



CITY OF  
**PORTLAND, OREGON**

**OFFICIAL  
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **13TH DAY OF APRIL, 2005** AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Potter, Presiding; Commissioners Adams, Leonard, Saltzman and Sten, 5.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Harry Auerbach, Chief City Attorney; and Officer Curtis Chinn, Sergeant at Arms.

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

<b>COMMUNICATIONS</b>		<b>Disposition:</b>
<b>309</b>	Request of Richard L. Koenig to address Council regarding public right to use streets (Communication)	<b>PLACED ON FILE</b>
<b>310</b>	Request of Paul Phillips to address Council regarding dog bites and Multnomah County Animal Control Services role (Communication)	<b>PLACED ON FILE</b>
<b>311</b>	Request of Charles E. Long to address Council regarding Jim Wallis--a prophet for our time (Communication)	<b>PLACED ON FILE</b>
<b>CONSENT AGENDA – NO DISCUSSION</b>		
<b>Mayor Tom Potter</b>		
<b>Bureau of Housing and Community Development</b>		
<b>312</b>	Amend subrecipient contract with Transition Projects, Inc. by shifting \$27,000 in funding from General Funds to Emergency Shelter Grant Funds to pay for contracted operation costs for the Glisan Emergency Shelter (Ordinance; amend Contract No. 35492)	<b>PASSED TO SECOND READING APRIL 20, 2005 AT 9:30 AM</b>
<b>313</b>	Amend subrecipient contract with Salvation Army District Office by an additional \$52,000 for a total of \$271,219 for the provision of emergency shelter and provide for payment (Ordinance; amend Contract No. 35542)	<b>PASSED TO SECOND READING APRIL 20, 2005 AT 9:30 AM</b>
<b>314</b>	Authorize a subrecipient contract with Housing Authority of Portland for \$193,602 for the Fresh Start/Ready to Rent Landlord Guarantee Administration Services and provide for payment (Ordinance)	<b>PASSED TO SECOND READING APRIL 20, 2005 AT 9:30 AM</b>

**April 13, 2005**

<b>315</b>	Authorize an Intergovernmental subrecipient contract with Multnomah County Department of County Human Services for \$15,000 for homeless programs and provide for payment (Ordinance)	<b>PASSED TO SECOND READING APRIL 20, 2005 AT 9:30 AM</b>
<b>City Attorney</b>		
<b>316</b>	Authorize City Attorney to appeal judgment remanding case to Civil Service Board, in Gymkowski-McGee v. Civil Service Board of the City of Portland, Multnomah County Circuit Court Nos. 0404-03783/0404-03645 (Resolution) <sup>9</sup>  (Y-5)	<b>36309</b>
<b>Office of Cable Communications &amp; Franchise Management</b>		
<b>*317</b>	Terminate franchise granted to FirstPoint Communications, Inc. (Ordinance)  (Y-5)	<b>179178</b>
<b>Office of Management and Finance – Human Resources</b>		
<b>*318</b>	Create a new Nonrepresented classification of Capital Improvement Program Planning Supervisor and establish a compensation rate for this classification (Ordinance)  (Y-5)	<b>179179</b>
<b>Office of Sustainable Development</b>		
<b>*319</b>	Accept a \$5,470 grant from the Department of Environmental Quality for a recycling project at Portland State University (Ordinance)  (Y-5)	<b>179180</b>
<b>Office of Transportation</b>		
<b>320</b>	Amend Interagency Agreement with the Portland Development Commission for 2004-2005 professional and technical services for transportation improvements (Ordinance; amend Contract No. 52278)	<b>PASSED TO SECOND READING APRIL 20, 2005 AT 9:30 AM</b>
<b>Second Reading</b>		
<b>321</b>	Authorize a contract and provide for payment for the construction of SE 60th and SE Steele Sanitary Sewer Extension Project No. 7097 (Second Reading Agenda 287)  (Y-5)	<b>179181</b>
<b>REGULAR AGENDA</b>		

