



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **4TH DAY OF MAY, 2005** AT 9:30 A.M.

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

OFFICERS IN ATTENDANCE: Susan Parsons, Acting Clerk of the Council; Ben Walters, Sr. Deputy Attorney; Kathryn Beaumont, Sr. Deputy City Attorney; and Officer Jerrold Higginbotham, Sergeant at Arms.

Item 410 was pulled for discussion and on a Y-5 roll call, the balance of the Consent Agenda was adopted.

COMMUNICATIONS		Disposition:
403	Request of Freedom Child to address Council regarding the police, the Independent Police Review and Captain Schenck (Communication)	PLACED ON FILE
404	Request of Paul Phillips to address Council regarding Centers for Disease Control information on occupational injuries and fatalities (Communication)	PLACED ON FILE
405	Request of Charles E. Long to address Council regarding Enron (Communication)	PLACED ON FILE
406	Request of Cara Philips to address Council to invite citizens to participate in No Ivy Day and the No Ivy League (Communication)	PLACED ON FILE
407	Request of Bruce Murray to address Council to invite citizens to participate in No Ivy Day and the No Ivy League (Communication)	PLACED ON FILE
TIME CERTAINS		

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<p>408 TIME CERTAIN: 9:30 AM - Consider the Land Use Board of Appeals remand of the application by John Welsh, Michael Andresen and Pamela Andresen for a zone map amendment, land division and adjustment for property located at 3407 SE Steele Street (Previous Agenda 281; Evidentiary Hearing; LU 04-017115 ZC LDP AD)</p> <p>Mayor Potter recused himself and passed gavel to Commissioner Leonard.</p> <p>Motion to tentatively uphold Hearings Officers decision and incorporate the May 4th conditions presented by the Bureau of Development Services: Moved by Commissioner Saltzman and seconded by Commissioner Sten. (Y-4)</p>	<p align="center">TENTATIVELY UPHOLD HEARINGS OFFICER'S DECISION WITH MODIFICATIONS; PREPARE FINDINGS FOR MAY 18, 2005 AT 9:30 AM</p>	
<p align="center">CONSENT AGENDA – NO DISCUSSION</p>		
<p>409 Statement of cash and investments March 10, 2005 through April 6, 2005 (Report; Treasurer)</p> <p>(Y-5)</p>	<p align="center">PLACED ON FILE</p>	
<p>*410 Authorize Confidentiality Agreement with Enron to enable commencement of negotiations regarding acquisition of Portland General Electric and to access due diligence documents (Ordinance introduced by Mayor Potter and Commissioner Sten)</p> <p>Motion to accept the amendments: Moved by Commissioner Sten and seconded by Commissioner Leonard (Y-5)</p> <p>(Y-5)</p>	<p align="center">179232 AS AMENDED</p>	
<p align="center">Mayor Tom Potter</p> <p align="center">Bureau of Emergency Communications</p> <p>*411 Authorize an Intergovernmental Agreement with the State of Oregon, Department of Transportation to purchase an emergency messaging system (Ordinance)</p> <p>(Y-5)</p>		<p align="center">179225</p>
<p align="center">Bureau of Environmental Services</p> <p>412 Authorize a contract with TBE Group, Inc. to provide professional and technical services for the Pressure Sewer Locations Project (Ordinance)</p>		<p align="center">PASSED TO SECOND READING MAY 11, 2005 AT 9:30 AM</p>
<p>413 Authorize a contract and provide for payment for the construction of the SW Pendleton St. and 45th Ave. Sewer Rehabilitation Project No. 7811 (Ordinance)</p>	<p align="center">PASSED TO SECOND READING MAY 11, 2005 AT 9:30 AM</p>	
<p>414 Authorize agreement for acceptance of \$175,000 from Rhodia, Inc. to Bureau of Environmental Services for the Ramsey Refugia Habitat Enhancement Project (Ordinance)</p>	<p align="center">PASSED TO SECOND READING MAY 11, 2005 AT 9:30 AM</p>	

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Fire, Rescue and Emergency Services		PASSED TO SECOND READING MAY 11, 2005 AT 9:30 AM
415	Apply for a \$693,231 grant from the Department of Homeland Security for Portland Fire & Rescue (Ordinance)	
Office of Management and Finance – Human Resources		
*416	Change the salary range of the Independent Police Review Program Manager (Ordinance) (Y-5)	179226
*417	Create a new Nonrepresented classification of Planning Assistant and establish a compensation rate for this classification (Ordinance) (Y-5)	179227
*418	Create three City Planner II and three Senior City Planner positions in the Bureau of Development Services (Ordinance) (Y-5)	179228
Office of Management and Finance – Risk Management Division		
*419	Pay claim of Rebecca Chao (Ordinance) (Y-5)	179229
*420	Amend contract with Managed Healthcare Northwest, Inc. for managed care organization services for City of Portland Workers' Compensation Program (Ordinance; amend Contract No. 52319) (Y-5)	179230
Parks and Recreation		
421	Approve an agreement with Inclusion Inc. Brokerage Services for the period March 1, 2005 through March 1, 2010 for support services for the developmentally disabled (Ordinance)	PASSED TO SECOND READING MAY 11, 2005 AT 9:30 AM
422	Amend the Intergovernmental Agreement with the Oregon Zoo for arboricultural services provided by Portland Parks & Recreation - Urban Forestry Division (Ordinance; amend Contract No. 51889)	PASSED TO SECOND READING MAY 11, 2005 AT 9:30 AM
Water Bureau		
423	Authorize a contract and provide payment for the construction of the Groundwater Pump Station - Security Improvements (Ordinance)	PASSED TO SECOND READING MAY 11, 2005 AT 9:30 AM
Second Reading		
424	Amend contract with the Inekon Group to purchase spare parts for Portland Streetcar vehicles (Second Reading Agenda 377; amend Contract No. 32210) (Y-5)	179231

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REGULAR AGENDA

Mayor Tom Potter

Bureau of Housing and Community Development

<p>425 Authorize subrecipient contract with Cascadia Behavioral Healthcare for \$10,000 for relocation and placement services and provide for payment (Ordinance)</p>	<p>PASSED TO SECOND READING MAY 11, 2005 AT 9:30 AM</p>
<p>*426 Authorize the Director of the Bureau of Housing and Community Development to approve and sign regulatory agreements for individual housing development projects that receive funds from the 2004 Housing Opportunity Bond (Ordinance) (Y-5)</p>	<p>179233</p>
<p style="text-align: center;">Office of Transportation</p>	
<p>427 Authorize contract and provide for payment for the SE 39th Avenue Pavement Rehabilitation Project (Ordinance)</p>	<p>PASSED TO SECOND READING MAY 11, 2005 AT 9:30 AM</p>
<p>428 Amend contract with Shiels Obletz Johnsen, Inc. for project management services in connection with the Advance Engineering Phase of the Portland Transit Mall Project (Ordinance; amend Contract No. 34662)</p>	<p>PASSED TO SECOND READING MAY 11, 2005 AT 9:30 AM</p>
<p style="text-align: center;">City Auditor Gary Blackmer</p>	
<p>429 Assess property for sidewalk repair by the Bureau of Maintenance (Hearing; Ordinance; Y1054)</p>	<p>PASSED TO SECOND READING MAY 11, 2005 AT 9:30 AM</p>

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

At 10:18 a.m., Council reconvened.

At 11:05 a.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND,
OREGON WAS HELD THIS **4TH DAY OF MAY, 2005** AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Potter, Presiding; Commissioners Adams,
Leonard, Sten, 4.

OFFICERS IN ATTENDANCE: Susan Parsons, Acting Clerk of the Council; Linly
Rees, Deputy City Attorney; and Officer Jerrold Higginbotham, Sergeant at Arms.

<p>430 TIME CERTAIN: 2:00 PM – Appeal of Northwest District Association against Design Commission decision to approve the application of SKB-Uptown Investments, Owner, and Jack Onder, Developer, for the 24th Place Condominiums at 1-39 NW 23rd Place (Previous Agenda 246; Hearing; LU 04-018250 DZM)</p> <p>Motion to continue the item to May 18, 2005: Moved by Commissioner Leonard and seconded by Commissioner Adams. (Y-3; N- Mayor Potter)</p> <p>Motion to waive Code 3.02.010 and hold meeting on May 18th at 2:00 pm instead of 6:00 pm: Moved by Commissioner Adams and seconded by Commissioner Leonard. (Y-4)</p>	<p>Disposition:</p> <p>CONTINUED TO MAY 18, 2005 AT 2:00 PM TIME CERTAIN</p>
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At 2:29 p.m., Council adjourned.

GARY BLACKMER
Auditor of the City of Portland

By Susan Parsons
Acting Clerk of the Council

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

May 4, 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.

MAY 4, 2005 9:30 AM

Potter: Before we begin council today, we have a little ceremony where we -- I ask the question of our community, is how are our children doing? I ask that, because when our children are doing well our community is doing well. What we do is we invite experts in to talk about children. And this morning we've invited Brent Dixon who's with the boys and girls club to come in and talk to us. Could you come forward, please? Thank you for being here. If you could point that microphone toward you. Brent is in the seventh grade, in a charter school housed inside the boys and girls club in northeast Portland. He plans to head Delasalle High School and wants to attend college to study education and become a teacher. Keeps himself busy by playing basketball on the school team. Is also on the school council. Brent is a member of Project Plus with his church and the Torch Club at the Blazers Boys and Girls Club where he participates in many community service projects. He was Youth of the Month at the Blazers Boys and Girls Club in February 2003 and August 2004. For his strong character and commitment to education, Brent received the G.P.A., which stands for Grades Plus Attitude, award from the Blazers which included a weekend trip to Los Angeles to see the Blazers vs. The Clippers and a visit to Disneyland. Brent, welcome to City Council. Would you like to introduce the people that you came with.

