



CITY OF  
**PORTLAND, OREGON**

OFFICIAL  
 MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **19TH DAY OF AUGUST, 2009** AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Adams, Presiding; Commissioners Fish, Fritz and Saltzman, 4.

**Motion to hold a meeting 6:00 pm September 16th for Youth Corps presentation:**  
 Moved by Mayor Adams and seconded by Commissioner Saltzman. (Y-4)

OFFICERS IN ATTENDANCE: Susan Parsons, Acting Clerk of the Council; Linly Rees, Deputy City Attorney; Ron Willis and Ron Jefferson, Sergeant at Arms.

Item No. 1158 was pulled for discussion and on a Y-4 roll call, the balance of the Consent Agenda was adopted.

	<b>Disposition:</b>
<b>COMMUNICATIONS</b>	
<b>1148</b> Request of Ulisher Hardiman to address Council regarding towed vehicle (Communication)	<b>PLACED ON FILE</b>
<b>1149</b> Request of David E. Delk to address Council regarding Instant Runoff Voting (Communication)	<b>PLACED ON FILE</b>
<b>1150</b> Request of Michael O'Gara to address Council regarding nuisance abatement budget (Communication)	<b>PLACED ON FILE</b>
<b>1151</b> Request of Marty Stockton to address Council regarding method of funding public services (Communication)	<b>PLACED ON FILE</b>
<b>1152</b> Request of Charlotte Phillips to address Council regarding staff cuts at the Bureau of Development Services (Communication)	<b>PLACED ON FILE</b>
<b>TIME CERTAINS</b>	
<b>1153 TIME CERTAIN: 9:30 AM</b> – Amend Portland Transportation System Plan and Comprehensive Plan to update the Gateway Master Street Plan and Chapter 11, Master Street Plans (Ordinance introduced by Mayor Adams)	<b>CONTINUED TO        SEPTEMBER 09, 2009        AT 10:00 AM        TIME CERTAIN</b>

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<p><b>1154 TIME CERTAIN: 10:15 AM</b> – Authorize General Fund resources to maintain, manage and operate the Simon and Helen Director Park (Ordinance introduced by Commissioner Fish)</p>	<p align="center"><b>PASSED TO SECOND READING AUGUST 26, 2009 AT 9:30 AM</b></p>	
<p><b>1155</b> Authorize a Condominium Agreement with Fox Tower, LLC for Director Park (Ordinance introduced by Commissioner Fish)</p>	<p align="center"><b>PASSED TO SECOND READING AUGUST 26, 2009 AT 9:30 AM</b></p>	
<p><b>1156</b> Recognize non-standard streetscape improvements along SW Park and Ninth Aves immediately adjacent to the City's new Simon and Helen Director Park and affirm inter-bureau commitments of Portland Parks and Recreation and Portland Bureau of Transportation (Resolution introduced by Mayor Adams)  (Y-4)</p>	<p align="center"><b>36723</b></p>	
<p align="center"><b>CONSENT AGENDA – NO DISCUSSION</b></p> <p><b>1157</b> Reappoint Creighton Kearns, Andrew McCann, Greg Pelsler and Doug Brown to the Mechanical Code Board of Appeal for a term to expire August 31, 2011 (Report introduced by Mayor Adams and Commissioner Leonard)  (Y-4)</p>		<p align="center"><b>CONFIRMED</b></p>
<p align="center"><b>Mayor Sam Adams</b></p> <p align="center"><b>Bureau of Planning &amp; Sustainability</b></p> <p><b>*1158</b> Approve an agreement with the Tri-County Metropolitan Transportation District of Oregon to continue an experimental bus program for the Bureau of Planning and Sustainability at the Ecotrust Building, 721 NW 9th Ave., for FY 2009-2010 (Ordinance)</p>		<p align="center"><b>REFERRED TO COMMISSIONER OF FINANCE AND ADMINISTRATION</b></p>
<p><b>*1159</b> Authorize an Intergovernmental Agreement with Portland State University for \$4,775 to execute four separate waste sorts to determine composition of waste stream from City public waste containers (Ordinance)  (Y-4)</p>	<p align="center"><b>183095</b></p>	
<p><b>1160</b> Authorize an Intergovernmental Agreement with Portland State University to participate in the Oregon Solutions Lloyd Green District project (Second Reading Agenda 1110)  (Y-4)</p>	<p align="center"><b>183096</b></p>	
<p align="center"><b>Bureau of Transportation</b></p> <p><b>*1161</b> Authorize the Bureau of Transportation to acquire certain permanent and temporary easements necessary for construction of street improvements for the NE 109th Ave Local Improvement District project through the exercise of the City's Eminent Domain Authority (Ordinance; C-10030)  (Y-4)</p>		<p align="center"><b>183097</b></p>

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<p><b>*1162</b> Grant revocable permit to Portland State University to close SW 20<sup>th</sup> Pl between SW Yamhill St and SW Morrison St and SW Morrison St between SW 20<sup>th</sup> Ave and SW 20<sup>th</sup> Pl from 7:00 a.m. until 3:00 p.m. on September 12, 2009, September 26, 2009, October 3, 2009, October 17, 2009, October 24, 2009 and November 7, 2009 (Ordinance)</p> <p>(Y-4)</p>	<p align="center"><b>183098</b></p>
<p><b>*1163</b> Grant revocable permit to Widmer Brothers Brewing Co. to close N Russell St between N Interstate Ave and N Mississippi Ave from 7:00 a.m. on September 12, 2009 until 10:00 a.m. on September 13, 2009 (Ordinance)</p> <p>(Y-4)</p>	<p align="center"><b>183099</b></p>
<p><b>1164</b> Amend Intergovernmental Agreement with Metro for City CarpoolMatchNW Maintenance in amount of \$30,000 to be paid to the City and extend term through June 30, 2010 (Ordinance; amend Contract No. 928129)</p>	<p align="center"><b>PASSED TO SECOND READING AUGUST 26, 2009 AT 9:30 AM</b></p>
<p><b>1165</b> Grant revocable permit to Roman Catholic Archbishop of Portland/St. Stanislaus Parish to close N Failing St between N Interstate and N Montana Ave from 10:00 a.m. on September 25, 2009 until 10:00 a.m. on September 28, 2009 (Second Reading Agenda 1113)</p> <p>(Y-4)</p>	<p align="center"><b>183100</b></p>
<p><b>1166</b> Authorize Intergovernmental Agreement with the State of Oregon for purchase and management of two parking pay stations (Second Reading Agenda 1114)</p> <p>(Y-4)</p>	<p align="center"><b>183101</b></p>
<p><b>1167</b> Authorize an Intergovernmental Agreement with the Oregon Department of Transportation to define the roles and responsibilities for real property to be obtained and used as part of right-of-way for road, street or construction of public improvements for the Safe Routes to School Project (Second Reading Agenda 1115)</p> <p>(Y-4)</p>	<p align="center"><b>183102</b></p>
<p><b>1168</b> Authorize an Intergovernmental Agreement with the Oregon Department of Transportation to define the roles and responsibilities for real property to be obtained and used as part of right-of-way for road, street or construction of public improvements for the St Johns Pedestrian/Freight Project (Second Reading Agenda 1116)</p> <p>(Y-4)</p>	<p align="center"><b>183103</b></p>
<p align="center"><b>Office of Management and Finance – Business Operations</b></p>	
<p><b>*1169</b> Pay claim of Jennifer Kuhlman (Ordinance)</p> <p>(Y-4)</p>	<p align="center"><b>183104</b></p>
<p><b>*1170</b> Pay claim of Christopher McFadden (Ordinance)</p> <p>(Y-4)</p>	<p align="center"><b>183105</b></p>
<p><b>*1171</b> Pay claim of Kita Montgomery (Ordinance)</p> <p>(Y-4)</p>	<p align="center"><b>183106</b></p>
<p align="center"><b>Office of Management and Finance – Purchases</b></p>	

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<p>1172 Amend Intergovernmental Agreement with Metro for continued participation in the Integrated Regional Network Enterprise (Second Reading Agenda 1118; amend Contract No. 51769)</p> <p>(Y-4)</p>	<p><b>183107</b></p>
<p style="text-align: center;"><b>Commissioner Dan Saltzman</b> <b>Position No. 3</b></p>	
<p style="text-align: center;"><b>Bureau of Environmental Services</b></p>	
<p>1173 Authorize a contract with PB Americas, Inc. for engineering services for the design of the Portsmouth Force Main Odor Control Facility Project No. E08927 (Ordinance)</p>	<p style="text-align: center;"><b>PASSED TO SECOND READING AUGUST 26, 2009 AT 9:30 AM</b></p>
<p style="text-align: center;"><b>Bureau of Police</b></p>	
<p>*1174 Amend an Intergovernmental Agreement between Tri-County Metropolitan Transportation District of Oregon, the City of Gresham and the City for provision of transit police services (Ordinance; amend Contract No. 52544)</p> <p>(Y-4)</p>	<p><b>183108</b></p>
<p>*1175 Extend contract term and increase compensation to David Corey, Ph.D. for psychological examinations (Ordinance; amend Contract No. 35139)</p> <p>(Y-4)</p>	<p><b>183109</b></p>
<p style="text-align: center;"><b>Commissioner Randy Leonard</b> <b>Position No. 4</b></p>	
<p style="text-align: center;"><b>Bureau of Water</b></p>	
<p>*1176 Authorize contract with Michael Willis Architects for design services for the City's new Emergency Coordination Center (Ordinance)</p> <p>(Y-4)</p>	<p><b>183110</b></p>
<p>*1177 Execute Assignment, Assumption and Acknowledgement Agreements with Ground Water Solar, LLC, Commercial Solar Ventures, LLC and Energy Trust of Oregon, Inc. for development of a solar electric generation system at Portland Water Bureau Groundwater Pumpstation Facility (Ordinance)</p> <p>(Y-4)</p>	<p><b>183111</b></p>
<p>1178 Amend contract with GHD Inc. for the Future Infrastructure Needs Model for Asset Management (Second Reading Agenda 1127; amend Contract No. 37812)</p> <p>(Y-4)</p>	<p><b>183112</b></p>

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<p><b>1179</b> Amend contract with Metropolitan Water District of Southern California for the Evaluation of Capital Project Delivery Efficiency (Second Reading Agenda 1128; amend Contract No. 37840)  (Y-4)</p>	<p align="center"><b>183113</b></p>
<p><b>Portland Fire &amp; Rescue</b></p>	
<p><b>*1180</b> Authorize agreement with the State of Oregon, Office of the State Fire Marshal, for Regional Hazardous Materials Emergency Response Team Services (Ordinance)  (Y-4)</p>	<p align="center"><b>183114</b></p>
<p><b>Commissioner Amanda Fritz Position No. 1</b></p>	
<p><b>Office of Cable Communications and Franchise Management</b></p>	
<p><b>1181</b> Issue a revocable permit allowing FSH Communications, LLC to install, maintain and operate public telephones on City streets for a period of three years (Second Reading Agenda 1131)  (Y-4)</p>	<p align="center"><b>183115</b></p>
<p><b>1182</b> Issue a revocable permit allowing K. West Enterprises, LLC to install, maintain and operate public telephones on City streets for a period of three years (Second Reading Agenda 1132)  (Y-4)</p>	<p align="center"><b>183116</b></p>
<p><b>1183</b> Extend revocable permit for Communication Management Services, LLC to install, maintain and operate public telephones on City streets (Second Reading Agenda 1133; amend Ordinance No. 177928)  (Y-4)</p>	<p align="center"><b>183117</b></p>
<p><b>Commissioner Nick Fish Position No. 2</b></p>	
<p><b>Portland Housing Bureau</b></p>	
<p><b>*1184</b> Provide a guarantee to the State of Oregon Housing and Community Services in the amount of \$200,000 for a pre-development loan to GM Uptown Tower Apartments, LLC (Ordinance)  (Y-4)</p>	<p align="center"><b>183118</b></p>
<p><b>*1185</b> Authorize the replacement of all current Risk Mitigation Pool contracts with Letters of Agreement for Property Owners to provide access to the Risk Mitigation Pool (Ordinance)  (Y-4)</p>	<p align="center"><b>183119</b></p>
<p><b>Portland Parks &amp; Recreation</b></p>	
<p><b>*1186</b> Authorize acquisition of approximately 3 acres of undeveloped property to be managed as part of Woods Memorial Natural Area (Ordinance)  (Y-4)</p>	<p align="center"><b>183120</b></p>