**April 13, 2005**

<p><b>322</b> Tentatively deny appeal of Pleasant Valley Neighborhood Association and uphold Hearings Officer's decision as modified to approve the application of Riverside Homes, Inc., applicant, and Roy and Wanda Michael and Alfred J. Obrist, property owners, for the Waterleaf 65 lot subdivision with a planned development review, environmental review and adjustment located near the intersection of SE 162<sup>nd</sup> and Foster Road and 6729 SE 162<sup>nd</sup> Avenue (Findings; Previous Agenda 273; LU 03-174778 LDS PD EN AD)</p> <p><b>Motion to accept these findings:</b> Moved by Commissioner Leonard and seconded by Commissioner Adams.</p> <p>(Y-5)</p>	<p><b>FINDINGS ADOPTED</b></p>
<p><b>Mayor Tom Potter</b></p> <p><b>Office of Transportation</b></p> <p><b>323</b> Accept a grant from the Federal Highway Administration in the amount of \$200,000 for the Regional Transportation Operations Collaboration and Coordination Demonstration Initiative and authorize a cooperative grant agreement (Ordinance)</p>	<p><b>PASSED TO SECOND READING APRIL 20, 2005 AT 9:30 AM</b></p>
<p><b>324</b> Create a local improvement district to construct street improvements from Whitaker Way to west of 136th Avenue in the NE 135th Avenue and Prescott Court Local Improvement District (Ordinance; C-10015)</p>	<p><b>PASSED TO SECOND READING APRIL 20, 2005 AT 9:30 AM</b></p>
<p><b>Second Reading</b></p> <p><b>325</b> Authorize contract with URS Corporation to provide engineering design and construction services for the Sandy Boulevard Resurfacing and Streetscape Project (Second Reading Agenda 303)</p> <p>(Y-5)</p>	<p><b>179182</b></p>
<p><b>Commissioner Sam Adams</b></p> <p><b>326</b> Direct the Bureau of Purchases to establish a contract dispute resolution process (Resolution)</p>	<p><b>CONTINUED TO MAY 18, 2005 AT 9:30 AM</b></p>

At 10:07 a.m., Council adjourned.

**GARY BLACKMER**  
**Auditor of the City of Portland**

**By Karla Moore-Love**  
**Clerk of the Council**

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

April 13, 2005

**WEDNESDAY, 2:00 PM, APRIL 13, 2005**

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

**April 13, 2005**  
**Closed Caption File of Portland City Council Meeting**

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

Key: \*\*\*\*\* means unidentified speaker.

**APRIL 13, 2005**

**Potter:** This is the Portland city council. Before we begin, we have a ceremony that we have, and that is, I ask a question of the community is how are our children. And we bring in experts to talk to us about that very question, and they all happen to be children, which we figure if you want to ask how children are, ask them. And today we have two special guests. Aiden, he's in the fourth grade, and justice grider-brown, who is in the fifth grade. If those two folks would come up to our podium, to the speakers there, put yourself in front of one of those microphones. Who's going to introduce the rest of your class?

\*\*\*\*\*: Me.

**Potter:** Would you like to introduce your class to the council?

**Justise Grider-Brown:** My class is a fourth-fifth class. It is from the emerson school, and --

**Potter:** Could you have them stand up, all your class? Excellent. Thank you for being here today. We appreciate that. Ok. You can sit down now. Thank you. Very obedient kids. Thank you. Ok, now, as you introduce yourself, would you give us your name and just tell us a little bit about your background, then tell us what you'd like the city council to know.

**Grider-Brown:** I'm -- my name is justice, i'm 11 years old. I've been -- i'm in fifth grade, i've been traveling a lot in my life, and i'm proud to be here in Portland. I'd like to let the city council know why there should be a school in the pearl district.

**Potter:** Why what?

**Grider-Brown:** There should be a school in the pearl district.

**Potter:** Oh, a school in the pearl district. Ok. Could you speak up just a little bit? Some of us are hard of hearing.

