to the number of signs that the -- of that type of sign that this would impact, I think it is much higher than what we realize. I did call to find out whether the photo inventory was made, which the -- a lot of the numbers of signs this would impact would be based on. I was told that inventory was taken in January. Well, in our industry January is probably the slowest month for outdoor, especially your portable signage, your spring and summer months where you have your summer events, outdoor activities, is really the peak of impact for that type of signs and I think it would be much more realistic to look at figures with regards to how much revenue that would bring in from the peak months if you're signing -- registering your

zones for -- signs for a two-year period rather than the slowest month of the year. I would also like to mention the -- that we don't deal with them at all, the video signs. I think what's more important than the signage personally is

The brightness and intensity of those signs. We have in the recommended draft, the strobe lights are illegal, yet some of those video signs, if you can imagine turning your tv set on and turning up the brightness all the way, and sitting in front of it, where it's flashing -- a lot of the signs should have some type of a control which adjusts that brightness and intensity based on the amount of existing light, in the daytime you're need more intensity coming out of the signs than you do at nighttime.

We have one of those signs close to where I live, and it's so bright at night sometimes, it's like a strobe blasting in your face, it's 122nd and division. I think that would be very -- I think that play as more significant factor than the overall square footage of the sign, is how bright those signs are allowed to be at nighttime and how distracting. One last point in the provision here, we do a lot of signs with regards to parking lots, shopping malls, and I don't think those are adequately addressed.

Alex Pierce: I'm alex pierce. A long history of sign regulations has not succeeded in quelling advertising. Regulations and administrations alone cannot produce good signage, they can only limit the amount of bad signage. Changing image signs. We -- legalizing changing image signs a long-time prohibition in the Portland sign regulations with the exception of a few time and temperature signs, and a distraction to the motoring Public is unacceptable. The state of Oregon has been asked to modify regulations where state highways and to date this has not happened and is strongly resisted by those administering the regulations. If Portland's time and temperature signs are a precedent to considering new allowances, prohibit the time and temperature signs to be code assistant. It is believed once the doors open and changing image signs are allowed, even in the most modest scale, it will not be long until more and more relaxation will be given to their containment. Public rights of way. The public right of way has been gradually transformed into private property rights by the continuing allowance of merchandised dining portable Signs, real estate signs, political sciences, and overhanging signs to proliferate this domain. There's been virtually no administration of a legal -- illegal signs by the Portland office of transportation, and it's expected that this attitude will continue. It is not in the public interest to allow these encroachments of public right of way in a -- and a firm stabbed should be taken to now make the right of way inviolate to commercial advertising.

Subjective words. One of the difficulties of legal writing so -- is to distinctly qualify restrictive conditions. The use of well maintained, attractive community, positive conditions, avoiding nuisances, desired character, adequate and effective signs, dominating and Adequate visibility or -- are all extremely subjective words and lead to the obsess indication so prevalent in the current regulation. Such wording should be avoided. Design overlay zones. Portland's design zones currently require approval by the design committee. Portland planning commission. For signs in that area. However, for years this requirement has been ignored and signs have been placed without the benefit of review. A good example being one of the main entrances to downtown at the west end of the morrison bridge which is in a design zone. Why does this persist? The display of commercial advertising many times is a greater impact upon public spaces than the surrounding Buildings which have been subject to extensive review before a approval by the design committee. A sign 3,000 square feet or greater can be displayed without permit on the inside of a show room window. But a sign on the exterior of the same show window must have a permit. It cannot be greater than 200 square feet if no other building signs are displayed on the same frontage. What manner of thinking created this? Illegal signs should be defined as those signs not conforming to regulations that -- at the time of installation and not having permits. Illegal signs should be required A quick removal and never, never grand fathered as continually occurs with this council. An amortization schedule should be enacted to remove nonconforming signs if Portland's ambience is ever to be improved.

Katz: Your time is up. **Pierce:** Some people have spoken ten minutes, mayor. **Katz:** No, alex.

Pierce: I've timed them. **Katz:** Do you want -- **Pierce:** I'm almost through. **Katz:** Nobody

spoke for ten minutes unless there were questions. **Pierce:** Well, the first group. May I have just a couple more? I'm almost through.

Katz: You can have 30 seconds. Finish it up. I must leave now. There may be other people to testify, but I think what I'd like the council to share with Margaret and Kermit and Stevie and Jeff and Gil, who's probably at impact right now, your areas where you would like for them to explain further what the history has been. A lot of that you may want to do today. Otherwise you may want to wait. I've got my list, Stevie let's get that on from -- for Monday. And we'll try to bring you back, Commissioner Hales, in three weeks. I think we've got a heavy planning agenda in the next two weeks, so is three weeks -- I have to tell you, I'm not terribly supportive of having you come back and work with the whole real estate industry after we finish all of this. So we need to figure out some other way of getting to their issues if the council is interested in getting to them within the three weeks. You've been working on this for a very, very long time. But if the council is interested in addressing some of those issues, then we may want to do that within the three weeks.

Hales: I think some of it might be relatively simple. I'm persuaded we ought to think about some options with the smaller real estate signs, some kind of temporary provision that says fine, do that, we don't need to register your a-board if you're using it on a temporary basis and once again we've got to figure out what temporary is, but I think we can do that. This last point about -- I guess I'm interested in a code that is clear and enforceable and where we've closed the loopholes to the best that we can see them. I think Alex Pierce may have just mentioned one, which is if it's a huge sign inside the plate glass of a building, yes, it is, so let's get it that one -- at that one if we haven't. I'm not sure if that's in the code.

Katz: That's a whole other issue that I've been screaming about. We talk about pedestrian places and open windows so you can see through, and 90% of them are closed off with signs. So you are absolutely right.

Hales: And then the commercial real estate signs, I think we have to come up with something clear. I don't know if 120 days is right, so I'm interested in looking at some options there that let normal operation of commercial real estate signage go on without creating a completely open-ended temporary, nontemporary, temporary sign. So those are three areas I'd like to see some work done.

Katz: A lot of issues were raised. You might want to cover them now before you get to Piliac, or you might want to wait. Is there anybody else who wants to testify on this? Okay. Council, before I leave, do you want to have them come back and clarify some of the issues that were raised, or you'd rather meet with them or -- and have a discussion on this?

Sten: It's up to you guys. Right now that wouldn't work too hard for my vote.

Hales: My suggestion is -- [laughter] we'll take you up on that, Erik. My suggestion is if you've got a couple things like I blurted out where this they brought back a proposal and we could adopt it, we could be done with it, I'm real interested, I know the staff is. So if you're close, you know, then --

Katz: Dan why don't you flag some issues you want them, and I have a very few, but I'm almost to the point where keep them illegal. On the a-boards. But you -- you're going to have to discussion that with me.

Saltzman: I'm probably not too far from that school of thought. Nevertheless, for the sake of moving ahead, something that's been started before I came here and hopefully reaching a conclusion, talking about flagging issues, I guess the first issue was the whole issue of what's a flag. I think that's a legitimate issue we need to look at. I think we do need to look at some sort of, maybe the Wilsonville approach for real estate signs, open house -- it seems kind of -- the whole idea these signs are excluded from residential zones defeats the whole purpose of what they're all about, and I think there needs to be something looked at on the open house issue. The Hillsdale issue about perhaps exemption in a town center for the a-boards, something I'd like to see looked at. I do believe the 120-day limit, maybe we should look at 180 days, renewable twice. And then also something in terms of the -- for the freestanding signs, the same sort of frontage requirement, they can have at

November 29, 2000

least one sign per major road frontage. And the whole issue about the 32 square foot sides limit with respect to visibility of these signs from freeways and things like that, taking into account some of the visibility standards that were brought to our attention. I guess those are some of the issues I felt. I also thought I guess it was maybe bill reed had an interesting idea, that is rather than simply cite illegal signs f. We decide to make -- if we decide to make signs legal, and there are ones put illegally, maybe we can impound them rather than go through a citation process. I know odot does a pretty good job of that with illegal political science during the political season. They don't write tickets, they just take the signs down. Maybe we should consider the same sort of enforcement option.

Hales: You just know this from observation, not experience?

Saltzman: I just heard about that, yeah. [laughter]

Sten: I guess the question for you and mayor Katz, if you want to break some of these up, i'm perfectly satisfied to consolidate this all into one code. That makes clear sense to me. I think the electronic sign change makes a lot of sense to me, it gets at the issue I had, i'm comfortable to ban the moving the tv signs, but I like having clock and temperature signs and i'm comfortable with that proposal. On the a-board sign i'm not comfortable with the free structure. It's a hard thing to say, but I think the current system is better, where it's illegal but we only enforce it when we need to. It gives hillsdale what they need, and allows people to do what they want. It's terrible to say I think that works, because you're saying something is illegal and we don't enforce it, but that's the reality of all our regulations. They're complaint driven, and I think the current system is better than everybody's sending in 35 bucks to make something legal, and the folks in hills day who have organized against it have nothing to do about it. Places where there's no complaint, fine. So that's on that piece. Banners, the issue on banners is really for me, the ban on painted walls is essentially an aesthetic issue that i've consistently for several years, I prefer having large advertisements and large murals to having no advertisements and no murals, and that's simply taste. And most people disagree, but I like the big murals and i'm not as bothers -- bothered by the big painted advertisements to the point I want to get rid of both. So i've been on the minority on that. You don't have to worry about it, it's going to stay the city's policy that they're banned. I'm -- I see banners the same way. The problem i've got is these are wrapped up in a package, and that's why i'm a no vote on the package. But there are pieces of this, and I very much respect all the work all of you have done in -- on this in the industry, and our staff has worked their tail off, and I appreciate it and recognize it. I just have aesthetic in practical differences with the package. It's sort of long standing, it's not something that just came up today.

Hales: That will close this hearing, then, and we'll --

Saltzman: We'll move on to our piiac case.

Olson: I need to read the other two items. We should set a date. The only time I have available is if you want an afternoon, would be december 27th at 2:00 or december 28th at 2:00. The rest of the month is heavily taken up. The morning of the 20th? I have hour, maybe two-hour item. Do you want the morning of the 20th, then?

Hales: We're going to have a big night that night too. Let's tentatively schedule it for the morning of the 20th, but what we'll have to do is see if we can break this down into an action chart the council can move swiftly through, and if we can't we'll punt to january.

Saltzman: Have you two other items to read?

Olson: They also go to second reading.

Saltzman: Thank you, everybody. And thank you starve. And let's move on now and I guess read the piiac case.

Item 1739.

Mike Hess, Police Internal Investigations Auditing Committee (PIIAC) Examiner: I'm mike hess from the mayor's office. Piiac examiner. Thank you for hearing this case today. We have with us

November 29, 2000

captain bret smith from iad and sergeant steve boetcher from iad. The citizen who will be presenting this case is -- is our advise chair, denise stone, and we also have two other citizen advisors who are here with us today, robert wells and Shirley carl. And the appellant and his son are both here as well. So i'll turn it over to denise, if that's okay.

Saltzman: Go ahead.

Denise Stone, Vice Chair, PIIAC: Hi. My name is denise stone, the vice chair for the citizen advisors to the police internal investigations auditing committee. I'm going to give you information about this case that I audited several months ago. I'll summarize the incident, then outline the allegations and their classifications by internal affairs. I'll give you a brief analysis of the internal affairs investigation and then i'll detail my recommendations and why I made those recommendations. To summarize the incident, i'll Say on january 22nd of 1998, the appellant's son and some of his friends attend add basketball game at cleveland high school. The appellant's son was a student at benson high school. At the time, that night cleveland was playing a playoff basketball game against benson. The -- according to the appellant, the officers involved in the incident and several witnesses, the school gymnasium was very full. So therefore the son and the friends, the appellant son and the friends of his sat in the cleveland section of the game of the gymnasium. According to school officials, cleveland practices an unwritten rule separating the spectators by school filiation by -- the appellant's son and his friends were asked by school officials to move to the cleveland section of the gymnasium. According to the same school officials, the appellants refused to move. When the appellant's son didn't move, the assistant vice principal asked for a Portland police officer to assist in the incident. There was a heated verbal exchange between the officer and the appellant's son. Ultimately the officer moved out of the gymnasium and requested the backup of an additional officer. Again, the appellant son didn't move. While waiting for the backup officer to arrive, the officer which i'll call officer b, sought out the school officials in to identify the appellant's son. The -- the school administrators had asked that the officer let the school handle the situation as a disciplinary issue. However, ultimately the cleveland principal expressed concern over the rowdy behavior of the appellant's son and requested that the officer stay into the -- until the end of the game to make sure there wasn't any trouble. When the backup officer, officer a arrived, he suggested to officer b that they wait to approach the appellant. After the game, after the crowd dispersed. So when the basketball game ended, the appellant's son and his friends walked out of the gym and into the direction of the officer b. At that point officer b had a heated verbal exchange with the appellant over whether the appellant was -- appellant's son was required to show identification. Officer at that point intervened, telling the appellant he may be -- the appellant's son he may be charged with disorderly conduct and therefore was required to show the officers his identification. When the appellant's son didn't produce his identification, officer a arrested him. During the arrest, officer a turned to the -- turned the son into a wall to handcuff him. He was taken to the police car, the contents of his pockets were emptied onto the ground and he was pressed into the back seat of the car and taken to the southeast precinct. Ultimately he was charged with disorderly conduct and later a juvenile district attorney added the charge of harassment. At the precinct the appellant's son was held in handcuffs in a holding room while officer a completed the reports, conducted the family and prepared to transport him to the juvenile justice center. He was held at the southeast precinct for four hours and 18 minutes. Ultimately he was released to the appellant at the juvenile justice center. That's basically a summary of the incident and now i'm going to give you a summary of the appellant's complaints and how those were categorized by internal affairs. The appellant's complaint was multifaceted. He did not witness the incident himself. He received -- from his son in -- and several witnesses. The appellant alleged officer a used excessive force when forcing the son in custody following the basketball game, the appellant also alleged officer a used profanity towards his son while he was detained. Also the appellant alleged officer a failed to identify himself. And also the appellant claimed his son was held in custody for an excessive amount of time and the

appellant alleged the lock pick his son was accused of having in his possession at the time of the arrest did not belong to his son. These complaints were classified by internal affairs as communication with regard to profanity, use of force with regard to the excessive force allegation, and procedure which with regard to the identification the time the appellant's son was held in custody and the property allegation. I know you have copies of my report so you can see the additional information that was in the internal affairs file, it's very, very complete file. So now I'm going to give you an analysis, a brief analysis of my thoughts about the internal affairs investigation. First I'd like to say the internal affairs file was very complete. If you look at my list of the contents of the file you see it is very complete. There were tape recorded interviews of the appellant's son, and several witnesses to the incident. Also all of those tape recordings were clearly labeled and each had a typewritten narrative to go along with the tape recorded interviews. There were three internal affairs officers that participated in the investigation. Their witness selection seemed very thorough and balanced. As I said, the appellant, his son and several other people gave statements. They included benson high school's principal, benson high school's vice principal and assistant coach, cleveland's principal, a friend and her mother and the appellant's other son. I noticed during the -- during my audit of this investigation that the investigators gave each witness ample opportunity to explain their versions of the incident. Also I would want to say that there was -- there were a couple of inconsistencies I found in the file. First I would say that there was -- there seems to be an inconsistency in which the time involved, in which the time that the appellant's son was at the holding -- in holding at the southeast precinct, he gave some reasons for this length of time being that he held the appellant's son -- they sort of conflicted with each other in that at one point he said that there was a problem with the time code monitor and at one point he said in was a lot of phone calls and this and that. I do believe the inconsistencies in time still favor the fact that the time limit was a five-hour time frame in which the son was -- in which a juvenile is allowed to be held and he was held under that time frame. There was another inconsistency found in that concerning a lock pick that the appellant's son was alleged to have had on his possession. But I guess I won't go into that in too much of detail because since that -- since the time of this investigation, that portion of the -- of this complaint was bifurcate and reinvestigated by internal affairs. I think that means that's not part of this issue any longer. It's possibly kept in -- mike hess can possibly attest to that in more detail. Since that time that has been reinvestigated.

Sten: Denise, that was your recommendation that it be reinvestigated?

Stone: Yes, it was.

Saltzman: The piii citizen advisors, wasn't that their recommendation?

Stone: Yes. That was all of our recommendation. I was a unanimous recommendation to reinvestigate that portion of this.

Sten: I meant all of you.

Stone: I know. Also, there is the issue of timeliness, and I know that you probably get sick of hearing us talk about timeliness. I think there have been some changes made in internal affairs that will affect that, and will affect the timeliness issue in the future. I would say, though, in this respect, because this one -- this is one of the complaints that the appellant had made about this whole incident, is the time involved here. This investigation took nearly 20 months between the initial complaint and the final disposition. The appellant's son and most of the witnesses were interviewed seven to eight months after the initial incident occurred. One interview was conducted on -- in august of 1998 at the interview -- yet the interview was not transcribed until august of 1999. By the time they -- the internal affairs began its investigation, officer b, who was really a key witness, had retired and there was no indication in the internal affairs file that he was approached to approach concerning an interview. He played a key role in this. He could have been asked to make a statement, although not required. At any rate, the delays in -- the delays such as this really compromise the ability of investigators to attain -- to obtain accurate and detailed information, and

November 29, 2000

would I want to include in this that a statement that was made by one internal affairs investigator that corroborates this and that he said it should be noted that my review of the necessity of any reinterview was tempered with the thought that this event occurred in January of 1998, nearly 22 months ago from the time this was written. So I think that we all feel the pressure, and it's really not fair to the citizens to ask them to wait like this and compromise the investigations. Finally, another ongoing monitoring issue that I'll just bring up briefly is the clarity of letters of disposition. This particular letter of disposition had some very strong points, and the -- and some weaknesses, and I think we need to work to getting these very clear to the citizens involved so they understand what the disposition is of their complaint. That's why they're there. This particular letter of disposition, it was good in that it -- each allegation is referenced along with its disposition and the dispositions are defined very well for the appellant. However, there was some confusion in the disposition letter in that it states that internal affairs officers conducted the investigation and it follows with the completed investigation being forwarded to Commander Grubbs of Southeast Precinct for a finding, then the letter mentions the review level committee recommendations without defining what that committee is, why they became involved and how the complaint moved to the review level committee. Additionally the letter states that the review level committee recommended sustaining allegations of misconduct for a violation of General Order 315.20, unsatisfactory performance against Officer A. This is a very ambiguous statement in that it doesn't explain what the general order is, what the allegation is that's being sustained and essentially not even what sustaining means and how that affects this complaint. Could this letter -- this letter could have gotten along further and clearly stating what the investigative process was and defining the investigation and these -- I firmly believe it should be in the terms that citizens can understand. Okay. So now I'm going to give you just a summary of what my recommendations are and I'll explain to you why I made those recommendations. With regard to communication, I affirmed the finding of insufficient evidence regarding the complaint that Officer A used profanity. I affirmed that because the finding of insufficient evidence means that there is not enough evidence to prove or disprove the allegations. In this particular case, there were conflicting statements made by witnesses as to the use of profanity. I believe insufficient evidence is an appropriate finding here as there were two witnesses who stated there was use of profanity by both the officers and the appellant son and two witnesses who state there was no use of profanity, and three school officials who said that profanity was used exclusively by the appellant's son. I think this is the perfect example of insufficient evidence. With regard to use of force, will the use of force allegation, I affirm the finding of exonerated regarding the complaint that Officer A used excessive force during the arrest. The investigation indicated that the appellant's son was not cooperative to the extent of being verbally and physically belligerent during his arrest. According to the interviews, some -- several of the witnesses corroborated this implication. Officer A's actions appear to be within the guidelines of your policy and procedure set forth by the general orders. Which cover use of force and excessive use of force. Regarding the allegation of procedure, I affirm the finding of insufficient evidence regarding the allegation that Officer A did not identify himself to appellant's son during the incident there. Were conflicting statements again made by witnesses of the incident as to whether or not the officer identified himself. Of course the officer said he did, and the appellant's son said he didn't. Again, I think this is a perfect example of the finding of insufficient evidence. Also regarding procedure, I affirm the finding exonerated regarding the allegation that Officer A held the appellant's son in custody for an excessive amount of time. According to the ordinance that's ORS 4019 -- which covers the holding of juveniles in custody, officers are allowed five -- allowed up to five hours and although this is close, the appellant's son was held for four hours and 18 minutes. And then the allegation of procedure regarding the lock pick, this is the allegation of which I recommended this case be returned to internal affairs to readdress this -- readdress an -- and investigate this portion of the appellant's complaint. The appellant's complaint initially was not lodged correctly by internal affairs.