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<p><b>*1187</b> Amend contract with BergerABAM Engineers, Inc. to provide additional services for construction administration for the repair/partial replacement of the Circle Avenue Bridge (Ordinance; amend Contract No. 30000076) (Y-4)</p>	<p align="center"><b>183121</b></p>
<p><b>1188</b> Accept a \$24,900 grant award from the Portland Public School District to support activities for participants at Lane SUN Community Middle School (Ordinance)</p>	<p align="center"><b>PASSED TO SECOND READING AUGUST 26, 2009 AT 9:30 AM</b></p>
<p><b>1189</b> Authorize Intergovernmental Agreement with Oregon Department of Transportation for Waud Bluff Trail (Ordinance)</p>	<p align="center"><b>PASSED TO SECOND READING AUGUST 26, 2009 AT 9:30 AM</b></p>
<p align="center"><b>REGULAR AGENDA</b></p>	
<p><b>*1190</b> Designate and assign a property owned by Bureau of Environmental Services to Bureau of Planning and Sustainability for use in the Diggable Cities Program (Ordinance introduced by Mayor Adams and Commissioner Saltzman) (Y-4)</p>	<p align="center"><b>183123</b></p>
<p><b>*1191</b> Authorize a contract for \$831,000 with BBC Research &amp; Consulting for the 2009 Disparity Study (Ordinance introduced by Mayor Adams and Commissioner Fish) (Y-4)</p>	<p align="center"><b>183122</b></p>
<p align="center"><b>Mayor Sam Adams</b></p>	
<p><b>1192</b> Appoint Chris Smith to the Portland Planning Commission to complete a 4-year term that expires on January 14, 2010 (Report) (Y-3; Fish absent)</p>	<p align="center"><b>CONFIRMED</b></p>
<p align="center"><b>Bureau of Planning &amp; Sustainability</b></p>	
<p><b>1193</b> Recognize that Ordinance No. 177920, Adopt the Northwest District Plan, is no longer effective or enforceable (Resolution) (Y-4)</p>	<p align="center"><b>36724</b></p>
<p><b>1194</b> Adopt and implement the Hayden Island Plan and amend Comprehensive Plan Map (Second Reading Agenda 1146) (Y-4)</p>	<p align="center"><b>183124</b> AS AMENDED</p>
<p align="center"><b>Office of Management and Finance – Purchases</b></p>	
<p><b>1195</b> Accept bid of Moore Excavation, Inc. for the Vacuum Relief Valve Project for \$782,000 (Purchasing Report - Bid No. 110663) <b>Motion to accept report:</b> Moved by Commissioner Saltzman and seconded by Commissioner Fritz. (Y-3; Fish absent)</p>	<p align="center"><b>ACCEPTED PREPARE CONTRACT</b></p>

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<p style="text-align: center;"><b>Commissioner Dan Saltzman</b> <b>Position No. 3</b></p> <p style="text-align: center;"><b>Bureau of Environmental Services</b></p> <p><b>*1196</b> Authorize the Bureau of Environmental Services to acquire certain temporary construction and permanent easements for construction of the Ash Creek Sewer Rehabilitation Project No. E08834 through the exercise of the City's Eminent Domain Authority (Ordinance)  (Y-4)</p>	<p style="text-align: center;"><b>183125</b></p>
<p><b>*1197</b> Authorize the Bureau of Environmental Services to acquire certain permanent and temporary easements necessary for construction of the Sellwood Combined Sewer Overflow Pump Station Project No. E08467 through the exercise of the City's Eminent Domain Authority (Ordinance)</p>	<p style="text-align: center;"><b>CONTINUED TO AUGUST 26, 2009 AT 9:30 AM</b></p>
<p><b>*1198</b> Authorize the Bureau of Environmental Services to acquire certain permanent and temporary easements necessary for construction of the Fanno Basin Pump Station Pressure Line - Garden Home Section Replacement Project E08293 through the exercise of the City's Eminent Domain Authority (Ordinance)  (Y-4)</p>	<p style="text-align: center;"><b>183126</b></p>
<p><b>*1199</b> Accept easement from the United States Navy as part of the Portsmouth Force Main Project No. E06902 (Ordinance)  (Y-4)</p>	<p style="text-align: center;"><b>183127</b></p>
<p style="text-align: center;"><b>Bureau of Fire and Police Disability and Retirement</b></p> <p><b>1200</b> Extend benefits currently provided to eligible members of the Fire and Police Disability, Retirement and Death Benefit Plan (Second Reading Agenda 1139)  (Y-4)</p>	<p style="text-align: center;"><b>183128</b></p>
<p style="text-align: center;"><b>Commissioner Randy Leonard</b> <b>Position No. 4</b></p> <p style="text-align: center;"><b>Bureau of Water</b></p> <p><b>*1201</b> Authorize a Financial Assistance Award Contract, Loan Agreement, and Promissory Note with the Oregon Economic and Community Development Department under the American Recovery and Reinvestment Act of 2009, Safe Drinking Water Revolving Loan Fund program (Ordinance)  (Y-4)</p>	<p style="text-align: center;"><b>183129</b></p>
<p style="text-align: center;"><b>City Auditor LaVonne Griffin-Valade</b></p>	

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<p><b>1202</b> Assess property for sidewalk repair by the Bureau of Maintenance (Second Reading Agenda 1142; Y1070) (Y-4)</p>	<p><b>183130</b></p>
<p style="text-align: center;"><b><u>FOUR-FIFTHS AGENDA</u></b></p> <p style="text-align: center;"><b>Mayor Sam Adams</b></p> <p style="text-align: center;"><b>Office of Management and Finance – Business Operations</b></p> <p><b>*1203</b> Authorize Intergovernmental Framework Agreement with Oregon Department of Transportation for federal grant funds through the High Speed Intercity Passenger Rail Program for development and funding of the Union Station Project (Ordinance) (Y-4)</p>	<p><b>183131</b></p>

At 12:20 p.m., Council adjourned.

**LAVONNE GRIFFIN-VALADE**  
Auditor of the City of Portland

By Susan Parsons  
Acting Clerk of the Council

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

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**WEDNESDAY, 2:00 PM, AUGUST 19, 2009**

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

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**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.

**AUGUST 19, 2009 9:30 AM**

**Adams:** Good morning, today is wednesday, august 19th, 2009. It's 9:30 and this is the morning session of the Portland city council. Sue, would you please call the roll.

[roll call]

**Adams:** I'm very pleased this morning. We have a very special presentation. And I would like to recognize commissioner nick Fish to lead us in this council action item.

**Fish:** Thank you, mayor and thank you for the honor of allowing me to share this great honor. Will kay toran and governor atiyeh come forward and take a seat at the front table. From time to time, this council has the opportunity to honor a conspicuous leadership in our community. People who go above and beyond in their work and make us proud to call ourselves Portlanders and today it's my great honor to lead our discussion honoring Kay Dean Toran and i'll begin by reading a proclamation which the mayor is issuing today. Where is Portland honors civic leaders who dedicate their lives for working for the betterment of our community and whereas, throughout her distinguished career has been a champion for the most vulnerable in our community and served for seven years as the director of affirmative action for the state of Oregon, reporting directly to former governor atiyeh and served for six years as director for the Oregon state office for services to children and families. Where she tirelessly advocated for Oregon's abused and neglected children. And whereas, kay d has served for 10 years as president and c.e.o. of volunteers of america, Oregon, a nonprofit which improves the lives of Oregon's at-risk children and families struggling with substance abuse and homelessness and was recognized by the Portland's business journal as c.e.o. of the year for nonprofits on december 9th, 2008, and whereas, kay d. personifies the etching on the base of skidmore fountain: Good citizens are the riches of a city. Now, therefore, I sam Adams -- [laughter]

**Adams:** Believe me, you don't want to be sam Adams. [laughter]

**Fish:** Mayor of the city of Portland and his colleagues, do hereby declare august 19th, 2009, as an official day of appreciation for kay dean Toran and encourage all citizens to observe this day.

[applause] Governor, I checked with our city attorney and it turns out you're the senior official in this room today as the former governor and would you honor us with a few introductory remarks?

**Governor Vic Atiyeh:** I'm delighted. [inaudible] all understand those that are supporting you in your job, how important they are. Kay was very important and she hand things in the way they should be as affirmative action. We were serious about it, we worked at it. Kay was excellent, and did a very fine job and i'm pleased to be here and I want you to know that I always considered kay and others on my staff worked with me, not for me. And I really -- it's just a team of people. Kay was among the top. And I thank you, mr. Mayor, for that. And I thank you, mr. Mayor -- [laughter]

**Fish:** Former governor atiyeh, you honor us with your presence here today. Thank you. Kay, before you speak to us, would you be willing to recognize some of your honored guests today for us?

**Kay Toran:** Yes, i'd be pleased and i'm very pleased people have come to share this very special moment. I have my family and i'm going to ask people to stand and you should know who you are,

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so -- [laughter] laugh my son was able to come up from san francisco, he's a law student. John. [applause] and my daughter, tracy, who is the director of admissions and financial aid at -- catlin gabel school. And my friend, ben. And long-term friend and colleague and one-time coworker, robert. [applause] my very good friends who moved here from romania. I have the opportunity on behalf of child welfare, to go to romania to look at their orphanage system and developed friendships there that exist yet today. About a year after I returned, some friends who have close friends moved to the united states and they're here this morning. Mary ann and her son. [applause] my sister, gloria, who has been with me my lifetime. She's older than i. [laughter] and some very good sister girlfriends in the back. Joan and phyllis. And i'm going to ask my management team to please stand. At volunteers of america, we've had one remarkable 10-year period and because I have this fabulous team of managers and this forward-thinking staff that gets the job done and that senior managers that are here, please stand, all of you. [applause] to my right is glen, who is our chief financial officer. Here is tim, who is my chief operating officer. Pam, who is my division director for rehabilitation services and paul, director of enterprise operation. We have an operation to help subsidize the work we do. Anyone I missed. [applause] [inaudible] What? [inaudible] Oh, my all means. Where is ellie and joshua? These are my 12-year-old granddaughter and my nine-year-old grandson, joshua. [applause]

**Fish:** Kay, I think you have someone from u.p. That's here.

**Toran:** Yes, father doyle, if I can't see you, I can't see you. Father doyle, who is the executive vice president or from the university of Portland. And kimberly brown stolley. And also I saw lorrie, but lorrie, who is from the public relations department at the university of Portland. [applause] if I missed anyone, please stand. [laughter] anyway, thank you for being here. It's quite a honor for this to occur and it's quite a honor for you to be here this morning. I'm going to make a couple of remarks because oftentimes -- thank you first. Thank you to the mayor and commissioner Fish and the city council city council for honoring me. I was surprised when I was meeting with commissioner Fish on board business and he said are you going to be in the chambers on the 19th and I said for what? And he said this is going to happen. I was surprised. One, I never expected this. I just do the work I do because I care. But what really surprised me was everyone on my staff knew about this and keeping it a surprise and I like to believe i'm in the know in my own organization. This one I didn't know. Oftentimes, people ask me why social work and public service? And there's a clear reason for me in terms of why I have spent 30 years doing what I do. First, I have these fabulous parents who instilled and inculcated and modeled -- caring for others. Caring for self, the family and the children and the community. And that imprint definitely has influenced my choices in my life. But what has been my experience, is that as i've approached this work to work with those most vulnerable, most in need, what I have to say to this -- to you and all listening, is that public service and social work have made a huge difference in the lives of so many people. It's very disconcerting when I hear people attack government because government has made the difference in so many of our lives. I'm here today -- I was able to work for the governor of the state of Oregon, coming out of albina because government, the courts gave me an opportunity to pursue my dream. So my message to all listening is that government is not the problem. Government is a solution. And if we work -- [applause] and if we work together, even if we have this agreement -- disagreements, we can make all of our lives considerably better and we all have this opportunity during this economic downturn to care for those who may be experiencing a need for help. With care and love and need do it with compassion. And as we do that, i'm going to challenge everyone to do this. Please bring a little joy into your lives as we go through this difficult time. Read a poem, sing a song, dance a jig, teach a child. Because if you're tapping into that place where you are joyful, you will make the lives of those that you touch also joyful. As you have for me today. Thank you so much for bringing joy to my life. [applause]

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**Fish:** And i'd like to thank myla briceson who was part of the conspirator gang. Thank you for your work. Appreciate it.