*****: The guy right there, his name is Rob. That's Kyree in the sweater. Cameron and Noah.

Potter: Thank you for being here. Ok, Brent, we asked you, like we ask all the other experts on children, what would you like us to know about the issues that affect you?

Brent Dixon: All right. My name is Brent. I attend the boys and girls club on M.I.K. Where I was Youth of the Month for August and February. In the boys and girls club I attend Boys to Men, which helps us boys grow up as young men, and Torch Club where we do activities, community service, and tutor at King Elementary helping kids doing their homework. At my school I play on the basketball team, and as one of the computer technicians at my school. And I also -- how would you feel combining a -- two middle schools with a high school? The reason I think it's not going to work is that there are high school boys that walk down our hall and girls in our class go crazy. So how do you think they're going to act if they're together for the whole eight hours? And my brother goes to Jeff, and he says they are already trying to separate the schools, and they already have, and nothing's changed.

Potter: Ok. Anything else you'd like to share with us? How's your neighborhood?

Dixon: It's all right.

Potter: It's all right, huh? Well, good. That's good, isn't it? Brent, thank you for being here today. And I'd like to thank the folks, the adult, who brought them, and also congratulations to those other young men, too. Thank you for being here, Brent.

Adams: Thank you. [applause] [gavel pounded]

Potter: City Council of Portland of come to order. Sue, please call the roll. [roll call taken] [gavel pounded] we'll now hear communications. Sue, please read item 403. Thank you for being here. Would you please state your name for the record. You have three minutes.

Item 403.

Freedom Child: I'm sorry. I didn't realize I was going to have such a big audience this morning.

Potter: Microphone toward you.

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Child: I'm sorry. I didn't know I was going to have such a bug audience this morning, but I feel I was denied a voice in the independent police review process. So here I am. Ok. Good morning to everybody. My name is freedom. I live in st. Johns. I'm here to describe a violent encounter I had with two Portland police officers and the betrayal I experienced by the independent police review process when I filed the complaint regarding misconduct by the police. As I explained what happened to you, I would like you to put your own wives, daughters, or female friends in my position. On the evening of august 6, 2003, about 10:00 at night, I was coming home from my weekly volunteer activity at the community cycling center on alberta street. Because the community cycling center is far from where I live, I rode the bus home with my bike that night. I got off the bus at buchanan and lombard in st. Johns and rode my bike three blocks to my home down a residential street. I was on the sidewalk, walking next to my bike, and just approaching my house, when a dark, sleek, expensive-looking car pulled up next to me in the street and the man at the wheel said to me, "hey, where are you going?" I became scared as I thought this man was following me, was trying to pick me up. As it is very dark out in front of my house, I could not see him very clearly and did not respond to him. I kept moving toward my gate and felt I at least had the safety of being in front of my home. As I approached the gate, the man said "do you live here?" my immediate reaction to that was to keep walking past my house so he would not know where I lived, but at the last second I instead entered the gate around my yard to place myself on my property and to put a safety zone between me and the car. The man then asked again, "do you live here?" now inside my yard, I dropped my bike on the lawn and turned and faced the man and responded "yeah, I live here. Who are you and what do you want?" from my location inside the yard I could now see the silhouette of a second man sitting in the passenger seat, which made me feel even more threatened. A second time I asked and in a manner like "who are you and what do you want?" there was no response. Suddenly a strong light was pointed at me and flashed around the house. At that point I thought maybe it was the police, but I had no way to know for sure because the men had not identified themselves as police officers and the car had no markings to indicate it was a police vehicle. For a third time I asked them, "what do you want?," giving the men an opportunity to identify themselves, but again I got no response. And a fourth time I repeated, "what do you want?" suddenly the two men began to emerge from the car, at which time I turned and quickly ran upstairs to get inside the safety might have home. I opened the screen door, stepped inside my house, and turned around to pull the screen door shut when I saw these two men dressed in police uniforms standing on the porch. I'll be back next week. Thank you.

Potter: Thank you.

Adams: Thanks.

Leonard: Mayor, before the next person, can I introduce some guests we have in the gallery?

Potter: Please.

Leonard: We have sergei dulyeski from russia and a delegation who have honored us with their presence. They're staying in Portland. I don't know that all of us have met with them, but they've been around. They're here on a delegation looking at nonprofits and learning from us. They've just come to Portland and will go back to russia from here. We're honored to have you. Thank you for being here.

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

Potter: Welcome to Portland.

Potter: Very nice. Go ahead, sue. Thank you for being here, sir. Please state your name for the record and you have three minutes.

Item 404.

Paul Phillips: Paul philips. Before you you should have a copy from the center of disease and control. Centers for disease control and prevention office of communications. Facts about occupational injuries, september 12, 1997, division of media relations. From 1980 to 1992 more

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than 70,000 -- 77,000 workers died as a result of work-related injuries. This means that an average of 16 workers die each day from work-related injuries and more than 17,000 are injured. Cost of work-related injuries and fatalities is estimated to be greater than 121 billion annually. In 1994, 6.3 million workers suffered nonfatal occupational injuries that resulted in lost work time and/or medical treatment. From 1980 to 1992, the leading cause of occupational injuries were motor vehicles, machines, homicides, falls and electrocutions, and falling objects. For industries, mining, construction, transportation, and agricultural plant, occupational injury fatality rates that were consistently higher than all other industries. The leading cause of nonfatal occupational injuries in 1993 were over exertion, contact with objects, or equipment, and falls. Industries experienced the large -- experiencing the largest number of serious nonfatal injuries included eating and drinking places, hospitals, and grocery stores. Industries facing higher risks of serious nonfatal injuries were concentrated in the manufacturing sector and included workers in ship building, wooden building and mobile home manufacturing. Foundries, special products, saw mills and meatpacking plants. Efforts to set research and prevention priorities and dramatic injury must be driven by data that illuminate the natural and magnitude of these injuries. The challenges to be developed -- to develop information systems that allow new preventative efforts to target high-risk work sites. I'll talk more on this may 18.

Potter: Thank you, sir. Thank you for being here, sir. You have three minutes. Please state your name for the record.

Item 405.

Charles Long: My name is Charles Long. Three recent media productions analyze, reveal and dramatize the stunning implosion of the greatest corporate fraud in American history -- Enron. First Kirk Ikenwald, award-winning writer for the "New York Times," has published "Conspiracy of Fools," a 742-page masterpiece of in-depth reporting. The drama contains no less than 160 characters from President George W. Bush, 18 references and 26 pages. Vice President Dick Cheney, nine references and 11 pages. To Portland General Electric, 13 references totaling 21 pages. Its end notes and meticulous indexing make it a particular valuable book. If you're more visually inclined you must see the new film "Enron" now playing exclusively at Cinema 21, Northwest 21st near Hoyt Street through next Thursday May 12. It received an excellent review in last Friday's "The Oregonian." and Jim Wallace in his popular book "God's Politics," devotes a major chapter to the Enron debacle. He puts the deceit of Enron into a moral perspective. Wallace uses the three-letter word "sin," quoting prophets. And this quotation from the New Testament, First Timothy, six, seems to have been crafted specifically for Enron. "People who want to get rich fall into temptation and a trap, and into many harmful desires that plunge men into ruin and destruction. For the love of money is the root of all kinds of evils. Some people eager for money have wandered from the faith and pierced themselves with many griefs." Thank you.

Potter: Thank you, sir. Next. I recognize that.

Leonard: Is that the one you did?

Potter: No. But one similar to that.

Item 406 and 407.

Bruce Murray: My name is Bruce Murray. First, we wish to thank the Mayor and City Council for last year's two very significant additions to Marquam Park -- the acquisition of the 48-acre property and the 45-acre agreement with OHSU. They are great additions to the open spaces of Portland. Second, the Friends of Marquam wish to add our heartfelt thank you for your public proclamation for support for No Ivy Day. Adding land to the park system is wonderful, but equally important is the effort to manage and to preserve the land. The fight against the invasion of English Ivy needs everybody's effort and there's no question that your public support is vital to the efforts of all volunteers. On No Ivy Day over 1,000 community volunteers will join together at a dozen sites in Portland to work from 9:00 until noon to pull ivy. No Ivy Day began as a Portland only event in

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2003. 2004 groups throughout the region and southwest Washington joined our efforts. Now in 2005 we are being joined by members across the country and around the globe. This dedication of a single day to rally public awareness of this noxious weed has been successful. Thank you for your leadership and support.

Potter: Thank you very much.

Cara Philips: Good morning. My name is cara philips, and i'm an intern at the ivy removal project, also known as the no ivy league. Again, thank you for your support. I'm here to talk about the purposes and benefits of no ivy day. Through no ivy day we increase awareness and action by demonstrating what we can do to save our trees and to stop ivy's blight with good removal methods.

