



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **11TH DAY OF JANUARY, 2006** 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; Linly Rees, Deputy City Attorney; and Larry Sparks, Sergeant at Arms.

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

COMMUNICATIONS		Disposition:
29	Request of Douglas Turner Sr. to address Council regarding homelessness (Previous Agenda 4)	PLACED ON FILE
30	Request of Charles E. Long to address Council regarding celebrating an American legacy (Communication)	PLACED ON FILE
31	Request of Richard L. Koenig to address Council to clarify a recent letter (Communication)	PLACED ON FILE
TIME CERTAINS		
*32	TIME CERTAIN: 9:30 AM – Authorize an Intergovernmental Agreement with Portland State University for \$125,000 to implement the 60 th Avenue Learning Gardens Laboratory (Ordinance introduced by Commissioner Saltzman) (Y-4)	179867

January 11, 2006

<p>33</p>	<p>TIME CERTAIN: 9:45 AM – Appeal of Southwest Hills Residential League against the Hearings Officer’s decision to approve the application of Erik Eekhoff, W E Develop, LLC to construct a 36-unit condominium building at 1299 SW Cardinell Drive (Hearing; Findings; Previous Agenda 6; LU 05-128719 EV EN M)</p> <p>Motion to accept an amendment for three additional conditions of approval; foundation footings shall go to bedrock, all stormwater shall be disposed of offsite and certified engineering geologist onsite during the construction of the project: Moved by Commissioner Saltzman and seconded by Commissioner Adams. (Y-3, Leonard absent)</p> <p>Motion to uphold the Hearings Officer and adopt the findings as amended: Moved by Commissioner Saltzman and seconded by Commissioner Sten. (Y-3, Leonard absent)</p>	<p>UPHOLD HEARINGS OFFICER’S DECISION WITH CONDITIONS AS AMENDED; ACCEPT AMENDED FINDINGS</p>
<p>*34</p>	<p>TIME CERTAIN: 10:30 AM – Authorize contract with Foley, Hoag LLP for legal services to challenge the federal Long Term 2 Enhanced Surface Water Treatment Rule (Ordinance introduced by Commissioner Leonard)</p> <p>(Y-4)</p>	<p align="center">179868</p>
<p align="center">CONSENT AGENDA – NO DISCUSSION</p> <p align="center">Mayor Tom Potter</p> <p align="center">Portland Office of Emergency Management</p>		<p>179861</p>
<p>35</p>	<p>Authorize a task order with Yost Grube Hall for a Space Utilization Study for Portland Office of Emergency Management (Second Reading Agenda 9)</p> <p>(Y-4)</p>	<p align="center">Commissioner Sam Adams</p> <p align="center">Bureau of Environmental Services</p> <p>36</p> <p>Authorize a contract and provide for payment for the construction of the Lents Crossing at Tideman Johnson Park Project No. 6965 (Ordinance)</p>
<p>37</p>	<p>Authorize contract with Counterpoint Consulting for technical assistance for the Water Pollution Control Facilities and National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System Permits for \$95,000 per year up to five years (Second Reading Agenda 12)</p> <p>(Y-4)</p>	<p align="center">PASSED TO SECOND READING JANUARY 18, 2006 AT 9:30 AM</p> <p align="center">179862</p>
<p>38</p>	<p align="center">Office of Transportation</p> <p>Authorize contract and provide for payment for the Sandy Boulevard Resurfacing and Streetscape Project (Ordinance)</p>	<p align="center">PASSED TO SECOND READING JANUARY 18, 2006 AT 9:30 AM</p>

January 11, 2006

39	Amend contract to the 2001 Oregon Transportation Investment Act Agreement with the Oregon Department of Transportation for the East Columbia Boulevard to Lombard Street Connector Project (Second Reading Agenda 14; amend Contract No. 52077) (Y-4)	179863
Commissioner Dan Saltzman		
Office of Sustainable Development		
40	Authorize an agreement with PacifiCorp to report carbon dioxide emissions from its generating plants and related information (Second Reading Agenda 16) (Y-4)	179864
41	Authorize an Intergovernmental Agreement with Multnomah County for up to \$170,462 to provide energy efficiency services to low-income multifamily properties (Second Reading Agenda 17) (Y-4)	179865
Commissioner Erik Sten		
Bureau of Housing and Community Development		
*42	Amend contract with Our House of Portland for an additional \$105,000 to provide assistance in the construction of its residential care facility and provide for payment (Ordinance amend Contract No. 36184) (Y-4)	179866
REGULAR AGENDA		
43	Amend percent for art public art program (Second Reading Agenda 5; Ordinance introduced by Mayor Potter and Commissioners Adams, Leonard, Saltzman and Sten; amend Code Chapter 5.74) (Y-4)	179869
44	Accept bid of Emery and Sons Construction Inc. for the Tanner Creek sewer separation phase 3 project for \$9,760,500 (Purchasing Report - Bid No. 104728) Motion to accept the Report: Moved by Commissioner Saltzman and seconded by Commissioner Leonard. (Y-4)	ACCEPTED PREPARE CONTRACT
45	Accept bid of Westech Construction, Inc. for the SW/NW Naito Parkway street improvements for \$7,527,299 (Purchasing Report - Bid No. 104787) (Y-4)	ACCEPTED PREPARE CONTRACT
Mayor Tom Potter		

January 11, 2006

Office of Management and Finance – Bureau of General Services		
46	Authorize a contract and provide for payment to replace four 12-yard dump trucks for the Bureau of Maintenance (Second Reading Agenda 20) (Y-4)	179870
Commissioner Sam Adams		
Office of Transportation		
*47	Amend contract with Stacy and Witbeck, Inc. for the construction of the trackslab, track drains and other minor civil elements on a segment of SW Moody and SW Bond Avenues between SW Gibbs and SW Lane Streets (Previous Agenda 27; amend Contract No. 35163) (Y-4)	179871
48	Vacate the Alley in Block 10, Walnut Park Addition subject to certain conditions and reservations (Hearing; Ordinance; VAC 10028)	PASSED TO SECOND READING JANUARY 18, 2006 AT 9:30 AM
49	Vacate a portion of SW Freeman Street east of SW 19th Avenue subject to certain conditions and reservations (Second Reading Agenda 23; VAC 10021) (Y-4)	179872
50	Vacate a portion of N Baldwin Street east of N Delaware Avenue subject to certain conditions and reservations (Second Reading Agenda 24; VAC 10022) (Y-4)	179873
51	Vacate a portion of SE Long Street west of SE 40th Avenue subject to certain conditions and reservations (Second Reading Agenda 25; VAC 10024) (Y-4)	179874

At 12:19 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.

January 11, 2006

WEDNESDAY, 2:00 PM, JANUARY 11, 2006

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

January 11, 2006

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.

JANUARY 11, 2006

9:30 AM

Potter: Every wednesday morning before we begin our city council meeting, we ask the community the question, how are the children? We know in many communities around the world, instead of greeting each other with a statement, "how are you?" they ask, "how are the children?" because they know in the village when the children are well, the village is well. And so each week we have experts come in to talk to us, and this time we have three young people that are all involved in the big brothers big sisters program. So could you please come forward? Just go ahead and have a seat at the table. I want to tell you a little bit about these young folks. Shanae, that's you, has been in the program for about a year. She's relocated outer southeast Portland, and is getting used to the new neighborhood. Maria has been in the program about a year, her family recent he relocated. They are in the same family. Shelltoria lives with her mother and two siblings. They live near the alberta arts program. She's been in the program for two years. We've -- if you'd just give us your name when you speak. Why don't we start over here.

Chanae Miller: I'm 15, and I go to centennial high school. I live in gresham. As you know, I have had my big sister for a year. I got her last summer. It was pretty scary at first, but we got to know each other, it was really cool. I like her a lot. She's really fun.

Potter: Tell us a little bit about the program, what it does for young people, big brothers big sisters.

Miller: Well, we do lots of activities, like say if I wasn't in it I don't think I would be really good, where I live there's lots of gangs, and that's another thing it does, it gets people out of trouble, and they have things to do, instead of out in the streets and stuff like that.

Potter: Ok. Good. Thank you for coming here today.

Sheltoria McDonald: My name is sheltoria, i'm 14 years old. I go to benson high school. I've been in the program for about three years, two years of my big sister right now, and one year with my other big sister, but me and her stopped being big sisters together because of a family crisis. And I really enjoy the program. I'm glad I joined it. Otherwise, if I think I would be in a lot of trouble too, because people around me try to influence me to do bad things. I have a big sister to tell me what's right and what's wrong and to help me in school and to be successful.

Potter: Good. Sounds like in both instances this program really works for you folks.

McDonald: Yes.

Potter: Maria?

Maria Martinez: My name is maria, i'm 14 years old, I go to centennial high school. I had my big sister for a year now. I enjoy having her because she teaches me new things, and it's a great experiment -- experience. We -- my neighborhood is not all that good. We have lots of gangs members and stuff too, and being with my sister and going places with her, like, keeps me out of trouble, and she helps me with school, like, what I need help in. She, like, helps me with everything I need, and I think it's a great experiment to have, to have a big sister.

Potter: Thank you for coming here and telling us about it. A lot of times i'm asked by adults, what can I do? I'm just one person. But that's really all it takes, is just one person working with one young person. You can make a difference in people's lives, can't you? I hope that when you become

January 11, 2006

adults and you're successful, that you turn around and help somebody. Thank you very much for being here.

Martinez: Thanks for having me.

Potter: City council will come to order. Karla, please call the roll. [roll call]

Potter: Please start communications.

Item 29.

Moore: He is not able to make it.

Potter: Ok.

Item 30.

Potter: Good morning, mr. Long. When you speak, please state your name. You have three minutes.

Charles E. Long: My name a charles long. I wanted to present the discussion of dr. Martin luther king. As america celebrates the legacy of dr. Martin luther king, jr., next monday, I pondered factors that made him the great social prophet of the 20th century. First he had superior parental nurture. His father was a prominent atlanta pastor. Second, he superbly prepared himself, graduating from moorhouse college in atlanta, the theological seminary in pennsylvania, and an earned doctor of theology from boston university, where he met his wife, music student coretta scott. Third, he was principal, relying on prayer, biblical precept and the prince of peace for direction. Fourth, he had a vision, translating the call for justice by the great hebrew prophet, a campaign for racial and social justice today. He was persuasive, swaying huge audiences by his inspired orations. Sixth, he was persistent, never faltering in the face of difficult situations. Seventh, he ewas a true patriot, believing literally in the bill of rights, and in the phrase "liberty and justice for all." eight, he was patient in persecution. He was stabbed, his home was bombed, he was falsely accused. He was hounded crease leslie by j. Edgar hoover's f.b.i. And he was passionate. His whole being became a living sacrifice for social justice for which he was martyred on april 4, 1968. If dr. King could speak to us from eeternity, he would say today, "be recovering the dream I could not finish." that's the theme of Portland's downtown evening rally with chief of police derrick foxworth and two other noted speakers. Plus a multicultural choir singing afro-american favorites. Help to recover dr. King's dream on monday, 7:00 p.m., at the first baptist church in Portland. Thank you.

Potter: Thank you, mr. Long. Appreciate that very much. Please read the next item.

Item 31.

Potter: Please state your name when you speak, and you have three minutes.

Richard L. Koenig: Richard koenig. Good morning, city of Portland. City council, and mayor. This is an open letter. I hope you get one to follow along. To chief deputy city attorney harry auerbach. Dr. Mr. Auerbach. Unrebutted evidence is of record that you are engaged in organized criminal activity. Notwithstanding such evidence, you've been referred to me as my exclusive contact person for the city of Portland by each and every city council member. I'm concerned not only about your right to remain silent, which you've not yet waived, but associating with someone who is more likely than not a known felon. In order to allay my concern before I engage with you, i'm making a demand for the public records which are statute laws providing for my defense against the crimes of aid can and abetting, your criminal enterprise, condoning, polluting and conspiracy, or compounding. After you have provided me with the records describing defending to the above listed crimes and waive your right to remain silent, I will expect you to answer these questions. When did you first become aware that the vehicle code is title 59 of business regulations part 2? When did you first become aware that the general public uses their vehicles on the streets of Portland as a matter of right rather than privilege? When did you first become aware of former d.m.v. Dr. 'S admission to the legislature that his agency had been titling and registering vehicles without authority? When did you first become aware that d.m.v. adopted a rule which provides for

January 11, 2006

the optional titling of vehicles belonging to members of the general public if the owner chooses? When did you first become aware that all the powers inherent in the people, and that the government they created cannot be greater than the creator? When did you first become aware of why mr. Peter calich was not awarded damages against mr. F.c. Knap? I look forward to harry's responses so I can have a contact person. In the meantime, maybe you guys have come up with the person with whom I can negotiate a settlement for serving subpoenas for arrest while I was serving subpoenas. That's what I came here today for, is the name. Do you have a name like that, or is it still harry?