November 29, 2000

His complaint was that the -- his allegation was that the lock pick did into the exist, and -- did not exist, and intern natural affairs treated it as a missing piece of evidence. Again, the internal affairs Department has reinvestigated that, and has -- have made a finding on that. That was again, that was something that will the citizen advisors unanimously asked internal affairs to reinvestigate, and they have. And then of course I added a timeliness issue here, because I think there's no excuse for this kind of delay. It's not good for anybody filing a complaint against the Portland police bureau. And I asked that the internal affairs division look at this case closely and provide an outline to the citizen advisors and the appellant and the appellant's son as to why this took so long. This was one of the chief complaints the appellant initially made to us, that this thing took so long. Internal affairs did do that, they provided an outline, the citizen advisors unanimously asked that the internal affairs do this and on July 30th they d I guess I would just want to say in closing before the appellant speaks or you speak, that according to the appellant's appeal to ppiac, he's seeking some changes to the complaint system, stating essentially that the complaint process is convoluted and it's close to the very citizens who have lodged the complaints, and I personally would tend to agree with this assessment. However I just want to remind you my role as ppiac citizen advisor is to review the internal affairs investigative process and assess its thorough timeliness. It's not up to me to decide whether this was a warranted arrest or whether or not the --

Hales: Any questions?

Saltzman: Do we have a copy of that outline in our packet? I don't know that we do.

Hales: I'd be interested in seeing that too.

Stone: Actually, I had it and I lost it, and I got it back today.

Hales: This is the accounting of the timetable of what happened when. I'll just pass it down.

Saltzman: Any questions for ms. Stone? Let's hear from the appellant. Is ten minutes a sufficient amount of time?

Mills: I've waited three years, so --

Saltzman: Let's start with ten and see how it goes. Thanks.

Larry Mills: Fair enough. My name is Larry Mills, I reside 1406 North Winchel. I'm going to read a statement here and I want to refer to some questions I have. I included that with what I passed around and that was basically my prepared statement for the ppiac citizen advisory meeting. I'm kind of disappointed the mayor couldn't be here, although she was at that one, so was Commissioner Saltzman. On January 22nd, 1998, an incident occurred at Cleveland High School. Again, I say January 22nd, 1998. My son Cole, his brother and friends were attending a basketball game, school district administrators, fearing potential -- told his friends he must move to the other side of the gym. They were sited -- seated on the Cleveland home side of the gym.

Ed the administrator informed them that was a rule that visitors could not sit on the homicide of the gym. Cole and the others resisted the request, the administrator requested officer to intervene. It went downhill from there. Cole and the others were allowed to move to the other -- to the visitors side of the gym. After the game, officers A and B could be fronted my son as he left the game. They asked to see my son's i.d. He asked why he was being stopped. Officer B using a great deal of profanity, said he would be asking the questions. Cole informed the officer he felt he had the right to ask that question. Officer A and B told him to keep his mouth shut or he was going to jail. Cole's last request before being slammed into the brick wall at the school was requesting their names and badge numbers. By the way, that is something I have requested of all three of my sons in the event something like this occurs. Cole was handcuffed and escorted to the property car. On the way to the precinct, officer A produced a lock picking device and asked Cole why he had this in his possession. He also informed Cole that it was a class B felony to possess such a device. Cole informed officer A that the device wasn't his. In fact he didn't even know what it was. The remainder of the time in custody Cole remained handcuffed, he was finally delivered to the juvenile authorities four hours and 18 minutes from the time of his arrest. Over the next couple of weeks my

November 29, 2000

wife and I contemplated a course of action. We decided to explore legal options. It soon became obvious a suit would be very expensive. Reluctantly we decided against that option. In late June 1998 I filed a complaint with IAD. Over two years later, with several prods from the mayor's office, with the involvement of three different investigators, we got the results. The investigation was divided into three areas. Use of force, communication and procedure. Officer A was exonerated on the charge of excessive use of force. Regarding communication, the finding was insufficient evidence. By the way, you might be wondering what happened to officer B. By this time he'd retired. Now something very interesting occurs. There was a sustained finding regarding procedure. The only procedure -- the only problem is the finding did not reflect the intent of my initial complaint. IAD determined officer A mishandled evidence, therefore property belonging to my son, the lock pick never belonged to my son. My complaint implied that officer A attempted to plant evidence. That's a far cry from losing evidence. To lose evidence is a reprimand. To plant evidence ends a career. There's a huge difference here. PIIAC recommended this issue be referred back to IAD for further investigation. The action took place on July -- that action took place July 12th, 2000. It is now late November and I've heard absolutely nothing. I should put a note here, I did hear just this evening that apparently they had some resolution of that in August, but I heard nothing of that. My prepared statement of July 12th, 2000, before the PIIAC citizen advisory board more specifically outlines my concern. Both my son and I are weary of this process. I know that some of you might wonder why I pushed this issue this far. To me it's obvious. The present system simply does not work. It has been almost three years since my -- since this incident occurred. Cole is now a junior at Reed College. For IAD to take three years to investigate a citizen complaint is beyond absurd. I believe in accountability. I believe in checks and balances. The present system will never correct these investigative problems. Of course I've been watching the paper regarding proposed changes, regarding proposed changes on IAD review. Unless you have a system in place to hold IAD's feet to the fire, you can expect more of the same. During the PIIAC meeting a member asked why I wanted -- what I wanted out of this process. One of the people asked me that at that meeting. My answer was simple -- I want an apology for my son. I also believe strongly that this arrest should be expunged from police files. We all know it's on a computer. This is my concern. Let's say that my son is stopped for a traffic infraction. Will the officer ask to see his license. He or she goes back to the patrol car and pulls his name -- pulls his name on the computer. My strong feeling is that when that officer returns to my son's car, he or she will be in a much different frame of mind. Actually that happened to Cole about a month after the incident. If an officer -- if an officer is overzealous, as I believe these officers were, there is potential for a real problem. This really concerns me. Some may postulate I am simply down on police. That's not true. I do believe in accountability and fairness. I do believe in that. In this case it is sorely missing. Finally I'd like to extend my appreciation for your time and patience in listening to me. By the way, one thing I wanted to add, the testimony that Ms. Stone I believe it is made just before that, has some things that I just learned in coming here, very different from when the PIIAC committee meeting was held. I've never heard anything, my wife and I have never heard anything from the district attorney's office, from the juvenile authorities, from Portland police. It's like the incident never occurred. So if he's been charged with something, correct me if I'm wrong, but I would feel I would hear something from somebody about this. Nothing. Ever. So I'm really concerned about that. I'm concerned about the fact he's driving around and he's got his name on a police record that reflects the fact that it comes across as him being a violent person. He's a big guy, but he's not a violent guy. I think my son has some comments too. If there's any questions, I'd like to refer to some of these questions I brought up in my PIIAC.

Cole Mills: My name is Cole Mills. I also reside at 1406 North Winchel. First I wrote a few words, but in listening to the report, I do believe there was some change made. I don't know if -- I believe it was recorded at the PIIAC committee what happened, and I think it would be kind of interesting to

November 29, 2000

see what was changed as far as what the findings were and just the overall incident. I don't know if I -- I don't believe I have to -- the time to go through the incident once again from my personal account. But some major things I believe were different, one being the issue of where I could sit in the gym. I was never belligerent to my vice principal. The person that initially asked me to move was my vice principal from Benson High School. I merely asked her if I could see the rule that stated I couldn't sit anywhere in the gym, and if that's being belligerent, maybe I think they maybe need to reevaluate what belligerent is. Beyond that, while leaving the gym, when I was asked to show my i.d., I did so, because when I was arrested the officer b, I believe, was holding my i.d. So if I was resisting any -- in any way, I don't see where that occurred. I was merely asking him what the purpose of my being questioned was. He didn't like that too well. And I guess I'll just give -- read off what I wrote. While reading the audit report concerning the incident which happened on January 22nd, 1998, I came across a plethora of statements which weren't accurate. This was extremely disheartening in and I had planned to come here today with a list of contradiction to what actually happened. I wanted the truth to be hold for the -- told for the last time and be done with the situation. While writing about what did happen, I came to the realization this would boil down into another my word versus the Portland police bureau situation. A situation that proved unbeneficial in the first attempt in that the police involvement never properly reprimanded for their actions. This being the case I decided to move on from the actual account of the evening and focus my attention on how it may be avoided in the future. In discussing why this should never have happened I'm forced to look at age as a factor and how the police department deals with youth throughout the city. I've grown up in a tough neighborhood, one that has a number of officers who are feared by the youth simply due to their reputation. These are individuals who have made a name for themselves because of their harsh treatment of teenagers at night at the wrong place at the wrong time. This taught me to not always trust what an officer's intention might be. On the night of the incident there was a classic abuse of power. These officers saw a smart Alec teenager and they were going to make an example of him for the rest of the teens in the area. When the major problem for myself is in the fact this incident would never have happened if the individual involved would have been a 30-year-old, somebody older. This happened only because the officers saw me as a simple minded teen, one who would take what was dealt out and walk away for fear of causing more trouble. They were well aware of the validity -- that the validity of what a 17-year-old has to say about the Portland police bureau and their actions is going to be far weaker than anything they say. It is common that anything -- that a teen's opinion is not going to be looked upon in an impartial way, rather a heavy bias is going to be placed on youth. I have been raised with strong more or less and honesty is one of those instilled within me. And when in my mind honesty is questioned in compared with someone else's, it leaves a bad taste in my mouth. Moving on, the way the incident was dealt with, once it was turned over to internal affairs is appalling. I'm willing to accept people trying to be thorough, but two years is ludicrous. I truly believe the internal affairs department tried to frustrate my father and myself to the point of giving up and I thank him for having the patience to wait this thing out. We always hear of how law enforcement is moving along and how the police department is becoming more proficient. But this has changed my perception of those advancements. This was dealt with in such a backward way that it's impossible for me to believe those involved were dog so in a fair and impartial way. They were dragging this thing out hoping we would just let the situation go and move on with our lives.

Saltzman: Are you close to being finished?

Cole Mills: Yeah. Looking to the future, as it stand now, things look very bleak. I'm not -- I'm mentally and emotionally damaged. When I know there's no one out there for the public. When the police go beyond what is reasonable and they have nowhere to turn it upsets me.

We need a neutral body to deal with these situations. I know these officers were well out of line. They took a situation out of hand and they abused their authority. And until any of our -- any of you

experience it firsthand you'll never fully understand why i'm so adamant. You begin to feel like there's nowhere to turn if you're in trouble. Because the police are no better than the criminal. In closing, I remember receiving a sticker from officer friendly, my fifth grade classroom, the sticker was from the Portland police bureau and it had on it, to protect and serve. I truly believe this statement needs to be reexamined. Thank you.

Hales: I have some questions. I'm still unclear on some of this, and obviously i'll give the police bureau a chance to talk about it. The charge for which you were arrested was disorderly conduct?

Cole Mills: I have no idea. I was never told.

Larry Mills: That's what i've been told.

Hales: But there was this question about this lock pick that -- and I guess I want you to explain to us, was this lock pick yours?

Cole Mills: No, sir. When I was reprimanded they cuffed me and carried me from the -- we were on an upper level patio area in the cleveland -- as you leave the gym, they carried me down the stairs, kind of drug me to the car, slammed me into the car and at that time took everything out of my pocket and threw it on the ground. When he threw me in the car and when he picked up all my things off the ground he set them in the front seat, and when we were traveling through -- to the southeast precinct, nothing was ever said of it. And right as we were pulling up he says to me, he holds up this lock pick, whatever it may be and he says, this is a class b felony. And I said this, is not mine. I don't know what it is. And when we -- he took me inside to the -- I guess the interrogation room, I don't know what it exactly was, we were sitting there, because they couldn't put me in the holding cell, because there was an adult there, I don't know exactly why, at that point officer every a and B were both in the room. Officer b was -- I was cuffed behind the chair. Officer b is screaming me up one side and down the other about how I need to learn to shut up when it's time to shut up and not -- pretty much take what they have to say. At that time officer a was looking through my wallet, what I had, what I didn't have, my keys, I had a few dollars, things like that, and the lock pick disappeared. It was never said of again, it was, you know, I don't know what happened to it, but it was never spoken of again once we left that room.

Sten: Can I ask one clarifying question? Is it your understanding, because I agree the letter is not clear that the allegation was about the lock pick.

Larry Mills: Can I respond to that? My understanding in what we really -- what was flushed out at the piac meeting was I didn't really understand what the sustained reading was, because all it is is sustained general order, and I don't know what that's all about. And they basically said they sustained the allegation that I had made that they -- he had improperly cared for or dealt with police evidence and that the lock pick belonged to my son, and that it had been lost by the police officer. And I said no, you got it all wrong. And I said what I really was filing a complaint was, as I stated --

Sten: I'll clarify that with captain smith. I guess your appeal, I want to make sure i'm on -- i'm tracking what you're asking us for, it seems to me to be on two separate issues. One is that the way this was handled, in a timely -- untimely manner is just unacceptable. And I think -- I tend to agree with that. We need to hear from the police, but it's a long schedule, there's all kinds of issues, but I tend to think that what's clearly we're going to have a big community discussion in the next couple of months about what the right way to do these types of investigations, so I think that point has been made clear. At this point are you looking for more discussion of the actual incident itself in this forum? Because I could ask some questions, but i'm not sure --

Larry Mills: At the time I came in here I didn't have any idea whether they came to any conclusion on the reinvestigation of the lock pick thing. That was just brought up to me just now. And I still don't know --

Hales: We can find that out.

Larry Mills: And the third thing is that what i'm basically asking here is that the -- how do I say this? The exonerated finding on excessive use of force, I -- as a parent and as an individual, I find it

November 29, 2000

totally unacceptable. If you can keep a juvenile cuffed for 4 1/2 to almost five hours, I called the precinct at 9:30, he was arrested about 9 o'clock, I believe. They had him in custody, I wanted to deal with it at that time, they made me sit at home until 2 o'clock in the morning before I could go pick him up. And there was no reason for that. I just don't understand what the logic is. You know, I recognize the fact, i'm not so naive to understand the fact a little bit of this is youth's word versus police officer's word. Personally, I think the whole incident could have been handled differently, by the school district people, and what really bothered me even more, if you read in the investigation, officer b pushed, and this is one thing that was not brought up by the piiiac advisor in -- at this time, but was brought up in the piiiac meeting, the officer insisted upon wanting the name of my son, and the school district people were trying to convince him that this was something that should be handled at a school level, and he wasn't going to let it drop.

Sten: And I guess the reason I was asking how much did you want to get into it, at that point I think it's going to be somewhat fruitless to try and guess at what happened at this level. My sense is that -

Larry Mills: All I can say is at the piiiac committee meeting there was a very divided group. It was not something that was uniformly agreed upon by that committee.

Sten: I know you, and you know your son, so I can make some guess about how you view this and I have some trust in your viewpoint on these issues. That all being said, my suspicion is that it's going to be very hard to get past insufficient evidence. The reason I say that is because the witnesses split on what they said. If the witnesses all said one thing or the other, that would be very compelling, but when they split it makes it almost impossible to kind of figure out what actually happened. So i'm curious to find out more about what was sustained, because clearly there's been some -- there is a threat here that the internal investigation found some problems, which -- but it doesn't quite come together and I think it has more to do with the timeliness and the switching around of the process.

Larry Mills: Well, one of the real problems for anybody that files a complaint with iad, they do the interviews, they have the testimony, there is no way that I have -- they have the police report. I don't have any of that information. So I don't know who's been interviewed, I don't know what the interview said, I don't have any way to really rebut that. I just have to basically rely on what they've done.

Saltzman: Any further questions? Why don't we bring up captain smith, sergeant botcher and let's find out about what happened on the lock pick issue. As well as any other thing.

Sten: What was sustained?

Captain Brett Smith, Internal Affairs Division, Police Bureau: What was sent back to the internal affairs division, just a clarification on one of the allegations, that allegation specifically addressed the allegation that officer butler, or officer -- intentionally or wrongfully attributed possession of a lock pick to his son cole mills. That was what the big question was. And as a result, there wasn't a particular finding that had come back from the southeast precinct. So we took that back and made sure that that was investigated and resubmitted that for his review for regular finding and he was on that particular allegation was insufficient evidence. The reason is is because when the officer was interviewed, he said specifically it wasn't a matter of picking up what he believed to be this lock pick on the ground or the seat of the car, it was in his report, in his notebook and his testimony, it was in the front pants pocket of the person he took into custody.

Saltzman: Excuse me, but so what? What was the charge under which this --

Smith: He was not charged for that.

Saltzman: Why was he taken into custody?

Smith: For the disorderly conduct.

Saltzman: What was the disorderly conduct?

November 29, 2000

Smith: The disorderly conduct was the fact when they talked to mr. Mills at the door of the school, the son at that time when he was asked for his i.d., Did a chest butt up against officer butler at the time when he asked for the i.d.

Saltzman: That's the police bureau's position, that the young man assaulted the police officer?

Smith: He was charged with disorderly conduct. It was send to jdH and after review by the district attorney out there, they thought the most appropriate charge for that was a charge of harassment and charged him for that.

Saltzman: Harassment?

Smith: Correct. The document was here, the memorandum from the district attorney's office to the diversion program on January 23rd of '98, was that yes, there is sufficient information to charge the youth with disorderly conduct and the charge of harassment. There's also a note down there that says, please add the charge of harassment, offensive physical contact, youth chest butts the officer much better charge based on the information submitted to the report.

That was signed by the district attorney's office on the 2nd of February of 1998. That's what the charge was. He never was charged for that lock pick. But what he found this in the youth's pocket, he said it wasn't his, that's where he found it, he articulated that in his police report, he also wrote that in his notebook, and what we reviewed later, what we asked for in our interview, and he also stated that in our interview, that he found that. The officer, when he was there, made contact with mr. Mills, and put him in custody. He didn't have contact with anybody else. In fact, after the contact was made and he was placed in custody, he immediately left the game as quick as possible because of other people that

Were upset and emotionally upset of the fact that mr. Mills was put into custody. So he took him out to the car and left. He didn't have any other contact with anybody else. So the allegation that we looked at was this specific allegation that the officer intentionally or wrongfully attributed possession of a lock pick that -- to Cole Mills. That's what we addressed, and that was insufficient evidence.

Sten: What was sustained?

Smith: What was sustained was the fact which the officer admitted to, was the fact he failed to remain control of that property, and have that property listed in the property evidence room. That was not a part of the original allegations, but when we began to ask about the lock pick, where was it, et cetera, How is it documented, there was no documentation of that lock pick, and the only thing the officer could surmise is that when he picked up all the evidence and he put it in his back, when -- back ever bag, when he left the location, he never took it out and forgot to log it, and now that piece of property is lost.

