



CITY OF  
**PORTLAND, OREGON**

**OFFICIAL  
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **2ND DAY OF AUGUST, 2006** AT 9:30 A.M.

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

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

Items 1042 and 1043 were pulled for discussion and on a Y-4 roll call, the balance of the Consent Agenda was adopted.

<b>COMMUNICATIONS</b>	<b>Disposition:</b>
<b>1029</b> Request of Bruce Broussard to address Council regarding school funding and city budget (Communication)	<b>PLACED ON FILE</b>
<b>1030</b> Request of Paul Fishman to address Council regarding business license fees to persons who have closed a business (Communication)	<b>PLACED ON FILE</b>
<b>1031</b> Request of Russ Holcombe to address Council regarding Trojan mass grave cover up - cold cases (Communication)	<b>PLACED ON FILE</b>
<b>1032</b> Request of Robert Hill to address Council regarding reforms to the Portland City Charter and other matters (Communication)	<b>PLACED ON FILE</b>
<b>TIME CERTAINS</b>	
<b>1033</b> <b>TIME CERTAIN: 9:30 AM</b> – Open Meadow City Corps – A Civic Engagement Project for Youth (Presentation introduced by Mayor Potter)	<b>PLACED ON FILE</b>
<b>1034</b> <b>TIME CERTAIN: 10:15 AM</b> – Accept the report Problem-Oriented Policing Strategies (Report introduced by Mayor Potter)  <b>Motion to accept the Report:</b> Moved by Commissioner Saltzman and seconded by Commissioner Adams.  (Y-4)	<b>ACCEPTED</b>

---

**CONSENT AGENDA – NO DISCUSSION**

---

August 2, 2006

**Mayor Tom Potter**

**Office of Management and Finance – Human Resources**

- 1035** Create a new classification of Emergency Management Operations Manager and establish an interim compensation rate for this classification (Second Reading Agenda 1005)  
(Y-4)

**180352**

**Office of Management and Finance – Risk**

- \*1036** Pay claim of Howard Jenkins (Ordinance)  
(Y-4)

**180353**

- \*1037** Pay claim of Calvin Reno (Ordinance)  
(Y-4)

**180354**

**Commissioner Sam Adams**

**Bureau of Environmental Services**

- 1038** Authorize the Director of the Bureau of Environmental Services to enter into an Intergovernmental Agreement with Portland Public Schools to provide maintenance services for landscaped stormwater management systems at Mt. Tabor Middle School (Second Reading Agenda 1009)  
(Y-4)

**180355**

**Office of Transportation**

- 1039** Grant revocable permit to Neighbors West-NW/Pearl District Neighborhood Association to close NW 13th Avenue between NW Hoyt and Irving Streets on September 8, 2006 (Ordinance)

**PASSED TO  
SECOND READING  
AUGUST 9, 2006  
9:30 AM**

- 1040** Authorize a reimbursement agreement with RIMCO, LLC related to work they will perform in coordination with and on behalf of the Portland Streetcar Lowell Extension Project (Second Reading Agenda 1012)  
(Y-4)

**180356**

- 1041** Authorize a reimbursement agreement with North Macadam Investors, LLC related to work being performed in coordination with the Portland Streetcar Lowell Extension Project (Second Reading Agenda 1013)  
(Y-4)

**180357**

**Commissioner Erik Sten**

**Fire and Rescue**

- \*1042** Authorize Intergovernmental Agreement with Metropolitan Service District for maintenance of a computerized mapping system for Portland Fire and Rescue emergency response vehicles, not to exceed \$25,000 (Ordinance)  
(Y-4)

**180360**

**August 2, 2006**

<b>*1043</b> Authorize contract with Burlington Water District for fire prevention, suppression and emergency response services for FY 2006-07 (Ordinance)  (Y-4)	<b>180361</b>
<b>REGULAR AGENDA</b>  <b>1044</b> Revise Council procedures regarding communications on the Council Agenda (Ordinance introduced by Mayor Potter, Commissioners Saltzman and Sten and Auditor Blackmer; amend Code Section 3.02.040)	<b>PASSED TO SECOND READING AUGUST 16, 2006 9:30 AM</b>
<b>Mayor Tom Potter</b>  <b>Office of Emergency Management</b>  <b>1045</b> Portland Citizen Corps Council annual action plan and accomplishments update (Report)	<b>PLACED ON FILE</b>
<b>Office of Neighborhood Involvement</b>  <b>1046</b> Authorize location, source and criteria for use of one time Neighborhood Association Volunteer Directors and Officers Insurance Defense Reserve to cover cost of attorney fees and initial court costs for neighborhood association officers and directors and increase the fund total to \$20,000 (Second Reading Agenda 998)  (Y-4)	<b>180358</b>
<b>Commissioner Sam Adams</b>  <b>Office of Transportation</b>  <b>*1047</b> Authorize agreement with Oregon Department of Transportation to accept a federal Transportation Growth Management grant for Inner SE Powell Blvd-US 26 from the Ross Island Bridge to I-205 (Ordinance)  (Y-4)	<b>180359</b>
<b>1048</b> Set a hearing date, 9:30 a.m. Wednesday, August 16, 2006 to vacate a portion of NW 14 <sup>th</sup> and Lovejoy (Previous Agenda 946; Report; VAC 10019)  <b>Rescheduled from August 2, 2006 to August 16, 2006</b>	

At 12:34 p.m., Council recessed.

**August 2, 2006**

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND,  
OREGON WAS HELD THIS **2ND DAY OF AUGUST, 2006** AT 2:00 P.M.

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

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

	<b>Disposition:</b>
<p><b>S-1049 TIME CERTAIN: 2:00 PM</b> – Adopt and implement the 122<sup>nd</sup> Avenue Station Area Study Implementation Amendments (Previous Agenda 892; Ordinance introduced by Mayor Potter; amend Title 33, Comprehensive Plan)</p> <p><b>Motion to accept amendment 4 on page 4 of the July 31, 2006 memo from the Bureau of Planning:</b> Moved by Commissioner Leonard and seconded by Commissioner Saltzman. (Y-4)</p> <p><b>Motion to accept amendment 5 on page 6 of the July 31, 2006 memo from the Bureau of Planning:</b> Moved by Commissioner Leonard and seconded by Commissioner Saltzman. (Y-4)</p> <p><b>Motion to accept amendment to accept attachment one, page 1 through 3 of the substitute amendment 6 of the July 31, 2006 memo from the Bureau of Planning:</b> Moved by Commissioner Leonard and seconded by Commissioner Saltzman. (Y-3; N-1, Potter)</p> <p><b>Motion to accept amendment to accept Exhibit B dated August 2, 2006, The 122<sup>nd</sup> Avenue Station Area Study:</b> Moved by Commissioner Leonard and seconded by Commissioner Saltzman. (Y-3; N-1, Potter)</p> <p><b>Motion to accept amendment of version 2 of the Ordinance:</b> Moved by Commissioner Leonard and seconded by Commissioner Saltzman. (Y-3; N-1, Potter)</p>	<p><b>SUBSTITUTE PASSED TO SECOND READING AUGUST 16, 2006 9:30 AM</b></p>

At 2:42 p.m., Council recessed.

**August 3, 2006**

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND,  
OREGON WAS HELD THIS **3RD DAY OF AUGUST, 2006** AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Potter, Presiding; Commissioners Adams and  
Leonard, 3.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Pete  
Kasting, Chief Deputy City Attorney; and Gary Crane, Sergeant at Arms.

<p><b>1050 TIME CERTAIN: 2:00 PM</b> - Appeal of Arnold Creek Neighborhood Association against the Hearings Officer's decision to approve the application of Greg Rae, Willamette General, Inc., to divide a 2.3 acre site into eight lots, served by a new private dead-end street, located at 11850 SW Boones Ferry Road (Previous Agenda 847; Hearing; LU 05-127029 LDS)</p> <p><b>Motion to deny the letter submitted by the Arnold Creek Neighborhood Association:</b> Moved by Commissioner Leonard and seconded by Commissioner Adams. (Y-3)</p> <p><b>Motion to strike the portion of Mr. Bush's' testimony regarding groundwater drainage:</b> Moved by Commissioner Adams and seconded by Commissioner Leonard. (Y-3)</p> <p><b>Motion to strike the Tryon Creek letter and the comment on the percentages:</b> Moved by Commissioner Leonard and seconded by Commissioner Adams. (Y-3)</p> <p><b>Motion to approve the application, deny the appeal and take \$50,000.00 offered by the developer:</b> Moved by Commissioner Adams and seconded by Commissioner Leonard. (Y-3)</p> <p><b>Motion to adopt revised findings:</b> Moved by Commissioner Adams and seconded by Commissioner Leonard. (Y-3)</p>	<p><b>Disposition:</b></p> <p><b>DENY APPEAL AND UPHOLD HEARINGS OFFICER'S DECISION WITH CONDITIONS AND ADOPT FINDINGS</b></p>
---	--

At 3:10 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.

**August 2, 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.

[ The following text is the byproduct of the closed captioning of this broadcast. The text has not been proofread, and should not be considered a final transcript. ] \* \* \*

**AUGUST 2, 2006     9:30 AM**

**Potter:** I ask a question of the community each week. And the question is this -- how are the children? The reason that I ask that question is because many communities around the world, when they greet each other in the streets, instead of saying "how are you," they say "how are the children?" they know when the children in a village or a city are well, the community is well. And what we do each week is to have experts come in to talk to us about issues of importance, specific to young people and children. So today we have four guests, and they're all from the cambodian american community of Oregon. Kelong is the president of the cambodian-american association of Oregon. But today we have davin mao, and secuna ong, sydney than, and lakinia. Thank you for being here. All of these students, davin goes to sunset, secuna goes to sunset, sydney goes to tigard, and lakinia goes to century high school. We're here to listen to what you have to say, so perhaps we could start with you.

**Lackeyna:** I would like to talk about my school and my neighborhood. My school is century high school, and it's a really nice school, but there's some issues. Like the suggestion pension and fighting rates have gone up, and I would like to enforce more security there so then it will enforce the fighting and suspension rates. And my neighborhood is magnolia estates, and there are some issues with the -- there's trucks going by our neighborhood often, and there's like black smoke in the neighborhood, and there are a lot of kids, and i'm kind of concerned for them.

**Potter:** Thank you very much.

**Sydney:** I too would like to tell about my school and my neighborhood. I'm starting tigard high this year, so I can't talk about that, since I have not had any experience with it, so I would like to talk about my middle school, which is fowler middle school. The problem is, yeah, there is some suspension and everything, and, yeah, there's like -- people don't really do things behind the teachers' backs, they do it in the hallways too. So you see people pushing and shoving in the hallways. Going multiple sclerosislessly at each other. So I think there's a huge problem, and we should do something about that. And my neighborhood, I live on benchview, it's a pretty nice neighborhood, but there's construction kind of near there, and it's kind of taking a while. The kids in my neighborhood, it's a nice neighborhood. That's it.

**Potter:** Thank you. Were you done?

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

**Potter:** Ok.

**Sakuna Thong:** My name is sakuna, I am also from sunset. I would like to talk about the neighborhood I live in and my school also. I go to sunset high school, I have lived here only for a year, i'm from california, and I have to say Portland is a really restful city. It's much better than where I lived, which is around southern long beach where there's lots of crime. At night when I sleep I don't hear a lot of police sirens, which is really relaxing that i'm able to concentrate on the studies that I have to get on with. At sunset it's a really nice school, I like the teachers there, they -- unlike california, there's teachers who just get on with the lesson and it's over with, but at sunset,

**August 2, 2006**

they take their time to teach you and if you don't understand anything, they would stay there with you until you get it. Which I find really nice. But the problem -- there's some things with sunset, like there's kids smoking, there's alcohol around there, they try to -- once they get off chasm pus they're still around the school and they start smoke out of nowhere. I think the bathroom facilities need a little work, but it's mediocre, but it's not really -- it's not that bad. And for the neighborhood I live in, it's really nice. It's quiet, like i've said before. The streets are clean, which surprises me, because i'm used To the ghetto in long beach. I find that really comforting to know the government in Portland is trying to keep the city nice. But there's very few criminal activity, which is good too. I'm just overall content with Portland. Thank you.

**Potter:** Well thank you.

**David Mao:** I'm david, I also attend sunset high school. I'm going to be a sophomore next year. So i've only been attending for one year, but i've also become aware of the drug problem. Like, we have kids, like, smoking in the halls, we have people smoking marijuana outside, just like 30 feet away. It's becoming a real problem. In terms of our city, I think it's great, but i'd like to see more accommodations for bikers, because i'm only 15, and I don't have a car yet, and biking is my main source of transportation. I'd like to have more options in terms of where I can go safely. Otherwise, I think that Portland's a great place. I think you've done a great job the city, and that's all.

**Potter:** Well, I appreciate you folks being here. Are there any upcoming cambodian-american celebrations that our community should know about?

**Mao:** It's not exactly a celebration, but we have an annual camping trip. Over year we go down to various camps. This year we're going to camp meriwether, and we just -- we celebrate for three days. It's like an activity, we go out, we meet, we socialize, we Celebrate our heritage. There's dances, we have activities for the children, the adults get together, talk, dance, we have cultural classical dances. And it's just fun. I'm going to be one of the dancers this year, in the coconut dance, so if you want to come see me.

**Potter:** I've seen a number of the cambodian-american celebrations, and the dancing is probably one of the best parts about it. So thank you. Thank you, young people, for being here. Let's give them a hand for being here. [applause] thank you very much. [gavel pounded] city council will come to order. Karla, please call the roll. [roll call] [gavel pounded]

**Potter:** We'll start with communications. Please read the first item.

**Item 1029.**

**Potter:** Good morning, bruce. Three minutes.

**Bruce Broussard:** Bruce broussard. I've always appreciated the fact you start your meetings with the young people within our city, and the like. And i'd like to take the first 30 seconds of my time to recognize and acknowledge those young people that are dying in lebanon and iraq and the like. I'd just like a moment of silence just for a few seconds, please. Thank you very much, mr. Mayor, councilmen. As you know, i've been spending quite a bit of time on the issue of the custodial issue.

When I think about the basketball team, i'm like the reserve. But i've been out there trying to figure out what can we do to resolve this issue. I guess what I would say to you today is that we still are having issues with reference to the school district trying to resolve this issue. I think it's going to cause more problems, as you know, we're trying to see what we have to do in reference to a bond measure or something to raise funds for our Portland public schools. As I walk around Multnomah county and the like, people are constantly saying, gee whiz, until they get their act together, there's no way we're going to support any kind of tax measure type of thing. This custodial thing, i've got four years of experience in this issue, and it was noted right after the supreme court decision that school districts said it would cost approximately \$55 million at the time to the resolve this issue and make these custodians whole, if you will, and get them back on the job. So I think it's very imperative, and hopefully you do have the finesse, if you will, and the ability to make it a bit more



**August 2, 2006**

transparent. I think that would help in terms of seeing if we could open discussion, and asking them those questions in terms of where are they with reference to this issue, and maybe they might be able to come before you here at this podium and give you, if you will, a plan, if you will, Of solving this problem immediately. Because many of these folks are suffering. Some of them lost their homes, and it's really frustrating. And now they're fighting amongst themselves, so to speak. So if you would give that some consideration, we'd really appreciate it. Thank you very much for the time. Thank you.

**Potter:** Before you read the next item, Karla, I forgot to read, this is a lobbyist notice. I want to remind folks that prior to offering public testimony to city council, a lobbyist must declare which lobbying entity he or she is authorized to represent. As you folks know, we recently a year or so ago changed our rules in terms of lobbyists, so that's to put -- give a notice to folks who are here as lobbyists. Please read the next communication.

**Item 1030.**

**Paul Fishman:** Before I start, I found -- the address is 3627. Good morning mayor Potter, commissioners. My name is paul fishman, my wife and I live at 3627 southeast madison street. As many of you know, I owned an environmental consulting firm, fishman environmental services, that I started in 1983, and sold on august 1 of 2004. During the 21 years that I owned and operated that company, my staff and I provided ecology and natural resource management consulting services to a very large number of private and public clients, including the city of Portland throughout the Pacific northwest. I would like the council to direct appropriate staff to examine a section of city code and change it so that it does not penalize business owners who choose to close their businesses. Basically the city code says that I was still doing business in the city of Portland and therefore required a business license, even after I closed my business because I received payments of past due accounts from the business in excess of \$25,000 in the year following closure of the business. Between the sale date of august 1, 2004, and october of 2005, I continued to receive past-due payments from clients of fishman environmental services for work performed by my company prior to its sale. The total of past-due payments received during 2005 was a bit over \$31,000, and I reported this amount as additional income on my 2005 tax return. In the exhibits that i've -- that you have, on page 1 is the notice I received from the city of Portland dated april 27, 2006. This confusing notice informed me that due to ongoing activity, a business license fee was due to the city in the amount of \$4,247, including \$476 interest and \$580 school surcharge. The amount was based on the 2004 net income of my business. When I phoned the office of management and finance I was referred to the city code sections that i've reproduced for on you pages three and four of the exhibits. You'll see one of those is Titled "license required after business activity has ceased." on pages 5-7 of the exhibit, I have the letter of protest that I sent to the city on may 12 after of course sending the check for \$4,247. As you can see on the table -- in the table on page six, all of the past-due amounts I received during 2005 were for invoices dated august 2004 or earlier. In fact, some were from 2003. These monies were all between four months and more than a year past due based on a net 30-day term. Page nine of the exhibits is the letter I received from the city dated june 14 denying my protest. My issue very quickly is that the code is unfair. I talked with several people in the license and tax division, no one could explain why that code is there. And what the intent is. One auditor said he was on my side, but the code is implemented as its written. In my opinion, collecting past-due receivables from a closed business does not cute doing -- constitute doing business. My wife and I feel we have been mugged and the city is the perpetrator. I ran a business in this city for 21 years, I employed many people, provided very good wages and benefits, I spent countless hours of donated time on city advisory committees, and i've always been a big booster of Portland as the place to live and work. My thanks from the city was Several thousand dollars less in my bank account, and to me that's not a very business-friendly attitude or climate to do work in.

**Potter:** You're going to have to wrap it up.

**August 2, 2006**

**Fishman:** I'm actually finished. I would like you to look at that code, direct staff to look at the code and change it so other people don't get caught in this trap.

**Leonard:** I would like to ask a question. Your complaint is about the business license fee that you paid.

**Fishman:** My complaint is i'm a very willing taxpayer. My complaint is that after I closed my business and because I was still receiving money from past-due accounts that should have been paid during the year I closed the business, I was assessed a fee for a business license because the way the code is written, receiving past-due accounts mean i'm doing business.

**Leonard:** Just so -- I used to have this bureau, so i'm wondering if some of this might be a misunderstanding. Had you collected those accounts while you were still actively in business, would you have paid the same amount --

**Fishman:** No. If I had collected those accounts during 2004, I would not have been assessed a business license fee. The business license fee is based on the previous year's net income.

**Leonard:** Correct.

**Fishman:** So if those receivables had been received in 2004, which is The year I closed the business, and I had not received them in 2005, I wouldn't be here. The code says that because I received that money in the year after I closed the business, I was still doing business activity in Portland, and therefore had to pay the --

**Leonard:** My point is, people pay their fees based on the income they generate in their business. And i'm not quite getting that this is a mistake or somehow you'd fall in between the cracks. Let's just say you were an ongoing business. Would you have paid that fee on that income, and i'm not sure -- I don't get the connection and the logic that just because you quit doing business the last year of income you earned you shouldn't have to pay taxes like anybody else would.

**Fishman:** My understanding is that in the years I did business, that the -- you're required to pay a fee for a business license for, let's say, for 2006 --

**Leonard:** I'm wondering if there's a misunderstanding. It's not really for a business license, it's basically an income tax on income you earned. And what the feds and the state, you pay taxes on income earned no matter whether you're in business or not, and this is just exactly the same.

**Fishman:** That's not my understanding, commissioner. Because the code section that's are referred to talk about no person shall do business within the city unless that person has first paid a license fee. And this.

**Leonard:** I'm glad to talk to you further about this after if you'd like.

**Fishman:** I don't think it's a misunderstanding. I think I got trapped by a piece of code that --

**Leonard:** I'm not sure I agree, but let's set up an appointment. I'm glad to sort it through with you.

**Fishman:** I appreciate that.

**Potter:** Thank you.

**Item 1031. (did not show)**

**Potter:** Please read the next item.

**Item 1032.**

**Potter:** Mr. Hill, please state your name for the record. And you have three minutes. We normally ask people to take their hats off inside the building. Did you hear me? Could you please remove your hat?