**Adams:** You're welcome to stay, but you're not -- we will not be offended if you've got. [laughter] other work to do. That opens up -- yes. Kind of. I'm -- do you have people here? I want to do communications so these people have a chance to leave. All right. Sue, we're going to tackle a council communications. And then do our second proclamation. So if you could please read the title for council communications item no. 1148.

**Item 1148.**

**Adams:** Mr. Hardiman. Good morning, glad you're here. Please have a seat. And we just need your first and last name and the clock in front of you will help you count down your three minutes.

**Ulisher Hardiman:** Ulisher hardiman. Good morning, your honor. Glad to see the sun shining better on you too. And I heard your announcements.

**Adams:** Thank you.

**Hardiman:** I will address this august assembly. You know, I don't know if you guys know. You're pretty intimidating. I think about the ability and controls you have and whatnot, and hopefully, they'll come out nicely. You know, you -- I mean, I know my mama loved me, but sometimes things didn't come out the way I wanted them to. You know, but -- i've actually -- I asked you and asked you to help me in a situation in which my car was -- I mean, I reviewed the city charter, I reviewed the constitution to Oregon, the u.s. constitution, the car should not have been towed. For convenience of the neighborhood, because of the sheer width of the car, I deliberately had the car parked where one side of it, an entire driving wheel is off the public pavement. Although one wheel was on the public pavement. They say they towed the car because you owed us money. My friends don't want me to sue the city and I don't want to either and it's going to be difficult if I do sue the city. I found out later on, apparently at the first session, I could have been advised that there's an agency in town that conducts tow hearings. I didn't hear about that until later. But i'm hoping steps will be taken and return my property to me. According to my timeline, I used my car, I do junking and scrapping and get to my job, I work through remedy and through depaul industries and several other companies like that temporarily. So I got money and my insurance tags, everything done. My driver's license, now, delivering pizza and newspapers and then I was going to buy a hot dog cart. And I should have had \$3,400. Where instead, i'm flat broke. I hope the council will help me. If I may be so bold, allow me to ask you for a postponement and i'll address you at a later date. If you will help me -- I hope you will -- I can always be communicated with. Mr. Jefferson, a long-term friend of mine. Thank you very much and I hope things go great and glowing and all of your happy faces, it's always good to see you.

**Adams:** Thank you, mr. Hardiman.

**Hardiman:** Thank you, honor.

**Adams:** Thank you, sir. Sue, please read council communications item no. 1149.

**Item 1149.**

**Adams:** Mr. Delk, welcome back to the city council. Glad you're here. I think you know the rule. Three minutes and we only need your first and last name. No address today.

**David Delk:** Ok. My name is david delk. And first I want to thank you for allowing me it speak with you this morning. I also want to thank mayor Adams for testifying at the department of energy scoping meeting last week. The u.s. Department of energy is in the process of issuing an environment impact statement regarding proposed long-term storage of mercury waste at hanford. Thank you for representing the citizens of Portland and our concerns. I have included --

**Adams:** If I could interrupt. You brought that to my intention many months ago, so I want to return the thank you to you for raising the issue to my intention.

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**Delk:** Thank you. I have included information in the packet I gave you in case the rest of you would like to comment, there's the comment information is on the last sheet. Hanford should be cleaned up first before additional waste is transported there. During the past three legislative sessions, jackie -- senator jackie dingfelder and others have introduced bills for instant run-off voting. It's an alternative method of voting which results in all winners being elected in a majority of the vote there a single election without the expense and requirements of a run-off. While -- also known as irv. It's growing in popularity in other parts of the united states. Most notably, san francisco has used it -- san francisco. Others have used it, as well as santa clara, aspen, colorado, pierce, Washington, tacoma, and the citizens of memphis made their desire clear. 71% voted in favor in the use of irv. I could go on with additional examples, however I don't want to spend my time convincing you that our city should use irv. I do want you to support local option legislation and i'm not asking to you decide that you support irv. Rather, asking you to support the right of local governments to use irv, if they so decide. Statewide elected officials have said if local governments were to use irv, the state of Oregon, would oppose that usage. Because of that, no local government has approved irv use. In fact, 2001, voters in eugene, turned down an opportunity because of the threat of state action if they approved. Since that time, the city councils of ashland and corvallis have indicated they would like to use irv if they have the option and the second page is a copy of the ashland resolution. I'm asking each one of you write a letter or statement in support of local option irv. Those letters can be written now so that when the legislature is considered, we will have your letters to present. During the last session, senator devlin said he would schedule a vote if we could get statements of support from local officials and we're being proactive in getting those letters. I would be happy to assist if writing those letters. My contact information is included.

**Adams:** Thank you, mr. Delk, very much. Appreciate it. Sue, would you please read the title for council communications item no. 1150.

**Item 1150.**

**Adams:** Mr. O'gara, welcome to the city council.

**\*\*\*\*\*:** Thank you very much.

**Adams:** Glad you're here. Give us your first and last name.

**Michael O'Gara:** I'm michael o'gara and I think you have the picture of what i'm discussing right there. I live on a small street in southwest Portland and we do not receive many city services such as street cleaning and leaf removal. But the last years, we have had problems with people not maintaining their properties and having brush covering the stop sign at the bottom of our street. In the past, the neighbors have called the nuisance abatement office. And however, one property have been a consistent problem and our street is becoming impassable and dangerous to walk and drive on. Notified the nuisance abatement department. In conversation, mr. Marriott, I found the city has reduced the abatement budget and no longer able to follow through and put a lien against the property as outlined in city code 29. Our street is narrowed to about eight feet. Branches hanging down at the stop line at the bottom was completely covered. Our street is a common route for walkers and bicyclists. And part of the Oregon trail four and used to avoid traffic on taylor's ferry road. It's a dangerous situation. I called commissioner Leonard's office for assistance. Their statement was there's been budget cuts. And I spoke to the city ombudsman, and it seem -- the ombudsman. And when the city workers came out, they probably could have removed the rest of the nuisance. I know that commissioner Leonard knows of the budget cuts and somehow, the trees have not been notified and they continue to grow. I see two things: Last year, there were 7,000 complaints, led to 350 nuisance abatements and it won't take long if 350 nuisances are not cleaned up to affect the liveability of our city. There will be no consequences to -- I think the dangerous situations will increase and neighbors may start to confront neighbors, leading to hard feelings and violent confrontations at worst. I think oftentimes, when I see the issues you deal with, I could

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think they could allocate resources in a different way. I do have potential solutions. When new revenues come in, such as the new parking fees downtown, I think used to replace existing programs that have been cut rather than new programs. I read that a-- a lifelong bicycle commuter, I appreciate the interest in bike paths, but we'd rather have existing streets open and safe. I think give workers to approach more than one thing at a time, urban forestry, I contacted, transportation and nuisance abatement, if they could overlap some of their responsibilities when doing one, it might be a more efficient system. I realize this isn't a dialogue, but I would like to ask a question. If you cannot correct a dangerous situation, and as a citizen impacted by the nuisance, I have no right to go on private property, how are the issues going to get resolved and not continue to escalate?

**Saltzman:** Why didn't the property owner clean it up?

**O'Gara:** I don't know. This has been an ongoing problem for several years but in the past, they trimmed it back.

**Fish:** I have an idea. You mentioned the urban forestry. Falls within my purview as parks commissioner and we work closely with pbot, which is the mayor's bureau, I think pbot and urban forestry can have a conversation.

**O'Gara:** I will say -- I talked to dan anderson in the mayor's office and he referred me, and tried alternate strategies and did talk to urban forestry and they felt it was not in their jurisdiction. I was hoping the overlapping things --

**Adams:** Brush clean -- I mean, we do have financial difficulties and we don't keep up -- we don't have the resources to keep up on the stuff we're responsible for in the public right-of-way. Much less in the private side. However, budget cuts we've had to face are for a variety of different reasons, mostly the economy, and we hope they'll come back. I appreciate you raising the issue so we can take another look at it in the budget process and see what we can do.

**O'Gara:** And in the case of my street, will someone from urban forestry be contacting me? In another year, our street will be closed.

**Adams:** And we face it all over the city right now.

**O'Gara:** What should happen. That's the thing. If the streets close, what do we do?

**Fritz:** I think there's a bigger question in nuisance abatement. I would like to get more information when commissioner Leonard returns how we fund nuisance abatements. Because I think there's other funds that go into that program beyond the general fund and I think may be before the next budget session, the council needs to take another look, perhaps, at the issue of how we fund nuisance abatements because there are going to be situation where is property owners don't respond for the initiate notice and it's a public service needed in taking care of those issues.

**Adams:** You also -- you would clean this up if you were given access, right?

**O'Gara:** If I had legal right.

**Adams:** Let me finish.

**O'Gara:** Ok.

**Adams:** Part of what I see is that we haven't explored before that this conversation prompts on my part, a lot of these trees are in the public right-of-way. So we should check with the city attorney if volunteers want to remove brush from the public right-of-way, even though it starts growing on someone else's private property, could a volunteer effort do that. I -- i'm trying to think of practice things you can do.

**O'Gara:** I did want to say the neighbor across the street where it says private property on the picture, he has a lawn service and did talk about trimming it back and they told him them to stay off his property.

**Adams:** The offending brush, there's plenty of offending leaves in the public right-of-way. Maybe we can do something about that. Again, i'm trying to offer practical solutions.

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**Fish:** Mayor, here's what I think we can commit to. The urban forestry division that is responsible to me will take a look and in two weeks get back to you.

**O'Gara:** Ok.

**Fish:** We'll touch base with the mayor's office and commissioner Fritz and we'll have some kind of response and i'll personally follow through on this.

**O'Gara:** I appreciate your time and thank you very much.

**Adams:** All right. Can you please read the title for council communications item no. 1151.

**Items 1151 and 1152.**

**Adams:** Good morning. Welcome.

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

**Adams:** Are you ms. Phillips.

**\*\*\*\*\*:** I am.

**Adams:** And ms. Stockton?

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

**Adams:** Glad you're here. Because you're both wearing those buttons, i'm going to take chair's prerogative and let you both come up together.

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

**Adams:** Glad you're here. Need first and last name than clock on the big hunk of wood will help you count down your time.

**Marty Stockton, Bureau of Development Services:** Good morning, my name is marty stockton.

**Charlotte Phillips, Bureau of Development Services:** My name is charlotte phillips.

**Stockton:** I proudly work as a bureau planner for the bureau of development services. The extreme reduction in personnel prevents us from delivering basic services. Please support the employees of bds, stop the layoff process and change the funding to more accurately reflect the essential core services that are not funded by fees. The mission is promote safety, liveability and economic vitality through a collaboration of building and development codes. To fulfill this goal, planner's staff, where we review over the counter permits for a variety of projects. We process hundreds of land use applications and these functions are fee-based. What is not covered by fees is the essential front line public service we provide, guiding property owners, neighborhood associations and developers through complex zoning regulations and city policies. We staff a zoning hot line where we respond to over 100 phone lines a day. We're often the first voice or face of the city of Portland to a citizen. At present, the funding structure is currently 95 fee based and 5% general funds. The safety net is gone but there's still work to be done. As permit numbers are down 20%.

Unfortunately, it's the permit fees from larger projects which are done which has been subsidizing residential projects. Our bureau is shouldering a disproportionate brunt of this recession and we believe there's a need to change funding in the organization. For this reason, it's time we review the funding structure to establish greater stability and quality of service. Please consider a 60% fee base and 40% ratio method of funding. 16 coworkers lost their jobs on july 21st and others transferred to other bureaus and we're in the process of losing another 11 people by the end of september. The layoffs are not -- the classifications are not bureau specific. Seniority rights are citywide. Major distractions in bds and will bring disruptions to the bureau of planning and sustainability and environment service. While there's been reorganization brainstorming sessions there's no current plan on how to maintain the basic functions of bds. So we can effectively fulfill the services mandated by the state of Oregon. If there's a time to stop the hemorrhaging and maintain confidence in the city that works is now. The public has come to rely on a quality service that we provide. We must continue to provide these services and our citizens safety, nationally recognized liveability and economic recovery of the city depend on it. Thank you.