**Grider-Brown:** Yeah. I don't know what else to say.

**Potter:** Tell us why there should be a school there.

**Grider-Brown:** Well, with kids comes community, and a new generation, that will soon take care of our city. And if we have good experiences, we can make better decisions than if we had bad experiences. Also, a school in the pearl district gives students the access to important life lessons and experiences that we might need. Because of the location, we have access to social activities such as this, and lessons. Such as crossing the street properly, if we were somewhere else, we might not get because we're not in that situation every day. Another important reason is if there's kids in the pearl district, then we can show respect towards the homeless, and the homeless might want to start being part of our community. If you look around the homeless aren't that respected, and if -- it makes them feel really good if they are respected. A school in the pearl district brings parents to local shops that they usually would not come to if not in the -- picking up their children in the pearl district. Also, an elementary school gives tourists a homey communal feeling they might not get in a big city like Portland, making it not so overwhelming, but still a spunky, spectacular city. Thank you.

**Potter:** Have you actually met homeless people, justice?

**Grider-Brown:** Yes, I have.

**Potter:** What was your impression?

**April 13, 2005**

**Grider-Brown:** Well, I think that the view that we have on them, which is that they can't really do anything, is not at all true. They might be dirty and they might not have clean clothes, but they still are people, and should be respected just like we would respect anybody else.

**Potter:** Well said. Thank you. Now, aiden, could you introduce yourself?

**Aidan Foren-Self:** I'm nine, and i'm turning 10 in a month in may. And I am in fourth grade, and I go to edwards elementary, which you probably all know is closing. And that's basically about me.

**Potter:** Ok. Would you like us to know something? What are you concerned about for young people?

**Foren-Self:** Well, I -- every friday, once a month, I also do community service, so I go down to the chapel downtown and I help feed homeless people with my family. And I also think they should be respected, just like what she said. But also people like -- people -- it's just -- it's basically kind of what she said, but I also think -- yeah, that's basically it.

**Potter:** That's fine. Have you ever met any homeless people?

**Foren-Self:** Yeah, lots.

**Potter:** What's your impression of them?

**Foren-Self:** I think they're really good people, actually. Even though some of them might do wrong things, like smoke, or take, like -- like alcohol a lot, but I just think we should treat them pretty -- like, respect them, because they're -- I mean, like, they have a life, and they should deserve to -- I don't know. That's it, I guess.

**Potter:** Ok. Do you think that -- this is a question of both of you. Do you think anybody that's homeless should have a chance to have a home and live in a home?

**Grider-Brown:** Yes. Definitely.

**Potter:** Why would that be?

**Grider-Brown:** Because a lot of people that are homeless don't really have a choice. They might have a mental illness, or they may be disabled, or have a drug addiction. And people won't let them have a house because of that, because they think they're bad people. And it's because we think that because whenever we're born we are pretty much an empty plate. And the way our parents bring us up and tell us what we should and should not do is filling our plate with food, it's just like, you can't say, no, I don't want that, to your mom, whenever she's giving you dinner.

**Potter:** Good for you.

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

**Potter:** Any questions from council?

**Adams:** I really like your use of the word spunky, spectacular place to describe Portland. I think that's a really good turn of phrase. And I commend you for working with father bob and everyone else down at the downtown chapel. It's a really important program.

**Potter:** Justice, you go to a unique school, don't you? Could you tell us about emerson school?

**Grider-Brown:** It's a public charter school. It's k-5, so we're all there. It's a project-based school, so we go out and do lots of things. It's a really awesome school because we're all in such a small space, since it's a building office, that every day we see each other, like I have many kindergarten-first grade friends that absolutely adore me, and I also know quite of my friends have --

**Adams:** What's your secret?

**Grider-Brown:** -- friends like that. I think it's amazing, because all the other schools I go to, that doesn't really happen.

**Potter:** Good. I'd like to thank the staff from the schools and the parents that are here with them as well. Thank you both. You did an excellent job. Thank you very much.

**Adams:** Thank you.

**Potter:** You can return to your seats now. Thank you. The council will probably be lasting for a couple of hours, so if you have to leave, that's fine, you can get up and leave whenever you feel it's necessary.

**Leonard:** I wonder if I could make a couple introductions before we get started.

**April 13, 2005**

**Potter:** Please.

**Leonard:** We're privileged this week to have a couple of students in our office from centennial school district, and they're in the centennial experimental program. And it's a program for all juniors at centennial high, 346 students, which places students in various real-world jobs based on students' area of interest. And we're lucky enough to have two of those students, josh heana, did I say that right? And kayla drokd. They've been helping us develop an ordinance that will be rolling out soon, they've been drafting it, i'll just give you a hint, relating to smoking. Or the cessation thereof.