Potter: Mr. Auerbach.

Koenig:: When he waives his right, then we'll talk about it. But it should be timely.

Potter: Please read the next item. Let's move to the consent items. Does anybody from the council wish to pull any of the consent items? Anybody from the audience wish to pull any of the consent items? Please call the roll.

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

Potter: Aye. [gavel pounded] move to the 9:30 time certain. Please read item 32.

Item 32.

Potter: Mr. Saltzman.

Saltzman: Thank you, mr. Mayor, members of the council. After make something brief comments i'd like to turn it over to commissioner Sten. Both of our offices worked jointly to bring this forward, along with the office of sustainable development and other community partners. The 60th avenue learning garden laboratory is a garden-base education project at the former site of the Portland public schools green thumb program. Portland state university will implement the project in partnership with Portland public schools and will focus on serving eight schools in southeast Portland. The project includes development of gardens on the 60th avenue site, providing education for students, curriculum development, workshops, and training and assistance for teachers. The program is designed to deliver multidisciplinary and multicultural education and to promote healthier diets among our students. It also provides a learning ground for p.s.u. Students involved in implementing the project, and this project has generated a great deal of interest and has led to a better understanding on city council of the many gardens and farm education projects that currently exist within our city. I appreciate, I particularly want on thank our food policy council for their work with the stakeholders and interested community members to provide the constructive input to this project, and we look forward to the products of this partnership among p.s.u., Portland public schools, and the city. So I want to thank in advance everybody for their work. This is very important I think towards making some first steps towards getting healthier food in our schools, getting our kids more aware of the importance of raising local produce and eating local produce, and now i'd like to turn it over to commissioner Sten, and then after that i'd like to invite up michael armstrong, mr. Williams from Portland state university, and a board member of Portland public schools, and mark, the cochair of the food policy council.

Sten: I think he nailed most of it. Come on up, you guys. I'm pleased to bring this back before the council. I think this is a really tangible first step on some great ideas and passion that's really begun to formulate in Portland. And sometimes in Portland we're on to a great theme, in this case it's trying to get better food into the schools, trying to educate our kids better about nutrition, and at the same time, I think build some pretty promising and economic development strategies in terms of buying locally and supporting rural Oregon too. It's all about local agriculture. For some very good reasons that include health and some very daunting reasons which include that I think in the years ahead it's going to be much more costly with oil becoming more scarce to have the kind of food production system the world has come to depend on, these types of things could distinguish Portland as well as make us healthier and give our kids something fun and constructive to do. A few years ago commissioner Saltzman asked we start a food policy council, and I voted yes, but I

January 11, 2006

wasn't sure why. This is your perfect example of why. This has led to some really tangible work, so it's really a great pleasure to introduce this team and start forward on this project. So I think you're first, dale, and it's all yours. Or is michael first?

Michael Armstrong: My name is michael armstrong, i'm with the city's office of sustainable development. We're here this morning to talk about the learning gardens lab, which is a great partnership with p.s.u., Portland public schools, and the city. Dr. Williams is going to provide details about the project, but at its core, this is an effort that's going to provide garden and food education opportunities to more than 400 students in Portland. It's a terrific project, and it's one that's generated some very intense interest, both because it's ambitious and exciting, and also because there are some related efforts that provide garden and farm education opportunities for local students. As this project has gotten started, there have been a number of meetings to map out how these efforts intersect and to maximize the reach and impact of the services provided to students. As commissioner Sten was just suggesting, food is an issue that's critical to sustainability, how we grow it, process it, package it, deliver it, consume it, dispose of it, all of these have enormous impacts on our environment, certainly on our local economy, and also on our personal health. So we're very pleased to work with p.s.u. on this project. We have two people here this morning to talk a little more about it. Dr. Williams and marcus samantel from the food council.

Dilafreins Williams: Thank you. Mayor Potter, commissioner Leonard, commissioner Saltzman, and commissioner Sten. I'm director of the Portland school board and professor of education at Portland state university. Thank you, commissioner Saltzman, for this wonderful introduction, and thanks to your leadership and that of commissioner Sten in promoting this initiative. I came before you seven months ago to support the resolution you passed unanimously for a partnership proposal between Portland public schools and the city. And I spoke in favor of the interests I have expressed for local sustainable food in our schools. That was like july 13. Today I sit here once again, this time to thank you for your foresight in supporting the creation of learning gardens laboratory at the southeast 60th avenue site. It serves as a prototype for half food -- how food and learning converge.

We academics like long titles with colons in them, so there's actually a longer title, and I would like you to focus on the second half of the title, which is -- health, multiculturalism and academic achievement. That is what the learning gardens project is hoping to accomplish over time. It is really a focus on health and food, it is on the promotion of diversity, and it is also on increasing academic achievement in our schools. That's the work that we're undertaking through this partnership. There are three components to the project. The first one is the school-based curricular integration and instructional development with professional development support. That has already started in eight schools. These schools are lane middle school, kellogg middle school, lewis elementary school, sunnyside environmental school, atkinson elementary school, buck man elementary school, and chief joseph elementary school. And abernethy too. The key partners are lane, because lane is right opposite this particular site, and kellogg, which is in close proximity, and so is lewis. However, all eight schools are participating in the project. So there is the school-based work that is going on with learning gardens lab -- learning garden committees being formed at the school sites, so there is ownership of the project at each site. These committees actually comprise of parents, teachers, and students, and community organizations, plus teachers that participate in those schools. The second component of the project is the learning gardens laboratory itself at the 60th avenue site, where gardenless soon be developed, because we just got the permit two weeks ago, and we're really hoping to do the groundbreaking and invite all of you to the wonderful celebration and event. So that's the second component, which is where the food would be grown. The third component is the p.s.u. Service-based component, which means that we have faculty and students from p.s.u. Participating in service learning, connecting the work of the university and the courses that we offer, and we're proposing to actually connect 10 courses at p.s.u. With dozens and dozens of p.s.u. Students participating in the learning gardens site and at the schools. So those are

January 11, 2006

the three major components to this project. The project also assumes and builds dozens of partnerships with community organizations that provide both food-based support and also social and service-based support at the schools. This project is matched dollar for dollar by p.s.u., and it is sponsored by the school of education's ecology, culture, and learning program, and I mentioned that the last time I was here. It's no less -- my colleague, if you could just stand up please and identify yourself, he's here, I speak on his behalf. He's the executive director of the program, and he serves as codirector with me on this learning gardens laboratory project. He's a visionary educator, and farming is in his blood, because he was born in a peasant family in nepal, and he has wonderful stories to share about that. By supporting this project, you have assisted us in extending one of our key initiatives in the Portland area called feed. By giving both p.s.u. Students and Portland public schools students an opportunity for hands-on learning. And i'll share some brochures with you. You'll be happy to know that this project started july 2005, and when we started, we noticed there has been tremendous enthusiasm on the part of principals, teachers, and participating schools, far surpassing what we proposed. So for now, we have these eight schools participating, and there are 22 teachers, and students and their classes who are involved in the project. On a similar note, the incredible motivation and support shown by our p.s.u. Students and faculty and community organizations, such as native american youth association, the s.u.n. Schools, those are really very encouraging. I also want to particularly acknowledge the brentwood darlington neighborhood association, that enthusiastically passed a resolution in support of the project. The green thumb coalition, and those members have been in communication with us, and staff in parks, the community gardens, office of sustainable development, and the offices of commissioners Sten and Saltzman. Your staff have been very supportive. It's been a long journey, but we've made it. I know that the teachers and students in Portland public schools would have liked to be here, and mayor Potter, since you love to have children here, we were hoping to get some of them here, but getting the dozens of kids at elementary school level would have been really tough. This work could not be accomplished without the core project team, some of whom are here in the audience. You can also identify yourself as a cluster -- chad, megan, judy, corey, matt, ashley, mark, jeremy, greg, angela, randy, michelle, tim, and toby, and many, many, many, more. These individuals get their hands dirty, and their feet wet to involve our children in the joys of connecting with the earth and with their bodies, and guts through food. And finally, I want to commend the moral leadership exhibited by marcus to my left, of the food policy council. His wisdom has been invaluable as we begin to launch this project. He, along with 13 others, representing a broad range of organizations and experiences, serve on the advisory board of the learning gardens laboratory, and we already met in november. So, there is now a critical mass of businesses, as was already mentioned by mark, and other organizations including food policy council, passionately committed to this work in Portland.

A few days ago I wonder if you saw "the new york times" editorial on Oregon's local food economy, highlighting the new seasons market. So the time is right for Portland as we are poised to become a leader in the nation for food-based and garden-based education. With the learning gardens laboratory, my colleagues and I are making at least a 10-year commitment, but actually it's a lifetime of commitment. This initiative once again shows how the city, the district, the university, and the community can work in partnership to promote health, to nurture diversity, and into increase academic performance in our schools. So thank you, mayor Potter, and city commissioners, for your support. It is always refreshing to be part of a community where leaders have a bold vision using your creativity and imagination to pull Portland through hard times. Our children can only be beneficiaries of such gifted leadership. I commend you.

Marcus Simantel: That's hard to follow. Marcus simantel, cochair of the Portland Multnomah county food policy council. The food policy council has been heavily involved in getting this project to happen, as you heard, there were a lot of players involved. Plus others with similar projects, gene's farm, community gardens, growing gardens, and other organizations, numerous

January 11, 2006

folks like that. These projects help our students understand where their food comes from and allows them to taste more foods. We think that's healthy for our local food system. So the council supports this, we're very pleased that the city council has moved this forward, and we're looking forward to seeing its success over the next 10 or 20 years. Thank you.

Potter: Thank you all.

Potter: Is there a sign-up sheet?

Moore: There is. Come up three at a time.

Pramod Parajul: We have been well represented by the professor and marcus, so we really want to again thank you. Just one comment I want to make is that the reason behind the learning gardens laboratory is to replicate, show what is an emerging global village of Portland looking like. That's the idea I want to share with you.

Potter: Before you continue, sir, could you please state your name?

Parajul: I am from p.s.u., director of the learning gardens laboratory. The idea there is that as Portland emerges as a global village, what kind of knowledge and technologies about food and culinary traditions and health are those communities bringing? From Mexico, from Vietnam, or China, or Nepal, and Africa. We want them to come and demonstrate their skills in the learning gardens laboratory, then Portland children and teachers and parents could learn about all those cultures through food and gardens. That's the idea.

Matthew Bibeau: Matthew Bebo, I'm the community-based outreach learning coordinator for the education design project. I'm involved in getting the p.s.u. Graduate and undergraduate students to these sites, and I have to tell you it's one of the most rewarding things I've been doing up to this point. The most exciting part for me is I'm only 24 years old, and this is something I'll be able to elaborate on for many years to come. So getting this type of experience at this young of an age is really encouraging, and I'm very much looking forward to continuing this work for many years to come. So thank you for the opportunities.

Potter: Thank you folks very much.

Potter: Please state your name, and you each have three minutes.

Tuba Kayaarasi: I'm from Turkey, and I have been living in Portland for four years. And I got involved in this project for a year, and this is a great experience for me. I'm working with kids, hands-on in the gardens. I believe that I contribute to their knowledge of gardening, and I also contribute my knowledge of gardening, working with kids and the community and the parents, and the p.s.u. Students. Thank you.

Bruce Broussard: Bruce Broussard, 1863 North Jantzen Avenue. Commissioners, good job, I think it's really exciting, I think this is something that will be well received, and I commend the school board member who was here who basically is part of the program and all the other folks, but again, I would also stress that there's a need for all of the kids throughout the city of Portland, so hopefully when considerations are given to programs like this, there's some sense of inclusiveness that gives hope to other kids and other schools around our city to say that they may entertain the idea of having that program at their school. So hopefully in the future we make sure that that's an inclusion in the did I in any of the proposal that's looked at. Thank you.

Potter: Thank you very much.

Moore: That's all who signed up.

Potter: Ok. Any discussion of council? Karla, please call the roll.

Leonard: I'm very pleased to support this initiative by Commissioner Sten and Saltzman. It has a number of very positive beneficial effects in the community, bringing the community together, and providing I think some really good product for our community. So it's a pleasure to be able to support this. Aye.