**Adams:** Thank you very much for your testimony.

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**Phillips:** Good morning, I'm here before you today to share the scope and importance of the services we provide to the citizens of Portland and ask for your support to continue these services. The goal statement of bds is to promote safety, liveability, economic vitality through efficient and collaborative application of building and development codes. Let's take a look at the meaning of the statement. To promote safety. Plans examiners review plans for code compliance for egress windows in single family dwellings to tall commercial buildings and take the worry out of sending your children to the movies know that exists are provided should there be an emergency. During a typical week last month, plans examiners, structural engineers and support staff returned 200 phone calls related to code questions, design criteria and permit issuance and related fees. We held -- helped 600 architects designers and business and homeowners with policy questions. And solved numerous problems they brought to us. Our citizens have come to rely on us for code expertise and interpretation. Building inspectors perform 2900 inspections and help solve issues that arise in the field. Working with homeowners and subcontractors and contractors, and finding solutions to comply with the intent of the code. Our city relies on the reviews and inspections of bds. To promote -- of bds, promote liveability, providing access to all of our citizens to public parks and buildings and facilities is an important part of our review process. We help building owners provide accessible housing, restrooms, and hotel rooms and counters and seating in stores, sport arenas for the citizens with -- sports arenas, and people with mobility and hearing impairments. So every citizen has an opportunity to enjoy our beautiful city. To promote economic vitality. We review and issue permits that promote growth for new and existing businesses, providing jobs for our citizens. The large buildings are the backbone of our revenue base. Currently, our revenues are down by 68%. Yet our workload is down by 22%. The small projects do not generate sufficient funds to pay for the review, and inspection time. It often takes more time to review a small remodel or addition than an entire house because of the complexities of the structural changes and unknown factors. Marty and I are here today to ask for your help in continuing to provide the level of service that bds staff has worked so long and hard to provide to the citizens of Portland. We are more than just a permit center. We're a group effort. We are the group responsible to help our citizens be informed, understand code and comply with the codes that provide safety, liveability and economic vitality to our city. Thank you for your time today. We look forward to your support. To continue the services we provide.

**Adams:** I want to thank you for your testimony. And I want to acknowledge the very difficult circumstances in your bureau. And the continuing need for work and success and -- towards the mission of your bureau. This city council does not make these decisions lightly. We actually cut 144 positions in other parts of the city, but because of an earlier freeze on new hires, we were able to accomplish that mostly with cutting positions that, therefore, were then vacant. Chances are we'll be cutting budgets again next year. And that is not a task that we take lightly. And we'll continue to, as we do the interim budget reports for the council, continue to look at every opportunity to retain the great talent we have and also find places elsewhere in the city to make sure we keep that talent within the city family, if not, within the bureau. But we understand that these are families that are impacted, great people, and it's a very difficult situation and we will continue to do everything we can to try to be as compassionate in this difficult time as possible. So thank you for continuing to -- and I encourage you to continue to advocate. And we'll continue to look for every creative way to be as helpful as possible. Thank you very much. So we have a second special item for the city council. And that's an additional proclamation. And I'd like to recognize commissioner amanda Fritz.

**Fritz:** And I'd like to ask rick from the office the healthy working rivers to come forward. This is our first proclamation since the office of healthy working rivers came into being at the beginning of July and celebrates riverfest which is coming up this weekend. Whereas, the city of Portland has a vision for the river with celebrations that build awareness, educate and inspire and whereas, the

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willamette is a river of history and national significance and figures proudly in Oregon's 150 years of statehood and whereas, the willamette has been a river of commerce and home to many riff-dependent industries and the port of Portland. The fourth largest on the west coast by traded volume and home to salmon and steelhead and shores to bald eagles -- the city's bird, great blue heron week. And part of ross island, and the newly reenergized bill naito plaza. And the triathlon illustrates a swimmable willamette and the people are working to protect the willamette and columbia rivers, including the south riverbank project and new sewer systems and the big pipe project and the people of Portland are investing in such singular riverfront initiatives as centennial mills and south waterfront, the first salmon safe urban neighborhood and hard work in caring and improving our rivers is far from done and protecting our rivers and revitalizing our riverfront will continue the passion of Portland and now, therefore, mayor Adams, does hereby proclaim August 20<sup>th</sup> through August 23<sup>rd</sup>, 2009 -- encourage all residents to observe these days.

**Rick Bastasch:** Thank you.

**Fritz:** Would you like to say a few words?

**Bastasch:** Would I like to express my appreciation to the many bureaus that have cooperated in hosting riverfest and invite everyone to a time of fun and learning down by the river in the next few days and introduce jeremy, a partner in putting on riverfest.

**Jeremy Sale:** I'm with south waterfront community relations and thank you for acknowledging us and it's a pleasure working with rick over the past -- I don't know, maybe year, and hope -- in putting together riverfest.

**Fritz:** How can we find out?

**Sale:** [Www.Portlandriverfest.org](http://www.Portlandriverfest.org).

**Fritz:** Thank you.

**Fish:** We were -- there was a tent with information about riverfest and some tours and someone admonished me for not taking a tour. I signed up for a 5:15. For citizens who want to see the river -- the habitat restoration work from willamette park south, there's an event, I think at 5:15, so we've signed up, emily hicks and i, and look forward to being guided from folks from your office and bds.

**Fritz:** And most events are free and we greatly encourage folks to come out and it's going to be a beautiful weekend and everybody can enjoy our beautiful willamette river.

**Adams:** Thank you, commissioner Fritz. So we're going to consider the consent agenda. I would like to pull back 1158, and refer it back to my office, unless there are objections. Anyone else wish to pull an item?

**Saltzman:** You're pulling 1153?

**Adams:** I am. That's a time certain. I'm going to pull -- i'd like to refer back to my office, council calendar item 1158. Do we need -- can you read the -- I don't need to read the title for 1158, do i?

**Adams:** Unless objection -- [gavel pounded] -- 1158 is referred back to the mayor's office. Anyone else wish to pull any other item from the consent agenda? Anyone in the room that wishes to testify on the consent agenda? Sue, please call the roll on the consent agenda.

**Saltzman:** Aye. **Fritz:** Aye. **Fish:** Aye.

**Adams:** Aye. [gavel pounded] consent agenda is approved. I would like to make a motion to request a 6:00 p.m. Time certain on september 16th, 2009, for a presentation from youth corps. Second?

**Saltzman:** Second.

**Adams:** Moved and seconded. Any discussion? Sue, would you please call the roll on this motion.

**Saltzman:** Aye. **Fritz:** Aye. **Fish:** Aye. **Adams:** Aye. [gavel pounded] motion is approved. Unless there are objections, i'd like to pull council calendar item 153 -- sorry, set it over to time certain, september 9th, 2009 at 10:00 a.m. any objections? You want it read the title.

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**Parsons:** I should read the title.

**Item 1153.**

**Adams:** So moved to set over to september 9th, 2009, 10:00 a.m. [gavel pounded] that gets us to the council calendar-to-1154. Time certain. Can you please read the title?

**Adams:** And sue, can you also read -- what items are --

**Fish:** [inaudible]

**Adams:** 1155 and 1156 as well.

**Items 1154, 1155, and 1156.**

**Adams:** Commissioner nick Fish.

**Fish:** Thank you, mayor. And I want to clarify. We have three matters before the council. Two are ordinances, one is a resolution. We're vote on the resolution, the ordinances go to a second reading.

I have a brief introduction, while I do so, I invite alison to come forward. I'm pleased to introduce a bundle of three items associated with director park. Why are we here? Today we'll be considering two ordinances and one resolution that address the following issues: Number one, funding the operations and maintenance of the park. Number two, an agreement between parks and fox tower llc, regarding management of the space above and below the ground. And three, a memorandum of understanding with pbot, and parks regarding the streets and parking revenue. Before I introduce our crack team from parks, i'd like to thank three individuals and organizations. The first is the moyer family. Which is generously contributed the land to the city. Second, jordan schnitzer, whose generosity allowed us -- who -- who has contributed substantial private resources, and the park will be, in fact, named in honor of a member of his extended family. And three, the Portland parks foundation that does a great job leveraging the public resources we need to match with private resources. I look back over the figures on this park and was heartened if you add up all of the resources that we anticipate expending in terms of the acquisition of the property and the development and construction, approximately 60% of the cost will be borne by private citizens and organizations and that's an enviable mark in something that we hope to build on in the future, because the truth is, we just don't have adequate resources to meet the growing demand for new parks and infrastructure, but thanks to the generosity of people like moyers and schnitzers, we're able to leverage an enormous amount of private money to supplement the public resources. And i'd like to recognize the property owners and especially the retailers who have been exceptionally patient with the disruption caused by a construction project of this type. Art media and elephant's deli and we know it's been a long slog and you've been extremely patient with us. I'm here to tell you the end is near. That we expect to have this project completed and opened this fall. And we are confident that when it is up and running, we'll be drawing enormous numbers of people to the park and by extension, to the various businesses that have been supporting our work. But thank you for hanging in there with us every step of the way. Now i'd like to introduce arlene argentina and alison rouse.

**Eileen Argentina, Portland Parks and Recreation:** Good morning, mayor and commissioners. I'm elaine argentina. An extraordinary new downtown park is about to be put into service and we're in the home stretch getting the necessary pieces in place to ensure the park is a success right off the bat. Towards that end, we have three items for your consideration. I'd like to provide a little more detail. And alison rouse, project manager, will brief you on the progress of the park and the unique circumstances surrounding the operation of it. First item is an ordinance to authorize general fund resources to maintain and operate the park. Representing the vision for how this park will become a vital part of the downtown core. The second item is an ordinance authorizing a condominium agreement with fox tower llc. This is a condo of two units. We own the park above and fox tower llc, the garage below. Managed by a condominium agreement. And the third item is a -- across the rights-of-way and affirm the interbureau commitment of Portland parks and the Portland bureau of transportation. The pavement and special furnishings run across the public right-of-way and such

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that on occasion, the community gathering space can be expanded to take advantage of the streetscape. And the resolution ensures that the budget is kept whole, since some on street parking has been eliminated. Kathryn levine is here from the bureau of transportation to answer questions you might have about this item. Prior council actions are described in attachment a of the first ordinance. This is a park that is so much more than the sum of its parts. Innovative finance and key players. Receive serves the community and enhances Portland's vitality and i'll turn it over to alison.

**Fish:** Thank you very much.

**Alison Rouse, Portland Parks and Recreation:** Thank you, eileen, mr. Mayor and council. I'm the project manager for the parks, and i'd like to update you on the progress of the park. This is looking up across the plaza to the cafe building, in the foreground are granite steps and the curved fountain wall. This is slide looks back from the café down the plaza toward nordstrom. You see one of the garage entry buildings and four of the many bike stables. In the background, you can see how small the park is. Max is running down yamhill and the crane in the background gives you an idea of the new tower, how tall it will be once it's built. This slide is a shot of the street construction going on right now. Looking south along ninth toward starbucks and the hotel. Again, this prompts a thank you from me and everybody, the retailers, in the area who have been gracious in this regard. Note the pedestrian walkway at right and the large number of utilities encountered in the right-of-way. At left, a portion of the concrete slab that supports. Paving. We'll keep access open by routing them across the concrete slabs as paving progresses. Next, some context as you consider the three items before you. There are an array of important relationships that figured in the development of the operations and maintenance budget. This is a diagram of the forming -- four main components of the plan. At top left is, of course, maintenance of the asset. Both short term and long term. And below that is security, which is essential to the well-being of park users but also to minimizing graffiti and vandalism. And reducing security expense by increasing positive activity and helps bring visitors to the downtown who might not otherwise come into the area. In this way, it helps to reduce maintenance by keeping a balance of activity in the park positive. And upper right, our partnerships. This refers to the many commitments that exist resulting from the development of the plaza, but the relationships than be necessary and beneficial into the future. Now you all recall from our previous visits the great number of partners responsible for creation of the park. This image illustrates an array of commitments. The top two spaces represent two of the items before you today. The condominium agreement with tnt, which documents property management arrangements and the mou with pbot. Which does the same for the non-standard street materials. At the bottom are two more agencies with investments in the park. Racc, the public art piece, and the water bureau who will manage and maintain the fountain. And at right, are the ones who will watch to make sure the park is maintained. And the parks staff. And finally, at left, our core constituency. Park visitors and the downtown community. These are the ones who will come downtown and visit the park and relax. For them, the plaza must be kept clean and safe and active. And how it functions if its dense and rowdy environment, are important to the parties and will be crucial to the success or failure. On schedule, we do expect, at commissioner said, to complete the streetscape and we'll open those to vehicular circulation at the end of september and complete the rest of the park by the end of october. Portland parks and recreation would like to thank the moyer family and schnitzers for their civic -- and the Portland parks foundation and all of the other bureaus, nearly every one for their support and hard work. And particularly the staff at pbot and the mayor's office for their assistance with the streetscape. Thank you for hosting us and we're happy to answer questions you may have.