**Robert Hill:** Yes, I did hear you. Mr. Mayor, mr. President, members of the council, staff, and honored guests. I am mr. Robert hill. I'm here by special appearance and special visitation to speak on the charter review process. Before I get to that, there's a few other matters i'd like to address. Some of you may not know about me, but basically i'm a democratic party operative, i'm not a hired staff, i'm more of a volunteer, and I try to put my time and energy into the most marginally gainful activities. And I go upper other weekend to Washington state to the eighth congressional district

**August 2, 2006**

where darcy burner is running against the incumbent. The incumbent is not too smart. He was a good law enforcement officer, but we need more democrats into office, and that's what I try and do most of the time. Also, today at noon I have some business at the the courthouse at the federal building, and i've spoken to a marshal with dennis merrill's office, that i'm allowed to do that, and my concern is that the marshals are part of the department of justice, and the homeland security f.p.s. officers, they want people to have i.d. On them, and I actually don't have that with me today. And if they feel like touching me or assaulting me like the Portland police did a few weeks ago, I might have to call the police and have assistance to arrest one or more of those officers. I have the assurance of the lieutenant keith morris that that's my right to do, and that if I feel in threat for my life I need to call 9-1-1. I do appreciate mr. Mayor, that you have provided the security guards, gary crane and others, to protect me as i'm in Portland buildings. I'm very honored by that, you feel it's a productive use of the security details to protect me from the wacko that's roam the halls. I'm also very honored that you have introduced a regular agenda 1044 as a cosponsor with erik Sten and another commissioner revising procedures to limit my appearances from once a week to only once a month. I realize that will probably cause a certain anticipation when I finally do get to come.

What is robert hill going to say this time? If I only come once a month, the pressure will build up. I really appreciate you introducing this measure. Also, you, see that i'm holding up a sign, I wish to concur with some other individuals that have testified here, randall day advice on july 26, norma santana, july 19, item 971, barbara rell liss, who spoke on may 10, 523, they spoke about impeaching bush, and I wish to concur with those individuals. President george w. Bush is a traitor to this country. He's a punk-ass bitch, he's a bitch-ass punk --

**Potter:** You're done. We don't use that language in this room. You are done.

**Hill:** Thank you, mr. Mayor.

**Potter:** Is that --

**Moore:** That's the last.

**Potter:** We'll move to the consent agenda. Any commissioners wish to pull any items from the consent agenda? Does any member of this room wish to pull any members from the consent agenda? Please call the roll.

\*\*\*\*\*: [inaudible]

\*\*\*\*\*: I have two. Item 1042 and 1043 i'd like to pull those.

**Potter:** What are those in reference to?

\*\*\*\*\*: On fire and rescue section. Are they being discussed now or in an hour or so?

**Potter:** Go ahead and pull those two items.

**Moore:** Items 1042 and 1043.

\*\*\*\*\*: When are those addressed?

**Potter:** At the end of the session.

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

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

**Potter:** Aye. [gavel pounded] please read the 9:30 time certain.

**Item 1033.**

**Potter:** Could the open meadow folks please come forward? Thank you, folks, for being here. You're from open meadow?

**Brittney Thomas:** Thanks for having us here today. My name is brie thomas --

**Leonard:** Do you mind if I start off? I have some words to introduce you.

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

**Leonard:** For the past seven weeks, city corps operating out of open meadow alternative schools has been working with the water bureau on a project related to youth and water awareness. These five students have worked closely with the bureau of learning -- where Portland's drinking water comes from, how it's brought to the faucets of Portland users. They've also learned about some of

**August 2, 2006**

the issues concerning water such as conservation, water quality, watershed protection, privatization, and salmon habitat restoration. They're here today to present to the council the solutions they've arrived at regarding an issue brought forth to them by the water bureau. We have brigitte thomas and sarah murphy, who have been working with these youth, and including an opportunity I had to meet With all of them and discuss what they're working on, and it was fascinating, so brigitte and sarah, go ahead.

**Sarah Murphy:** Despite our t-shirts we actually do work for you, we work for the city, the water bureau.

**\*\*\*\*\*:** We're just here as part of the team today.

**Thomas:** As we've already been introduced, we just wanted to give you a brief background and let this -- and then let the students take it away. I was approached by the city at open meadow -- the teacher at open meadow, and he presented the opportunity to partner with them. Essentially work with them on having the students, a small group of students provide essentially consulting services to us on a real challenge that the water bureau wished to address. So we were especially interested in this, recognizing that I think as we all recognize that youth can be a real powerful and efficient -- they can be a powerful and efficient motivator of behavior change and values for their families and their friends.

**Murphy:** So we decided there was no way we could turn down this opportunity to get a pretty unique view into the minds of young people, the people who will be the future of the city, the ratepayers, the voters, and our neighbors. So the city corps students and staff are all wonderful partners, and we just want to say how much we enjoyed working with them, and what a benefit it was to the water bureau. We're going to let you see through their presentation, which is wonderful, just how thoughtful and unique their recommendations are. So we'll give you the city corps team. Thank you.

**Ari Albert:** My name is ari.

**Thomas Miller:** Thomas miller.

**Darren Smith:** Darren smith. I work with city corps. What is city corps? City corps is a project-based social studies work experience, slash, work experience course. Serving youth 16-21. Students earn .5 social studies credit. Students are in partnership with city bureaus to help solve city problems. Operated by open meadow alternative school in partnership with the city of Portland, fund by work sis temperatures, inc. We are going to discuss project background, print ad, commercial ad, and water activities at self-enhancement inc. Thank you.

**Miller:** My name is thomas miller. I'm going to tell you the project background. This project began seven weeks ago when the water bureau asked us to find some ways to get the youth involved with water conservation. Our project partners are brigitte and sarah from the water bureau, and they told us the problem, and we set our goal to solve this problem. In this picture, we are at bull run learning about our water and where it comes from. In the beginning we brainstormed all of the ways that the water Bureau can make the youth more aware of water issues. These ideas include radio station ads, bumper stickers, activities, hands-on water activities, no water camps, and using scary statistics. At the hearing our idea is the water bureau asked us to make a couple of ads and we came up with a commercial ad and a print ad, which we are going to show you today.

**Crystal Brenanmen:** My name is crystal, i'm --

**Cassy ?:** I'm casio.

**Brenamen:** And today i'm going to be presenting to you one of our ways how to get the youth aware about conserving water. And one of our ideas is to print ads on stickers. And this is what the whole idea will look like. Who is our target group? Urban youth 16-24 in age. This is our target group because this is the group the water bureau wants to make more aware about water conservation. And we the youth are the future, and we'll be having the pair on water bills here soon. What is the print ad idea? The print add yvonne deckard will consume of four stickers, the

**August 2, 2006**

same style, so people can recognize us from the same group. Our first two will be awareness stickers, and then we'll move on to our third batch will be a more educational piece, and then the fourth a reminder on how much water we use and do we really need to use that much water. Here's an example of what we'd like our first one to look like. It says "got water? Will you always?" Yes. And we'd like it in graffiti font because youth are really attracted to graffiti. And we would like these to be made -- you can't see it, but we'd like to have these made out of compostible materials, so there's zero waste, and it says also "for more information, please visit [www.myspace/don'twastemywater.com](http://www.myspace/don'twastemywater.com) we haven't made this website, but we'd like one made, and youth can learn water conservation tips and such. When and where these ads will be seen. Spread throughout downtown Portland, distributed one group at a time two weeks separating them. We'd like our first batch to come out june 21, which is the first official date of summer. And we'd like them to be in random places where you usually wouldn't expect advertisements to be, such as restrooms, bus stops, drinking fountains, etc. Here's the sticker slogans. Round one, june 21, "got water? Will you always?" two weeks later, july 5, "without water you'd be 60%?" round three, july 19, "the average Portlander uses 70 gallons of water a day." and round four, our last batch, "are you still using 70 gallon as day?" which is a reminder again how much we use and do we really need to use that much. Thank you. I just presented to you one of our ideas on how to get the youth more aware about conserving water.

**Cassy:** Once again, i'm casio, and I'm going to present to you a way that can help youth get involved in water conservation. That is through commercial ads. Who we are targeting in this particular project is urban youth 16-24, and we chose this age group because we live in the city, and the water bureau asks us to work with this particular age group to get them involved in water conservation. Our idea of a commercial ad is to visit kick-it spots popular to the youth, and we would ask them questions about water conservation and usage. We then would provide them with the correct answer whether or not they were correct or not, and then at the end of the questionnaire we would then allow them to express their selves in any appropriate way. If they were comfortable. At this time i'm going to show you an example of our commercial ad.

**Potter:** Who is the older student in the upper right? [laughter]

**Leonard:** Did you say the ugly student?

**Saltzman:** He didn't make it through the program. [laughter]

\*\*\*\*\*: Where does Portland's drinking water come from?

\*\*\*\*\*: The reservoir?

\*\*\*\*\*: At the store. I don't know.

\*\*\*\*\*: Reservoirs.

\*\*\*\*\*: Yeah, the reservoirs.

\*\*\*\*\*: Bull run, or whatever.

\*\*\*\*\*: Good job: That's the first: What percentage of your body -- howl gallons of water does the average Portlander use a day?

I don't know.

\*\*\*\*\*: Like a gallon or two.

\*\*\*\*\*: For everything.

\*\*\*\*\*: Oh, for everything?

\*\*\*\*\*: Yeah. For one day. But like showers, washing your hands, brushing your teeth, flushing the toilet, all that together, in a day.

\*\*\*\*\*: Like a ton of water.

\*\*\*\*\*: How many gallons would you guess?

\*\*\*\*\*: I don't know, 25, 20 gallons?

\*\*\*\*\*: Three.

\*\*\*\*\*: 13.4 gallons.

August 2, 2006

14.6 gallons.

\*\*\*\*\*: 20.

\*\*\*\*\*: Actually 70.

\*\*\*\*\*: Oh, my god:

\*\*\*\*\*: Nail three things to do to conserve water.

\*\*\*\*\*: Take shorter showers.

\*\*\*\*\*: Yeah, shorter showers.

\*\*\*\*\*: Use the dishwasher and the washer -- [inaudible]

\*\*\*\*\*: Don't use the bathroom so much.

\*\*\*\*\*: Turn the water off -- don't leave the water on when you're washing your hands or brushing your teeth.

\*\*\*\*\*: Don't shower.

\*\*\*\*\*: Put some water in the refrigerator. Go to the next door neighbor's.

\*\*\*\*\*: Take shorter showers. Not swill a lot.

\*\*\*\*\*: More ways to conserve water would be to water your yard earlier rather than later in the day to avoid evaporation. Another way would be to fix your leaks, because some leaks waste up to 100 gallons of water a day.

\*\*\*\*\*: Another way of conserving water would be water balloons instead of using a hose for a water fight. You could also sweep the sidewalks instead of spraying them down. That way you don't waste your water. ¶¶

\*\*\*\*\*: With this commercial we would like it to be televised June 1-August 31. The reason why we chose those dates is because that's around the end of the school -- that's when school is getting out and through August 31 is because that's through the whole summer. The commercial would be televised 3:00 p.m. to 12:00 a.m., those are around the common times youth watch t.v. And the places these commercials would be televised is like b.e.t., m.t.v., v.h.1, fox channel 12, h.b.o., nickelodeon, and disney channel. I've just presented to you one way that can help youth get involved in water conservation.

\*\*\*\*\*: Hello, my name is Elizabeth, I'm going to be presenting to you our experience at f.c.i. S.e.i. Is a youth development organization serving over 2,000 youth. Inner city youth, ages 8-25. And the background is the idea was to have high school youth educate younger youth on water awareness, hands-on activities. The purpose of these activities is to educate youth and get them thinking about the importance of conserving water. Thanks to Sarah Murphy and Briggie Thomas from the water bureau, we were able to visit S. E.I. And try our ideas out. The water activities they taught us that we would be teaching the students at S. E.I. Included all the water in the world, so you want to be a salmon, and the long haul. This is the kids playing all the water in the world, which is a game where Portland guesses where we get our drinking water from. And in the end, we reveal the correct answers which shocks most. And on the left is Cassie helping the kids guess where we get most of our freshwater down to where we get the least of our freshwater. Including, like, ice caps and glaciers, the atmosphere, groundwater, rivers, etc. And this is the kids playing, so you want to be a salmon. It's a game where students get to act out the lives of salmon each obstacle, and their lives is represented by in the lower left is a jump rope, which represents a turbine that the salmon have to go through. And from there they go to the upper right, which is a blocked-off area representing the ocean, which us older youth were acting as predators. And they weren't to get tagged or else they do not survive. And after that the salmon that did not survive the turbine or in the ocean, they have to weave through a fish ladder, which is made up of the students that did not make it. And the long haul is a great game showing kids what poor kids go through to get their water. And because they go through a lot, it is more important to them to conserve water. And in this game, in the upper right-hand corner you are to -- you have buckets and you have to fill them with water. From those tubs, which are full of water, and race over to the other side and dump the

**August 2, 2006**

water into empty tubs. And the group who fills the empty tub the most in the time limit wins. In our experience at S.E.I. Working with the kids to help educate them about water was great and would be a great way to reach out to youth about water awareness. Younger youth look up to older youth, therefore pay more attention. And because it's something it's not their teacher teaching them, it's youth they look up to. High school youth earn credit while getting the chance to play the teacher role, as well as great experience for both the youth students and the youth teachers. The youth teachers as well as the youth students bond and have fun and at the same time they're all learning. Hands-on water activities make it fun and includes everyone. Older youth learn a lot more because they have to be prepared to teach, and that is why I think it would be a great way to educate youth in the future about water awareness. In conclusion, we are city corps a. Project-based social studies group that projects to help solve city problems. We have just presented to you ideas on how to get youth involved in water conservation. We want to thank you for this opportunity to get involved and for listening to our opinions. Are there any questions or comments?

**Leonard:** I have a question. First a comment. I'm really impressed with the work you guys did, and we're -- we'll put your ads on t.v. really cool. My question is, how is your idea about water changed since you started working on this?

**Elizabeth ?:** I have grown to be very sympathetic about how other countries, they work hard for their water. They don't have faucets to turn and then it comes out just like we do. And they conserve more, and I think it's very important to conserve. So we don't take it for granted. And I've done things to conserve water, such as turning the faucet off when I'm washing my hands, brushing my teeth, and try to kill two birds with one stone while washing the car and washing the lawn too.

**Leonard:** Excellent. Do you have any?

**Cassy ?:** Mine is pretty much the same. I was affected by the fact that other countries have to work so hard to get their water. It's just not easy like we just turn on the faucet and get our water. So I've made my little steps to conserve water by doing as Elizabeth said, turning off the faucet when you're brushing your teeth, and not letting the water run. And I don't personally fill up my daughter's bathtub as full as I used to, because she does like to swim. Just little things like that.

**Leonard:** Thank you very much for your work.

**Saltzman:** Thank you.

**Adams:** Thank you very much.

**Leonard:** I would just conclude by pointing out to the council that this is an example of the kind of educational program that you all agreed to fund last time that we're going to be doing more of in the city, particularly with youth, led by Briggie Thomas and Sarah Murphy and others at the water bureau, teaching our youth about their water system and they'll grow up and be hopefully great protectors of it and advocates for it. So thank you very much for your great work, Briggie and Sarah.

**Potter:** Open meadow.

**Michelle Taylor:** I think we're out of time, so I'll be brief. Michelle Taylor from Open Meadow. I just wanted to let you know the funding is going away for this program. This was the last round. So we're looking for ways to fund this program and to have it continue. We're looking to the city to help us do that. So I'd love to talk to you offline about that, see if we can figure out a way to continue this program, to continue to work with the bureaus.

**Leonard:** I would be real interested in talking to you.

**Taylor:** And a big thank you to the water bureau.

**Potter:** The program was in conjunction with Work Systems Inc. As well.

**Taylor:** That's correct.

**Potter:** I think it's a wonderful program. You folks did a great job with the Portland Police Bureau. The youth, it made a difference. As to youth with water issues. The youth certainly came to

**August 2, 2006**

understand and actually know some of the police officers, and I think it really helped break down some barriers. So it's a great program.

**Taylor:** It was an incredible experience for the youth, and for the bureau staff as well. And the office of sustainable development was the first partnership, and they were wonderful. Thank you.

**Potter:** Thank you. I would also like to acknowledge one of the folks who came up with this idea, a good friend of mine, Karen Hansen. She's sitting in the back, thank you and Sharon from W.S.I. And all those folks.

**Adams:** If I could also introduce Andrew, who is the new executive director of Work Systems Inc., wave your hand. Don't be so shy. There you go. Thanks for all your work.

**Potter:** Excellent program. I think those discussions can be very productive. Thank you. Please read the 10:15 a.m. Time certain.

**Item 1034.**

**Potter:** Police bureau, please come forward.

\*\*\*\*\*: The chief will be here, she's in here someplace.

**Potter:** Why don't we go ahead, we can move to a couple of other ones. Unless she's going to be here in the next 30 seconds. Ok, good. Come on up, folks. Thank you. We just introduced the 10:15 time certain on the Problem-oriented policing strategies. City council has provided funding to the police bureau specific to these strategies, and this is a report back to the council on how things are going. So I'll turn it over to you.

**Chief Rosie Sizer:** Thank you, Mayor Potter and commissioners. Before I begin my presentation, I'd want to invite several community partners and bureau members to highlight some of the partnerships and strategies that were made possible by the problem-oriented policing funds. It's very important to me that the community knows and supports the -- what the police bureau wants and we support what the community wants, and we work together to achieve some pretty significant victories. So I will save most of my remarks and then adjust them for the amount of time that's remaining, but we'd like to invite some bureau members, some other city employees, and some community members up to talk about some of the successes made possible by these funds.

**Potter:** Ok. Do we know who those are, chief?

**Sizer:** Yes.

**Potter:** Oh, good. Please have them come up.

**Potter:** Good morning, folks.

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

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

**Samantha Kennedy:** Samantha Kennedy.

**Potter:** Go ahead.

**Kennedy:** I have an overhead that also I think we're going to turn on, but in case it doesn't work, let me pass this out. Mr. Mayor, city council members, I appreciate the opportunity to speak to you today. My name is Samantha Kennedy, I work for the office of neighborhood involvement and I'm contracted to the Portland police bureau to do street intervention. The program I manage is called Access. In late 2004 the office of neighborhood involvement and the Portland police bureau partnered to provide street intervention services for a downtown old town livability project. The goal of this project known as Access, was to reduce the incidents of livability crimes in downtown neighborhoods. The individuals were referred by P.P.B. The individuals will repeat misdemeanor criminal offenders in need of alcohol and drug treatment who were primarily homeless. In October 2005, the Access program expanded to include 35 units of houses funded by the bureau of housing and community development, and priority placement of clients into Multnomah County treatment programs funded by city council as part of the project 57 jail bed initiative. The intent was to more closely align treatment and housing resources with the needs of high-risk chronic offenders. One of the key elements of this program has been close on-street -- Officer Jeff Meyers and I have



**August 2, 2006**

been working together daily since this project began. The creation of a zero tolerance environment for street crimes coupled with immediate access to Housing and treatment is the model for the program. The premise being that short periods of detention coupled with immediate access to treatment and housing would result in reduction of recidivism. I have provided you with a graph and hopefully it will show on the screen that summarizes arrest activity since the list was created in June 2003. The first panel shows the results of our attempts to partner -- the second panel shows the results of adding a treatment component. At this point officer Meyers and I partnered with Dr. Peter Davidson. He arranged for counselors to go into the jail to meet with our clients and offer them services shortly after they were arrested. You can see the resulting drop in recidivism rates. In September of 2004, Peter Davidson left the county and so did our access to treatment services. Note recidivism rates rose to their highest levels. In the spring of 2005, officer Meyers and I began to solicit and apply resources ad hoc from existing providers. Panel three shows the drop in arrest rates, though we were working with constrained resources. The final panel illustrates the results that have followed from the mayor and council's funding of our current program. Recidivism rates dropped from 450 to 150. This is a dramatic 67% reduction. Due to current funding, we have been able to sustain those reductions for the past six months. The program as it exists today is partnered with the Portland police bureau, the department of criminal justice which includes parole and probation, transition service and counselors at MDC and Inverness, the district attorney's office, the Portland business alliance, the bureau of housing and community development and central city concern. Currently funding for the program includes 382,655 dollars for wrap-around services to be provided by central city concern, and I'll describe those in a second. There's 117,344 dollars for treatment beds being provided by CODA, 181,500 for the housing component from the bureau of housing and community development, provided through central city concern. And \$100,000 for housing from the Portland business alliance, which is being provided to central city concern. Once someone has been accepted into the program, they have access to transitional housing, medical assessment and treatment, mental health assessment and treatment, medication, outpatient treatment, inpatient treatment, permanent housing and job placement support. When necessary case managers help individuals obtain I.D., work with the individuals defense attorney and provide in-court assistance. -- the program works with parole officers jail staff and the District attorney's office to minimize jail time and maximize social service options. I want to close by thanking the mayor and city council for their continued support of this project. And now I'd like to introduce Czar Ya from central city concern. She's going to take a few moments to discuss the results of the project from a social service perspective.