Saltzman: I just want to -- I won't belabor what I said earlier, but this is a real opportunity for us to not only become better aware of other cultures and their practices and food cultivation practices, but

January 11, 2006

also really to make our children aware of the importance of healthier food by actually growing food.

When we live in a city with urban growth boundaries, farms are usually something you have to travel a long way to see. And working farms in particular. So having sort of a working garden here in Portland along with some of the working farms we have provided a lot of opportunities for our kids. And I think as commissioner Sten alluded to, this does provide an avenue I think to get healthier food into the schools, locally grown food, healthier food into our schools, so that our kids can be living healthier and longer. I do want to just segue for a second here, because I don't know if anybody knows, but last week I believe we had the tryon life creek farm representatives here, and i'm pleased to say I got a call ged from -- yesterday from them announcing they have reached their fund-raising target and they've signed the paperwork and they now are the owners, I assume there's a bank involved too, but they're now the owners of the seven acres adjacent to tryon creek park, that they also use for children to learn about farming and about sustainability. So they met their target and own that property now. Aye.

Sten: Congratulations, and a couple months ago I got invited to sit on the panel and brainstorm about better food in the schools, and I thought, i'll take the opportunity even though i'm not an expert, at least I know something about the political process and I can talk about that, and I showed up over at the building, there were over 200 people there on a week night, and there was just a lot of enthusiasm. And I think that while that enthusiasm has grown, it needs to be challenged into projects, soy want to say this is a terrific opportunity to do just that, and I look forward to having a meal with you at some point down the road once this is all working. Aye.

Potter: This is a great program. As most people know, the average food on the Portland traveled 1500 miles to be on your table. We want to reduce that mileage, and to do that we need an informed public, particularly our young people as they're growing into adulthood. So these kind of programs I think really make our population more aware of what their choices are. And I think that can only benefit us. I like to see these programs, I would like to see more community gardens so we can put into practice what those children have learned. So i'm very excited about this. I wish those folks well. And I look forward to the day when we can take this program to other areas of Portland as well. So I vote aye. [gavel pounded] let's go to the 9:45 time certain.

Item 33.

Potter: At our meeting on january 4, 2006, the council continued this matter. Today we are reopening the record for the limited purpose of hearing testimony on whether a recent landslide, approximately 500 feet from the subject site, alters the determination that the site meets the relevant geotechnical approval criteria. We will hear testimony in the same order as the initial hearing from council. First there will be staff testimony, second, the appellants, third, supporters of the appellants, fourth, opponents of the appeal, fifth, supporters of the opponents, and sixth, rebuttal by the appellants. Stat the testimony will be closed and council will deliberate and vote. So, staff, please come forward. Does the city attorney wish to provide any additional information?

Saltzman: Could I add one --

Potter: Please.

Saltzman: -- thought? I know commissioner Adams had requested that somebody from the Portland office of transportation also speak to this slide, and we have david here from that department. So at some point --

Kimberly Parsons: I'd also like to bring up bill freeman from site development.

Saltzman: I'm not saying right now, but at some point.

Parsons: Just briefly on the january -- january 4 hearing, city council met to adopt findings and a final decision on the case. Council at that time decided to reopen the record and hear testimony, specifically related to a retaining wall that occurred near the site. I just want to provide a slide that shows the approximate location of the retaining wall failure. The site that was subject to this land use review has the crosshatch, and then the property that had the retaining wall failure is outlined in

January 11, 2006

green. The retaining wall failure occurred on the lower portion of the slope on southwest cardinell. There is about 500 feet along southwest cardinell, about 240 feet directly from the site. And then here's just another quick slide so you can see the location of where that wall failure occurred. I want to point out specifically today that the hearing is only to hear testimony on the retaining wall failure. This isn't an opportunity for raising any other issues related to this project. Also, I want council to know that the 120-day deadline ends today, so we'll need to adopt final findings in a decision unless the applicant grants an extension. So at this time i'd like to call up bill freeman and david olongaigh.

Potter: Please state your name when you speak.

David OLongaigh: Good morning, david olongaigh, the supervising structural engineer for the Portland office of transportation. I'm here to talk about the retaining wall failure on cardinell. I have photographs to distribute and an overhead. I may end up changing locations to be with the mouse.

Potter: Feel free. Probably the mouse needs company.

OLongaigh: You have five photographs all labeled one through five. Soon they'll be on the overhead, i'm sure. They show the recent retaining wall failure. They were taken in the -- at 9:00 a.m. Following the failure, which occurred in the middle of the night. Prior to any cleaning operations by the bureau of maintenance. The first photograph shows the collection of concrete rubble and bolders scattering the street with a large concrete wall overhead that came down, like a wedge on top of the car. The second photograph shows more evidence of the second car that was also crushed under the wall failure. Again, a close-up view of the concrete rubble which formed the lower wall, and the upper wall was not concrete rubble, it was poured and placed concrete. This is a view of the upper wall that slid down following the collapse of the lower wall. You can see the bottom of the footing, which was undermined and slid, taking the whole wall with it. This upper wall split right down the center, forming an arrow point wedge that crushed one of the cars. I could see no evidence of any reinforcing of any kind in the upper wall. It is probably 70 to 80 years old, and it was typical back then not to reinforce concrete. In certain applications. Reinforced concrete was in its infancy, and rebar was used sparingly. The lower wall does not appear to have any rebar at all and was a collection of concrete boulders that were placed to withstand the soil pressure. Here you see where the upper retaining wall, how it broke away from its returning buttress as it slid down, and you can see massive cracks in the existing retaining wall that's still there, that have been there for a long time, those cracks, I believe. Some of them. Due to the slow deterioration of the wall. The last photograph shows a lot of water that came out from the debris following the collapse that was on the street. It is my conclusion that following my observation in the field and reviewing the recent geotechnical report, that it was not -- it should not be classified as a slope failure, but rather a retaining wall failure, and the retaining wall failed, first of all the lower level one failed because of the build-up of water pressure because of poor drainage, and when that one failed, the higher one, which was a much more substantial wall, just slid on down, ruptured in the center, and crushed the cars. The debris that was on the street was from the man made structure and the fill they put behind the man made structure. It does not appear to any of the native fill came down with the wall, or a significant amount of it did not come down with the wall. So regarding the overall stability of the site, I would say this failure was local, it was caused by the ultimate failure of this man made structure, which over time deteriorated to the point it could no longer function, and had probably outlived its useful life because of its age. It would not pass the engineering test that we have today for retaining wall structures. Every permit that is applied for will be reviewed by my office to ensure that it could withstand and protect the right of way. When this wall was built, those checks were not in place or if they had been, this wall probably was state of the art back then, but times have changed significantly in retaining wall design in 70 years. I would be happy to answer any questions. Also, bill freeman has some testimony too.

January 11, 2006

Bill Freeman: My name is bill freeman. I'm the geotechnical engineer, I supervise the site development section of bureau of development services. I have looked at this site, and I concur with david, that I would characterize this failure as a wall failure, and not a slope failure in the sense of a landslide. We do have a permit in process of being reviewed for a temporary solution to buttress the site, and that's considered a face one type of fix. We understand -- i've been in contact with the engineer who is working with the homeowner on that site to repair the wall failure, and I understand there's a structural engineer involved who's going to be coming up with a permanent design, but we have not seen that, or we don't have any idea what they've got proposed at that point. I'm here to answer any questions, but I would characterize it as a local failure, a wall failure, more than a landslide failure.

Potter: Is that piece of property directly below the property in question, or is it to the side if if you look up the hill, is there -- do you understand my question?

Freeman: No, I guess I don't, mayor.

Potter: In terms of the property that we're discussing as far as approving your request, and this property, does the first property flow down towards where you have the wall failure?

Freeman: I don't believe it flows down that direction. There is water flow you see coming out of the bottom of the slide that goes down to a storm drain towards that direction to the right as you look up the hill, but not to the site in question that's being proposed.

Saltzman: I think I had the same impression the mayor had from last time, and reading about this, I got the impression that it was like immediately uphill from the subject property of this land use application, but it looks like from the picture it's actually to the south and not directly across the street and not --

Parsons: Correct. It's to the southeast, so the subject site for the land use review, that property doesn't drain in that direction, it drains to the north and to the northeast.

Potter: Thank you very much. Any other questions? Are those the staff that will testify? Was there a sign-up? We'll hear from the appellants.

Tim Ramis: If you'll excuse me, tim ramis, I represent the applicant. I'm required to put any objections I have on the record, and the council in the previous proceeding ruled this document was outside the record, and I wanted to remind you of that. Thank you.

Potter: Is that so? Because I had actually asked this gentleman to bring it, so could you refresh our memory from the record?

Linly Rees: You did in your hearing in december state this was outside the record. It showed information that had not previously been in the record before the hearings officer. So the question for you today is, since you're opening the record for the limited purpose of discussing the retaining wall, is this within the scope of that limited evidentiary hearing, and that's a judgment for you all to make. If not, you can reject it. Karla? Ok. It would be up to you whether to accept it into the record.

Potter: Does this help you understand the framework for the discussion?

Saltzman: Yes, it does.

Potter: Then we'll have it entered.

Potter: Thank you for being here. When you speak, please state your name, and together you have 10 minutes.

Anne Koerner: Thank you. My name is ann koerner, and i'm here representing the southwest hills league. Many of the neighbors that are in immediate area of cardinell. We met with peter frye, who is -- has been representing the owners of the site in question, the 36 condominiums that are being built, and on january 10 it was agreed between some of the neighbors of the proposed 36-unit project on southwest cardinell, which is in swirls area, as well as goose hollow, and the developer, peter finley frye, was with us. He agreed that a good neighbor agreement would diminish the traffic impact of the project to protect the environment for the property, and provide a process for the

January 11, 2006

developer and the neighbors to receive, notice, negotiate, and monitor the implementation of the development plans. These -- this agreement would meet some of the problems with the building of the condominiums. This would permit communication, ready communication with the neighbors, and seek their input and advice on pending development plans prior to the submission for approval.

This would minimize the impact of this building project upon immediate neighbors and such things as noisy activities, such as receiving large trucks, using power tools, or other wise -- otherwise large noise making materials prior to 8:00 a.m. Would be an example of something that the neighbors would want. The owner and the builder would cease noisy activity no later than 5:00 p.m. On weekdays. Then the developer agreed to essentially give notice if when a building permit was granted this would help us in checking as to what was going on. And then we also request an informational meeting, at which the owner shall share all the technical information on the site development plans, and the underlying geotechnical environment and building specifications with the neighbors. The owner shall make available his technical expert at the meeting and allow the neighbors to be represented by their own technical experts. It was also mentioned, and agreed, at least by peter and also lance roberts who is the major owner of this property, that there would be a good neighbor covenant. Attached to the property. In case it sold. I know this was a little confusing because i'm reading from two different things. Are you ok so far? We did this on the 10th. And today it's only the 11th. And peter frye talked to lance, who is the major owner of the property, and he agreed as follows. The developers agree to negotiate in good faith with the neighbors represented by the swirl concerning the establishment of a procedure and a line of communication to exchange views regarding issues that arise in connection with the construction of the proposed 36-unit project on southwest cardinell drive. The neighbors will have no rights to dictate or contest the substance of the procedure or execution of that process other than provided by law. As we all know, the building permits make most of the regulations as to how traffic and such things can be handled during construction. But the neighbors would be who would be checking to see what was going on as you know, enforcement is complaint driven in our city, and so this is what will happen. However, in the spirit of cooperation, the developers will listen to and weigh the views in the manner of execution. And lance also said the neighbors have no substantive rights to dictate or contest the substance of the procedure other than that provided by law. The neighbors that we talk to have not all but most have pledged to support the proposed project given this neighborly commitment to meet and confer. We want to be able to put this in record in a more legalistic manner. We did not have time in the short time frame, and we would present this to the city hall for the record. Now, do you have any questions?

Potter: You said that this occurred yesterday?

Koerner: Yes.

Potter: And does this satisfy the neighbors' concerns about the development?

Koerner: It -- I would say that as far as we know, it definitely is all right with swirl, but the neighbors, there are some neighbors that i'm sure would disagree. Most of the neighbors that have come forward are for this. But not everybody has spoken.

Potter: Sir?