**Fish:** Before we take questions, I want to call your attention to the exhibit attachment a that's been referred to in your packets, put for this discuss which is a partial history of the development and I want to call the public's attention to the fact that it is really a big deal when we create a new park.

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And, in fact, it takes an enormous amount of time and energy and planning and public-private partnership and we're currently in our 11th year of working on this park. You want to put that in context. This is a vision that goes back a long time. My predecessor, commissioner Saltzman, was particularly important to the shaping of the vision. The scope of work has changed over time to respond to community needs and desires, and I think we're on the verge of -- of christening and inaugurating a new park, which will be a tremendous asset for the community and downtown area. And I want to thank everyone for the last 11 years have been working on this and today, what we're focusing attention on are a couple of legal details we have to get right and the operating and maintenance budget going forward. With that, I turn it over to you, mayor, for questions.

**Adams:** Any discussion from council.

**Fritz:** I have a question about the resolution we're voting on today. A general fund allocation to replace the parking spaces. Can you tell me about the parking spaces and why we're replacing that revenue from the general fund?

**Fish:** Sue, do you have someone from your team who's available.

**\*\*\*\*\*:** I do.

**Fish:** Why don't she come forward so we can supplement whatever information.

**Kathryn Levine, Bureau of Transportation:** I'm kathryn levine. Project manager with Portland transportation. As the parks design and enhanced streetscape developed, the design included proposals to remove and reduce on-street parking and on-street parking revenue. At the time the design was progressing, the expectation was that it could be in the neighborhood of \$40,000 a year.

By the time the design was completed in a final count made, 15-metered spaces were removed and the estimated annual revenue is \$27,270. The proposal before you today includes language that would replace those dollars and make the pbot budget whole.

**Fritz:** The 677 space parking garage underneath.

**Levine:** I believe there's a privately owned parking garage.

**Fritz:** Why not ask the shortfalls be made up from with the private parking revenues?

**Levine:** That's a wonderful idea. I was not privy to the initial discussions and development related to that and i'm in the sure at the time the site was developed, there was the expectation or belief there would be sufficient funding available do the enhanced streetscape. There was the desire to, but when we saw this -- we saw this project, street improvements, it did not include the enhanced streetscape. It included the park site out to what would normally be the curb line.

**Fritz:** This issue has come up before in terms of design changes causes impacts for ongoing operations and maintenance and we're not going to resolve it [inaudible] coming down the pike for a long time. I'm concerned the cost of park tripled and cost of maintenance and operations tripled and actually, i'd like to know, at any point, did you come back to council and say that that it looks like the impacts are going to be changed and do you want to still go ahead with it?

**Argentina:** I can respond. We did not, because we hadn't gotten to a point where things had stabilized enough to where we could calculate a number until just this past spring. We recognize it creates a problem to have it at this late date and looking at how we can keep people apprised as well as the council, even though they're not set in stone. Really, until a design process is complete, it's difficult to estimate what the costs are going to be.

**Fish:** I will say a lot of this predates you and I, amanda.

**Fritz:** Right.

**Fish:** In my investigation, united states an enormous number of stakeholders involved and the scope of work had changed. When the scope of the work changed throughout this process, this was in response to -- in connection to a community process. A brokered primarily by pdc but with the city's name and I think you and I -- there may be some other ways we can get the consultative piece with council tightened. But this was transparent in terms of the changing scope of work. I would have a different view if this was a, quote/unquote, cost overrun. Let's use an example. Elizabeth

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carruthers park. We have a construction schedule. I'm going to predict we come in on time and under budget. If that doubles in cost, that would be a quote/unquote cost overrun. In this case, there were numerous changes in the scope of work, in response to concerns raised by property owners, pdc, stakeholders and the project grew. What gives me a little more comfort, again, on this case, is you look at the overall price tag for this project, we're still looking at 60% of the cost, not on the o and m side but the capital side and the acquisition, being born by the private sector. That's fundamental for -- phenomenal, but your point, how we communicate with council with changes in scope of work and potential budget impacts, you have an ally in me -- have an ally in me. And give the council an opening earlier in the pipeline to make an objection if they choose.

**Fritz:** I appreciate that and I would like to formalize a process whereby design changes are reviewed for their impact on the ongoing budget. That happened also in the Saturday -- in the project I've been involved in, the Holly Farm project, took 12 years to get done and 30 years of waiting for the park. We were told quite clearly, no you can't have a water feature because it's too expensive to maintain. I want consistency in recognizing that choices -- every one of the projects that comes to council has wonderful features and absolutely, let's go for it. But we don't have an unlimited amount of budget and now we're going to commit over half a million in general fund money. And in a short time, the donations that we achieved on the capital construction costs are then not covered by the ongoing operation and maintenance. So I realize this all happened before you came into office and I --

**Fish:** I don't say that to pass the buck. I feel very confident in justifying what happened prior to my becoming the commissioner. Your point about a consultative process is well taken. The mix of funding sources, public and private, the bulk of public sources were TIF. Those would not be available for parks outside of urban renewal districts citywide and that gave us a tool that we wouldn't necessarily have. To your point, we got a state ruling that said we can't have shallow pooling in our parks. Can't have the wading pools because of some health code issue and it's going to cost us about \$100,000 a pop to turn those into water features and continue to provide something for children. That's an unanticipated capital cost we're going to have to find a way to cover.

**Adams:** Really?

**Fish:** We'll be coming back to you with creative ideas how we can do that.

**Adams:** Wading pools are out?

**Fish:** In Lents park, there's one of these and there's one in Monitor Villa park. And -- Montavilla park. And they're a couple of inches of water and hugely popular. This is like It22. First we have to treat our water and now told we can't have wading pools that haven't materialize in our communities.

**Adams:** I didn't know that. Other discussion.

**Fritz:** To return. Half a million in ongoing general fund money that is coming in between budgets, and without a discussion or capacity to discuss programming and operation and maintenance in this new downtown park and what can't be done in other parks in the city. The three parks in the Portland, the basic question of equity. And maybe it's during the budget process -- I don't know how it would happen -- clearly this project needs to be done. I feel we're between a rock and hard place. It needs operation and maintenance to be successful and I think it's fiscally irresponsible to make this OHSU the overall budget context.

**Argentina:** I know there's discussion about having a work session around O and M estimating process, because it's on a different cycle in budgeting and something that evolves over time and I think it would be helpful for the council to take a look and figure out how it ought to blend with the budgeting process. And to understand how capital projects move forward.

**Fritz:** Thank you, very good point. Everybody knows that I've been supportive as a citizen activist and on the council of funding operations and maintenance at the same time and I'd like us to discuss

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returning to the previous models where we had a fund set aside so that we expect, if we have new parks, we're going to have to fairly allocate those --

**Fish:** We at parks are open to good ideas, particularly when they save taxpayer money. I want to make clear what's before us. It has history, prior council action and particular numbers. This is not a case of a cost overrun. It's a case of changing scope of work done to a transparent public process over a 11-year period. This is a project that has the largest component of private sector money by ratio than any project I know of if the city. The council previously made a commitment to cover o and m, it has gone up. Commissioner Fritz is correct. We need to look system wide about the impacts of new obligations we're taking on on our ability to provide other services. Because parking is removed, we're trying to fill a little bit of the hole in the budget. She's hemorrhaging, and I asked in preparation for this hearing, just to understand comparatively, what is the amount of o and m we're asking the council to support. Operations and maintenance, for this park, compared to a comparable park in the area. In fairness, we don't compare downtown urban parks with parks in outer east Portland because they have completely different economies, completely different engineering challenges and apples and oranges. But I took at park, pioneer courthouse square. The operating and maintenance budget there is about six times what we're authorizing today for a sister park. Now, the programming in that park is different and security issues are different. But this is about a sixth ever the o and m cost of maintaining that. In that park, there's an enormous private component, and I would be interested in exploring other ways of using the private sector to leverage ongoing o and m.

**Fritz:** Thank you, that's very helpful and obviously you've done this very thoughtfully. Have you explored having pioneer courthouse square board take over --

**Fish:** Sensitive subject. It has been discussed. You can imagine that if we went to every group that was a friend of and we had 93 and said you've been conspicuously successful here, we want you to take over some of our headaches there. It's a sensitive subject. It's not a welcome subject to -- it's something we've raised and i'm on the board of -- I don't know what my capacity is. Either a board member or ex-officio. And it has been raised and we're discussing it.

**Fritz:** I have a technical question. And that's a question about the bathroom. It's 7:00 a.m. To 11:00 p.m.?

**Argentina:** That's correct.

**Fritz:** Why was that choice made?

**Rouse:** The design of the bathroom is a result of the design program that called for the [inaudible], but also we needed an enclosure for the site, the parks trash. So we were going to end up with a structure in that corner of the park one way or the other and since we also needed a bathroom and café, we went with an enclosed building.

**Fritz:** Then it won't be open at night.

**Adams:** Commissioner Fish, and commissioner Leonard are working on a proposal to fast track the implementation throughout downtown. I know you had a discussion around this area.

**Fish:** The loo is a wonderful innovation and has a lot going for it and probably the envy of most cities in terms of technology. The challenge with toilets and i'm not an expert on this. I defer to commissioner Leonard -- [laughter] -- is that there are ongoing maintenance costs, security costs and the like, as we take up the challenge that the mayor has issued to greatly expand our capacity on public restroom, both in places like ankeny, loos placed in and adjacent to parks and natural areas and this particular park, we'll be looking at a multi-pronged strategy. Some will be fixed and others free-standing. But we understand there must be more public rest rooms and we're going to fast-track a planning process to make that happen.

**Fritz:** Thank you.

**Adams:** Any other discussion from council? Thank you very much. Sue, anyone signed up to testify?

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**Parsons:** No one signed up.

**Adams:** Anyone who wishes to testify on items 1154, 55 or 1156? All right. 1154, 1155 move to second reading. [gavel pounded] please call the roll on resolution 1156.

**Saltzman:** Aye.

**Fritz:** Since we're appropriating \$475,000 for making the parks budget whole next year, on the rest of this, seems reasonable to also make the transportation bureau's budget whole and so I vote aye.

**Fish:** I want to thank director keele and her team for her great work. This park is a true collaboration. And the 11 years of its development cycle, we'll actually open it and have a celebration this fall. Thank you for your good work. Aye.

**Adams:** I want to thank you, commissioner Fish for leading the team's effort. Excellent work on this project. It's a very difficult project. Having been around it for 11 years. I remember the day that mayor katz negotiated the donation of this block to the city and I think the recognition you gave, commissioner Fish, to the private partners in this is totally appropriate and I want to underscore that thanks on my part as well. It goes without saying, I think, that commissioner Fish would agree as well, any interim budget decision us need to be considered provisional. To the earlier discussion we had with the council communications item, we're going to probably be cutting budgets next year. So this is a provisional decision we made to get things going. It's a citywide park, given its location close to citywide apex of transit and i'm excited to see it moving forward. Thank you. Aye. [gavel pounded] resolution is approved.

**Fish:** Thank you all and hannah coons for her great work.

**Adams:** That gets us to the regular agenda and if I can beg council's forbearance, i'd like to with 1192 next so we can get mr. Smith on his way. Sue, read the title for council calendar 1192.

**Item 1192.**

**Adams:** I'm -- my nomination to the Portland planning commission. Position five. Please come forward. Completing the term that ran from january 14th, 2006 to january 13th, 2000 -- 2010. Mr. Smith has been the uber-citizen advocate for some time now. Focusing on transportation and neighborhood issues and civic name and chairs the citizen advisory committee for the streetcar and been on the metropolitan advisory committee and a conversation about access about mobility in the Portland-vancouver region. Chris is a former member of the city club of Portland and eight years served as a board member of the northwest -- recently campaigned for city council as a publicly financed candidate and his day job is internet technologist in wilsonville, Oregon and they allow you to telecommute and flexible in your required office time and we thank them for that. He has a b.s. From the --

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

**Adams:** Polytechnic institute and boston university and pleased to nominate chris smith for council's consideration. Would you like to say something?