Hales: Are you done? I have some questions.

Sten: I'm done with that particular question.

Saltzman: I think you should finish your presentation.

Hales: Go ahead and finish. I've got larger questions.

Smith: To begin with, you know, what happened here, as we understand it from the investigation, mr. Mills went to the game, he was seated with his friends in the Cleveland side. Through our interview with mr. Mills, he indicated and stated that he started friendly bantering with people from Cleveland at the game. And about who was going to win this game. As result, there was a fight that did break out. Two students. Based on the information that we have and what's in the reports. Because of that confrontation, the principal confronted mr. Mills and the other group of students that were there together. Vice principal at that time, principal said there was a rule not to sit on the opposing side of the gym, and I think the fight that -- the example that -- there was a fight here was just for that reason. The principal asked not -- there was a rule there, mr. Mills challenged him and said I want to see it in writing, and he didn't believe there was such a rule. When we interviewed later, the other administrator, the teachers there, they indicated there is kind of an unwritten rule

November 29, 2000

about that, and the reason is not to cause a conflict between the people there. When he was asked to leave, he didn't leave. The principal at that time said i'm going to have to call the police if you don't leave. And they did not leave. They chose not to leave, and it was at that time that the sergeant was brought into this situation.

Saltzman: Who was the school official that ask that the police not get involved?

Smith: I'm going to get to there. What happened is that when the sergeant approached this, he asked the people to leave, the kids who leave and they weren't going to leave. One of the things that was said was that --

Hales: To leave or move to a different section?

Smith: To leave that area where they were sitting and go to a different section of the gym. Not to be -- that's correct. Mr. Mills said he decided to test the sergeant by asking why. So we have a situation right up front where we have a confrontation, the tunes -- he indicated he entered into some bantering, a fight broke out with some other kids, the principal asked him to leave, he refused to leave, he said he'd call the police.

Hales: What happened to the kids that got into the fight?

Smith: I don't know.

Hales: They weren't arrested for disorderly conduct?

Smith: I don't know what happened to those kids.

Hales: It's a fairly obvious question. If we're arresting people for disorderly conduct, the first priority would be the ones exchanging blows. Does anybody here know if anyone was charged or --

Smith: Nobody was charged. That incident, as I understand, was resolved before the police got there.

Hales: So having a fight is okay, but arguing with a police officer is arrestable. I don't like this.

Smith: The sequence of events is that cole -- the appellant's son stated in his interview that prior to being contacted by the benson principal, that there was a confrontation between two students from opposing schools.

Hales: The staff of the school observed the fight?

Smith: Cole said that -- i'm sorry, the appellant's son said that in his interview. That he himself knew of a confrontation that occurred between two students.

Hales: Why would he bring that up?

Smith: I don't know. It's in his interview.

Hales: Okay. So there was no evidence -- you have no information other than from cole that there was a fight.

Smith: Other than the fact -- no. I don't know about a fight. I think there's --

Hales: You just told me a fight broke out. Their reaction was this was the first time they'd heard this. I'll get their opinion in a minute. I'm watching these people and it sounded like a surprise to them that the police bureau is basing some of its decision-making under these circumstances on a report that a fight broke out based on verbal exchanges about the basketball game. Right? Isn't that what you just told me? Am I going to have to replay a tape?

Smith: Why don't you wait and we'll see if we can bring out some information here. We're trying to give you that information, and give you a sequence of events here so it would make sense. He was not arrested because he argued. I tried to explain that. This was after the game that the disorderly conduct piece was later, he was charged with. The complaint ant's son stated in his interview to me, he said that he sat on the cleveland side of the gym because he saw some acquaintances in the stand. It was a close game, and he and the people from cleveland started a friendly bantering about who was going to win the game. And another student from benson was also sitting on the cleveland side of the gym and away from cole and his friends. Cole thought that student had a confrontation with the student from cleveland.

*****: The reason why --

Hales: That's cole's account?

Smith: Yes.

Hales: Okay.

Smith: So this is his own account. The reason why the police are there is not because of a fight that we learned about. We are there at the request of the principal because when he was asked to leave, he chose not to leave. That's why we got introduced to this. We don't know anything about a fight prior to that. We're not involved in that, so the assertion we should be making arrests for guess orderly conducted for other people --

Hales: I misunderstood you. I thought you were insinuating the reason for getting involved was that cole's earlier comments might have provoked a fight. That was the impression I got from the words you used earlier. I think i'm having trouble following you.

Smith: I was saying earlier that Mr. Mills said that he started what he described as friendly bantering, okay, between himself and an opposing team. So what i'm -- I was trying to show you the sequence of events here, the principal -- i'm not sure right now if he's even aware of a fight prior to that or not. But he's going up there because of the disruption that's taking place up in the stand, and is asking people to leave based on his authority as the principal, and trying to maintain the peace.

Sten: I guess -- hopefully -- I don't mean to throw you off. It sounds like there's no dispute that I can see that there's a minimum a tradition and maximum a rule that two sides it is sit on other sides. There's no dispute a young man sat on the other team's side, there's no dispute he got into a friendly discussion of some kind with the vice principal and I don't think there's a dispute the vice principal asked the police to talk to him. I think to that point it makes sense. It seems that where it gets -- whether he was being smart-alecky or not, I don't see a problem at this point because if I understand it right, I don't think this is disputed, he ultimately switched sides, and this all came out after the game. It's after the game that the first i've heard in this whole discussion that he butted an officer was you saying, captain, so was that something that's in the officer's report? Did the witnesses corroborate that he butted the officer?

*****: This is a situation that happened -- do you remember if there's anybody else --

Hales: There's a crowd there, because he left because of the crowd. So there must have been someone who saw this.

Sergeant Steve Bottcher, Police Bureau: We don't have any witness testimony that saw that event between officer --

Hales: We never have any witnesses? This is the second case in a row where other people saw it happen and they've just disappeared.

Smith: We interviewed three witnesses that were there. And none of them --

Hales: None of them said this happened or none of them said it didn't happen? What did they say? Did they corroborate that mr. Mills' chest bumped the officer?

Bottcher: I don't think there's corroboration in any direction.

Sten: Who are the three people, by description, not names?

Bottcher: There was an adult there, she did not become aware of the incident until after the appellant's son was in the car, or had already been arrested.

Olson: Could you identify yourself, please?

Bottcher: Sergeant steve boetcher, Portland police.

Sten: Who were the other two witnesses?

Hales: For what purpose were they interviewed?

Bottcher: They were mentioned by the appellant, or the appellant's son that they were there. As potential witnesses.

Hales: And they were asked what happened? Right?

Bottcher: Correct.

November 29, 2000

Hales: If I was interviewing a witness, that's what I'd ask. I'm not a police officer, but that seems -- what did they say happened?

Bottcher: Well, the appellant's son's girlfriend --

Hales: Can you provide us a copy of this so we can read it?

Smith: Do you want it now?

Hales: That would be great.

Smith: I don't know what you get submitted.

Hales: Not much.

Sten: Let me -- excuse me if I'm interrupting, commissioner.

Smith: If -- we have to dig back in here, because I don't know --

Hales: I'm a faster reader than I am a listener. Let me read the evidence.

Saltzman: Do we want to set this over and have more time to read this information?

Hales: Oh, no, I think I can skim it.

Sten: Can I ask one question? Captain, does it say explicitly in the officer's report in writing that the young man chest butted him?

Smith: Yes, it does. It's even referred to that by the district attorney's response here for the appropriate charge of harassment. It says, a charge of harassment --

Sten: Did they convict him of this?

Smith: What I have here is a document here that says it went to a diversion program.

Sten: Does that mean he agreed to plead to it?

Smith: I don't know. I'm not involved --

Sten: I can ask him. I guess this is where I'm confused on how you investigate this. To me it would seem that the whole question of whether or not it was appropriate, the excessive force concerns me more than the banter about the i.d. I don't know what happened. He's admitted he was being smart-alecky. I think it's highly likely there was some argument between, should I show you the i.d., He obviously pulled it out eventually. But the question of whether -- two things, factually whether or not the officer shoved him against the wall, and factually whether or not that was -- factually whether that was warranted leads me to the answer of whether or not he should have been cuffed for five hours. If a guy's being a smart alec, it doesn't seem to me to rise to that level. I guess I'm a little bit flabbergasted that we could decide whether that was true or not without any testimony from the whole crowd who saw it.

Smith: We don't have -- what we have is a whole mass of people in a gym leaving, and all trying to get out of the door and we have no way of identifying who those people were.

Sten: Did anyone call the vice principal? Do -- we have a vice principal who called the police. I'm not a detective, but I think a phone call to the vice principal is to say, can you identify for me whether anybody in the faculty saw this incident, who is a credible third party. I understand why you're not particularly swayed by his girlfriend's testimony, but I can't understand why we didn't make a few phone calls and find a third party in the two years that we were investigating this.

Hales: We've got three 3rd parties here. I've got to -- I'd like to get Denise back up here too.

Sten: One didn't see it.

Smith: The reason why Mr. Mills was put up against the wall, after the chest butting he was immediately turned around and placed in hand cuffs, put up against the wall, and two, because he said in his testimony it was because -- was because of the crowd -- fact there was a hostile crowd behind him. So also look behind him to see what people were doing because he was concerned about the people behind him and. Was a lot of profanity and there were hostile.

Hales: Why do you suppose that was? Why do you suppose the crowd was hostile?

Smith: They were pumped up over the game. I guess I go back to the same question about why they were not willing to respond to the direction and the authority that the principal asked him to leave, why he would --

November 29, 2000

Hales: He didn't ask the whole crowd to leave.

Smith: I have to speculate as well.

Hales: I'm just asking you to do that.

Smith: I think a lot of it goes to the fact he probably did not want to see their friend, mr. Mills, arrested.

Hales: Denise, did you have an opportunity in your review to see these witnesses' accounts that they're --

Stone: Yes, I did.

Hales: Thanks.

Stone: And to answer one of your earlier questions, it was the vice principal at the time, morrison, and the benson assistant coach, who both asked that the incident remain a school administrative disciplinary issue. It was the cleveland principal who asked that it be -- for the Portland police bureau's assistance. And that's why they stayed.

Hales: And you heard from the very beginning this assertion from the police bureau that mr. Mills chest burned the Officer?

Stone: I read that in the report.

Hales: Is that news to you?

Stone: I read that in the report. It was not news to me.

Hales: Yet none of the interviews that were interviewed corroborate that, but instead talked about the profanity that the officer used and the apparent excessive force used under the circumstances.

Stone: Two of the seven witnesses that were interviewed referenced the officer's profanity, and two of them referenced the appellant's son's profanity, and two said that they felt that the officer used excessive force and the others did not. That's what I gleaned out of that.

Hales: But none of them corroborated that there was some sort of tres bumping?

Stone: I didn't read that anywhere except for the police report.

Smith: And the reason why the officers stayed and pursued getting names is because the request that was given to them by one of the stool officials. -- school officials. And they thought that if the police left and they did not have names, that they could identify some of the people, they were concerned, he was concerned about a continuing escalation of the earlier event that happened in the stands should the police leave that possibly may continue to occur even outside.

Hales: Oh, yeah. Are you done?

Smith: I think probably is the best way to respond to questions you have.

Hales: This is a big day for you, captain smith. Because for eight years i've been pretty differential in how we've conducted these discussions. And i'll tell you, there's at least one person on this city council, you know, the express, the straw that broke the camel's back. There's one person on this council that's not been up to today interested in a different system for reviewing police conduct. But who right now is headed in that direction. [applause] please, please. So how you respond to these questions is going to be very important to the future of the bureau. There's a phrase over on the front of that building from martin luther king about justice -- injustice anywhere is a threat to justice everywhere. On a scale of 1-10, how would you think the police bureau performed in this particular incident with respect to that ideal? Your own personal opinion.

Smith: It's hard for me to rate it on a scale, but I would say, it could have been handled differently, yes.

Hales: So it -- could have been better.

Smith: Yes. I think the question here is, did we thoroughly investigate the complaint --

Hales: No, no, the bigger question is here. Excuse me -- bigger question is here.

Smith: Based on our investigation, this is what was determined the recommended finding. It could -
- could it have been done better? Yes.

November 29, 2000

Hales: I want to get way outside the legalisms and procedures here, because the question for me is rather do the procedures even work. And --

Smith: I guess what procedures?

Hales: The whole piiiac procedure. That's what's at issue for me in this discussion. And why I appreciate both mr. Mills persevering in their case. Second question -- I don't remember the exact date, but somewhere around january 1998, mr. More approached the city council and asked if he could build a very complicated building that required hundreds of hours of staff review and thousands of hours of inspection and during the pendency of this appeal he not only got those reviews and inspections, but built the building. I'm talking about the fox tower. If he could do that in this time period, how long should it take for us to check out an allegation like the ones that mr. Mills brought here?

Smith: I think you're really already familiar with the backlog the Portland --

Hales: We have a backlog at the permit center too.

Smith: I understand. But there is a backlog, the bureau has admitted there's a backlog. There was a personnel issue, that was addressed by the chief september 28th of this year.

Hales: How long should this take? How long should a case like this take?

Smith: I think it depends on each case depending on the availability of witnesses. This case also was delayed I think of believe I think I heard tonight, six months by the complaint -- complainant himself. I think it happened in january of '98, and eventually it was reported in june.

Hales: I saw that.

Smith: So there's delays like that that also delay the overall length of the investigation, because a backlog, we never addressed this again until at least six months or later beyond that. So we recognize in fact that we had backlog. And we had not that ability to investigate cases like we would like to in a timely manner. We recognize that and know that. I know the chief has come and recognizes that same thing and has tried to correct that by doubling the size of iad on the 28th. Our goal is to have a -- cases done in 100 days.

Hales: That's our standard? We have a standard in the permit center too, which we don't always meet. It's 120 days. We haven't always met it, sometimes it takes six months. I think fox tower may have taken six months. But for a big complicated case, that might be understandable.

Smith: I think we will meet that goal once we get our backlog behind us and have an opportunity to get our feet on the ground and get ahead of these cases. Until then, we're always playing catch-up, and there's always case that's come in that appear you drop the important for the immediate. And that is added to some of our stress and our own ability to deal with some of these cases in a timely manner.

Hales: I don't think I have any more questions. I guess maybe one more question. If this case were to me persuasive, that the piiiac system is broken, what would you say to persuade me that that was the wrong conclusion?

Smith: Well --

Hales: I'm reaching a conclusion. You have an opportunity to argue me out of it. I had to remind somebody else from the police bureau, this is the standard. Argument is never punished, but object fuse indication is. So argue with me. I asked my own staff and my own bureaus to do it all the time. I throw out a proposition and I expect people who know more than me to argue with me. Here's where i'm leaning. I think this case proves that piiiac is broken. Talk me out of that conclusion.

Smith: I believe that that's not the case. The biggest issue question have here is the fact that we have a timeliness issue. That is one of the biggest issues that I have here. The piiiac's responsibility was to make sure --

Hales: I'm sorry, I mean the internal investigations process is broken. I don't mean just piiiac. I mean internal investigations. We have a citizen making a -- an allegation of evidence that -- being planted, the evidence has disappeared. I see no serious investigation of that allegation. We have an

officer's contention that the approximate cause of an arrest was an assault on the officer by the person being arrested and we have no one at the scene who has accounted -- has mentioned that in their account of what happened. We have school officials at least the majority of the ones involved asking the police bureau to step out of this situation and have it be handled as a school matter, and yet we have an officer sticking around to the end of the basketball game, confronting this person and arresting them. And none of those complaints seem to have been really seriously investigated by iad, and therefore not able to be seriously reviewed by piia's advisors. Help me out of those conclusions.

Smith: I think part of the problem is your assertion is wrong in the fact that you don't have --

Hales: Which one?

Smith: Several of them, I suspect. One is that you do not have a lot of the information before you about what was investigated, who was talked to, et cetera. The lock pick was investigated. We did inquire --

Hales: Where is it?

Smith: I already explained, we don't know where that is. The officer gave an explanation for that. He gave an explanation, the question was asked about the lock pick. He documented in his police report where he found it. It is possible we don't do a good job handling evidence at times? Yeah, it is. And in this particular case we recognize that, and initiated our own complaint against the officer for failure to appropriately handle that evidence. In reference to you say the majority of the school staff said they didn't want the police -- that's not true. I believe there was two of them. We also have a situation with a principal who said I want the names of these people. They called the police initially to intervene. When they tried to leave, they said don't leave. We want you to stay here. Because we're worried about this erupting and being a confrontation. So some of the -- I think the assertions you made are based on maybe a lack of information you have because you don't have the whole case before you for review.

Hales: Why not?

Smith: It's done in summary.

Hales: Why come here if we don't have the information? Why are we here?

Saltzman: I think we're getting to the point we're going to be talking to these issues in a lot more detail very quickly. In terms of moving ahead on this particular case, we need to move ahead. I certainly --

Sten: We can -- can I ask one question, and then bring this to a close, as you suggest? Before you testify -- I have been of the mind for some time that some changes need to be made to the system. I'm going to -- I need to listen to a lot of the different groups before I can follow on what those changes should be. I'm not there yet, but as I view this one, and maybe they're minor or major, but I have my own opinions. But the hour is late, and -- i'm inclined, and i'm going to ask this as a question, to at a minimum change the finding on excessive use of force to insufficient evidence. And i've got half a mind to sustain it and not because i'm sure that it happened, and which is why i'm not going to move this. I'm going to move for insufficient evidence, because you have two people's word against each other, and when I read the witnesses, two of the three witnesses said it didn't happen the way the officer said it happened, and one didn't see it. And there was no effort made in the investigation to talk to anybody who was a third party, and so I don't -- the reason i'm going to say insufficient, I don't think -- it looks to me as an outside observer, before you came up I was prepared to say this is one of these things, you know, and I think that mr. Mills is correct on timeliness. I haven't even heard you disagree with that. That's unfortunate and it needs to be fixed, it needs to be staffed up. I think the letter could have been more clear, but that's -- but then I don't think -- I don't feel like you really looked into this case in terms of finding out what really happened. I don't -- here's the question -- can it be enough to look into a case to simply ask the officer who's accused? Because that's the only evidence you have that the officer's side is right.

November 29, 2000

Smith: Well, anybody else that was interviewed on this particular case were not office -- nonofficer people.

Sten: But you didn't seek out anyone. You didn't ask -- you didn't look or find anybody, you interviewed the three people that one side asked you to interview, two of them don't corroborate the officer's story, the two who saw it, so now we have three people who are liars, and admittedly have a relationship to the defendant, and an officer. And you exonerated the officer without any third party evidence, and so it would lead one to believe, which I don't want to believe, that you weren't serious about looking into this. And that perhaps it's a kid who got slammed up against the wall -- admittedly not the end of the world, but it doesn't look like there were any steps taken to find out. Everybody that was interviewed either didn't see it or was on the other side of what you found. So how can I be confident that that's what's happened?

Smith: I think that -- the decision that was made on that was based on the totality of circumstances based on the behavior of Mr. Mills that was documented or all the way through the entire incident. Even prior to the police.

Sten: The hole in that is that we know for a fact lots of people saw this incident.

Smith: We believe there probably were.

Sten: You testified -- everybody testified there was a crowd.

Smith: We don't -- I don't know who those people are.