Jerry Powell: Mayor Potter, commissioners. My name is jerry powell. I represent the goose hollow foothills league, i'm the planning chair of that neighborhood association. This is an overlap area, as you're aware, where there are two neighborhood associations. Somewhat different interests. Goose hollow basically is generally the area beneath the site. Swirl is generally the area above the site. We are here, however, representing the neighbors more or less at their request. Certainly at their request. The single issue that we see remaining is one of what sort of indemnity is available to the downhill landowners from hydrologic changes that may occur as a result of development on this site, specifically the failed retaining wall is a scant 150 feet away from the site, or the sites are very close together. They're basically in the same watershed. What happens when you build something

January 11, 2006

that causes the water coming down through the soil to go someplace else is that something that was not expected to fail before all of a sudden is at risk. We feel that a form of indemnity, perhaps a bond, wouldn't be unreasonable and would be something within the council's purview to require, that is in addition to a builder's bond, which would hardly scratch the surface when the things that are at risk are, for instance, the city stairway, which is an historic structure next -- within 10 feet of the building, like the wall that failed, it's probably not reinforced, it's probably been there for 80 years and more, it's survived all kinds of things up till now. We don't know that it can survive additional water going under it. The cardinell view apartments is very close and very big, and it has a very much oversteep and slope above it. That slope has never failed. It could now. We're -- we are concerned about that. We would ask your assistance in providing a remedy should that failure happen.

Potter: Thank you. Are there others?

Koerner: May I please add something?

Potter: You have 13 seconds.

Koerner: All right. I didn't read the information about traffic. One of the parts of the good neighbor agreement would strive to diminish the traffic impact of the project. And protect the environment of the property, and I think that's all I wanted to add.

Daniel Kearns: I'm an attorney, I represent marcus smith a. Neighbor to this site. He participated in the hearing before the hearings officer below. I understand the limited scope, limited subject of this reopen record relevant to your initial statement, mayor Potter, I don't think there are any approval criteria for geotechnical issues in this. The geotechnical issues come into play as I read the code criteria in the second and third approval criteria for the environmental review. And those generally require that the development location design and construction methods have to be used that are less detrimental to identified resources and functional values, and also require that there be no significant detrimental impact on resources or functional values. And this came up before the hearings officer, the slope issue came of up before the hearings officer in the context of these two criteria in that what's requested here is a larger building than is otherwise allowed in the sense that he approved a modification from 50 feet to 75 feet in height. That's a pretty significantly larger building, imposes much greater stressing on the surrounding geology and soils. So that's how he discussed the the slope soil failure issues in his decision, and I think that's where it comes into play in your evaluation as well. From what I can tell, this was a wall failure, but it points out the critical importance of the design and construction techniques, and those are specifically what your environmental review criteria relate to. So what I would recommend is that you tie a much tighter connection between those approval criteria and the design of this building. I think -- in discussing this with staff, the assumption is that this building will be -- have deep, deep footers, it will be founded on the salt or bedrock, and the building won't slide if you read the hearings officer's decision, the removal of the trees is not that material because there will be this building that in the hearings officer's view will hold the soil. That only works if that kind of foundation is used. And also that the storm drainage system is put in properly. From this point forward there is no more public process, but I think the failure of this wall points out the importance to the neighboring community, the people who stand to be damaged by this, that they would like to have at least some involvement in this. We've only had a week of this limited open record, that's not enough time for the neighbors to get a geotechnical review of this. But if you would impose more specific conditions on the design of this building, its foundation, otherwise I don't think you can approve the modification to increase the height, since that add increased stressing on the soils. Thank you.

Phillip Siegelbaum: Philip siegelbaum, I live at 1399 southwest cardinell drive. Very close. I've lived up there 25 years, so i'm very familiar with it. Walk my dog there every day, and there's all sorts of little i'd say little creeks, rocks on the road, bushes that are coming down because the soil is unstable. To give you an example, this might show you approximately what cardinell drive looked

January 11, 2006

like, looks like. This isn't cardinell drive, but it's a 45-degree angle, and you can see that there's already problems in this area. We have another area that -- mudslide takes bite out of back yard. So the whole, you know, any time you're building on a 45-degree angle, very familiar with it living up there all these years, there's going to be problems. And one of the things that the council -- i'm asking you to strongly consider is, the if -- if there is a slide, this is not covered by homeowners insurance, so the homeowner is responsible for whatever damage is done, and it's not going to be inexpensive to shore up rah home. Thank you for your consideration.

Louise Kurzet: Louise kurzet, 1265 southwest cardinell drive. At the original hearing, the hearings officer seemed largely concerned with whether the shrubs that were being taken out with native or not, whether the shrubs being put in were native or not. I'd like to point out when they take out trees, they're taking out trees that are maybe 20, 30 feet tall. You don't plant a 20 or 30-foot tree, you plant one that's five, six feet at most. Perhaps smaller. Between taking out the trees and these little ones growing up,er in not holding the soil. They say the building will hold the soil. A building isn't done when you take out the trees. First you take the trees out, then you start the building. You have all these landslide problems in the meantime. Also, as pointed out earlier, a 75-foot building is much heavier and will do much more to destabilize the property than a 50-foot one. This land was meant for single homes, maybe even a four-plex, but you get such a large building there, it doesn't fit the neighborhood, it's out of proportion to the neighborhood, it's apt to cause landslides, and those of us who are there without land slide insurance, since it's unobtainable, can lose everything. If your house goes down, you lose everything that's in it. And there's no insurance. When you take those big trees out, and put out a big building like that, that's just what you're asking for. I've lived here for 50 years on this street, and about 35, 40 years ago there was a major landslide that closed the street for two weeks. Almost hit our house, it hit the neighbor's house. So I know what can happen. I'm very concerned about this.

Potter: Thank you folks.

Saltzman: I wanted to ask a question of mr. Kerns. I believe in the first hearing we had on the appeal peter friendly frye testified there would be foundation footings going into bedrock, and I know that's all the storm water is prepared -- is proposed to be handled off site, in other words, no infiltration into the soil. Were you saying, are you suggesting those be actually explicit conditions of our decision?

Kearns: You might -- either that, because there are many, many ways to engineer and construct a building. I've heard that this is how the building will be built, that certainly staff's assumption. But it's not explicitly stated, it's not certainly tied to this land use approval in any legally binding way. Check with site development review people, and they'll tell you if they were to design it, it would be that design. But they'll also say, we haven't gotten anything yet, but we'll review anything that comes in the door. So stakes are higher on this case, as you can see. You have to draw that legal connection because of these approval criteria, and you might also consider an indemnity bond, some sort of surety bond that would also be -- approach to the neighborhood down slope of this property.

Saltzman: Thanks.

Potter: Thank you.

Carol Gardner: My name is carol gardner, i'm a neighbor in the neighborhood. I live down on 14th and college. It's no surprise to us to see the failure of that retaining wall and the slide that resulted along with it. It's kind of like the canary in the coal mine, I guess. I want to refer you back, the city has paid a lot of money to do studies. This one here is the southwest hills resource protection plan. It's a very interesting document to read, actually. It was done in the 1990's, 1992. There are many participants in the plan, one of them is a man named roger, a p.s.u. Student. The ultimate conclusion he came to after studying the marquam hill area was the analysis of the environmental geology of the area concludes that the area's severely limited in potential land uses,

January 11, 2006

and back farther in the report when they're talking about the composition of those hills, which is basically basalt that was -- flowed down the river and was pushed up into mountains, and wind blown soil, which covered it, they talk about the instability of that, and to call it this one paragraph, the presence of the Portland hills silt, which is the lowest soil, along the tualatin mountains, which are also what mark continuum hill is part of, has important implications for land use and development. It becomes very unstable when wet and the potential for slope failure is particularly high after one rains have saturated the soil. Landslides, mud slide and slump are common on areas.

These failures often associated with logging and building activities have substantially altered the face of the hillside over the last century. So here we have more building activities proposed for an extremely unstable slope, and along with as the last person mentioned, the removal of up to 66 trees, and that will all occur during the rainy season, because that's when you plant trees. How are you going to keep that slope stable and keep it from flowing down the hill on over my house, my street, and that's just -- those are the concerns that we have in the neighborhood.

Scott Burns: Scott burns, geology professor, Portland state university. I've been working on landslides in the west hills of Portland for the last 16 years, the last two days the national landslide team from the u.s. Geological survey has been here in Portland, and we've been installing soil moisture gauges in the -- up the top of the west hills, and we're trying to develop models for landslide prediction in the past. I worked with the staff of Portland, bill freeman is a very good friend, very competent gee technical engineer, and I worked with the people in the planning area, so landslides are part of my life, and i'm very concerned about it in the city of Portland. I am actually neutral on this whole thing, but a lot of the red flag that's have come up. I visited the site of the landslide that occurred, and then also I visited twice the site where the condominiums have come in.

The connection between the landslide that occurred and the condominiums I think the major thing that we have here is the fact that you do have a landslide. Whether you call it a wall failure or a landslide, would I call it a landslide, I think a lot was related, not only to the oldness of the wall, but then also the storm water. And I have a feeling that probably it was a breakdown in the pipes from the storm water system of the house that increased the amount of water in the system that eventually led to the caving in of the wall. It doesn't matter, it's still a slope failure that occurred there. It highlights the fact any time in the west hills if you have a steep slope or any slope, you have the potential for landslides. This is a fact of life that we have got. If we go back over to the site, I have concerns about primarily construction of the particular site. I've read the reports, the geotechnical firm that has been employed is very competent and they've done a very good job. Time of the year, as they highlighted, it is so important, because they are going to be making a couple very steep] slopes during the construction. They did some slope analysis using stable, standard of practice, and the factor of safety and a couple of those are very low, one is 1.06, and that is really too low, you need to take a look at that. Another thing in the report that they said that they found no evidence of landslides on the site. Wohl, there is a road that's been constructed across that which destroyed all of the -- if there had been any evidence before, so we really don't know if there were evidence of there. I -- the reason I went back to the site a second time, i'm not unconvinced the whole hollow that is there isn't an old landslide. A very ancient one. One thing we always recommend is not building on the site if it is an old landslide. And so that's something that they should worry about.

Potter: Thank you, sir.

Bill Aspros: Mayor Potter, commissioners, bill aspros, I live at 1275 southwest cardinell drive. I'm in an unusual position here. I never met professor scott burns, but i'm here to substantiate some of the things he's said. I have two concerns. One concern about the condo is the traffic pattern on cardinell drive. Nothing would -- I think we've heard this before. It's almost a one-way street, so I think some type of study to improve the flow of cardinell drive would help. My second point is what professor burns has brought up, this is the slide question. Now, I agree with him that -- in

January 11, 2006

which he states 75% of the slides are man made, and 25% mother nature made. And in one particular situation he states the storm water treatments is very important, and I want to speak about personal experience which I had with this slide. About 10 to 12 years ago I noticed a number of dump trucks going up on cardinell drive, and not too far up, and then coming back empty. So I drove up there and it was on southwest irvington, between 11:33 and 12:01 -- 1133 and 1201. There's a big curve up there, and the city was dumping fill part of the process of repairing the railing and some work up there. And I went up there and talked to the crew chief and said, you know, over the years i've noticed that the storm drain up here on this big coif, it's a big curve, gets plugged and water comes over the curb. And I said, are you dumping fill, we have a big rainstorm, it will probably bring all that fill down. So he asked me to contact the city engineer, which I did, and about two weeks later I received a call, and they said that they examined the curve and the one storm drain was insufficient. And they were planning on install a second one there. To prevent from forming almost a small lake and water coming over the curb. Unfortunately, in the meantime, we had a lot of rain, and one late evening the storm drain was plugged, and a lot of water had formed up there and it came down over the curb and brought the fill that the city had dumped there, brought it down on cardinell drive. That was no slide, that was a man made lack of drainage. It was about months later that the city came up and installed a second storm drain, and last 10, 12 years, we've never had a problem again. So we've got to be careful when we say landslide. Mother nature made it, versus man made landslide, and in this particular case it was a man made landslide because if it wasn't for the blockage of the storm drain, there would have been no water coming over the curb.

Saltzman: Can I ask a question of professor burns? You mentioned in reviewing the geotechnical report there was a safety factor of 1.06. What was that again? In respect to?

Burns: Factor of safety is just telling you the stability of the slope. We can model these. And it was one I think during construction, we always want it to be over one. It's just driving forces on any slope, driving forces, resisting forces are keeping everything on the slope. When the driving forces are greater than the resisting forces, your value goes below one. So it's just a mathematical relationship we can use.

Saltzman: And was that during the construction?