**Chris Smith:** I would like it say thank you. I appreciate the honor and excited by the opportunity, as you all know, because I bug you about did relentlessly and passionate about seeing Portland developed as a sustainable city. Socially and environmentally and I can't imagine a better opportunity to express that passion than serving on a planning commission. With the Portland plan and the update of our major policies in these areas so i'm very much looking forward to this. Thank you.

**Adams:** Any discussion from council?

**Fritz:** I'd like to say thank you for serving. It's a huge volunteer commitment and i'm delighted to see a neighborhood activist and somebody with a lot of experience on neighborhood land use and transportation issues appointed so thank you to mayor Adams for that.

**Adams:** Anyone wishes to testify on council calendar item 1192? Thank you, mr. Smith keith.

\*\*\*\*\*: Hi there.

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**Adams:** Welcome to city council. We only need your first and last name and you have three minutes.

**Pete Colt:** I don't need three minutes. I'm happy to see Chris nominated for this position. It's a very important position. I would ask, however, because he's also involved with the Portland streetcar, that when any -- because you know, planning commission is starting to look at Portland streetcar plan. They did that two weeks ago in their afternoon meeting. I would ask him to recuse himself for anything having to do with the Portland streetcar. That's all. I think he's a great addition to the planning commission.

**Adams:** Anything else. Sue, please call the roll on 1192.

**Saltzman:** We appreciate Chris Smith. All of his civic activities and this will take him to a higher level of uber involvement and we appreciate your -- uber involvement. And thank you. Aye.

**Fritz:** Thank you, Chris and thank you, Mayor Adams. Aye.

**Adams:** I want to thank Katherine for her work on the planning commission and accepting a job in my office that requires letter to quit, making way for Chris Smith. Thank you again. Aye. [gavel pounded] congratulations, commissioner. [applause] Sue, please read the title for emergency ordinance, council calendar item 1190.

**Saltzman:** Could we move this back because we're waiting for somebody from Mercy Corps to be here.

**Adams:** Hold off on 1190. Please read the title for emergency ordinance, council calendar item 1191.

**Item 1191.**

**Adams:** I'm going to hold off until Commissioner Fish comes back. On -- can you please, then, read the title for council calendar item 1193.

**Item 1193.**

**Adams:** So please come forward. Obviously, as a staff person, I was around for the consideration of the 2003 Northwest District Plan. It was incredibly controversial. Long time in the making, and we find ourselves now with legal circumstances requiring us to have this resolution today. Which staff will describe in greater detail. But this resolution is being -- it submitted by my office on the recommendation of the city attorney's office. It is in their mind required to eliminate confusion to the city bureau, neighbors and development community and other stakeholders on the current status of the Northwest District Plan. This is not -- this is a technical, legal requirement. This is by no means a final action on this issue. Rather, a more substantive discussion of this issue will occur in the fall after I have an opportunity -- after I take the opportunity as planning commissioner to confer with members and the various stakeholders in the community. That's why we're here today, in a nutshell. Would you like to explain further more details?

**Brian Sheehan:** Certainly. Good morning, Brian Sheehan. District planner, and with me -- I don't know that there needs to be more said. I think you've got a good grasp of the issues before us today. Really, what we want to do is clarify that the zoning ordinance and certain zoning and comprehensive plan changes that were made in 2003 are no longer in effect and that ordinance is invalid.

**Adams:** Ok. Questions from council? So we are -- if it sounds a little vague and limbo-ish, that's exactly where we're at.

**Saltzman:** Going back to land use and zoning that existed prior to 2003?

**Sheehan:** Correct. With the exception of the parking ordinance adopted near the same time.

**Saltzman:** Doesn't that leave properties that have been developed under the plan, zoning, or whatever, now may find themselves in a non-conforming use. Creating potential uncertainties and concerns.

**Sheehan:** Certainly does.

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**Saltzman:** And what's the plan to provide certainty?

**Adams:** Again, we're going to -- I need to confer with each of you, I need to confer with planning commission and also the stakeholders in the community. And return to -- after that consultation, return in the fall, september, hopefully, with a process for moving forward. That's where i'm at. But it's unusual.

**Saltzman:** Have property owners been notified of this.

**\*\*\*\*\*:** Yes, we sent out notification to approximately 4200 people, including the property owners in the area, as well as interested parties to let them know because the importance of this is to be very clear about what regulations do and don't apply. But you're right, it does introduce a great amount of confusion for people with properties affected by this.

**Saltzman:** Ok.

**Fritz:** Do you have a sense how many properties have been developed in the interim which would now be non-conforming?

**Sheehan:** The bureau has compiled a list of those properties. It's in the order of magnitude of hundreds. There's a range of improvements made so it's not a case where everything is residential use that's no longer allowed in an industrial zone or minor permits approved over that period of time.

**Fritz:** And so those will be front and center and part of the process -- discussion.

**Adams:** Those will be prioritized for providing certainty as quickly as we can. Thank you.

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

**Adams:** Sue, do we have people signed up?

**Parsons:** We have one. Pete colt.

**Adams:** Would you like to come forward? That's ok. Anyone else wish to testify that didn't sign up, now would be a time to come forward. Mr. Bradley. Welcome to the city council. I think each of you are veterans of this process. I would say on this particular item that if you are registered lobbyist, or believe you will soon qualify as one for the city, you need to declare that as part of your testimony. Welcome.

**Juliet Hyams:** I'm juliet hyams and president of the northwest district association and i'm here to relay concerns from our board. We passed a motion about this the other night. Four points. Looking forward to whatever is going to happen next in september. They wanted to make sure we have a voice in what happens next. They want to make sure there's ample outreach to affected neighbors and an opportunity for involvement. That sounds like it's been started and want to consider refreshing the 2003 plan, it's six years old and some parts are stale and other parts were not optimal to begin with. There's there question it still meets statewide planning goals and research needs to be done. When the ordinance, which is predicated on the currently invalid 2003 plan can stand alone and I had a neighbor pursuing me on her bike the other day to talk about this. So any assistance you can give us --

**Adams:** Is that the transportation piece?

**Hyams:** The parking.

**Adams:** We'll get the city attorney to get me an answer and I can give it to you.

**Hyams:** Great.

**Adams:** Thank you very much. Mr. Bradley.

**John Bradley:** John bradley, 2350 northwest johnson. Chair of the planning committee for the nwba and i'm here to reemphasize the fact that we need this dealt with as soon as possible and I think it's important that we look at this plan as I whole and get it refreshed. We're six, seven years into a 20-year plan. It may be time to look at it again. Look at it more comprehensively to see what needs to be changed and what has changed on the ground since then.

**Colt:** I want to thank the city for sending this out and make the city council aware on the website, there's nothing posted about what was on the agenda for citizens to get involved in this process.

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Also, i'm here, not just speaking for myself, i'm speaking for father george, the pastor of saint mary of immaculate cathedral, and the northwest homeowners association. Dr. John dougherty and dozens of neighbors in my part of northwest. We really would like to see the plan updated and like to include the fact that in our particular part of the neighborhood, we do favor a garage on the west side of the metropolitan learning center. There's several reasons for this. Most of them have to do with public safety. The first reason is that that intersection there is party central in the neighborhood. You have lots of 20 somethings and 30 somethings going to the bars and hanging out there. They go -- come into the neighborhood and park and take off at 2:30 in the morning. And they're drunk and if we can have a central location for them to park and have police presence, we can teach these kids that it's not ok to drink and drive. They might drink less or might get a designated driver. The side benefit, for the people off hoyt, father george and people like myself have to deal with the [inaudible], we wouldn't have people parking in front of our homes. Concurrent with that garage and whatever else is done in our particular part of the neighborhood, our neighborhood is like the throw-away zone. Where people come to park for pge park and we're picking up bottles and beer cans and we'd like to see strict parking enforcement. The dissolution of zone k and l. The unit of those zones and resident and guest zone onlys. And the garage is an advantage for that. At metropolitan learning center, have to get out there on glisan to direct traffic. Puts on a vest and the parents line up pick up their kids and a garage might help. Parents can pull in and pick up their kids and shame on you for having a plastic cup: Bad. [laughter]

**Fritz:** I'll recycle it for you.

**Adams:** Pete, it's always good to hear from you.

**Colt:** Commissioner Fish, I should tell you what I have in the basket. You'll actually like this.

**Adams:** You're not going --

**Saltzman:** [inaudible]

**Colt:** No, actually this is something --

**Fish:** Pete, please.

**Colt:** Okay.

**Adams:** No toxic materials. Thank you for your testimony, appreciate it.

**Colt:** Okay.

**Adams:** We needed to clear the building after your last one. Mr. Ramis, did you want to speak? Welcome to the city council.

**Tim Ramis:** Thank you Mr. Mayor for your record, I'm Tim Ramis, I'm a lawyer and registered lobbyist here in the city. I'm here today on behalf of Singer properties in support of the resolution and we commend the staff and the city attorney's office for taking this to clarify the zoning situation in NW Portland. Singer properties was involved with the city attorney's office in defense of the parking regulations which were adopted subsequent to the comp plan. And as you may know after six separate legal attempts to invalidate those regulations the courts have upheld those regulations and they are valid. As the resolution makes clear, the parking regulations were adopted in a separate ordinance, and for those who may still have questions about the parking status, I defer to the city attorney on this, but my understanding of the case law is three fundamental legal truths about the parking regulations. Number 1, the parking regulations' ordinance has been judicially certified to be acknowledged, certified, and in effect. The courts carefully considered all of the arguments and decided none of the opponent arguments were valid, and therefore the parking regulations are not before the council as part of the remand. They were adopted under a separate ordinance that has been remanded back to you. But the parking regulations were not part of it. Because the parking ordinance was upheld, it was not remanded, so the remand is not under your jurisdiction over parking matters. Third, the

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resolution before you roys and clearly states that the parking regulations are in effect. If you look at the language of the resolution, it makes clear that the parking regulations were separately adopted and therefore not in the recommendation put before you.

**Adams:** Anyone else that wants to testify?

**Linly Rees, City Attorney's Office:** I'm not the attorney who is involved in this case, but it is our office's position we concur with mr. Ramos's testimony.

**Adams:** Thank you very much.

**Fish:** I apologize for stepping out a moment earlier. We have a time certain on the district plan now in september?

**Adams:** I don't know that we have an actual time certain yet, but we're going to have one.

**Fish:** There will be a september time certain -- time certain?

**Adams:** Right. City attorney recommended we discuss with people in the neighborhood. I want to consult with you and folks on the planning commission. This is a legal housekeeping.

**Fritz:** Is that the one that's in the evening on the 16 this?

**Adams:** Might be.

**Parsons:** We have it scheduled for the 23rd at 2:00.

**Adams:** And we'll look to get an evening hearing on it.

**Saltzman:** Aye.

**Fritz:** I'll be following and supporting the public process. I know there's a lot of good work that's gone into this and even more good work to be done.

**Fish:** I want to thank the planning bureau staff for the briefing they gave me. I think I actually even understand it, so thank you very much for your time. Aye.

**Adams:** Thanks to the great team at planning, our district liaison for this area. It's fantastic to have district liaisons for every area of the city now. And what a great way to cut your teeth. Aye. Resolution is approved. We're going to go back to 1191. Can you please read the title for emergency order 1191?

**Item 1191.**

**Adams:** Commissioner Fish?

**Fish:** Thank you, mayor. As part of your commitment to making sure that we expand opportunities for women-owned and minority-owned and emerging small businesses, you have asked me to take the lead in the work that we do at the city around our disparity study. Christine moody is here to tell us about the process we've gone through to select a vendor to help us conduct this study, awarding contracts in an equitable fashion to minority- and women-owned businesses, helps support our economy while ensuring fairness throughout our contracting processes. I'm pleased that we are moving forward with him for important study. The city authorizes nearly \$91 million in construction contracts annually. The study to be launched is a tool that will guide our ability to leverage our resources to contract with underserved communities. Before we hear from christine, I have a few thank yous. First to jeff baer, who is now director of the bureau of internal services. Congratulations, jeff, for his elevation. Christine moody, who was interim purchasing agent for the bureau of purchasing. What's your current title?