**Sarah Goforth:** My name is Sarah, I'm the director of recovery and engagement services for central city concern. Central city concern are sr. one of the largest multiservice agencies in the region. We provide not only detoxification and sobering services, residential treatment for pregnant women, postpartum women and their children, outpatient alcohol and drug treatment as well as mental health services, old-town clinic, the west Portland work force, work source, and the community engagement program. That's just to name a few. I'm sure I'm leaving out a few. The engagement program is a multidisciplinary program that consists of four teams thanks to the city. Our latest team is called housing rapid response and we're working in conjunction with Samantha Kennedy and the access program. These teams were first put together and continue to be funded by federal funds and county general fund to address chronic homelessness. We've made a decision to serve the hardest to serve in Portland. Our results are quite strong. We have an 80% retention of over 225 chronically homeless people -- who have either after three years, by the way, who have either refused services or have been rejected by services due to overuse and inability to make changes. Housing and rapid response seemed like a natural addition to this program. And what we are doing is providing the list of services that Samantha listed for you. It is a five-person team, four case managers who have the unique ability to relate to the people that they are serving. We have an

**August 2, 2006**

agreement with the management company, the property management company here in town, again, thanks to the city, providing rent assistance over nine months. Those funds full rent for two or three months and partial rent after that. Our whole push is permanent housing, reduced incarceration and arrests, and clearly the data samantha has gathered is impressive. And self-sufficiency. Permanent housing and self-sufficiency, which is what the whole community engagement program is about. I recently a week ago presented this program in Washington, d.c. At the national alliance to end homelessness. I was very fortunate to sit on a panel with lieutenant westbrook from the southeast precinct. We're working with central precinct. It is a program based on Research and it's called a forensic intensive case management team. And i'll just wrap it up by giving you some of our cumulative results after three quarters, we have been in operation for only 10 months. We have engaged over 76%, and these are people that samantha can attest to are very difficult to engage. We have retained 43 of these folks and we have permanently housed 17 and put 10 to work. Central city concern is able to provide transitional housing at the rich building. We were at the estate hotel, we're rehabbing that. To be able to house these offenders immediately. Directly off the street from samantha's office to our building. And engage them in a nonthreatening way, meeting them where they are. The -- one of the most phenomenal results from this program is that people have stayed, b, that we've been able to get them permanently housed, and c, that 17 people have accessed in patient chemical dependency treatment and 17 have accessed outpatient chemical dependency treatment. Our original small program, which is due to the funding at the city, has grown quite a bit, including the medical services and psychiatric services. Our goal was to intensively case management folks into housing and to motivate them around change in their life. I don't think any of us expected that we would be able to get that large a number into Treatment. So we're very thankful for the opportunity.

**Rob Justus:** Good morning. Rob justus, executive director of join. Join is a small outreach agency. We have outreach workers that work citywide throughout the city, and all five precincts. That's how we organize ourselves. And the goal of the organization is to engage people that are physically sleeping -- in the process to end their homelessness, to transition off permanent housing and more importantly, retain that housing. This past fiscal year ending june 30 we transitioned 396 people off the streets into permanent housing. That's over one person a day. We have been able to maintain an average retention rate of people staying housed for at least one year of 80%. Part of that success is through collaborations with central city concern, cascadia, and other agencies in trying to provide wrap-around services once people are permanently housed. Join over the -- since our beginning have worked to try to build relationships with the police bureau, at times that's been difficult. But what has always been true is we have had officers continually step up and have been wonderful partners as our outreach workers have worked to engage people outside. Here recently we have utilized some of the resources via the police bureau and also the bureau of housing of community Development. The target outreach towards chronically homeless individuals, the latest was a group of chronically individuals who were camping in prime I -- and primarily sleeping in the inner southeast side, central eastside industrial area. Of the 25 individuals that we had targeted here recently, the average length of time those individuals has been outside was nine years. We worked with the police themselves to create that list and to target that outreach. As of today, all but one of those individuals are still housed. It's been about nine months. Since then, the one individual who isn't passed away. One of the things we have done with the police bureau was to look at some data and do some data sampling. So what the police bureau did for us, they looked at the 25 individuals and looked at the years prior of how many contacts they had had with the police bureau beforehand, and the number of those 25 individuals contacts was extensive. I could bring reams of specific sean o'donnell numbers, but of the 25 sampling, they had 570 arrests, and they had 142 victimizations. Just those 25 individuals over the past several years. Since those individuals were housed, of the 25, there were three contacts. In six months. So obviously a dramatic decrease. The data wet we

**August 2, 2006**

got from the Police bureau is raw, so we're working with the police bureau to look at that data and how to see what numbers and cost savings we can draw from it. Join as organization is very committed to community policing and continue to build relationships with the police bureau. We believe strongly that if we're going to be successful with the 10-year plan to end homeless, that plan will be won or lost depending on what happens on the streets of Portland and what levels of collaboration we create. So it is essential that we build and continue to build strong collaborations not only with the police bureau, but also with parks, p dot, environmental services, all the different bureaus that interface with folks outside. And i'm very thankful one for the resource that's we receive from the city to be -- to give us the ability to transition folks specifically now being able to transition homeless individuals. And I am thankful to mayor Potter for appointing rosie sizer as police chief. We're thrilled. Thank you.

**Potter:** Thank you, folks. And thank you for what do you for our community. It's truly appreciated.

**Mike Kuykendall:** I'm the vice-president of the Portland business alliance. I'm also the president of the Portland downtown services incorporated, which represents the business improvement district for downtown. The business improvement District provides services for people that live downtown, people that work downtown, and for people that visit dour town. Our budget is about \$4 million this year. We also do a good job of the holiday lighting program. I want to talk about three areas that we're particularly happy with that the police bureau and central precinct has been involved in this last year. It typifies once again why Portland is leading the way with community policing around the united states. It's truly a city that's talked about around the country. In terms of our efforts. First as the access program, you've heard from samantha, i'm not going to reiterate other than to say it's successful, and the downtown businesses and residents are very happy with it. So happy that last fall when the city initiated the pilot project, the business improvement district put in \$50,000 to put in additional beds. The results have been so astounding, when I went to the bid board in june, they doubled the contribution to \$100,000 for this year, which will pay for approximately 22 of those both in addition to the city's contribution. So tremendous work there and congratulations and thank you very much for the support for that program. The bike patrols are very popular downtown with the residents and the business people. People that visit. It's a great way to communicate, it's community policing at its finest. They're out of their cars, they're walking around, riding around, talking to people, sharing information and networking, and that's a tremendously successful program as well. As a result, the business improvement district has continued their funding this year to actually pay for three of those bike officers that patrol the downtown business area at a cost of \$221,000. So a big contribution from the bid as well to support what we consider an extremely successful program. And lastly, the street crimes unit. The commander at the precinct last fall dave benson developed the street crimes unit, six officers that go out and work on problem solving around, it's really the model for community policing. They focus on areas that are having a big difficulties that have been identified by the mayor's downtown public safety action committee and they work in those areas. So some of our big successes have been in the parks, particularly the south park blocks, pioneer square, tri-met, and other areas. It's been remarkable the success we've had with the street crimes unit. As result the business district added this year in their budget an additional \$452,000 for additional clean and safe officers to actually go along lock step with the street crimes United. When the street crime units takes care of a problem area, gets it cleaned up, these security officers are able to actually provide services to support so we don't have to retake the hill and those street crimes officers go on and move to the next area. So we're very happy with that as well. Lastly I want to comment the international downtown association is coming to Portland in october for 3½ days to really study what the city of Portland and the downtown business improvement district is doing. It's the model all around the country for business improvement districts. They particularly want to study this clean and safe program we've

**August 2, 2006**

had here since 1988, and how the businesses work so closely with the city both providing cleaning and security on the sidewalks and streets, but also in the parks. It's important that we continue this clean and safe project and it's again we have about a thousand people coming to study that in october. So thank you for your support for community policing and for your continued support for what we think is a real successful program.

**Commander Bret Smith:** Bret smith, commander of northeast precinct. Here to speak on behalf of the youth gang program. That program specifically short-term advocacy and educational services to youth and families that are involved negatively or negatively impacted by gang-related activity or violence. The outreach itself provides direct services. And I think what's important about that is that it actually is an outreach to high-risk families in gang activity. It's not just a case management piece. It's more than a case management piece. It's an opportunity for workers who are specialists in this particular area to go out, make contact and build relationships. Relationships are key. They're the ones that begin to develop that relationship that begin to address areas of accountability and responsibility. It's not a case management issue. And I think it's key, it becomes important for us from the Portland police bureau as we begin to interact because that advocacy helps us, we work as a partner with them and in a collaborative effort to address issues on the street and how to deploy our resource and how we might support their program. The only thing I would say negatively about the program is we're not -- there are not enough of them. It's an incredible job as they look at intervention practices as well, and there are very few of them to do the job. More specifically, who can talk about that is ron. There you go.

\*\*\*\*\*: Thank you for your time this morning. I'd like to say good morning to all of you. It is really an honor to serve Under the leadership of --

**Potter:** Could you introduce yourself?

**Ron Macias:** I'm sorry. My name is ron macias. It is truly an honor to serve under the leadership of commander brett emmitt smith, and of course my former boss from northeast coalition of neighborhoods was john canda, who is now part of the mayor's office. Also I want to thank the northeast coalition for giving us the opportunity to provide services not only to the city of Portland, but also its surrounding counties out in hillsboro, beaverton, and other areas. Being part of this youth gang outreach program has given us the opportunity to partnership with different agencies throughout the city and the counties, and so this morning i'd like to acknowledge the fact that the youth gangs program is part of the gang violence task force out of northeast precinct, and also that the people that we partnership with are a group of people that are committed to one common goal. And that one common goal is to eliminate and/or reduce gang violence in and around our city and communities. We also are committed to provide public safety which is a very important aspect of our team, a team that we had in the past, and the reason I say in the past, because as of july 28, I am the only gang outreach specialist that is part of the northeast coalition of neighborhoods youth gangs program. We believe that all our communities and cultures have the right to receive an education and to live in a safe environment, and to be able to raise a family. We also would like to know -- let people know that we as agency don't work from 8:00 to 5:00 program. We are a 24/7, we're out on the forefront, and so whenever there is a crisis we're able to go out and assist in areas that a lot of other agencies are not providing. And so because of that, I believe that a lot of things have gone out the window within these last few weeks, last couple of months. Maybe even a year or so. I'd like for everyone to know that although this gangster lifestyle has grown into a billion dollar industry, my question to the city is, how do we put a price tag on outreach? Gang outreach is a vital part of these men and women who are creating jobs at our communities, and when I say communities, i'm talking about all our cultures that are involved in all this. How do we put a price tag on prevention and intervention? And better yet, what price tag do we put on our youth and our families? I believe personally that if we do not invest in our youth out there today, what will our future look like tomorrow? We've had several budget cuts, a lot of funding has disappeared, and

**August 2, 2006**

again, it's hard to be one person at all places at all times. We believe that if we believe in These young people we're going to be in a lot worse trouble than we are already. Being part of the northeast coalition of neighborhoods and the youth gangs program, the youth gangs program not only provides services here in Portland, but we also provide services in different areas to different communities. The clackamas and Washington county, we believe that the youth that we serve should be given every chance possible, whether it's through education, job placement, medical, mental health assistance, and because a lot of our youth are adjudicated, we also believe that we can offer them as we have in the past, offer them court assistance, whether it's bilingual in spanish or in asian, working together with parole and probation office, prescreening young men and women that are coming out of Oregon state prison or mcclaren youth facility, these are only a couple of places that youth gangs have gone into, and I want to ask if the council and the mayor would consider continuing whatever it is that needs to be done in order for us to continue the youth gangs program.

In conclusion, I want to thank you for your time. This is the first time I sit before you gentlemen here, and so I believe that a lot of good things can come out of what we've done in the past. We've used the analogy that we should not try to reinvent the wheel. I was only but a spoke in this wheel, and now i've been given this opportunity to serve in a Higher capacity. Although school is not in session yet, we are still out in the trenches. For example, there are 1900 youth at benson high school for summer school this year. And so being at benson high school, being at roosevelt high school, being in Washington county and in clackamas county throughout the week, it becomes a difficult task for only one person. So that's why I would like for you to consider theouts gangs program, and helping us continue the work that we have been doing within the last 18 years. I'm not sure if everyone knows that the youth gangs program was the first gangs program created in not only in Portland, but the state of Oregon, so being part of this program, it means a lot. Not only to the people that work this program, but to the families we serve. Again, thank you for your time, and I hope that we, continue to work together.

**Potter:** Thank you, folks. How many more people are on the list?

**Moore:** Seven moore.

**Potter:** I'd like to advise the chief that you have five minutes left. How would you like to use that time?

\*\*\*\*\*: [inaudible]

**Potter:** Yes, we have your report. We have five minutes left. Keep your remarks brief, it's 45 seconds. Talk fast, get your point out.

**Officer Pickett Hawthorne:** Good morning. My name is robert picket, i'm a police officer at southeast Precinct. I'm a member of the newly formed southeast bicycle patrol, and i'm here to tell you that we're being successful in a number of our projects this summer, and particularly we are out in the hawthorne and belmont and lower east bank esplanade areas talking with pedestrian traffic and dealing with street order maintenance issues at the behest of a lot of businesses in those areas. The most important thing and the most important strategic success I want to tell you about is how we're building relationships with people in the city of Portland. On a bicycle we can ride three miles an hour on the sidewalk and talk to people constantly all day. People come up and ask us questions about directions, they ask us how we feel about the new chief, they ask us about parking laws, and they tell us things. They tell us about drug houses they see in the neighborhoods, they tell us about suspicious people in the neighborhoods, they tell us what they think about the new chief. And it is this relationship building that is the essence of community policing, it's making a difference. People love to see us out there. They're constantly thanking us for being on bicycles. It makes us think we're firefighters and not police officers. [laughter] i'll turn it over to ms. Proudly who is a business owner.

**Leonard:** What is that on the handlebars of your bike?

**Hawthorne:** This is a pig on a bike. [laughter]

August 2, 2006

**Leonard:** That's what I thought.

**Hawthorne:** His name is ice breaker.

**Leonard:** Just so people don't get confuse and think you're actually a firefighter.

**\*\*\*\*\*:** Exactly.

**Reese Prouty:** My name is reese prouty, I own a store on southeast hawthorne called eight women.

It's been there for seven years. I'm also the vice-president and -- of hawthorne business association. Sam, don't look at me like that. I'm the cochair of crime and safety committee. Which works in conjunction with members of belmont and the division business association. I also have emily mann here from escentials. The business district like many others in the city is made up of small independent businesses. Retail, restaurant, service oriented. While many of us are more independent than not, the issue of crime and safety for us and our clientele has been a priority for many years. The transient and panhandling population has grown substantially. The alcoholic was their ever-present can of beer. And we have had our share of serial burglaries, not to mention all the graffiti that goes on constantly. But over the years we have experienced dwindling police presence on our street. Something every area shares in. As a result, our business district has tried many things as a stop gap in an attempt to Stall the tide of street crime. At one point we hired our own security, providing a union -- private uniformed person on the street two or three days a week. We developed a foot patrol program that was designed -- disguised more as an exercise program toll get as many as the merchants out on the street with regularity. We have a phone tree which helps us alert neighboring merchants as problems -- of problems as they occur. For a while we even had our own beat cop. We loved him, and we had -- he had a great effect on the daily happenings on our street as well as a great source of information. We have experienced one of the best of the n.r.t. Officers, phil maynard, but we must have offered up too many praise because they quickly promoted him. But the replacements while they're out there, the dedication and the time they're allowed to be involved with us as a community has dwindled. When officer james powell came around looking for support for bike patrols, we were thrilled with the prospect but didn't think there would be any long-range expectations of this.

**Potter:** You're going to have to wind down.

**Prouty:** Ok. Anyway, we're really glad they're out here. It's a much friendlier aspect to the -- to having police on the street. They can affect problems on the street much more quickly and Much more readily. A patrol officer is good to respond to a specific issue, but these guys are out here all the time, you can see them, they can react much quickly to more of the street stuff we have experienced. So if you've got more of them, we want more of them, and we don't want to you shift their priorities. And we don't want to you make them go away.

**Ken Turner:** Good morning. I'm ken turner, chair of the 82nd avenue avenue of roses business association. And also general manager of east port plaza. In both positions i'm here to speak on behalf of advocating for the continuance of funding for the community oriented policing project. We all know 82nd avenue and southeast Portland has its share of crimes. Real and perceived. And some of the missions that have come out of these strategies are that the police bureau has exercise in, i'd like to -- from the real standpoint, some of the mission stats, there were 45 in five missions there were 45 prostitutes arrested, 25 seized vehicles, cocaine, and marijuana arrests. D.u.i. Mission, there were 36 arrests for d.u.i.'s. which I -- in a short period of time that's amazing. From the per exception side of it, during a recent interview of several businesses along 82nd avenue, we had a chance to talk to them about the street crimes. And one comment several of them made that after a mission, they See these street crimes diminish, and of course they come back after a while, but there is a positive impact. Thank you very much, and I encourage continued funding for this program.

**Potter:** Thank you, folks.

**Potter:** Please state your name for the record.

**August 2, 2006**

**Geneva McArtor:** Geneva mcartor of the condominium association neighborhood watch. Which is a part of madison south neighborhood association and both being part of east precinct. Since becoming involved with neighborhood watch over the past 10 years, many improvements have been made in our neighborhood. East precinct under commander krebbs this past year on three missions arrested 44 prostitutes and johns, four drug busts, approximately 30 cars were impounded, four with outstanding warns and one indecent exposure. Our neighborhood group wishes to thank you for the expansion and continuance of the prostitution-free and drug-free zone. Commander krebbs his crew identity theft team and officers including everyone down to the cadets are doing an outstanding job.

They have not been discouraged with the swinging door at the jails. They keep on doing what is expected of them day in and day out. We are here to request additional funding that will give commander krebbs of east precinct more options to target additional areas for missions like 82nd, 102nd, 122nd, max Station, help to move the transients from these areas. Also for more holiday saturation patrols for d.u.i's and any other mission that's need to be addressed. They have been there for us. Please don't let them down by not being there for them. With your complete backing. Thank you very much.

**Adams:** Thank you for helping to organize one of the most successful night out, that I was able to stop by. Thanks for the bratwurst as well.

**McArtor:** Thank you very much for attending as well. We appreciate everyone. Thank you.

**Leonard:** You didn't need that bratwurst.

**John Gentle:** My name is john gentle, one of the property owners at parkside common apartments in st. Johns. 108-unit complex. I'd like to thank you for the opportunity to talk about the enhanced safety of properties program known as e.s.p. program. I've been involved in the program since my partnership acquired parkside commons about a year ago. We were impressed with the way the police officers of the program approached us shortly after we started managing parkside commons and explained the benefits participating in the program. We were hesitant at first having just started managing a new 108-unit complex, and the last thing we needed to do was attend more meetings. But the officers convinced to us give it a try, so we d we Realized we had a contact person in the Portland police department and started calling with questions asking for advice on how to handle issues such as car break-ins, trespassing, and graffiti. Communication line were also open in the other direction as well, and we received activity report when the police responded to calls for our complex. Recently we received a report of a tenant that was allowing a known drug dealer to conduct business out of our unit and we promptly asked her to move on. We also had another resident that had a handgun incident in his unit, we asked him to move as well. The program also provides excellent training for our staff. We learned about using peepholes in the doors, cutting shrubs low and other enhanced safety tips. There is also a monthly e.s.p. Meeting where our resident manager goes and gives her the opportunity to talk to program coordinators and share experience was other landlords. Our complex is in the middle of two other complexes so these meetings are invaluable in establishing lines of communication with our neighbors. A resident manager is also excited about holding our first resident crime prevention training meeting with our tenants. It will be a great opportunity for our residents to meet police officers, ask questions, and receive tips on how they can build a safer community. Thank you.

**Potter:** Thank you very much.

**Moore:** That's all of the invited testimony. We have a public testimony by teresa teeter.

**Teresa Teater:** Good morning, mayor, council members. Downtown advocate for homeless people and youth gang-type situations. I'm going to respond to the gentleman who's going to be the only employee left on the gang outreach program. His issues regarding outreach to youth and nipping it in the bud before it becomes a serious problem. In 1972 in nebraska I was returned to a state agency orphanage because of a botched adoption from 10 years earlier to age 5. And I was the last juvenile delinquent placed on probation under the first police woman of the city of lincoln. A

**August 2, 2006**

woman named holda roeper who died last year, about age 89 or something. And she's my mentor in life, and i'd like to think that maybe in 50 years some child or gang person is going to be sitting in front of this city council thanking you for creating the problems you have created out here to intervene on their behalf. I was a chronic runaway problem, I was abused in the illegal adoption situation, so I was going to have acting out issues and things. But at that time there wasn't outreach programs to intercede with what was going on to address the problem. Within two years of finally addressing the problem I was placed in a sorority house off campus at the age of 16 which was mentoring me into college through my high school program, and I started the university of nebraska as a criminal justice major because of holda roeper keeping at me, coming by, kind of embarrassing me at the orphanage in front of all the kids and deliberately checking on me. The thing the woman emphasized was, getting a foundation under me, a proper foundation in which to base my life and not the direction I was headed as a minor. It didn't impact me a lot at the time, but it always has stayed in my brain, and so between her and a gentleman named clifton davis who was the c.i.o. of the gallup organization in nebraska, they always said if you want to keep these folks' memories alive, get up and testify to situations like this to building up your community, supporting the children, they're going to come up behind you, because your children will be in charge of your social security someday and how your city is run. And how you're going to get the services you get when you're old and if you don't treat them right as kids, and lead them, then you're going to get really bad services when you get old. Thank you.