Sten: Two of them said it didn't happen the way the officer said it happened. So you disregarded their testimony. You threw out the two people who did see it who you talked to, and basically came to a conclusion they were wrong. What did you use as your evidence to come to that past behavior, is what you're saying, of the young man? Because the young man was unruly in the gym or smart-alecky, it follows therefore that the two witnesses who you have on the record are lying, that he didn't bump the officer. That's what you're saying to me. It's thin. No wonder charges weren't pressed.

Smith: Well, that's not the case as I understand it, because this document here says that they were filed. From the district attorney's office out of J.D.H.

Hales: What?

Smith: What happened to them, I don't know.

Sten: Captain, the district -- let me just -- is it reasonable to come to a conclusion that -- what I'm happy about in some ways is that not for this young man, I don't mean to minimize this, not for the officer involved, these are serious things to get accused of misconduct, but on the scale of things this is minor. I'm glad about that, it allows me to push without getting too far into it. But I guess I still want to know, how can you -- is there any -- am I completely wrong to want to witness before I come to a conclusion?

Smith: In this particular case we don't have any witnesses that substantiate the chest bump. You're correct.

Sten: Do we have two witnesses that refute it?

Smith: That it --

Sten: I read -- there's two that say it didn't happen.

Smith: Based on their observation, that's correct.

Hales: So let me ask re -- let me reask Erik's question. Why was that evidence discarded?

Smith: It wasn't. I think it was taken into account. It's my understanding that taken in totality of the circumstances, based on the officer's documentation and the corroboration of that, either through different places through witnesses, that the officer's testimony was given more weight at that point and he was exonerated.

Saltzman: And it was affirmed by the PIIAC advisors. Citizen who's looked at this more closely have also --

November 29, 2000

Smith: The officer certain -- simply asked mr. Mills for his i.d. We have officers saying they heard a lot of profanity being use bide mr. Mills at this time. What i'm saying is that what -- the officer is saying he was aggressive, that he was somewhat resistive, he was using profanity and that he then did the chest butt, all we have is the other behavior and a conducted that was observed all the way through the -- i'm not leaving, i'm not moving, those kind of things. I think all that information was taken to -- in totality. And --

Sten: When he was sitting in the gym you have that.

Smith: From the very beginning, right.

Sten: Although he did move from the officer asked him to move.

Smith: I think a school administrator stepped in at that point in time and the sergeant left the scene and then they eventually went to another seating location, yeah.

Sten: I think it's time to be done with this one tonight.

Saltzman: Rhyme ready to move on. Do we want to uphold the recommendations, change any of the recommendations? I don't know what other options we have.

Sten: I would uphold the -- I would move we uphold the recommendations with an amendment that I would move the finding on use of force to insufficient evidence from exonerated.

Hales: I guess you don't want to deal with excessive length of time?

Sten: Well, my problem on that is -- I guess i'd move that to insufficient evidence as well because they're tied.

Hales: I'll second that.

*******:** Which excessive length of time?

Sten: The finding he was held in custody for an excessive length of time. Once he was arrested I don't believe it was an excessive amount of time because there's a five-hour limit. So maybe i'm -- that one i'm not --

Smith: Officer explained that real well. When he went to the precinct, he began to write his report on a personal computer that he was unfamiliar with. If you look at the report, it's even done in a typed narrative here. He got -- he cannot lodge a youth until the paperwork is done. So he had to go back, do it all over again, and that's what some of the delay was on his writing of the report.

Sten: I guess let me amend my motion, if that's okay. I would amend the motion to say uphold the piiac findings and move all findings to insufficient evidence and I would ask you to report back to the office every if he's unhappy with that. He may have been -- his conducted may have been sustained, but the iad didn't back him up by doing a sufficient enough investigation, in my opinion. So i've got to go on insufficient evidence. He may have been in the right, but it wasn't proven. He might not have been in the right. There's insufficient evidence. I would move insufficient for all charges.

Hales: Second that.

Saltzman: Okay. Are we also including the lock pick in that?

Sten: No, would I keep that sustained.

Saltzman: Okay. That's the motion to change all the recommendations to insufficient evidence.

Hales: Except for the ones that already return to iad.

Saltzman: Okay. Call the roll.

Hales: Well, we are going to be having other discussions, so i'll try to save most of my global comments for those. First of all I want to thank larry and cole for your perseverance in going through this too-long process. Because although you're not going to get much satisfaction here today, that's not because you didn't do a good job or not because there isn't interest on this city council in having justice, but because the process we have now is not very well equipped to deliver it. But I appreciate you persevering. And none of us here is the Police commissioner, but we're all responsible for everything the city does, so on behalf of the city of Portland, I apologize to you. Because I think you were mistreated. And I can say that, and that seems cavalier, given all this

November 29, 2000

evidence, but this council decides to spend millions of dollars in much less time than we spent listening to this evidence here. And we either have to have a review of police procedures that puts a clear case in front of the city council and asks us to exercise judgment, or we need to not have a charade that pretends that we do that. This process in my opinion no longer functions. And I say that with all due respect to the advisors who have worked heroically to make a --to try to deliver some results. So i'm looking forward to a discussion of how the community in the form of the elected city council, does a better job of oversight of police conduct than we do today. And I say that with a lot of affection for the Portland police bureau. I think they do miraculous work every day and achieve an incredible percentage of effectiveness and fairness and kindness on the streets. But you know, all of us screw up. Every now and then the best police officer in the best police bureau in the country is going to overdo something. And we have to be able to acknowledge that as a city and say, in this case we screwed up, we apologies, we'll try to do better. My god, my bureaus managed to screw up on a regular basis, and I need to apologize occasionally to people for them. And somehow we're not able to do this with police conduct in the current situation. And i'm exercising cavalier judgment here from the evidence I have in front of me, i'm trying to make a judgment. But believe me, we decide land use cases with a lot less evidence and a lot less time than we have here in front of us. So somehow we have to have a system that does a better job than this. So cole and larry, what you've done is you've provoked at least this member of the city council to try to have the next person who has a complaint about the police bureau get a fair and prompt impartial review of their complaint. So thank you. Aye.

Saltzman: I also vote aye and I also want to say that with all due respect to Portland police bureau, mr. Mills, both of you, you -- one of the things you wanted was an apology, and I echo commissioner Hales's sentiment. You deserve an apology. It took too long. Aye.

Sten: I think you deserve an apology at the time and because I don't think the investigation was sufficient. And I think that does a disservice to the officer and a disservice to you, and I think it makes it hard. I don't want to wax too philosophical on the system as a whole. There were personnel changes, this was -- on the scale of the things you were looking at I understand a minor case, but it's -- it slipped through the cracks and we just can't -- what I want to say is on this case, the only lesson I can learn, at least when you're bringing cases in front of me, is if the witnesses say one thing and the officer says another, we better get a third party before we exonerate the officer. Those may not have been the most credible witnesses, I understand that, but they were the only witnesses you talked to. And so that was a choice we made and I had to kind of then give them a heck of a lot of weight on -- and what they said was it didn't happen. I think we have to do a little more work if we want to come to that conclusion, which you may believe is the right conclusion. And that's why I think it's insufficient, and that's why I think for good or bad this minor case will probably be part of what helps inform the discussion of the bigger picture. Obviously i'm going to vote aye, and I want to thank denise for a nice piece of work on this.

Saltzman: Okay that. Brings this meeting -- we have no further business. We're adjourned until 2 o'clock tomorrow.

At 6:23 p.m., Council recessed.

NOVEMBER 30, 2000

2:00 PM

Katz: Good afternoon, everybody. The council will come to order. Britta, please call the roll.
Item 1738.

Katz: If you recall, the planning bureau came to us with a rewrite of title 34, and you listened to it and you listened to it, and you basically sent it right back to the planning bureau. Nobody was happy with it, nobody was happy with it. And so Gil took it upon himself to put together a small group that heard and talked about and listened to some of the issues that were raised during the title 34 discussion, and what you have here today is a report from the group and from Gil, we'll also have discussion with the community, anybody wants to testify, and what we want to know from you is are we on the right track. And to ask as many questions as you possibly can, and give us a little bit of direction so that we can take this information, rework it into code language, and see if we can get to closure on title 34. I guess the easy stuff has been done. We're now down to a little bit more difficult work. So having said all that, let me turn it over to Gil Kelley.

Gil Kelley, Director, Planning Bureau: Thank you, madam mayor, Gil Kelley, planning director. I think I was about two weeks on the job when this hearing was -- happened in February, and it was a pretty acrimonious hearing and you guys sent it right back to the new kid on the block and said, fix this. And I have gone away and studied it and taken advice from a lot of different corners on it over the last few months, and bringing back to you I think what is a pretty good conceptual fix of a -- around the issues that I heard at the hearing and I've heard in the intervening months. Not all of them fall squarely within the land division code. Some of the problems were actually a little deeper and some of the solutions may surface in other parts of the city's development code than the land division. But I wanted to present you with my recommendations on where we ought to do -- where we ought to take this for the final write-up, because I would suggest making changes to the planning commission's proposal on the land division and bringing that back to you in a few months. But I wanted to kind of come at a midpoint here and check in with you, make sure you think I'm headed in the right direction on this one. I want to start by saying that I had the advice of really great group of people representing a number of points of view, and interests, and in the process I learned a lot about Portland and a lot about development, good and bad, and experiences and war scars and so forth. And that's been very helpful for me in putting together a package that I think does respond to many of the things that I heard in February. So with that intro, why don't we run you through some visuals here, and I'd like to use this as a way of explaining my recommendations on this. Staff -- this is entitled, the director's cut. This had gone through full hearings, planning commission and staff worked on it for about five years. They recommended amendments to title 34 to the council, and so it's gone -- and the council concluded its hearing and handed it back to me for my own recommendations. So here they are. And we really refrained this as broader than the land division code rewrite. It's really about infill standards for quality neighborhoods, so we broadened the topic somewhat. I've talked to you about this, the one thing I would add on this screen here is that after we concluded the discussions in this advisory group, I -- I -- in this group I piled together, we then went out and had a couple of neighborhood open houses in the neighborhoods, and also consulted with the citywide land use chairs about the substance of these recommendations. And have sort of more broadly noticed those to the neighborhood coalitions and so forth. And even since the summer I've been getting some additional feedback that I have actually incorporated as late as yesterday into -- into my proposal, and there's a memo that went out to you in e-mail yesterday as well that included some of those changes. So this has been kind of a rolling program here. This slide indicates the members of the informal advisory group that I pulled together. Their job was not to vote or necessarily even to reach consensus, but to just brainstorm good ideas that I could incorporate into my proposal. Our focus was really to understand the issues more deeply. I think commissioner Sten actually said in the initial hearing back in December that whether or not the land division code

is technically density neutral in its changes, it is in fact still the way in which many neighborhoods perceive infill, perceive density. That's the mechanism by which much of development is permitted in the city. And so we wanted to understand the issues a little more deeply than just looking through the lens of the land division technical writing and so forth.

The -- secondly we wanted to focus on real world scenarios and say, what are the projects out there that have been a success, what have been terrible, and why, what makes each of them good or bad? To really look at it that way rather than spending hours and hours talking about code text. So that enabled us to take on the third one, which is to spend a lot of our time focusing on creative solutions. Right away we wanted to talk about the elephant in the living room here, and take on squarely the question of, is density the issue? Are we talking about design but really ignoring the fact that there's density involved, and it may be that the density is the issue no matter which way you paint it. So we looked at that question rationally, and we looked at it from the outside in and the inside out. We looked at the big picture, and trying -- tried to understand, do we have a match between the 2040 plan, which is the perception of the initiation of the density requirement, and our own comprehensive plan, which reflects the goals of neighborhoods and communities? Is there a match there, or are we into a period where we need to continually upzone to meet the 2040 goals? So to sort of cut through that, we said, let's understand where the numbers are really coming from, and what capacity do we need by a midpoint in the 2040? We picked 2017, because that's the midyear that metro itself has been using so we could have a checkpoint on some of the numbers. We looked at three sources of information on the -- I would call this on the demand side of the equation, that is how many new people do we have to fit into the region. So we looked at population trends from census data, a second source of information was to look at the 2040 modeling itself, and the third checkpoint was to look at building permits and see what kind of trends they indicated. Here you see a graph showing the population trends since actually 1860, so we went decade by decade, and kind of trended out the recent decades which are relatively high growth periods, so we have been conservative in our assumption here in the sense that we have been fairly aggressive on the demand side of the equation. And projected that under the scenario by 2017, the Portland population, not the region population, but the Portland population would increase by about 100,000 people. And that that would give us a population of a little over 600,000 in the year 2017, if this sort of high growth trend continues out. That translates into a number of new housing units of about 46,000. We picked an average household size much 2.2 persons, which is again conservative. That is to say it's a slightly smaller household size than the current average, which would translate into somewhat more units. So we've been fairly conservative here that is to say aggressive on the gross side. And looking at 2040 modeling, this is a quick summary of a lot much work at the metro modeling, but basically they have modeled about 41,000 in the same period, so against our 46, looking at the census, we're about 41,000 in the metro detailed modeling work that occurred, mostly in 1997.

Saltzman: For Portland?

Kelley: For Portland. Finally we looked at the building permit data as a checkpoint, and found here that if we just kind of straight lined out the last five years, which is a period we have very accurate building records for, which is has also been a very active building periods, so again it's conservative in this overall equation, because it's aggressive. We end up with about 43,000. So you can see by any of these three measures we're in a similar bracket, between 41 and 43,000. The other indicator is what portion of that is new single family units, because the land division code primarily not exclusive, but primarily affects the, what we call the single dwelling zones, the lower density residential zones. And of that 43,000, about 16,000, if you straight line out the trend, would be needed in the single family category. So then we looked at the supply side of the equation, if you will. What is our capacity with our land and our existing comprehensive plan. That is, without doing further upzonings, if you will, under the comp plan. And this graph I won't go through all the details in this chart, but we've essentially singled out the lower density zones and looked at lots that

were at least two times the size of the minimum lot size in their district so you could make a subdivision there for one or more units, depending on the size. And we came up with roughly 22,000 units in the single family zones. Single dwelling zones. So that -- there we have at least the capacity in the single family zone area to meet the aggressive growth number coming out of the 2040 numbers, at least to the midpoint of 2017. What this number indicates is because it's a little more than half of the target, we'll over time probably be transitioning as is the current trend into more multidwelling zones for more of our growth into town centers, main streets, and so forth. And I would say this number, the 22,000 is conservative also, because if you look on the -- you can barely tell from the next image, we haven't included environmental zones, we haven't included open space zones, we haven't assumed everyone taking advantage of density bonuses in the overlay and those kinds of things. We haven't presumed a shift to the multifamily zones, or the town centers or main streets. So we've been conservative, that is to say, we've asked more of the capacity side of this equation. And we have a match -- the punch line here, when looking at these two together, is that we do have adequate capacity to meet our 2040 goals without major revisions to our comprehensive plan, without a major disruption of the pattern of development that we historically see in Portland. There will be infill, but there's not a need to significantly change the patterns in. -- patterns there. And there's addition to that, there's room to expand the environmental zones, for example, and finally there's room to make some adjustments to some of the density formula that's at a more feign grain level, which you'll see later in the presentation, without running into the wall of us then necessitating the expansion of the urban growth boundary. So it was good news for me, it was good news for the group to hear that we have a little room to move here in meeting the 2040 goals. It also by the way sets up some notions about what our future work program ought to be, and really looking add some of the mixed use districts and town centers.

Francesconi: Have we done this before? Have we actually made this match and done this work before?

Kelley: This was not readily available when I came in, so I can't say it's never been done, but it was something that I asked to have pulled together because I don't think that match had been explicit, at least, before. We certainly contributed to metro's forecast in '97, but I don't think it was done in quite this way.

Francesconi: This is terrific work.

Kelley: Thank you.

Saltzman: This is all benchmarked to 2017.

Katz: Right.

Kelley: It's backed out of the 2040 plan. It's a little more predictable date than we have -- we have a little more certainty.

Katz: It raises more issues with regard to numbers, but that's not for today. That may be for --

Kelley: I think what we did is we tried to be deliberately conservative so we knew we were in the right zone here. There are lots of ways to tweak it one way or the other. So with that knowledge and that sort of baseline that we have the pattern established, we have the capacity, the question really became, then, how do we assure that the new infill development, which numerically fit the patterns, actually fit with neighborhood character? I think before embarking on the details of this, what the advisory group wanted to do, and I think it's advisable, was to quickly identify some values so that there's some way to evaluate issues and proposals that came out of this group. And I won't spend a lot of time here, but you'll notice among these that we wanted to be quite mindful in any set of recommendations we were not jeopardizing the affordable -- affordability of housing, we were keeping our eyes on a balance in the permitting process, that we wanted to be flexible to encourage new kinds of development, but also to have a level of predictability, both for applicants and for neighbors. And finally, you'll notice through many of these the importance of good design. Rather than look through the code and pick it apart, what we did is say, let's look at case studies. Here are

just some visuals of goods and bads, and we took these and really had a very full discussion over two or three meetings about what were the elements that made these good and bad. We found confirmation of the earlier numbers exercising the fact that there were good and bad projects at exactly equivalent densities in similar zoning districts.

Saltzman: Which is which?

Kelley: We used -- we'll get to -- you'll see plenty of the hall of shame in a moment here, and also some of the better ones.

Saltzman: Those are all good?

Kelley: Pretty good. There were issues in each of those as well. They're not all bad and not all good. We'll get to those in a minutes.

Katz: The hall of fame and the hall of shame. That's what we ought to do annually.

Kelley: So these sheets here just depict a kind of group exercise that we went through. We studied all the testimony from the hearing, including the written material that had been submitted by various participants in the planning commission and council process, and then used the case studies as well to sort of just write up what the issues were and then the dots indicate a way of us rank which were the most important issues to tackle in this group. So there was a lot of culling involved here. We came up with these five major issues categories. I'm going to spend the most time on the first one, but i'll hit all of them fairly quickly. Many of those issues were -- became subissues under these categories. There are two things to keep your eye on here as we go forward in the presentation. One are, which are the recommendations for immediate changes. Those I would be bringing back in the form of code amendments in the march -- roughly maritime frame. And the second, which are generally indicated in blue text, would be those items which are kind of outside the scope of this first phase, and would need to be -- to become part of the bureau's ongoing work program here for the next year or so in a quality design. So i'm going to cut through to some of the punch lines here. First of all, after wrestling with one of the real key issues that the planning commission had put forward to you on -- that came up in the public hearing before you was this notion of lot width and lot size. The commission had sort of pegged a one size fits all format. After some series of discussions we decided that we really needed to bust open that paradigm a little bit and decide that once -- one lot size does not fit all circumstances in each district. We also decided that design matters clearly, and design matters most when the lots are the narrowest. And finally, that a lot of these issues around narrow homes and others had to do with what you do in the streets and with a car, the so-called public realm and what you do with a the automobile in terms of access. We didn't -- we weren't -- didn't want to be too abstract, so we looked at different cases and issues from different parts of town, and examined different typical patterns. Here's a typical lot and lot -- block pattern in the inner southeast. Another from the outer southeast, and you'll see the distinction in terms of the different street types and the different lot sizes and in some cases land lot parcels. On the far right a more typical pattern from southwest Portland, where you have issues of topography and environmental resources and so forth. Quickly, just to give you a sense of the numbers that we're dealing with, you can see here that most of the land divisions were -- we're seeing now have occurred in the southeast, so a lot of the area, for example, that was annexed from east county, that's where a lot of this is hitting the ground. And a fair amount in northeast and southwest, lesser amount in northwest and north Portland. That does -- isn't to say development isn't happening there, but it's often happening on predivided lots, sometimes single lots. So the big burden was really looking at how -- the land on the southeast, and to some extent the southwest and northeast.