**Christine Moody, Bureau of Purchases:** That's my current title.

**Fish:** To jim van dyke and tracy reeve from the city attorney's office, linda andrews at pdc, loretta young, bureau of purchasing, carmen rubio on my team. This year we are now on track with an aggressive time line with an even sharper focus on our work, and I look forward to meeting with the new team that is to be selected today by our action today early next month and will be working with the mayor to appoint a committee to help make sure we get it right. By october of next year, I am confident we will have a reliable state-of-the-art study that will guide all of our contracting processes. With that, I want to introduce christine moody.

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**Moody:** Before you is an ordinance recommending authorization of the contract with bbc research and consulting for city of Portland Portland development commission, disparity study contract, \$831,000 the amount. By way of background, the city was the lead agency in the Oregon regional disparity study in 1995 that examined public construction contracting methods. The conclusion was that minority and women-owned businesses were underutilized as a prime contracting level and that there were steps the city could make with dollars that benefited the entire community. The city adopted a fair contracting and employment strategy. It's time to update the findings and recommendations from the 1995 study. New study will analyze and evaluate the effectiveness of race and gender-neutral practices and public construction contracting and to facilitate the development of pdc strategies and policies. Bbc research and consulting was selected as the most qualified respondent for their experience in conducting disparity studies and having comprehensive knowledge of affirmative action programs for minorities and women. The rfp selection committee was made up of five evaluators, four staff including commissioner Fish's office, the city attorney's office, and one community member, Jamie Lin of the "Asian Reporter." This project is expected to take one year with the final report of the findings expected by October, tent 20. 2020.

**Saltzman:** Where are bbc located? Who are they? You said they've done a lot of this work.

**Moody:** They've done a lot of this work nationwide. They are not headquartered here locally, but they have subcontracted and subconsulted with many mwsb firms locally for performing interviews and for helping along with the study, also contracted with a local law firm to help with the legal remedies that may come from the new study.

**Fish:** And, by the way, in the exhibit a to the ordinance, you'll see some familiar names of people who are subcontract -- including Andrew Baugh -- Baugh.

**Fritz:** I'm wondering why the one woman is being paid less than the other principals.

**Fish:** As a general matter, we do our competitive processing. We don't look into how the money is allocated. We look to the overall participation. That would not be something we would rank or grade. It's something we can ask bbc, and we'd be happy to pass that inquiry along, but it would not be part of our process.

**Fritz:** Sometimes it's low bid, sometimes an rfp. Can you tell me a little more about the criteria?

**Fish:** We have the expert here.

**Moody:** This was done on a request for proposals, so there's other criteria evaluated besides cost, which would be in a low-bid situation. This particular rfp had project experience and the company's experience and their capabilities. Cost was a factor that was equal, because that was an important factor for the city.

**Fish:** If I could just clarify that, 'cause it's important, the default grid that the city had, surprisingly to me, had ranked cost as the lowest. We actually revised the weight, because we felt that cost should not be one of the least factors in our review process, that in fact it should be at the top of the list and equally weighted with some other important criteria. So we actually bumped up cost as a factor, gave it higher visibility in terms of the rfp.

**Fritz:** Commissioner Fish, you've been communicating with me since I came into office in January. How is the percent of minority- and women-owned businesses factored in?

**Moody:** We allocated equal points on everything for the second go round of this rfp, points available for contracting and costs along with the factors. It was all equally weighted.

**Fritz:** Thank you.

**Adams:** Unless there's additional discussion -- anyone who wishes to testify on council calendar item emergency ordinance 1191? Please call the roll.

**Saltzman:** Aye.

**Fritz:** Good work, aye.

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**Fish:** Thank you to the whole team. This took a little longer to do because we wanted to be meticulous and also wanted to tweak the parameters to make sure, again, cost was given its true weight. In selecting the best contractor for this, we were also aware of the bottom line. Aye.

**Adams:** Well, I want to thank commissioner Fish for enthusiastically taking on this responsibility. This is a really important responsibility as we seek to become a more sustainable city. Social equity and economic justice must be at the top of our list. Under the croisan decision by the u.s. Supreme court, this study and the results of this study will dictate how aggressive we can be in many facets of our public procurement process. Having someone who's actually trained in this area as a lawyer is a huge advantage to the city, and I want to thank you for taking it on. It's very important week. Thank you. Aye. 1191 is approved. We are now ready for emergency ordinance counsel calendar item 1190.

**Item 1190.**

**Adams:** I'll make a few introductory comments and then turn it over to commissioner Saltzman. Commissioner Fish and I are working on a strategy to eliminate the waiting list for community garden plots. We have a waiting list of about 1300. That work is under way. We're trying to get as much land as possible, through the efforts of local gardening, and today my colleague, commissioner Saltzman, has helped spearhead an effort to help us move forward on our efforts to have more urban gardening taking place in the city with the transfer of land from the bureau of environmental services to the bureau of planning and sustainability who, in turn, will work with mercy corps and the new american agricultural project. The bureau of planning and sustainability representative will give us a little more detail.

**Saltzman:** I think one of the most frequently downloaded sites on our web page is my diggable -- diggable community project. Use the surface of the property for a garden. We decided, well, how many other proper tiers in the city do we have that might be like this? That launched the diggable city inventory which also p.s.u. Participated in. We identified all city-owned property throughout the city, and that's still available on my website, the diggable city report. The whole premise is to find compatible but beneficial uses for city property not otherwise being used or committed to a particular purpose. What we have here today is sort of a manifestation of that dig gable -- diggable city proposal. It will be included with our action notice diggable city inventory or has been there. As the mayor said, this last spring, the mercy corps gave approval to this program for immigrants and refugees. I'm happy to support such a worthy endeavor and happy to contribute to mercy corps' success. At this point, steve cohen -- mercy corps.

**Adams:** Good morning.

**Steve Cohen, Bureau of Planning and Sustainability:** I want to thank you, commissioner Saltzman, for your long-range vision on this project. One parcel identified in the diggable city inventory was the particular one we're talking about today at southeast 33rd and sherritt. It was acquired no cost to the city through a Multnomah county tax foreclosure. It has been used for agriculture and gardening uses in the past, and mostly it has remained in open space. The ordinance before you this morning transfers the responsibility for this property from b.e.s. To the bureau of planning and sustainability. David belller is here today to tell you about the program he leads. He can tell you about this project which combines urban agriculture, supports diverse communities, promotes healthy lifestyles, and provides economic healthiness.

**David Beller:** My name is david beller. We help immigrants and refugees to grow healthy food in the city of Portland and near the city limits. One issue we've had acquiring land. Some of our participants have access to automobiles. Others don't. Ability for our presence to get to land with public transportation is important. We identified this site as having a good profile in terms of its past use for urban agriculture and its vicinity to users. I think it's a real win/win for everyone. The city doesn't have to mow it any more, and we're happy to grow healthy food in the power of people through that. We're working in southeast now with a number of refugee families, a group that lived

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in buton -- buton. They ended up back in nepal but weren't recognized as citizens in nepal, so a number of those refugees are now settled in Portland. We've had a lot of success working with these groups this spring. In the process, it was really important for us to make sure the neighborhood input was involved. We had clear expectations about how our purchase would interact with the neighborhood. We had a meeting to get input on different ideas for the site. The neighbors put forward the idea that they wanted to have an established organization and not too many participants. There will be three main families working on this plan, extended families with parents and adult children. We put forward a proposal and got neighborhood input and buy-in, and we were able to come to the city. Thank you for your interest in urban agriculture and support of refugee settlement.

**Saltzman:** Does the property have water?

**Beller:** Yeah. There's municipal water there.

**Fish:** For an opportunity like this to come to fruition, how much of a commitment -- how long a commitment do we need to make in terms of access to the land to make it worthwhile for any of our nonprofit partners to form it and create a program?

**Cohen:** Well, this particular project is a pilot project, and we have a lease with mercy corps for three years. In terms of this land, because it's been used for agriculture before, it's pretty much ready. You don't need to have any sort of mitigation for any problems. Soil testing found the land is pretty much ready to go -- on an interim basis, there's really not a lot to do. What would be the optimum time for saying we're going to go in or not go in?

**Fish:** Optimum would be fee simple transfer, but what's the shortest amount of time?

**Beller:** We asked for a three-year commitment from the city, three seasons. The soil is in good shape, but it hasn't been farmed for a while, so there is some work to establish it for alcustomer use in terms of weed management. Also building the soil, just getting to know the land. We're -- the land in the first season, there's a learning curve just understanding the intricacies of disease and pests. A three-year commitment seemed to be the minimal time for us.

**Fish:** In terms of urban agriculture, which goes beyond the scope of what we would do in a community garden, do you have some of the same challenges? Commissioner Saltzman mentioned water. There's usually a big barrier both in the installation and s.d.c. side. Do you have to have fencing to do this?

**Beller:** We're not anticipating at this point we'll have to fence the land.

**Fish:** Steve, I just wanted to plant a seed -- sorry for the pun -- and that is that to hear that three years may be enough time or three to five years for horizon. In my neighborhood, we've got the whitaker site, and that seems like choice dirt. We ought to go sit down with pps and find out if there's a three- to eight-year horizon to find a partner.

**Cohen:** That was exactly where we've gone, and we've talked about that why that the city does not have a plethora -- plethora of land. Particularly we would like to look at schools, corporations that do have these pieces of land that would be more appropriate.

**Adams:** Great idea.

**Beller:** The nature of this land is that we won't have to sink a lot of money into it. Other sites, there may be different time or cents. This is a really important thought process as we're moving forward with projects like this.

**Fritz:** Thank you for your work on this. Why is the partnership with planning rather than with parks?

**Adams:** Because the food policy council is actually attached to the bureau of planning and sustainability. Used to be exclusively with sustainability. As we work through solutions, commissioner Fish and I will make sure the organization and assignment of these issues make total sense.

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**Fish:** Next week is community garden week nationally, and the mayor and I are going to have a little announcement at council. As part of that announcement, we'll just explain the partnership that is required to make this work.

**Fritz:** That's helpful. My other question is why did bds -- why did environmental services buy this in the first place?

**Saltzman:** It was obtained at no cost.

**Cohen:** It was a county-foreclosed property that was going to be used for the Johnson Creek watershed. It is not in the watershed, and bds has no practical use for the property. It has to be maintained as an open space.

**Saltzman:** Because bds requested it -- I actually worked on this as a county commissioner, identified a process to flag environmentally significant properties or potentially community garden properties that could be requested first by other government entities like parks or b.e.s. for open space.

**Fritz:** How do we decide which bureau?

**Saltzman:** It's scrutinized by parks and b.e.s. I think bureau of housing looks at it, too.

**Adams:** The short answer is we decide on city council.

**Fritz:** Do these come around every so often and we get a list?

**Adams:** Not really.

**Saltzman:** It's done more at the bureau level.

**Adams:** They work among themselves. If they see a property they think they need and it's under public ownership, they pursue it. The Johnson Creek watershed, I don't think we're pursuing that pomsy anymore either, so it actually becomes surplus much more than the idea of mitigation off site. Anything else? All right. Thank you. Anyone wish to testify on council calendar item wherever we're at? 1190. Sue, please call the roll.

**Saltzman:** Well, I would not thank Mercy Corps and the bureau of environmental services and the bureau of planning and sustainability for their great work here to produce a true win, which is taking city-owned property and putting it into productive agriculture use and to help build community among some new immigrants and refugees we have here and to do it in a way that will set a good example or pilot that hopefully we can pilot with Mercy Corps or other organizations in the community. Thank you all and look forward to a successful pilot. Aye.

**Fritz:** Thank you for your partnership. The victory garden in front of city hall is a great example of finding spaces and turning them into gardens especially at this time. It's great how the community has embraced that garden, and I hope they will also embrace this one and share it. Aye.

**Fish:** This is just a fantastic initiative. Thanks, Dan, for all the work you've done on it. To Steve, who's my neighbor, sort of, thanks for all your good work. Mercy Corps is our partner on this. Executive director of Mercy Corps is helping the housing bureau reimagine how it may be organized. John Haines has been working with us on that. Mercy Corps is also helping us work with some faith communities that want to do some hunger relief work in our backyard. With all the hats you wear over there, we're really grateful for the partnership. As we celebrate this wonderful partnership, we also have some news recently about the vandalism at a community garden. This Saturday from 10:00 to 12:00, there will be a community replanting, speaking about the vandalism of that community garden, and then at Powell, Hurst. Thank you, Amanda, for bringing o.n.i. to the team and making this a positive event. Aye.

