



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **1ST DAY OF JUNE, 2005** AT 9:30 A.M.

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

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Ben Walters, Senior Deputy City Attorney; and Officer Curtis Chinn, Sergeant at Arms.

Linly Rees, Deputy City Attorney replaced Walters at 10:58 a.m.

On a Y-4 roll call, the Consent Agenda was adopted.

COMMUNICATIONS		Disposition:
538	Request of Freedom Child to address Council regarding issues with the Police (Communication)	PLACED ON FILE
539	Request of Jay Boss Rubin to address Council regarding 2nd Anniversary of the Portland Challenge (Communication)	PLACED ON FILE
540	Request of Dianne Stefani-Ruff to address Council to announce the Eat Local Challenge (Communication)	PLACED ON FILE
TIME CERTAINS		
541	TIME CERTAIN: 9:30 AM – Proclamation to recognize the work of the Grant High School Constitution Team (Proclamation introduced by Mayor Potter)	PLACED ON FILE
542	TIME CERTAIN: 10:00 AM – Establish a sponsorship program for the Central City Pedestrian Wayfinding Signage Program (Ordinance introduced by Mayor Potter)	PASSED TO SECOND READING JUNE 8, 2005 AT 9:30 AM

June 1, 2005

<p>543 TIME CERTAIN: 10:30 AM – Declare June 1 through June 12 as the 19th Annual Great Blue Heron Week in Portland (Proclamation introduced by Mayor Potter)</p>	<p align="center">PLACED ON FILE</p>	
<p>544 TIME CERTAIN: 10:40 AM – Tentatively deny appeal of Northwest District Association and uphold Design Commission decision with modifications to approve the application of SKB-Uptown Investments, Owner, and Jack Onder, Developer, for the 24th Place Condominiums at 1-39 NW 23rd Place (Findings; Previous Agenda 496; LU 04-018250 DZM)</p> <p>Motion to adopt findings: Moved by Commissioner Leonard and seconded by Commissioner Saltzman. (Y-3; N-1 Sten)</p>	<p align="center">REVISED FINDINGS ADOPTED</p>	
<p align="center">CONSENT AGENDA – NO DISCUSSION</p>		
<p>545 Accept bid of Powercon Corporation for substation control enclosure and equipment for \$516,300 (Purchasing Report - Bid No. 103644)</p> <p>(Y-4)</p>	<p align="center">ACCEPTED PREPARE CONTRACT</p>	
<p>546 Accept bid of Skyward Construction, Inc. for Fire Station 27 new construction for \$1,930,324 (Purchasing Report - Bid No. 103763)</p> <p>(Y-4)</p>	<p align="center">ACCEPTED PREPARE CONTRACT</p>	
<p>547 Accept bid of American LaFrance Northwest for a 100' Mid-Mount Platform Aerial Truck for the Bureau of Fire, Rescue and Emergency Services for \$816,728 (Purchasing Report - Bid No. 104015)</p> <p>(Y-4)</p>	<p align="center">ACCEPTED PREPARE CONTRACT</p>	
<p align="center">Mayor Tom Potter</p> <p align="center">Bureau of Environmental Services</p> <p>*548 Amend contract with Brown and Caldwell Engineering to extend expiration date beyond 5-year anniversary date for the Columbia Boulevard Wastewater Treatment Plant Wet Weather Capacity Improvements Project (Ordinance; amend Contract No. 32993)</p> <p>(Y-4)</p>		<p align="center">179282</p>
<p>549 Authorize contract with Marsh USA Inc. to provide services for Phase III of the Owner Controlled Insurance Program and provide for payment (Ordinance)</p>	<p align="center">PASSED TO SECOND READING JUNE 8, 2005 AT 9:30 AM</p>	
<p align="center">Bureau of Housing and Community Development</p> <p>*550 Amend subrecipient contract with the Housing Authority of Portland by an additional \$1,000,000 for demolition and new infrastructure of New Columbia and provide for payment (Ordinance; amend Contract No. 34981)</p> <p>(Y-4)</p>		<p align="center">179283</p>

June 1, 2005

City Attorney

*551 Extend contract with Williams Zografos & Peck for outside legal counsel (Ordinance; amend Contract No. 34973) (Y-4)	179284
*552 Authorize the execution of a Stipulated General Judgment for easements for the 6th Avenue, Sheridan to Broadway Street Improvement Project and authorize payment (Ordinance) (Y-4)	179285
*553 Amend Legal Services Agreement with Miller & Wagner, LLP for outside legal counsel (Ordinance; amend Contract No. 35068) (Y-4)	179286
*554 Amend contract to continue to provide funds for the Portland Harbor Funding and Participation Agreement to fund implementation of a Natural Resource Damage Assessment and Restoration Process by Federal, State and Tribal Natural Resource Trustees (Ordinance; amend Contract No. 52429) (Y-4)	179287
Office of Management and Finance – Risk Management Division	
*555 Pay claim of Richard McGary (Ordinance) (Y-4)	179288
Office of Transportation	
556 Amend Intergovernmental Agreement with the Oregon Department of Transportation for the North Lombard St. Overcrossing to extend the expiration date from December 31, 2005 to November 30, 2008 (Ordinance; amend Contract No. 50827)	PASSED TO SECOND READING JUNE 8, 2005 AT 9:30 AM
*557 Amend contract with TriMet to incorporate the Lobbying Certificate required by federal law (Ordinance; amend Contract No. 52168) (Y-4)	179289
558 Authorize contract and provide for payment for the Macadam Avenue OR 43 Improvements Project (Ordinance)	PASSED TO SECOND READING JUNE 8, 2005 AT 9:30 AM
Parks and Recreation	
*559 Authorize contract with Champ Car World Series Portland to rent Portland International Raceway and promote an annual auto racing event (Ordinance) (Y-4)	179290
560 Authorize issuance of a Request for Proposals to lease and operate McCall's restaurant facility in Tom McCall Waterfront Park (Ordinance)	PASSED TO SECOND READING JUNE 8, 2005 AT 9:30 AM
Police Bureau	
*561 Accept a \$245,000 grant from the U.S. Department of Justice, Bureau of Justice Administration for the Gang Resistance Education and Training Regional Training Administration for the Western Region (Ordinance) (Y-4)	179291

June 1, 2005

Water Bureau		
562	Authorize an agreement with Groundwater Solutions, Inc. to provide miscellaneous groundwater technical services at a cost not to exceed \$692,000 (Ordinance)	PASSED TO SECOND READING JUNE 8, 2005 AT 9:30 AM
563	Authorize a contract with Camp Dresser and McKee Inc. for the Water Distribution System Master Plan Project (Ordinance)	PASSED TO SECOND READING JUNE 8, 2005 AT 9:30 AM
SECOND READINGS		
564	Authorize contract with HDR Engineering, Inc. for design and construction support professional engineering services for the Columbia Boulevard Wastewater Treatment Plant Outfall Line Repair Project 5831 (Second Reading Agenda 507) (Y-4)	179292
565	Amend contract with TriMet to extend Fareless Square Extension agreement through July 1, 2007 (Second Reading Agenda 511; amend Contract No. 51564) (Y-4)	179293
566	Authorize two CTRAN contracts to renew the City Employee Trip Reduction Program option to allow city employees to purchase CTRAN passes via payroll deduction or mail-in voucher (Second Reading Agenda 512) (Y-4)	179294
567	Authorize a purchase order agreement with Westat, Inc. in the amount of \$97,605 to compensate the City for a study of photo radar in school zones (Second Reading Agenda 513) (Y-4)	179295
568	Authorize an Interagency Agreement between Portland Parks and Recreation and Portland Development Commission for professional and technical services for park improvements for FY 2005-2006 (Second Reading Agenda 514) (Y-4)	179296
REGULAR AGENDA		
Mayor Tom Potter		
Bureau of Development Services		
569	Streamline and improve regulations that govern trees and required landscaping on private property (Ordinance; amend Title 33) Motion to adopt the amendments: Moved by Commissioner Saltzman and seconded by Commissioner Leonard. (Y-4)	PASSED TO SECOND READING AS AMENDED JUNE 8, 2005 AT 9:30 AM

June 1, 2005

Office of Transportation		
*570	Increase the estimated assessment amount in Assessment Zone D on Marquam Hill in the Portland Aerial Tram Local Improvement District (Ordinance; amend Ordinance Nos. 178675 and 179009; C-10009) Motion to overrule the remonstrance: Moved by Commissioner Saltzman and seconded by Commissioner Leonard. (Y-4) (Y-4)	179297
Parks and Recreation		
*571	Authorize a non-exclusive sponsorship agreement with Freightliner LLC to assist in the funding of a series of summer concerts in 2005 (Ordinance) (Y-4)	179298
SECOND READINGS		
572	Amend fee schedules for electrical and zoning permits and land use services (Second Reading Agenda 505) (Y-4)	179299
573	Authorize contract with Sergeant's Towing, Inc. for towing, storage and disposal of abandoned vehicles (Second Reading Agenda 508) (Y-4)	179300
574	Amend design services contract with Vigil-Agrimis, Inc. to complete design and permitting of Lents Crossing Project No. 6965 (Second Reading Agenda 525; amend Contract No. 35615) (Y-4)	179301
575	Authorize an Interagency Agreement between the Portland Office of Transportation and the Portland Development Commission to provide professional, technical and construction services for transportation improvements in fiscal year 2005-2006 (Second Reading Agenda 526) (Y-4)	179302

At 11:21 a.m., Council recessed.

June 1, 2005

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND,
OREGON WAS HELD THIS **1ST DAY OF JUNE, 2005** AT 2:00 P.M.

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

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Kathryn
Beaumont, Senior Deputy City Attorney; and Officer Curtis Chinn, Sergeant at Arms.

<p>S-576 TIME CERTAIN: 2:00 PM – Program Manager report and recommendation for Ruth Pruitt Measure 37 claim (Report; Claim No. 05-100337 PR)</p> <p>Motion to accept a substitution: Moved by Commissioner Leonard and seconded by Commissioner Sten. (Y-4)</p> <p>Motion to deny the claim: Moved by Commissioner Leonard and seconded by Commissioner Sten. (Y-4)</p> <p>(Y-4)</p>	<p>Disposition:</p> <p>DENY CLAIM AND ADOPT THE PROGRAM MANAGER'S REPORT AND RECOMMENDATIONS</p>
<p style="text-align: center;">Mayor Tom Potter</p> <p style="text-align: center;">SECOND READING</p> <p>577 Adopt North of Lovejoy Project: Recommended Zoning Changes to modify existing base zones, floor area ratio allowances and maximum building heights within River District subdistrict of Central City Plan District (Second Reading Agenda 535; amend Code Chapter 33.510 and amend Comprehensive Plan Map)</p> <p>(Y-4)</p>	<p style="text-align: center;">179303 AS AMENDED</p>

At 3:03 p.m., Council adjourned.

GARY BLACKMER
Auditor of the City of Portland

By Karla Moore-Love
Clerk of the Council

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

June 1, 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.

JUNE 1, 2005 9:30 AM

Potter: Got so quiet. Good for you children for being so nice and quiet. Welcome to Portland city council. Before we begin the official part of the council, we start off with asking the adults a question, and the question is this -- "how are the children?" a number of communities around the world, particularly some tribes in africa, greet each other. Instead of saying "hello, how are you?," they ask, "how are the children?" we've been inviting experts in to tell us how the children are. It just so happens all the experts are children. Who should know better than children? And so today we have a very special group here. It's the Portland jewish academy, and the third grade class.

Right?

*****: Yes.

Potter: And they are going to be performing for us. And I think to introduce them will be -- could the four young children, lilly, emma, nick, and eli please come up? First of all, thank you for being here. We really appreciate it. And you can go ahead and start. When you speak, could you give us your name, please, and try to speak into the microphone that's closest to you.

Lily Steckel: Ok. My name is lily. And this is the letter that we wrote. Dear mayor Potter, we're in third grade at Portland jewish academy. There are 26 students here. We have small classes and have jewish studies and general studies as we study Portland, we perform an original play called "in Portland," a show for the whole family.

Emma Snyder: My name is emma. We don't all live in the school neighborhood. Some kids live in southwest Portland, the hollywood district, lake oswego, beaverton, tigar, forest heights, west linn, burlingame, sellwood and hillsdale. You can see that our classmates live all over the city and most get to school by car.

Nick Klimowicz: I'm nick. And we feel that some neighborhoods need more slowing down signs. Cars drive too fast on other neighborhood streets. So kids can't ride bikes. Fast cars also make a lot of noise. Some streets have broken glass on them. That is definitely not safe. In some -- in some neighborhoods there are too many stray animals coming up to houses, begging for food. Some streets are not paved. These -- there seems to be a lot of building and construction in areas. We like our neighborhood the way it is.