Also, we're building community volunteer capacity to continue work on ivy-infested sites, especially where trees are at extreme risk and where mature ivy is producing seeds of destruction. We have seen visible change through no ivy day. And also, no ivy day shows that the combined strength of those working on the problem and the impact that we can have. Also, through no ivy day we increase knowledge through associated inventory monitoring and research. This is actually a trophy taken -- this is actually dead ivy taken from last year's no ivy day and what a tree in the Portland metro area is more healthy today because of that. And we also brought a poster to illustrate our research methods that no ivy day helps us move forward with. So thank you and remember together we have a lot of pull. So have a great day. [laughter]

Adams: Yeah:

Potter: Thank you folks very much. I also appreciate your humor. Could you hold that up so people in the audience can see that? I don't think most people associate ivy with what they're looking at, but these things climb up the sides of trees, and they're very heavy and often they topple the trees over. I've been through some of our public parks where the trees are broken in half because of the weight of the ivy climbing up the side. So you folks perform a very vital service. Thank you very much for doing that.

*****: Thank you.

Adams: Thank you. [applause] sue?

Parsons: There will be the consent agenda next.

Potter: Ok, we'll vote on the consent agenda. Commissioner Sten, I understand you wish to pull item 410 off consent.

Sten: That's right, mayor.

Potter: Any other items, commissioners, to be pulled from the consent agenda? Is there anyone in the audience who wishes to pull any other item off the consent agenda? Let's vote on consent. Since there are folks here for the 9:30 time certain, we will hear item 410 after the 9:30 time certain.

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

Potter: Aye. [gavel pounded]

Item 408.

Potter: sue, please read item for the 9:30 time certain. Thank you. Because i've had contact with the parties, i'm recusing myself from this item, and i'm turning the meeting over to the president of the council, commissioner leonard. I'll return after this item is heard.

Leonard: Thank you, mayor Potter. Thank you. And I have met with the neighborhood leadership association. My staff has met with the appellant, mr. Welsh, and to see if there were not some possibility of finding a compromise. Katherine, if you could set the ground rules.

*****: Thank you.

Leonard: Before you start, the council has reverted into a quasi-judicial role. We're now listening to a legal appeal of a land use decision. So although we are all -- look the same, we assume different responsibilities in this role.

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Kathryn Beaumont, Sr. Deputy City Attorney: Thank you, commissioner Leonard. Katherine Beaumont, city attorney's office. I just wanted to briefly set the stage about how this came to be back in front of the council. Then I understand we have representatives from bureau of development services to discuss what's happened during the interim since this was last before the council.

Leonard: Right.

Beaumont: This began as an application for a zone change, a land division and adjustment for an approximately 10,000-square-foot parcel of property in the Reed neighborhood evidence. The hearing officer approved the land division and zone change, but denied the adjustment. The neighborhood association appealed to council, and last year after a protracted series of hearings and a long pause to allow the neighborhood association and the applicant to negotiate the council overturned the hearing officer's decision and denied the zone change, the land division and the adjustment. The council also refused the applicant's request to withdraw his land division and adjustment application. The applicant appealed the council's decision on the zone change to the land use board of appeals, alleging that the council erred in two respects. First in the zone change, and second that the council erred in refusing to allow him to withdraw his land division and adjustment request. After reviewing the record, conferring with councilmembers, and conferring with the applicant, the city asked the land use board of appeals to withdraw -- for permission to voluntarily withdraw or remand the decision back to the city council. When this was last before you in April, I had written you a short memo summarizing the history and recommending that the council allow Mr. Welsh to withdraw his land division and adjustment request and to -- that the council grant the zone change. During the month that -- during the month prior to this hearing, there have been discussions between the neighborhood association, the applicant, and b.d.s. Representatives, and they're here today to describe the fruits of those discussions. I wanted to -- we also have a letter from Mr. Welsh indicating that he would like to keep his land division request on the table. The adjustment request would still be withdrawn. Finally, I have the record of the prior council proceedings here, and I would like to incorporate them in the record of today's proceedings. That's all I have.

Leonard: Thank you. We'll do that. So is our able b.d.s. staff prepared to talk about where we're at? Please identify yourselves for the record.

Ty Kovatch, Bureau of Development Services: I'm Ty Kovatch, interim director of bureau of development services.

Susan Feldman, Bureau of Development Services: Susan Feldman, bureau of development services.

Jon Cole, Bureau of Development Services: And John Cole, bureau of development services.

Kovatch: We're here to present what we hope you'll find to be a good resolution to this ongoing, long-term situation that has been in front of the council a couple times. The bureau of development services has over the past two or three weeks has been working with both the neighborhood association and the property owner to affect an outcome that hopefully addresses a lot of the concerns that the neighborhood had about the specific site, notwithstanding their overlying concern about the zoning for the whole neighborhood. When we initially engaged the neighborhood in asking for the crux of their concerns, we heard that first they wanted to make sure that the design of whatever structure would be built on the site would fit in with the character of the Reed neighborhood, and that was one of the sources of their angst about the situation. The other piece was the concern that in the long run this property could end up in the hands of another property owner who would not have had the benefit of the experience of going through this process, hearing what the neighborhood concerns were, and their fear was that somebody could come in and just build something else that wouldn't fit in with the character of the neighborhood. So to address those concerns the bureau worked with the property owner and the neighborhood to come up with a

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proposal that would include the property owner entering into a covenant with the city of Portland that would be recorded by Multnomah county that would require a type one design review for the entire site, which includes both the parcel that has an existing structure on it and the second parcel, which is part of the conversation we're having here today. Both of those, if new construction occurs on either site, would be subject to a type one design review, which also in the covenant includes specific design guidelines to the reed neighborhood. And this is a pretty creative solution and the property owner has submitted a letter that you guys should have in front of you that announces their agreement to take part in this effort as a condition of approval, and we've been working with the neighborhood and while it's not the ultimate ideal solution, our understanding is that they feel relatively good about this specific solution in this case. The other aspect of this is to add a tree preservation plan to the land division that Katherine referenced would be placed back on the table, which is the result of some time back the property owner removed a tree, and this is an effort to sort of mitigate the impact of the removal of that tree. So I guess I will stand by for your questions about the specifics of the proposal, but the bureau recommends that you uphold the hearing officer's decision and add these conditions of approval to resolve this issue.

Leonard: And have those conditions been distributed to the council?

Kovatch: Yeah. There's a letter on one side from me to the council and on the other side is the specifics of the criteria, both relative to the specific design criteria for the neighborhood, as well as a requirement to enter into a covenant that's recorded by the county and the specifics of the tree preservation plan.

Leonard: Ok.

Adams: Could you just -- if I could, just for the audience and for those on ty -- can you summarize the binding concept of a deed covenant?

Kovatch: A deed covenant -- that's a good question. The deed covenant and the purpose that we would put it -- put this agreement in a deed covenant is the deed is the instrument that exists, notwithstanding who the property owner is. So notwithstanding that this agreement was entered into with the existing property owner, should the property change hands in the future, the future property owner will be subject to the deed restriction that will be placed on the property as a result of this action when the covenant is ultimately signed as part of the ultimate approval of this land use request. So it is a safeguard that notwithstanding whoever the property owner might be, the design standards laid out here will be applied to whoever it is that builds the structure on the site.

Leonard: Great.

Adams: Thank you.

Leonard: I'm going to try something risky in this case and ask Mr. Welsh and Mr. McCreddie to come forward. Do you have anything that either of you would like to add?

Welsh: I have maybe a little two or possibly three-minute statement to make.

Leonard: Ok.

Pamela Andresen: I just wanted to thank everyone involved in this, especially the b.d.s. For all their help here in the last month.

Leonard: Pam, you need to identify yourself for the record.

Andresen: I'm sorry. I'm Pam Andresen, one of the property owners. And just -- we've submitted a letter to you that I think you have before you. I just want to say that we're in total agreement with what Mr. Kovatch just presented and we hope we can move forward with this. So thank you, everyone.

Leonard: Thank you very much.

Cameron McCreddie: Good morning, commissioners. My name is Cameron McCreddie and I live in the Reed neighborhood. I serve as president of the Reed neighborhood association. Over the past month I've composed several versions of testimony, not of them appropriate at this moment. In them I've complained, preached, demanded and begged, -after all the iterations it just comes down to

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one big thank you. Thank you for recognizing our situation. A developer who has no plans in a neighborhood that thinks -- and a neighborhood that thinks it's special, you could have just told us all to go away, but instead you've chosen to help. The one defining moment for me was when commissioner Sten said "this is why we have a city council." I believe he was referring to the fact that no amount of code and regulation is going to be able to address every situation. Instead of sending this case back to luba, your suggestion to use the resources on developing a positive solution was a brilliant idea and we greatly appreciate it. We have a central core within reed that is unique, and we thank you for acknowledging the need to preserve its character. We look forward to working with your staff, b.d.s., and the planning bureau in developing an implementing a neighborhoodwide design review standard. Or overlay. Portland is really special, and it's not just here saying that. And if I could ask those who are on behalf of reed to please raise your hands.

Leonard: Oh, my. That's great. Glad to have you.

McCreadie: All of Portland can take pride in the fact that the national trust historic preservation organization is holding its national preservation conference here in Portland in september 2005. Reedway, and reed college heights, are included in a tour of neighborhood examples of the recent past, worthy of preservation. Again, thank you for bearing with us these past 19 months over this one property. This compromise holds promise as it leads the way for the reed neighborhood design review overlay. Finally, we wish to acknowledge the bureau of development services staff members for the time spent helping our neighborhood reach a solution that we can all be proud of. And now I would like to welcome mr. Welsh to the neighborhood, and pam.

*****: Thank you.

Leonard: Those of us who sat through those hearings that's quite a statement. Thank you.

Sten: Yeah.

Adams: Wow.

Leonard: So I would entertain a motion that would incorporate the may 4, 2005, recommendations from the bureau of development services.

Saltzman: Make that motion.

Sten: Second.

Leonard: It's been moved and seconded. Discussion? I'm sorry?