Francesconi: Can you match -- you can match these up with the building permits issued --

Kelley: Yes. This comes from the data from Opdr. [Office of Planning and Development Review]

Francesconi: It does? Do people know this number? Does the public realize --

Kelley: Well, we -- I asked staff just again in framing this presentation for you to give me the numbers, so these are new numbers in this presentation. I'm not sure these numbers would surprise

many of those that we talked to. It doesn't mean we focused on southeast, for example, in fact we spent a lot of energy talking about how things play out in southwest, we spent time with northwest issues as well as northeast and so forth. So we did a geographic spread in the discussion. We didn't weight it all according to these numbers. And finally just the numbers on the right there indicate the sort of types of permit process that these divisions went through. The great majority you can see are standard land divisions, not done through the so-called pud or cluster process. So let me get whack to this -- back to in notion of lot width and lot area. I'm going to focus primarily on the r-5 and 7 and the 2.5 to some extent. These were the real flash points of these two zones in particular. The existing lot width minimum is 50 feet. The planning commission recommended that the minimum -- new minimum be 30 feet. That is to say not necessarily more units would be created on the same parcel, but that we ought to allow the adjustment in width so you can work around an existing house or an existing stand of trees and so forth. My recommendation is that we move the planning commission recommendation back up to 36 feet. This was after a lot of work in this advisory group, and it's its subcommittee to look at a series of floor plans and layouts and understand that at 36 feet in the r5 zone, for example, you really can have both a garage and a living area on the ground floor and side yards, and still have a workable layout. When you get below 36 feet, things really start to give. So that's the important standard. And at 36 feet and above, the existing base zone design standards ought to be sufficient to take care of neighborhood compatibility issues. What we really came to is when you get to narrow -- very narrow lots, less than 36 feet, you need to be -- have some additional standards to really guide development so that it is civil and compatible with the neighbors.

Saltzman: What's that bottom row of numbers?

Kelley: The bottom row is the minimum lot sizes. That we've recommended. That doesn't mean you can actually get more lots on a larger tract, it means you would essentially cluster the lots to avoid, for example, a stream or stand of trees or an existing home or whatever. The design standards require these three elements. Here, for example, on the left is a house that would not meet the existing base zone standards. Here's a house on the right, these could both be on 36 foot or wider lots that would meet the standards. Again, just sort of ensuring some level of civility and neighborhood character. Here was an example of a tract in an existing neighborhood which could be subdivided. This would be the standard subdivision on 100-foot depth lots with 50-foot frontages. A typical house that would fit on that format, and in the r7, on a slightly wider format. Here's a reason you'd might want to go to narrower lots, for example, down to 36, for example, where you've got an existing home that has an extra large side yard on one side. So you might want to go to a narrower lot, 36-foot-wide, for example. Here's a house that would fit on a typical flick-foot-wide lot, and here's another example. You can see they have many of the basic elements that we would want to see in terms of neighborhood compatibility. Once you get narrower than 36 feet, and here's one example, we think some new design standards ought to apply. In addition to those three basic base zone design standards, we would apply three new ones. Let me go through those quickly. Again, here's an example of a set of -- a cluster of trees you may want to avoid, which is one reason you might want to go to even narrower lots. Here would be one way to leave the trees. This would make use of a shared driveway. We thought we ought to have standard and not leave to it chance. So there are three basic ideas. One is to preserve 18 feet of curb space for each unit. That essentially is the equivalent of a parking space on the street. And that not allows a common pattern of interruption with many driveways, one right after the other, which breaks up the pedestrian experience for the public and for the neighbors. Secondly, no more than 50% of the facade can be in garage, so there's some living -- sense of a living unit at the street level, and perceivable from ah the sidewalk. And the third is a height to width ratio, so it's not -- lots get very narrow, the houses get narrow, and the perception is also they're very tall. And in fact in some casings they are very tall. This is just a basic new

Millenium eric way of measuring some proportion at that means a way of keeping neighborhood

character. The first issue here on the 18 feet of curb space, here's a 32-foot-wide lot pattern, and you see some of these around town at 32 feet, or 33 feet. At those dimensions, you can't get a full parking space per lot. At 36 you could, obviously, if you do the math, but at 32 feet or so, you would not be able to do that. This shows what the remainder is for, the car is 14 feet, which is not a full parking space by pdot standards. When you put a nine-foot driveway in and you get the angles coming out of the street, you're left with insufficient increment to keep the on-street parking. So with this rule, we're not prescribing how you solve that problem, we're just saying solve that problem. Here's a way it could be solved by two shared driveways, for example, here's another way by rear loading off an alley. There could be other ways where you'd have three driveways off the main street with adequate space in one -- and one rear loaded or something like that. We've tried to avoid owners' discretionary review where it's not needed, and peg a standard that allows the applicant to solve the problem on their own.

Saltzman: And the first visual you showed us, does that meet the standard?

Kelley: That does not meet the standard. The red lines that are coming out with the 14 feet indicate if you just did the typical pattern at 32 feet wide lots, you wouldn't solve the problem. You've essentially then taken out half -- more than -- you've taken out all of the on-street parking rather than half, and you're beginning to get that pattern of driveways that predominates. Let me move on to the next standard, which is the 50% rule for garage frontages. Both of these fail that test. You can see the result which is a pretty auto dominated experience from the street. Here's one that does. These are two units next --

Katz: That's ed's favorite. [laughter] the one previous to that. I'm sorry. Go ahead.

Kelley: That's all right. Here's a successful example that does it again. A very simple rule, each of these on the ground floor has no more than 50% dedicated to the garage and it's a very civil gesture toward the neighborhood. This one as well, because the parking is either rear-loaded or not required. Finally the third standard with this proportionality rule, we're not saying it's impossible to design a tall narrow house that looks good and fits in the neighborhood, but it's an extra challenge. So we said the general rule should be that you have this one-1.2 ratio between width and height. If you want to vary that you can do that through an adjustment, but the standard default rule would be to just keep the height to width ratio. So here's one that meets the ratio, for example, so this would be approved. Now, when we don't to the attached -- so those are three basic rules we would add to the mix. They're objectively measurable at the permit counter. We found a compound problem when you had narrow lots and you went to an attached housing format. For example, row houses is the main phenomenon here. We would require those three standards and add these five additional standards. First is that the front door should be at or near grade, and the near grade we need to interpret in the next phase and stick a number to it, probably within four feet of the grade. The previous slide showed one that wouldn't have met this rule. This one of different style does meet that rule. And again, the presence of the front door near the street is a very civil gesture. We also found that even in cases where that rule is met, there's still sort of an auto dominance, so we said by doing something very simple and measurable, by just recessing the garage plan, you get a very different effect of the importance of the garage or the unimportance of the garage. I think the next slide shows an example of one where you've got a recessed garage, and that's then not what you focus on. You focus on the entrance. The question is whether the entrance would meet the near grade standard. But here we're showing just the garage piece. Not expensive, not difficult, but makes a big difference. Another standard here was that the importance of landscaping, and that ought to be a submittal requirement. We're debating when those are due in the submittal process, but here's clearly the difference between the previous slide and this one, where just even modest landscaping makes a big difference to the public realm. We focused almost all of these recommendations on the sort of public face here, not on what people do in their backyards or their interiors. We left plenty of room for the dinosaur in the back yard. The other thing is that people

worried about -- just the front yard being paved over for parking, so we said you're allowed to park in your driveway, essentially, but other park -- parking other than your required parking shouldn't be in the front. And in fact this one may be a little bit redundant, if we limit the curb cuts, you'll probably effectively keep some on-street parking available. And finally, we want to say that where servicable alley exists that could serve the site, that should be used first rather than the front street. Remember, those standards I just read only apply to attached houses and single family zones -- in single family zones, and not narrow lots, where we're having the standard. The great bulk of application would still go through the base zone design standards. We're talking really about the smaller subset which are the ones that are really sticking in the craw of neighborhoods.

Saltzman: I didn't get that one about the front parking. Could you go back to that slide again?

Kelley: Here's one that shows -- see the degree of park something you can basically park two cars in the front yard for every unit. It just --

Saltzman: Are we saying, what, you can't park in the driveway?

Kelley: You can park in your driveway. There's no way to keep people from parking in their driveway. We just don't want them to pave over the rest of the front yard for additional parking spaces. Many.

Saltzman: It gets back more to the landscaping.

Kelley: Yeah, it ties into the landscaping. Then we wanted to sort of reexamined one of the -- reexamine the existing rules. This probably had a good intention. If you had a distinct roof line for each unit, you'll have individual units, but people found this to be a very monotonous and forced design regulation. We want to lift that restriction, and here's why. This slide shows a sort of third roof line down is -- as an existing home. I think this is in northwest Portland. Excuse me, southeast Portland. And here are two new units built in the foreground, but they're -- there are four units total, two units under each roof line. So you actually by lifting that requirement you could end up with a more compatible design for the neighborhood. So here we're sort of repealing a restriction that now exists. And then we looked at the "a" Overlay zone this. Was a problematic discussion, and I think it deserves some attention as part of our future work program. I'm not convinced we did the -- we applied the overlay correctly in outer southeast. It was a very broad mapping exercise with a formula that basically doubles the density in in many locations. And I think that deserves some attention on its own. But in the meantime, as part of this discussion, there are these things that we would apply in the interim, and these are not to make up new standards, but just to say that all of those standards we went through would apply at the land division stage. This is important because the sort of big case that we were dealing with that sort of Mr. Jordan's neighbor is -- that the problem there was that the -- taking advantage of the extra density, the density bonus, but the land division was done in one phase and the design review was done in the subsequent phase, and the design review was appealed to the commission, which was very frustrating by the fact they couldn't undo some of the work that was done in the land division stage and couldn't really look at it holistically. So this would require in those cases which are again kind of the exception right now, but they are allowed to occur -- occur, that we consider both of these things at the same time. And wrestle with them both. And these other standards we just went through would apply there, so they'd give early guidance to the project in the first place. You could modify any of those standards through the design review process. But you have some ground rules going in. There's another issue about alternative housing types in single dwelling zones. You can go to a different format where you're avoiding environmental resources, for example, and here we just wanted to assure that there are some criteria that would be applied in the permitting that would ensure some basic level of compatibility. Here are ways they occur. This is in southwest Portland, for example, where lots have been clustered and an alternative housing type has been decided on to avoid the two green resource tracts there. But here's sort of what you want to avoid in the process by going to that. On the other hand, here's a building with the equivalent number of units that actually works successfully in its neighborhood.

So again, whether it's a combination of some of those standards that went before, or some just design criteria, you basically sort of guide the applicant down a different path. Here's an older home, but again, a duplex that looks very much like single family homes on the block. And finally, we think that we ought to revisit as part of the future work program some of these community design standards. These are in addition to the base zone design standards in the existing code, and there are pages and pages of text here, but even with those, the result resist mixed. For example, the slide on the left is a house which meets them, but the house on the right does not meet them. So there's maybe something wrong with those standards there. Because I think the house on the right in many cases would be quite acceptable to neighborhoods, and the fact that we prevent those through the community design guidelines is something we need to revisit. So just to summarize on this category of things, here my recommend -- here are my recommendations. I also -- i've gone through these before with you, so I won't reread them, but the two at the bottom in green are things which i've added just since meeting with community groups and hearing from neighbors. These two I think are important also and will be part of my proposal, which is to decrease the threshold for providing a dedicated recreation area within new subdivision. The current rule is that if you've got 100 units or 100 lots, you basically have to set aside 10% of the area of the lot area for essentially a recreation area.

Katz: What does that mean?

Kelley: It doesn't necessarily mean a city-owned, it can be privately held, but it's available for recreation on the part of the residents, and it has to be accessible from a street within the development. And I think there's some -- at least minimal requirements for how that's landscaped and --

Katz: Is that like a plaza or a playground?

Kelley: It could be more like a playground or lawn area. That's not private, but for all the residents. It has to be publicly accessible. That requirement kicks in at 100 units. I actually think, and many of the neighbors of the -- you start to create a sense of a neighborhood at less than 100 units. So I suggested a -- 40 units as the threshold for requiring that. I think sweeney has asked for 50. We looked at this a little closer, and I think at 40 units you can probably -- there's also a minimum, 10% or I think 10,000 square feet, whichever is less. So I think below 40 units, that 10,000 feet becomes a pretty onerous requirement, but I think at 40 units or above, this is a very good requirement to have. And the last one there is that i'd like to add a criteria in the review process for solar orientation of lots. This may not always be achievable, but where it can be, I think it's important to at least be one of the things that are considered by staff in the approval process.

Francesconi: Before you leave, the question the mayor asked about the recreation units, for example, along mlk, some of those units there, there have been some of the ministers and others that have talked about requiring play areas for kids. Then there's that population study from Portland state that says we're losing children in some parts of the city in our schools, so I had talked to your staff about a year ago about expanding -- lowering the threshold requirement requiring some of this. Can you define, would it be beyond the scope -- can you define recreation and target it more at recreation for children?

Kelley: I think what we could do is look at the code requirements now for what features and what landscaping is put into that in this term, and come back -- we'll just look at that in the next phase of the process, see if that's something we can make sure it includes, is recreation. I think that's how it's oriented now, but we'll try to make sure that's the case. This is clearly getting at that phenomenon. This would be applied in land division, so it may not work on every infill site where there are already subdivided lots, but we're in one way starting to get at your issue. There were some additional things that had come up as well that i'll get to at the end that have been very recently suggested. So those were the basic recommendations I want to have in the next version of the land division code that comes to you. These are in blueprint here, these are the areas I think we need to work on in the

bureau. Again, within this notion of how we do work both in the low density residential districts and then moving, you'll see in the fourth bullet there starting to take this kind of approach, sensible design approach, focused on the pueblo realm, focused on handling infill i. Not rejecting it or promoting it unnecessarily. In the districts that are more extensive, like multifamily development areas, town centers, main streets, that should be a future component of our work program with the same kind of design approach to it. And finally, I think that these rules are fairly simple, but many of these small land divisions are really mom and pop or often done by contractors without benefit of architectural services. They're small. Most of the land divisions you see are really two, three, and four-unit land divisions, not the 40 and 100-unit ones. So a suggestion that came up during the project that i'm promoting is that the city work with the local architectural community, the aia, perhaps, to really prepare a pattern book of these things so that people have guidance when they come in. Here are several ways to solve these basic rules on a lot that's, say, 50 by 100, or 36 by 100, or 32 by 100, or whatever. I think that could be a great help to the building community. Okay. Second issue area was -- this is basically the notion when you have an increment of a lot, whether you round up or round down. The planning commission recommended that if you've got a lot -- a tract that's the equivalent of, say, 3.75 units, or lots at the minimum lot size, that you'd round up to four. To do that just about at any scale, we found that the impact of the rounding was greatest as -- at the fewest number of lots, and it mattered less as you got up in numbers, because you could barely perceive the difference with one more lot at a certain scale. One size doesn't fit all notion. I went to a different set of recommendations, and you'll see this tiering of number of lots reflected elsewhere in my proposal. The one to three lots we ought to round up when you've got 90% of the area of that last lot. So if you've got the equivalent of 2.9 lots, you're allowed to have three lots there. But below that, you're at two units. From four to ten units, 75, and above 10, 11 or more, it's barely perceptible. As long as you have half the lot area you're aloud to round up. The other side is how we calculate minimum density, because that's a requirement under our comp plan and under the 2040 plan. The previous proposal had a rounding up of minimum density at any fraction, so if you had a minimum density of 3.1 you would automatically round up to four. I've cut that in half and said if you have half of that you round up, and below you stay at the lower level. These are -- those are adjustments I was talking about. We have some room to move within the 2040 numbers. I think it make a difference to neighbors, particularly on existing streets where you're getting infill. The third category of issues had to do with streets, and here we dealt with two issues in particular. One is allowing a common green space to serve as frontage in developments. Many of the new urbanist and more well accepted developments in town actually work off a common green, and yet those attempts are frustrated by the current rules. Here's one where you can accomplish the standard way, which is to run a street right up the middle and have the driveways go off either end. Here's an alternative where you have a common green and then you just have essentially driveways or alleys in the back. What we'd like to do is to allow this second option right now to get it it's a very difficult process to go through because we require that each house have frontage on a street. And you see the street there to the left of your diagram is what we call a street, the others are what we call alleys or driveways. So this would just allow sort of the equivalent treatment under the code of both of these examples so you could go to a

Common court or common green as a way of orienting the development without penalty. Here's some examples of development that's do that. And then the second issue had to do with how we design street standards. And this has a couple of subcomponents. One, what are the standards for streets serving a relatively small commercial development, and what determines one -- what is a public and what is a private street? Here's a real life example of a lot pattern from outer southeast, and we've colored in blue three six-unit land divisions, each of which had a different requirement put upon it. And we'll go through those. The first one here, the standard arrived at through the permit process, this was a multidwelling site, six units, again, paving of 18 to 24 feet, sidewalks on both

sides, landscaping strip on one side, total width of 34 to 40 feet. Here's another six units, same neighborhood, a narrower street, 18 to 20, which allowed a 24 to 26-foot width, so a narrow street sidewalk on one side. And the third case here required a public street which had a much larger width of 50 to 54 feet eating up a whole bunch of land area for a fairly small street. We didn't necessarily fix this problem entirely. We flagged this as a real issue that we need to wrestle with. And we had some pretty serious discussions with the advisory group and pdot to sort of sort to get at that discussion. We didn't complete it and we need to come back to that in the next round. What we clearly want to avoid, though, are situations like this where you essentially you've got two private street with a fence in the middle and then a future subdivisions coming off of each of those separate driveways. Not an efficient use of land. So basically we want to have streets designed according to their use and function, rather than whether they're public or private. And we want to create a narrow street standard. Some referred to this as an urban lane. We're talking about streets which are off the main grid, so they're not required for connectivity, which is the buzz word for the larger connections. These are basically small I ban streets, and we want to really settle on what those standards are, and we weren't able to do that in this round, but we want to flag that as a work program issue for the next phase. So here in summary here are my recommendation was regard to streets.

Francesconi: Will they be cheaper?

Kelley: Well, in are different construction standards for public and private, so if we can arrive at a new public street standard which would be ideal to have public access and public dedication in many of these circumstances for narrow urban street that does not -- is not a connection street, that would be ideal. Alternatively we'd come up with a private street standard that would serve that limited public purpose and those are often as you say cheaper to build. They don't have the same construction standard.