Eli Berne: Some of us would like to have a major league baseball team. We would go to see the games and have fun. We're looking forward to meeting you and performing for the city hall.

Sincerely, annette and sharon's third grade classes.

Potter: Thank you very much, children. Good to meet you. Ok, so now what? I understand there's supposed to be a musical?

*****: Yes. Yes, mayor Potter. And commissioners, this is part -- i'm miriam fader. I composed the music and lyrics and wrote the book for the musical, called "in Portland," and the students have been working on it for eight weeks. Our big performance is tomorrow night. Then we'll also be taking it to bridlemile school and to the rose schnitzer facility. We'd like to perform a couple songs for you.

Potter: Thank you.

*****: Kids, would you come forward.

June 1, 2005

Potter: Would it be better if they were to face out toward the audience?

*****: Well, there's a question of who's the audience.

Potter: Well, it's your choice.

*****: I think we're here to serenade you.

Potter: Ok.

*****: I think will be ok. This song is called "the bridges of Portland." [applause]

Potter: Very good.

*****: This song is called "my day." it about being a kid in Portland.

*****: ¶ i'm going to swim in the waters, going to swim in the pool and in the river ¶ ¶ i'm going to swim with my family, we all dive in the water, we'll come out till I shiver ¶ ¶ my day, it's my day, going to play, play all day ¶ ¶ i'm going to omsi, read a book ¶ ¶ my day, it's my day, i'm going to go play, play all day, because Portland is a great place for a kid to be ¶ ¶ i'm going to ride my bike, i'm going to ride, ride with all my friends ¶ ¶ i'll go riding, i'll go riding, it will never end ¶ ¶ my day, it's my day, i'm going to go play, play all day ¶ ¶ i'm going to omsi, read a book ¶ ¶ my day, it's my day, i'm going to go play, play all day, because i'm in Portland, you see, and it's a great place for a kid to be ¶ ¶ jumping in the puddles, going to get me a splash, i've got to dash ¶ ¶ i'm getting so good ¶ ¶ hello, Portland, running, running around ¶ ¶ my day, it's my day, i'm going to go play, play all day ¶ ¶ i'm going to omsi, read a book, or have a daydream ¶ ¶ my day, it's my day, i'm going to go play, play all day, because i'm in Portland, you see, and it's a great place for a kid to be ¶ ¶ i'm going to ride through the park, have a game notes ¶ we all go to the park, and it's never the same ¶ ¶ my day, it's my day, i'm going to go play, play all day ¶ ¶ i'm going to omsi, read a book, or have a daydream ¶ ¶ my day, it's my day, i'm going to go play, play all day, because i'm in Portland, you see, and it's a great place for a kid to be ¶ ¶ because i'm in Portland, you see, and it's a great place for a kid to be ¶ [applause]

Potter: Children, thank you so much for being here. We really appreciate it. This is a nice way to start city council. Thank you very much.

*****: Thank you so much.

Potter: Thank you. Let's have another round. And what about the staff and friends and relatives of these children? Could you stand, too, please? There we go. Thank you. It's always my favorite part of city council.

Saltzman: Yeah, a great way to start.

Potter: Thank you for being here, children. Very, very good. I bet these other young folks are from grant high school, aren't you?

*****: Yeah.

Potter: Is that the best high school in the city? See, commissioner leonard went there. He agrees with you. And commissioner Sten. I guess dan and I kind of lost out, didn't we?

Saltzman: We're outnumbered.

Sten: Grant high caucus on the city council.

Saltzman: That's right.

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

[roll call taken] [gavel pounded]

Potter: We'll now hear communications.

*****: Wasn't quite ready.

Potter: Well, that's fine. Thank you for being here.

Item 538.

Freedom Child: I feel a little bit like what they say in a.a., keep coming back. I just realized, like last week, that I wasn't quite finished. Part of my testimony, I didn't realize there was young people going to be in the audience today, so i'm going to censor part of what I have to say here. Last week I left off telling you about how i'd been locked up in a jail cell at the st. Johns police station. About

June 1, 2005

10 minutes after I was locked up in a jail cell at the st. Johns station, I was put back in the unmarked car for transport to the downtown central police station. Because I did not trust the conduct or demeanor of the two officers, I asked if a female officer could accompany me downtown. I was told no. As we were driving on willamette boulevard, I heard hard-core, heavy metal punk music coming through the back speaker, located directly behind my left ear. As I really can't stand the sound of heavy metal, punk music, and found it particularly disturbing to be forced to listen to it while I was trying to focus on remaining calm and centered, I asked the officers if they would turn it off and was told no. I thought it strange that police are allowed to drive around, playing that kind of music, which is notorious for violent, sexist, raunchy and hateful language. As we were driving down Portland boulevard, I again told the officer the right handcuff was too tight and hurting my right wrist. The officer in the passenger said in a taunting way, "what do you want us to do, pull over?" I did not respond. I knew they had no intention on stopping and relieving the pain on my wrist bone and understood the underlying message was they had all the power over me, and I had none. Not even did my own physical comfort or safety. When the car turned down greeley, driving past swan island I noticed we were driving inordinately fast. I leaned over and checked the speedometer, and it read 50. The speed zone was 35 miles per hour. I felt they were driving excessively fast for a city street, especially with me in the car when there was no emergency. I said nothing, just breathed deep, observed, and took note of their unprofessional and reckless behavior. As we were driving southbound -- i'm going to stop here, because this where I go into the pornographic language I heard on the radio. And I don't want to present this testimony in front of this audience. Sorry.

Potter: Thank you. And I am looking into your --

Freedom: Thank you. I appreciate that.

Potter: Thank you very much.

Freedom: Oh, and mayor Potter, one more thing, I found these little stickers in the shop last week, and i'd like to give them to you.

Potter: Ok. Good.

Item 539.

*******:** Good morning.

Potter: Good morning. Please state your name when you speak and you have three minutes, mr. Rubin.

Jay Boss Rubin: Ok. My name is jay boss rubin, and I live in 11ton. Very happy to hear there's a lot of young Portlanders who are enthusiastic about the willamette river. Happy Portland challenge anniversary day: Every june 1 we celebrate the anniversary of the first-ever Portland challenge with a historical reenactment. With me today in the audiences are three original Portland challengers from that virgin run. There's lynn fritz and kyle hamer of lenton village and adam clay of Washington park. Also with us today is my friend elvis, who came here from tanzania yesterday. His first morning in america. He's been here for 24 hours. Today we made our way from council crest via the markham trail. Our goal? To cross Portland from one side to the other without money, motors or bridges. For me this meant swimming the willamette. Others chose to canoe. Mayor Potter and city commissioners, I invite you and all other Portlanders to take part in the third annual Portland challenge this summer on sunday, august 21. It's a celebration of Portland and the willamette river. At dawn's early light we shall gather at the statue of george Washington at the intersection of sandy and alameda, and there I predict 300 Portlanders will hike to the willamette river, and plunge into the waterway, making a spirited crossing. When the benediction is complete, I request your permission to close southwest ankeny street between second and third in the oyster bar alleyway to celebrate a successful Portland challenge. One final note, the Portland challenge is also a fundraiser for the house of peace and love orphanage project founded by elvis in the audience today. The orphanage is 10,000 miles away in tanzania, built entirely by Portlanders swimming the

June 1, 2005

willamette river. So everybody who swims in the river this year will help add another brick. Portland challenge is a tale of two cities, a tale of two elvises, tale of ankeny treats, doughnuts, oysters, ale and pie. Happy Portland challenge anniversary day and I hope to see you all on august 21. Thank you.

Potter: Thank you, mr. Rubin.

Item 540.

Potter: Good morning.

*******:** Good morning.

Potter: Thank you for being here.

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

Potter: State your name when you testify and you have three minutes. Thank you.

Dianne Stefani-Ruff: Ok. My name is diane stefani-ruff, here on behalf of the local challenge planning committee. The committee is made up of a group of organizations who came together about six months ago to begin planning a consumer campaign. Our goal is very simple -- we want to increase consumption of locally-grown foods and we hope to have a lot of fun along the way. I'd like to thank mayor Potter for proclaiming june eat local month, and the commissioners for your support of our ideas that at times might seem a little crazy, but we're excited. We're on the way. The reason that we believe it's important is to have an eat local challenge and to increase consumer awareness was stated in our brochure. I'd like to read that to you. Our food system is threatened by dramatic globalization of the processing, wholesaling and retailing sectors of the food industry. When food leaves the family farm it travels an average of 1500 miles to reach the consumer's plate. These overwhelming economic forces have devastating effects on food access, food quality, personal health, and the environment. Buying locally strengthens regional economies and supports family farms, provides delicious, fresh from the field foods for consumers, preserves farmland, and fosters a sense of community. So what is the challenge? We are throwing out a challenge to the citizens of Portland to commit to spending 10% of their grocery budget on local food for the months of june, july and august. In addition to try one new fruit or veggie each week. And to preserve fruits and vegetables to enjoy during the winter months. Unfortunately in Oregon, if we want tomatoes in december, we're going to have to preserve them in august. So the way it works is that we have pledge cards that people will fill out. These will be distributed at farmers' markets, retailers that are involved in the campaign, from our website. And then there's also a scorecard, where people will log their progress, and in order to entice people to turn in their score cards at the end of the campaign so we can monitor our success, we'll have drawings for special events, and lots of local goodies and food baskets. To keep up the excitement along the way, a lot of events planned. The first is tomorrow night, a lecture at the eco trust. If you haven't had the opportunity to hear dr. Eichert speak, it's worth your time. At the end, our final event at the end of august will be a farm tour at sauvie island. Should be a great celebration. So once again, I really want to thank you for your support, and I hope to see your completed score cards in the final drawings at the end of the season. I'll just step forward and give you a copy of the brochure that outlines in more detail what's going on. Thank you.

Potter: Thank you very much. That's a great idea.

Stefani-Ruff: Thank you, thank you.

Potter: Portland has close to 20 farmers' markets.

Stefani-Ruff: It does. And every farmers' market in the area is part of this campaign. So we're real excited. It's the first time we've been able to bring all the markets together to work on one, big project.

Sten: I've taken the challenge already.

Potter: Good for you. There's a new farmers' market opening up today in north Portland. It's the first farmers' market in north Portland in many years.

June 1, 2005

Stefani-Ruff: Yeah. That's exciting. The one that's sponsored by kaiser.

Potter: Yes, right by oberland park. Karla?

Moore: That's all our communications.

Potter: Oh, ok. Then the time certain.

Moore: Do you want to do consent agenda first?

Potter: Oh, i'm sorry. We'll take a vote on the consent agenda. Commissioners, any items to pull from the consent agenda? Is there anyone in the audience who wishes to pull any other item off the consent agenda? Karla, please call the roll.

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

Potter: Aye. [gavel pounded] now we'll go to the time certain.

Item 541.

Potter: I'd like to thank all the students from grant high school, their teachers and parents for being here today. I'll read the proclamation that we have set out for the grant high school team, and then we'll ask some representatives to come up and say a few words. This is the proclamation. Whereas the city of Portland has adopted the goal to support quality education to produce well-educated citizens, recognizing that excellent public schools are a critical component of a healthy, viable city, and whereas the city supports our youngest citizens by providing after-school activities, increasing quality early childhood educational opportunities, encouraging volunteer work with students and contributing over \$40 million to support our local schools during the last decade of unstable funding, and whereas two years ago the taxpayers of Multnomah county voted to pass a three-year income tax to provide our schools with a full year school year and adequate class sizes, creating stability that allows students and teachers to focus on rigorous academic achievement and in-depth learning experiences, and whereas our young people, educators, families, volunteers, coaches, community members and the city of Portland, support the promotion of an educated and responsible citizenry, committed to democratic principles, and whereas the grant high school constitution team representing the state of Oregon received the silver medal for placing second in the national "we the people" competition. Under the auspices of the center for civic education, the Oregon sponsor, the class room law project. Now, therefore, be it resolved that on this 1st day of june, 2005, the city of Portland recognizes and honors the grant high school constitution team of 2005 for its hard work, its outstanding performance, and its commitment to the values and principles of the u.s. Constitution and our democracy, and that the city and the broader community seek to encourage and develop similar opportunities for other Portland high schools and their students. Signed tom Potter, mayor of city of Portland. Got to have the grant high school folks please stand up. Thank you. [applause] would anybody like to come up and say a few words? Thank you for being here this morning.

*******:** Good morning.

Potter: When you speak, could you please state your name for the record.

Rebecca Balmer: My name is rebecca balmer.

Patrick Bisell: Patrick bisell.

Tommy Jamison: Tom jamison.