**Potter:** Good.

**Leonard:** Thank you and welcome.

**Adams:** Welcome.

**Leonard:** Appreciate your help. [gavel pounded]

**Potter:** Council will come to order. Karla, please call the roll.

**Adams:** Here. **Leonard:** Here. **Saltzman:** Here. **Sten:** Here.

**Potter:** Here. [gavel pounded] we'll now here communications. Please read item 309.

**Item 309.**

**Potter:** Please state your name for the record when you speak. You have three minutes.

**Richard Koenig:** Good morning, city of Portland, city council, mayor, children. Justice, thank you. How are the children? They're doing great. It's good to have them here. They can learn something their folks haven't known and their grandfolks haven't known for a long time. Two weeks ago, chief deputy city attorney harry auerbach was served a demand for public record. That's a law requiring license plate to be required to be put on public -- the same people who use the highways. The public's right to use thereof for vehicles is the operative clause in the definition of highway. Obviously if members of the general public had to put license plates on their personal use vehicles, there would have to be a law that says that their right is conditioned by this requirement. Each member of city council has received a copy of a letter from the office of the speaker of house of representatives in which the statement is made that no statutes could be found requiring the general public to do anything before they could exercise their right to use streets of Portland. Each city council member has also received a letter from the beaverton municipal clerk's office in response to a demand for the law that harry auerbach is required to produce here today. In that letter, city attorney mr. William kirby subscribe and swore there is no such law. His sworn statement is in accord with the letter from the speaker of the house of representative's office. Harry auerbach has cast dispersions on these courageous people who have put their careers on the line to speak the truth. Today he is called on to show us the law that he says requires the people's personal vehicles to wear license plate. As council to the Portland's police bureau, harry auerbach has or should have access to all the laws that govern the enforcement activity of the cops. Of course the demand that harry auerbach will respond to today is only one proof. There could be many more. If harry does not provide the demanded law, he can say whatever he will, but it will mean only one thing. Mr. Kirby swears truly. No such law exists.

**Potter:** Thank you, sir.

**Koenig:** Harry, do you have --

**Potter:** Excuse me, mr. Koenig. [gavel pounded] this is for you to provide input to the council. This is not for public discussion with the city attorney's office. You have other means by which to accomplish that. Thank you, sir.

**Koenig:** Mayor?

**Potter:** Thank you, sir.

**Koenig:** Does the law allow me to ask for the demanded record to be produced at any place of my choosing?

**Potter:** The law has a method for doing that, and it's not at public council. Thank you, sir.

**Koenig:** I ask you to produce it here.

**April 13, 2005**

**Potter:** Thank you.

**Koenig:** And i'll be back next week to see what you folks want to do.

**Potter:** I'm sure you will.

**Koenig:** All right.

**Potter:** Next?

**Koenig:** I'll use this next week.

**Potter:** Next item 310.

**Item 310.**

**Potter:** Sir, please state your name for the record when you speak, and you have three minutes.

**Paul Phillips:** Yes. I'm paul phillips. I live at 1212 southwest clay street, Portland, Oregon. I've talked to the city council here about dog bites march 16 and the 30th, and today is my third time. Third time's supposed to be a charm. If you remember this document from the c.d.c., the 12th leading cause of dog bites were the 12th leading cause of nonfatal injuries for all age groups in the united states. I provided twice copies of this piece of paper. And I want to correct myself from march 30th where I stated that every seven to eight seconds a person is bitten by a dog in the united states. I actually did the math, and it's 6.7 seconds, six seconds and seven-tenths of a second is the actual sum of it. There's 12 thousand 876 people a day bitten by dogs, and in three minutes, 180 seconds, it's enough time for 27 people to be bitten by dogs. And I talked to the Portland police department which is just two blocks away, and asked them if Portland has some thousand police officers, there isn't one animal control officer at all for the whole city.

**Potter:** That's not exactly so. Multnomah county provides animal control services for the city of Portland.

**Phillips:** Yes, I provided a piece of paper here, and the city attorney has the paper from the Multnomah animal control services as well. They're open six hours today. There's 24 hours in a day. I was wondering if people were aware of that. I haven't been able to find out how many dog control officers that they have.