Burns: Yes. Right. You want it to be 1.5 and above. Some of the other factors were 2.5. The ability is there. They also have the ability to actually prove if it is true, that the building will make the slope more stable. You can do this. You can put the wall in the program and say -- and I would challenge the consulting firm to do that, and because it may increase the stability of the slope. It's been mentioned before about the ephemeral stream that's running through the site and also the springs that are there. And I recommend we have a certified engineering geologist on the site during the construction, if it is ok, to look for these, because water is the key thing here, and in that particular site there are springs. And the consulting firm does have a competent c.e.g. That is there, so they need a little bit better data also to the depth of bedrock and the soils.

Saltzman: Your other statement about it may perhaps be the site of an ancient slide.

Burns: Yeah. That's --

Saltzman: Is there a black and white method of determining that?

Burns: What we do -- we always look for the scarp, the upper break in slope, and then some type of hollow, and then depositional area. And I may be wrong, but that's why I went back a second time, because I said, why is this hollow here.

Saltzman: Is this something the geotechnical consultant to the developer should have investigated, documented discussed?

Burns: The first time I visited the site, I missed it too. And I was looking for smaller slides on the particular site. And then it was only after I was working up in the west hills yesterday and the day before, I said, you know, why do we have that hollow there. We have built, and we have

January 11, 2006

recommended, and the city has ok'd building on an old site, and the lot right next to it, classic example, one of the few times my life i've actually recommended building on a landslide, and that site has come out more stable than before. It doesn't mean you can't, it just -- there are more red flags, and you need to take that into consideration. In the report they walk the site, they said the -- they saw no evidence of no landslides, just like I did, but they have a road, so you really don't know. But then the bigger picture when you step back, sometimes you miss that. So i'm just saying that the potential is there. And it's easy to test that, that hypothesis.

Potter: Thank you.

Byron Swanson: Byron swanson, cardinell drive. I have testified at various hearings on this issue. We can continue to go over and -- over the same thing, but I think you've -- it's been brought to the attention of the council members. The concern all the neighbors have for the area they've lived in for a number of years many years, and the concern is that we can maintain our homes, stay in an area that's close to the city without fear that maybe tomorrow our house won't be there. And maybe the street that we're on won't be there due to a slide that may occur. Things are working fine now. We've got fairly stable ground in the sense that the only recent occurrence is this slide that's closed the road off at the bottom of the hill, but we don't get much heavier rain than we've had in the last couple weeks. The concern, though, is that as we start to move these soils around and make availability the site, make the site available for future construction, it's going to disturb that whole area. And I just like to thank all the neighbors that have come up and expressed their concern, shared some of their samples of landslides they've had in their area. I had one in 1996 that took a couple years to remediate and it now comes down to you guys, and you've got to make the decision for us that we can be there and secure in the way that we are now, or possibly disturb the area to allow this condo project to go on and just hail to the wind and see what's going to happen in the coming years. And our concern is that we want to maintain the livelihood that we have now with the conditions that we have now. Thank you.

Potter: Thank you, sir.

Moore: That's all.

Potter: We'll hear the applicant or opponents of the appeal.

Peter Fry: Peter fry, representative of the developer. I'd like to do two things very quickly. The main reason we're here is this is on the record hearing, the hearing was closed, and because of evidence outside the record, council asked to reopen the hearing, and as a courtesy to you, we have brought our engineer here the answer the question that the mayor specifically asked. And so i'd like to do that first.

Marcy Boyer: Hi. My name is marcy boyer, i'm the geotechnical engineer of record for the cardinell drive project. On january 5 myself and warren craiger a. Certified engineering geologist with the state of Oregon, conducted a site reconnaissance of our project site and also of the failed retaining wall. Based on our review of existing site conditions, the project site has not been affected by the heavy rainfall that's currently occurring. We looked for areas of slope and soil instability on the project site and found absolutely no evidence of soil movement. It is our opinion that the site remain stable and is suitable for the development as proposed. Our review of the soil movement on cardinell drive at the retaining wall indicates the failure was not a landslide, but a retaining wall failure. Which can be attributed to improper drainage, inadequate construction, as well as the fact that it was supported on shallow foundations. The retaining wall is approximately 350 to 400 feet from our project site across the slope, so it doesn't affect the project site. In short, the retaining wall failure is not relevant to this project. We acknowledge that the west hills are slide prone. However, the project site is stable. In addition to applying current science and technology to the development, we will create a more stable site in the long run. The development and retaining wall will be pile supported on bedrock so the existing slopes will not be loaded, and adequate drainage will be installed behind the walls and water is not directed toward the stairway as

January 11, 2006

was indicated earlier. It's directed up toward cardinell. Scott burns had stated that the -- there was a factor of safety of 1.06 in our slope stability analysis. What that model is -- was, was the current site conditions as they exist. There's a very steep] cut as you leave cardinell, and I modeled that, and that is the factor of safety of 1.06. We also modeled -- p:saltsman that's the current condition?

Boyer: That's the current condition, yes. We modeled some during and after construction slope models, and came up with adequate factors of safety.

Saltzman: What were those factors of safety?

Boyer: Greater than 1.2 for temporary construction, and 1.5 for permanent. And we acknowledge that there weak soils over bedrock that we were sufficiently conservative in our models, though, so that we're not expecting the soils that are there to do any more than they're capable of doing.

Saltzman: What about mr. Burns' -- were you through?

Boyer: Well -- both myself and the certified engineering -- engineer took a look at the site and did not see any evidence of that.

Saltzman: Did you look at that in your original report?

Boyer: Yes. We initially did geologic hazard reconnaissance. Yeah, he looked for evidence that engineering geologist looked for evidence of ancient landsliding, and didn't find any.

Saltzman: That is in your original report?

Boyer: Yes.

Saltzman: Ok.

Fry: I'd like to brief -- there's some misrepresentations made, even though it's outside, I just want to quickly go down them. Our side drains away to the northwest slightly away from where that 1920 retaining wall failed. Below our site is an apartment building. The application proposes reconstruction of the alleyway, which is your right of way, part of where we're requesting disturbance of that area as well. There's various disturbance, and that's being requested. We're not building a larger building than otherwise aloud. We are building a taller building. I was decide add taller building would be more appropriate minimize the impact on the site. We're not removing trees from the slope, we're removing trees from the disturbance area, the sloped area we're only removing dead and dying trees, and on the majority of the site, we're planning trees -- planting fleece that area. So the tree removal is only in the disturbance area. As far as time allowed this, process has gone on for at least a year. I delayed it numerous times. We met with the neighbors, I realized I was -- I corrected, that we've tried to reach out to the neighborhood, I understand their fear, and they're uncertainty and unwillingness to accept change. We're not building on a 45-degree angle like that picture you saw. We're building into a hollow as the p.s.u. Geologist said, it's not overlooking a canyon, it fits next to the road, and as we've pointed out in the record, it will stabilize the hill and stabilize the road. And the road's been this little clearing on the site's been there for probably 30 years. So in summary, we're trying to make this a better place. The west hills is sad lie damaged. It is in terrible shape. If you go throughout the west hills, there is invasive species everywhere. When this slide happened, there was slope failures throughout the west hills. There was at least five identified. What we're trying to do is correct that -- create a model and a presentation dense to move in another direction. We understand the fear of the neighbors, we understand their unwillingness to read our application. We're trying to work with them, trying to meet with them, and everything that swirl said is accurate. We have committed to notifying them, we have committed to meeting with them, we have committed to any process that we can do to continue to talk to them and educate them.

Saltzman: Your proposal is to handle all storm water off site?

Fry: Actually, that's true, because --

Saltzman: You have a green roof, which absorbs the water.

Fry: That's correct. There is a sewer system in the city -- and the city has allowed us to connect to it, so we would be collecting water and the water would be going straight into your sewer system.

January 11, 2006

Saltzman: You won't be using filtration in the soil as any means of storm water.

Fry: We did propose cleaning the water, next to the building, part of the structure, the concrete structure of the building. So we'll be -- it will be cleaned, but the water would be going along the -- inside a structure, and then into your system, because water has to be treated before you'll --

Saltzman: The structure --

Fry: It's part of the physical building structure. The building itself. So the water would come into essentially a culvert if you will, attached functionally and structurally part of the building and the water is treated and then put into your system.

Saltzman: And then the -- you did commit also that the footings would be to bedrock for this proposal?

Fry: Not -- absolutely, not just for the purposes -- but for our own purpose, we're not going to have a multimillion dollar building slide.

Saltzman: You wouldn't have any problem if we add those two specifics as conditions --

Fry: Not at all. It's totally our intention. I believe it would be what the city would require in the permitting process.

Saltzman: I guess maybe for ms. Boyer, the professor burns mentioned the need to -- recommendation to perhaps have a certified engineering geologist on site during construction.

Boyer: Yes a. Geotechnical engineer. But we could tag team that.

Saltzman: Is that something you're prepared to also agree to?

Fry: Most of these things, i'm happy to put them in the land use decision so we can move on. But these are things we would do as a matter of the permitting process anyway, it's what I do all the time. So it's just nothing that we are --

Saltzman: Thank you.

Potter: Supporters of the opponents?

Moore: No one signed up.

Potter: Ok. We'll go to the rebuttal by the appellants. Please come back up. This is the neighborhood group? Please state your name when you testify. Have you a total of five minutes on the response.

Powell: Mr. Mayor, members of council, my name is jerry powell. Again, representing goose hollow foothills league. And the neighbors. I don't think there's any question that a project can be built in this location that will satisfy the engineering geology needs of the site. The question is whether the -- such a project will be built and -- in that location. I don't at all mean to question the intentions for the -- the veracity of the proposer. But people that propose projects and get permission to build them are frequently not the person -- people that are responsible for building them. In that light, we still don't see something that indemnifies the neighbors. I think the suggestion that there be a requirement in the land use action for an engineering geologist is maybe as close as you can get to that kind of indemnity. I'm not totally sure of that. There is some precedent for requiring a bond. 10 years would probably be a reasonable period of time. To be proposed by the -- to be purchased by the developer. This is proposed to be a condominium project.

Going through the ownership of the many ownerships that are possible in a condominium to get to who is responsible for what happens as a result of that building is not just a daunting task, it's pretty close to impossible. I don't think it would be -- I don't think it's good policy and I don't think it's good precedent to require neighbors to have to look to all of those folks that may not have had a thing to do, probably have not had a thing to do with the development of the building for that kind of recourse. Hence, we're still looking for a bond. We like the idea of the engineering geologist, and that may affect how much of a bond is necessary. That's am we can -- that's our rebuttal.

Koerner: Swirl concurs with jerry powell on this subject. I think that we would like to be able to work with the developer and while supposedly if this property is sold, we would have some basis for working with it, but I would think it would have to be written into the condominium agreement,

January 11, 2006

and so I don't know what the possibilities are with the condominium ownership of making sure that all goes well for all parties, let's put it that way.

Potter: Thank you, folks.

Powell: Thank you, mr. Mayor, members of council.

Potter: The record is now closed. Council will now deliberate and vote. We have b.d.s. staff, kim parsons, if you wish to ask questions.

Saltzman: Mr. Mayor and member of council, I am interested in proposing three additional conditions of approval. One would be that the foundation footings shall go to bedrock. The second would be that all storm water shall be disposed of off site. And the third is that there be a certified engineering geologist on site during the construction of this project. The bonding issue, those are -- that's my proposal. I guess the bonding issue, if there's interest on the council in discussing it, I would like more energy about -- more knowledge about where we fit in terms of precedence on doing that for this type of -- for developments of this nature. So those are the three conditions. The bonding, i'm open to further discussion if there's interest.

Potter: Can we make amendments at this stage and vote on those changes, city attorney?

Rees: Yes because we need to -- unless there's an exception of the 120-day clock, because you need to reach findings and reach a conclusion today, we need precise language for the council clerk to enter into this decision. I'm not sure if -- that's the precise language you intended to include as conditions, and we may want to hear --

Saltzman: That's pretty much what I meant. If you want me to --

Rees: We may need to hear both from staff who have to make sure the conditions can be implemented, and from the applicant to make sure that the language much of those conditions is workable.

Fry: The conditions are clear and precise, and acceptable.

Sten: I would second the motion.

Potter: Please call the vote.