Francesconi: Are you working with the l.i.d. Folks? The people that are looking at this? There's a group in pdot -- matt brown. Are you working --

Kelley: We're working with pdot. We'll be doing that in the next phase. The l.i.d. Issues came up as a major issue in the discussion group. The environmental protections were the next-to-last category of things. Here we wanted to really look at water features, streams, springs, and what we call seeps. Seeps. Springs and seeps being seasonal features. The potential land side issue is another issue that came up, and impervious surfaces. With regard to streams, we are relying on the e-zone mapping project, which will be coming forward soon. That's really essentially mapping every stream or watercourse in the city. And we'll be providing additional protections for those. And of course when you go to divide land that affects one of these, there's a whole environmental review process that's required. So those will be extremely well protected and more so even than they are now. But there were lingering concerns about particularly the seasonal water features that may not be mapped as part of the e-zone project. What -- and what happens when you come across a spring or seep. We've decided to add approval criteria that require a look at these. When these are shown or discovered as part of a land division process outside of the e-zone, they're now criteria in place that say you've got to look at these. What they'd say is, were they looked at as part of the zoning process and rejected, and if so, why? If they weren't looked at, they should be looked at now. And the area the landslides, we looked here at sort of some tiering mechanisms that will allow small ones is that do not pose a significant risk to be subject to the normal technical reviews in the building permit process, but then larger projects and ones which do involve building in hazardous areas to require a higher level of discretion. Here is a map showing the -- this comes out of metro work, this map. You can see most of the west hills are in a potential landslide area. And here's the way my recommendation breaks down. On the left you'll see an example where a three-lot division actually extends part of the road in utilities and a building site into the potential land slide area. That we would subject to a higher level of discretionary review. The planning commission said those should be a type 3. And then -- but where that's avoided, for example, in the slide on the right, you're

staying away from the landslide area and putting the building sites and the roads and utilities outside of those. Those ought to be subject to technical review in the building permit stage. So it's a type 1. And you've probably seen testimony from Sweeney on that point. Then impervious surfaces was the last environmental issue. We knocked this one around, and while it may be possible in the future to define what the right regulatory scheme is, we found that right now we think a lot of the problem is actually being caused by existing development, for one, and particularly the existing road system is probably the biggest single offender in the impervious surface and storm water runoff equation. And that what we need to do is really look at this watershed by watershed, rather than lot by lot to figure out what the development standards should be if any. So for now what we've said is continue the work that B.E.S. is doing with an interbureau group to figure out what the right overall strategy is here. We think a lot of it will have to do is incentives and education, and not just regulation. Part of the problem with the regulation was that a whole lot of impervious surface can be created without any benefit of permit. So there's no easy way to catch it in the permitting system. For example, you can go out on the weekend and get bags of cement or bricks and build all patio and double your impervious surface on your lot without the benefit of any city building permit. So there's not an easy filter or screen there for those.

Saltzman: Why can't you approach it through a base zone design approach? I don't understand.

Kelley: Possible to do that. The trick there is enforcement. When people go in later and just do things on their own. But that's worth another look at.

Saltzman: I guess -- well, we'll talk more about that. But I -- I'm inclined to say I want the impervious surface train to be attached to this, and not to be left off to department with somewhere else. I think it is important -- if we're talking about how design relates to the environment, this is a pretty key issue, and we've got to go beyond just aesthetic design. We talk about functional design, I think this is a big element of how design --

Kelley: We certainly agree with you philosophically. We're trying to find a practical way to do that at this stage. We'll have that discussion again. We'll relook at that and come back. And these are the summary recommendations here on this category of things. And the final category had to do with the development review process itself. Here we looked at three issues. What should be the right as we call them procedure type, or the level of review, level of discretion. We looked at the public comment period, which actually isn't codified now for many of these, and we looked at this issue of within the land use permitting process, what decisions are actually land use decisions and therefore appealable and so forth. And what are basically technical decisions left to the bureau. So on the first topic we basically did a first cut saying, anything that's two to three units we keep in the type 1 category. We put the four to ten units in the type 2, and we've recast type 2 as type 2-x, because it has additional features we'll talk about in a moment. The larger subdivisions, 11 units and more, we would assign the type 3. You'll remember type 2 are appealable decisions, and type 3 are appealable to the city council with public hearing. So basically -- and there are complications, so you'll see even in the case where you've got a smaller one it might kick into the next category if they have some other complications attached to it. Also I wanted to really enhance the current type 2 process in a couple of ways. One is to require early neighborhood contact, early in the application stage, require preapplication conference, and a 45-day review period. Within that review period, we felt it was really important to give public notice of it, notice for public comment, and we have suggested 21 calendar days for that review. There is no number of days stated right now, and we've suggested this -- we've heard a suggestion that that be 30 education or even more from some of the community groups, and we have in fact just talked today again with OPDR and I think we probably could accommodate a 30-day review period within the 45 days. Much longer than 30 and then it's impractical to keep to the 45-day deadline. But I think it's very important to signal that the public can comment at any point during that time period. And then finally this issue of what's a land use and what's a technical decision is the last one we took on in this category. Remember that the land

use decisions require land use approval criteria and findings, and they become appealable in appealable actions. Technical decisions, we want most of that information at least known at the time of the application, but it's really up to the bureau technical staff to review that comment on it and make decisions on it. Some of those decisions get made further down the line, or adjustments need to be made depending on site conditions and there's a sense that that becomes awkward to go back and reopen the whole land use approval. So the planning commission had recommended actually that all of these be land use decisions. The bureaus you remember at your hearing protested, and i've come down with a hybrid approach here. I think that these ones i've marked clearly should be land use decisions. That is to say, the type and location of the street right of way and the width of the right of way which infers a number of features within that street be clearly land uses decisions. Those affect the quality of the site design and the neighborhood character. The width and the elements of the street design are important to have known at the time of the land division, so I concur with that in terms of being known at the time of the land use approval. But there are adjustments that do need to get made when the detailed engineering comes along and in fact even when things are discovered in the site. And that's the reason for allowing this to remain as a technical review. That being said, however, both in this case and in the case of storm water decisions, I think it's imperative that the other bureaus and the other bureaus have agreed, to publish their standards and b.e.s., For example, has done this with the storm water manual. They've done that in a way they have established a citizen advisory committee to help create those standards, and they will periodically review those standards in public. And I think that's a good model, and pdot does have standards that they've agreed to group together and publish, and also show their standards for when they run across a difficulty in the field, sort of what gets sacrificed first and second and third and last, and so forth. So those kinds of decision trees are understood and known. And then finally, both those bureaus create add -- an internal administrative review process, so when a complaint comes up there's a way of addressing that within the bureau that doesn't require all parties to go back through the land use review process, but there is some redress within the system. I feel it's important, the other bureaus have been very cooperative in this effort to arrive at these new standards and I think it's important to place this trust in them that these processes will work. I will be honest, there's some skepticism on parts of the community that those will work, and i'm saying we ought to try that, particularly withstands and procedures published. On the storm water --

Francesconi: Are there some particular places where we need to start to make sure they're published, in particular bureaus?

Kelley: Yes. The storm water manual has been published, and that actually I think is working pretty well now. Many of the examples of the horror stories that were cited were before that man wall was created. And I think it's now working pretty well. And they have agreed to create an internal review mechanism. In the case of the street standards, they need to be published in one place and made very clear and to create this internal review process and vic rhodes that's agreed to do that. Same saying additional insurance that those two things ought to be done before the effective date of these new regulations, so we're not just waiting for them to happen, but they actually happen by the time these are adopted. So here in summary are my recommendations about those rules. Let me back up to one point on the storm water. One particular issue came up for me, a fellow brought up a case in forest heights, and then another one as well, where it was found that there was an assertion that there was adequate capacity to treat storm water on site and that -- in that subdivision. And approval given by the bureau at that point, sort of along the lines of, we'll figure out the details later. It turned out it was impossible to really meet that capacity on site. So what i'm suggesting here to the bureau, and we're still in a discussion about this, is to respond to the community by saying, we ought to at least require the demonstration of capacity by showing a system that is capable of handling that on-site. There's at least one way under the storm water manual of making that. It's not just a blanket assertion that can happen, but a demonstration that technically it can happen. That being said, I think

that we would leave the specific design of the -- of it up to a technical decision. So that even the engineering and system could change, but you don't come back later and find out, oops, we couldn't make any system work on here. So that's a refinement of my earlier recommendation which i'm exploring with b.e.s. And which we have some early receptivity to on the part of b.e.s. So here in summary are my recommendations on the development review process. And then just to wrap up the schedule here, I want to hear your thoughts today. What i'm hoping you will satisfy is -- say is that you've struck the right balance here, you've pushed it forward, let's go through and get some code language along these lines, subject that to an additional public hearing and bring that back to you in march. My view is that we don't want to stretch this out for another year or two, and have that many more subdivisions go through the hoop -- through the existing ordinance. I think these are dramatic improvements in many ways for neighborhood quality and character. So after the maritime frame we would take on those items we listed with the blueprint there, which are part of the ongoing work program, and in march i'll give you an idea, a clearer idea of exactly what pieces will be done on what schedule in that regard. So with that why don't I stop talking and invite the mayor to ask other participants in the process to come forward with their testimony.

Katz: Will the group that worked on this project and is here to testify please come on up?

Kelley: I think we had arranged some speakers, some will need to leave early, so we suggest the first three be bridge it, arlene, and bruce. And the next panel, amanda, peter, terry, and we can read the others after that.

Katz: Okay. Bridge it bridget.

Saltzman: What's a seep? Maybe somebody on your panel can answer that. I think you're doing good work. One of my pleas will be, bring us code that's administratable.

Kelley: We can change the work to burble. I understand your point.

Saltzman: You know when you see it it's not a good enough definition.

Katz: We'll give you each about three minutes. How many people want to testify today? We better do three minutes, then.

Bridgid Flanigan, Southwest Neighborhoods, Inc. (SWNI): My name is bridget, i'm testifying on behalf of southwest neighborhood. I was sweeney's representative on the task force. We'd like to commend gil and his staff for their success in listening carefully toll the concerns of the community and we believe that gil has produced a set of recommendations which begin to effectively address the key issue of how to accommodate additional density while maintaining compatibility. And we're particularly excited about their recommendations to encourage superior site and building design for smaller attached and detached lots. This proposal has come very far since you saw it last in february, and we are very, very pleased and would like to give a big congratulations to gil and to the bureau staff. We do have nine remaining issues i'd like to go through those quickly with you, and we did summarize these to you in a letter from patty lee dated november 26th. The first issue related to two to three lot subdivision that's are located in potential landslide hazard areas. As you can see from the presentation, gil recommended that when no work was occurring within the landslide hazard area that should be a proper -- processed under a type 1 and if there was work in the area, it should be processed under type 2. The planning commission had recommended a higher level of review for these sites, specifically type 2 and 3. We actually concur with the planning commission's earlier recommendation, because we believe that these sites can have a very significant impact on adjacent homeowners, and therefore we believe that the higher level of review for these sites is warranted. The second issue relates to lot size. My understanding is that gil's latest proposal is to allow minimum lot size that's are less than what is currently allowed now through the adjustment process. And we believe and we -- as we stated in our john 24th letter to you that -- january 24th letter to you, that the minimum lot sizes should be what is allowed today per the adjustment process. We do not believe they should be smaller than the adjustment process. The third issue relates to the current pud requirement that water features be left in their natural state, and we think it's very important that this

current requirement should remain in the code. The fourth issue relates to rounding. We think that rounding of minimum and maximum densities, that the concept should be applied equally for both minimum and maximum densities. And that those concepts depend on the size of the subdivision. So for one to three lot subdivisions, because the impact is so disproportionately large, we believe you should not round either minimum or maximum densities at all. For four to ten lot subdivisions, we think you should round minimum and maximum densities when the fraction is .9 or greater, and on subdivisions of 11 or more lots, we think that you should round when the fraction is .75 or greater. And we think those concepts should be applied equally to both minimum and maximum densities. Issue number 5 is the street as a technical or land use decision. The elements of what is in the right of way, whether there are trees, whether the trees are preserved, whether there's on-street parking, whether there are sidewalks, we think those elements are very important to maintaining neighborhood compatibility. So we think that the decision about what those elements are should be made in the land division process, not in a technical review process. But we understand that pdot needs the flexibility to change those site plans if they encounter on-site conditions. So we would like the street elements to be a land use decision and provide flexibility for pdot to change and alter the plans at a later date. If they encounter on-site conditions. Issue number 6, we believe that projects should create one on-street parking site per lot. The current -- the proposed requirement would be one on-street parking space per five lots. Issue number 7, we think the pud code should be retained. It's proposed to be eliminated. Issue number 8, as gil suggested, we'd like to see 30 calendar days, not 21 calendar days, and issue number 9, which is standard six for narrow lots, gil's proposal is to call for a preliminary foundation landscape plan. The slide that he showed you showed all sorts of landscaping in the front yard. And a foundation landscape plan could just be a three-foot strip jaw sent to the foundation. We think if you're going to do narrow lots and you need that landscaping to enhance public realm, it should be a preliminary landscape plan for the front yard, not just three feet adjacent to the foundation.

Arlene Kimura, Hazelwood NA and East Portland Neighborhoods: Thank you very much. My name is arlene, and I represent the neighborhoods that are served out of the east Portland neighborhood office. We do want to echo sweeney's program that gil is doing a nice job and we are really pleased at the direction that he is going to. We are -- we have some concerns which had is -- he is aware of, and one of the concerns that has not kind of made it as a round in the environmental area is the tree protection. You have a tree protection ordinance, but it is not being applied. And we feel particularly for our part of town where all of the 80-foot fir trees are being cut to make buildable lots, that they are as much of an environmental feature as seep, springs, and streams. The other thing we are all concerned with is on the work program that he has outlined, we support that, but we'd also like to make sure it happens. And on one of the things that you guys have to do is make sure that it's funded so it happens. We are real concerned that to accept the work program as a future thing and then at some point that we are being told we have no staff to do it is really something that we cannot support. There are certainly some issues with the b.e.s., Pdot recommendation, and we have expressed our concerns in a letter, and we would like to echo the sweeney position that we'd like 30 days to review. Most of our neighborhoods don't meet any oftener than that, and it's very, very difficult to get any kind of reasonable review if you're limited to 21 calendar days. Thank you.

Bruce Sternberg, Southeast Uplift Neighborhood Programs (SEUL): My name is bruce, I represent southeast uplift. My comments today will not represent the position of southeast, these are my own comments. But I do want to say, this was an extremely positive experience for me. And I have as you know participated in these kind of activities before. I want to elaborate why so it's repeated again hopefully. One is that it was comprehensive. Gil got us to think not just in

Terms of land division issues, but design issues, issues that went outside of the box. I think this is how you really need to look at development control issues. Second, this was an inclusive process.

We had people from neighborhoods, we had professionals, we had people from the agencies. The form was exceptional in terms of allowing a variety of viewpoints, and that was very positive. Thirdly, there was proactive citizen participation. That is, citizens got involved before a proposed recommendation was made. There was an opportunity to get into philosophical and large-scale issues, and that was also quite positive. And finally, design became the focus, and this is something that I think a number of us felt strongly, it wasn't just density, it was the relationship with density and development. There were some issues that were not covered in Gil's recommendations, and I want to point out a few of those. Some of these were discussed, but did not come out in recommendations. One notion was the notion of expediting well-designed projects. There's not a process for that, but in the context of encouraging good design in the city, I -- some of us thought that would be something to pursue. Another notion is connecting infrastructure availability to development. Another notion is the general review process. We got into some issues and Gil pointed those out today, but there are even larger issues related to permitting and procedures for permitting. All this connects to people's perception of what can be built and the possibility of doing good design in the city. And finally another notion had to do with looking at the possibility of using density bonuses to encourage affordable housing. In terms of future, I think it would be great if the comprehensive aspect and inclusive aspect of this process continued. I do think it also is important to address the large architectural design issues involved here. And not just in the context of land division. There needs to be in my opinion an advocate in the city for design. This always comes up. The planning bureau is -- there are architects in the planning bureau, but their focus is very widespread, and I would urge you to look at some mechanism in the formal way to allow architecture design issues to be brought up. A number of us are architects who participate in this, we were glad to contribute our time, but it's an extensive effort and we would look to other ways to formalize that process. The final point is that this is wonderful and the input is wonderful and the process is wonderful, but the real test is the success of the legislation. And I would urge everybody to be consistent with our process and to continue to -- the -- to make sure there's not a let-down in the quality of legislation that results.

Francesconi: What happened to the idea of expediting the permitting process for good design?

Sternberg: I think a lot of people felt it was a good idea, we just couldn't get into the details of it. It was rather large.

Katz: Is that one of the next stages, Gil?

Sternberg: I hope so. And other issues have to do with design quality. We have standards that tend to be more planning oriented than aesthetic, or architectural design oriented. How do you expand those standards to get quality design, not just prevent ugly design.

Katz: Thank you. Thank you for your time that you spent on this. We appreciate it. What's the next group? Peter, why don't you start.

Peter Wilcox, American Institute of Architects (AIA): Greetings. I'm Peter Wilcox. I'm an architect and community designer and I've developed quite a substantial amount of affordable and low-income housing. I'm going to speak a little bit as a developer on the other side of the equation rather than the neighborhood side, although I'm interested there too. I want to thank Gil and the planning bureau for asking me to be part of the discussion group, and I thought it was an excellent process. There was a lot of give and take. There was widespread representation of very different viewpoints. The meetings were very long, and went over -- went on for a long period of time, which allowed us to cover a lot of issues and concerns, and we got into more detail than I ever would have believed we could have, which I really appreciated, because these issues require that kind of finesse. The planning bureau staff and we volunteers on the committee did extensive work looking at alternatives and gathering real-life examples as you saw on the presentation today in order to understand the implications of the various ideas under consideration. I was very impressed with the way Gil listened, asked critical questions and responded to the input that we gave him, and I

appreciated that he often remembered concerns that were not addressed in a specific meeting but came up several meetings later, he would remind us there are been controversy offer an issue and we were able to revive that discussion where we left it off, which was helpful. I see this as an excellent planning effort. It manages the -- to integrate and balance many concerns of citizens and responsible developers alike. It's less aggressive in terms of density than the previous proposal by some, but it's still creating quality development opportunity and I think it impacts affordability have very little if at all. It offers creative solutions to challenging situations and breaks new ground that will be a win-win for developers, and neighborhood residents alike. For instance the common greens, which i've tried to do and

struggle on the bungalow ports, for example, where it took me months to do something that should have been simple and now will be under this new proposal. Above all, this package is filled with a common sense approach to maintaining Portland's neighborhood livability while allowing the design and development community to add new housing that can range from low-income to luxury with some good new creative possibilities while continuing to protect environmentally sensitive areas. I do think it's important that a couple of things that were mentioned earlier that were dropped off the list, the density bonus for affordable housing, i'd really like to see that. I think it's critical that the design recommendations for narrow lots be followed up that the work program be funded. So thank you very much.

Amanda Fritz: I'm amanda fritz. I didn't represent anybody on the group and i'm speaking only for myself at this time. I think -- I agree that gil has done an excellent job of identifying most of the key issues. And I guess I didn't start writing this until 11 o'clock this morning because I think there are many good parts to this proposal and there's still a lot of things i'm concerned about. So I tried to identify some of the good things and bad things and then I am going to leave it up to you to make the hard decisions. The main question in my heart is, is this better than the current code? In my neighborhood, the development code is used most of the time and works really well. It works well to say yes and it works really well to say no. And it considers how the subdivision fits into the neighborhood. So i'm really reluctant to lose the -- use the pud code, and i'd ask you to consider keeping that code as an alternative to the land division code. Secondly, I appreciate the proposal to add design standards for narrow lots. What i've seen in my neighborhood is that then later applicants come in for adjustments to setbacks, the height limit, and the proportion limit is great, but people are going to say, you can't do this because I have to have a double garage. And it's really difficult for opdr staff to say no, you can't have that, even though it requires an adjustment. I appreciate the fact that this is still a work in progress. We are wonder can how much of a work in progress and whether there are more details that can be worked out. If you look back to our testimony, my testimony back in february, in were a bundle, 100, a lot of details that people were really concerned about, and unfortunately the details really -- you know from city council appeals that it can often come down to a single word that makes a big difference. And so I would -- i'm wondering what the process is going to be to come back with code language and if the specifics in what gil outlined are a done deal after today or not. For example, he talked about the lot sizes. And i'm really concerned about lot size. I think it's still going to be squeezing in more smaller lots into the lower density single family neighborhoods and the reason I think that's a problem is that we can't fund parks in some of our higher density single family neighborhoods, a loan promise that we can find placing for families to play in our ten and -- in r10 and 7. If you go down to 6,000 square feet, that's the lowest you can ask for in r7. So we're basically chaining zoning. On the last page of my testimony I just copied in for you again the purpose statement for subdivisions and the purpose statement for the zoning code, and I really feel we're making a big change in what we're trying to do. I'm glad to see the issue of common recreation area back on the table. However, from 1991 to 1997, there were a total of only 17 -- there were only 19 land divisions that were over 50 units. They didn't have it broken down into over 40 units, but that's not a lot. That's less than three a year who

were going to have to do that recreation area. Now in every planned unit development, 20% of the land area has to be in common open space. I'm going to change hats and say I think that the protections against landslide hazards are overly restricted. Almost all of the west side is in the landslide hazard area, even flat lots on surrounded by streets that are -- they're on the land side hazard map. So they have to have two different consultants certified that their land is flat and it's not in the hazard area. I think that's going to make it too restrictive. Time nearly done. Arlene raised the issue of trees. I just want to take responsibility for the proposal that's in here. There's a proposal in here that talks about saving trees that are outside of the environmental zones and outside of the tree preservation and replacement standards that we have. And it was our best effort, it was the best I could do to try to figure something out. But it doesn't work. We need to do some test case and I would like you to do direct the staff to be able to revise this proposal even more. I think gil has done a tremendous job of finding the really big issues, but there's so many others that I think need some more work, and I hope you'll be able to direct us to do that. Thank you.