Beaumont: So your motion is to uphold the hearings officer's decision with the modified conditions that --

Saltzman: That was the motion.

Beaumont: It's a tentative decision today.

Saltzman: That was it.

Leonard: That's it. Thank you, katherine. Discussion?

Adams: You said it in fewer words.

Leonard: Roll call, susan.

Adams: As a new member of council, I was not here for the 19 months, but obviously this is a great outcome and I want to acknowledge the great work of ty kovatch and the team at b.d.s. and commissioner's office and the neighborhood association. Aye.

Leonard: I've often said, not just on matters of land use, whether it's dispute with the labor organizations within the city or the various lawsuits we find ourselves in, that to me those are symptoms of a failed attempt by both sides to find a reasonable solution. And while I will admit that I for a while thought that couldn't happen here, the work of cameron mcrede and the reed neighborhood association and mr. Welsh and ms. Andresen has really set the standard in Portland, because you don't -- you can't appreciate this outcome unless you were here for the other hearings, which were probably among the most contentious we've had on a land use hearing, since i've been here anyway. And what this shows me is where people really work hard to listen to each other and try to find a solution, there are solutions out there, particularly when it comes to design standards

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for neighborhood. Having said that, I will tell you that I don't think, that notwithstanding both sides trying to come up with a compromise, this couldn't have occurred without the excellent staff of the bureau of development services, who have risen to be, in my opinion, the example of a bureau that works collaboratively with the public and the city. And we've seen it time and again of late, and I really appreciate all of their work, and forging this great solution that meets everybody's needs and allows the neighborhood to have buildings in their neighborhood, houses in their enabled, that reflects the fine character of the reed neighborhood association. Aye.

Saltzman: Well, I too want to thank all the parties. Ms. Andresen, mr. Welsh, all the neighborhood, neighbors of the reed neighborhood. You've all done yeoman's work here. I also want to thank b.d.s. staff for helping to reach this solution. And it's hard to believe it's been 19 months we've been dealing with this, but i'm sure it's had a genesis even before that at the neighborhood level. So it's good to put this behind us, all of us, and move ahead. Thank you for -- through this process -- increasing my appreciation for the reed neighborhood and its history, too. I learned a lot about the reedway neighborhood and its history that I had not known before. So i'm pleased to support this. Aye.

Sten: I agree. I want to thank the two sides. I know it was a very, very hard process for the development team, and I recognize that, and I think they had an argument that they could do the plans that they wanted to do had some merit, and it was a tough one for you to change, so I thank you for that. I think the neighborhood also entered this very well. This is a much better result, and hopefully also it will create a development product that actually as it fits in better will be more desirable to buyers. So I think that's terrific. I had a staff person recently go out to spend some time in somebody's home over there, and he came back and said "you know, it really is unique over there." I said I know that, because I have friends over there, i've been in the homes before, and it really is a unique and wonderful area that people, I think, have put their heart and soul into. I think this will help keep it that way. I do thank particularly the development team to be willing to keep working with ty and the neighborhood association for coming to this compromise. Aye.

Leonard: Motion passes. Thank you. [gavel pounded] we'll stand in recess until mayor Potter returns.

Beaumont: Need to set a date for this come to back for the adoption finding.

Leonard: Sorry. We're not in recess.

*****: Two weeks.

*****: In the morning, then?

Beaumont: That would be fine. So may 18 at 9:30.

Leonard: Great. Thank you. We stand in recess. [gavel pounded] [roll call taken.

10:10 meeting recessed

10:18 meeting reconvened

Item 410.

Potter: Sue, please read consent item 410. Commissioner Sten?

Sten: We pulled this off consent for two reasons. I do need to move a substitute that I think is in everybody's packet that's technical language changes. I would move to substitute the ordinance with substitute language that you have.

Ben Walters, Sr. Deputy City Attorney: The substitution -- ben walters, city attorney's office. The substitution is of the exhibit a, which is the actual confidentiality agreement that is being authorized today by the council should the council so determine. And i'm here in case there's any questions. I'm changing hats, coming over as now representing the city attorney's office in case there's any questions about the confidentiality agreement.

Sten: So move the substitution.

Leonard: Second.

Potter: Do we have to vote on that?

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Walters: Well, yeah.

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

Potter: Aye. [gavel pounded]

Leonard: Nearly impossible for an attorney to say yes.

Potter: But he did. It hurt him, though.

Leonard: I was proud of him.

Sten: I would just give a couple sentences of background for the audience. This is a confidentiality agreement that will bind the city staff that are listed, and allow all of the council and executive assistants and negotiating team access to the basically financial and operating documents that Enron holds in regards to p.g.e. It is impossible to actually negotiate a purchase agreement without access, of course, to the clear financial information, and no corporation is going to let people see that information without a confidentiality agreement. So that is the purpose of this. I want to be clear, this does not bind the council in any way, shape or form to make a purchase. And the purchase itself would not come forward until the negotiating team had made a proposed purchase agreement and the city council had had public hearings and voted to -- with all of the information in public view and available to anyone and everyone with great explanation -- to move forward in a public venue. This allows a negotiating team to see all the things that they would obviously need to see to make a good recommendation to the council. Once that recommendation is made, the actual terms, conditions, details, would all go public through a public hearing process. So this is not allowing the council, nor should it, to make a decision behind closed doors, simply allows the team to negotiate properly. There's been a sense that it doesn't have anything to do the governance structure, any details about how p.g.e. Would be run, can be discussed publicly. Any of the basic parameters under which the city would set up the financial model, all of those things can be discussed. It's the specifics of the information that Enron provides us cannot be discussed. Sometimes there's a sense that this can be used to -- you know, to stop us from talking in general, and that's not in anybody's interest, nor is it the case. We can talk in general about all the issues, just the very specific transaction information is protected and we cannot discuss the actual specifics of the negotiations as they're under way. Once they reach fruition -- they will come forward to the public. There's one notable difference. I won't get into all the legal details, but it's a similar confidentiality agreement, but it doesn't preclude the council -- for example, the last agreement precluded the council from saying whether or not there were negotiations going on. We got rid of that language. There are negotiations going on with Enron, they have to do with p.g.e., and all of the kind of obvious things that people might think are ok to talk about in general. So unless Ben wants to clarify that at all, I'll stop there. I think this is pretty straightforward.

Walters: Are there any questions?

Adams: No.

Sten: Commissioner Leonard can say anything he wants.

Adams: God help us. [laughter]

Sten: Within certain limits.

Leonard: As you consistently remind me.

Sten: With that I would open up any public testimony.

Potter: Is there anyone signed up to testify?

Parsons: Let me find out for you.

*****: I would guess from looking out at the crowd that there isn't.

Adams: Maybe Margaret wants to testify. You want to testify on this?

Parsons: No, no testifiers.

Potter: Ok. Is council ready to take a vote? Sue, please call the roll.

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

Potter: Aye. [gavel pounded] let's move to the regular agenda. Sue, please read item 425.

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Item 425.

Sten: Mayor Potter, this is a contract to -- it actually is a reimbursement contract for work that's mostly completed. We had a tough situation where the bureau of development services needed to close the westport villa, which was an open market private apartment building that served really the poorest people in the community and a very large percentage of mentally ill residents were there. So we contracted actually for a pretty reasonable amount, if you look at the difference in not only human, but governmental cost, if people ended up on the streets with cascadia behavioral healthcare to relocate the tenants there. That was a decision we made to do because we felt it needed to be done. And obviously used housing funds. The cost of \$10,000 was both much cheaper than it would have been to do just about anything else, and also was the right thing to do. So it was good work. We got the vast majority of people relocated. Does raise a lot of questions. We don't have adequate stock out there, particularly for mentally ill people on very fixed income. I'm not going to say they were relocated to places I would have preferred them to go, but they're all within cascadia's watch, as is the best -- best we could do with a bad situation and a lot better than it could have been without cascadia's ample help. There's a representative here if anybody has questions.

Potter: Any questions?

Leonard: I'm sure they're much better off than where they were. It was a horrible situation.

Potter: Ok. This moves on to a second reading. [gavel pounded] sue, please read item 426.

Item 426.

Sten: Mayor Potter, this is an exciting moment. This is actually more of a technical amendment in that we -- the \$11 million that the council authorized to do affordable housing is now in the community and under way, and because it's a new type of bond we actually have to specifically authorize the director to enter into the agreements necessary to develop the housing. So that's what this does. And it's great news.

Potter: Is there anyone signed up to testify?

Parsons: No.

Potter: Council have any questions?

*****: Michelle's here for this as well.

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

Sten: I just want to thank margaret for putting this together, as well as eric johansen who did nice work on this. Aye.

Potter: Aye. [gavel pounded] sue, please read item 427.

Item 427.

Potter: Staff? Does anybody have any questions of staff? We can direct them to come here. Is there anyone signed up to testify?

Parsons: No.

Potter: Does council have any questions? Then let's move this on to second reading. [gavel pounded] sue, please read item 428.

Item 428.

Potter: Is there staff here? It's anyone signed up to testify?

Parsons: No, there's not.

Potter: Does council have any questions? Sue, please call the roll -- no, this goes on to a second reading. I'm sorry. Is that the last item?

Parsons: And then we have 429, the sidewalk repair.

Potter: Ok. I assume staff's not here.

*****: We have staff here.

Potter: Is there? Ok. Are there any questions of staff?

Adams: I will have -- I might have some questions after testimony.

Potter: Ok. Sue?

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Parsons: And we have to testify george elliott, lisa trent, and joshua elliott.