Saltzman: We originally asked to open this record last week, in light of evidence of a new slide and how that geologic evidence may cause the engineering geologist or geotechnical consultants to rethink their recommendations that this site was in fact -- this development was in fact not going to have landslides in this area. I'm satisfied by the testimony that we've heard today from both sides of the issue. I'm pleased there's been a good neighbor agreement worked out, but that's peripheral to the substance of this decision. But I do believe it would -- to just nail down any uncertainties that the footings will in fact connect to bedrock and the storm water will be mced off site and not percolating through the soil and contributing in my mind anyway to enhanced risk of landslides, and then to top that off with a certified engineering geologist being on site during the entire construction, to make sure that doesn't happen, but also to look for seeps and springs, which there might be some evidence of their existence as well. I think that along with the other decisions of the hearings officer or other conditions of approval make this project in my mind approvable under our criteria, and I vote aye.

Sten: I agree. I want to compliment both sides for their approach on this. It's been very constructive, and while there is probably a fundamental disagreement, both side have been able to hone in on what I think is the real premise here, which is that this is a better development with these approvals that they have to get from the council than it would be if they came back and built what they can by right. And to some extent all of the neighbors live in a place where there's a lot of question as to whether or not everything we've done in the past is proper given the slides. I am confident that this project is meeting the top level of technology that's available today. I'm confident that the communication is sincere with the developer, and that the work with the neighborhood is going to be ongoing. We've actually just nor the neighbors' point of view, willingly from the development put in fairly extraordinary conditions in terms of the person being

January 11, 2006

on site at all times, and things we've not typically do. So I think this is as a -- has a very good chance of success, that will be dependent upon keeping the level and quality of communication that's been in place so far throughout the project, and i'll -- that's -- i've got easy part voting, but I intend to keep an eye on it and see -- I think the council has shown a willingness to stay involved, and do everything we can to make it a success on both sides. With that I vote aye.

Potter: I vote aye on the amendment. [gavel pounded] and now we vote and we have two options. One is to deny the appeal and accept the findings as amended or uphold the appeal and ask staff to draft findings as soon as possible. Do I have a motion?

Saltzman: Would I move to uphold the hearings officer and adopt the findings as we've amended them.

Sten: Second.

Potter: Karla, please call the roll.

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

Potter: One of the things that came out of this is that we need change some of our code language in regards to taking into consideration traffic in some of these. And i've asked staff to prepare some proposed changes for the council to look at, and we appreciate the community bringing this to our attention. I think that my concerns have been fully answered in terms of this particular issue. I vote aye. [gavel pounded]

Item 34.

Potter: Do you know what happened to commissioner Leonard? He's got the next one.

Sten: I understand p.g.e. picked him up.

Saltzman: He wasn't a participant in this before, that's why he's gone. But I think he's probably watching the t.v. and knows we're on now.

Potter: The next item, a 10:30 certain.

Sten: There he is.

Leonard: I was listening.

Potter: Could you please read item 34?

Potter: Commissioner Leonard.

Leonard: Can I wait until we get the full attention of our audience? So we have kent, is scott here?

*****: Yes.

Leonard: Thank you. Mayor Potter and members of the council, as everyone on the council and in the community knows, the federal government has been contemplating for some time a rule that was then promulgated december 17, is that right?

*****: January 5.

Leonard: January 5, ok. I guess we heard about it december 17.

*****: Officially published.

Leonard: Officially published on january 5 that does in fact do what we had anticipated may be required of us, and that is what -- would it require us to filter and potentially cover the reservoirs. We, for a variety of reasons, vehemently disagree with the federal government's rule, and notwithstanding efforts on the part of mayor Potter, but before him, commissioner Saltzman, mayor Potter going to Washington and meeting with e.p.a. Folks, commissioners Adams and myself doing the same thing here a couple months ago, we were unsuccessful in preventing the rule from coming down. One of the things i'm trying to do at the water bureau is to the extent possible do the work we need to do to deliver, continue to deliver the best water in the world. As the water bureau does, but also to rebuild our relationship with the community which for a variety of reasons has been severely damaged over the years. One of those processes that we have implemented to do that is sitting before you right now. I asked the five individuals that are before you right now to come together and make a decision on which law firm we would hire to file the lawsuit against the rules.

January 11, 2006

So on our left is floyd jones from the friends of the reservoir, kent crawford is next to her, kent represents the industrial water users coalition. Eddie campbell, who works for the water bureau, david schaff, the interim director, and scott fernandez, who's a member of the public utility review board. Those five interviewed, solicited, and interviewed potential law firms to represent us. They made a decision, and I told them that their decision would be the one I would forward to the council. I have done that. I'm going to allow them now to explain who they hired and why.

Potter: Did you say the city attorney's office was involved as well?

Leonard: All along the way. Absolutely.

Potter: Please proceed.

David Schaff: Good morning. David schaff, i'm the interim director of the Portland water bureau.

We're going to make a couple of comments, and then i'll introduce eddie campbell, who will talk about the rule impact and the background, and i'll give you a little more detail about our selection process. And then our three citizen members may also have comments as well. We are here to talk about our planned efforts to challenge what's called the long-term tone hands surface water treatment rule, otherwise known as lt2. We want to make it clear we're not seeking to avoid compliance with the rule. What we're seeking is to achieve compliance by obtaining recognition for what Portland has achieved in public health benefits in its long history of protecting the bull run from exposure to potential contaminants. The Multnomah county health officer has repeatedly indicated that the investments required by us and required by this street -- proposed drinking water rule, or new drinking water rule for Portland, would have little to no immediate impact on public health and that the resources would be much better spent elsewhere. Maintaining our infrastructure and improving the infrastructure that we currently have. I'm here to introduce eddie campbell, who is going to briefly talk about the impact of the rule and the background, and why we believe it's the right thing to do to challenge the rule.

Edward Campbell: Good morning, mayor, councilmembers. Edward campbell, Portland water bureau. Commissioner Leonard covered a lot of the background. The lt2 rule has two significant impacts on the Portland water system. First it would require the city to provide additional treatment of its bull run source to address a microorganism known as cryptosporidium. The rule also requires the city to make changes to its open finished drinking water reservoirs by either covering them or adding treatment at the outlets of these facilities. These requirements would require several million dollar capital investments and ongoing maintenance costs for the city. Because of the documented quality of the city's bull run source, in the -- and the lack of local health impacts associated with Portland drinking water, the bureau began working last year with mayor Potter and key neighborhood business and environmental utility ratepayer stakeholders to develop and present alternative compliance options to the e.p.a. These approaches would allow for more appropriate less expensive investments in our water system. The mayor, his chief of staff, Multnomah county health officer met with e.p.a. Officials this spring and presented these alternatives. And it now appears in the final rule e.p.a. hasn't provided the city with these options that the city sought. In addition the final rule has removed from the city the option of complying with the open reservoir requirements by developing a state approved risk mitigation plan. And this was what the council had directed the water bureau to pursue in july 2004 503-the recommendations -- following the recommendations of the independent review panel. For these reasons commissioner len hard has requested the water bureau work with the city attorneys office and stake hold there's you see with us today. To select an outside legal firm to assist the city in making a legal challenge to this rule. The ordinance before you today authorizes the city attorney to initiate legal proceedings to challenge the rule and to hire the firm as the city's outside legal council regarding this matter. City has roughly five weeks from today to file this notice. After that we anticipate the schedule associated with this legal challenge will span several months and very likely into next year. As we work with our selected legal experts, and further find the scope of our challenge we plan to continue

January 11, 2006

communicating with council regarding the status of our efforts and we continue -- we expect to continue to work with our stake hold there's have worked with us thus far to continue their involvement and to obtain their invaluable assistance on this. I'll turn it back over to david to talk a little bit about our selection process.

Saltzman: Commissioner Leonard has already identified the five panel members as the five people you see before you today. We started working in late november with deputy city attorney terry thatcher to research national firms with experience in dealing with the e.p.a. and in challenging federal drinking water regulations. Five firms were selected for telephone interviews. After narrowing the field to the top two, we desighed we'd like to meet those people face to face. We brought them to Portland and conducted final in-person interviews with the two finalist firms. Following this second round of interviews, the five of us unanimously concluded that foley hoag was the firm that we would like to pursue contract with to assist us in our challenge. We were all very excited about foley hoag. We're convinced they are the firm to go with in making our challenge. They have extremely valuable experience in challenge can previous e.p.a. Actions. This particular firm was involved in a case that's well known among water utilities in boston, where it successfully assisted the local water authority to avoted an e.p.a. Mandate to filter its water supply. I'm now prepared to yield to floyd and kent and scott if they have any further comments.

Floy Jones: I would simply like to thank the council for bringing forth this resolution. I personally am very pleased with the firm we selected. I'm very pleased with the process. That was negotiated to hire the firm, and i'm -- I continue to make my commitment to work with commissioner Leonard and the water bureau to make this effort a success, and continue to protect and preserve our wonderful bull run water system.

Kent Crawford: I would just like to say i'm really -- my name is kent crawford, i'm with the Portland water users coalition. I'm also completely convinced foley hoag are the right attorneys for the job. Besides demonstrated success and experience, they really got a fire in the belly and a passion for this issue, cryptosporidium. So go figure. [laughter] I was really pleased, and I want to thank the water bureau for all the work they did in researching the firms and a very tight time line. We've got to get this appeal felt quickly and they did a great job.

Scott Fernandez: Scott fernandez, i'm representing the Portland utility review board. The action that we're taking today is very important. Many years have gone into the project that we're dealing with now, and especially the last year has been very productive, i'd like to thank mayor Potter for the initiative and the resolution he put in last march, and i'd like to thank commissioner Leonard for extending that leadership into the litigation, the legal options we have b a month ago the Portland utility review board sent a letter to the council and to other members of the community strongly supporting commissioner Leonard's actions to this point, and we strongly support him in the future.

Foley hoag is an excellent attorney group out of boston. They have demonstrated that they can win and that they know the subject very well. I'm very comfortable with what they've done, and so I appreciate commissioner Leonard, thank you.

Leonard: I thank you all very much for your work.

Potter: Any questions? Thank you folks.

Saltzman: I had a question. So what is our basis of appealing the rule? What's our legal basis?

Schaff: We're going to be meeting with the firm to talk about that. We have a number of different strategies, including seeking a variance on the rule. So we will be looking at challenging the rule per se, the entire rule. We'll be looking at challenging the rule as it applies to Portland. We'll be looking at whether or not the variance procedures or provisions they put in the rule are real and something that we can take advantage of, or if they are simply words on paper, but don't have any real impact. We have a number of potential strategies, none of which we are excluding and none of which we are settling upon immediately. We're going to spend quite a bit of time working with the outside firm to identify the strategies that they think make the most sense for us.

January 11, 2006

Leonard: Let me give you my review of my motivation. And commitment to this appeal. The -- as you know, commissioner Saltzman, the cryptosporidium rule was developed as a reaction to a very real incident that occurred in Milwaukee, Wisconsin, where there was an exposure due to a sewage back flow into the drinking water of the Milwaukee reservoir. That exposure to cryptosporidium caused a number of people to die, and the people that didn't die wished they had. They were very ill. That grew because of the kind of confluence of their sewage system and drinking water system that occurred because of the confluence of their drinking water system and sewage system. As you know, commissioner Saltzman, we have no connection. We are -- our drinking water, the source of which comes from the foothills of Mt. Hood, is federally protected land that humans who are one source of cryptosporidium are not allowed to come into, obviously other than water bureau employees, and the second known exposure is from cattle. They are not allowed to graze in the watershed, and so we have -- we don't have the source of cryptosporidium that other communities actually have. So in other words, this rule that they've promulgated does make sense for communities that have the risk of an exposure, but it is definitely a one-size-fit-all approach to a very specific set of circumstances that do not exist in Portland's drinking water system. We do not have the potential for the exposure that Milwaukee did.

Saltzman: I understand that, but it seems to me from my recollection of -- I'm not a lawyer, but if you're challenging a federal rule that's gone through a nine-year promulgation, the basis of challenging in the D.C. Circuit is only that it's arbitrary and capricious. And -- although --

Leonard: Not necessarily. I think -- and I don't -- I am not --

Saltzman: I understand what David Schaff said about maybe there's other ways of looking to comply, interpretations of how to comply with the rule. But part of our strategy is to challenge to the rule, and that's a pretty strong -- I'm not --

Leonard: We have -- one of our strategies will be to actually argue we are complying with the rule. That the rule as drafted we comply with, albeit through a natural ecosystem that is about 750 years old. In terms of the old growth timber that is part of Bull Run. So that is definitely one of our strategies, is not to go in and argue, because we agree to actually go in and say, you're wrong in this rule may not be the best approach, but rather to say, we think your rule makes sense, but let us show you why we comply with it already.