**Moore:** That's all who signed up.

**Potter:** Ok. That's the end of the report. Do I have a motion to accept the report?

**Saltzman:** So moved.

**Adams:** Second.

**Potter:** Call the roll.

**Adams:** It's no surprise that as the former police chief that helped initiate community policing that under his watch as mayor that we would see a continued progress and growing of strength of that. I think today was just a glimpse and time doesn't permit to go into all things, but i'm especially happy to see the -- not only the further integration with the great work at the community level, but also I like the fact that numbers and definition of success have gotten clear over time, and that the work between the crime prevention specialist and the police bureau has really been strengthened. I think that's all great improvement and one mr. Mayor you should take great pride in. I think your selection of chief sizer is just another example of the continuation and strengthening of community oriented policing. So to the citizens especially that don't get paid to do this kind of work, I want to laud you for last night was 180 neighborhood night out parties. I only made it to 11 of them. I think when you were police chief and we first -- and I was the mayor's chief of staff under mayor katz, we were just sort of starting that, and I think there was something like 60. Now there's 180. It's just amazing. You couldn't drive through -- I concentrated on north and northeast and you could barely drive a couple of blocks in north and northeast when you didn't see one of these parties. The parks are in people's front yards.

**Leonard:** Did you eat a hot dog at every stop?

**Adams:** I ate a few things at every stop. Thank you, commissioner. So I am very grateful and keep going when I say aye.

**Leonard:** I really appreciate this program. I saw officer jeff meier here earlier, he's gone, but he's kind of like the chief knows and others, I actually talked to mayor Potter about officer meier, he's worked real closely with us in our office on s.r.o.'s, and particularly downtown. So I really appreciate the excellent work he does and the support he gets from the police bureau command staff. Aye.

**Saltzman:** I appreciate the good work and -- by the bureau and the many citizen who's care about our safety, our perceptions of safety, our livability, and our youth. And there's a lot of great



**August 2, 2006**

testament -- I was very impressed with the efforts to get people into housing and see the associated reduction in street crimes and associated increase in livability perceptions by people. That's great work. Aye.

**Potter:** I wanted to thank chief sizer, members of the Portland police bureau, and especially the citizens who get engaged with police to make their community safe. I think the testimony you heard today indicates that when citizens and police work together, that you can reduce Crime, you can make communities safer, certainly national night out last night was a great expression of that, of the four places I went to, we had police at most after will -- all of them, we had firefighters, we had a fire rig over at the apartments on cully, and they did a great job. They were very -- the police were complaining they actually took up more of the credit than the police, because the kids were loving the fire rigs. But the fact is, community policing is a responsibility for every person in our community. And so I want to say thanks for the good work to the police bureau, to our citizens, i'd like to see even stronger results next year. Portland's crime rate continues to drop, and I want us to be not only the greenest city in america, not only the most bicycle friendly city, but the safest city in america. So we've got a lot of work in front of us, but we have the people to make it happen. I want to say thank you to everyone. I vote aye. [gavel pounded]

**Item 1044.**

**Potter:** This is the work of a group of people looking at the issue of how we have communications at city council. And first and foremost, the business of the city council is to conduct the business -- and many decisions are made, many issues are discussed. And as a result of that, we have sections that we allow citizens to come in and talk about issues that are important to them and to the city. And I think it's important that we begin to look at how we engage more citizens in coming in to talk with us and engage in a discussion about issues affecting this city. And to that end this is before the city council, and commissioner Adams, did you wish to say anything?

**Adams:** I'll wait.

**Potter:** Do we have a sign-up sheet for public testimony?

**Moore:** We do. We have six people signed up.

**Potter:** No, the city auditor wished to speak at the time any amendments are made. Is that correct?

**Gary Blackmer:** I believe we had public community colleges but they were at the end.

**Saltzman:** When did we start --

**Blackmer:** I think it was -- i'm not entirely sure. It goes back beyond our memories.

**Saltzman:** Thank you.

**Potter:** How many people are signed up to testify?

**Moore:** We have seven people signed up. Come up three at a time.

**Potter:** When you speak, please state your name for the record. You each have three minutes.

**Bruce Broussard:** Bruce broussard. I think i'm going to have to disagree with you on this one. All due respect, if people follow the rules, the rules are very clear. I left a copy of the rules for this particular issue. It's -- I would agree with commissioner Adams, it's only 15 minutes. And we should give the public the opportunity to articulate themselves. I'm sort of reminded as a marine, I get very upset when I see the flags being burned, if you will, but it's the law. And I have to accept that. And so I feel that the folks, mr. Hill and the rest of the folks who come up here, if they follow the rules, I think it's fair. And too often not too many people are as articulate. You need more than three minutes to be able to get your point across, and sometimes that's why people tend to try to block some times to make sure they're able to articulate themselves, they can't do it within three minutes. I do t.v., radio, even I have trouble. I have spent my time here talking about the whole issue of custodians, and all due respect, because I feel in all due respect the council and all due respect the situation here, hasn't been able to respond. I've been on that business for four years, and all I do is I come and try to give you an update on this issue. I'm not really -- my time is of essence.

**August 2, 2006**

I'm running for congress, i'm not using this time if you will to promote my running for office. I'm saying we've got an issue here with our school system. We've got a lot of failure rate, we need the funding, closing schools and things of that nature. And that's why i'm here, just to remind you what it is. In fact, in all due respect, if Someone would have just come to me and said, bruce, I think we've got this thing solved, we're going to make these custodians whole again, i'm gone. I should be spending more time knocking on doors within the third congressional district. So, no, I think you ought to keep it the way it is, and if -- I think maybe as a suggestion, if in fact you've got something very important a person wants to sign up, maybe give Karla a call. Karla can give the person who signing up a call and say, look, by the way, I notice you're on the -- you want to talk with this issue, we've got an issue here that is of utmost importance and -- importance and we'd like to see if you'd consider doing it another date. That's fine. But I really think this is great, i'm reminded -- remember jada, she was like a fixture. And often i've come here and a lot of times, I might not like what she's saying, when she interacted with the mayor, this, that, and the other. It was kind of fun. I've learned some things since i've been here. That's me, i'm a communication person too. Especially now -- i'm running for office, i'd like him to respect what i'm doing. Anyway, seriously, I really think you ought to reconsider this and keep it the way it is. Thank you.

**Potter:** I have one question for you. The issue of custodial retention at the school board, at the School district is an issue for the school board, how many times have you spoke to the school board on this?

**Broussard:** They don't have the community input like we have here. The last board for the Portland public schools had citizens at the end if you will, of their session, and a person would have to stick around until about 10:00, 11:00 at night. I think it's insulting. The process you have here, you give the citizen the opportunity to come up front at the beginning of the session makes a lot of sense. And in fact if you want to get more folks involved, I would suggest you extend the time. Get more numbers, rather than five, maybe make it 10. And even in my particular case, I have been advertising to folks, the african-american ministers, tell about you your program. I informed one of his people the minister should come before this body and educate the community as to the benefits if you will --

**Potter:** I think you answered my question.

\*\*\*\*\*: Excuse me. Thank you, sir.

**Paul Phillips:** Paul phillips, I was watching the news last night, kgw, and on their 5:00 news broadcast, I was sitting in front of my 52-inch television rather closely to see it, they had a picture of me and were explaining about this meeting, and I was rather surprised. I'm not often surprised about much. They did I was surprised that they did state that I was Speaking at the city council about medical fraud. I want to thank them for at least stating the facts. I'm somewhat surprised by the -- they called this meeting, or ordinance, whatever it's called, free speech. I have been here quite a few times at the council as you might know, and today's copy of the -- I got from the audit for only has four people on it. People have been turned away, there should have been a fifth one that should have been able to speak, and sometimes there's been three, and sometimes there's been five, and a couple of them didn't show for one reason or another. I kind of question that. My step father was an artillery sergeant in the second world war and he was mentioning about a politician once, had a better idea about free speech. His name was adolf hitler. And my stepdad as a military man, I couldn't dispute any facts or reason about that or anything else. And i've mentioned this before and showed this -- mentioned it briefly, growth rings. If you're the most intelligent politician I know of, i've spoke to the county commissioners and -- across the river, and the pendleton city council, and both times on those two previous occasions only one person spoke and here there's two. I'd just about venture that west of the mississippi the two politicians here are the most smartest west of the mississippi, and i'd even venture that if I spoke east of the mississippi you'd be the two

**August 2, 2006**

Most smartest ones. Nobody else seems to realize that. So I hope I haven't been a troublemaker. There's been troublemakers like George Washington, Rosa Parks, that's wanted to speak. Abraham Lincoln. And so I apologize if I have ever offended anyone. Thank you.

**Teresa Teater:** Mayor Potter, councilmembers. I have testified during citizens -- my name is Teresa Teeter, downtown citizen advocate. I'd like to make a few suggestions. There's a thing in the police department where they take phone calls, you know, and they prioritize which one gets a police officer, etc., and how it's categorized. I'm wondering if you couldn't empower the auditor's office to screen what it is the person was to testify about. I know that sounds like constitutional violation, but I think concentrating on what's going on in the city if you want to communicate, like public schools, something that -- not sitting here reading medical report, other persons who were leading -- reading the police arrest report over a three-year time period, itemizing it by the officer's breath and the cowboy music he was playing on the radio on the way to jail, all this stuff, none of this has to do with city council. These are things that can go through the independent police review board. My other suggestion is, we've had the police profile meetings where citizens can come and discuss their issues. Maybe you could set up a mayor's evening meeting, I know have you so meetings to go to, but one meeting every other month so citizens like this can get more than three minutes and just sit there and chat with you and get it out, because I sit in the back of this room, I'm doing this as a communication education project, but I am so embarrassed sometimes for what you gentlemen have to sit through with what's going on up here during the three minutes, and it's rambling, rambling, rambling. I'm just going to be blunt, and you have young children sitting here who have just opened for you, and their impression after hearing this is, oh, this is what goes on at city council? Oh, ok. Maybe we're not going to be heard because whatever. And I'm real heavy on the children's issue and their agendas being met. Most of the time these citizens communications aren't technically answered because they don't pertain to city council. And I totally understand that. If the folks that aren't reality-based maybe, I hate using that term, to what's going on in the city, need to be talked to ahead of time and say, please, get a focus, get to the point -- thank you.

**Potter:** Thank you, folks.

**Richard L. Koenig:** Richard L. Koenig. I agree about things that are in the jurisdiction of the city, come to city council. I set that forth a little bit in greater detail in my submission. I want to say this, though. Yet a treasure to be polished and enhanced by use rather than preserved in marble halls. City council has been and can be a space where we come together to be all that we can be by the sheer force of our will to act collectively in good faith, and to express our fondness for our seventh generation out. That's why we should be coming here. The reason I come here is within the jurisdiction of the city. I'm sorry I haven't been by in the last month or so. I'm sure you've missed me. I notice there's still a space in the agenda today for another somebody that could communicate, but nobody showed up. You folks should be ashamed of yourself for wasting my time, wasting my time, month after month, while I'm here on city business and you, gentlemen, signed a letter written by Harry Auerbach saying, I'm not allowed to talk to anybody, he's not here, I'm not allowed to talk to anybody in the city, and this is my venue I'm left with. And you keep me coming back here, and according to "the Oregonian" article that I read yesterday, you tuna lot of folks out. I didn't specifically see a reference to tuning our negotiates on the settlement issues out, that's to your credit. But neither have we made much progress. We're still killing people in Portland, we're still stealing from the citizens, contrary to the laws if you folks now know. From having had input from the speaker of the house of representatives, the attorney general's office, the supreme court, all those people have told you folks, and I'm just the messenger here, I bring this to your attention, I try to do my job, I try to act responsibly, and what do you guys do, sit there like bumps on a log. And you tell me I'm not ricky hall loud to talk to anybody that might get a little bit smarter from my communication. There was a person in the auditor's office that did a review for the record that the city has to regulate the public's use of the streets for their vehicles. She wrote a

**August 2, 2006**

letter and said, "we don't have that." but it got snatched out of her printer basket and nobody has seen it since. Thank you.

**Angelo Simione:** Good morning, mayor Potter, and commissioners. My name is -- I left my glasses in the car but I think my arms are still long enough. I am a co-owner of the viewpoint inn, an historic property in the national scenic area of the columbia gorge. My town of 1,200 is corbett, Oregon, under the jurisdiction of Multnomah county. I read "the Oregonian" article free speech. I understand you intended to vote on limiting individual speaking to the same subject to one public comment per month. While i'm aware of your reasoning based on procedure -- perceived or irrelevant testimony, I believe it's a dangerous road to place Restrictions other than behavioral conduct to regulate any american citizen their first amendment rights, particularly where government is concerned. I base my view on my own personal three-year experience with Multnomah county chair diane linn and her recalcitrant defensive and defiant disregard and disrespect for created respected forums in meetings with residents that were and still are having serious problems with their land use planning department. Also my personal sojourn with my partner jeff thompson to reopen and restore the nationally registered historic viewpoint inn was met with the same, defiance and disregard. Both of these issues were tightly sewn up, her campaign contributions clearly confirm her involvement and her -- and the environmental groups endorsed her. I bring that up because because she's beholdng to powerful special interest groups. As a result, mr. Thompson and I had nowhere else to turn to dialogue with chair linn except public comment. She refused forums and discussions. There were periods of time when we had to go weekly. I'm extremely concerned the democratic checks and balance will be threatened for citizens if you or any government -- to free speech. And when you think it's appropriate. I don't know mr. Hill here but I believe he has the right to come before you weekly say the same thing as long as he behaves Appropriately and follows protocol. Respectfully, remember the people, pay your salaries, and city taxes and must have a voice. I ask you to vote against limiting and monitoring spree speech and not set dangerous precedent for potentially corrupt government, not yours, of course, to maintain itself. Perhaps take a deep breath, practicing patience, setting up a separate forum for continued discussion would benefit everyone. I would ask you to at least table your vote today. And have more thought and discussion on this matter to find result that isn't based on one individual affecting the whole. I respectfully close and thank you for allowing me to practice my first amendment right to freedom of speech.

**Robert Hill:** Mr. Mayor, members of the council. I am mr. Robert hill. As much as I seem to be the inspiration for the text of this bill, you, mr. Mayor, are the inspiration for an idea of mine. Do you think it would be a good idea to let the light in on city hall and city government? How about opening up some of these blinds so the light of day can shine on city government? Do you think that's a good idea? Do you think it's a good idea to open up the doors to the upper tier? Because next week when I speak, I anticipate a packed house. And they're going to have to have seats available to sit in. And that's the upper tier. Right now I think they're locked, and that's a bad thing. But it's hard to read the texts of the proposed bills that are on the agenda, because they're not on the website for some reason. Lots of other things are on the website, but I had to have this faxed to me. And I do appreciate your office in assisting me in getting this. I'd like to read out. One of the goals of having individuals address council is to give citizens to -- currently the five communication requests are fulfilled in the order in which they're rereceived. -- blah, blah, blah, blah. One request per month. The new language to the code section 3.0.040 requesters are limited to one communication per calendar month. [reading] this is the actual text that you are going to possibly consider today. But I really think you should postpone or table this matter for another couple of days or couple weeks. This year only 20 meetings had five scheduled speakers. There were -- six were four including the last three, last four, there were four meetings with three, zero with two scheduled speakers and one meeting with one scheduled speaker. And I spoke with the

**August 2, 2006**

staff person I think the chief of staff with the commissioner Sten's office and he had not received any letters of complaint from citizens or noncitizens not being able to speak to the city council. So it's hard to get a quantum of a number of who has been denied access to the city council. And one concern I have is that there's no posted protocol, mr. Mayor. For these chambers such as the exclusion policy that took me a long time to get. What I'd like to propose, if there's a need for diverse representation, and lots of people to be heard, instead of having just five, how about having 10? You have to change the charter. But I believe if you have the desire and inclination to use an emergency clause on a bill to change the charter, it can still make it in time for the ballot, I think the voters would pass that. 10 instead of five. If you want to give them only two minutes, that's fine. But I think you should have more people speaking.

**Potter:** Thank you, folks.

**Dan Handelman:** Good morning. I'm dan handelman with Portland cop watch. Here to say that generally we have month problem with this idea in general about how you're approaching this five communication slots. But as was mentioned before, the previous way the communications were handled were that they were at the end of the meeting and at that time there limited to how many people could sign up. When I was changed to the beginning, mayor katz and auditor blackmer removed that unlimited to five people. We recommended at that time and this is what I'm recommending today. That you then open up slots at the end of the meeting for people who are willing to sit through three or four hours for their chance to speak, but at least then you wouldn't be perceived as trying to limit the freedom of speech of some of your citizens. I know this can be a problem because have you places to go, but I hope you'll consider that and I think it's kind of interesting that you have created something about having public input and crafted as far as I know without any public input. We would have liked the opportunity to bring this idea to you before. I also wanted to testify about the police issue that came up, and I didn't sign up on the sheet, I wasn't aware that I had to previously it's been asked, is there anybody else who wants to testify and people can just come up, and mr. Mayor, you -- I guess you didn't feel like having people testify then. But I hope that will not be a trend. I hope it will still be open to people who didn't happen to sign up. Sometimes you hear something during an agenda item and you want to speak. I agree with the person who mentioned that the agenda items should be listed on the website with the details about what they're b it would make it easier for people who make informed comments instead of waiting to hear during the council agenda. On the item of -- regarding the police, just now that I have my moment to speak to you, it was changed from being the problem oriented policing report to the community oriented policing report between July 5 and July 20. I don't know what was the cause of that. But I was disturbed a little bit that there were no people who seemed to have been involved in this program, the homeless people who were helped by this to speak about the program. Constantly our group is worrying about the police being in charge of social services, and then allowing they'll to maybe give money to the police bureau to help with community policing. And just generally there were comments made during that testimony and also I believe the auditor said something about people speaking to you about topics that are irrelevant. It's people should have the right to express themselves on whatever topic they wish to, and I think that my hope that you will consider reopening up public testimony at the end of council hearings as it used to be. Thank you.

**Veronica Bernier:** Veronica, community -- good morning audience, and good morning mayor Potter, commissioner Saltzman, sam Adams, and randy Leonard, I notice erik Sten isn't here. I wish he were. I have comments for erik specifically because he has an incredible view on freedom of speech. He's always been supportive in my inroads over to his office he's always had an open door policy, and that's important. As far as the citizens' freedom of speech and access to city hall, it's important. Limiting access is -- will reduce some of the more I guess -- what I call drama queens and drama kings, the people that really want to get theatrical or become a movie star. That's probably not the point. Although there are people who are basically your drama queen, and we all

**August 2, 2006**

know them. We have a few on our block. And a few drama kings, too. Speaking really to the issue here, we know there's a lot of -- erik is one of our best commissioners, and a pretty good actor I think, too. Anyway, I just -- I don't want to --

**Leonard:** I hope you don't start complimenting me.

**Bernier:** Anyway, erik is a good actor and we all support him. We hope he's not ill, certainly. He's a good guy. I've known him since he was 8 and he's been a good scout all along. I always supported him. What I wanted to speak to is the homeless access to city hall. That's really important, and right now the homeless women are taking it on the chin. Rose haven is shut. And I see women sleeping on the street, that's my favorite issue, but -- I found a lady -- she'd lay down on her rosary beads. I thought when a homeless woman comes to that curb and lays down on the street and puts her item of religious preference there, next to her to protect herself, what's happening with the police Department and why can't we do something better to protect these women? The men on the police department do come forward and protect them if they are going to be beat up. But can they advocate for homeless women and get them off the street? Can we put them in a homeless drop-n can we rename rosie haven in my focal point is to add one-stop shop at the list, it's at ninth and m.l.k., where the once all-person one-stop shop store was, people could access it male and female and could actually write their resume, get dresses out of the drunk of the ladies car in the back, and one-stop shop. So it's a message for homeless people, i'm time out, huh? Surely we can do better. Portland is a city that works, on former mayor katz always used to say. Thank you, mayor Potter.

**Potter:** Thank you.

**Moore:** That's all who signed up.

**Potter:** Commissioner Adams.

**Adams:** It's like you're clairvoyant.

**Potter:** Don't call me claire.

**Adams:** Given we have between 2500 and 3,000 council agenda items each of which comes with probably a minimum of five pieces of paper with hundreds and hundreds of exhibits, tens of thousands of people who come in to testify, your job in running and you your team's job and both of your team's job and running the council is challenging work. And I seek to be supportive in that both when I was a mayor's chief of staff and now as a city Commissioner. But I do disagree with this proposed ordinance, and it's a disagreement about policy. I think it's an important policy of disagreement, but it is a policy disagreement, nothing more, nothing less, and I hope and I seek to be in disagreement agreement with you hopefully we'll have a healthy debate about this issue. I understand and respect both your intention and the sponsors of this ordinance, I just differ with them. And frankly I hope I can change your mind. I don't view the five slots of communication here at the city council as the city council's time, I view it as the public's opportunity for three minutes to get on their soapbox in the electronic town hall. Even if that topic is repetitious in nature from week to week. City council communications are a long tradition in the city and I think one of the city's best traditions. In terms of the very important concern about people not having access to the agenda, I think that's a critical concern and a very legitimate concern. My staff and I took a look at an entire year of council agendas in 2005 and whether or not the communication slots were taken. How many of the communication slots were taken. We found that two-thirds of the council agendas had unused communication slots. So one-third of the council agendas were indeed all the way up to five, two-thirds had Council slots left wanting. If this proposal proposed ordinance passes, Portland will have one of the most stringent public communications rules in the united states. We took a look at the cities along cascadia up and down the northwest coast that tend to have the same political culture, open, clean, above-board political culture, vancouver, san francisco, seattle, tacoma, and if this ordinance is passed, this will be the most restricted public communications strategies -- communications policy by far. Just for fun we also took a look at the

**August 2, 2006**

10 most conservative cities in the country. All of which tend to be in Utah, southern California, or Texas, and necessarily all will have more -- they all will have more liberal communication policies than we will have here. Disruptive behavior is a different matter. And I support the mayor's effort to keep the decorum of this chamber in place. That ensures that we all get to operate in a fair and level manner. And yelling, screaming, and holding up signs and seeking to make your comments from the audience or the balcony that's clearly out of order, and I don't support that. But I am uncomfortable that that this ordinance doesn't address, that but does address an issue related to free speech. Even if it's repetitive, even if I disagree with some of it, and even if I don't always understand what people are saying. Sometimes over and over again. It is still free speech. So I'm uncomfortable with putting city government in a position of limiting what is their soapbox, the people's soapbox in our electronic town square, and I'll be voting no and I have a proposed amendment when we get to that point in the conversation. Thank you, Mr. Mayor.