Jessica Snyder: I'm jessica schneider. I'd like to start out, that I think for the last couple months we've all put every minute of our time and every minute of our energy into this program. And I just want to promote it in every way that I can, because I think it really convinced me and a lot of my members, team members, that -- that this is what we're passionate about. And it's amazing to find this at such an early age and really know that -- and find a way to express that passion in such an exciting way.

Jamison: I'd just like to add to that, that so much of our public education is geared toward creating people who can enter the work force. This program is designed to create citizens, something that's more important to me, and I think it's -- you know, it's been very successful in that respect.

June 1, 2005

Bisell: Well, and the citizens that you're building, they sort of -- they garner a base of knowledge that isn't typical in the education that you might receive at a public school. So for instance instead of learning biology or mathematics, you're learning about the constitution, not only the constitution, but, you know, for our unit, at least, case law for tommy's unit there was, you know, philosophy and -- dating back to the early origins of the constitution, really interesting tough that will last a lifetime and help you in any endeavor you pursue.

Balmer: For those of us who do not intend to pursue law or politics in other ways, we all have these skills, and I think we all feel a lot more well-rounded. These are -- the things we've been learning about, as patrick said, things that everyone can use and everyone should know and should be able to utilize in our everyday lives. I think we're all very grateful for the opportunity to learn these valuable skills.

Bisell: And I think I can speak for everyone when I say thank you very much for having us here. It truly is an honor. Thank you.

Potter: Thank you. I want to give you your proclamation so you can take it back to your school. Thank you much for being here.

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

Potter: You're more than welcome to leave if you wish or stay here and listen to our engaging city council meeting. [laughter]

Saltzman: They'll take school.

Potter: Good decision.

Leonard: Even the adults are leaving.

Potter: That doesn't go for city employees who are supposed to be here.

Leonard: Yeah.

Potter: Karla, we're ready to proceed with our 10:00 time certain. Thank you, folks, for being here. **Item 542.**

Dan Layden, Portland Office of Transportation: Sure. Mayor Potter, members of council, i'm the project manager with the Portland office of transportation. I guess i'm the first city employee that has to speak after everybody leaves. The ordinance before you this morning authorizes pdot to establish a sponsorship program for maintenance of pedestrian wayfinding systems, developed through a partnership between pdot and p.d.c. along with the project advisory committee. I'll discuss the details of the sponsorship program in a minute. First I want sara king from the Portland development commission to talk about the program itself.

Sarah King, Portland Development Commission: Thank you. This project fell out of recommendations from two earlier studies that p.d.c. was involved in. The first being the lloyd district development strategy, which was adopted by the city -- or by Portland development commission in 2001. This was developed in partnership with the stakeholders of the lloyd strict, many of whom are here, several of whom are here today. Then 2002 downtown retail strategy, which was done in collaboration with the Portland business alliance and others, both of those studies included recommendations that the city engage in a wayfinding system to meet a number of goals, which i'll elaborate on in a couple of minutes. The goals from the two studies asked for, or recommended, that the city engage and develop a way finding program to do a number of things. To increase the safety and security of visitors and residents, which will hence prolong daily and extended stays of visitors in residents downtown and in the lloyd district. It will certainly strengthen destination retail. It will direct visitors and residents to major central city and lloyd district destinations. Enhancing the overall identity of Portland. And to leverage public and private improvements that we've made thus far. The project team includes staff from the Portland office of transportation and p.d.c., local and out-of-town designers. We have two and other consultants. We have two of those consultants here today. We have ben and elaine. I will also add that the designers are responsible for several design projects in several major u.s. Cities, and they're well

June 1, 2005

known for the project -- the pedestrian way finding project in Philadelphia. I'm going to talk a little bit about the other participants. All major design elements of the -- and logistical elements -- of this program were vetted and decided by a project advisory committee, which included a number of participants from major destinations in Portland, folks that work with visitors and tourists, members of the pedestrian -- different pedestrian organizations, and some neighborhood associations. Several of those members are here today. We do have members in the audience from the Lloyd district t.m.a., from the Oregon convention center, from the Portland business alliance, and from Pova. Jeff from the Oregon convention center acted as our chair. This group was very engaged for about a period of a year and a half, and we all worked hard to slug through tough decisions. We had no idea that a signage -- developing a signage program involved so many little decisions, and big decisions. We also had a technical advisory committee with city agencies and Tri-Met, and we had a great deal of stakeholder outreach, which culminated in a multiday public open house held in Pioneer Place last May. You can see the list of stakeholder outreach. We visited each of these organizations, sometimes many times, to get their feedback on the progress that we had made to date. I'm going to talk a little bit about the sign itself. There will be 100 -- the signage program. There will be approximately 100 signs located within the I-405 loop and across the river in Lloyd district. There will be self-standing, two-sided aluminum pylon signs located on city right-of-way in the sidewalk, in what they call the furnishing zone of the sidewalk. One side will include an overall map of the central city and the Lloyd district areas that are participating in this first phase of the program. The other side will have a district map, which shows, as you can see in the overall map, we've divided the study area into five districts for easier orientation, and on the signs there will be a map of the district that you're in, which includes the major destinations, parks, other orienting features. There will be heads-up orientation, which is kind of unique, but is very user-friendly. What that means is not every map -- on every map, not every map -- north will not always be up. So basically the maps are oriented in the direction that you're standing. For folks that are not used to using maps, it will be much easier. You know, we are very used to seeing people on a street corner turning maps around to try to orient the map to the direction they're standing. This will do that for them. We also included foreign languages, five foreign languages, that we will have both in a welcome sign -- a welcome panel on the top of the sign, as well as some information in each of these languages at the bottom of the sign that directs people to the Pova Visitors Center where they can get more comprehensive tourist information in their own language. A couple other notable elements of the signs, the signs include both maps for people that like to use maps, as well as directional signs. We will be directing people to various destinations through specific routes throughout the study area. Talk a little bit funding and ongoing maintenance. The original design, development and fabrication of these signs will be paid for by funds from four urban renewal districts. Ongoing maintenance will be provided by PDOT through the sponsorship program that Dan will talk about in a minute. Our timeline is -- is this -- we're ready to go out for bid in -- or for request for proposal for bid and fabrication here in the next week or two. We anticipate that process to conclude this summer. We'll get someone on board who will begin fabrication and complete that through the end of the year. And it looks like signs we anticipate to be installed by early spring, late winter/early spring of next year. Dan?

Layden: The sponsorship program allows PDOT to work in partnership with local businesses and other entities to maintain the signs without having to use existing maintenance resources. Sponsors agreed to pay \$400 every two years to have their business name placed on the way finding sign. The program's open to all businesses, community organizations, and others in the way finding district, and after two years we'll reevaluate the program to determine if the current amount of money that we're charging is sufficient to pay for the maintenance support. The program is intended to be a revenue neutral program. Corporate logos are not allowed. That concludes our presentation on the way finding signs. At this time I'd like to invite Jeff Blosser, the chair of the

June 1, 2005

citizens advisory committee, along with the lloyd district t.i.a. to come up and speak about the program.

*****: And greg newlands from pova.

Potter: Thank you folks for being here. When you speak, please state your name for the record.

Jeff Blosser: Mayor Potter, members of the city council, my name is jeff blosser, executive director of the Oregon convention center and chair of the p.a.c. committee for the signage program.

As sara stated, the p.a.c. included a lot of diverse groups, stakeholders in this whole design and development issue, which allowed us to represent both east and west sides of the river in this program. The way-finding system and the signage reflects an extensive design documentation and discussion by the p.a.c. Who were active and engaged throughout the whole process to create what you saw sara present. Especially for the lloyd district, and my issues of out-of-town visitors and neighbors to the lloyd district, it really does increase the safety and security of the area for visitors from out of town who are on foot and trying to find their way around the lloyd area, and also around the city. It does prolong daily stays, we think, with the ability to be able to find your way. You don't get frustrated. You're encouraged to move from district to district. It does strengthen the destination for retail all the way through with a comprehensive system of how you get around Portland and how to get to certain attractions, destinations, restaurants and other locations. It does help the -- the visitors through the major attractions in central city, finding out how to get there. I think one of the better things that the system really does is it leverages the current public and private investments in all the districts relative to pedestrian improvements or public transportation, those kinds of issues. Specifically for out-of-town visitors, I think one of the areas that I was concerned with is how you get yourself oriented out of the lloyd mall, if you go out a different location than where you came in, all of a sudden you're in a location where you've never been before and can't find your way back to either light rail or the convention center or the hotel. This program will help encourage that kind of connectivity for all the Portland destinations. It also, I think, in the sponsorship piece, is really critical to our ability to move forward with the implementation of the program and the funding for ongoing maintenance. One of the best things we can do is put a system up, but not to maintain is it really a critical component of how successful will this be in the future. It also, I think the sponsorship program, allow the specific districts to advertise some of their own opportunities, where visitors will see certain things in certain districts and allow them to plan and go there. So I encourage you to support the way finding program itself, as well as the sponsorship package. Thank you.

Greg Newland, Portland Oregon Visitors Association: My name is greg newland, the marketing director of the Portland visitors association, and we're enthusiastically supportive of this project. We love the way it embraces both leisure travelers, convention delegates, as well as encouraging Portland area residents to get downtown, to come to these neighborhoods, and spend time and spend money. We also love the way that the system embraces light rail and the streetcar, public transit, and we also love the way that it is flexible and adaptable, so that as other funding sources come online we can look to expand this to new districts, add it to hawthorne or waterfront, looking forward to that. Thank you very much.

Julie Jeske, Portland Business Alliance: Good morning. My name is julie jeske, and I manage the sidewalk ambassador program with the Portland business alliance. The sidewalk ambassadors are six to seven ambassadors out downtown helping people on a daily basis, but they can't be everywhere at once. Most of the people that the sidewalk ambassadors help are tourists, and we believe that the way finding signage project will be a wonderful asset for visitors. Visitors have many resources when they come to importantly. They have maps, they have a wonderful hotel staff. They have pova, and they have the ambassadors, and the pedestrian signage project will be another resource. It will work with the existing resources and be another option for tourists. The ambassadors encounter many people who are willing to ask for help, but others who want to figure

June 1, 2005

things out for themselves. The signage will empower visitors so that they can find things on their own and feel more welcome in Portland. It will also encourage tourists to visit even more attractions while in town. A tourist may be heading to the Portland art museum and see signage for the Oregon historical society and decide to check both places out. I'm very excited about the pedestrian signage project and the sponsorship program and I think it will be one more thing to make Portland a very desirable place to visit and an even better place to live. Thank you.

Owen Roncelli: Hello. My name is Owen Roncelli, and I serve as staff to the Lloyd business improvement district and a longtime staff member of the Lloyd district transportation management association, representing about 8,000 employees in the Lloyd district. Pedestrian environment has always been an important aspect of the work that we do in our organization, and particularly in the last three years, where we've invested a lot of our infrastructure dollars into progressing the pedestrian environment. And the signage and wayfinding package is certainly an aspect of that. Both the Lloyd B.I.D. and the T.M.D. have incorporated the wayfinding program into their strategic plans. I was fortunate to sit on the wayfinding technical advisory committee, and very pleased to be a part of the process in this long anticipated project. And I'd also like to say a special thanks to P.D.C. staff for their hard work and diligence on this project, and to see it to fruition. Finally I'd like to add that Lloyd district stakeholders are very supportive of the signage sponsorship program, and that it will assure a revenue stream to help maintain the signs, which is a vital aspect of this program in its current form. Thanks.

Blosser: I also have a statement from Mark Murffet, general manager, Merck Can Teal, for the downtown retail counsel. The pedestrian signage program will contribute to the overall pedestrian environment in the downtown retail core. Among the other areas where the program will be launched. He also says that the downtown retail strategy includes this program as part of their overall program and recommends the priorities within the downtown program helps to lend a stronger identity to the central city. It also enhances the overall identity of Portland. It does increase the safety and security of visitors, and the residents who are on foot. As a retail business, we believe the pedestrian signage system will possibly prolong the average stay of visitors in the downtown area, and by instituting a program that involves business advertising on the face of the signs, it provides small businesses with the opportunity to advertise on the signage, and promote their own businesses. The maintenance of the signage is critical for the program to be moving forward. Thank you.

Potter: Thank you very much. It's an excellent program. I think it certainly is one of those great public/private partnerships that our city is known for, and our business community certainly is successful at.

*****: Thank you.

Potter: Thank you very much for being here. Karla, is there anyone signed up to testify on this?

Moore: No, we didn't have anyone.

Potter: Is there anybody that wishes to testify on this matter? Does council have any questions?

Saltzman: I have a question. This looks great. I guess I wanted to ask, did you think about putting the distances to various locations on the signs?