Crawford: Can I add something? To your question, to add something to what Dave said about the variance, one thing that's for certain is that the rule has to comply with the Safe Drinking Act. As it relates to the variance, we feel the provision that EPA has written into the rule is hollow. If anyone is going to qualify for a variance, it's Portland. Our water is completely pure, we have no risk of cryptosporidium, and so if anyone can have a variance from treatment, it should be us. And if we still can't qualify for the variance, it's not really a variance. So they've violated the spirit and perhaps the law, and violated the Safe Drinking Water Act. So that's something we're going to explore, and I think that's -- we had a lively discussion with the attorneys about that, and they feel we have a very strong case.

Saltzman: Are there any other drinking water supplies -- supply systems that will be joining us potentially in this challenge?

Schaff: One of the things we're going to be doing is talking to the other unfiltered systems, but right now the time line for challenging the rule is running, and to our knowledge nobody has filed, but they don't need to until the 45 days is up. So we don't know yet if anybody else is going to challenge it yet. If they do, then we will be -- we will be talking to them, and we may be required to consolidate our appeals as well.

Campbell: The only thing I would add to those comments is that with the change in the rule regarding open reservoirs, there's potentially other water systems besides unfiltered water source that's may be interested in looking at a challenge. So we're keeping that door open as well.

January 11, 2006

Sten: A comment that may be a question. I'm the first one to be glad of new leadership. I've done these issues a lot in the past, I think there's one kind of strategic piece, I want to put it on the table, that I think this lacks. And I think it's critical, and I think you guys need to figure out how to address it, which is, where do you want the water system to go? And I agree 100% that we shouldn't build things for arbitrary rules that cost this much money that aren't necessarily in our interest. That being said, I don't want to ever see us in a position where we don't recognize that we're going to need a filtration system at whatever point we expand the bull run. And i'm a proponent of selling more bull run over -- i'm talking 10, 20, 30, 40, 50 years to other people rather than have them drink the willamette and other things. I think we need to think through thousand fits into a longer term community discussion about what are the possibilities for the future of the bull run, and I would hate to see us take a reactive position that ends up being penny wise and pound foolish over the derek aireds to come. Because I think in the long run this clear clean water is going to be such a valuable health, economic resource and other piece that's we want to make sure we have a long-term plan for cultivating that asset as opposed to a reaction to this. I don't think this is in conflict with where you're going, but you could without a long-term conversation going on get yourself in a position where you're arguing for things a few years later you're going back to e.p.a. And saying, we need to make modifications to the infrastructure up here because we want to use more of the water. And I think those are going to be -- I don't think you haven't precluded those things but it's a concurrent conversation that's got to go on. And our communities inability, lots of people are part of that, including myself, we've had a lot of external events with the building system and the reservoirs and pieces -- but we need to get that scenario consensus. Five, six years ago there was some of that as a possibility. At that point I think the position that I took was not particularly well understood, and that's probably my fault. I was for filtration if we were going to expand the system and make it rah more regional asset. Whoever owns it, those shore issues can go a different ways. But there's a huge need for water in the region over the next stretch of time, and you've got a really inefficiencies item throughout the region which is costing, you people are paying a lot more than the 26 water districts throughout the region for redundant systems, your utility users are paying the willamette cost because that money could have been paying -- paid into the bull run system. So we need to build a strategy that is longer in nature and puts this into it. So i'll stop there, but the question would be, how do we make sure those kind of conversations are part of this, I think appropriate reaction to a federal mandate.

Leonard: One second. I want to make it real clear that the points you're making, commissioner Sten, are excellent and deserved -- deserve a discussion by the council all by them self, and actually it makes me think we need to do that. But I want you to know we have had that discussion. This group specifically, and i, along with our wholesale customers have had precisely that discussion. And it is one as I said, that we as a council meet to -- need to v. Because you're articulating a point of view that needs to be laid on the table. I do have a different point of view, and that is -- and I have no background you have had on the bull run system, but with the limited involvement I have had, I have stood at the site and had pointed out to me where a third dam would go. And I am telling you, at 53 years old with all of the accumulated experience i've had in my life, and knowledge of environmental issues and otherwise, I do not know how you ever get a proposal through in 2005 -- the era of 2005 that would have such a dramatic impact on the eco system up there. I just don't know how it happens. And the --

Sten: It's the same -- I don't know if it's the right answer, but I actually -- this is years ago -- got to a point, this is why we have to have the conversation. It's not saying i'm necessarily right, but we got to a point where I wouldn't say there was complete had consensus, but there was a general view of the environmental community that a 3rd reservoir, because the river is dammed up, which is about a 400-acre proposition, was potentially the least harmful environmental impact of any of the ways you can get the water the region needs. The alternatives are blocking the -- bringing the clackamas

January 11, 2006

down to a very low flow, that's not going to be allowed. A larger development in the tualatin trask area this, is after you exhaustion conservation as a source of water. I don't think you do any of this until you've worked conservation very hard for decades. I'm talking 20, 30 years out. The only one that is less environmentally harmful is drinking the willamette. If you start from the premise it would be better not to drink the willamette, I don't move off that from what I know, even though it's not our people drinking the willamette, you have to do something somewhere in the region, and up until a few years ago at the time we first started these conversations, the bull run was being drained to dry in the summer from an environmental standpoint, the fish need water in the summer which a reservoir could help save. It's a complex question from an environmental standpoint, and people who really look at it won't necessarily conclude, they might ultimately, that it's the worst environmental approach to have another reservoir. It may be the best when you look at the real world.

Leonard: And I could be completely wrong because what i'm describing to you is my instinct, and just in the kind of context of nationally how environmental issues are approached in 2005 versus 1970 or 1960, just my sense was, and maybe with the issues that you're raising, i'm wrong. But just my sense is that the environmental community would be a very difficult hurdle to get over, not even mentioning the federal agencies. The second part that is I think important just to acknowledge here, i've spent some time meeting with our wholesale customers on, because as you know we're doing contract now for the next, we don't know how many years, that's part of the issue. And I am actually struck with -- I want to say this in the most accurate way possible -- but I think it's fair to characterize it as animosity that exists amongst some of our wholesale customers vis-a-vis the city of Portland and our water delivery system that makes me realize that their desire to develop an alternate drinking source, albeit the willamette river s. Driven by more than just cost. I think it's driven by really a desire to own their own system. And i've acknowledged to them that were I in their place I probably want the same thing they do to have control and ownership over my own water delivery system. And so we have had actually that discussion about the quality of willamette river water after it's treated, and i've been convinced that it is actually of better quality than other systems around the country, certainly doesn't approach bull run water, but I -- what i've tried to do, and again, this probably is something that I should be doing only after we have a consensus as a council particularly given what we're going to manage infrastructure questions jointly on these major bureaus like water, what I had -- I understand why they want to maybe not sign up with bull run water again for the reason of owning their own system. And that maybe one of the things that that's a good idea is it creates redundancy throughout the region. I'm hearing you loud and clear saying we can be overly redundant and I think there's absolutely a problem with that. But all of that notwithstanding, that's falling on deaf ears in the communities around us. And i'm trying to find this place where we can do what our primary mission is, which is to deliver the best drinking water in the world to Portland residents. And do it in a way that builds a partnership with the community, Portland residents, that we have for whatever reason lost. And do it in a way also in the region that we're not perceived as the bully in terms of water. But rather really good partners. And so we -- I guess that's a long way much saying I don't want you to think that we're making this decision in a vacuum not taking into consideration the important points that you raise. Because we've had a lively discussion amongst this group and myself and with our partners on precisely those issues, and I guess that's my way of saying that's probably an entree into us setting up a session with all of us and the council to have this more thorough discussion, because it's one that we probably need to come together on. And I -- we can't leave this up to different commissions being appointed, having a different point of view and the water bureau, which is this kind of venerable historic entity in the city going different directions depending on which of us happens to be appointed to lead it. We have to settle this issue one -- for once and make a plan about what we're going to do.

January 11, 2006

Crawford: Can I add something to that? I agree, I think that would be a very healthy discussion to have. And we could have to look long-term. As it relates to this issue, though, what we're doing here is not saying, we don't want, you know this, kind of infrastructure long-term. It's just that if we want it, we want to do it on our terms, and we don't want e.p.a. Or somebody else telling us we have to do it for a ridiculous reason. So in a nutshell, the e.p.a. Has been kicking us around for too long, it's time to stand up and fight, and that's what we're going to do. In the meantime, concurrently, if we want to have this broader discussion about the long-term future of the system, I think that's -- let's get started on that.

Sten: I appreciate that. That helps me a lot. I appreciate your straightforwardness, you always are, you moved me away from supporting this with your argument, because I believe there is a set of strategies that are in place now under your leadership that i'm between having not bought in and not in agreement with. And we've got a commitment as the council to set these strategies jointly. And I think you're doing your job, but I think we haven't had that conversation yet, and to be blunt, I think the economics of filtration versus more customer may not be as straightforward as people think. I've spent a lot of of time looking at. This you've got a \$65 million annual water sales, but you could -- you can bond a filtration plant with the 20% increase in your sales. So the question is really, what's the right strategy on those things, and from an economic standpoint, I personally believe that shrinking the system, which is ultimately what you're doing, you don't -- there's no neutral. The suburbs will go away eventually, it's either a Portland system or a regional system over the next 30 or 40 years. I've never seen an economic entity that believes shrinking its customer base in the long run is a better economic strategy.

Leonard: You're exactly right. That is precisely the conversation we've had. It's a conscious discussion we're having that has precise impact that you've identified. And it's a question of, do we become this multijurisdictional octopus that supplies water, or do we focus on what our first mission is, and that's to supply Portland residents and businesses with water, and if we have surplus, with you cand -- we can talk about that. It is a dramatic point of view.

Sten: Whether we have surplus or not isn't -- that's a strategy decision. It's a matter of, do we want -- 15% of the bull run each year, we drown the fish, we starve the fish for water, there's a lot of renewable resource up there that could be used, and I think our mission is actually to serve the world's best and cleanest water to Portlanders at the most affordable price. If you leave the most affordable price analysis off to be isolationist, I do I don't think i've of you've met the mission.

Leonard: Excellent discussion.

Potter: I think you're right. We should have it at a later time. Any other comments or questions of these folks? Thank you very much. Really appreciate what you did. Is there a sign-up sheet?

Moore: We have two people signed up.

Potter: Please state your name. Have you three minutes.

Regna Merritt: I'm executive director of the Oregon natural resources council. We've as an organization worked for over 30 years to keep Oregon a special place to live, work, and raise a family. And one of our most important missions has been to protect the bull run, forests, wildlands, waters, and for the residents of Portland. And for -- as a future -- as a legacy for future generations. I want to thank the council who sometimes need to be pushed and pulled, but ultimately fought really hard for federal protections for the bull run, which we realized in 1996 and expanded the bull run management unit in 2001. I would encourage your strong support for a vote to retain council to enhance the city's capacity to defend both the bull run and the city taxpayers from new requirements for expensive new filtration. As we've heard before, bull run is a unique watershed with a unique history, and unique protections. And those protections now obviate the need for expensive new filtration. As commissioner Leonard mentioned before, the common sources of cryptosporidium don't exist, and as long as we take care as a community, as a council to prohibit human entry and human activities that can bring in cryptosporidium, there's no need for this incredible expense, and

January 11, 2006

i've been through the blue ribbon panel before, and I said that, i'll say it again, this is not a good use of limited public resources to sink dollars into a filtration system that's not needed. Ultimately we're going to have this conversation again, I suppose, but the hard and sad facts are that with filtration, we could lose hard-fought protections for the bull run. A lot of the federal legislation was based on the assumption that this was a good way to protect bull run from logging human entry, grazing, and other activities that could harm the water supply for Portland and surrounding communities. So I would be happy to engage in that discussion again. But in the meantime, I would appreciate a unanimous vote in support of the retention of additional council. Thank you.

Potter: Thank you. Was there another person?

Potter: Have you three minutes.