Potter: Please come forward, folks. Will joshua be able to state his name?

*****: This isn't joshua. [laughter]

Leonard: That's what I thought, too.

Potter: Sorry about that.

Adams: Our first baby to testify.

Potter: Thank you for being here. Please state your name and you have three minutes.

George Elliot: I'm name is george elliott. I'm being assessed for a legislative sidewalk repair, which needed to be repaired, but I was not notified. I believe someone took the postings off the house in order to have someone connected with that type of work to do the work. I would be willing to, at this point, pay for the cement, but I was not notified by writing or did not receive any notice of the work being done. And in december some unmarked vehicles came up to the property, with no notice, no license on the truck as far as builders board or anything, began to do the work, did the work, and i'm being billed for it. And I just -- I never received notice of it. I was planning on doing the work, because I have two friends who had offered to generously help me do the work. So i'd like to suggest that the legal notice that's the city law be amended to state mail certified rather than posting on the adjacent property. I think that would be -- I wouldn't have to be here today if I received legal notice maybe in a certified mailing such as like what i've done with the city. I've tried to communicate very clearly that everything -- you know, in my case. So there was a lady that fell and was injured, and she contacted -- it was turned over to the fraud department. Not that she was injured, she was injured, but she was turned over to the fraud department for claiming not being able to go back to work and was under investigation when the insurance adjuster went to contact her, she was in the same house with another man who had been convicted of the same thing. So it was thrown out, the insurance claim. The sidewalk did need to be repaired. And the sidewalk has been repaired. I'm willing to pay for the cost of the cement, but i'm thinking that -- two things. Number one, i'd like to suggest that the legal jargon be changed to include mail certified rather than being posted on the adjacent property in case someone -- one would pull it off, take off the notice, is what i'm trying to say. And this is the former owner.

Lisa Trent: Hi. I'm lisa trent. I'm the former owner of the home. This is my father. And my husband and I bought it and sold it to him because of a job relocation. And he bought it. I'm just here because we never received notice either. We thought maybe we would have received notice in the mail from the city that that was going to be taking place, the sidewalk was going to be repaired, giving us notice to maybe have him find -- or us -- if we would have gotten the mail when we were the owners, we would have been able to search for something, maybe more reasonable in price. But either way, just am here to stand with them as far as this goes, just because felt like it was kind of done without any notice and just one morning this car showed up. When my husband and I owned the property, the lady that he was talking about basically came with a claim that she had fallen, and again as he said it turned out to be fraudulent. We have the name of the insurance agent and his phone number, but either way just wanting to -- wondering if possibly she or maybe a relative went and, you know, complained about the sidewalk, which is understandable, but we should have gotten notice, and now he's going to be charged, you know, \$2,000. So just wanting to see what we could do in that sense.

Walters: I have a copy of the city law here, but nowhere in the law does it state about being mailed certified. I think that's a practical idea that would save meetings like this. It would guarantee the city that, yes, you did receive notice, here's a copy. So just a practical help, idea. So that's -- I guess that's my presentation.

Potter: Thank you, folks. Could the staff come up? Thank you.

*****: Thank you.

Adams: Thank you.

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Walters: Mayor Potter, the code requirements currently are that the property be posted and that there be a mail -- mail sent to the owner of the property. So it does currently provide for a mailing, it's just not -- that it does not provide for a certified mailing. And the code would need to be amended to direct for that. That's the council's prerogative, but it may be that -- you know, there would need to be a determination about how often this problem comes up as opposed to the additional costs of certification in terms of mailing, because that is a significantly increased cost of about \$2.50 as opposed to a 37-cent first class stamp.

Leonard: It's been a while since you've mailed first class.

Walters: 37?

Leonard: 39 I think now.

Saltzman: Not yet.

Potter: He's always ahead of his time, though. Could you state your name?

Dan Broome, Office of Transportation: I'm dan bruin, i'm with the city of Portland sidewalk repair department. I was going to pretty much read the response that I sent to mr. Elliott, and I think it will answer a lot of questions. "we researched the sidewalk repair records for the property on northeast mallory avenue. On July 27, 2004, the city of Portland risk management division received a report of a trip-and-fall. And subsequent injury claim at that address. The property owners at the time of that claim were asem and lisa trent. On August 3, 2004, a sidewalk inspector found 174 square feet of sidewalk adjacent to the above said property in need of repair. In accordance with title 17.28.070 the sidewalk inspector then posted a notice on the adjacent property, a notice to repair sidewalk. The last sentence in title 1728.070 clearly states a mistake in a name of the owner or agent or name other than that of the true owner or agent of the property or mistake in address shall not invalidate said notice, but in such case posted notice shall be sufficient. A sidewalk repair notice was then mailed to the known property owner that same day, instructing them to complete repairs by the week of August 30, 2004. Now we received no return mail. And that tells us that the property owner received the mail.

Leonard: Who was living there at the time you mailed it?

Broome: Asem and lisa trent.

*******:** No, they weren't.

Broome: Oh, at the time it was mailed? Actually I don't know. At the time we mailed it, those were the property owners of record. According to property -- or Multnomah county tax records, mr. Elliott purchased the property on August 20, 2004. So --

Leonard: And you mailed the letter when?

Broome: August 30.

Leonard: 2004?

Broome: Right. So there was a 10-day lapse. And I don't think the county records had been changed at the time, because we keep a real close eye on them. So sometimes it takes a while for the records to be changed.

Adams: So there's someone that goes around and staples up notices on houses, right?

Broome: Well, yeah. We don't staple them on the houses. We hang them.

Adams: Hang them on the doors?

Broome: Yes.

Adams: And that and the first class letter is how you notify people?

Broome: Yes.

Adams: In your mind from an operational point of view, what's the accountability mechanism here if the law says that no matter what we do we're right? Or don't do.

Broome: Well, there are also disclosure laws. According -- i'll read that to you, according to Oregon revised statutes we know 105.465 to 105.490, and that's the Oregon disclosure disclaimer law, it is the legal obligation of the seller to either disclose the condition of the property or disclaim

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all representations as it applies to the residential sales. They claim they never got a notice, but what we did, according to title 17 is we did post notice on the property. So we did everything that we were supposed to do.

Adams: But how do we -- what's the accountability trail back to the property owner to show them that we did everything? Do you have a log? Do you know who the person was that went out and hung the notice up?

Broome: Yes. Our inspectors, correct.

Leonard: Did you talk to person?

Broome: Yes.

Leonard: And they verified they hung it?

Broome: Yes.

Potter: How do you know the letter went out?

Broome: Well, we keep a log of that also, our office of specialists has all that information. What we do, after she mails out the notices, the copies go down to archives.

Potter: So you have that in our archive?

Broome: Yes.

Adams: And how much could we save by switching to certified letters to the property owner?

Broome: How much could we save?

Adams: By not having someone --

Potter: Does this happen often? What's the frequency?

Broome: I would -- I would guess maybe, oh, one every 150 postings, notices are sent out. It's not very often.

Potter: And is it the same reason given by these folks that they did not receive it?

Broome: No. Most people receive it, but they were not notified by the previous owners that there was a sidewalk posting.

Potter: Oh, I see.

Broome: And, you know, we also go out and mark out the property, so there's paint marks all over the place. According to the inspector and the contractor that showed up out there, they had saw-cut and jackhammered part of this job before somebody came out of the house. Now they said it was the property owner. But they're the ones that also called the police on them. The police came, found out what was going on, and they just left. They didn't even write a report.

Potter: Why did they call the police?

Broome: I'm not sure.

Potter: Ok. We'll ask you folks in a minute.

Broome: I don't know why. And then the other thing is that mr. Elliott says that he had a contractor ready to do the work, but was never notified of the work. So I don't really understand that.

Adams: Would there be any savings to -- I don't know that there would be, because you have to go out and mark the sidewalk anyway with spray paint. It's at that time that they put the notice on the house?

Broome: No. The notice is actually put on the house at the time of the posting, at the time the inspector's out there actually identifying the hazards.

Adams: From an operational point of view, what plus and minuses would there be to following up on the suggestion by the former property owner to send certified letters instead of regular letters?

Potter: How many do you send out a month?

Broome: I'd say 500 to 600.

Potter: And what's the difference between the first class postage at 37 cents and the -- do you know the difference?

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Broome: I've heard it was \$5 for each certified letter. Now, mr. Elliott sent a certified letter to us. And I haven't sent one for quite a while, but I think it's about \$5.

Leonard: How many of the cases end up resulting in you having to hire a contractor to do the work?

Broome: About 20% right now.

Leonard: So how many again do you send out a month?

Broome: I'd say 500 to 600.

Leonard: So if you're saying 20%, it's like 100 to 120?

Broome: Yes.

Leonard: Is there that many every month that you have contractors go out and do?

Broome: Yes, I would say.

Leonard: Would it be too much to have a phone conversation with the property owner before you did that?

Broome: Before we went in to do the work?

Leonard: I mean, not just that you've notified them that they have a problem, but just before the contractor went to say "just to let you know --"

Broome: That was another thing we do require the contractor to post the property at least three days before they move in to do the work.

Leonard: Did that happen in this case?

Broome: Yes.

Leonard: Do you have a document?

Broome: Yes.

Leonard: How was that done?

Broome: Door hanger again, notifying that the contractor will be there in three days.

Leonard: You've seen the documentation indicating that occurred.

Broome: Yeah. Actually it's a note that the inspector made open our paperwork.

Leonard: So you sent a first class mail, the inspector hung a hanger at the time he noted the violations, and then the contractor left a hanger as well?