Terry Griffiths, Woodstock NA: My name is terry griffiths, I represent myself and the woodstock neighborhood southeast neighborhood, kind of in the middle. I just want to repeat that this has been a great group and a great process. I commend gil and the planning staff as well. The staff was wonderful in supplying really good visual material and follow-through so we were able to stay focus order on -- and on track and I think they did a super job. I think i'm just in the process of repeating here, but gil has said in these community meetings that he wants to approach the land division code as one component of a larger urban design initiative. And I think this is the right way to go at it, the right framework, the right perspective, and that increasing density will only be positive when it is accompanied by increasing attention to design. And I believe these recommendations are a good step in that direction. The -- gil kelly -- kelley has been a great active listening, picking up on a lot of what was said, and some of it is not being recommended for the immediate title 34 land division code. But there are several items that are, what, ongoing work or so, and -- including something that I mentioned was really pleased to see continued to be paid attention to, narrow lot design standards. Where I live there are -- we have r5 zoning but many lots of record that are actually 25 by 100 lots. So they are -- they can be built as they can be built on 25 by 100 lots. Very narrow. And what's being built there now kind of looks like a row -- it looks like it should be an attached house, tall, narrow with these tiny setbacks required by r zoning. I think that the proposal to relook at how we deal with such lots is a good one. And I hope it happens. Thank you.

Katz: Thank you. Amanda?

Fritz: I want to make one other connection about the technical versus land use issue. This was -- has been a big question. A few weeks ago you had a cell tower appeal in which the applicant's information was the only information that could be relied upon. And you had a discussion about how that was unfortunate. And I don't see any disadvantage to allowing citizens to provide information at the land division stage. The reason that's important is because we pass the update to 1738, which says that you can't pay a fee in lieu instead of managing your storm water on site. So we have to make more storm water decisions early in the process, because we don't want to do the land division if we don't.

Paul Leistner, City Club: I just wanted to join the gil kelley fan club and say it was a wonderful, wonderful process. I think from the city club standpoint, gil has really been able to bring to the process a lot of the things our city club study last year on density was saying needed to be in the process. Rebuilding the partnership with the community, bringing the community back in the planning at a more fundamental level as bruce had said as well. So the process was very, very good, and the staff was wonderful in providing a lot of good technical support that helped us be able to understand some of the situations give us examples and that sort of thing.

Francesconi: It's good to hear all this. We were starting to wonder why we hired him

Leistner: He's great. He's great. The city club had interest in some of the broader issues, and one of the things commissioner Francesconi had brought up, this is giving some credit to his great insight, that there hadn't been an analysis done to look at what are the numbers do, we have the capacity in a more detailed sense. And that's why from our standpoint we were saying, what's your strategy? Do you want to push it in the neighborhoods, pick something. And then we've got something to work with. I think gil's work and the staff's work has finally shown us we don't need to push as hard to get the additional units in. So we can start to look at some of the other values. Good process, design, environmental issues. Some of the other things people have brought up. I think gil has done a good process of trying to adequately balance these different goals in the land division process, which is really good. So we say yes, we're on the right track. I think overall there's very strong support for the general direction that gil is going and the kind of recommendations he's made. I think you have to remember that was a 400-plus page document last time. There was a lot of community concern out there about a lot of the details, and I think amanda brought that up. Gil's done a great job at getting at some of the big issues and stepping back and looking at it and seeing how it fits into a broader planning density strategy, but we need to keep in mind those issues about the details. So I hope you will be open to further input on that. Also there's not just a technical challenge, but clearly a political challenge. I feel fortunate to be included with the other people on the group. We've been brought up to a higher level of understanding of what's going on and where gil's going. Hundreds of people out in the community weren't and I think there's --er in very suspicious of what the intentions are of the planning bureau and the city. I think some of them are trying to exploit that. Would I suggest we look at this political strategic dynamic over the next few months, use us as a resource on the advisory committee, help us work with staff to try to identify what are the concerns that are out there, and can we put together information materials that really start to answer the kind of concerns people might have out in the -- people might have in the community. The bureau hasn't always done a great job of providing information materials that seem credible to people. They give the right information, but I think we could assist you in that. So please use us as a resource. Also I think the pud process is one that city club did bring up a year ago, concerns about what happened to that, where it's going, a number of other people have brought that up. And I would encourage you to consider possibly reconvening our group at least for a one-time meeting just to really take a look at what's changed under the proposal, have we really lost anything, the staff says a lot of it has been folded into the proposal, some people are skeptical of that. Let's straighten that out, because I think there is concern about that in the community. So excellent job. I hope you guys will support gil and -- in moving forward with just -- not just the immediate work plan, but some of the broader pieces as well.

Katz: Thank you. Gil, anybody else? Rick, I don't know if we should let you talk. [laughter] come on up. Who else, Britta? All right.

Rick Michaelson, Portland Planning Commission: I'm rick michaelson, I also served on the subcommittee and was very pleased to spend the amount of time we did on this. I think the product that gil has brought to you is an excellent product. It's a package you ought to adopt and support seriously. I want to emphasize it's a package. I want to talk about one or two elements that people have testified against today. The first is the minimum lot size. I think we need to remember that the minimum lot size does not control the number of units that are allowed in an area. It just allows some variety. Some lots can be smaller and others can be bigger. But you don't get any more housing units. Secondly, under the present code, there are two provisions now that exempt you entirely from any minimum lot size. There's a cluster subdivision, a matter of right that has no minimum lot sizes in it at all, and in that sense going to the code that gil is proposing is stricter in terms of lot size than what we have today. Secondly we have the duh process that allows a strict--- allows you to do whatever you want with the lot sizes. And that code provision is also not -- is being folded into this and simplified. So what gil has done, instead of having three separate

processes, one for standard lots that has a minimum lot size, one for cluster subdivisions that has no minimum size at all, and one for puds that go through a different route, pick the middle ground and said the minimum lot size will be 60% of what the normal is, as of right we don't have to debate that during the hearing process. The second issue is puds and allowing them as an alternative process. I think the pud process has worked very well. The problem is not everybody has to go through it. If you decide to just chop up your land insensitively into standard lots, you go through one process that's relatively simple. If you decide to be more sensitive and go through the pud process, it's much more complicated and much more expensive, much more difficult. Therefore the reason you saw on the slide so few puds is people avoid that process like the plague. If you think it's a good process in producing good results, I urge you to require that process for all developers. So you don't have the situation where some are choosing to do an easy process to get a bad result and others are penalize can themselves through a more difficult expensive process by wanting to do a better job. You need to equal eyes the playing field for that. With that I will stop. Thank you.

Katz: Thank you, rick.

Don Hanson, Mt. Tabor NA: Don hansen from mt. Tabor. I was also involved in the discussion groups for this project. I think this is much better than the existing code. The direction it's going. I'm really going to repeat some of the items rick has just mentioned. Primarily because it focuses on the quality of infill development, small scale development. That's what's left in Portland. The days of large-scale puds are really over. So I think it's time to really fine-tune the code to react to small-scale projects and what they need to happen, and to exert a new quality in the Portland neighborhoods. I think this does that. It really gets right at the quality of the projects with the lot size, density rounding relative to unit count. The flexibility on street design and the ability to front homes on green spaces and have alleys is terrific. All these are good tools that someone can implement on a small-scale project without carrying the burden of a large pud process. The idea of design standards, I think requiring a front yard landscape plan is something that should be incorporated, though. That's what's the most visible from the public realm. There is also discussion today about kind of the line between land use review and technical decisions by staff. I think that was appropriately drawn in gil kelly's presentation today. You get to a certain point, you really need to work out engineering details with staff, so I think that delineation is cracked right now. The other thing I like about this, the process. There's the appropriate level of process, and I think public involvement and notification given the complexity of the project. I think the idea of the type 2 does that. If we make it difficult and make people go through pud processes for small-scale projects, as rick mentioned, it won't happen. So we fail. So I think this idea of appropriate level of process is good for applicants, it's good for neighborhoods, it's also good for the city that has to administrate these processes. Thank you.

Hales: Let me ask you a question. I like the packages, but I guess it seems like it fell short in one aspect, and that is I think the landscaping requirement makes sense, I think the design emphasis, i'll vote for anything the -- for anything that improves the quality of design, but by attaching it to the subdivision code instead of putting it into the development standards, we're only applying it to new lots, not existing lots. Why don't we put it in the development standards and not the subdivision code?

Michaelson: One of gil's blue lines said look at applying these to all existing lots. It was outside the purview of the process --

Hales: If you want feedback from the council, but you have no problem with that? Okay. I don't -- both for ease of administration and for scope of coverage, I think we'll be better if those are in the development standards and administered at the permit stage rather than in the subdivision standards. For one thing people don't know what their landscaping plan is when they're deciding a large lot into smaller lots so i'd rather do it at the development stage.

Michaelson: Some of those cannot be separated from the subdivision. For instance how you're going to provide the on-street parking, where you're going to put your landscaping. So they may go in the zoning code to apply to everything, but they've got to be administered at the time of the subdivision approval or else they won't work.

Hanson: Because we're looking at higher density solutions. I think some of it does need to occur at the land division stage. And as I read through this, you're into a more intensive review process if you start pushing the limits. And asking for exceptions to base design standards. So I think the kind of level of detail and level of design escalates appropriately based on what an applicant is pursuing.

Michaelson: One of the things that influenced us a lot, the design commission was asked to do review on subdivisions, and the basic feeling was it's too late. You've got to move it up earlier into the process.

Hales: I'm going to suggest when we get into discussion with gil, I loved what gil showed us on the screen about row houses without curb cuts and trying to avoid the front yard of rowhouse project being a parking lot. But don't we need to get rid of the minimum parking requirement in order to do that? We're saying design like this, but provide that much parking. So my request to the planning bureau is bring us a proposal to get rid of the minimum parking requirement. Are you okay with that?

Michaelson: I've long been a supporter of reducing it, not eliminating it. I think it ought to be .8 per unit. Not zero, but --

Francesconi: Me too, but I want to raise another point, which is process. I think we need to include people in -- and go through an orderly process when we make these changes. And not do it through some recommendations up here that apply to some other codes.

Katz: We'll talk through that when we bring gil back up. Because we're going to -- commissioner Sten needs to leave and I want to give him an opportunity to say what he feels. Because we're going to accept the report, gil, but there will be other issues that the council will want to reflect, so we need to figure out how we do that. There may be an amended report or addendum to the report when we're finished. Did you --

Sten: I apologize, I missed -- mistimed how long this is going to take. I'm generally very supportive. I don't think this is a miracle, but it's definitely in the -- I wouldn't have bet money that it would be this far along, and it's really a remarkable piece of work by the activists and the neighborhood folks and the staff and gil. So i'm positive i'm going to support this and will continue to engage on the key points that are still there. I think there's still more to be debated but I won't rehash it. I'm happy to spend more time talking about those issues that remain and i'm generally very pleased. This is a very big step forward for us. Thanks, mayor Katz.

Note: Commissioner Sten left at 3:50 p.m.

Greg Theisen, Neighbors West/Northwest: I'm greg tyson. I'm -- I served on the advisory committee from north Portland. I'm a member of the planning committee in northwest Portland. I'm a member of the planning committee in northwest Portland and was serving for neighbors Northwest. I have one comment that I think charlie was just alluding to sort of, and jim alluded to when he spoke about the recreation area question along mlk that. Is that this process has focus order single dwelling zones. That is the r25 and up. I think for northwest Portland it doesn't go far enough to deal with this design, and neighborhood livability issues that question have in the rh, and 12 zones. As we move forward with some of this and as gil made reference to, much of this could apply to those zones. Much of the ideas could be applied to those zones, because this sort of development we're seeing occur in r-1 and 2 and even the other zones now are row house developments. And these design standards on the narrow lots do not and will not apply to those lots. So they're -- in some cases they're existing lots and in some cases they're land divisions. But they're the same kind of development, and we would really urge the council and urge the bureau and staff to take this as far as they can.

Katz: Thank you. Come on up. Anybody else that worked on this? We'll give you the first opportunity to speak and then we'll take anybody else that wants to address these issues.

John Weigan: I'm John, speaking for myself from the north Portland neighborhood office. I'm also a member of the Gil Kelley and Staff Fan Club. I think the group is a sue push group and the product was an excellent product and the process was a superb process. What I would request for you is consideration that there's a great deal of -- a very -- of very difficult work ahead of us. This is very innovative thinking, and in particular I think the focus to make design a critical issue of our thinking process is important. These are really the issues that the code is all about, because codes enforce professional design. It's really the issue related between the high level design and the low level design of land use decisions versus technical decisions. The problem that we're looking at is developing a code. The code is a left brain word oriented non-design sort of document. And to make the transition from the design that we've been talking about to the sort of linear legal nature of the code is going to be a very elegant exercise that is going to require a lot of support on your half, and it's not going to be easy. So in particular, I am supportive of the importance of design in this process, and to also recognize that we're doing some things that are going to be very different in the future that we don't have a lot of experience with, and one of the ways to cope with that is a process where we don't try and get all right all at once, but we do little steps and experiment with them and recognize that our little steps might be wrong and that we can change and fix them. Thank you.

Barry Daigle, Northeast Coalition of Neighborhoods: My name is Barry, and I represent the northeast coalition of neighborhoods on the -- is -- do I have an echo? I represent northeast coalition of neighborhoods on the -- during the group discussions. You might remember at the last time I spoke here was December '98 when I asked city council to reject a change to title 34. That being approved, and since that time there has been more development infill development in northeast Portland. Some of the structures have been positive additions, but there have been others that have been a negative contribution to the neighborhood. Those have primarily been the attached row houses, they've been copies of one of the screens that Gil Kelley presented, and it's hard to battle the argument that gentrification is a bad thing when these things are between 250 and \$260,000 and they don't look like they belong in the neighborhood. They are exact copies of what might be built on Weidler out on 120th or something. That being said, I can paraphrase two things I heard during these group discussions. One is, in the past the code has been written as if each neighborhood were the same. Since they are not, the code needs to be more flexible in some ways and more restrictive in others. 2, poorly designed 1 and 2-lot developments can have a greater effect on neighborhoods than the development of an entire block. Therefore, small and large developments need different treatment within the code. I'd also like to say last week NECN approved the work that's been done so far. There's a lot of work to be done in terms of writing the code, but I'm confident and -- under director Kelley's leadership, and I'm confident OPDR can draft code language encouraging development that adds -- every neighborhood's own rich character. Thank you.

Katz: Ed, we'll take you last. We're going to be here.

Kay Durtschi, Southwest Neighborhoods: I just want to sort of take you back a step and that is to -- about 1991, '92, I sat on a periodic review committee, and I think that was a forerunner of what we're dealing with today, because we found out very early on that much more work needed to be done than just to look at the code as it sat. And so then there was a consultant hired, and a great deal of neighborhood input and open meetings where a lot of discussion went on. And I see this coming out of some of that work that was done, and I'm very pleased with it, and I think we hired the right man when we brought Gil in. I met with him a couple of years or so before that when he came -- brought some people up here to observe our neighborhood activism program. And that's what I want to talk about this morning -- this afternoon. That is that I believe that this still leaves out an element that needs to be thought about very seriously by you people, and that is the appeal process for citizens. Way back when Bob Stacey attempted to get the council to move beyond hearing appeals

and then we had david come in and I think he attempted to do the same thing. And I just plead with you not the -- to give gil the job of taking away the ability for citizens to appeal all of these processes. I know I haven't followed it as closely and the -- in the near time, so I can't speak to the details of it, but I urge you to be very careful that you don't send the citizens to luba when you should be the hearings group for those appeal processes. And that's my major concern today. I will just make a couple of other things that I would like to say, and that is i'm very pleased to see him tying this to the 2040 process. We in southwest did a major activity around the 2040 process in the initial stages of that, and I think we've gotten away from it. I think it's good that he's tying that in. But there's one thing that I see in the design part that is being left out, and that is senior citizens and handicapped people. So take a look at some of those things as you write them, as you allow for first-floor availability to bathrooms, to the amount of square footage that you have as well as access to the front door. Because seniors do need less steps and handicapped people need their runways. So be sure that which you're talking about the nearness to the street, you keep those things in mind. And then one other issue is connectivity. As I said on the transportation system committee, we constantly deal with connectivity, and so i'm concerned about the -- a lot of those cul-de-sac that's I can see developing. And we hated them in Washington county. Don't let Portland and Multnomah county become a cul-de-sac community as well. Keep connectivity before you. And last but not least on those lists of things that were talked about as a re -- is the recreation. That's recreation for young people, but it's recreating for older people. We need places just to get outside the front door and sit and enjoy the sunshine or the rain, even. So there's two sides to that recreation. So keep that in mind as you're working with those things. So i'll just sum rise very quickly, notice and deliberation for the appeal process, and keep the appeal process before you. People who are elected, we elect you to do a job. And we want you to hear our problems when we have them with these different titles and title 1, 2, 3, or whatever. Last but not least, don't forget enforcement. Nobody's talked about it yet this morning, but enforcement is another major issue, and I know that you've -- you who know i've been here for a long time, that's been one of my cries. Thank you very much and I think the process is in the right direction.

John Alland, Crestwood NA: Jon allen, I live in the crestwood neighborhood. I don't represent anybody but myself today. First of all amanda asked me to read this in comment to rick michaelson's comments on puds. 96% of land divisions currently use the standard size lots. They do not use the pud or cluster process. There's no need to allow all lots to be much smaller than the zone lot size. Anyway. I would like to also commend gil's work on this title 34. I've never actually had to do that before, but that was fun. And I was also glad to hear they're looking at 30 days. 30 days is a minimum for neighborhoods to be involved. I -- all that is guaranteeing is notification. They're not guaranteeing they're going to listen or participate, it's just simple notification. The -- that brings me to what kay was just talking about, which boils down the right to appeal rather than going to luba. It is very important that this does remain in the purview of the city council. It rarely happens, you don't see it come up to you all that often, but it does, local jurisdiction, local authority, local elected officials need to be able to look at it. So for the 2x I urge council appeal. Third point has to do with the actual number of units that fall into the 2x. They're rooking at four and to a 11 and 2x and i'd like to see that three and above. There's so few properties that are going to be subdivided now, and it makes a big difference when you go from two to three. I would hope so see something where you're looking at three to nine and 2x and ten and above that goes to a type 3. Thank you very much.