Cascade Anderson Geller: Cascade anderson geller, friends of the reservoirs. I just wanted to thank you for entertaining the -- hoping you put your strong vote for this. I think it's the best thing for Portland. We've done so much research on this. I'd like to agree with commissioner Sten about us having very, very, very good water as it is. One thing that gets discussed kind of easily is the filtration, the word filtration sounds good. I want to reiterate something i've said before, that filtration is not all that it's cut out to be. It's not the gold standard. We have the gold standard, Portland does, filtration is not the gold standard to provide water. It allows water companies to say that water is water is water. In other words, they would like to say that no matter where the water comes from, whether it's comes out of the river in pittsburgh, whether it comes out of lake michigan, that these are equal to the bull run water. And I would say this is not true. Engineering does wonderful things, but it doesn't improve on the natural things that we have put aside here in Portland to provide good water. The other things about the filtration plant that needs to be discussed, and I hope that we do continue this discussion, because I don't think it will go away easily, is that when you do the filtration, you have to add coagulants to the water to make it very completely clear. In other words, to get out tannens, you have to add coagulents which create -- put into the water, acrilomites, they're cancer causing. In other words, I don't believe that filtration is the gold standard of water. And in some of your comments, commissioner Sten, about expanding the bull run, at this point in time if we can get out of whatever we can do to get out of filtration plant we should, because I believe in my research that filtration plants as they are now, the membrane filtration will need to change. The membranes put things into the water that are not good. So we're not talking about just plain filtration of water through an innocuous substance. We don't need it, and it's expensive. We haven't talked thoroughly about how much it costs to maintain filtration plant. And a filtration plant because of these coago lantz create a toxic effluent that has to be trucked away. It's great to move away from this and to do what we to be convince the e.p.a. That we have the gold standard of water in the world. Thanks a lot.

Moore: That's all.

Potter: Any discussion from commissioners? Karla, please call the vote. This is an emergency vote.

Leonard: When I first arrived on the council, I did not have the water bureau. But I certainly was exposed to the water bureau. Because I arrived right flat in the middle of a war that occurred, and I remember sitting here watching people testify, some of whom are testifying today and thinking, wow. They feel very strong about water. And it was a little disconcerting. After I got the water bureau and I went up to bull run, and I had never been there in my life, and looked out where the dam is and then up farther into the headwaters, I understood. Why people in Portland become very passionate about our water. That other communities may not experience. Because it is just this side of after spiritual experience to stand there and look around. It takes your breath away. And so as a result, we are working very hard to try to get young people that are part of -- that are learning that will be part of our protection system in the future generations to get that same exposure that i've had, and clearly the others that are here have had so that we build for generations into the future

January 11, 2006

what you saw here today, people that feel strong enough to fight for our drinking water. And that's just unusual. To see in a community, but it isn't when you understand our system. Which I can -- I will tell you that i've only recently appreciated the full quality of. This discussion we're having here today is outstanding. I appreciate very much commissioner Sten's perspective, and it will cause us to have the meeting that i've talked about here, we'll have this discussion because it's an important one for us as a community to have. And everybody on both sides of it, on that discussion, have one thing in common, and that's the celebration of our water system. It's the best water in the world. And we tell everybody. This vote today is a defense of that, and I really like the point which I hadn't really focused on before, that allowing a filtration system actually causes others to argue, maybe -- now have you a filtration system, you can log areas where you -- that you in prior years have prohibited. That's absolutely what would happen. I'm convinced. So for a whole bunch of reasons, this action that we're taking today is really a responsible -- responsibility passed on to us by our ancestors who created this system. We're responsible for defending it, I expect future generations to be as vigilant as we are in protection of this system. So, again, thank you for your work. This is perfect, and we're going to continue doing more of this in the future. Aye.

Saltzman: Good work to the panel. I wish -- I forgot the name, hoag --

Leonard: Foley hoag.

Saltzman: I wish them well representing us in the d.c. Court. Aye.

Sten: I'm pushing on a purpose, I was pleased with the answers I got back. I feel like it's fairly straightforward, although I think it will be controversial, and i'm not sure without some more work on telling our story a little better, frankly, to be blunt, I think we need a better more holistic story to tell if we expect to be successful in this lawsuit. I don't care how good this firm is. You're not going to push Portland around is not a winning message in court or in the press. It works for us here, but we're going to need something that's a lot bigger and broader, and I do think that having some of this future discussion is going to be critical. To get us where we need to be, i've been thinking about this, and I think we need to do three things, and I think having been in some pretty contentious discussions in these chambers, a couple are on the way, and i'm happy about it. I think we need to unite the community, and commissioner Leonard has done that. We need to have an open approach, and secondly, we need to defend basic principles, because we have no chance whatsoever of coming up with the right protections, investments, whatever those might be. I don't 100% profess to know if we're spending all our money on unnecessary mandate. So I think this is obviously a precursors, but the real work, frankly, i'm going to push pretty hard on commissioner Leonard on this, because I eye you've come so far. The easy thing to do is to watch awake -- walk away from the regional discussion. It's hard to talk to the suburban folks, we were close five or six years ago to having a regional strategy. It crashed on the shores of the billing system, and that's what happened. But at the end of the day we have 26 water providers in the three county area, we have four sources of water, one of which is absolutely unnecessary, and I just can't line up -- I can't actually line up the argument that we should protect the bull run at all costs, but it's fine for people to drink the willamette. I just don't get that one. I think that's Portland serving its own interest. This is a regional water service that was built to serve the citizens of Oregon in this region, and we ought to make a stab at serving the citizens of the region. And I think that's your higher calling. Is to figure out once we're done with the internal fights, once we're done with the fight with e.p.a. That we've gone through, how does this region build a water system it can be proud of? I think that is Portland's next step, and I think that is a piece that would match the hundred-year vision we inbound inherited. We're retreat nothing ourselves are and saying we've got i, and it's not worthy of the legacy we got 100 years ago when they put this thing in place. We may fail, but I think we should try. So good work, you guys, and good work commissioner Leonard. I look forward to working with you on the next phase. Aye.

January 11, 2006

Potter: I want to make sure the citizens of Portland clearly understand we not only have the best drinking water, we have some of the safest drinking water. That the standards that the e.p.a. Has for drinking water Portland far exceeds in terms of quality and specific cryptosporidium. We have barely trace amounts. I think in the last 3½ years we haven't had any cryptosporidium in the drinking water that Portlanders have come through their taps. I also want our community to know that we don't enter this lightly that. We've tried every other available avenue to through to resolve this problem with the environmental protection agency, including trips to Washington to talk with the e.p.a., talking with our federal delegation to see where they could help with the e.p.a., and it's always been a consensus that we wouldn't use legal means unless there was no other avenue available. So want the citizens of Portland to know that we've tried everything we could, we think this is in the best interest of our community, and certainly the cost involved in this far, far exceeds any return to the ratepayers in Portland. So I think that this committee has done a great job. I think commissioner Leonard has done a wonderful job in terms of leading the water bureau with david schaff, so I not only vote yes, but a hearty yes. [gavel pounded]
[Change of captioners]

Item 43.

Potter: This is a second reading, vote only, please call the roll.

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

Potter: Aye. Please read the next item.

Item 44.

Potter: This is a - - the purchasing bureau's recommendation in report to the city council. Jeff please proceed.

Jeff Baer: Good afternoon mayor potter, members of city council. I'm jeff baer the acting director for the bureau of purchases. And before you is a request to approve and execute a contract with emery and sons to do the tanner creek sewer separation phase 3 for the bureau of environmental services. In the amount of \$9,760,500 and just to point out that they did identify in their bid submittal that they would have 1.9% minority, women and emerging small business participation for subcontracting. And they did comply with our good faith effort requirements. They're performing the remaining part of the work with their own work force. So with that i'll stop and address any questions. I also have project manager from b.e.s. here to address any specific questions also.

Potter: Questions from the commissioners? Thank you, jeff. I need a motion to accept the report from purchasing.

Saltzman: So moved.

Potter: Second?

Leonard: Second.

Potter: Karla, call the vote.

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

Potter: Aye. [gavel pounded] please read item 45. Please proceeded, jeff.

Item 45.

Jeff Baer: Again, good afternoon. This one is different. It's the first one we had under the local public agency certification program with the Oregon department of transportation, delegating authority to us. With this, again, we're recommending an award to westech located in Portland here. They've identified, as part of our participation with goals set through the federal aid project of 10%, they exceeded that at 10.33%. Were able to do the gold process because of the federal dollars included in this project. So i'll stop. We also have the project manager here to address any questions you might have as well.

Potter: Questions from the council? Thank you, jeff.

*******:** Ok.

January 11, 2006

Potter: Do we have a sign-up sheet for these?

Moore: I didn't for the last two.

Potter: You did or didn't?

Moore: I did not.

Potter: Does anybody here wish to testify on these matters. Please call the roll, Karla.

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

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

Item 46.

Potter: This is a second reading, vote only. Call the roll.

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

Potter: Aye. [gavel pounded] please read item 47. Please proceeded.

Item 47.

Susan Keil: You've seen this once or susan. I'm susan keil from transportation. We've identified the funding for this, the major sticking point in not moving forward. What we're asking you to do is to authorize us to go ahead and amend the contract so that we may have the tract laid two lane. It extends further than we had originally envisioned in this, and would keep us from cutting the street open again to do that. We have the funding for it. I understand, mayor Potter, that you had a question about the design review on this. We received that same letter yesterday as well, that described some concerns that the design commission had about the alignment, and we talked with them about their alternatives, went back and investigated them, committed that we would come back to them when we began final design. One of the alternatives that design commission wanted us to explore was running through a park and realigning on to whitaker street. That would require movement of a waterline, and the park will not be built for some number of years. This is a temporary alignment until zidell moves out. But we have dealt with the overstructure for the loading area for tram and streetcar, and that in fact has been removed as one of the reductions in the total cost on the tram. This one -- we believe that this is the only alignment that's possible at this time, and we'll be working as we get into final design on this with the design commission going back and talking to them again.

Potter: Questions from the commissioners? This is an emergency vote --

Saltzman: Oh. Where is the money coming from?

Keil: It's coming from sale of the property to p.d.c. That's in that area. We have a piece of property, it's called the hillside property. So there's money coming from that. Savings from the gibb project, savings from the streetcar import duty tax, and s.d.c. Dollars. It's enough dollars to handle the costs on this.

Saltzman: Ok.

Potter: Other questions? Thank you. Is there a sign-up sheet on this?

Moore: No, there wasn't.

Potter: Does anybody here wish to testify on this matter? Emergency vote. Please call the roll.

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

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

Item 48.

Dee Walker: Good morning, mayor, commissioners. My name is dee walker. I work in the right-of-way section with the office of transportation. And with me is my colleague, linda berth who you met last week. I'd like to introduce jonathan graves, with p.d.c., the petitioner. He has a brief presentation he'd like to give.

Jonathan Graves: Good afternoon. My name is jonathan graves, with p.d.c., representing the process. I want to walk through this real quickly, don't want to take too much of your time.

Leonard: That would ensure a yes vote on my part.

January 11, 2006

Graves: All right. I'll make it very quick. Just quickly going through, this is a renovation of -- this is the vanport podge up on m.l.k. Between alberta and killingsworth. It's a renovation of an existing building. There's a new pad that will be built, 36,000 square feet of office and retail space.

Looking at the site, it's necessary for parking behind the building in order to accomplish that the code requires that we vacate the alley, which was part of the process. It does not allow an alley to be used as an aisleway for parking, nor is it allowed for backing into a rightaway. So pdot basically told us we need to vacate that alleyway. If it's not vacated, that means the housing on the backside of that block will be eliminated, because there's no way to accommodate the existing parking which is pretty minimal for the existing space currently. So if that parking -- if we don't have that parking it doesn't make the project feasible. Also wanted to note that the vanport project advisory committee fully supports the project. The Oregon urban renewal area for the Oregon convention center, also supports the project, and the planning commission as well supports the vacation process. So on that note --

*****: The neighborhood association, I just wanted to make a note, they're totally on board with it.

*****: Yes, that's correct. And if you don't have any other questions, i'd like to introduce maybe one of the developers to speak for just a few --

Walker: It's up to them. If they have questions.

Saltzman: I think they have the societies. You have the votes.

Leonard: You did, when you started.

Graves: All right. I should have stopped when I was ahead.

Leonard: True.

Potter: Thank you, folks, very much.

*****: Thank you very much.

Potter: Other questions from the council? This moves to a second reading. Do we have a date for that reading?

Moore: It will be next wednesday, the 18th.

Potter: Please read the next item.

Item 49.

Potter: Second reading. Vote only. Please call the roll.

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

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

Item 50.

Potter: Second reading. Vote only. Please call the vote.

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

Potter: Aye. [gavel pounded] last item on the agenda. We're adjourned until next week.

Item 51.

Potter: I'm sorry. I guess I was jumping it a little. Please read item 51.

Potter: Second reading. Vote only. Please call the roll.

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

Potter: Aye. [gavel pounded] now it really is adjourned until next week.

At 12:19 p.m., Council adjourned.