*****: Umm, yes.

Saltzman: I see there's a scale, but I can't really read that scale.

King: Right. There is a scale on there. Let me see if I can get this back. I'm sorry, this is looking a little washed out. We did consider that. And the way -- one reason that we did not put that on was because we were trying to keep the amount of information -- we were trying not to have too much information because too much information just gets hard for people to digest, so the idea was -- we have twofold. One, is if you look on the district map, we have a sort of you are here and a light circle, a lighter circle that implies a certain distance, so it gives you some idea of where these destinations are in relation to you, and you can count the blocks, or you can, you know, do that.

June 1, 2005

Also do have in the lower right-hand corner of the district map, which you cannot see real clearly in this slide, we do also have a measurement scale that i'm trying to remember now if it's in time and distance. We had quite a bit of debate about whether it's time or distance or blocks, just what it is, because people look for different kinds of information.

Saltzman: So that's that what that scale is down there, either time or destination?

King: Yeah. I believe it's time and distance.

Saltzman: Ok. Great. Thank you.

Potter: Other questions? Thank you very much.

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

Potter: Ok. This moves on to a second reading. Karla?

Item 543.

Potter: Is mike houck with the audubon society here? There he is. Thanks for being here this morning, folks.

Mike Houck: Thank you. Mayor Potter, councilors, my name is mike houck. I'm representing the urban conservation program at the audubon society of Portland, 5151 northwest cornell road. I don't know, mayor Potter, if you recall the origin of great blue heron week. I think the rest of the council does, but I ran into bud clark at a conference downtown at the hilton, and he referred to herons at least 20 times in a presentation he was making. I approached him afterwards and suggested it would be a good icon to the city of Portland as a commitment to restoration. He happily agreed, and in fact the great blue heron was adopted as Portland's official city bird in 1986. And while on the face of it, I think a lot of people may take that as a somewhat frivolous action, and in fact we do, indeed, want to have fun during great blue heron week every year, but the reality is it's also, I think, an opportunity to recommit the city, for the city to take stock, take a moment, and reflect on what activities we're engaged in that actually ensure the great blue herons in fact will be coexisting with us in the next 50 and 100 years. In fact, that's what great blue heron week is all about. It's interesting to note, by the way, that the great blue heron really came to prominence back in the early 1970's in Portland over ross island. Some of you may remember the issue of dredging the ross island, and there was a 55 nest great blue heron colony on the ross island, that in fact was afforded protection through city council action back then. The interesting thing, and this is the -- I think the reason why it's so important on an annual basis that we take a look at what's actually going on out there on the ground -- great blue herons, mass you say know, moved on to ross island about seven years ago. Three years ago they moved their nest from upstream, on ross island, to where the herons were nesting, and the herons all left. They moved over to east island, they moved to the lower tip of ross island. The reason I bring this up is that the ecosystem that we coexist in here in the city is a pretty dynamic situation, and it's important that we make sure that those herons have in fact have another place to go if the eagles tend to move in or -- and the same is true with osprey and eagles, a lot of interactions with them as well. This is an opportunity for us to do that. And with respect to the philosophy behind great blue heron week, I don't think anybody has more beautifully or succinctly framed why we're here this morning than the late william stafford, who was then poet laureate for the city of -- for the state of Oregon. I would like to read it. It's a very brief poem and it captures the essence of why we're here this morning. It's called "spirit of place." I actually wrote a letter to stafford and asked if he would write a poem to commemorate the establishment of the great blue heron as Portland's city bird. He wrote "spirit of place." out of their loneliness for each other, two reeds or maybe two shadows lurch forward and become suddenly a life. Lifted from the dawn and the rain. It is the wilderness come back again, a lagoon with our city reflected in its eye. We live by a faith in such presences. It is a test for us that thin, but real, undulating figure that promises if you keep the faith I will exist at the edge where your vision joins the sunlight and the rain. Heads in the light, feet that go down in the mud, where the truth is. And with that, i'd like to invite you all -- I will pass out a copy of our newsletter which lists all the events that occur during

June 1, 2005

great blue heron week. And barbara hart and river renaissance program has listed those events as well. I think she's passed those out to you. And jim would like to say a few as well.

Jim Sjulín, Portland Parks: I'm with the natural resource program, which is becoming part of city nature in our reorganization efforts in parks. And I just wanted to point out that many of the events that, if not all the events really, that are featured as part of great blue heron week this year occur in natural areas and public -- public spaces that are either managed and operated by Portland parks or by metro. And actually many of these spaces that we have today are a result of the 1995 bond measure that the proclamation refers to that was passed by the region's voters in may of 1995. Portland had a local share component of that, that we used to purchase property along the columbia slough and along johnson creek and in other areas around the city. There's a regional share that added to forest park that added to public land in the tryon watershed, for example. So it's in celebration of that that the proclamation features and recognizes the fact that we had terrific voter support back in 1995 for setting aside open space. So I also want to recognize the mayor for coming out to actually witness one of our restoration projects over errol heights. That was about six weeks ago, I think, you were out with our community volunteers and our park staff and got firsthand view of what we're trying to do to restore some of those sites. I invite all of you to participate in the -- in the events, and then in our ongoing efforts to restore natural areas. Thank you.

Potter: Thank you. I want to read the proclamation now. Whereas 2005 marks the tenth anniversary of \$135 million dol regional bond measure passed by voters in three counties in the metro area, and whereas over the last 10 years metro has purchased and protected over 8,000 acres of natural areas, including forest park, tryon creek, fanno creek and the east buttes within Portland, and whereas even as we approach the end of the 1995 bond measure program, collaboration and cooperation among state, regional and local governments, nongovernmental organizations, and individual citizens, continues to be a significant strength of our combined efforts to protect and restore natural areas, and whereas collaboration amongst city bureaus for natural resource protection, watershed planning and habitat restoration, including new city nature program by Portland parks and recreation and significant efforts by the bureau of environmental services, planning and water, and whereas Portland's river renaissance program promises to integrate the built-in natural environments and lead to the restoration of significant fish and wildlife habitat in the heart of our city, and whereas the great blue heron, the official city bird for the city of Portland, and by extension the entire Portland/vancouver region, is a magnificent symbol of the city's and region's effort to protect, enhance and maintain a healthy environment for citizens, fish and wildlife. I tom Potter, mayor of the city of Portland, the city of roses and herons, do here by proclaim june 1 through june 12 as the 19th annual great blue heron week. I encourage our civic leaders, city employees, and elected officials to participate in the walks, hikes, rides, and paddles occurring this week in honor of the great blue heron. The symbol of our commitment to create an ecologically sustainable city and metropolitan region. In particular, I encourage you all to participate in the june 12 paddle around ross island, Portland's newest urban wildlife refuge in the heart of the city. Thank you. Let me give you the proclamation, mike.

Saltzman: I'm going to the Oregon eel fest. That sounds good.

Potter: Ok, the 10:40 time certain.

Moore: We've got about four minutes. Is that ok if we start the 10:40?

Ben Walters: We shall probably wait.

Potter: That's fine.

Moore: We could go to the regular agenda, and handle a couple of those items.

Potter: Let's go to the regular agenda, then. Karla.

Moore: 569, are you here yet? I think they may not be expecting -- he is here. Ok. Are you ready to start?

June 1, 2005

Item 569.

Potter: Ok. Please go ahead and begin.

Ty Kovatch, Interim Director, Bureau of Development Services: For the record, i'm ty kovatch, interim director of bureau of development services.

Tom Carter, Bureau of Development Services: I'm tom carter, the senior planner for bureau of development services. Karla, do you have that? Do you have it noted on here?

Carter: Presenting today recommended amendments to the tree and landscaping regulations of the zoning code. And this is a project that has had -- first the purpose of streamlining our regulations for required landscaping and create more flexibility in meeting them. This is specifically applying to required landscaping, which is landscaping such as screening around buildings, required minimum landscaping on commercial sites and so on. Does not apply to landscaping in environmental zones. It's also aimed at improve compliance with tree regulations. We found we had spotty compliance with our regulations. Provide better public information to our applicants. And to support more efficient review and inspection of the required landscaping. So we're also providing better information to our staff. This began with a site development process review project that looked at all of our site development regulations, and we made a number of recommendations, so they're -- this is part of many improvements that we're making to our processes. This was also a regulatory improvement top 10 item from 2002-2003, and started life as a recommendation to create a technical landscaping code. But we evaluated the best regulatory approaches, looked at practicality, and complicating the factors, and decided the best approach to get the results we were looking for is streamlining the existing code, adding flexibility, and improving the information available to the public and the staff. So we had public scoping meetings to identify issues that the public had with the code in 2003. We formed a citizen advisory committee in the spring of 2004. We also had an internal technical advisory committee that made multiple presentations to neighborhood association, the citywide land use group, and also to the urban forestry commission. I'd like to acknowledge that the urban forestry commission is the major source of help on this project. And we had public open houses last august, and we've also been communicating with professional associations, particularly the landscape architects, and the Oregon nurserymen's association. So an overview of the changes, we're simplifying the parking lot landscaping rules. They were in a separate section, complex, very lengthy. We've shrunk them down, made them more parallel to our landscaping rules. We have made it easier to calculate the amount of landscaped area that you required, particularly in parking lots, and numbers of trees and plants that are required. We're adding flexibility to plant selection. I'll talk briefly about some of the processes that we have that are supporting this. So it's easier to substitute materials in many circumstances in the field when you have trouble getting the materials you need. We're expanding the plant diversity requirements, which was suggested to us, recommended to us, by citizens. And we're creating a tree landscaping manual that you got a copy of. This is a draft that you have. Still needs final editing to be in accordance with the amendments that you ultimately adopt. So parking lot landscaping especially, simplification. Currently we calculate area and the plants needed based on the size of the parking and loading areas. It's proven to be pretty cumbersome approach. And we're going to -- having a fixed number of square feet of landscaping and plants based on the number of parking spaces you have. And in tests, this has proven to go much faster. It's easier to review the plans, easier to develop the plans. Because of the way the revisions were written before, the current code had special provisions in employment and industrial zones. Now all zones are going to be treated the same. So we've eliminated many pages of code. We had separate screening standards as well in parking lots. And there's very little difference, really, between those screening standards and ordinary screening standards, so we've consolidated those. Again, eliminating quite a bit of the zoning code pages anyway. Plant material selection. I chose this slide, not because it's a great example of what we get in our landscaping, but -- or even what we're getting today, but this is

June 1, 2005

a problem that we've had. The rules are rigid. The number of plants that you plant are on a fixed spacing. If somebody selects small trees, you get very small trees in large parking areas. You don't get much coverage. What we're looking for stormwater management, for habitat for shade, for cooling, is something more like this parking lot here. So our codes are being changed to get us closer to this. So significant change was tree calculations. In the manual, there are lists of trees, we have presized them. The urban forestry commission picked all the trees that we have in the city already and sized them for us based on their height, spread, and how fast they grow. They'll be spaced based on that size. So large trees can be spaced further apart, small trees closer together. We intend from this to get more canopy cover, more shade, better stormwater management, better appearance in parking lots, in particular, but also improve in general other areas where trees are required. Shrubs and groundcover, we've had fixed spacing in the past. Now we're identifying plant sizes as part of the manual. I might add that the manual is going to be flexible as people come in with information about plants that are not already in the manual, they'll be added. We'll be maintaining it online and updating it regularly. Screening shrubs clarified, they need to be evergreen. Groundcover, again, they were required to be planted in 12 inches on center, no matter how big they would ultimately get. And now they'll be spaced according to the size they'll grow to. The added diversity standards. The existing standards can't use prohibited plants where landscaping is required, and there needed be 20% evergreen trees in parking lots for stormwater management. We're proposing additionally that we not allow nuisance plants in required plant landscaping. And then if you have over certain triggers and numbers of plants, then there are maximum proportions of any one specie. So for trees, we'd get three species, if you have more than three trees. If you have more than 24 trees, we'd have five. There's a type one list, which is -- i'll talk about, there's a sheet you got about corrections. It's actually, we're asking that you adopt 24%, because when you calculate it out mathematically, you create a problem, if you stick it -- if you stick with 20% exactly. And that's -- i'll explain that in a minute. So we're hoping to get plantings that more commonly look like this, although this would not exceed the size limits. That has more of a mixture of plants, and that's what we'd be looking for. Landscaping manuals would have clear illustrations, plain language explanations of the standards. Suggested plant lists. These are not inquired. It's suggested, it's informational. And the plant lists will allow our field inspectors to use flexibility, if a person has a plant that meets the standards and is approved to standards, can't find the plant materials they need, trees in the appropriate sizes, or whatever, they can substitute trees or shrubs that meet the same specifications in the manual, and the inspector can approve that without further review in the office. This would not be true if those tree species are specifically approved for a purpose. It needs to be that specie. And we'll have a process that supports this by -- you know, in this case these substitutions may not be made without further review, to make it clear for the inspectors. So we are hoping to provide better flexibility and better guidance for both staff and customers. So better public information. We hope there we'll be able to administer these rules more efficiently, and it appears that's the case. Have greater flexibility in meeting the standards and the zoning code is simplified and shortened. So what i'm asking council to do is adopt the corrections. And so there's a one-page memo that was handed to you that includes some corrections. The first is simply a typo. I forgot to include .01 in a formula. That needs to be added to the planning commission recommended draft. And the other is when I calculated the numbers of trees, I explained there are 25 trees, and have five of each, that's 20%. If you have six trees of one specie, that's 23%. So the limit can't be 20% if we're shooting for five species. You know, five of - - a maximum of five species. So we'd like to change that to 24%. So again, a minor correction. Then adopt the recommended draft report. I know this goes to second reading before final adoption. That's exhibit a, which I believe you received in your packets. Amend the planning and zoning code in accordance with the exhibit, and adopt the commentary. And the -- I mentioned before that this is part of a number of improvements that the bureau has made over the past several