**Potter:** Any other -- I think we're at that point, commissioner.

**Adams:** Ok. So the amendment that I'm passing around, basically keeps it at the status quo, except when more than five people are scheduled to testify, and then I suggest that we empower the city auditor's office through administrative authority to come up with a lottery system when more than five people sign up to testify for a given meeting. The proverbial draw names out of the hat sort of process of being fair. That's the amendment I propose.

**Potter:** I do hear a second? Failing to hear a second, Karla, please call the roll.

**Moore:** This is a nonemergency ordinance.

**Potter:** Excuse me.

**Moore:** The motion fails.

**Leonard:** I do want to say a couple things.

**Potter:** Go ahead.

**Leonard:** Explain why I didn't support the amendment. And why I will vote yes. Commissioner Adams invoked the venerable free speech provision of the United States Constitution. It reminds me of a Supreme Court decision I've actually cited here more than once, I think the author was Justice Brandeis that said the right to free speech does not include the right to yell fire in a crowded theater. And what the justice's point was that I have relied on in a number of debates over my public career is that your right to free speech shouldn't identify with my right to free speech. That there are those that come here who think their rights are first amongst everybody. And by that I mean, unfortunately some of the frequent testifiers here are people not all of them, but some who are well known not just around city hall, but county government, county courthouse, and the state capitol, these are people that have threatened elected officials, who have had restraining orders because of comments, who then come here and fill up slots, time after time after time, that folks like -- I hope you understand why I use his name -- folks like Mr. Fishman may not be able to speak. Mr. Fishman spoke today about a very specific concern, Paul Fishman, relating to his business license fees as each of us have done here, each of us, on a number of times. That was an area I know something about, I caught him afterwards and asked him to set up an appointment tomorrow so we can follow up on it. We've done that. I've communicated with Tim McGrew on it during council, he is going to have staff in attendance and we're going to resolve that issue. That's what this forum is about. For things just like that. Not for people to come and abuse their right to free speech to the detriment of other citizens. I feel that Commissioner Adams' comment that it's not city council's time but the public's time is actually a statement I agree with. But the public doesn't comprise itself of four or five people. The same four or five people every week. The public is the public. And I've had communications when some members of the public who it would surprise I think folks to hear support this ordinance because they, when they had a specific issue they wanted to bring before the council, could not, because the slots were filled by the same people. This has been exacerbated as of late. In the last year or so since I joined the council four years ago. We've gone from fairly

**August 2, 2006**

mundane routine repetitive testimony, to sometimes some of the testifiers spelling out foul words while children are in the audience. Spelling out foul words while we have foreign delegations sitting in the audience. Standing up and screaming from the upper balcony while we have delegations of foreign visitors in the audience. And frankly it's embarrassing, because each of us represent the city in our own way. I represent the city in a capacity that i'm elected in, but that's one of my citizens -- that's why citizens are as important as elected officials, and i've been embarrassed on more than one Occasion by the behavior of citizens in this room. I would also say that to be real clear, what the mayor has proposed is not eliminating the right of anybody to speak. The same people I have described under this ordinance get to still come once a month and say whatever they want to say. And those same folks can come every council session and speak to whatever ordinance under public testimony they think is important enough for them to want to testify to. That has not limited their ability to do that. So I think this is a restrained, balanced effort on the part of the mayor. I'm a person who defaults to free speech as I have my whole public life in many instances, but this one isn't even close to me. That should tell people something, that this is not close to me. I want to remind people that it was at my urging that mayor Potter took leadership on the joint terrorism task force issue a couple years back. I feel very strongly about individual rights, the mayor feels strongly about individual rights and we're willing to take pretty tough stand publicly in defense of that. This is not one of them. This is not an issue that I think is a free speech issue. This is an organized business of the council issue, and also have our business conducted in a manner that is -- should be consistent with the decorum of an elected public body. And it has not been lately.

And as some might predict, the very people who are the perpetrators were the ones, some of whom, were up here testifying today. I'm going to support this, and I appreciate the work the mayor's office has put into it.

**Adams:** Let me try one other alternative approach and then i'll be quiet for a while. How about just i'll make this sort of as a suggestion and see what people's reaction is initially as opposed to an amendment. What about a policy when there are more than five who signed up for the available slots on a specific council that we prioritize lower, or you prioritize lower the frequent speakers, or you prioritize higher those who have not yet spoken to the city council on a given month or some sort of period of time?

**Leonard:** Maybe you want to reserve time in your office to allow these people to talk with you. Because I frankly am not interested in hearing the same thing week after week after week on subjects that have no relevance to this council, and if somebody wants to come and talk and sign up for a particular ordinance, then they can do that. And as long as it's relevant to the ordinance, but I kind of somewhat take up bridge that is -- this is limiting people's free speech rights, because it's not. I don't say that to be smart, I meet with a lot of people on a lot of issues. If you feel like these folks need an audience, i'd welcome you to invite them into your office and give them as much time as your schedule permits. But I think it's inappropriate to have some of these comments come week after week after week for the reasons i've stated.

**Potter:** I'd like to make a few comments. While these parties cool down.

**Adams:** I'm not hot.

**Potter:** Ok.

**Leonard:** Neither am I. You'll know if I am.

**Potter:** Free speech is an important issue in our society. As a matter of fact, the city provides many venues for free speech. Every commissioner's office and mayor's office has email addresses, phone numbers, fax numbers, where people can send us information. Every one of these commissioners and myself go out and talk in the community and listen to the community frequently, I meet out in the community and I give each citizen 10 minutes to talk about whatever they want. We also have web sites to explain the business of government and to leave your information. There are many venues in which to make your concerns known to the city. This is one of a number of venues. I do



**August 2, 2006**

not classify this as a free speech issue. The primary function of this council is to conduct the business of the city. You've heard some of the folks testify earlier that some other public bodies either have no public testimony section or it's relegated to the back end. So I think that the city of Portland does a good job of listening to its citizens. I think the city of Portland does a good job of providing many venues for our citizens to make their cases known. This is only one of many venues and I think it's been misused by a few people. And I think as a result, we haven't really had the opportunity to invite other people in. A good friend of mine who I thought was fairly well educated about city matters had read about this issue in the paper and was surprised any citizen could come in and talk to a city council. I want to encourage citizens to come in. We're going to still have communications every week. I invite the community out there to come in and talk to us, to talk to us about the issues that affect them in this city. And that are relevant to this city. And its functions. Because the primary function, let me repeat, the primary function of this city council meeting is to conduct the business of the people and to make the decisions necessary to carry out the functions of the various parts of our city. So I will not be here next week when this comes up, but I can tell you I would vote and support for this because I think that it's been abused by a few people, and it hasn't been used by enough people. Did you wish to say anything?

**Leonard:** I just learned you're not going to be here next week. Neither am I. [laughter] one of my habits --

**Adams:** Democracy and vacations.

**Potter:** Why don't we set it over.

**Adams:** No, no, let's vote on it next week.

**Leonard:** One of the things I obsess with is three. I can't get to three next week.

**Adams:** I think we should vote out.

**Potter:** Is two weeks from now --

**Moore:** I have everybody in on the 16th.

**Potter:** Let's postpone it until then.

**Adams:** If I could make one --

**Potter:** I thought you said you had made your comments.

**Adams:** I lied.

**Leonard:** One comment on every issue, and three minutes.

**Potter:** Go ahead.

**Adams:** Randy. Randy the filibuster Leonard. Thank you. I just want to clarify that it's a long-standing city government tradition across this nation that million be given communication time. So while there are different traditions for state legislatures, there are different traditions for federal -- on the federal level, it is a long-standing tradition and a pretty universal practice among the cities that we've looked into on this issue. And I just would close by saying I think it's fundamentally unfair to -- this is a fundamentally unfair issue, and I appreciate the council for hearing my concerns. I also want to thank brian on my staff for doing a lot of the research on this.

**Potter:** We move to a second reading. What was the date? August 16. Please read the next item.

**Item 1045.**

**Kerry Dugan:** Mr. Mayor, members of council. I'm kerry with the Portland office of emergency management. Our office provides staff support to the Portland citizen corps council. We're pleased to be here this morning. We want to share with you a few accomplishments over the past year and to ask for your support and guidance as we move forward through this new year, this coming year. I'd like to start by thanking the 29 members of the Portland citizen corps council for their leadership, time, energy, and passion for this mission. I'd also like to thank mayor Potter and for his leadership and support. We've had several citizen corps members with us today. Raise your hand if you're here. We've got members of Multnomah county health, naacp, northwest natural, neighborhood association members, fire, police. And we can be -- with me this morning here I have

**August 2, 2006**

jim, who is a preparedness consultant with Portland community college. William warren to my left, office of neighborhood involvement, crime prevention program coordinator and katherine anderson down here, who is also o. n.i. coordinator. And because we only have four chairs and we have six of us, we have the assistant director of the emergency services Oregon trail chapter of the american red cross with us as well, and nicole, with o.n.i. neighborhood involvement the disabilities program coordinator. And i'd like to thank all of them as well. We'd like to begin by providing a brief overview to you of the Portland citizen corps council. I know we'd like to share a few of the steps we've achieved over the past year. History nationally the citizen corps council model was created by presidential directive recognizing that every citizen has a role to play in making their own household and community more secure. In his state of the union address in january 2002 the president announced the formation of the usa freedom corps through the freedom corps, the administration has encouraged every citizen to commit 4,000 hours of service to others to improve and safeguard the nation. Usa freedom corps includes American corps, peace corps, senior corps, and citizen corps. Portland citizen corps council was adopted by city resolution in october of 2004. Bringing together a widely diverse membership base of public, private, and nonprofit organizations. The Portland citizen corps council meets once each quarter to focus leadership in two areas, one making Portland a safer city by raising community awareness and how to prepare for and address natural hazards, crime prevention, and terrorism. Specifically. And two by increasing and encouraging greater citizen volunteerism. Portland citizen corps council provides -- has -- priorities include four key areas. One, ongoing community preparedness outreach, two, enhancing the coordination of existing volunteers while increasing efforts to recruit and train new volunteers in public safety efforts sponsored by citizen corps programs locally. Such as crime prevention, the net which is neighborhood emergency team program, health reserve corps, red cross, the amateur radio association and others. Number three, work with local schools to enhance emergency preparedness among students and their families. Number four, increasing preparedness in communities that are more vulnerable to the impact of disaster. That said, the portland citizen corps council launched into this past year by creating the community presenters program to train volunteer speakers and coordinate safety and preparedness presentations to community groups. Speaker training is free and is provided by portland office of emergency management. Laurence beemer, our emergency services program assistant has coordinated a great deal of this training to volunteers. Laurence is also leading our emergency team program. To date on behalf of the citizen corps programs, some 82 presentations have been made throughout the city to diverse groups. Examples of that include a presentation back in December to 200 immigrant and refugee community organizations members, staff members at their quarterly staff meeting and many, many presentations to neighborhood associations, business, schools, elders in action groups, city employees and a culturally defined communities such as the Vietnamese, Laotian communities and others. 1,200 red cross together we prepare Oregon pamphlets have been distributed, more than that actually, throughout the city and various community events and a plethora of specialized flyers and handouts such as earthquake preparedness, landslide and wildfire information, 72-hour kit information, net flyers, crime prevention, block watch program information and now the very latest citizen corps brochure. 10,000 which were distributed last night at national night out block parties across the city. Thanks to northwest natural and les youngbar for printing those for us. Approximately 50 city volunteers have been trained to date as community presenters to return to their own organizations to in turn communicate emergency preparedness information back out to their constituents. The current roster of volunteer speakers we have with speakers bureau is actually a very diverse group which is exactly what it was intended to be. It's a group of net trained citizens, senior citizens, citizens with elders in action, members of the Vietnamese, Cambodian, Romanian, and hatian communities from irco and members of the African American community. Again each in turn taking safety messages back to their neighborhoods and communities to also in

**August 2, 2006**

turn to share. The portland citizen corps council has taken information throughout the city through multiple outreach venues. Sleeves rolled up, banners, boxes of flyers and duct tape in hand and of course information that we share is information about how, such things as how to build a 72-hour kit, development of family disaster plan, what to do, what not to do in various emergencies, scenarios, with always emphasis on the importance of personal initiative and personal initiative to protect family, protect neighborhoods and employees in emergencies. Presentations are flexible and customized between 10 minutes to half an hour or up to two to three hours and the citizen corps is involved in an average of two or more emergency disaster preparedness presentations each week. Highlights of the past year have included back in September the omsi safety safari which was a huge event that the portland citizen corps council sponsored. 15,000 citizens passed through omsi and the citizen corps council booth over that two day period. Information, training sessions were provided twice a day. These efforts resulted in television, radio and print visibility on emergency preparedness to obviously a larger audience through broadcast throughout the city and region. Back in January we were invited to participate in the martin luther king jr prayer breakfast at the convention center. Twelve to thirteen hundred citizens were there and citizen corps had a very prominent role and again emergency preparedness was highlighted as something that every citizen needs to take the initiative to prepare for. In February at emanual temple in northeast portland a day long training presentation was held at the specific request of the African American community. Which went very well and then of course in april the combined office of neighborhood involvement crime prevention and portland emergency management citizen corps ready, safe, go public safety conference took place at Sylvania campus and I'm going to let jim sloslin get into that in a minute. More than 20 different breakout units were offered including home and disaster preparedness, cpr training, net advanced command system, ics training, fire extinguisher use, trauma intervention, pandemic flu and other public health issues together with annual citizen volunteer award recognition event at noon. We had approximately 300 attendees. Portland citizen corps council was also extensively involved in multiple fix-it fairs. Citizen corps staff engaged the public and were on hand to -- we had an average of 300-400 citizens attend each one of these Saturday safety fairs. News coverage has also increased. That provides an overview. I'd like to turn attention over to William warren.

**William Warren:** William warren, crime prevention program coordinator. I have the honor of representing remarks from my boss, who had to leave and go to another meeting. She is the interim manager for the crime prevention program in the office of neighborhood involvement. Because of citizen corps council's mission and because it is clearly the right thing to do, o.n.i. and poem have been working together for much of the past year to find ways to coordinate the efforts of the city's many public safety volunteers. Neighborhood and business watch organizers and neighborhood emergency team volunteers have much in common. And in fact, are sometimes the same people. She would like to highlight two ways in which crime prevention and emergency preparedness volunteers have come together this year. In april of this year, o.n.i. jointly produced the first ready safe go conference, r.s.g. brought together public safety volunteers to learn more about emergency preparedness and crime prevention measures. The workshops were designed both for the beginning and advanced public safety volunteer during the lunch hour at ready safe go, efforts -- during the lunch hour at ready safe go emergency preparedness and crime prevention volunteers were honored for their efforts with a lunch and awards ceremony. We intend to make this an annual event and look for new ways to cross train and cross organize these volunteers in that context. And so I would just add this point, which is that saturday, april 28, 2007, will be the second ready, safe, go conference. Last night was the peak of our annual celebration of national night out. Nationally as you know national night out is an event designed to connect neighbors with each other and with public safety officials in order to reduce crime. We see national night out as an opportunity to promote public safety generally to include emergency preparedness efforts and this year every

**August 2, 2006**

national night out participant received a community safety kit which included information about all kinds of public safety efforts. Also, net volunteers attended dozens of parties to spread the word to people already interested in crime prevention through neighborhood emergency teams is a natural match with their interests. The neighborhood emergency team program will probably have many more participants this year as a result of that outreach. Next week's national night out, which always the first tuesday, will be august 7. We look forward to working with other partners in years to come on making Portland safe, healthy, and vibrant. Thank you.

**Dugan:** I'd like to introduce katherine anderson.

**Kathrine Anderson:** Thank you, mayor Potter and commissioners. I'm excited to have this opportunity to talk about some of the grass-roots volunteer organize that's taking place and the cross training and between these sets of volunteers. First of all we don't have a duplication of services or training provided to the specific groups on their roles and responsibilities. But what we do have are some common goals and objectives. Both programs, neighborhood-based volunteers step forward to take active and pro active roles enhancing neighborhood livability and the increasing neighborhood safety whether that's related to crime or disaster. Something about the numbers. I know that in neighborhood emergency team program they have trained more than 1600 volunteers that have very active group of about 900 and will be adding somewhere upwards of 80 people, 80 new net members and certainly could exceed that in the coming year. Those people go through many hours multiday training in comparison to our neighborhood watch program. That includes neighborhood watch, apartment watch, business watch and community foot patrols where we usually have a small amount of time we spend in training those individuals that the foot patrol program does take longer. Two years ago we had 490 organized groups. Now we have probably in excess of 620. So we have anywhere from around 20,000 to maybe 25,000 people that we have certainly trained and hopefully are all active at this point in time. We expect to add another 50 to 100 groups within the next year. So we may be adding 2,000-4,000 more volunteers in the neighborhood watch program. At the conference we heard from a small breakout group of neighborhood emergency team members as well as neighborhood watch volunteers of the things that they wanted to see happen, the -- from them directly. They want to have more communication, more cross training opportunities, greater connectivity, and more knowledge and working with each other at that neighborhood level. So to help meet those needs we're talking about a number of different steps or programs that we can set forward. One of them is a work group to take these brainstorming ideas and flesh them out and prioritize them. Additionally, there is information that's provided when groups are trained about the existence of the other group, but also the ready safe go next year will have another opportunity for cross training. On a larger scale, and then again upcoming in september is national emergency preparedness, october national crime prevention month, we're looking at having larger scale citywide trainings and certainly we'll invite those people. We're working together for neighborhood watch to find more ways to integrate and to bring this down to the neighborhood level. Thank you.

**Dugan:** Jim is with me, I never know exactly what he's going to say, but i'm going to turn him loose to hopefully talk about public schools and the citizen corps component of how we'd like to impact Portland public schools and also a little bit about ready, safe, go, national night out and the september 9 all-day public safety fair we have planned.

**Jim Slauson:** Old retired guy from gresham police department. Currently an emergency preparedness consultant for Portland community college department of public safety, and i've had the honor of being asked to represent the college on Portland citizen corps council. What a unique opportunity. The college wants the academics excellence, we also want to be good neighbors with various campuses. We have not only around the city of Portland, but Washington county. They talked a lot about ready, set, go, william will be happy to hear I submitted the memo requesting that date for next year, Portland community college was honored to host that Conference, and I think a

**August 2, 2006**

lot of good came out of that our district president was very excited about the number of people there, and having mayor and commissioner Adams there was quite a good event besides the ready, safe, go, september 9 will be the are you prepared meeting day presentation, at eplan well testimony many being hosted primarily by northwest insurance council. Another partner for Portland citizen corps council. Along with red cross and some other people will have an all-day event, police bureau, fire bureau, a number of agencies presenting information. And Portland community college, our fire science program is at the cascade campus a block and a half down the street so they'll bring a big red fire truck over. Kids love the fire trucks, and so they'll be there to put on that display. It's important we have the schools involved in this whole preparedness issue. Along with our private partners, northwest natural, pacific power, p.g.e. There's a lot of people at the table that can shoulder the burden. Schools are important pieces, and this last year Portland public schools had kind of a major piece in our overall work plan. But because of changing personalities, changing personnel, budget cuts, those kinds of things, we're going to retool that. Because the city of Portland is more than the Portland public schools. It includes parkrose, david douglas, even a piece of reynolds. So we're going to retool this for a number of reasons. One, because of the change in staff, two, red cross has newly readopted shelter agreement was the school district, and because the evacuation plan that's being work order by the Portland police bureau also utilizes some of the facilities at the schools, the neighborhood teams meeting the school locations, we're going to retool that part of the work plan just a little bit. This is a true partnership, and Portland community college, thanks the mayor and the city of Portland for moving us forward. Thank you.

**Dugan:** We've got david and nicole who will talk about the vulnerable population piece.

\*\*\*\*\*: Thank you, council. The subcommittee on vulnerable population that's we're working on is representative of just some of the vulnerable populations we have here in Portland. But include the office of neighborhood involvement, Multnomah county health's cultural specific population, emergency communications plan, the african-american chamber of commerce, independent living resources, and elders in action as well as the red cross. And what we're focused on is getting a better handle in identifying who the different populations are within the city who may not receive preparedness information through traditional means. We're going to assess the Current community preparedness efforts which are going out to these populations, and their effectiveness and make recommendations to the Portland council on where to make its efforts. Once we put our recommendations forward we'll work in the best ways to actually enact those recommendations.