Broome: Right, prior to moving in. Right, right.

Potter: Could you tell me the times again that this occurred? What was the first notice? Was that when the woman tripped or said she tripped?

Broome: The lady tripped on july 27. We responded on august 3.

Potter: How did you respond?

Broome: Let's see. Oh, we notified -- actually we sent out a -- we sent out a notice that same day, on august 3. And it was notifying -- it notified the property owner to have -- that they needed to the work completed by the week of august 30.

Leonard: When did the contractor hang the notice?

Broome: Let me look. December 2.

Leonard: And at the time were there occupants in the house?

Broome: I do not know. I'm not sure.

Potter: Did you say december what?

Broome: 2nd.

Leonard: Give me the dates again when you know there had been notification left. August 3.

Broome: No. Actually august 3 is the first date. And then december 2.

Leonard: When was the letter sent?

Broome: It was also sent august 3.

Leonard: So you sent a letter august 3, and put a hanger on the house on august 3?

Broome: Yes. The day it was posted.

Leonard: So those two things occurred on august 3. And then december what?

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Broome: December 2 is when the contractor door hanger was put up, correct.

Potter: And when did the work commence, then?

Broome: December 7.

Leonard: And who called the police on december 7? I was told it was the property owner. I don't know the name of the person. It was whoever came out of the house at the time. It was about 10:30 a.m.

Adams: So one possibility again that's a lot about money, we could send a certified letter to the smaller group of people who do not respond. It would cost less money.

Broome: Yes. And in most cases -- except this one was a trip-and-fall, so it's what we call a 20-day posting or 20-day hazard. So we only send one notice. In most cases we send out two. We'll send out an original notice, give them a minimum of 90 days to do the repairs. And then prior to us moving into the job, which could be -- I mean, sometimes there's a large lag time. It depends on the workload and whether for the contractors to move in. But we'll send a second notice, what we call a 10-day letter, and it says "we're coming, you got another chance."

Leonard: So what would happen if you -- the contractor is a private sector contractor?

Broome: Yes. We put all of our sidewalk work out to competitive bid now, correct.

Leonard: And what would it do to them if we required of them, before they actually did the work, one of the things in their contract was that they had to send a certified letter saying "i'm the contractor, i'm going to do the work, unless we're notified" as opposed to -- you already have them put a hanger.

Broome: Uh-huh, right.

Leonard: What if they were required to send a certified letter? That would relieve of the expense, put the responsibility on to them, so when this came up --

Broome: The expense would be passed on to the property owners, of course, because the contractors are bidding, you know, according to, you know, the way we set up the contract.

Leonard: But you would not have the expense.

Broome: No.

Leonard: Your concern was the cost of the certified letters for the 1,000-plus that you send out.

Broome: Yes.

Leonard: This would relieve that, right?

Broome: Correct.

Leonard: Why would that be a problem?

Broome: Well, it wouldn't be, but there would have to be an addendum to the contract.

Leonard: No, I understand that. I'm just trying to think through if there's a problem with the contractor sending a certified letter as opposed to the hanging that they do, or both.

Broome: I don't see a problem with it. The contractors might.

Leonard: Well, then we'll get somebody else.

Adams: Smaller group of people and it's ok if people haven't responded at that point that we bill them for the certified letter as well.

Leonard: Sure. Seems reasonable.

Saltzman: But if they do respond, the contractor's out of a job.

Leonard: Well, that's fine. That's part of the contract.

Saltzman: Who pays for the certified mail in that situation?

Leonard: I mean, if they have a contract with the city, that's part of the cost of doing business. I mean, that's the way it is.

Walters: I would assume they'd build that into the overall projection of the contract.

Potter: Yes, ok. Any other questions? Do you have any questions of the -- I think someone raised their hand. They wanted to speak. So thank you.

*****: Ok, all right.

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Potter: Please come forward.

Joshua Elliott: Thank you. My name is joshua elliott. I'm george elliott's son. He's the owner. I'd just like to say that I was the one that came out of the house on the morning that they started working. I was awoken by jackhammerring. That's the only first notice that I had of the repairs. So I came out and snapped a bunch of pictures of the people working, because I had no idea who they were. They were unmarked trucks. When I asked them who he worked for, he said "you don't need to f-ing know." I said "well, who are you?" he said "you don't need to f-ing know that either." when I said, "can I at least see the order that you have for the repair of the sidewalk?" he went to his truck, got his clipboard, and actually read the name of the previous owner. So between --

Leonard: Who was the previous owner? Lisa and asem trent. So at the time of the repair, which was december 7, he still had on his clipboard the names of the previous owner back in august. So there's a three-month overlap in this gentleman's work --

Leonard: When did you move into the house?

J. Elliott: I moved in september 1. My father had purchased the home by august 30.

Leonard: And so august 3 there were two notices --

J. Elliott: On the two notices, they were still to the trents.

Leonard: Were you hanging your hat on that that it was not addressed to the legal owner is the reason that you're not going to --

J.Elliott: Obviously I just wanted to state that.

Leonard: I'm asking you a question.

J. Elliott: Yes, sir.

Leonard: Are you hanging your hat on the fact that the actual notice sent to you listed the previous owner?

J. Elliott: Yes.

Leonard: That's what you're hanging your hat on --

J. Elliott: No, i'm not hanging my hat on anything. I'll just stating fact.

Leonard: I want to get this straight. Where you aware that the city had asked --

J. Elliott: No.

Leonard: You're not aware that the city had asked. So what happened on december 7 when the contractor hung the --

J. Elliott: He didn't hang anything. I'm just saying when I asked him --

Leonard: I'm asking you december 2.

J. Elliott: I didn't say anything about december 2.

Leonard: I know you didn't. I'm asking a question.

J. Elliott Ok.

Leonard: The testimony we had was that on december 2 the contractor hung on the door that they were going to do the work. Do you remember seeing that?

J. Elliott: No, sir.

Leonard: Did you ever see any letter listing the previous owners?

J. Elliott: No, sir. I was just stating that when I asked them who the work was -- the work order name that he had, it was of the previous owner, which was three-month-old information.

Potter: So at the time, then, did you call 9-1-1?

J. Elliott: That's when I called my father, who then called the police.

Potter: And what happened when the police got there?

J. Elliott: I wasn't there. I had left by that time. As soon as I confronted him, he got on his cellphone and called what looked like a supervisor, who pulled up, and they had a little private meeting on the corner, and I told my dad about that. I called him. And then he called the police. I guess that's all I have to say.

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Potter: Ok. Thank you. So it's my understanding there were -- there were two notices that were hung on the door, one by the city and one by the contractor, that there was a letter sent out August 3rd, and that those -- so those three notices that we're aware of. Is there a -- was there a fourth notice? Did you mail a letter?

*******:** No.

Potter: Ok, so the three notices. And then the work commenced on December 7.

Leonard: Right. We have somebody that wants to say something, mayor.

Potter: Oh, I'm sorry. Please come forward. And also, restate your name, please.

Lisa Trent: Yes. My name is Lisa Trent. And I was the owner when those three notices were supposedly sent, and we never received them or never saw them. So that's where the major confusion is. My husband and I would have totally taken that to note, and we still owned it, but we sold it to my father, we would have definitely given him those notices. We never received them. So I don't know, like he said, where is the accountability of those? I'd like to see the paper trail of that, because a door hanger can -- you know, August is a month of vacations. We could have been on vacation. I mean, I just -- we never got one notice or saw a poster -- or a door hanger thing.

Potter: When did you vacate the house?

Trent: We never moved in. We were fixing it up. But we went there every single day to pick up mail, check the house.

Potter: So there was no one living there at the time that the notice went out?

Trent: Yes.

Potter: And did the U.S. Mail still deliver other mail to that address?

Trent: Yeah. There was -- on the house there's a door -- it's an old home, and a really big door, and there's an actual old-fashioned where you slip the mail through the door. So really there's no excuse for us not receiving it. I mean, if we would have received it we would have received it. So I don't know what else to say, but I wanted to let you know that we just -- in our eyes, we never received it and that lady that actually tripped and fell supposedly turned out to be fraudulent, but Ron Miles, who the insurance agent was, let us know, or somehow we found out that somebody who she's related to works for the city, or something like that. So maybe she went and complained, and then they just did their thing quick or -- you know, who knows what happened or how that happened. Maybe just because, you know, friends and family, things got made fixed quick, and so we were -- we did not feel like we were notified adequately. That's kind of what this is about, seeing if you guys could help us in figuring out an easier way to solve this problem.

Potter: I'd like to have the father come back up. I just had a follow-up question. Sir, did I hear you say earlier that you had made arrangements for a contractor?

George Elliott: I have the names. They're not here to testify, but I have the names of contractors who would be willing to do the work. Bruce Maiden is a licensed contractor in the city. Also, Randy Zeigler, former cement finisher, they were both willing to help me as close friends.

Potter: When did you contact them?

G. Elliott: I contacted them when I bought the house. I saw that the sidewalk needed repair immediately.

Trent: And after that lady had fallen, too. We had already taken that up in our own minds, thinking that probably we should get it fixed eventually.

Leonard: How did you know the lady had fallen?

Trent: She left us three voicemails on our home phone. She's related to the neighbor, the very next house.

Leonard: Did you know she had filed a complaint with the city?

Trent: She maybe possibly left that on our voicemail.

Potter: When you decide that it needed repair?

G. Elliott: Before I bought the house.

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Potter: And what time was that? What date or time period?

*******:** Well --

Trent: August 30 I think is on the title.