June 1, 2005

years, and continues to make that are improving outcomes that we have with landscaping, one of which is we have a landscape certification program in which we're having -- we're amending it now with our experience of it in the past year, so that licensed professionals can certify to us that landscaping was installed according to plans, and then we will be looking at all of the rest of the landscaping, which are generally the smaller ones and smaller family residences. We have a program, which sensitive sites are identified. We have prepermit issuance, to make sure sites are appropriately marked, trees are appropriately protected, before we allow excavation to take place. And I think ty's here to speak about other upcoming changes that we have. This started as a proposal, as I mentioned, to create a new code. And we had thought that we'd need additional staff, but I think that as we've scaled it back, gone to simplification, I think that with changes in our procedures, we're finding less expensive ways to get the same outcomes. I'd be happy to answer any questions. I forgot to mention, and I need to, I brought the project record, and it is in the room. If you have any questions, i'd be happy to answer them.

Kovatch: Oh. I'm ty kovatch, interim director of the bureau of development services. The reason I -- or the item I wanted to mention is something that may have come across your radar screen recently, which is the landscape architect position, which is currently in our budget, however is unfilled. We'd actually proposed cutting it in the initial budget because with the advent of the development services fee and the addition of seven new members of our land use services staff, we feel that as a bureau we can do a much better job of implementing our landscape regulations than we have in the past. And that just because we're taking a new approach to something does not necessitate a position specifically designed for that program. So what we are working towards doing is a comprehensive plan, where the entire bureau, and not just one person in the bureau, works to make sure that the landscaping regulations are met by the folks who are coming in for permits and that we have sort of a routine bureauwide way that we check those items. And a piece of that might be taking a look at the specific landscape architect position and seeing if there are field positions that could have a broader utility that would also include some field inspections of the landscape outcomes in the field. And we just feel, and we've had lots of conversations about it, that a technical specific landscape architect type of position would be sort of solely only able to work around that issue and not over the broad array of issues that we have inspectors already going out to these sites all the time. And so I just wanted to get that on your radar screen and find out if you have strong feelings one way or the other about it, because there are some in the community who feel very strongly that there needs to be a, you know, a sole position that pulls this off. We'd, I guess, like a year to prove that we can do it as a bureau and not have to have a specific position for it. We're actually going to build a central point of contact for anybody who has issues with this to call within the bureau, who will be a senior planner in the site services group. So that's the overview of just what I wanted to at least get on your radar screen and find out if you have any strong feelings one way or the on that.

Saltzman: Are there other landscape architect positions in the bureau?

Kovatch: No.

Saltzman: So this is the only position, this person is a registered professional landscape --

Kovatch: Well, the position as newly-created at the front end of this project, which has morphed into a little bit different project than what was anticipated at the front end. It's never been filled. It was always going to be filled at the -- at the -- at sort of the culmination of this effort. If the position were filled, it would be a certified landscape architect whose job in life would be to make sure that the landscaping requirements placed by the zoning code would be met. And I guess just to quickly illustrate, we believe we can meet those with our new staff that we have in the land use services division who are trained in the zoning code and will be making much -- many more field visits than they have ever have as a result.

June 1, 2005

Carter: If I might add to that, when we proposed having a registered landscape architect on staff, we were looking at a freestanding code, and we wanted somebody who had the authority to make the sorts of decisions in the field that building inspectors make every day for their code, but -- so that necessitated taking these rules out of the zoning code, where they are land use decisions and you need, if you're making those kind of discretionary decisions, you need notice and opportunities for participation. There was enough concern about that that we found that we don't think that that's a practical approach. So since we don't have a free standing code, the discretionary decisions are still going to be in the bailiwick of the planners. They still have to come back to the office and be reviewed. Only basically these are nondiscretionary decisions. There's a manual with guidance, and it will be easy for people who are not necessarily registered to say, ok, this plant is in this category, you can use another plant in the same category to meet the standards. We think that that's a workable -- workable approach. I might add that some of the planners on staff are landscape architects, although I don't think they're registered. So it's not that we don't have some of these skills on board, but you would not have a point position in the same way that was originally envisioned.

Saltzman: Ok.

Leonard: I would point out that there's a -- kind of a subtle thing going on here that's worth bringing some attention to, and that is in my opinion one of the elements of the success of the bureau of development services has been to not just say we empower the employees, but actually to empower them, ask them to tell us how to make the bureau work better, and then we listen to them and actually respond to their recommendations, which has, I think, created the success that the b.d.s. Employees have so rightfully achieved in the last couple of years, and been recognized for. So this is something the folks on the ground up there think makes more sense for them as a practical matter, and i'm completely supportive of anything that y'all come up to do your jobs, because i've learned you know better, and you have the education, the background and the experience to know, and our job, at least in my view, is to support you, to get there. So I appreciate this work, this recommendation, and this is an example, once again, of some really good thinking.

Potter: We did get a letter from a citizen who stated that -- that there's currently a vacant position for that, the landscape architect. Is that true?

Kovatch: Yeah, that was the position I was speaking of.

Potter: And that's going to be eliminated?

Kovatch: Well, that's the crux of the question that we're asking here, which is we feel that with existing resources we can fulfill our duties on this front, and use the resource that's already dedicated in our budget to that position to a higher purpose, with some other field-oriented positions that not only would do the landscaping reviews, but erosion control and environmental soils and a broader array of functions that will get us more bang for our buck than somebody who's solely focused on this one aspect. And if you have one person who's focused on the landscaping code, it sort of lets everybody else off the hook as not their responsibility. The way you get to a place where you're effectively implementing all your code is where you make it an entire bureau responsibility to make it happen. And that's kind of where we're trying to push.

Potter: Other questions? Thank you.

Saltzman: Thank you. So we need to move the amendment?

Potter: Today or the second hearing?

Walters: You can move it today.

Saltzman: I would move adoption of the amendments presented to us.

Leonard: Second.

Potter: Karla, call the roll.

Leonard: Aye. **Saltzman:** Aye. **Sten:** Aye. **Potter:** Aye. [gavel pounded]

Potter: This moves on to a second reading.

June 1, 2005

Moore: I didn't have anybody set up to testify, but if anybody wishes to testify.

Potter: Oh. Anybody wish to testify on this matter? Move to a second reading. Ok. Now, I think we'll return to the 10:40 time certain.

Item 544.

Potter: Council has before them findings. I need a motion to adopt the findings, deny the appeal, and uphold the design commission decision with modifications to approve the application.

Linly Rees, Deputy City Attorney: Mayor, before you do that, mayor, I need to point out a couple of things in the findings, if that's all right.

Potter: Ok.

Rees: Thank you. The city attorney's office has reviewed and approved these findings, but I need to note some minor changes from the design commission conditions and from the conditions on site improvements that were presented to you by the applicant as a result of these findings that you will be considering today. Condition d, which deals with the audiovisual warning system now gives pdot discretion as to whether to require that. That is given the location of the garage entrance to the street and the pedestrian walkway, and its proximity to homes in the neighborhood. Conditions f and g, we've added the word "modification" in order to give pdot more design control in implementing green street improvements and the northwest everest/westover intersection. They're minor amendments, but I just wanted to make sure you saw them before you voted on them. And with that --

Potter: Any questions on that from the council? Ok. Did I get a motion?

Leonard: I moved to --

Saltzman: Second.

Potter: Karla, please call the roll.

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

Sten: Well, I did review the record from this after missing the hearing. I obviously sat through the first one. I just wanted to share some very quick thoughts on my vote. I've thought a lot about this. I think it's a tough one. I actually want to compliment the neighborhood, the developer and design commission for the changes. I think the design has improved significantly over time. I think the council is right to keep pushing. In retrospect, I think the council made a mistake that I don't think we should do again in terms of this height bonus strategy. I think we need to be much more clear about an allowed is an allowed height. As I think back on the legislative history, certainly my role in it, this was a site that was zoned dramatically lower. I don't want to pick the number way off the top, but it's way, way below before the northwest plan. There was a request to move the height up. It was very, very controversial, and I think trying to split the decision to some extent, as you often have to do up here we, tried to come up, well, you can have 75 feet, but you can get to 150 feet through excellent design. I think in retrospect, that's too much room to give to design. It's just a fundamentally different building whether you're at 150 feet or 75 feet. I think it was unreasonable to say that the design is going to determine whether or not that's the right height or not. I think we should not have done it that way. I voted for that, so i'm not blaming anybody but myself on that piece. I think this has turned into a very good design. I think the townhome piece that's been proposed that's 30 feet below what's allowed at 75 feet is an excellent piece. I do think the work that's been done on the streets is very, very good. So again, my point is that I think there's been good faith work based on the rules set forward, and I appreciate that, and I think the design commission did its job. That being said, I just -- at the end of the day -- believe that this height is too tall for this location, and that we set up a criteria that the developer, in my estimation, judgment, can't win. I don't think you get to a fact that the height does work in this site, so I vote no.

Potter: Aye. [gavel pounded] Karla, please read the next item.

Item 570.

June 1, 2005

Potter: I want to read this statement, that the ordinance before us today has one purpose, and that's to increase the estimated assessment for ohsu's property by \$11 million. That pursuant to city code, we will only hear objections and testimony directly relating to this change in the l.i.d., that oral or written testimony about any other than the increased estimated estimate for ohsu will not be heard or accepted because it's irrelevant to the change of this l.i.d. Go ahead.

Matt Brown, Portland Office of Transportation: Thank you. Matt brown with the Portland office of transportation, project manager for the Portland aerial tram. Just take a couple seconds here, background. As you recall in moving to the \$40 million budget for the project, ohsu has agreed to increase the assessment on their properties on marquam hill, zone d of the local improvement district, up to \$11.5 million. The l.i.d. Ordinance in front of you today essentially does that. City code requires us, when there's a significant change in scope or schedule, or I should say scope or budget of the project, to return and to revise the l.i.d. Ordinance and to hold a hearing on that. So we're here today to do that. And as mayor Potter just -- just -- just read, we're focusing entirely on the assessment increase within zone d on marquam hill. The ordinance is not forming the l.i.d. We've already done that. And all the testimony related to the boundaries and the formation of the l.i.d. was received at the time that we formed it last year. So after testimony, then we received one remonstrance from jordan schrader on behalf of z.r.z. realty. After testimony, i'll come back and I have a report for you here on that, and anything else we may hear.

Potter: Is there anyone signed up to testify on this?

Moore: We have christopher Reive.