\*\*\*\*\*: One of the pieces of how the intent to approach emergency planning for the persons with disability community and elderly population and eventually all vulnerable population assist an emergency registry in doing best practice research, emergency registries are probably the cornerstone of any good emergency plan for persons with disabilities, and people who have inability to evacuate on their own. As luck would have it, a pie rot program -- pilot program was run in a joint effort between the city and county last year that focused on extremely disabled persons and 9-1-1 calling. We have an opportunity to take that program and expand it to include all persons with disabilities who have an issue in evacuating as well as connect it with other efforts going on with the net and red cross and get information to folks so that they can be more prepared as well as have citizen volunteers that will give us something larger, they would be able to help and seek people out so that we can prevent some of the things that happened during katrina, which was that people got left behind. First responders are very busy when there's a big emergency, And so Portland is a great city and has people who want to help and if we can utilize that and really connect the dots, we can have a great plan that will work for all of the vulnerable population.

\*\*\*\*\*: I'm with sweeney and the emergency preparedness committee. We've been a member of the citizen corps council since its beginning, and during that time we've increased enrollment in the net program from 116 people in the southwest Portland to 185, which is 60% increase. We think a lot of that is due to the efforts that we have put forward in flood -- letting citizens know about the

**August 2, 2006**

program. But we need to put more people through the program and we really need to have a larger budget for that. That's part of the constraint we have putting more people through the program. We can fill up the seats in the classes just to give us a chance to do that with a larger budget. And i'd also like to make a quick comment about, I keep hearing from engineering that our earthquake risk here in Portland is magnitude 6. That's 30-year-old information. In the past 20 years we learned that the cascadia subduction zone is going to give us a magnitude 8 or 9. In the past eight years scientists have -- at Oregon state university have told us it's going to be a 9-plus. The past 14 events were magnitude 9 plus. So we need to take this threat seriously and prepare as much as we can. Thank you for your time.

**Dugan:** Any questions? Thank you for your time. Appreciate it.

**Potter:** Please read item 1046.

**Moore:** We have one request for public communications on that item.

**\*\*\*\*\*:** Mr. Mayor --

**Potter:** Mr. Hill, last time you testified you used obscene languages. If you use any kind of language like that, I will exclude you from this council. Do you understand that?

**\*\*\*\*\*:** You considered that --

**Potter:** Do you understand that?

**\*\*\*\*\*:** I --

**Potter:** Do you understand that?

**\*\*\*\*\*:** Understand --

**Potter:** Do you understand, yes or no? Or shall we just exclude you now?

**\*\*\*\*\*:** I understand, I think.

**Potter:** You have three minutes. State your name when you testify. Put the sheet down.

**Robert Hill:** Mr. Robert hill, mr. Mayor. Members of the council. I object to the text of line item 1045 not being on the website. Would I have had a more prepared comment. Perhaps they will be somewhat obtuse, but one thing if there are flyers available, I would like at least 10 and if there are a few more that could be put outside from this council, that would be good too. One concern I have is that the california energy deregulation has been publicized a lot as a bad thing, but the positive experience of the pennsylvania deregulation hasn't been --

**Potter:** That's not relevant to the issue at hand.

**Hill:** If it's an emergency such as a power outage like what happened in ohio, where there was a surge of power, if there's a way for the city council to impose upon p.g.e. And other local electricity utilities to perhaps have banks of empty batteries, fuel cell batteries or hydrogen style batteries that would absorb and capture what would have been lost electricity and would have caused a shut-down of the grid, I believe that's a way to maintain power. I'm not sure, but I know there are companies that plug power, ballard power, fuel cell technology, there could be interagency agreement between the city and p.g.e. And p.d.c., I don't know exactly if that's relevant to this particular report. I think it's under the office of emergency management. It seemed like a timely time to bring this to your attention for the safety and public welfare of the citizens of this city and county, and region. And if there's also a way to have more solar panels, by homeowners and businesses, then in the event of the emergency, that would be a small way to maintain an extra amount of power. That concludes my remarks.

**Potter:** Please read item 1046.

**Item 1046.**

**Potter:** This is a second reading, vote-only.

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

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

**Item 1047.**

**Potter:** Commissioner Adams.

**August 2, 2006**

**Adams:** This is a pretty standard as required by state law. If you have any questions, april is here to answer them. This is a good thing.

**Potter:** Questions from the council? Emergency vote, please call the vote.

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

**Potter:** Aye. [gavel pounded] item 1048 has been pulled and will be presented on august 16.

**Moore:** We need to read it into the record.

**Potter:** Two pulled consent items. Please read those. 1042.

**Item 1042.**

**Potter:** Mr. Hill, you speak to the consent issue at hand, nothing else.

**Robert Hill:** I'm mr. Robert hill, my comments apply equally and generally to both 1042 and 1043, there's no need to call me again for 1043. My two concerns are one, I object to the lack of the text of line items 1042 and 1043 from any Portland online website for the public -- including myself to review prior to today's meeting or any city council meeting, that's my one big objection. I don't particularly have objections to the text, I don't know what the text is. Other than what the summary says here on the daily journal of commerce page 19, tuesday, august 1. Second main objection is they are starred with an -- starred, that makes them emergency motions. I don't know why they have to be emergency motions. Other than someone failed somewhere to put 90 a timely way, whoever that may be. So those are my two objections to these consent agenda items.

**Potter:** Please call the vote on 1042.

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

**Potter:** Aye. [gavel pounded] call 1043.

**Item 1043.**

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

**Potter:** Aye. [gavel pounded] we are recessed until 2:00 p.m. [gavel pounded]

At 12:34 p.m., Council recessed.

**August 2, 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.

[ The following text is the byproduct of the closed captioning of this broadcast. The text has not been proofread, and should not be considered a final transcript. ]                   \* \* \*

**AUGUST 2, 2006      2:00 PM**

[roll call]

**Potter:** I'd like to read this into the record. I'd like to remind folks prior to offering public testimony to city council, a lobbyist must declare which lobbying entity he or she is authorized to represent. So we will proceed with the order of events. First the bureau of planning staff will have an introduction, and then presentation of amendments four, five, and six, we'll have public testimony, council discussion, and vote on amendments and then we move to amended findings report. Then we move to adopt the ordinance and pass the entire package to second reading on august 9. Did you want to say something?

**Leonard:** Only that the issue of my being absent august 9, is that relevant?

**Potter:** Since we will both be gone, perhaps it is. I think there's some time constraints on this as well. I will check on, that but that's the information to that effect. Could the below of planning staff please come forward?

**Gil Kelley:** Good afternoon. Gil kelley, planning director. I'll disclose i'm sitting in for joe, who I thought I had handed the project over to, but he's on vacation this week so here I am. Today as the mayor mentioned, we're here to take testimony on, have you consider amendments four, five, and six. Barry will explain those in a moment. To back up a step, you conducted hearings on june 15 and june 28 in which you concluded your deliberations on amendments one, two, and three just to refresh your memory, amendments one, two, and three have to do with the required setbacks along 122nd. The degree of frontage required for buildings on the street, and the size of the so-called commercial nodes at the major intersections. Those issues you've disposed of and we have prepared findings for you that cover those issues as well as issues that you will deliberate on today. So we think we have a complete package for you. Amendments four, five, and six barry will explain in detail, but essentially those go to a change of the zone from the c.m. portion of this district to the c.x., a very limited amendment about a nonconforming use and floor area that concerns the ray reece dealership, and finally, an amendment request from a property owner in the district to allow fuel service station at the safeway site. So on that one, you'll probably receive some testimony and debate that issue. We have prepared an ordinance for your adoption at the second reading that is in two alternatives. So depending on which way you vote on amendments four, five, and six, we think we've covered you either way, you'll just have to wick one of those two versions of the ordinance. We do I think have some flexibility on when we set the follow-up second reading, so if august 9 doesn't work I think we could move it out to the 16th a week, or whatever would accommodate the council's schedule.

**Leonard:** Version one, version two -- it -- one includes four, five, and six and one does not?

**Barry Manning:** Version one would cover amendments 1-5, and version 2 of the of ordinance would cover amendments 1-6, including other provisions for title 16 amendments.

**Leonard:** Thank you.



**August 2, 2006**

**Kelley:** Perhaps at the end of the proceedings we can talk again about the date for the second reading, but I think we have flexibility timewise.

**Potter:** Ok.

**Kelley:** With that introduction i'll turn it over to barry and he'll walk you through the amendment that's we'll be subject to testimony today.

**Manning:** Barry manning, planning staff. Thank you, mayor Potter and city commissioners. As gil mentioned today, we're here to conclude amendments for the 122nd avenue station area study. You've heard the issues on june 15 and june 28 and concluded on amendments one, two, and three. Today we're here to consider amendments four, five, and six. What we'd like to do is present the amendments and recommendations where appropriate, take public testimony, have some council discussion, and take council votes on those specific amendments. Council, staff has developed an amended exhibit b, our findings report, council will need to move to adopt that and move to adopt one of the substitute ordinances, depending on council's votes on those specific amendments. Then we would move the package to second reading. The three we're looking at today are the rezoning changing, changing c.m.d. to c.x.d., a clarification regarding expansion of floor area, and amendment six is the fuel station on the safeway site. I've got a brief presentation, and i'll walk you through that. Amendment four deals with the small area of c.m.d. zoning around 122nd and burnside. Council took a vote to approve this change on june 15 and we're asking you to confirm that vote today. There are a couple things we want to mention. In addition to the zone change, we'll need to change the comprehensive plan map to central commercial to correspondent to that -- correspond to that zoning change. The proposal would propose the design overlay zone, part of the package that came to you earlier. Just to reinforce the c.x.d. zone is a pedestrian-oriented zone, it provides commercial housing and mixed use opportunities. Part of the idea here is that this simplifies the zoning pattern and creates a more consistent pattern in the area, and in look at the zones and comparing them, most of the development standards of the zones are very similar in terms of height, floor area, setbacks, c.x. Zone does not include the residential requirement that the c.m. Zone does. Amendment five is a ray reece/steve abel amendment which would ask for a clarification of the nonconforming regulations. Staff has proposed a -- an alternative amendment and some revised code commentary. We've discussed that with the stakeholders, particularly stave abel, and have come to agreement that language makes sense and works for them and it also works for the bureau of planning in terms of a code amendment. So we wanted to let you know that.

**Leonard:** That's the same in version one and two then?

**Manning:** Yes. And you'd refer to the memo to council to get that specific language. The memo dated july 31. And then amendment six was a request again from safeway represented by mark when it low to allow a fuel station are in conjunction to an existing super markets. Safeway has a store at 122nd and glisan currently, and during the last -- the public hearing on june 15 council had quite a bit of discussion on this topic, asked us to meet with the community and see if we could come to some conclusion on this particular issue, and we want to report back on that. Bureau of planning did meet with the community as we discussed. We attended the hazewood neighborhood association meeting on july 20, and had -- on july 17. We had a special meeting on july 20, we sent out a notice to interested parties, that meeting was on one of those really nice hot days and was not terribly well attended, but we did have some community atense dance. What we've received so far is a mix of opinions on that topic. There seems to be a lack of public consensus. But we did discuss development and design issues with the community should the council choose to move forward on this particular amendment. At this point in time the bureau of planning's recommendation is not to approve the requested amendment. We'll get into the reasons we still believe it's not appropriate to approve this in a minute. But I wanted to let you and council know that we have provided in that memo to council on july 31 some amendment -- some draft code language that would allow adoption of this type of a use should council find that this is the way that

**August 2, 2006**

it would like to go in -- after hearing testimony and deliberating on this issue. The title 33 amendments would allow fuel sales in the c.x. Zone in the 122nd district specifically. It would be very limited but it would treatment similar sites and uses in an equivalent manner. It applies to sites of a certain size over 150,000 square feet in this case in conjunction with and the use would only be allowed in conjunction with another retail site that exceeds 50,000 square feet of floor area. It would apply specific development and design standards that were developed after some discussions with the community. It would set limits on where that is located in terms of relations to those transit intersections. And the size of the facility itself, the fueling station facility. And it would require improvements to landscaping. In conjunction with that at the last council meeting, the meeting on June 15, there was some discussion of requirement after biodiesel or alternatives fuel provision should this issue be considered in an allowance granted for this station and this district. We have included some amendments to title 16 that we believe address that issue. They would require a high percentage of biodiesel and would typically be required in the citywide amendment that's are scheduled to go into effect next year. In this indication it would require a b-20 blend or 20% biodiesel blend for stations approved under this provision --

**Leonard:** I'm trying to follow along with the ordinances, and my version one and two that I have appeared to be identical. Unless there's something subtle here, i'm not seeing the difference. They appear to be exactly the same. Is there something very subtle in the difference?

**Manning:** It's fairly subtle. If you look at the title where it says adopt and implement the 122nd --

**Leonard:** Where?

**Manning:** At the top under ordinance number. That reference would amend title 33 and title 16 in the version two.

**Leonard:** And my version one says that as well

**Manning:** Then there's an error in your version one. Is that true of the other city council letters?

**Potter:** I have the one that says amendment title 33.

**Leonard:** I'm the only one that has the different version.

**Manning:** Mayor Potter may not have both versions. So you should all have two versions of this now.

**Leonard:** I do now.

**Manning:** Sorry for that. Version two has the title 16 reference in the title. And if you -- hopefully i'm looking at the correct version as well. I'm going to look at my marked-up version.

**Leonard:** It's substantially different. It has i.n.g.j.? Version two.

**Manning:** We've made additional findings 23, 24, and 25 in order to address the title 16 --

**Leonard:** Which version, version --

**Manning:** Version two.

**Leonard:** Ok.

**Manning:** Both versions include if you're looking -- keeping score, both versions include what is in version one, item 21, and in version two it is item 22 that addressed the meeting we held specifically to talk about these issues with the community. So that concludes what we have proposed some draft code language that council can consider, and we would be happy to answer questions about that in more detail if you'd like to get into that.

**Kelley:** The long and short of it, there is code language in front of you that would allow you to approve of the safeway request, but in a form that what's acceptable in terms of ordinance writing. Barry I think was explaining there is reasons planning bureau has reservations in moving forward in that direction, which he'll explain, but we have the alternate language in front of you so you, adopt that.

**Leonard:** So I am clear, is that language in version two?

**August 2, 2006**

**Manning:** It's not in the ordinance itself, it's in the memo to council so council would need to move that draft language.

**Kelley:** Correct. That would be inserted into the ordinance.

**Leonard:** So i'm looking -- i'm going to make sure i'm tracking, i'm sorry. Where is the language in the memo?

**Manning:** It's the last two pages.

**Kelley:** Motor vehicle fuel sales --

**Leonard:** Ok. So the language you're suggesting would need to be in version two is in this item j title 33 amendment.

**Manning:** Correct. And that --

**Leonard:** And where does that insert itself into version two? Or do we need to concern our self?

**Manning:** I do not -- I don't believe so.

**Leonard:** Item j. Replace the item j language in the current version two? I.n. J.

\*\*\*\*\*: That's correct. They do. Thank you.

\*\*\*\*\*: It is in version two.

\*\*\*\*\*: Version two specifically.

**Leonard:** This language is in version two?

**Manning:** That language is referenced in version two of the ordinance. It's items I and j in the directives.

**Leonard:** So we would not need to take any additional action if we adopted version two?

**Kelley:** You could do that today and on second reading without any new material.

**Leonard:** Ok.

**Manning:** And then just to conclude, bureau of planning's recommendation is to not adopt this amendment and for many of the reasons we talked about at the first hearing on this matter, the proposal was late coming into the process we didn't really have the opportunity to discuss this in the broader context with the public over the year and a half process that we had to discuss other issues. The current restriction and limitations on uses and development, quick vehicle servicing, drive-throughs are consistent with the goals in this area. City policy suggests limiting auto oriented uses in this area and a quick vehicle service by definition is an auto oriented use. And that suggests limiting those in pedestrian districts once again. This is a big pedestrian district, which is adopted by council in 2002, actually modified by council in 2002. We have some other nonconforming developments in the area that have similar uses or development types, so we have drive-throughs, we have gas stations in the area, this could potentially create unequal treatment of those existing nonconforming uses and a new use. And that again --

**Saltzman:** Could you elaborate on that point?

**Manning:** Sure. Within the area between glisan street and stark street, in the ventura park pedestrian district there are you two drive-through restaurants and two other gas station that's operate currently. Those preexisted the current codes and development regulation and they can -- they are functioning businesses right now and they continue to function and upgrade their sites in a manner that's consistent with the nonconforming situation regulations in our city code. If they change them substantially by tearing down the sites or rebuilding them, they wouldn't be allowed under today's code. So this -- the inconsistency is that we would be granting an allowance for something, a new development essentially for something that wouldn't be allowed for other users.

**Kelley:** Because they wouldn't meet the qualification of having 50,000 square feet of associated retail and so forth. Sort of the supermarket attached.

**Potter:** I had a question about that as well. If this were to be granted and safeway had this opportunity, I remember from the testimony last time that they really didn't have any immediate plans, but they were -- wanted that as a future potential. If they for any reason were to sell the site would this zoning go with that site and become part of the sale?

**August 2, 2006**

**Manning:** The way we've crafted the zoning, the answer is essentially yes. The way we've crafted the zoning in order to make it apply evenly in this district was to allow it on virtually any site in the c.x. zone and there's a number of sites in the c.x. zone that meet the criteria of being at least 150,000 square feet, many of them are, this is a district that has large sites. But also this use would be only allowed on a site that was the 150,000 square feet but also included another primary use in the retail sales and service category that's 50,000 square feet or greater. So the idea behind this, the way we've crafted it, is we're looking at the potential for trip consolidation benefits of pairing those kinds of uses so a user that might be attracted to a grocery store or other large retailer might also get gas rather than generate -- rather than allowing a gas station independent of that that might have its own trips. Limiting the regulation to only safeway we felt was problematic and not an equitable way to approach that, so we wanted to broaden that to allow it -- met the development and design standards that we're proposing.

**Saltzman:** You said there's quite a few of those?

**Manning:** There's a fair number. I don't have a number off the top, but I could easily figure that out for you.

**Kelley:** As a general principle, mayor, in the zoning code we direct provisions to the property and not to the ownership of the property. So the rights travel with the owner, with the property when it's transferred.

**Leonard:** The part i'm confused with because I am very familiar with this area and there a lot, I have seen two of the service stations can be completely rebuilt in the last two years. From the ground up. I'm sure the neighbors that live out there have seen the same thing. It doesn't make sense what you're saying that they can't do that when aye seen them do that.

**Kelley:** That may be -- there may be provisions in the nonconforming development regulations that allow certain amount of demolition and rebuilding, maybe if they're using the same building footprint. I'd have to look at the code to know exactly how those were done. It may be possible for them to rebuild in a limited manner. They may not be able to expand tremendously and --

**Leonard:** That's different than what you said. They said they would not be able to rebuild and i've seen two of them actually do just that.

**Manning:** Without -- I don't have specific knowledge of those two, so I would have to do more research to understand --

**Leonard:** The one on the corner of 122nd and stark and the one on the corner of 122nd and glisan.

**Manning:** I'm familiar with the stations but not with the development proposals that allowed them to rebuild or modify their sites. That concludes our presentation. We would be happy to answer any additional questions council have, or turn to public testimony.

**Potter:** Questions? Thank you, folks. Whit lower low whit low.

**Potter:** Please state your fundamental name for the record.

**Mark Whitlow:** Mr. Mayor, members of council, mark whitlow, land use attorney. My address is 1120 northwest couch, 10th floor, in Portland. Thank you again for the opportunity to participate in this process. Again, we do apologize for being late to the game. Mr. Mayor, you're correct in your recollection, of the testimony from last time, we don't really have a specific project, but learning about the process did initiate some consideration and so we're trying to see when we could come forward with a project and including a store remodel. But I think in our work with the neighborhood and the staff we're particularly pleased that we have done quite a bit that's positive. We understand the negative staff report. I'd like to address that, but in terms of the detail of the code language, which would be yet a limited exemption for this kind of add-on use, if you would, excess reuse, we've also agreed to the terms of the code language that would protect the other plan district elements, the 200-foot node at the intersection, the setback requirements, we've discussed in our testimony last time the idea that we have to actually be able to make a fuel station pedestrian

**August 2, 2006**

friendly in terms of using the building element against the sidewalks. And we think it would improve the existing circumstances. Again, we think this is laudable of the city to recognize the need in long-range planning where you're moving from auto dependent use in a district to pedestrian use, and transit use and development that that's a long-range goal. And so we appreciate the emphasis that the city has given to existing businesses, and that's what caught our attention, was the statement that this study is to explore ways to meet transit-oriented goals for the area while dealing with the reality and needs of its auto oriented uses. So albeit late, it's the same type of need that safeway has as the auto dealers in the district have expressed that the city has recognized that since 1994 we built the use, it's going to be there for another 30 years. So we need to remain competitive and be able to compete with other companies, and with our own store system to get those redevelopment dollars. So safeway has made a significant investment in the city. We'd like to continue to do business here. We'd like the opportunity to file an application to go through design review. Approving this request only gives safeway that opportunity to make an application to go through discretionary design review making -- using the special standards that are being proposed here by the staff. If you want to entertain the proposal, and my time is up.