**Potter:** What is your dog's name?

**Phillips:** Charger. It's stated on the paper there.

**Potter:** Charger.

**Phillips:** You have a copy of it there?

**Potter:** Let me just see.

**Phillips:** It's a large --

**Potter:** Yes.

**Phillips:** His predecessor was an assistance animal. This is a service animal. His predecessor was named charlie, the c h a r of charger. The third one I thought i'd name charm. They say the third time's a charm.

**Potter:** I've heard that just recently. I notice it says on this license the ray bees vaccination has expired.

**Phillips:** That's not true. They seem to have miswritten things, and that's one of the reasons why provided the documentation, this was from them, it also says the veterinarian isn't listed as well, and the companion pet clinic of st. Johns, which i'd sent them proof of, and I asked, why isn't the veterinarian -- what does that mean, veterinarian not listed? And they said veterinarian not listed, that's what it means. And I again asked the same question, and they finally agreed to change, on -- change their ways, but I haven't gotten any documents.

**Potter:** Ok, sir. Thank you very much.

**Phillips:** Well thank you.

**Potter:** You have a good day. You and charger. You may want to get his rabies shots soon.

**Phillips:** It has been provided.

**Potter:** Oh, ok. Maybe you should advise the county of that.

**Phillips:** They just didn't want to update the information.



**April 13, 2005**

**Leonard:** Remember when you give documents to this mayor he used to be a police officer. He reads these things very closely.

**Potter:** Thank you, sir. Please read the next item.

**Item 311.**

**Potter:** Please state your name, sir. You have three minutes.

**Charles E. Long:** My name is Charles Long. Portland State University Campus Ministry, the Powell's bookstore, and Trinity Episcopal Cathedral are sponsoring the appearance this week of Jim Wallis, a best-selling author of -- called "God's Politics." He's appearing tomorrow evening at 7:30 at the First Baptist Church, which is a free meeting. On Friday evening at the Trinity Episcopal Church for \$15, and Saturday morning at the same church, they're having a seminar for \$50, and Sunday evening he's speaking at the First Congregational Church on Park Avenue. That's also \$15. I'd like to mention a little bit of his background. He is a leading figure at the crossroads of religion and politics in America today. He is a public theologian, nationally renowned preacher, and author of seven books. He is the founder of the Sojourners, a nationwide network of progressive Christians working for justice and peace, and continues to serve as editor of Sojourners magazine. Wallis has been an Institute of Politics fellow at Harvard University's Kennedy School of Government and has taught on faith and politics and society, both there and at the Harvard Divinity School. "Time" magazine once named Wallis one of the 50 faces for America's future. I just wanted to quote a small passage from his book, and I think Mayor Potter would particularly be pleased with this. Whenever we deal with social and economic decisions and policies, we will always ask what I call the God question, which is, how are the kids doing? What happens to the children? Our own and everybody else's? It's always a question that eliminates all the others." I hope everyone has an opportunity to hear him this coming few days. Thank you.

**Potter:** Thank you, Mr. Long. For the young people here, we always begin council by letting anyone who wishes to speak to us come up and speak for three minutes. So we get many different points of view, and it's just primarily a means by which citizens can come in and talk to their city council. So I just want to let you know what was going on right there. Now we're going to get into some of the more legal issues about city council. We'll have a vote on the consent agenda. Do you have any items to pull off the consent agenda? Is there anyone in the audience who wishes to pull any item off the consent agenda? Ok. Karla, please call the roll.