Christopher Reive: Good morning, mr. Mayor, council. Good morning. My name is christopher Reive, r-e-i-v-e. I'm a lawyer and I offer testimony on behalf of zrz realty company and zidell marine. First I need to inform you or remind you that z.r.z. and the city are involved in litigation that concerns the formation of the Portland tram local improvement district. Assessments made under this enabling ordinance and the development agreement for the south waterfront central district project. I am zrz's lawyer in each of those matters and i've informed your lawyer, mr. Moline of the city attorney's office of my intent to testify on the amendment before you, and I will not discuss any of those cases here today. I also want to clarify that z.r.z. is not opposed to redevelopment plans for the city's waterfront or the aerial tram. It does, however, oppose the method the city has adopted to apportion and assess the costs to construct the tram. This is why we've remonstrated against the most recent amendment. The Portland tram l.i.d. is before you for the third time. This time the proposed amendment is intended to again adjust the l.i.d.'s apportionment formula and the total amount of the final expected assessment. My purpose here is to explain what zrz believes the city's use of and l.i.d. to fund construction of the tram remains flawed, notwithstanding the amendments that have been proposed to you in this new ordinance. Mr. Moline and I discussed last night the scope of my proposed testimony today, and he informed me that his office would advise you to consider only testimony related to the proposed reapportionment of the increased construction cost to the assessment zone d which impacts ohsu's final assessment for the project. My written testimony that i'm submitting today does address that issue that relates to the apportionment formula for the tram, among other things. And specifically it discusses why the apportionment formula, even as amended by this current proposal, is neither fair, nor appropriate. The reasons for this are detailed in my written comments, however in consideration of my conversation with mr. Moline, I won't detail or repeat all of zrz's concerns here. For the purpose of this testimony this morning, I only ask that you review z.r.z.'s concerns in my written testimony and take them into account before you make your final decision in this amendment. And zrz adopts and incorporate here previous testimony given in response to the earlier proposed versions of the ordinances. Today I want to point out that at earlier hearings on the tram l.i.d., z.r.z. noted that the city had not obtained an appraisal of the benefit that the city believes will inert to proper owners from the tram. We asked for sufficient time to prepare its own appraisal by a

June 1, 2005

licensed appraiser and to provide that to the city for this record, but that request was denied. And to date no appraisal of -- of the economic impact of the tram has yet been placed in the record by the city, by z.r.z. or anyone else. ZRZ have since obtained and hereby offer to the record today such an appraisal for the city's consideration. ZRZ asks that you review and consider the content and conclusions before you take any further action on the current proposed amendment. Now, the appraisal has been prepared by p.g.p. valuation, inc., the same appraisal firm used by the largest developer of the central district of the south waterfront. The city's own expert ed hovee and company has relied on what p.g.p. in prior reports prepared by hovee for the city on this issue. Z.r.z. believes this appraisal constitutes the only qualified opinion and substantive evidence of what benefits, if any, are created by the tram l.i.d. The appraisal is comprehensive and covers more than just the tram and its economic effects on the waterfront. But what it reveals is that the central district properties have been greatly increased in value by the city's promise to construct the tram and other improvements. It also reveals that that economic benefit does not extend to private properties located outside the central district. Without considerable public --

Potter: Are you going to be done shortly?

Reive: Yes, mr. Mayor. -- without considerable additional public investment. The reasons are detailed in the appraisal, which I delivered to you this morning. What it means to z.r.z., whose property is located outside the central district, is that while we receive none of the benefits of the development agreement, it is disproportionately burdened by the cost of constructing the tram. I thank you this morning for your attention.

Potter: Thank you, sir.

Reive: Mr. Mayor, an original copy of the appraisal has been delivered to your chambers as well.

Potter: Ok. Thank you.

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

Potter: Is there anyone signed up to testify?

Moore: That's all who signed up.

Potter: Ok. Does council have any questions?

Leonard: I'm curious about the statement made that there hasn't been an appraisal done by the city of this property.

Potter: Please come forward.

Brown: Again, matt brown, Portland office of transportation. A real market appraisal is not required as a finding of benefit for the formation of a local improvement district. So that's why it hasn't been done.

Leonard: How can you assess the amount if you don't know what the value of the property is?

Brown: Because you're looking at future benefit and not just immediate, right now, what is the property worth, and what might it be worth next year, but what might it also be worth 20 years down the road. Before I get into this, i'm going to have the city attorney weigh in.

Linly Rees, Deputy City Attorney: My concern right now is that this -- we're talking about something we talked about during the formation a year ago.

Brown: Right.

Rees: What we're doing today is increasing the amount of assessment on ohsu. Nothing in the testimony I heard today, nor this appraisal, is relevant to that. Frankly what will happen in the l.i.d. process is that we will come back after the project is done with an assessment ordinance. At that time it may well be appropriate to consider this type of evidence, but it could have been considered at the time of formation a year ago, it can be considered at the l.i.d. assessment phase, but it is not relevant to today -- in line with what the mayor said at the beginning, it's not relevant to this amendment.

Leonard: So what we're discussing today is just directly having to do with ohsu property and its value?

June 1, 2005

Rees: That's what the ordinance before you today does, is increase the --

Leonard: So this may be related, but not directly?

Rees: Correct.

Potter: Are there questions?

Brown: One thing to offer is that the -- what I just handed you is our written response to the written remonstrance that we received, and we're asking you to overrule the remonstrance, as well as the objections that you heard today here at the session.

Leonard: And what's the basis? Can you summarize the basis for your recommending that we overrule the remonstrance?

Brown: Primarily because most of the issues raised were not related to the ordinance as we presented it here, which is the issue is \$11.5 million spread through zone d on ohsu property. In summary, just to walk you through this quickly, they're objecting to the assessments against properties. This isn't imposing an assessment. This is essentially just adjusting the l.i.d. itself. So that's issue number one. The final assessment, as the city attorney pointed out, will happen at the end of the project at our final assessment of the project. The second is also related to that issue number two, the tram is only one of a number of investments. Again, we're not assessing the project at this time. That will happen later. And we're not changing any of our findings of benefit on the project at this point. They continue to object to the boundaries of the district. Again, that issue is not before us today. That was handled in the previous ordinance for formation. Same with issue number four. And issue number five, they're objecting to the incorporation of the terms of the development agreement into the l.i.d. keeping in mind that this ordinance does not amend the development agreement or have any effect on the development agreement. It's completely separate from that. So those are basically the issues that they raised. Again, the basic thing is that they're not raising issues that are relevant to the increase on ohsu property.

Rees: And by city code, when they make a change like this, which is a significant change to the scope of the l.i.d., someone may remonstrate against that change, not against the entire l.i.d. as a whole, and that's provided in city code.

Potter: Thank you. So, then, city attorney, how does that -- how do we handle that?

Rees: One option is for you to state on the record, for council to state on the record, in making your decision you're not considering the testimony and written materials unrelated to the ordinance today, which is to increase ohsu's assessment. Unfortunately, we've never -- we don't have this. I'm assuming from your representation that these materials, it's an appraisal of z.r.z.'s property, therefore it is unrelated to ohsu's assessment.

Reive: It's related in total to the --

Rees: To the l.i.d. as a whole.

Reive: -- to the south waterfront. Not just limited to this l.i.d., south waterfront --

Rees: Ok. It's my opinion based on what mr. Reive has said, we would consider this unrelated to the increase in assessment for ohsu.

Leonard: What you're saying, there may be an appropriate forum at some point in the future where we discuss this objection.

Potter: OK if there is no--

Rees: I'm sorry, mayor. One point that staff has just made. Written remonstrances and the written materials that accompany them are due a week ahead. They did in fact submit the remonstrance, but these materials have just come in today. So on that basis we could also not consider them.

Potter: Ok. Unless there's an objection.

Leonard: Well, i'm willing to proceed on the recommendation given, but I hope i've signaled that I have an interest in hearing more about this at some point. So I would encourage pdot to see if there can't be some way to resolve this.

Saltzman: Need a motion to overrule the remonstrance, I would make that motion.

June 1, 2005

Leonard: Second.

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

Potter: Aye. [gavel pounded] ok. Karla, please call the roll.

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

Potter: Aye. [gavel pounded] Karla, please read item 571.

Item 571.

Potter: Staff, this is an emergency vote, but basically -- is there anybody from freightliner here?

Leonard: How about parks?

Potter: Parks. Yes?

Veronica Bernier: I can speak to the issue. I'll tell you where I speak from. I'm from the women's affordable housing forum. I'd like to speak to the issue of freightliner as it relates to the current issue, and just say we supported what they did in seattle back in 1997, 1998. They're a really good corporation, so I would support them in their current proposal. Women's affordable housing forum and community health education, p.s.u., undergrad, senior year.

Potter: Thank you. Freightliner provided \$175,000 to have summer concerts this year, and we accepted a check from them. So i'd appreciate your vote. [laughter] It's actually sitting on a guitar up in my office. We're trying to figure out how to cash the guitar. Ok, is council ready to take a vote? Karla?

Leonard: Well, I very much appreciate freightliner and appreciate them being in our city and being such a great participant in our community. Aye.

Saltzman: This is great. I want to thank freightliner for their sponsorship. These are just the types of private sector/public sector cooperative arrangements that we've spoken about, particularly in the park bureau's budget in the last year. So this is exactly the type of thing we should be looking for more of, and am very thankful to freightliner for doing this. Aye.

Sten: I want to thank freightliner. This is wonderful. I want to make a plug and point out that this is the reason they can do this, is this is has been a company that's been very innovative in merging two things. One, they've brought their research and development arm here through an innovative wind tunnel, but also keeping manufacturing jobs here, which is pretty important -- not pretty important. It's crucial. We're losing the ability for blue collar workers to make a family wage. So freightliner can pay this money because they're making good money, hiring Portlanders to do real work. That I think is terrific. Aye.

Potter: I want to thank freightliner as well. They're very much a corporate citizen of our city. Very engaged in our community, as well as providing hundreds of work opportunities for our citizens, and they make a very strong effort to be part of our community. I appreciate that. And I think the citizens, as they're sitting in our their wonderful parks this summer are going to appreciate it as well. Aye. [gavel pounded] this is the second reading, item 572.

Item 572.

Potter: This is the second reading. Let's take a vote.

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

Potter: Aye. [gavel pounded] second reading for item 573.

Item 573.

Potter: This is a second reading. Let's take a vote.

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

Potter: Aye. [gavel pounded] item 574, second reading.

Item 574.

Potter: This is the second reading. Let's take a vote.

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

Potter: Aye. [gavel pounded] second reading for item 575.

Item 575.

June 1, 2005

Potter: This is the second reading. Let's take a vote.

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

Potter: Aye. [gavel pounded] that's our last item for the morning slate. We are adjourned, or recessed until 2:00 p.m.this afternoon.

At 11:21 a.m., Council recessed.

June 1, 2005

JUNE 1, 2005

2:00 PM

[roll call]

Potter: Ok. Let's hear the first item.

Item 576.

Potter: This says that I read the memo. The entire memo? So do I have you start off then with the introduction?

Kathryn Beaumont, Office of the City Attorney: Actually, I believe hannah kuhn is prepared to present her report to you and to introduce this claim.

Potter: Ok. Please come on up, hannah. I wanted to explain the process a little bit. We're here to consider a measure 37 claim filed by ruth pruit. First our measure 37 program manager hanna kuhn will present her report and recommendation on the claim, then ruth pruit, the claimant, will have a total of 15 minutes to testify. Ms. Pruitt, you can use all 15 minutes at once, or if you like, divide it up, testifying for 10 minutes and five minutes in rebuttal at the end of the public testimony. Then we will hear public testimony at three minutes each from other folks. So in order to meet the statutory 180-day deadline, the council must make a decision no later than july 3, 2005. Hanna.

Hannah Kuhn, City Program Manager for Measure 37: Good afternoon. My name is hannah kuhn, the city's program manager for measure 37. Today i'll be presenting my report and recommendation on ruth pruit's measure 37 claim for your consideration. The council clerk has distributed to the members of the council a substitute report, copies are also available on the table behind the clerk. Before I begin my presentation, I want to point out three minor wording corrections that are contained in the substitute report. On page 2 at the bottom the words "in effect" have been corrected to say "enacted." at the two bullets at the bottom of the page on page 2. On page eight, a similar correction has been made in effect when has been corrected to say "enacted before."

Potter: Where is that one at?

Kuhn: Page 8 at the bottom of the page under staff recommendations.

Potter: I see. Yes.

Kuhn: The council will need to move to accept a substitution.

Potter: Do I hear --

Leonard: So moved.

Sten: Second.

Potter: Call the roll, Karla.