**Leonard:** I actually have a question.

**Potter:** So do i, but please go ahead.

**Leonard:** I just want it on the record, to be clear that you've agreed that if the council adopts version two, you're agreeing that you in representing safeway, are agreeing that the service station will be required to sell diesel with a content of 20%, whereas the rest of the city is -- the requirement is 5%. So you are agreeing to that?

**Whitlow:** Commissioner Leonard, we're happy to report the answer is yes. We've gone up the hierarchy in the company, and the answer is yes. Safeway as we share the information, is environmentally sensitive, the fuel stations that it operates are all powered by green power, wind power under special contract.

**Leonard:** You don't plan on, if this is approved, challenging that in any venue, forum, appealing to have it changed back to five?

**Whitlow:** Not at all. We understand that's a higher bar. We understand that it's a request we're making, a special request to be able to add fuel in a district that's evolving into something else. So we think it's appropriate, we're happy to do it.

**Saltzman:** If I could just clarify, it's a commitment to put in a diesel pump at b-20, not if we do diesel, it will be b-20.

**Whitlow:** That's correct. It would be a requirement so to the extent --

**Saltzman:** A requirement to put in b-20 --

**Whitlow:** To have at least one fuel dispenser or more devoted to 20% biodiesel. That's correct.

**Saltzman:** Thanks.

**Potter:** I was trying to recollect, perhaps you can refresh my memory as to why safeway did not get engaged in this process much earlier.

**Whitlow:** That's a hard one to answer. We are very respectful of the city, and all its processes, but safeway does business in so many jurisdictions, there are so many activities, regulatory activity in play, they have three field consultants charged with all of that, so it was in the course of calling the city to ask what would be -- what would happen if we wanted to add fuel that we found out about the process. And it isn't that there wasn't outreach, obviously there was significant outreach. We just somehow missed it. Again, all we can do is come to you as we did with the planning commission hat in hand and say, we're late. We apologize. And it's something we're not -- we wish we had had been at the table the whole time.

**Potter:** Does safeway have any long or short-term plans to sell this property?

**Whitlow:** No, none that i'm familiar with. I would be surprised. I do have representatives from safeway present, chris sloan, who's the real estate representative, and sean elton, in charge of the

**August 2, 2006**

fuel department for this district, but they can correct me, i'm not suggesting they need to come here, but if i'm wrong i'm sure they would tell you that. But no. And actually the language I had grafted was much more narrow than this. And it was based upon grocery super markets evolving and changing what they offer for sale. I understand the staff's position to perhaps broaden that, but we had crafted language that was supermarket specific, not necessarily just safeway, but supermarket specific because that's what's happening and that's the reason we're in here making the request. The industry is evolving, and we want to keep up with it.

**Potter:** Would -- if you were to sell it would there be any legal requirement of the subsequent owner to have the special diesel fuel, or would that end with your selling of the property?

**Whitlow:** That would be a requirement in the code that would run with the land. So once the use is developed under the specific provisions of this ordinance, the language that's been proffered by staff, then if we sell the property, then if they want to continue they would have to continue under the conditions, including the 20% biodiesel.

**Potter:** Have you had a chance to talk to the surrounding neighborhoods about this issue since our last meeting?

**Whitlow:** Yes, your honor, we have. We did go back to the neighborhood association with a special meeting with the staff. That wasn't our first visit. Safeway had actually attended another regularly scheduled neighborhood meeting. We had called and talked with them in addition to that. There simply weren't that many people who showed, but for those who did, we gave them every bit of information that we turned in to the city. So we did what we could to catch up, if you would, in the process.

**Adams:** If I could, I need to get us into this practice, on behalf of which clients are you authorized to lobby?

**Whitlow:** Oh. Well, that's a question I am not sure of the answer of. I started to fill out a registration form, I was told by city staff our firm needed to do it. I think that's in the process of being done. But --

**Adams:** Who are your clients?

**Whitlow:** Our clients in --

**Adams:** In this matter for either your firm or yourself.

**Whitlow:** In this particular matter it is safeway.

**Adams:** Thanks.

**Whitlow:** As a matter -- it's not apparent to me that land use attorneys representing clients in land use contacts, albeit legislative, is lobbying in terms of the full measure of it.

**Adams:** The way we've set it up to clarify is that as we answer your specific questions for your firm and this issue, you have to declare who your clients are as you present, before you present, regardless.

**Whitlow:** I'm here on behalf of safeway.

**Potter:** Further questions? Thank you, sir.

**Adams:** Thank you.

**Potter:** Discussion?

**Leonard:** I'd like to offer one of these as an amendment, and i'll explain why if I get a second. I'd like to proffer version two as -- .

**Kathryn Beaumont:** I think it would be appropriate to go through the amendments one by one and have the council vote on them. The outcome will determine which ordinance version one or version two, you substitute.

**Leonard:** We have them in a package. We don't -- .

**Beaumont:** I think if you go --

**Leonard:** I actually have -- I was going to propose version two. Is that not appropriate?

**August 2, 2006**

**Beaumont:** Version two would only fly if the majority of the council supports amendment six, which is the vehicle fuel servicing amendment. So I think you need to know which amendments the council is going to support before you decide which version of the ordinance you're going to substitute. Go through and take a vote one by one on amends four, five, and six. Those are in the memo.

**Leonard:** In the memo. Ok.

**Beaumont:** So you're going through and voting on specific code amendments and specific language or map changes.

**Leonard:** So help me understand in the memo on page one which specific language is tied to which specific -- .

**Kelley:** I think you'd like to start on page four of the memo. The proceeding pages cover what you've done already. We were just putting that in the record. You've already voted on amendments 1-3. Page four begin was amendment four. That is the amendment that would address the c.m. zone, changing that to c.x.d. That's the first amendment.

**Leonard:** I would move amendment four on page four of the july 31 memo.

**Saltzman:** Second.

**Potter:** Call the vote.

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

**Potter:** Aye. [gavel pounded]

**Leonard:** I would move on page 6 of the july 31 memo, amendment five.

**Saltzman:** Second.

**Potter:** Call the vote.

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

**Potter:** Aye. [gavel pounded]

**Leonard:** And then would I move amendment six on page eight of the july 31 amendment -- memo.

**Saltzman:** There's two amendment sixes. An attachment one --

**Leonard:** I hope not.

**Saltzman:** I'll second it.

**\*\*\*\*\*:** Let me make staff make a clarification.

**Manning:** I believe in order to do what you'd like to do commissioner Leonard, you will probably not accept the staff recommendation on item six, but accept staff's proposed code language that are found in attachment one. And that would --

**Leonard:** One or two?

**Manning:** Attachment one of the memo to council.

**Kelley:** The same document you're looking at but it has the attachment with the code language we showed you earlier. And that --

**Leonard:** So I will move attachment one which is page one through three as the substitute amendment six.

**\*\*\*\*\*:** Correct.

**Saltzman:** Second.

**Leonard:** And then i'll speak to that. I am very sympathetic to the concern raised this somehow wasn't involved in a longer process. But frankly, any chance we get as a city to do even better than the b-5 minimum requirement that is going to be implemented july 1, 2007 in diesel fuel I think is a tremendous opportunity for the city. Particularly in this area of Portland where there is a dealership that sells these kinds of vehicles. Ray reece sells volkswagen and they are one of the very few manufacturers of passenger diesel vehicles. So I -- with the conditions that have been laid out with the setbacks and landscaping, and the promise on the record that safeway is not going to attempt some other process by which to not comply with this requirement, I view it as an opportunity for us

**August 2, 2006**

to further really an economic development strategy for the city and the region in developing biodiesel, which I predict will be a major industry in Portland soon era they're than later.

**Potter:** Other discussion? Did I hear a second?

**Saltzman:** Yes.

**Potter:** Call the vote.

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

**Potter:** No. The reason i'm voting no is because I do feel it violates the process, and I think 8th worthy goal to have biodiesel in the gas stations, but not at the expense of the process of the full engagement, and I think it cut out a lot of people of the -- out of the discussion. So vote no. Pass. [gavel pounded]

**Beaumont:** Mayor Potter, before you -- before there's a motion to substitute version two, the council does need a motion to adopt exhibit b, which is the amended findings report that reflects the amendments that you have just adopted.

**Leonard:** We should do exhibit b first.

**\*\*\*\*\*:** And then --

**Leonard:** I'd move as exhibit b dated august 2, 2006, the 122nd avenue station area study.

**Saltzman:** Second.

**Potter:** Call the vote.

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

**Potter:** No. [gavel pounded]

**Leonard:** I would move version two of the ordinance.

**Saltzman:** Second.

**Potter:** Call the vote.

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

**Potter:** No. [gavel pounded] now do we have to pass the entire package? Or move to adopt the substitute ordinance?

**Beaumont:** You've just moved a substitute version two for the ordinance that was filed. You would now move version two and the entire package to second reading. And I guess all we need to do is to arrive at a second reading and vote date.

**Leonard:** Can we do that two weeks from today.

**Potter:** On the 16th. Is that ok with --

**\*\*\*\*\*:** No problem with the 16th?

**Potter:** Time lines?

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

**Kelley:** That will be fine.

**Potter:** Entire package is moved to a second reading on august 16. Recessed until 2:00 p.m. tomorrow. [gavel pounded]

At 2:42 p.m., Council recessed.



**August 3, 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.

[ The following text is the byproduct of the closed captioning of this broadcast. The text has not been proofread, and should not be considered a final transcript. ]

**AUGUST 3, 2006 2:00 PM**

[roll call] [gavel pounded]

**Item 1050.**

**Potter:** I'd like to remind folks prior to offering public testimony, a lobbyist must declare which lobbying entity he or she is authorized to represent. Briefly i'll describe the order of events. I will open up the conversation asking council members about any ex parte contacts. We'll discuss the legal issue, have a staff update, testimony, council discussion and deliberation, and then we'll make a decision. A decision has to be made today, and we will make one. Do any council members have any ex parte communication to declare?

**Adams:** No.

**Potter:** No members have any ex parte communications to declare. I'm going to ask the city attorney.

**Pete Kasting:** I'd like to go through the rules briefly. First, this appeal is an on the record appeal. That means the record has been closed from the outset of the appeal. Second, as directed by city council, city staff has considered possible transportation mitigation measures. Kruger from pdot will describe a transportation mitigation option to the council. Third, if the council chooses to allow public comment on the staff's transportation mitigation proposal, comments should be limited to that issue alone. If comments are made on other issues at the conclusion of any public comments, the council should specifically reject off-topic comments from inclusion in the record. Fourth, earlier today the arnold creek neighborhood association submitted a letter concerning various aspects of the application. Council for the applicant has objected to inclusion of that letter in the record because the record is closed. Because the record is closed, staff recommends that council take action by motion to specifically reject that letter from the record. And if arnold creek neighborhood association wants to lodge an objection to that action, there will be an opportunity to do that, and that objection will be part of the record. Finally, as discussed at the prior city council meeting on this application, this is the last day of the last possible extension on the city's deadline to make a decision on this application. The council should therefore take final action today. To do this, council should first make a tentative decision on the appeal. Planning staff will then propose any revisions to the findings that are necessary to reflect the council's decision. Council should then make a final decision based on the revised findings. The order memorializing the council's decision should be signed today. That's it for procedural matters.

**Potter:** Thank you. Does the council member wish to make a motion to deny accepting the letter into the record?

**Leonard:** So moved.

**Potter:** Second?

**Adams:** Second.

**Potter:** Call the vote.

**August 3, 2006**

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

**Potter:** Aye. [gavel pounded]

**Kasting:** Does arnold creek want to lodge an objection to that?

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

**Potter:** Please come forward. Please state your name and association for the record.

**Sam Imperatti:** Yes, sir. Sam, arnold creek neighborhood association. The letter proffered on august 3, 2006, is being mischaracterized as evidence. The information presented is really testimony and comment on the issue that are pending overall, frankly, surrounding this appeal.

There also were some inadvertent misstatements we made at the last hearing, and this is an effort to correct the record so as to not pull the wool over anyone's eyes. What i'm concerned about is if city council denies this application, the development application, it goes up on appeal, the record will be devoid of the necessary disclosures and information contained in this report. We would ask that if you accept it that you redact or remove paragraph 12 as it is put -- inadvertently put into the document. But the rest of it is in fact just that, testimony that I believe -- it's not new evidence, in other words, we're just correcting what we had said previously and adding argument to it. Thank you.

**Potter:** Thank you. Council notes the objection from the arnold creek neighborhood. Staff, please come forward.

**Moore:** I should read the title into the record before he starts.

**Potter:** Please.

**Eric Engstrom:** Good afternoon, mayor Potter, commissioners. Eric Engstrom, representing the bureau of development services. I have with me kurt krueger from Portland transportation. I'm going to very quickly go through a few slides to remind everyone what we talked about and to summarize the discussion that has happened since our last hearing, and then i'm going to invite current up to give more details on that. As you know, this is a subdivision of a 2.3-acre site to divide into eight lots. Here's a zoning map. The site is immediately south of stevenson road and boones ferry intersection that we debated during the last hearing. This is a site plan. The appeal issues that were stated in the appeal included Transportation impacts, storm water, and then the videotape was watched. On the matter of traffic safety at the nearby satisfaction at boones ferry and stevenson, our understanding is the council directed staff to work with the applicant and the neighborhood to initiate discussions about possible solutions to address the safety issue that was presented through the testimony about that intersection. I'm going to show a flew slides of the intersection to remind us what it looks like. This is looking north, I believe. This is looking towards the curve just past the intersection from the intersection. This is an aerial photograph of the intersection in question. I'm going to quickly summarize what has been discussed among staff and with the applicant, and various parties since the last hearing. We estimate the cost of full improvements to the intersection to address the safety problem to be somewhere between half a million and a million dollars. That would also include the very likely need to obtain property from other abutting sites. Staff explored diverting frontage funds from this and other sites time prove the intersection, but at this point we're recommending against that approach. There were -- there was testimony about the importance of having safe transit access at this site. There's a bus stop that potentially could be located there. Other frontage improvements along boones ferry that have occurred with other applications are already either under construction or fully designed, and as such it's difficult for us to revoke those and redirect that money.

**Adams:** Can you go back to that last slide? Can you give some reason into -- state some reason why you're recommending the approach of diverting frontage improvement funds?

**Engstrom:** I'm not. I'm saying we're recommending against that.

**Adams:** I know. Why?

**August 3, 2006**

**Engstrom:** Because of the testimony to the effect that there is a safety problem with folks waiting for the bus where there's no sidewalk at the moment, and also because the -- it had also been suggested maybe we could get money from other applications along the same street that had been recently approved, and staff's investigation into that since the last hearing was that those processes are farther in the process than we thought, and are either under construction already or permits fully designed, so we would be asking applicants to forget about the money they already spent starting construction or designing those improvements already.

**Adams:** Thanks.

**Engstrom:** The local improvement district may be a mechanism or -- to use general funds, could be a mechanism to improve the intersection, but separate council action would be Required, which would be outside the scope of this hearing. You'd have to prioritize that higher on your list, or form a local improvement district. At this point we understand that the applicant is offering some funds to help the city pay for intersection improvements. Alone these would not be enough to make the entirety of the improvements unless the city found other money through either an l.i.d. Or a general fund or capital improvement budget, and at this point i'd like to ask kurt to come up and describe a little bit more about the approach that we're talking about.

**Kurt Krueger:** Thanks. Good afternoon. Kurt krueger, office of transportation. About a year and a half ago we had a similar case, and i'm going to readdress what we did at that particular project. It was a similar subdivision appeal, a much larger project of approximately 65 lots, but a similar issue. And I think commissioner Leonard really encouraged us to look at some options here. What we did at that location was looked at some money that was available from the applicant. And looked at a transportation need and some funding sources and some design that's we needed to account for. And what we were able to come up with was a better use of the developer's funds from their project into a local improvement district.

**Leonard:** Is that the foster road stop light?

**Krueger:** We were actually doing that project as a pdot project, but 152nd l.i.d. was that project.

**Leonard:** Sure.

**Krueger:** So this approach that we're using today is based on that approach. There's a precedent that was set, and I think it was a good starting point without recreating the wheel. So what we have today is a developer that's offered an approximate amount of \$50,000. This is not enough to complete the intersection. We in transportation have looked at a number of design options, some of these have been discussed at a neighborhood meeting earlier this week, there's a lot of questions, a lot of concerns about the various designs, and this isn't the forum to discuss those, but it opened up that discussion of how we could use those funds. There are a number of other options to look at to help fund that overall project, including consideration of s.d.c. dollars, capital dollars, one-time general fund dollars, if those were allocated, as well as a local improvement district. And vision to pick up the remaining piece of the puzzle. It would be a little bit of a complicated l.i.d. Because it's a local -- it's a neighborhood collector street and there would be a large number of people involved in that local improvement district if we were to move in that option. Like the 152nd l.i.d., we I think that was the largest l.i.d. We had accomplished at that point, so I think the precedent was set, there is some options to look at the Neighborhood hoping to fund a project if other monies were available.

**Engstrom:** What we're essentially saying is that the applicant may be willing to offer seed money to help us get started on a project, and then we would have that -- those monies for a certain amount of time for us to -- there would be a deadline for us to put together a project and match and bring in the rest of the money that was needed.

**Adams:** I just want to raise the conversation up to a little higher elevation in terms of last month began a conversation with the southwest coalition transportation committee about taking a more systematic approach to southwest, and the potential for using a variety of sources, including what

**August 3, 2006**

we call halo l.i.d.'s, where property owners not just adjacent to the street, but further away, but clearly benefit might pay some portion of the cost for whatever road improvements deemed necessary by the neighborhood. So I think this intersection fits in to that overall effort. But I want to make sure that when we're -- that we sort of thought through -- my intuition in looking at some of the other projects, this would rank very high in terms of safety and need for improvements, but I think that residents of the area would want to make sure that we've looked at all the problems and want to double-check that this was our number one priority for improvements. I don't think that will take a long time. Certainly not three years.

**Engstrom:** I have one more slide, or two More slides. At this point as staff sees it, council has several options. You could uphold the hearings officer's decision and reject the appeal, thus approving the subdivision as the hearings officer left it. You could modify the hearings officer's decision to accept what we believe is an offer from the applicant to help with the intersection cost. And that would be done through additional conditions of approval that we've worked on. Finally, you could decide to overturn the hearings officer's decision based on the transportation approval criteria in 33.641, referencing the approval criteria that talks about safety for all modes and the ability of the existing transportation system to serve the site and the existing uses in the area. And i've got a slide here with the criteria there if that was something we wanted to look at. I can come back to that slide if you need to. Then I just wanted to also remind everyone we have to make a decision on this and vote on some findings today.

**Potter:** Questions? Thank you, folks. Howl people are signed up to testify?

**Moore:** We have two on the opposed list, and four on the support.

**Potter:** Ok.

**Kasting:** The testimony should be limited to comment on the transportation mitigation option that was just described.

**Potter:** Ok. Why don't you start with the list.

**Potter:** When you speak, please state your name. You each have three minutes.

**Brian Farrell:** Brian farrell, a recent of woodly heights. I don't really know what to say, other than to say that the safety issues are the main concern of the neighborhood. What brought us here was the appeal based on the opportunity with the development that was going on. And with future development that's are going to take place in that same area, the collector street is going to have an increased amount of traffic. We know that to be the condition. And something has to take place on that street. Something has to be done to control the traffic and make that intersection a safer intersection. The subjects that are brought up in sam's letter, they address pedestrian safety for bus use, they address traffic safety in both locations, and with the addition of the turn lanes that are going to go into the new street, it all increases the vulnerability for injury accident. Thank you.

**Jenny Owen:** Jennifer owen, i'm a resident off of stevenson street. And I just want to state for the record that I appreciate the council's time and addressing this issue, and listening. The litigation efforts are supported by the community, obviously nobody likes the idea of putting out money that they Feel is going to be an additional perception of attacks, but this is something that is a huge safety issue, and if the builder is willing at this time to put forth some monies in order to get the city to put forth others, and the community coming forward and saying, yes, this is an option, it's a clear demonstration that everybody is willing to work together. And this is an excellent opportunity to go forward with this in a more timely manner than waiting five to 10 years down the line with potential accidents waiting to happen. So thanks for your attention to this, and I would hope the mitigated offer is something that you will approve.

**Andrew Kraus:** Andrew kraus, i'm a resident on stevenson court. As staff showed you, essentially safety becomes the issue for which we can or cannot, or which you can approve this. As I approach boones ferry road from stevenson, the one thing that I can assure you and that no one also can dispute is that when I look towards the existing driveway in question, when this development is

**August 3, 2006**

complete, there will be eight times the number of cars for me to deal with as there are today. You heard many people express concerns about safety. I think that clearly illustrates that it does have an impact. And I would ask that you please not approve the development without also committing to resolving the intersection.