**Adams:** Aye. **Leonard:** Aye. **Saltzman:** Aye. **Sten:** Aye.

**Potter:** Aye. [gavel pounded] moving to the regular agenda, item 322.

**Item 322:**

**Potter:** Is there any new information to present?

**Jill Grenda:** Yes, there is. I'm Jill Grenda from the Bureau of Development Services, one of the staff planners representing this case. I'm just here to explain that the findings before you represent council's motion on March 30 to tentatively uphold the decision of the hearings officer with modified findings and conditions. The primary issue identified in public testimony at the first and second hearing was the need for a second point of emergency vehicle access to the larger area surrounding the subdivision site itself. Council's findings and conditions specifically address this issue, and facilitate a way -- a proposed way to provide this second point of access, and I'll just point out for council that the issue is addressed in detail on page 32-34, and also 37 of your report document. And then finally, I'd like to draw to council's attention a correction made to the decision of the hearings officer by staff on behalf of council that was not addressed in public testimony, and it concerns an erroneous reference in the decision of the hearings officer to an arch culvert over one of the drainageways at the site. The culvert is essentially a bridge over the drainageway. This feature was part of the applicant's original proposal, and it was later removed through further analysis by the Bureau of Environmental Services and the applicant's engineer. But we essentially just forgot to take it out of one portion of the staff report. As I said, it wasn't addressed in public testimony, but there is a correction to that on page 18 of your document, and council may want to

**April 13, 2005**

open up the floor to any further discussion on that issue today if you choose. B.d.s. and pdot staff are here to answer any final questions you may have on what's before you.

**Potter:** Are there questions from the commissioners? Thank you very much. It's my understanding there is no testimony for today. Is that correct?

**Moore:** We didn't plan on it, but if anyone wants to address that issue jill brought up --

**Potter:** Is there someone who wants to address the issue that was just raised? Ok. Karla?

**Moore:** We'll need a motion to accept these findings.

**Leonard:** I'd move to accept the findings.

**Adams:** Second.

**Potter:** Please call the roll.

**Adams:** Aye.

**Leonard:** I appreciate the work of the applicant, the appellant, and the staff. This is a model for compromise, and I think serves not just the residence out there extremely well, but the public safety agencies that need to respond. So I really am impressed with the work done on this. Aye.

**Saltzman:** I just -- I want to add my commendations to the applicant and the appellants and the staff in particular for bringing forward a good solution that I think works for everybody. Aye.

**Sten:** I agree. Thanks. Aye.

**Potter:** Likewise, I think this is good government as well as good community interaction with their government, and I appreciate the efforts of everybody. Aye. [gavel pounded] Karla, please read item 323.

**Item 323.**

**Potter:** Is staff here?

\*\*\*\*\*: Yes. We don't have a presentation, but we can certainly answer any questions.

**Potter:** Does anybody have questions of the -- ok. Any other questions? No. Thank you very much. Karla?

**Moore:** This is a nonemergency.

**Potter:** This moves to a second reading.

**Moore:** I don't know if anybody wants to testify. I didn't have a sign-up sheet.

**Potter:** Anybody to testify? Ok. Item 324.

**Item 324.**

**Andrew Aebi:** Good morning, mayor Potter, members of the council. I'm Andrew aebi, local improvement district administrator. Council approved the resolution of intent four weeks ago on march 16 to initiate local improvement district formation proceedings and took property owner testimony at that time. No remonstrances have been filed against l.i.d. formation by the filing deadline, but we did receive one letter of support which i'll give to Karla. She just left, but she can hand that out when she gets back. That's all I have unless there's some public testimony on this.

**Potter:** Is there anybody here from the public to testify on this issue? Karla is there a sign-up sheet?

**Moore:** There was, but nobody signed up.

**Potter:** Ok. Thank you very much.

**Adams:** Bye.

**Potter:** This will move to a second reading. Item 325.

**Item 325.**

**Leonard:** On 324, I thought we had a first reading on that? The last item?

**Moore:** On 324?

**Adams:** That goes to second reading.

\*\*\*\*\*: It was a resolution, now they come back with the ordinance.

**Leonard:** Oh, ok. Sorry.

\*\*\*\*\*: It's a confusing process.

**Potter:** Item 325 is a second reading. It's a vote only. Is there any discussion? Ok. Karla?

**April 13, 2005**

**Item 325.**

**Adams:** Aye. **Leonard:** Aye. **Saltzman:** Aye. **Sten:** Aye.

**Potter:** Aye. [gavel pounded] Karla, please read item 326.

**Item 326.**

**Adams:** We're going to move this due to the unavailability of some of the key stakeholders. What day did we pick?

**Moore:** May 18.

**Potter:** Any objections ? We'll move it to may 18. This is our last item for the morning. We're adjourned until next week.

At 10:07 a.m., Council adjourned.