Durtschi: Can I say one thing? I'm glad I built my house when I did, because I could never build it today with your standards. And by the way, charlie, I have a seep in my back yard.

Hales: Just give me a definition:

Rose Marie Opp, Mill Park NA: Rosemary, i'm the chair of Mill park neighborhood association. However today i'm commenting on my own. I'm not supportive of this change of the title 34, which

is the way we divide land in our beautiful city. And I think we've been focusing too much on just the nut and bolts of all of these little matters, when in fact I feel that we have ignored the scope and purpose of 34.04.020. And I can't get past that. Because this title was adopted for the purpose of protecting our property values, and essentially for the livability of the citizens of this city. Furthering health, safety and general welfare of the people of the community, and it goes on to say, to moderate street congestion, secure safety from fire, flood, geological hazards, pollution, other dangers, to provide adequate light and air and to prevent overcrowding of land, and it goes on about water supply, all the other territories that are important. To the livability of this city. So I feel that all these changes that we are making are in contradiction to this scope and purpose of this title. I think it's an irony that Portland has been noted as the most livability city, when in fact right now people are sitting here and making changes on the very things that we've been noted for the good things that we had in our code. So I am not in support of the change of this. Maybe a couple of little things, but not to the extent that we're going here. And then I'd like to ask, where is really the public notification regarding this major change of land division in our city? As one person noted earlier this, is basically changing the zoning. And so where is the public notification? Is that going to be an important headline article in the "oregonian"? Telling the citizens about this change? I don't think that depending on neighborhood associations and activists is a way of just any indication for public -- justification for public outreach is adequate. For one thing, the neighborhood associations don't even receive enough funding to reach out. I know with our association we get \$1300 a year. It costs nearly a thousand dollars to reach out one message, mailer, to each house old in our area. So as many changes are going on in the city this, just simply isn't adequate. So I guess that's pretty much it. I also don't think that design can necessarily be the end and be all to fix up the density problems. And the development problems. I certainly am in favor of good design, but I don't think that you can use, quote, the term design to fix the density problems. And I know that from in my area, that we have already been rezoned in the outer southeast plan. The people out there are very unhappy about the density, and now that they're seeing results of that rezoning. And this will just I guess bring it across the -- across the board citywide. I believe this code was in place for protection of our livability. And not for profit, more avenues of profit as a result of changing so that there's more division of land. And of course I'm all for livability. That is the one charge that I want you to keep in mind.

Katz: One of the reasons we're doing this is because of exactly what you just said. The present code doesn't work.

Opp: That is a major subject to talk about, but I do believe that the present code did bring about the city, which has been get can rewards and good accolades for all the good work we have done. So if it doesn't work because -- it's because there have been changes made, like in the mid-'90s. I believe if you kept the code, we would not have the problems we do have. So it's changes in the last few years that have contributed to the code not working and plus, the city does not adhere to the code that's we do have. Even the changes. They're constantly asking for adjustments.

Ed Jordan, Lents NA: Ed Jordan, Lents land use chair, Lents neighborhood. I am pretty much going to shoot from the hip. I have a formal letter from the committee. I'm quite happy with a lot of the major issues that I've seen as far as Gil Kelley's presented. And there are things I've pushed off on. And -- in hopes of seeing. I do have a little bit to say here that we want to acknowledge Mr. Kelley and his group for their hard work and consideration of what those main issues are. The element to the issues are at the core of the problems we face as development takes place in our communities. So we want to be able to recognize that one time is an imperative issue to us because there's so much development. So we look forward to the details and the depth of how this is going to take place in time. We believe that a lot of the question that's have been asked lead to the elements in these issues are the correct questions, and so as we progress with this time, we will find a good solution. So we want to be able to give Mr. Kelley that he did a good job, being diligent with these issues. But we

are going to go ahead and be cognizant of the process as we move forward, and look forward to that code language. That's about it.

Katz: Thank you. There's nobody else, and I didn't see any other hand. Gil, come on up. We're going to accept the report. But you're going to hear now some of the comments from the council, maybe today, maybe tomorrow, I want to think through and read some of the testimony that people provided us. And then I want to find out how do you think you want to proceed, and finalizing this report. Before I do that, I want to thank you. This has been an incredible process that you took on. Very early on. And made a decision that you were going to try to make this work. So you ought to be really congratulated. And of course they're all taking credit for hiring you, so that's wonderful.

Francesconi: In this meeting but I bet in other meetings i've said I didn't know you. [laughter]

Katz: Why don't you first respond to some of the issues that you heard that are not in your report from the members of your own task force.

Kelley: I'm happy to do that. First of all, i'd like to say that the -- it's unfortunate the second-to-last speaker, you know, understands some of the components here. But I also want to say that I appreciate that in the outer southeast in particular is where people are really experiencing a lot of the new development, and it feels quite decision dent to them to their pattern. I think she may be actually talking about much larger issues than what we're necessarily talked about here. So I want to sympathize, but I think that the intent was to actually make the current code, the existing code that she referred to much better in terms of neighborhood compatibility. It may not go am the way to address the issues she's got.

Francesconi: Nobody was suggesting we're going to solve all the density concerns with design. That's why we're trying to purchase parks, that's why we need community centers, that's why we're paving streets, doing all the basic infrastructure.

Kelley: We also want to examine the a overlay too.

Katz: I gave them the green light on that too.

Kelley: Let me just quickly hit a few points. That I heard. I'm glad that actually although it may sound like a long list to you, it's a relatively short list of remaining concerns that people have. I'm glad we resolved as much as we did. Let me hit these really quickly. First of all on paul's comment, or suggestion that we have a follow-up meeting, I think that's a great idea. Because I think I have been picking up and making new recommendations on a rolling basis, so I think it would be great to touch base with the whole group and even the larger group before we get into the public hearings. So sometime after the first of the year I think we'd have that meeting. It's a great idea to just say, where we are. Let me talk about where we are by reflecting some of my latest amendments and even some that I would make in response to what I heard today. First of all, with regard to the notification period, as I mentioned in my presentation, I think it makes sense to go to a 30-day public comment period, and we checked with margaret mahoney and susan feldman, and that can be accommodated, and I think that makes a lot of sense for neighborhood notification involvement. Landscaping in the front yard, I understand both sides of this dilemma here and I think commissioner Hales pointed out an appropriate general question about these recommendations, which are really applicable at the land division stage and under what kinds of situations. I think that general notion needs to be reviewed, but the second part of the landscaping comment, at whatever stage we decide, it's appropriate having that preliminary applied to the front yard as opposed to just the foundation makes sense to me. Even though some staff members might cringe at that, that's essentially what we're talking about. With regard to --

Francesconi: They're doing more than cringing.

Kelley: I'm sure they are. The more can you can -- you can request the later you are in the phase of development there. At the builder permit stage it's more reasonable to require more generous information than -- over more area than it would be at the land division stage.

Hales: If you choose to go the other route, give us something administratable. Because people go through the subdivision process, create a subdivision, and then they don't build the houses. I bought a lot that was created eight years before I built my infill house in 1984. The landscaping plan that we would have required in 1978 of the person who developed the land is totally irrelevant. So you need to tell me what kind of process you're going to make the person who comes through eight years later when the market has collapsed and somebody's, you know, gone bankrupt -- that stuff happens. When somebody comes back later, what are we going to have them do? Go through a type 3 process? You've got to tell us how you want that to work.

Kelley: Those are details we need to work out. When we look at the package of things here with the limitations on front yard paving, we just defer the landscape until the building permit stage, but there's still a requirement that it be -- there could be different ways to get at that issue, but let us look at those. With regard to the components of the street design being known at the land use stage, I certainly agree with that. And we'll look a little closer with pdot at sort of what's a reasonable set of things to do here. It's a fine balance to strike to allow pdot to remain flexible to adjust things as necessary and to -- without reopening the whole thing. We want to look again at that question of the basic elements within the right of way. Without saying what the solution is right now, I just want to let you know we'll have another conversation about that. With regard to trees, i'm willing to add a criteria that would at least elevate the -- require the evaluation of significant trees as part of the review process. We'll need to sort of figure out again the details there, but talking about preserving significant and a substantial amount of the significant trees makes a lot of sense.

Katz: Especially now to southeast that. Is a real issue.

Kelley: With regard to arlene's comment on the future work program, i'm not intending to ask for a new budget to continue the future work that I want to dedicate a portion of the staff that's been working on this, and actually augment it in different ways to work on the next phase when we take on --

Katz: I have that as a no too.

Kelley: I thought you might. So I don't intend on asking for new funds, but to the extent we get new referrals and it's going to compete with that work program. And in line with bruce's comment, I do plan on augmenting our current staff within our current budget with architects and design expertise so we'll be able to contribute to these standards as we move forward. One of the reasons i'm trying to do -- make these points today, would I like to close down the debate so we actually can produce something, bring it back to you, get it adopted and move on to this other work that people want us to move on to. With regard to lot sizes, I have made a recent change in my recommendation. This was not an issue that was a major discussion in the work group. It was raised in the hearing. The width was a major issue in the discussion. I have in that e-mail I sent out to the group and to you said that we ought to be at 60% as at -- as the minimum lot size. And I think that goes quite a ways to at least address the swing set test, as amanda refers to it's. So the lots respect so small that they can't have some dedicated open space on their own. But it does allow a clustering of variation of lot sizes. The pud process is a problematic one. I will reexamine the noise of whether we can keep it in as an alternative, but I think as rick michaelson said, it begins to get onerous when we have it at the two or three-lot level as a requirement. So what we tried to do in this frankly was export a lot of the good thinking in the pud process in firms of the standards and the kinds of issues and put those in as new requirements, but make them part of the more objective and less onerous process rather than just requiring all the small folks to go through more onerous one. Even so, i'll look at them, i'm not going to make a guarantee, but i'd like to look at that issue about whether keeping that as an alternative makes some sense. On the storm drainage question, I think when we get my latest recommendation about demonstrating the capacity on site through at least one method and more clearly understood that some of those concerns will be alleviated, and that's one of my recommendations in the e-mail. I'm having that discussion with b.e.s. And I think we can get there on that one. With regard to the

notion that bruce said about the capacity to expedite well-designed processed projects through the system, in effect we've done some of that through these recommendations by allowing the flex built with the -- flexibility with the common yards and so forth to serve as the frontage requirement and allowing the small lot narrow lot with certain basic standards. Still there's probably more thinking that could be done there. I'm not sure what the answer is in the very next phase of the work, but in the ongoing work program that's certainly an overall objective that we want to carry forward. And I think we've flexed the rules where necessary in the -- in the current proposal and tightened them up in area others too. Essentially warded good design. I think he's right that we need to do that. Let me just make a couple of other checks here against my list. I think many of the other points had to do with really assuring that the future work program happens, and there are some issues that I won't address today that I did make note of, including retention of on-street parking and ratio, the notions about appeal and the provisions for senior citizens and handicapped. Those issues i'm aware of and note. I'm not sure that they need to result in changes to this particular package. But i'll reexamine those.

Katz: All right. Why don't we open this up now for the council.

Hales: Maybe a little more pretesting, too, some of the assumptions. I'm very weary of the syndrome in which we adopt code that does this. Where we're saying do one thing and do another, and oh, you can't do both, sorry. Because the folks that have to administer that and deal with frustrated citizens, it's not very credible use of our time. So please pretest that.

Kelley: We will.

Hales: My chief of staff -- look at the row house my chief of staff lives in and see if it meets the standard. So do we want more of that row house, or not?

Kelley: The row house actually probably wouldn't enforce that standard, because pretty quickly you start hitting the -- if you take the row house as a set, then you pretty soon run into the maximum height limit and the -- in the district as being the governing factor rather than applying it to each single home.

Hales: So go check, please.

Kelley: We intend to do -- intend to doing -- on doing a testing face.

Hales: And the parking standard, let's be bold and change what we need to change to get the development we do want. Having people feel like they had a good process and get a bad result is not frankly going to do you or this process any good. So if we have to make difficult decisions like getting rid of minimum parking, or applying these standards at building permit in order to get the result that people think they're going to get from this long process, i'm a fan of making those difficult decisions rather than sending everybody away smiling and then having them start to wince when the actual projects get approved. So let's get it right, I guess is my point in that sense. If we have to make some other changes for this to work, i'm ready to make them. Any wednesday or thursday.

Kelley: Okay.

Saltzman: Overall this -- I want to -- I guess there's a couple of points I want to pursue with you further now and hopefully in the ensuing days. I was glad to hear you talk about hearing -- taking another pass at this, sort of an elder friendly ada perspective. That's a real potential where we can do one thing and have a totally unintended consequence. I think it's very important that we examine that, and i'll want to know how you're going to do that. But I guess the other issue for me is sustainability. You talk about this being one of the community values identified by the group, yet I didn't hear much in the ensuing discussion or presentation that really speaks to that. I guess in this context I think what it really means, you can talk about sustainability meaning a lot of things to different people, but to me and I think what's relevant it means how we connect our build environment to our natural environment. And it -- it gets into things like tree protection, which you've already talked about you're going to take a look at, but I think it also gets back to what we were talking about earlier, impervious surface, and do we need a base -- a base zone design standard

that addresses a pervious surface? And how do we look at issues, the storm water management? How do we integrate that into the design function as to, beyond simply designing storm water management facilities? And one other issue that I sort of want to also explore in that area too is, we are working right now, the office of sustainable development and opdr on sort of a building code chapter that deals with the -- that will allow rain water harvesting, single family residents as well as residents to capture rain water for irrigation for flushing toilets and things like that. I really want to know, in one respect you can say, this code is dealing with maybe the few lots left to build on, but by the same token, I want to see that those few lots left to build on have the potential to become models, just as you talked about putting together a booklet of good designs, I would hope to see other -- some of these lots to have the opportunity to become good models of sustainable designs. I want to make sure nothing we're doing here is going to prevent rain water harvesting systems from being used. Where the code is being developed as we speak, and we can give you a copy of that and I guess I'd like you to look at that and tell me, are there going to be issues that would inhibit that from happening? So those -- and I guess finally just the whole front yard landscaping issue. It seems to me there's also opportunities once again to connect storm water management issues and impervious surface issues with that whole landscaping issue. Again, it gets back to how do you connect the built environment to our natural environment? So those are some issues I guess I'd like to have further passes at. And I'm pleased about the 30-day requirement. I think that does make sense from a neighborhood's perspective too. -- perspective too.

Francesconi: I have one question. Did you have any -- were the developers your committee? And the home builders, those folks? They weren't here to testify. Can you say a little about that?

Kelley: We had representatives of I would say small-scale and light developers sort of hung with us through the whole process. We also had home builder rep as a community member, Kelly Ross was there, and was there in the first part of the process came to one of the later follow-up community meetings, didn't attend regularly during the bulk of the sessions, but was there and was apprised of the recommendations. The number of designers who work with developers all the time or their representatives --

Hales: They were working on measure 7.

Francesconi: Are we going to hear lists of complaints from them later on?

Katz: Say no.

Kelley: I don't know. I can't guarantee you won't.

Francesconi: Your staff is nodding their head.

Katz: Say no.

Kelley: You might well hear it. Here's one thing I would say.

Francesconi: Some of your staff is going like this and some is going like this.

Kelley: In anticipation of that, who knows who you're going to hear complaints from. We certainly try to be inclusive of their point of view. And I think substantively what we did here was take an approach of making kind of clear and objective standards rather than relying on an open-ended discretionary review process. Except in the most onerous cases. And those where we have environmental zones or constraints or very large-scale development, we're clearly doing that. In other cases we tried to define standards so the ground rules are known, and most of -- most developers will tell you that's what's most meaningful for them, to have clear standards and a relatively easy clear process.

Francesconi: I think I flag add couple things through my questions throughout. When you took notes on it -- but I'm happy. I think I like the way that you've tried to base it on some statistics and data as to what was really happening. I also like it how you got actual plans and tried to see how this really worked on the ground as opposed to us kind of winging it. I like both of these things a lot. And the flexible streets, the smaller streets and the open green spaces, some of those things, I like those ideas a lot. If there's anything more you can do to innocent this kind of behavior, maybe

we -- charlie was telling me we already do expedite good design. Maybe we don't need to do more of that, but maybe we need to publicize that we do it. But if there's anything else on the incentive side by which we could show this, I guess my other general suggestion is, if there's anything -- how we communicate this to the public that we're doing this and that we -- you know, so people know what's happening out there beyond the insiders, so they can see we're trying to address some of their concerns. I think we have to do a better marketing job of this, of our activities.

Kelley: That's a good point.

Francesconi: The other thing, I may be trying to fit too much into this, on the issue of community values, I really -- and maybe design is not the spot, but I think it is, I am concerned that we are losing children in. Parts of our city. Not in east Portland, where it's cheaper, and on the issue of recreation areas, but also I want to make sure we have units that families will locate in. I know you're aware of that issue in terms of the schools. So maybe it doesn't fit here. But if it does fit, having some reflex in the community value section -- reflection, if it's too much of a stretch --

Kelley: When we tried to address -- we tried reexamining the minimum lot size and bumping up that number, and two was to lower the threshold for when we'd require that reserve, recreation space within a larger development.

Francesconi: Maybe it should be reflected in the community values, if your committee agrees.

Kelley: Okay.

Hales: Let me pile on to something jim said. There's a kind of complaint I want and a kind I don't want. It goes back to that administrative issue. I met with a commercial realtor yesterday who said I work in all these different markets, Portland has the toughest requirements but the best process, because virtually everything you require of me I can see how it changes the building in a way that the community wants. The storefront retail, the awnings, the design review, I can see the cost and I can see the value. What happens when you have lots -- in lots of other jurisdictions, I get jerked around with a lot of meaningless procedure and requirements that are gist, nobody can explain why. And amanda referred to something there, let's not have people do too geo -- two geotechnical report on a flat lot. That's the kind of complaint that makes us all crazy. Complaints that you have tough standards and you're making us put porches on houses, I can deal with those. Complaints that this makes no sense, or you're telling me do a great job with storm water, but pave a lot of area for parking. I don't have a good answer for those, other than we don't have our act together. That's why the craftsmanship standard has to be high with what you finally bring us back.

Katz: You identified 99% of my notes. I do want to go over some of the other issues that I think fall into the next stage. Which I think is going to be critically important. I want to make sure that you maintain the involvement of many of the people if not all or expand the group when you get to those next stages, as well as reviewing the code so people can understand it. I'd like again to sit down with you just the same way we're going to do on the silence 2000 and identify what I think I heard the community say, the council say, get your input so that you can move on to the next stage. I don't want to add another year to this process. All right. Then i'll accept the motion to accept the report.

Hales: So moved.

Katz: Second?

Saltzman: Second

Katz: Thank you gil, and thank you all the citizens who worked on this. Without your help this would not have gone that smoothly. And to staff.

Kelley: I want to particularly thank my staff.

Katz: Hold it. Measure passes. Go ahead.

Kelley: I want to again thank all the committee members. They spent lots of hours in this and they were really, really creative and helpful. They've hung with it through the whole process, so I hope I can tap their energies again for the next phase of this work.

November 30, 2000

Katz: Sure you can.

Kelley: Such a good group. The staff's just been phenomenon, and they've been really grade and dedicated. I wanted to particularly thank all of them.

Katz: Will the staff raise their hands? Just so everybody knows.

Hales: To claims -- who claims this thing?

Katz: We stand adjourned.

At 4:32 p.m., Council adjourned.