**Potter:** Thank you, folks.

**John Brush:** Good afternoon, John Brush, I'm here with Tryon Life Community Farm and Arnold Creek Neighborhood Association. I would first of all just like to really appreciate and thank the council for the effort and the time that has gone into examining this issue in more depth. I'm very happy to hear about the larger scale discussion that's been going on. I understand with Sweeney regarding the halo I.I.D.'s. I think that something that's become very clear in the discussions within the neighborhood is that there's a great deal of concern about not only this specific intersection and this specific details of this appeal, but the larger question of development along Boones Ferry and that area among this neighborhood. And one of the real opportunities here is for a much -- to set more precedent beyond what has already been happening over the last couple years for well-defined articulation between the neighborhood association and community, city council, and the planners and the developers to create models of development that are really effective for the transportation networks, for the health of the community, and I would also say for the health of the environment. And it doesn't appear the storm water issue has been considered in this extended period of time by city council. I would like to mention, however, that Tryon Creek watershed is under a great deal of attack currently with impermeable surfaces reaching over 25% of the area. In discussing with the state park, it's become clear that there are technologies for development in that area that will allow the -- that will create a new approach for how water is dealt with, storm water, and the infiltration of groundwater to recharge the creek during the summer months. I really appreciate this larger scale approach that the city council has taken. I believe the neighborhood association is committed to that approach, and I encourage you to also include the environmental concerns in Tryon Creek. Thank you.

**Adams:** As the commissioner in charge of environmental services, I've had an opportunity to talk to my staff about what I believe is needed for storm water review of the project, so we'll make sure that it has the appropriate review.

**\*\*\*\*\*:** Thank you so much.

**Carrie Richter:** I'm Carrie Richter, I'm representing the applicant. I'm an attorney at Garvey Schubert Baer. My address is 121 Southwest Morrison Street, Suite 1100, Portland, Oregon, 97204. First I want to thank the planning staff and PDOT for working so diligently to come up with this proposed solution of an I.I.D. Not a week went by in July that I didn't get a call from Mr. Kruger with another idea about how we were going to fix this intersection. And we actually put our traffic engineers to drawing up plans of turn alternative solution for Kurt to take to the neighbor. So I too acknowledge the cooperative spirit to which we all came together to solve this problem. Secondly, I want to move to strike Mr. Bush's testimony, because it is sort of beyond the scope of what we're here to talk about today, which is the traffic mitigation proposal. Third and most importantly, we have conducted the rough proportionality analysis required by Dolan for exactions, and our development will contribute .40 of 1% of the 987 trips that will pass through this intersection. Applying this impact on the estimated 500,000 to \$1 million construction costs results in a proportional share of 1800-\$4,000. However, when you said you wanted a solution, we were serious about finding one. And we're willing to swallow hard and accept a contribution of \$50,000 as a starting payment for this I.I.D. This is significantly more than Dolan requires, but we're willing to make that contribution in order for the neighbors to get -- for all of us to get an intersection that works better than the one today. I want to acknowledge again the significant contributions of everyone, and ask that you approve this application with the revised conditions proposed by staff. Thank you.

**August 3, 2006**

**Mike Ard:** Mike ard with lancaster engineering, southwest fourth, Portland, Oregon, 97204. As a professor engineer, my primary ethical responsibility is to the safety of the public. And I don't take that responsibility lightly. So the safety concerns that are associated with are something i've looked at extensively. The criteria in terms of the minimum safety standards that are established by ashto are met for the relevant intersection. It's understood that it is uncomfortable to drive the intersection strictly speaking I still stand by the statement that there's nothing that does not meet the minimum standards for safety. I wanted to have that in the record. In terms of the impacts of the site, kerri had alluded to a .4% impact. I wanted to spell that out in terms of the number of vehicles. This eight-lot subdivision would add two vehicles coming into the site from the north and one headed out from the site to the north during the p.m. Peak hour. Two in, one out. So it really is minimal impacts. I think the developer has really gone a long way toward trying to provide a solution that will work with the community and I really appreciate his efforts in trying to improve the situation that's out there, which is deficient in terms of operational site distance. And I think that the solution that is proposed is a good one. That's all.

**Potter:** City attorney, i'll ask to have the testimony of john brush stricken, because it did not pertain --

\*\*\*\*\*: Limit it to the testimony regarding groundwater drainage?

**Kasting:** The council should technically rule on that motion, and technically the comments directed to groundwater drainage are outside the scope of what the council invited people to comment on.

**Richter:** Yes, yes [inaudible]

**Kasting:** The council should by motion determine whether or not to strike that from the record.

**Potter:** We have to vote on that?

\*\*\*\*\*: You should.

**Potter:** Ok. The motion is to strike that portion of the record dealing with groundwater drainage.

**Adams:** If I could, mr. Mayor, what's your legal advice to us on that?

**Kasting:** It should be stricken, because it is outside the scope of what council invited.

**Adams:** So moved.

**Potter:** Moved and seconded, call the roll.

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

**Potter:** Aye. [gavel pounded]

**Kasting:** Procedurally because some revision to findings is likely to be required, the council should first make a tentative decision on how it wants to proceed, based on that tentative decision, staff will propose revisions to the findings. If those revised findings are acceptable to council you can then make a final decision.

**Potter:** Are we through with the testimony?

**Moore:** We have two more people.

**Sam Imperatti:** Sam imperatti, arnold creek Neighborhood association, southwest vacuna court. Three preliminary matters. Under the category of full disclosure, there was letter that was sent to you by friends of tryon creek that probably did not get copied to the developers' attorneys, I want to be candid about that. If she wants to make an objection to that she can. That was done by them, not by the neighborhood association. Second, i'm really not trying to beat the dead horse here, but I would reoffer my letter, which was codrafted by the -- several people, or edited by several people as part of my public testimony. It's really no different than the engineer coming up here two minutes ago and saying new evidence, .40 of 1% is their contribution. So in one way they're saying we can't make comments on the evidence, but they're doing the exact same thing here. And finally, by way of cooperation, we do acknowledge kurt's involvement and activity here, but to make it clear, because it seems like we're being painted indirectly as not being cooperative in this effort, we got a preliminary heads-up before monday night, but it was not until this past monday night three days

**August 3, 2006**

ago in the evening that we received a presentation at -- that -- a quick informal neighborhood association meeting where we were presented drafts of some options, some of which we had seen before, and more specific information on some of the costs, again, nothing set in Stone, and some conversations yet again about l.i.d.'s without the specifics. So we have been not had a lot of time, it's easier for the developer to have a meeting with their attorney one-on-one than it is for us to get a neighborhood association together last minute, because we were under the impression until last friday that this hearing was going to be set over a week or two to continue the process. So with that predicate, nancy will present to you our response on the mitigation issue thank you.

**Nancy Hand:** The neighborhood association is open to seriously exploring a fair and practical resolution of these issues. Including the possibility of an l.i.d. if that is what it takes to create a workable package and time line, and if it is coupled with firm commitments from the developer and city. We think the following should happen. Developer pays 10% of average project estimated costs, or b, 10% of actual gross costs, but in any event, not less than 50,000, no more than 100,000.

Ok, no l.i.d. payment for the eight homes in the development. Developers' money does not revert to it. If permanent improvements not done within below time frame, money to be used for interim improvements related to this intersection. Three, all other sources of revenue to be exhausted before city asks neighborhood association to agree to an l.i.d. process. Any l.i.d. must be for a reasonable and fair amount and not held against us if it fails. Project savings go to benefit of neighborhood not to reduce contribution of others. Extensive neighborhood association involvement in intersection project design and design of l.i.d. If any with good faith deference to neighborhood association's opinions. Intersection to be fixed in two years or concurrently with the development, whatever comes sooner, to keep inflation costs down. In meantime, increase signage, movement of the stop bar, fresh painting, and year-round vegetation control for improved visibility.

Development conditions to include -- affirm commitment from the city to do the project as evidenced by the city moving this project to the zero to five transportation system plan time frame, and adding it to the scheduled and funded s.d.c. project list, especially given the monies that have been and will be generated from development in the arnold creek neighborhood association and surrounding area. Please note the s.d.c.'s from woodly heights, arnold woods, dickinson estates, and so forth, should also be figured into the mix. Our area has been building up for years, but no cumulative impacts are ever addressed. S.d.c.'s from our area have never to our knowledge come back to this area. Our current dedication of as much as possible in the newly found generation funds for this Project. And if 50,000 is all the developer will give and that is acceptable to the city, and doesn't make any l.i.d. unreasonable, the neighborhood association would not oppose it.

**Imperatti:** We'll be happy to answer any questions you have. At the risk of being an eye -- an italian attorney, I need to technically strike the evidence from the engineer about 40 of 1% for the same reasons the other motion was made. I'm not going to belabor the issue, but for the record i'm moving to strike.

**Potter:** City attorney?

**Kasting:** A motion has been made to strike the statements made by the applicant's consultant regarding their contribution to traffic through that intersection. Does staff know whether that information is already in the record?

**Engstrom:** I don't but we can spend some -- [inaudible]

**Kasting:** Or you could just strike it. I also understand ms. Richter wants to move to strike the tryon creek letter, which I don't believe she's seen.

\*\*\*\*\*: [inaudible]

\*\*\*\*\*: I don't know if that's even been offered to the council or the council clerk, or --

**Leonard:** I'm going to move to strike the tryon creek letter and the comment on the percentages.

**Adams:** Second.

**Potter:** Call the vote.

**August 3, 2006**

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

**Potter:** Aye. [gavel pounded]

**Potter:** I'll ask for a motion for a tentative decision.

**Adams:** I move approval of the application, deny the appeal, and take the \$50,000 offered on the table from the developer.

**Leonard:** Second.

**Adams:** If I could speak to my motion.

**Potter:** Please.

**Adams:** There is no question that southwest Portland is a transportation safety nightmare. And it has been true for far too long. Almost since the time before it was annexed to the city, we annexed it to the city in poor shape as it relates to facilities for pedestrians, bikes, and in this case automobiles and the other two. The problem is old, but as transportation commissioner, we're -- my team and I are trying new approaches. Actually the resolution, potential resolution of this issue moves forward some of those -- some of the elements of what we think should apply to the wider area of southwest. And I want to commend the excellent advocacy from Linda and Sam, and your folks in the neighborhood, and also the willingness of the developer to come forward beyond what they would probably -- well beyond what they would legally have to do under the Dolan rules. There are two issues of fairness I want to put on the table, and the reason I made this motion. One, unlike most of the rest of the city, southwest has never been assessed. The properties have never been assessed for sidewalks and the kinds of streets that folks in north Portland have, where they have sidewalks and streets, and other parts of the city that were developed under city rules for sidewalks and streets. Streets are developed in the city based on an assessment from the property owner and in many times, as it -- when it was developed to the developer. But it goes with the property. Southwest has not had those kinds of assessments. You have a rural level of transportation system, streets and roads, and the work that we've started with the southwest transportation committee is going to together, we're going to figure out how to get the cost of improving things down, how do we find all the regional city, whatever resources we can, and how can we be creative about spreading the cost for making necessary improvements to places -- to intersections like this and other sections of roads. That's the halo I.I.D. idea that Commissioner Leonard before I got here really pushed in the Waterleaf area, and it's worked spectacularly, and we're now taking that on the road to consider for southwest. That's one issue of fairness. If I was to carve out a whole bunch of money from PDOT and put it into southwest, I've still got a constituency in east Portland and north Portland that are saying the same kinds of things you are that were explicitly promised as they say, but if they agreed to annexation they would get better streets and sidewalks. I also have to deal with the ability to pay issue as well around the city. That's one issue of fairness we're going to have to work through together moving forward. The second issue is really how much to assess this one development. For this problem that is shared by many that should have been paid -- helped to be paid for as generally as this developer has from other developments in the surrounding area. It's one of the reasons I ran and the mayor was kind enough to appoint me to transportation, to be the transportation commissioner, because over the 11 years as mayor's chief of staff, I ended -- we have talked about this for a long time, and now I have the ability to work with you to begin to change what I think has been some poor practices on our part in terms much getting the kind of payments we need from development. And your neighborhood, I don't think most people in the public know how much building is going on in your neighborhood. People have no idea of the 200, 300, 400 building permits that are going on in your neighborhood because it's sort of tucked away. But it is significant, and profound, and your advocacy here is right on point, and I commend you for it. And I'd like to think that I'll be a partner with you to try to make new things happen creatively. That's the reason for my -- that's the reason for making this motion. Along with a commitment to do new things to address it.



**August 3, 2006**

**Potter:** This is a tentative decision. Did I hear a second?

**Leonard:** Yes.

**Potter:** Call the vote.

**Adams:** I'd also -- I forgot to thank eric and kurt, who really are exceptional folks when it comes to these gnarly issues, so thank you very much. Aye.

**Leonard:** These are tough issues, and I do -- I also thank eric and kurt, but particularly kurt, you've done really good work in this area, and it has not escaped my notice. Thank you very much. Aye.

**Potter:** Aye. [gavel pounded] staff, please come back up.

**Engstrom:** We've drafted some findings that we think support this proposal, and i'm going to pass out copies for you to review. This is not our usual practice of reviewing and drafting at the last minute, but it's where we are.

**Potter:** Could you provide those also to the city clerk? And do the other parties have copies?

**\*\*\*\*\*:** There are extra copies here.

**Engstrom:** What i've done with the proposal for findings is that this report is based on the hearings officer's decision. I've highlighted with the gray highlight the areas which were the subject of discussion, I believe, at council, which would reflect the decision we made, and then i'm going to start by describing the specific condition of approval that has been written to reflect -- we think reflect this approach. If you turn to page 25 of the proposed draft, we're proposing to add a condition b-9, which we believe is consistent with the -- we believe is consistent with the approach we've just discussed. So i'm going to propose we start by discussing that, and then move to the findings.

**Potter:** Say that again, please.

**Engstrom:** Sure. We have proposed a condition on page 25 of the report, which is -- I want to start with that and work into the findings. The proposed condition we believe reflects the decision that was made here as best we could predict it. It would be starting on page 25, adding b-9 there in the shading. Basically it would say prior to final plat approval the applicant must submit the \$50,000 payment in a manner acceptable to the city engineer towards a local improvement district or capital improvement project. I think there's actually double -- one could be struck. Initiated for the purpose of improving and reconfiguring on southwest boones ferry road and southwest stevenson, this will be refunded two years after city final plat approval unless city council has adopted formation of the local -- ordinance for an l.i.d. or adopted a capital improvement budget that includes reconfiguring the intersection for specific funding mechanism in place and a project time line. Either of those would include the cost potentially of the acquiring the necessary right of way in the vicinity. The applicant may allow the city to retain the funds for a greater period of time through mutual agreement, and that we would agree not to further assess the lots within this subdivision for the l.i.d. if an l.i.d. was formed.

**Adams:** Why did you get two instead of three?

**Engstrom:** The -- where we're at right now is the -- they would have to go through final plat review, which will take them some amount of time, so we have technically more than two years, depending on how long plat review would take. We got two years from final plat through discussion with the applicant.

**Adams:** Let's do three.

**Engstrom:** Ok. I don't know what the procedure is, whether we get comments from the applicant on the details of the condition at this point too, or do we wait --

**Leonard:** Why would we do three versus two?

**Adams:** We've got -- I think it's going to take us three. I don't want to be back here in -- based on my discussion was staff, I would prefer to have three than two, just on the workload.

**Kasting:** I think the applicant's view is that there's probably an additional six months in there anyway because of the plat review process. So two years plus six months is a reasonable amount of

**August 3, 2006**

time. But that being said, this is the council's condition, and the Council can raise it how it wishes.

**Krueger:** The way the condition reads right now, based on Eric's comment, the final plat process will take six months if they were to start that tomorrow. Two years from that date is going to push us close to 2½, so if we want it to a three-year period, we could offer a 2½ year time frame from plat approval.

**Adams:** We get to decide, right? We have to go through the whole round of comments again, do we?

**Kasting:** No, you don't have to accept any public comment on your findings. I think the background of this though, is that this proposal reflects basically an offer that the applicant has made. And --

**Adams:** 2½, I'll split the difference. I talked to my staff and I said, you know, what's a reasonable amount of time, and it was three years, and I need to go with that, so I'm not --

**Leonard:** Sounds like 2½ is what would happen if we did nothing. If we said two it would be 2½.

**Engstrom:** If you say two --

**Adams:** I'm fine with 2½.

**Potter:** So as it stand.

**Leonard:** Are you saying --

**Potter:** You're saying the plat process takes six months this, says two years, the two together are 2½ years.

**Krueger:** So if we revise this from the payment will be refunded two years and had it reread to read 30 months or 2½ years, we'd eventually get to the three years.

**Adams:** Is that all right?

**Kasting:** That's all right with me as staff.

**Adams:** Is that all right with the developer?

**Adams:** Thank you.

**Potter:** We're just putting in the conditions so we don't have to go through any amendment processes. Ok. Anything else?

**Engstrom:** I'm moving then f. We've got council's general agreement on the condition of approval, I'll move back to the beginning of the report and just summarize what sections of the report I've amended in this proposed findings, and you'll have to tell me and the city attorney will have to say whether I should read the full text or --

**Kasting:** You don't need to read the full text.

**Engstrom:** Starting on page four, there's a section that reflects the process that city council went through to hear this case. I would highlight paragraph five, it's a description of this hearing, and we may want to modify that to reflect the discussion about what should or shouldn't be included in the record. I'll leave that to you.

**\*\*\*\*\*:** Is there anything in here that's inconsistent with the council's rulings, or would that just be additional detail? If it's just additional details, I don't think it needs to be reflected in the findings.

**Engstrom:** I'm comfortable with that if council is. Moving on, ok. Starting on page six, there is -- there was originally in the hearings officer's decision a discussion of the neighborhood comments. We have proposed a little more explanation towards the end of that to describe the council's conclusion on this matter, which is at the bottom of the page six.

**Leonard:** Does it go to the top of page 7?

**Engstrom:** Yes, it runs over to the top of page 7.

**Potter:** Next.

**Engstrom:** On page 13, the beginning of the finding for section 33.641, the transportation approval criterion. That is -- there's some of that that's not highlighted that was not edited that deals with

**August 3, 2006**

internal private street review. That section was rewritten, and then a conclusion was rewritten at the end which is at the top of page 16. The majority of what's on -- of the finding is on page 14. A lot of that wording is the same as the hearings officer's decision except that we reflect, especially the last paragraph on page 14, the nature of the discussion we had about the intersection. I'm seeing nods. Ok. Now this next section I may ask the city attorney for input. This section, staff -- page 20 and 21. Staff was attempting here in the findings to clarify a response to some of the storm water issues, and given we didn't discuss those, i'm not sure whether we want to include this revised finding or whether we want to revert back to the Findings that the hearings officer made, which we could do.

**Kasting:** Is it safe to assume the clarification you've inserted here is all supported by substantial evidence that was already in the record?

**Engstrom:** I believe so. It talks -- it deals with how the code is interpreted, and I understand the zoning code is inherently open --

**Kasting:** You can include that. If it's a clarification, it is proper and desirable to include it.

**Adams:** Good to go with me.

**Engstrom:** Finally on page 22, the -- we have the conclusions and the decision. This isn't really a finding, this is just the pros -- the prose that summarizes what happened here. The decision is that the end -- at the end of that page.

**Kasting:** Just to make sure it's clear, since when the council makes a final decision, you will be adopting whatever words are on paper. I understand that the only edits to the words on paper are on page 25, where the redundant reference to the capital improvement project is struck in the third line of section nine, and where the words "and six months" are inserted after "two years." at the end of that paragraph. So the proposed findings would be what have you in front of you with those two corrections.

**\*\*\*\*\*:** Correct.

**Engstrom:** The other change i'm not sure whether we should address is at the end of the report there's a list of material received by Council. The letters that were received, and I may want to ask Karla for clarification, but where the last several listed on this report received after the date of the last hearing, and would that be related to the discussion of whether the record was open for testimony after that hearing or not.

**\*\*\*\*\*:** One reaction would be if nobody is moving to strike those items, which we don't have in front of us, we can --

**Engstrom:** There are three letters that were received by the clerk on the 23rd, which I believe was after the hearing.

**Kasting:** My recommendation would be that in the absence of any objection, I wouldn't take action with respect to those items.

**Engstrom:** To clarify also, the additional material that was discussed today is not on this list. Staff had not received that until today.

**Kasting:** Right. And the additional letters that have surfaced have been excluded from the record. So they should not be listed. Unless council wants to make further changes to the findings, you could make a final decision based on the findings presented by staff.

**Potter:** Do I hear a motion?

**Adams:** So moved.

**Leonard:** Second. Am I hearing that somebody needs to look at these first? Are we prepared to approve this without having either side look at our findings?

**Kasting:** Well, you --

**Engstrom:** This draft was shared with the applicant as of yesterday -- this morning and also earlier versions of the condition of approval was shared earlier this week.

**Leonard:** I thought I heard her say she hadn't seen it.

**August 3, 2006**

**Kasting:** I think what she was talking about were the last three letters that are referenced in the exhibit list.

**Leonard:** Sorry.

**Kasting:** I don't think it's probably necessary to get into those.

**Leonard:** Ok.

**Adams:** So was this shared with the neighborhood, then?

**\*\*\*\*\*:** I don't know if it was or not.

**Imperatti:** I received it contemporaneously when the two gentlemen approached -- [inaudible] or even a draft of it.

**Kasting:** It's not necessary, by the way, to allow commentary on your findings.

**Engstrom:** Typically the prevailing party would be involved in the writing of the findings because it's in their interest they be defensible.

**Potter:** Moved and seconded. Karla?

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

**Potter:** Aye. [gavel pounded]

**Kasting:** On a different matter, I understand there might have been a couple of items that needed to come to council under a suspension of rules, if you could find a fourth member, I don't know if you --

**Potter:** Those have been resolved.

**Kasting:** ok.

**Potter:** We're adjourned until next week. [gavel pounded]

At 3:10 p.m., Council adjourned.