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

Potter: Aye. [gavel pounded]

Kuhn: I also need to note for the record that the official claim file is here on the table before me. It includes the following elements. The original claim form and exhibits that were submitted by the claimant, some additional documents provided by the claimant subsequent to the original claim, aerial zoning, floodplain and other maps of the property, a summary of the land use history on the property, copies of written correspondence with the claimant, public notice postcards, analysis of the code changes to the columbia social environmental regulation and the program manager's report. I think this is where we try technology. I promise it's very short. Ruth pruit submitted her measure 37 claim to the city of Portland on january 3, 2005. She seeks compensation in the amount of \$1,047,705 for the alleged reduction in fair market value to her property as a result of environmental regulation that's allegedly restrict the use of that property. Public notice was provided to neighbors within 400 feet of the property, the district coalition, the neighborhood association, the citywide land use group, and the business association first when the claim was deemed complete, and again 30 days before this council hearing. As of today, we have received no responses. Copies of this report were first made available to the public on may 23. This map is

June 1, 2005

intended to help orient you to the property and the area that it's in. Members of the council have in their packet a hard copy of this map, because I understand the screen is a little bit fuzzy and it might be hard to view this on the screen. The claimant owns multiple properties in the city of Portland. The ones in this area are shown with blue borders on the map. The property that is the subject of this claim is marked with a white arrow that says "subject property." the property is located to the east of 14333 northeast whitaker way. To the north is east airport way, to the south is sandy boulevard, to the east is northeast 148th avenue. This area is zoned for industrial development. Property owned by the city of Portland in this area is shown with red borders. The conservation or c environmental zone is shown in yellow. The protection or p environmental overlay zone is shown in light purple, might be a little hard to see, it runs along the slough and across the top portion of the claimant's property. Federally recognized wetlands are shown in a light tale color, they're sort of irregular blobs on the page, there's four of them. And the columbia slough is shown in light blue running east-west north of the claimant's property. Here you can see the subject property a little more clearly. It's the shaded box in the center of the page. The base zone is general industrial, ig2, the protection overlay zone is on the upper portion of the property that abut the slough, and the conservation and scenic overlay zones cover the lower portion. This map does not show a recent modification that was approved to the c zone or a city-owned storm water quality easement, and i'm going to attempt to draw their approximate locations on the map just for your information. We'll see if I can -- whoops. We'll go back. In 2001 the city of Portland's bureau of environmental services acquired a storm water quality easement that measures approximately 20,000 square feet across the southwestern portion of the property. Again, this is not exact, but it roughly gives you an idea where it's located. As part of an environmental review that the city conducted to address environmental violations in 2003, the claimant applied for and received a modification to the c overlay zone to create an area for future development. As a result of this environmental review, the c zone was removed from the lower southeast corner of the property, 24,426 square feet. Again, this is not to scale, but this is to give you an idea where this area is located. It will be removed from the city's map of a mitigation plantings, that is replacement plantings that were planted on other parts of the property are installed and have survived, that was the way to address the violation. The report before you describes our analysis of the facts in greater detail than I will present here today. My presentation will focus primarily on the main fact and our conclusions. Measure 37 states that if a public entity in this case the city of Portland, enacts or enforce as land use regulation that restricts the use of property and has the effect of reducing the fair market value of the property, the owner must be paid compensation. In lieu of compensation, the city, the public entity, may remove modify or not apply land use regulations to allow the current owner to use the property as permitted at the time he or she acquired the property. Ruth pruit's claim was complete january 3, 2005. Ruth pruit is a legal owner of this property. Ms. Pruitt's brother is also an owner of the property. Ownership was first acquired on december 17, 1993. Land use regulations were enforced with respect to the property through an environmental review that i've already described. The claimant is challenging the environmental overlay zones on her property. Some of the regulations being challenged are exempt under the measure. Our analysis shows that the regulations being challenged do not the re-- do not restrict the claimant's use of the property relative to when she first acquired it. I will explain these points in more detail. Under the measure certain land use regulations are exempt from claims. Our analysis shows that in part, this claim is challenging regulations enacted prior to the date of acquisition of the property by the owner. And i've highlighted that section of the measure. Ms. Pruitt acquired title to the property on december 17, 1993, a copy of that quick claim deed was provided last week and is also in the materials you have before you today. Our analysis shows that the overlay zones were enacted, that is, adopted by the city council prior to december 17, 1993. As you can see from this chronology, the conservation, scenic, and protection overlay zones were all enacted by the city council before the claimant acquired her property. As a

June 1, 2005

result, these regulations are exempt under the measure. The claimant is also challenging changes that were made to the columbia south shore environmental regulations of a she acquired the property and through the date that she submitted her claim. Staff has completed a detailed analysis of the changes adopted during that period and determined that the changes did not impose any additional restriction on the use of the property. You have a table in your packet and there are copies on the table behind the clerk that show in detail this analysis. For example, some of the changes that were made during that period deleted certain requirements, added exemptions, and made minor technical corrections such as spelling out acronyms or cross-referencing other chapters of the city code. In some cases, the changes relaxed restrictions. In summary, this claim is challenging land use regulations enacted prior to the claimant's acquisition of the property. These regulations are exempt. This claim is also challenging land use regulations enacted after the claimant's acquisition of the property. Our analysis shows these regulation does not impose any additional restriction on the claimant's use of the property. Therefore we conclude the claimant is not entitled to relief under the measure. Based on these findings and conclusions, your program manager recommends that the city council deny this claim for compensation.

Potter: Thank you. We'll have questions afterwards. Thank you. Ms. Pruitt? Thank you for being here, ms. Pruitt. You have -- please state your name when you testify. You can either take 10 minutes at the first and five minutes later or all 15 minutes.

Ruth Pruitt: My name is ruth pruit, i'm the co-owner with of this property with my brother. I'm -- I just made a copy of the one page out of the 10-page report that you have that hannah did. That little yellow square there shows what we actually were allowed to develop based on the land use review that we just did prior to the measure 37 passing. If you'll notice on that map, the environmental line goes directly right around that property. In other words, whoever drew that -- drew that line intended to take the whole property. But we went through a land use review and we were only allowed the little remainder which is the half acre out of 3½ acres. And when you take somebody's property, that's really wrong. In fact, it's about like theft. Without even asking, it's taken. And I tried to negotiate, I tried to give options to the city when we made our application in measure 37, nothing came of that. And so I kind of just was going to lay back until today, and then I discovered in another piece of paper that I have that the natural resources protection plan was adopted, but didn't become law until the very day that we bought this property. We have an ownership date issue here, and now it's going to be a matter of substance over form. And I didn't bring an attorney with me today, because I didn't think I had a chance. And then I found out just today that we do have a date issue, and I need more time. And so i'm going to ask you if you would allow this item to remain open for at least 90 days while I have time to get counsel and take this issue to task here. It's going to be better determined by professionals in another venue if we don't settle it on a friendly matter, a user-friendly matter, and that's what I thought measure 37 was going to be. And now I see that i'm going to need some professionals that are going to stand up for me and say, you know, because the very date that these rules took effect is the very date that I brought this property. -- bought this property, both of them december 17.

Potter: What is the paper you saw that --

Pruitt: I was looking through an old land use review. When the city put in a sewer project and it said in there dan miller was the applicant, and it said in there that the date that that land use review was applied for was november 17, 1993, and that it would be done under the rules of november 17, 1993, not the new rules that were going to go in effect in december 17, 1993. And I thought to myself, is there a 30-day period of a something is adopted before it is law? Because he did his application under that. And so I did check with hanna earlier and she said that is true. The natural resources protection plan was adopted on november 17, 1993, but did not go into effect on -- until december 17, which is the exact date of my quitclaim deed for the purchase of this property that is in question here.

June 1, 2005

Potter: Can I see that document?

Pruitt: You're asking about my quitclaim deed?

Potter: No I was asking about the document you saw today for the very first time.

Leonard: And do you have a copy of the quitclaim deed?

Saltzman: I think we have that.

Leonard: I got it.

Pruitt: This is the one that I saw today. I didn't make copies of it, I just found it an hour and a half ago.

Potter: We can make some copies. Is that ok to make copies of it?

Pruitt: Sure. What i'm asking, give me 90 days while I find some counsel, and we'll do this with some legal counsel that I need.

Potter: I thought you did have counsel.

Pruitt: No.

Potter: Oh. Because you said your attorney wasn't here today.

Pruitt: I said I didn't bring an attorney with me today.

Potter: Ok. Is there anything else you wish to let us know?

Pruitt: Not right now.

Potter: Ok. Hanna, could you come back up, please? Have you seen the document that she's referring to?

Kuhn: Yes. She showed it to me just before this hearing convened.

Potter: What was your analysis?

Kuhn: Having just glanced at it, it shows that the regulation -- the ordinance that placed the p, the protection environmental overlay zone on ms. Pruitt's property, was adopted as I said, on november 17, 1993, and as is customary in the city of Portland, that ordinance became effective 30 days later.

And I did confirm for her that fact. I also explained to her as I have explained on earlier occasions our analysis of the measure is that it is, as I showed new that slide, the date of enactment, and we consulted with the city attorney and other attorneys to explore the question of what does enactment mean. The measure itself does not provide a definition. I would be happy to share with you what i've been told by the city attorney. Enactment in the dictionary definition, and this is included in the report, is to pass into law or to adopt a law. And our understanding is that enactment is adoption.

Potter: And it was --

Leonard: And it was enacted by the council on november 17, 1993. And became effective december 17, 1993, at midnight?

Kuhn: Those days are correct.

Leonard: At midnight on that date?

Kuhn: That isn't --

Leonard: I would assume that's --

Kuhn: That's a question I can't answer.

Leonard: Ok. I'm assuming that's --

Kuhn: I do know what's on that date, I don't know exactly what time.

Potter: I think once council passes, of a of that 30 days, it's in effect immediately.

Beaumont: There's no further action for the council to take once they adopt a law in order for it to become effective, other than the mere -- all that awaits is the mere passage of time. One thing I would note for the council, at least in the land use arena, when the council adopts an ordinance that amends the zoning code that's a nonemergency ordinance, if someone wants to appeal that to luba, their appeal runs from the date the council adopts the ordinance, not the date the ordinance becomes effective. And it appears that the drafters of the measure chose to pick a rather cut and dry deadline, which is enactment as the point in time that you use as a measuring point. And enactment is adoption of the law.

June 1, 2005

Leonard: And I think you're right on that, the reason I was asking about the time, i'm assuming the quitclaim deed was signed sometime after midnight on december 17, and if this become effective at midnight, it was in effect at the time it was signed, even if you -- arguably if it was on the same date.

Beaumont: If december 17 was the effective date for the city's ordinance, I am presuming it became effective at 12:01 a.m. That day.

Potter: So just to look at both sides of it, what -- did you see the paper that ms. Pruitt provided to council?

Kuhn: Yes.

Potter: And in effect let's say she was completely right. What would that do in terms of her request?

Kuhn: If she was right about --

Potter: If she was right about the fact that because of the -- not the the enact. --

Kuhn: The effective date?

Potter: The effective date that it was after or at the same day, I guess, is what she's claiming.

Kuhn: I would not be able to assert that those regulations were exempt under the measure.

Potter: And yet what you're stating though, is that according to our attorneys, that it was in effect.

Kuhn: I'm saying it was enacted.

Potter: Excuse me, enacted.

Saltzman: We have to -- under measure 37 we have to make a decision on this claim by july 3.

Kuhn: That's correct.

Saltzman: So ms. Pruitt is asking for 90 days, we can't give her 90 days for this particular claim filing. Is that correct?

Kuhn: The measure doesn't address extensions of the 180 days. Our understanding is that the 180 days essentially is intended to give local jurisdictions the opportunity to review and make a decision on a claim. On the 181st day the claimant could but does not have to exercise their right to seek relief in circuit court. So the claimant could voluntarily choose not to exercise that for an additional 90 days.

Saltzman: I guess that's something i'd like to hear from ms. Pruitt then if she's -- if that's what she's offering to do.

Potter: Do we have copies of the report?

Moore: They're being made.

Leonard: Does she have the option of withdrawing the claim and refileing it at this point?

Kuhn: She does have that option. I did discuss that with her after I met with the council in executive session. In may I did tell her she could withdraw and collect additional information or get additional analysis performed by a professional and resubmit, and she told me she chose not to do that at that time. We did meet with ms. Pruitt april 25 of this year to let her know of our analysis that we felt that her claim was going to be recommended for denial based on the analysis that I presented to you today. And she did tell me that she had consulted with an attorney. I'm not sure what additional time would produce. I guess that's the question you might want to speak to the claimant about.

Potter: Other questions?

Saltzman: I guess at this point i'd like to ask ms. Pruitt questions.

Potter: Ms. Pruitt, could you please come back up?

Saltzman: Under the statutory deadline we're currently operating under, we have to make a decision by july 3, which is about 30 days. So you need 90 days, or -- if you're asking for 90 days, are you willing to forgo pursuing this matter in court during the duration of that 90-day period?

Pruitt: I'm willing to do that.

June 1, 2005

Saltzman: Secondly I guess, what you need to do in 90 days be done in 30 days so we could act within the statutory deadline?

Pruitt: I could try to do it, but i'm not sure that I can. I will be taking a vacation near the end of this month, and it's at the -- the first one in many years, i'd like to do it.

Saltzman: If we gave a 90-day extension you're willing to forgo pursuing this matter in court?

Leonard: That is --

Pruitt: That is correct.

Leonard: I have to tell you I'm very uncomfortable with this. This is new area, so I think we need -- I think exemptions to the statute and time lines is something i'm not comfortable with.

Potter: I would really like to get the documents and take a look at them before we proceed any further. So do you know when they'll be done? Any additional information?

Pruitt: Not at this time.

Potter: Ok.