G. Elliott: I bought the house on August 30, and I immediately started to make plans to get the sidewalk repaired.

Potter: But it hadn't been done by December 7?

G. Elliott: No, it hadn't. We were waiting for a slow time for the workers, usually in the winter.

Potter: So were you aware, then, that your sidewalk constituted a hazard?

G. Elliott: On one part. And I did fix the one part where she claimed to have fallen. I did repair that.

Trent: He went out a Saturday and fixed that.

G. Elliott: I did repair that myself on a Saturday, and repaired that one section of the sidewalk where she had fallen. So I did that actually two days before the final of the sale -- I'd actually repaired it while they still owned the home, the part where she fell.

Leonard: When was that?

G. Elliott: Well, it would have been in August, just before the final of the sale.

Leonard: You did that coincidental to the city going on --

Trent: No, no. When she fell, the lady fell and notified the city, I thought I better fix it. So before we finalized the sale I went over and repaired that part of the sidewalk where she claimed that she was injured.

Leonard: And you hadn't been notified by the city at all?

G. Elliott: Nothing, no.

Leonard: Just the woman's complaint on the voicemail, you responded to that?

G. Elliott: I wanted to make sure that I'd done my part, if I was going to own the home, to at least fix the most dangerous part of the sidewalk. But the house was empty, because they had only purchased the home in May and had not entered --

Trent: February.

G. Elliott: Or February, excuse me. Had not moved into the home because they were doing extensive repairs on the inside. And so they had not been in the home. So one of the reasons why it might have happened that we didn't get notice, because there was no one living in the house at the time. I think your original suggestion about a phone call to a -- to the homeowner is an excellent suggestion.

Leonard: How did you get notified by the woman? Where did she leave a message?

Trent: Home phone number.

Leonard: Which home phone number?

Trent: My husband and I, which we just have a voicemail set up.

Leonard: Is the phone at this subject home?

Trent: It's not a landline. It's a voicemail box. When someone calls it --

Leonard: How did she know your number to call?

Trent: Somehow her -- she's related to the neighborhood of the house, and somehow I think a grandma sometime came over and asked us what our phone number was in case they ever needed -- they kind of did it deceitfully a little bit, but said "we'd like to get your phone number since you're not living here, right now you're just fixing it up, and we'd like to have your phone number in case we see anything weird going on at your house while you're not here." so my husband gave our home phone number. A week or two later we were on vacation and got a phone call from her on our voicemail.

Leonard: Didn't you have to go to the house to get your messages?

Trent: No. You go to the main hub and you press your p.i.n. And everything. We have a voicemail set up. It's not that weird. It's pretty common.

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Leonard: Did you buy this as an investment property?

Trent: Yeah, kind of. It's a great area. It's off of m.l.k., and they're going to be doing work there, and we bought it to fix it up eventually to sell it, but my husband had a job relocation to tigar, and we felt like we needed to live more -- a lot closer to tigar. So my father, who was looking for rental anyways, he bought it from us, which turned out to be really good. But this kind of all happened right in the middle of everything.

Potter: Did you do the work yourself or did you have other people do the work on the house?

Trent: Inside the house?

Potter: Yes.

Trent: We did some. Most of the other people did, yeah.

Potter: Did those people have keys to the house to let themselves in?

Trent: One guy who laid tile on one occasion, I believe, he had a key. Yep.

G. Elliott: I think your suggestion, mr. Commissioner, that -- about a phone call from the contractor to make sure that -- that's a very good suggestion. And another good suggestion is about -- somebody said about the mailing certified. Either a phone call or something to keep communication --

Trent: I would say so, yeah.

G. Elliott: Keep conversation clearer would save everybody's time. We probably wouldn't be having this today if there was a phone call from the contractor confirming it, or something like that. My dad owned 19 rental properties here, and we always were taking care of them, we never had -- we did have problems, but i'm a responsible individual. I'm not trying to shirk my responsibility. I'm just saying let's make sure there's clear communication to the homeowners in a case like this, where the house might have been empty or in transition, make sure there's a phone call, something certified, "did you get it?" I think the city has done their part in following decorum, they've done their part as far as mailings and getting the work done and doing their job, but from the homeowner's point of view those two suggestions that have risen today might be good inclusions into the guidelines for sidewalk work.

Potter: You don't think hanging a notice on the door is sufficient?

G. Elliott: I think it's a good first step, but in our case the house was empty, under repair, so no one was living there.

Potter: It wasn't on december 7 when the contractor posted the notice.

G. Elliott: My son testified here today that he did not receive that. I told him to keep looking for something, didn't i? I said "keep looking for anything from the city, because we want to comply, we don't want."

Leonard: Why are you worried about the city?

G. Elliott: Because I saw the white paint. I thought I wonder if the city sprayed that white paint.

Leonard: You saw the white paint and didn't call to ask what was going to happen?

G. Elliott: Well, I figured the city was up to something.

Leonard: Actually the question I have is the amount really.

Potter: Well, what was the amount that was charged?

Leonard: \$79,813.

Potter: Excuse me?

G. Elliott: No. \$2400.

Leonard: What i'm looking at here is in the amount of \$79,839.15.

Trent: Who was that billed to?

Walters: This is an assessment for a multiple properties, and so the remonstrance is for one property out of that total.

Leonard: What is the amount that this person's responsible for?

Walters: They'll be able to inform you of that. I don't get those materials.

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Trent: I believe it's \$2400.

Leonard: Oh, \$2,400?

*******:** Uh-huh.

Leonard: I was ready to go to bat for you. I think you owe it, but I wasn't going to bite on the \$79,000.

Trent: Slightly. That's a lot. [laughter] yikes:

Potter: Here's alert today. That's good.

Adams: In terms of the information in front of us, neither commissioner Leonard, nor I, have exhibit A, by the way.

Leonard: Yes.

Saltzman: I don't either.

Adams: So it's hard for us to -- I can understand the --

G. Elliott: I have this proposed assessment bill.

Leonard: That's fine. If we have the amount here as --

Adams: Do you have a copy of the exhibit A?

Leonard: I was very concerned you were being hit for \$79,000.

G. Elliott: Thank you for concerned. \$2493.81.

Leonard: \$2,493?

G. Elliott: Yes, sir, \$2,493. So bottom line, certified or phone call would work for me. I would have done --

Trent: And I don't know how we didn't get it, so we apologize for bothering you today.

G. Elliott: We're sorry for taking your time up with this issue.

Adams: That's why we're here.

Trent: So is there any --

Potter: We don't make a decision today. This goes to a second reading. What is the date, sue? Do you now have a date for the second reading?

Parsons: It would just go to the next week.

Potter: Next week, on Wednesday?

Parsons: Correct.

Potter: At 9:30?

Parsons: Right.

Adams: We need copies of it.

Leonard: It's a conspiracy.

Potter: Thank you, folks.

Trent: Thank you so much, mayor.

Adams: Thank you. It doesn't help with the credibility of the bureau that we're not getting copies of things either. [inaudible]

Leonard: Ok, got you.

G. Elliott: What's next?

Potter: We make the decision next Wednesday, sir. We're going to review the information that's going to be provided by these folks. If you have any information you'd like us to look at we'd look at that as well.

G. Elliott: But we don't need to come for that meeting?

Potter: You're welcome to come if you wish, but you'd be notified of the decision of the city council.

G. Elliott: Ok, thank you. I don't know if you need anything from me or not, any document.

Leonard: Thank you.

Potter: I think in terms of the amount, unless there's any documentation that you sent the city. Did you send the city any documentation?

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G. Elliott: I have that, but I don't know if you need it. I sent it certified. I have those. I believe you trust me.

Potter: Could you give a copy to sue there or to --

Leonard: I'd like to see that.

Parsons: Right. I'll work with you on getting a copy.

G. Elliott: Thank you very much for all your time.

Potter: So this moves on to a second reading. [gavel pounded] that's our last item for the morning.

We'll be recessed until 2:00 p.m. This afternoon. [gavel pounded]

At 11:05 a.m., Council recessed.

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2:00 PM

Item 430.

Potter: Council will come to order. Sue, please call the roll. [roll call taken] [gavel pounded] sue, please read item 430. Before we get started, the city attorney has some comments for the council.

Linly Rees, Deputy City Attorney: I was asked by staff to clarify on the public record why we're here today. On the 23rd of march, council reached a tentative decision to remand this quasi-judicial appeal back to the design commission. Pursuant to our code, we're required to have council revise a design decision and we're back here to consider what was prepared by staff.

Potter: Thank you. I have questions for council before we begin. Do any members of council have ex parte contacts to declare or information gathered since the last hearing or before the last hearing?

Adams: I have extensive ex parte contacts. I've met individually with representatives from the neighborhood association, design commission, the developer. I've had individual phone conversations with john bradley, with kristi white, with jeff joslin, on a number of occasions. My staff as well has had extensive individual conversations in setting up meetings, and then we've held joint meetings on two occasions and individual group meetings, all three representative of the design commission, representatives of the neighborhood and the developer on two occasions, and then we also had individual meetings with the neighborhood on two occasions, and -- well, we were at sammy's, the cafe. Do I have to go into greater detail?

Rees: You may wish to discuss briefly the -- or summarize the content of the conversations, what they were about.

Adams: The contents of the conversations all were about either oriented toward the process of this coming back to council for a final determination, whatever the word is, and also the substance or the impressions about the proposed project on northwest 24th place and/or changes and potential mitigation efforts. Is that enough?