Leonard: And I appreciate the testimony, and i'm more than happy to discuss this further with the council, but it would appear on its face even if we conceded ms. Pruitt's point that I don't think is correct, but if we did, I believe literally the regulations went into effect prior to her signing the quitclaim deed, and although I don't think that point is accurate. Even conceding that point I think it went into effect the night -- the morning of, early morning of the day they signed the document. My advice would be that we handle these certainly judiciously, but I don't think we should create rules now in our first case that aren't founded in the statute.

Potter: So we'll just wait a few minutes.

Beaumont: Mayor Potter, if there are others here to testify, perhaps you could take testimony.

Potter: Do we have people here to testify? Hang on just a minute. When Karla comes back she'll -

Beaumont: Mayor Potter, Karla is here, so if you wanted to proceed with public testimony you could.

Moore: Copies are coming.

Potter: What part of the state?

Moore: Kinkos, I guess. [laughter]

Potter: We'll go ahead and hear the public testimony.

Moore: Come up three at a time.

Potter: When you testify, please state your name and you each have three minutes.

Alice Blatt: It's been a long time. I don't recognize much of this equipment. Mayor and council people, my name is alicia blatt. Blatt, 15231 northeast holliday, Portland. I am here kind of as an historian. Age gets one the privilege, and i'm pretty old. So i'm just here to give you particulars of the past. In the late 1980's I was the chair of the wilkes community group within which the columbia south shore, protection overlay, and we were very concerned about the columbia slough and the south shore at that time. So we paid attention to the fact that the council approved the natural resources management plan for this area on november 7, 1990. We meaning the east Portland district coalition, which was a group of eight neighborhood associations, appealed the natural resource management plan to luba. On the very last day, and it was listed, I have to say, as blatt versus the city of Portland because you couldn't appeal, I don't know if this is still the same, you couldn't appeal to luba as a group unless you had a lawyer, and there were sufficient conflicts of interest in the south shore that we could not find a lawyer. So the case is listed as blatt versus the city of Portland. We won our appeal. I don't have the date exactly. In mid spring of 1991. Luba sent the natural resources management plan back to the city for remand. What was listed in the resource management plan was 25 feet of c zone along the slough. One of our arguments was c zone was not adequate along the slough. P zone was required, and even wider p zone, so we requested 50 feet of p zone along the slough. The city acquiesced to the request for a remand, and we spent three years, 1991, 1992, and 1993 at meetings with the city, meetings that were announced

June 1, 2005

to all the stakeholders in the south shore, the south shore for any who don't know, anyone who doesn't know, is from the airport to 185th. I should know this. Am I through, my three minutes already?

Potter: You can just finish up.

Blatt: I don't have a long way to go. At any rate, we spent three years in meetings and I might also say, because i've never announced this in public before, but I wish to do so at this point, the east Portland district coalition spent \$40,000 in legal fees alone to -- because of concern about what was happening here. The result of our three years of meetings and considerable expenditure of money was 50 feet of p zone as opposed to 25 feet of c zone, and more protection for significant wetlands that were designated by the city as significant wetlands. So we achieved that sometime in the mid 1993 time frame that. P zone became the basis -- well, I don't know the exact date that that was -- I would like you all to at least pay attention to the exact date that was enacted. We were supported -- can I just throw in, we were supported in all this by u.s. Fish and wildlife, Oregon division of fish and wildlife, e.p.a., d.s.l., just multitudes of agencies that supported our appeal. And many others that I don't have time to tell you about. Our reasons, let me just tell you the reasons for doing this.

Potter: You're going to have to finish up.

Blatt: Ok. Water quality, south shore well backup well system in that whole area, number two, wildlife corridor between the gorge and the willamette confluence with the columbia. And just plain citizen recreation and environmental amenities. The likes of which we don't have in outer northeast Portland. This is a very important area to us. And I just had to come to indicate our concern.

Potter: Thank you.

Bonnie McKnight: Mayor Potter, members of the commission, my name is bonnie mcknight. I reside at 1617 northeast 140th avenue in east Portland. I'm coordinator of the citywide land use group, land use chair for russell neighborhood association, a member of the metro 37 task force, and a member of the newly appointed city of Portland measure 37 advisory committee. I want to express my support for the recommendation made by hannah kuhn as measure 37 manager for the city of Portland to deny this claim because it is not -- does not qualify under the statute, but I also want to add a few comments. This is a first claim to come before you in public hearing and I appreciate the care and openness with which the city is dealing with measure 37 claims. Other jurisdictions are struggling with many of the unanswered questions that are involved with how to properly meet the directions of measure 37. You've chosen an open process with public involvement and notice every step of the way in my view, that is the correct way to demonstrate the impact and complexity of each claim in a positive way which will inform citizens. In a way, however, the city is in the position of being able to do it correctly. When some surrounding counties, jurisdictions are faced by several hundred claims which still must fit into the 180-day time line for processing. Key in Portland is while there are comparatively few claims, most of them involve environmental rules. This gives the city and especially you as elected officials an opportunity to demonstrate that environmental regulations are usually based on issues of public safety and health such as clean water, air, and control of landslide flood areas. In addition, some regulations are to preserve recreational areas so citizens can use the outdoors for healthy activities. South shore is an area that combines all of these factors. It also demonstrates another value that we don't capture in any real way, and one which I hope can become another measure of property value beyond that which is currently used. Measure 37 somehow presumes that fair market value is the measure of a single piece of private property. I believe that's misleading. The added value which is not shown by current measure 37 data is the public value invested in each piece of private property. This council last month heard testimony from realtors and developers about the monetary value of green building. Portland state university and reed college have both produced studies which attempt to measure the economic value of environmental protections on private property. We still

June 1, 2005

haven't found a way to measure the resale value of a property with landscaping and trees versus one which is bare and fills the lot. We will do all of those things in the near future. We are developing an awareness of values in Portland that haven't been translated into dollars per thousand. The measure 37 presumption that an individual property is valued separately from its surroundings is too simple. And in my view, inaccurate. I welcome the city council consideration of some of these questions as measure 37 claims begin to come to public hearing. The questions are important, as are the answers.

Potter: Thank you.

Linda Robinson: My name is Linda Robinson, and I live at 1115 Northeast 135th Avenue in Portland, 97230. I am a member of the Hazelwood Neighborhood Association and the Columbia Slough Watershed Council, but I'm here representing myself, not these organizations. I did want to say that I too worked on the Columbia South Shore Plan District with Alice, attending too many meetings to count over a period of three years, with a lot of public participation, including a number of the landowners that were there, because we felt it was extremely important that we get some minimum border, 50 feet on the Columbia Slough. There are a lot of people who don't think it's really a valuable waterway, but it really has a lot of potential both for a wildlife corridor from the Snake River, to Kelly Point Park, it has a lot of other value was the wellfields and other things happening. And we've -- we're developing some educational things on the slough which are really important as well. But I wanted to support the staff recommendation, and to say that this area is important, this wetland on this property is one of the few really good high-quality wetlands and I think it's really important that p zone stay to protect the wetland portion. And that we not -- I have real concerns that we'll slowly whittle away and erode the protection -- the limited protection we have in the slough, there are only limited areas protected as it is, and there are all sorts of -- the port's been trying to get a waiver of things on their property for goal five things, there are lots of little things happening, and I just see it being whittled away to the point there's no open space and no habitat left. And I think being parallel to the Columbia River, it's really important that those that are protected stay protected.

Potter: Thank you.

Moore: That's all who signed up.

Potter: Has everybody had a chance to look at the information provided by Ms. Pruitt? Ms. Pruitt, could you please come back so we could ask a few questions? Did you say you just came -- you just found this document today?

Pruitt: Just found it today. It happened to be in this file, and I was reading the file before council meeting. It's on page 2. It's referring to when they put the sewer in and it's interesting here in the second paragraph it says, this application was initially submitted on November 17, 1993, and it is subject to the environmental regulations in effect at that time. New regulations adopted as part of the Columbia South Shore Natural Resources Protection Plan. Effective December 17, 1993, do not apply. In other words, here was the city themselves doing something on November 17, trying to apply to some previous regulations. Even though the Natural Resources Protection Plan was adopted November 17.

Leonard: The language of measure 37 uses the word "adopted." This document uses those words precisely, how measure 37 uses those words. This doesn't point out a conflict, it actually makes the case that language is being used the same.

Pruitt: It says it became -- is effective December 17.

Leonard: Measure 37 uses the word "adopted." ok.

Pruitt: I'm not an attorney, I can't -- like I say, I need better counsel to advise me about my ownership and interest. Measure 37 says has an interest in the property. I have interest in the property prior to the date this was recorded, and it's a long, drawn-out procedure, it would take more than we have time today to talk about it. But it was an open, earnest money agreement for use

June 1, 2005

of that property that was given to us by security pacific bank when they were taken over by bank of america, bank of america elected not to proceed with that, and later bank of america gave us their earnest money and all of its things that went with it back to its beginning. Which was prior to this natural resources protection plan adoption. But that's a long drawn-out process.

Potter: Did you submit those documents with your other documents?

Pruitt: I did.

Potter: Thank you. Could we have hannah come back up, please? Could you respond to ms. Pruitt's comments?

Kuhn: We've already spoken to the question of enacted versus effective date, so the other issue is the question of ownership interest which, again, ownership interest is a term that comes from the measure, talks about ownership or any interest therein, and because i'm not a real estate broker or an attorney, i've consulted with people who are familiar with this terminology, and the example might illustrate it best. For example, on this property the city of Portland purchased storm water quality easement from ms. Pruitt back in 2001. Therefore, the city of Portland has an ownership interest in this property. A person could have ownership interest if they're a contract purchaser, they're making payments towards acquiring the property. Those are some examples of ownership interest. So it's different than interested, small letter i, in this table, meaning I have a desire or i'm attracted to it, or i'd like to know more about it, but rather ownership interest is a term of art that describes some kind of ownership interest, a type of ownership. Ms. Pruitt, when we met with her and explained to her our analysis that her quitclaim deed of december 1993 was the date that she -- that we could see was her date of acquiring the property, she explained that she had been in discussions before that date, before the quitclaim deed with previous owners of the of property and expressed interest in acquiring it. And we looked at -- katherine beaumont and I looked at six or eight additional documents that ms. Pruitt provided to us that described other transactions, property purchases that she had completed in the area, you remember the first map I showed you, she owns a number of different parcels in this area. Specifically wanted us to look at the question of the property directly to the west of the claimant property which she owns, and there is an office located there when she originally acquired it there was no access out to the east to 148th, and that part of the discussion around the purchase of that property was that it shouldn't remain landlocked. That the pacific security bank should in the future provide road access. She wanted us to look another that as ownership interest. The analysis that the city attorney performed and that I looked at did not show that was ownership interest. Security pacific bank was acquired by bank of america, later on bank of america. In 1994, that's the year of a the quitclaim deed, did convey its ownership interest that it had assumed from pacific security bank to ms. Pruitt, so she did receive some additional ownership interest later. She also paid taxes, property taxes dating back to 1991 as part of the transaction. She wanted us to also consider that as earlier ownership interest. We did not see that as evidence of earlier ownership interest. Payment was made in the later date, even though the property taxes were assessed at an earlier date. So we've looked at all of these things, we've taken every bit of evidence ms. Pruitt provided to us, I think it's really clear based on our analysis that there was no earlier ownership interest, and ms. Pruitt did tell me that she would seek the opinion of an attorney specializing in land use matters. And this is back in april. I don't know whether she has or not. We've given a good faith review of all the documents provided up until this time.

Potter: Is there anybody else mere to testify? Anybody in the audience that did not sign up? Ok. Thank you, hannah. Do I hear a motion?

Leonard: Move to deny the claim.

Potter: A second?

Sten: Second.

Potter: Please call the roll.

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

June 1, 2005

Sten: I do think it was adopted, not effective. Aye.

Potter: Aye. [gavel pounded]

Beaumont: Out of an abundance of caution, could I suggest you have a motion to adopt hanna's report as your decision? I didn't have a chance to suggest that before you started voting on the motion. Out of abundance of caution, I would think it wise --

Leonard: Is that a separate motion?

Beaumont: Separate motion to adopt hanna's report as your final decision.

Leonard: I move to adopt the report, how do you want me to refer to that?

Beaumont: You can say the program manager's report.

Leonard: The report of may 23, 2005. Is that right?

Beaumont: Yes.

Leonard: I move to adopt the staff report and recommendations of may 23, 2005.

Sten: Second.

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

Potter: Aye. [gavel pounded] please read item 577.

Item 577.

Potter: This is a second reading. Let's take a vote. Please call the roll.

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

Potter: Aye. [gavel pounded] this is our last item for the day. We are adjourned until next week.

At 3:03 p.m., Council adjourned.