Potter: Does anyone in the audience want to question the councilmember about the declared contact? No one has indicated they want to question commissioner adams about his declaration. Do any members of council have questions or other matters that need to be addressed before we begin the hearing? Council has before them findings. I need a motion on the decision and findings to remand the decision back to the design commission.

Leonard: So moved.

Potter: I need a second.

Sten: Second

Adams: Do we do this to continue it?

Rees: No. You would not need to do that to continue. That would be a separate motion. It would not be part of that motion.

Adams: So we go ahead and do this motion?

Rees: If you were to move, second, and approve to send it back to the design commission, there would be no need for a -- it would go back to the design commission.

Adams: What do we need to continue it?

Rees: Dispose of the current motion presumably -- if you were to vote down the current motion and then a subsequent motion to continue. The current motion would approve the findings and send this case back to the design commission. It would not result in further proceedings here at council.

Leonard: The findings that are incorporated in the recommendations as a result of commissioner adams' --

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Rees: The findings and decision that are before council reflect a tentative decision made on the 23rd of march, which was to remand it back to the design commission.

Leonard: Got you, got you. And commissioner adams, you -- did your discussions produce a document?

Adams: My discussions produced a document that was distributed to your offices. My understanding of today's actions is that we would be continuing this to may 18, which provides commissioner Saltzman an opportunity to review the last meeting, and that's the date in which the full council is available.

Potter: Has commissioner Saltzman made a request of that?

Leonard: No.

*******:** Not to us.

Adams: Has not made a request to continue this?

Leonard: No.

Potter: No, I received no request.

Sten:Is the expectation that somebody's going to present the new proposal and/or some new evidence?

Adams: That's the time when the entire council could be here. So I don't --

Sten:You're asking to continue. I'm asking what you're planning to do in two weeks.

Adams: Oh. It's an opportunity to see the results of the discussions that we've had over the last couple of weeks. That would be the opportunity. Or we -- i'm not prepared today -- i'm sorry. I thought -- i've never been through one of these before, so I don't have copies to provide you today for the list that the developer agreed to in terms of mitigation. So I apologize for that, but I thought we were just continuing it and it was pro forma.

Sten:So are you presenting it a new proposal in two weeks or --

Adams: I'm presenting -- I can give an overview. The sides -- the results of meeting with both sides is that I was not able to facilitate a compromise between the neighborhood association and the developer. What the developer did agree to do is some additional improvements or -- I don't know what the right word would be -- additional improvements, neighborhood improvements, surrounding the sites, but that did not -- those efforts did not obtain the agreement or consensus with the neighborhood representatives. You have a funny face, john.

*******:** Yes.

Adams: Ok. So that's what I would -- that's what I was able to accomplish. It doesn't -- it did not produce a consensus among the stakeholders to approve this project.

Sten:So are you intending to make a motion to change -- i'm seeing what the point is having another hearing is. If we've made a decision, are you going to be making a motion to change that decision?

Adams: I would be making a motion to --

Sten:Are you asking us to all rehear the case? I'm not aware of what we're doing.

Adams: I'm not clear either. I apologize. I'm asking for the council to accept -- to acknowledge the additional work that the developer's willing to do as part of the record, I believe, but that does not gain the support -- but I also want to acknowledge that that does not gain the support of the neighborhoods on this project -- neighborhood representatives on this project.

Leonard: Did you bring -- do you have a document that reflects that agreement?

Adams: We do have a document that I emailed to your offices, but I didn't bring copies today because I thought we were continuing.

Potter: The only thing I remember from that specific was that there was no agreement between the developers and the northwest district association.

Adams: There were also voluntary -- additional voluntary neighborhood improvements that the -- that the developer had agreed to.

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Potter: Are those changes found within item 430?

Adams: The new -- is there a new 430?

Potter: That's what i'm wondering. I'm not sure if this represents any change or if it's the same one from last time.

Adams: Jeff, you had some conversation about if any of the agreements -- voluntary agreements by the developer would be incorporated in any changes regarding the write-up of this project. And what was the conclusion of that discussion?

Jeff Joslin, Bureau of Development Services: Jeff joslin, bureau of development services. I've reviewed drafts of these elements. I've also discussed them with the city attorney. Some of them were potentially best incorporated simply as additional aspects of the project, if council wish to consider them. Others could be specifically included as conditions of approval. That is the most recent form -- or I should say the most recent form of those mitigation efforts.

Leonard: Do you have a document that reflects that?

Adams: This was distributed to the offices. I don't know if it made it into your packet or not. Did you get it or not?

Sten: No, I got it. I'm just trying to figure out -- once the council's made a decision, the councilmember needs to make a motion to change that decision. If nobody's going to make a motion, i'm not sure why we're convening everyone.

Leonard: I'm prepared to make a motion, but, you know, I assumed that we had the document distributed.

Adams: We did. I just don't have it today.

Potter: But it's not part of this record, the council record?

Sten: So the expectation in two weeks, that's what i'm trying to get at, is that some members of the council have been convinced that we should reconsider the decision based on what's happened over the last month, and that's what we'd be doing in two weeks?

Leonard: I want to hear the discussion. There have been discussions, and I want to hear the discussion, because I haven't been briefed on the discussion. I know that discussions have occurred, and I have haven't been informed of elements of the discussion.

Adams: And commissioner Saltzman, who didn't make the last one, but involved with earlier discussions on this issue would have a chance to review the --

Leonard: Well, the point is we had the discussion -- I mean, what is the purpose of waiting if we're -- if we have something that reflects what the discussions were? Can we talk about it now?

Adams: I'm happy to talk about it now.

Potter: I think we should.

Adams: Ok.

Potter: I'm prepared to vote.

Adams: Ok.

Leonard: Has the public been given copies of this?

Adams: Of the revised? No.

Parsons: The clerk needs one also. [laughter]

Sten: Well, and I guess -- I think having a discussion is a good thing. I'm just trying to figure out, because i'm not quite reading through the lines here, if there was some movement to change the decision. If there wasn't, I don't see the point. It sounds like there is. If there is, I do think -- with all due respect, I think sam's office sent a message out that this was going to be delayed, and I had my staff try to check in with neighborhood people to see where they are, and they said it's not happening today, it's happening in two weeks.

Adams: Right.

Sten: I was just trying to figure out if there was an point in having a meeting in two weeks. Clearly is if there's a request to visit the issue by some of the neighbors. We're advised to --

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Adams: My office definitely sent the message that this would be continued to the 18th, because that was our understanding of what needed to be done. So whether we were right or wrong, that's definitely the expectation we led people to believe. So if we were wrong, sorry. My preference to be, from myselfish point of view, whether my office was right or wrong, is to continue it to the 18th. So how do I do that?

Rees: We have a motion on the table that probably --

Leonard: I withdraw the motion and move to continue this to the 18th.

Adams: Second.

Potter: Call the roll.

Adams: Aye. **Leonard:** Aye. **Sten:** Aye to continue it.

Potter: No. So this is continued until may 18?

Parsons: May 18. At 6:00, then?

Potter: 6:00 p.m. On may 18.

Leonard: Why 6:00 p.m.?

Parsons: It's your third wednesday of the month, the regular 6:00 meeting.

Leonard: We still could have 2:00 wednesday, right? No? Can we just have it in the 9:30 slot in the morning?

Parsons: 9:30, it would be at 11:30 if it was a time certain.

Leonard: That's fine with me.

Potter: 11:30 on --

Parsons: We're already booked until 11:30 on the 18th in the morning. The 19th at 2:00. Sorry, the 19th -- it would be -- you have one land use for an hour, they estimate, on the 19th. You could put it at 3:00.

Adams: Is that all right?

Leonard: Is there something magic about the 18th?

Adams: Huh-uh.

Leonard: Can it be next wednesday?

Adams: We won't have a full council. The mayor will be gone.

Leonard: Ok. The 19th at 3:00? If that works for everybody.

Tim Heron, Bureau of Development Services : Oh, i'm sorry. Let's see, the design commission has a meeting in the afternoon.

Heron: Tim heron, bureau of developmental services. That would put staff double-booked at 3:00 thursday, the 19th. The design commission meets at 3:00 on thursday, the 19th.

Leonard: What about the 18th at 11:30? Does that work?

Potter: Is that ok?

*******:** Sure.

Potter: 18th at 11:30.

Sten: Well, it is, but we never have hearings at 11:30. Realistically, i've never seen us get to a time certain at 11:30 at 11:30. So we'll get that thing started around lunch.

Potter: We got to figure out a time.

Adams: 2:00?

*******:** Oh, it's your regular 6:00.

Leonard: Why can't we have it at 2:00?

*******:** We actually specifically amended the code to provide that the third wednesday was at 6:00.

Leonard: But could we have a time certain at 2:00 if we chose?

*******:** As part of the morning session?

Leonard: Uh-huh.

Sten: Is it the goal to not have a night session?

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Potter: One may go into the other.

Sten: That's why we have the afternoon free, to tend to other business, and we to work at night. If we're not going to do a 6:00 --

Potter: No. I'm saying that the 2:00 may go over.

Sten: That's fine. But i'm not interested in scheduling a special 2:00 and a 6:00 --

Leonard: That's my point.

Rees: How about if we to this, I think if you agree to waive the code, whatever it may say about the evening session and just say "we waive the code at have it at 2:00 on the 18th" it would be just fine. Maybe if there could be a motion to do that.

Potter: Do I hear a motion?

Adams: So moved.

Leonard: Second.

Potter: Sue?

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

Potter: Aye. [gavel pounded]

*******:** Thanks.

Potter: This is our last item for the day. We're adjourned until next week.

At 2:23, Council adjourned.