**Adams:** Thank you very much. Appreciate all your good work and the Diggable City's program is really an inspiration for this effort. I want to underscore my thanks to Commissioner Saltzman for bringing that forward and the ongoing work of Commissioner Fish as well. More to come. Aye. 1190 is approved. Please read the title, second reading, for council calendar item ordinance contained in 1194.

**Item 1194.**

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**Saltzman:** Thanks to everybody for their hard work. Aye.

**Fritz:** Well, particularly thanks to mayor Adams for continuing this process until he was sure that everybody had been heard. I was especially impressed at the last share where, after what seemed like 60 first and second reading on this, the mayor was careful to make sure citizens' feelings were heard. Thank you for incorporating all my amendments. The collaboration done with city staff and port and citizens, this has been a very good process in itself, coming up with a plan which will work for hayden island and which has many references to other projects, the columbia river crossing and the west hayden plan. That's the essence of after good neighborhood plan is that it looks to the future and looks at a. Broad range of possibilities and sets some guidelines, some framework for how decisions are going to be made. I believe that all of the amendments that were offered of merit are now incorporated. Some were suggested that I accept the staff's recommend for why we're not going to do those changes. It's delightful to have neighborhood plans. It evidences the importance of funding neighborhood planning and having excellent planners and communities engaged in looking into the future, making practical changes in land use, zoning, and trails, all thing that's go into making this a successful planning process. And now we need to look at the implementation of the project to provide some mitigation funds. We need to make sure the west hayden island process is done in a fair and constructive way. Again, thank you to mayor Adams for taking the lead on this. Aye.

**Adams:** Well, I can't believe it's only been two years since we started this process. And it started with a temporary development moratorium and response to plans for an i-5 traffic grid -- proposed building of a super store on the island. Hayden island had been ignored. We were separateing under county zoning from the 1970s. Who knows when that was. And the neighborhood said no, that they deserved our attention, and they were right. And the process that has been put forward reflects, I think, really smart input that balances a mix of housing and commercial uses on the island, enhances the transportation network and creates open space. In keeping with Portland's long-term, economic, and long liveability goals. I wish we could find more spaces for open space. As we continue forward, that's our task to look for more opportunities for that. But one of the early fights after the superstar proposal and the temporary moratorium -- one of the earlier fights was my desire and the neighborhood's desire to put a more normal street grid over the supercenter site, and that also paragraphed to be initially very contentious. But I want to give credit to the owners of the supercenter who came around and realized that they had more opportunities, more economic opportunities by creating a more livable part of the island and came around to support the street grid and also allow and support transit-or -- to complement. All enhancing the marine aspects of the island and improving habitat along the columbia river and the columbia river shore. I want to thank the bureau of planning and sustainability, the bureau of transportation and all the city staff that worked on this. Brad houghton and nick garin -- gari in, and joe zender who took this on in an already totally packed work plan. His team took this onto make it happen. Congratulations, everybody. This is a great leap forward for hayden island, aye. So approved.

**Fish:** Could I just indicate an affirmative vote on that, too. I vote aye. Thank you.

**Adams:** Sue.

**Parsons:** I had it down.

**Adams:** Can you please read the total for calendar item 1195?

**Item 1195.**

**Adams:** Welcome again.

**Moody:** Christine moody, bureau of purchasing. Before you is the purchasing agent report recommending a contract award to the low bidder for the vacuum relief project to a local firm, moore excavation, in the amount of \$782,000. Water and purchases identified four divisions of work for potential minority, women, and emerging businesses participation. The result on the contract was 100% in the area of drilling and boring. I will turn it back over to council if you have

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questions about the bidding process, and I believe there's a representative from the water bureau here.

**Adams:** Any discussion from council?

**Fritz:** I have a question which I only just thought of. I really appreciate my staff. We've had a number of contracts from moore excavation. Is there anything in the bidding process that sets any kind of limit? Does that figure in as to whether -- do we give positive points to folks who have done a good job beforehand in other projects?

**Moody:** Not with the bidding process. Typically, for construction projects, it's an invitation to business. By state law, that is required to go to the low bidder. So if there have been several to moore lately, it's because they've been the low bidder. And they have complied with all our requirements. We do the good faith checking before we award the contract, and they have complied with that.

**Fritz:** Thank you very much.

**Adams:** Anyone wish to testify on council calendar item 1195? I'd entertain a motion to accept.

**Saltzman:** So moved.

**Fritz:** Seconded.

**Saltzman:** Aye. **Fritz:** Aye.

**Adams:** Aye. Motion is approved. Please read the title for 1196.

**Item 1196.**

**Adams:** Commissioner dan Saltzman.

**Saltzman:** As said, this ordinance approves public domain authority. The line was originally constructed in 1967, and the sewer now needs repairs, and the easements from the time of construction are incomplete or missing. Any further questions?

**Adams:** What is temporary permanent easement? Those three words together, the first two words together --

**John Deyo, Bureau of Transportation:** I think the words -- john deyo with the bureau of transportation right-of-way aquation section. The temporary easements are for construction purposes. The permanent easements are for the sewer line.

**Adams:** Other council discussion? Anyone wish to testify on emergency ordinance 1196? Please call the roll.

**\*\*\*\*\*:** Mayor, you only have three of you, and it's an emergency ordinance.

**Adams:** We'll come back. Thank you. Can you please read the title, second reading only, council calendar item 1200? Before you do that, we're back in action. Can you please call the roll for council calendar emergency ordinance 1196?

**Saltzman:** Aye. **Fritz:** Aye. **Fish:** Aye.

**Adams:** Thanks for your work, aye. Ordinance is approved. Please read the title for emergency ordinance council calendar item 1197.

**Item 1197.**

**Saltzman:** This project is one of the last capital projects in Portland's 20-year program to control combined sewer overflows to the willamette river. The city's required to have this and all of our cso projects completed by the end of 2011 or face fines for illegal sewage discharges. So we have done considerable process looking at the various locations for this pump station, and we believe that this is the best preferred site for technical as well as, I think, public involvement. So we're urging approval.

**Adams:** Do we have anyone signed up to testify on this matter?

**Parsons:** One person signed up.

**Adams:** Bill?

**Bill Ryan, Bureau of Environmental Services:** I'm bill ryan, chief engineer of the bureau of environmental services. I'd like to start with a little background on the pump station and the cso

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program in general. In 1991, the city of Portland and the Oregon department of environmental quality came to an agreement. The agreement said that the city would control all 42 cso outfalls to the willamette river by december of 2011. Environmental services is currently constructing the east side big pipe project. I'm sure many of you have seen that and toured that. This project, however, will not control the outfall in sellwood, outfall number 27. The big pipe project extends down to approximately mcloughlin and 17th. The approximate cost of extending the tunnel from 17th and mcloughlin would be over \$200 million to outflow 27. The proposed pump station in sellwood and pump stations in general, our system uses gravity primarily. It's low cost. It doesn't have long-term maintenance requirements of a pump station. And yet we do need pump stations in order to lift the sewage up in some areas. Right now, we have about 100 pump stations across the city. There are actually two other pump stations in the sellwood neighborhood. Most of our pump stations operate continuously. They operate 24/7, bringing sewage out of the neighborhoods and delivering it up to our treatment plant on columbia boulevard or to our other treatment plant down on tryon creek. The environmental services determined in august of 2007 to control outflow 27 by using the existing lents trunk sewer, which is running down harney street. That is the lents trunk sewer that becomes outfall 27 and runs into the river. We're going to use that as a storage facility. One of the considerations in siting the operation was having to locate it next to outflow 27. The site needs to be large enough, at least a half an acre of land in order to site the pump station. Maintenance is required for a pump station where we have pumping equipment, a controlled building to control those pumps, back-up power generator, odor control equipment, and 70 lating equipment. Unlike most of our pump stations which run 24/7, this station will only be associated with wet weather flows and only operate 90 days a year is the estimate. Based on our criteria of location, size, utilization of outflow 27, our design team came up with six locations -- potential locations -- for the pump station in sellwood. A little description of our public involvement process. Throughout the time, we've had several newsletters and flyers to the entire sellwood community about the various sellwood projects. Our current mailing list has over 2500 addresses in it. In january of 2008, the environmental services held an open house to talk about all of the projects associated with the sellwood cso control. And in that process, we showed a general area surrounding the end of the harney trunk, which you can see on your map there had a large circle surrounding that saying that we expect there will have to be a pump station sited somewhere in this vicinity. Public meeting were held regarding the six proposed sites for the pump station. The total attendance at these meetings was nearly 120 people. The meetings offered the neighbors the opportunity to ask questions, voice concerns, and provide staff with feedback on the proposed pump station sites. Staff also met separately with residents in may and june, including a number of meetings that included our director, dean marriott. In march of 2008, we hired a consulting firm who actually attended these public meetings and considered public input into their task, which was to review and evaluate the six proposed sites. They chose criteria for evaluation of these sites, which includes impacts to the public as the highest-rated criteria of all of the six, the site characteristics as the next, risks associated with the construction and continued operation of the pump station, the ease of acquisition or required permanent sewer easements and temporary construction easements -- how easy was it going to be to get the necessary property essentially -- cost, and finally compliance with zoning and land use requirements. In june of 2008, the consultants recommended the sites southernmost on the property partially owned by Portland rowing club. The site did not require the removal of area residents or homes, which a couple of the other potential sites did, and it minimized the project's effects on the Portland rowing club's long-term development plans which they'd already developed. They met requirements including proximity to the lents trunk that met all our constructability requirements. At the point the single site had been identified, environmental services formed a citizen's advisory committee to provide advice on the building and site design. The citizen advisory committee was an 11-member committee that included three members

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representing the waverly condominiums, an adjacent landowner immediately to the south of the proposed pump station site. It also included three members who represented the Portland rowing club, the property owner of the site that we're intending to put the pump station. There were four neighborhood residents from the single-family residential area up above the pump station site and one member of the smile neighborhood association. The committee met five times or has met five times so far to review concepts and layout options and to assist in choosing architectural details for the pump station. B.e.s. Has met with nearly affected owners at there request, also met with members of the Portland rowing club and worked with their members to make the design compatible with the club's future development needs. We have worked to include the neighbors in our decision-making process in attempt to mitigate the impacts on them. We've made significant efforts to listen to and incorporate the needs and interests of all of the stakeholders in the project. All of the stakeholders. And finally we recognize that not everyone is satisfied with our plans. But this project is critical. It's one of the last link pins, as commissioner Saltzman said, to meeting the asfo deadline that we have with the d.e.q. And continuing to move forward in the city's efforts to clean up the willamette river.

\*\*\*\*\*: Robert simons?

**Adams:** Anyone else wish to testify on council calendar item 1197, please come forward. Welcome to the city council. Thanks for waiting.

**Robert Simon:** Thank you for having me. I don't usually make regular appearances, though from sitting here all morning apparently you have a group of people who do. I've been honored to be appointed to several task forces by this council, most recently animal services, to help the city and county deal with those meddlesome -- meddlesome issue -- meddlesome issues. I'm not wearing my tie today because i'm not coming as a lawyer. I'm coming as a homeowner who represents the 24 people who live in the waverly landing condominium. And i'm not coming today expecting anyone on this commission to oppose commissioner Saltzman's decision. I'm here to talk about money and process. When I raised the issue that my community was excluded from the site evaluation process, when I brought it to the attention and mayor Adams made some commitments about remedying that omission, when I brought this to commissioner Saltzman's attention, he got a memo back in response to my concerns on february 18th of '09 from the project engineer at bes saying there was no more time to look at any other sites and that, in response to question 6, the score of the site for acceptability to the community was 94. So the testing and scoring had never been redone. So the commitment you made, mayor Adams, was not implemented and I suspect because you became mayor. Our recommendation was made in may of '08. When we made it, it was not february of '09, and the clock had not run out. I had said in my observation in may of '08, if you don't tell the department, some other bureau to look at some other site, they're going to tell you there's not enough time. In february of '09, that's what happened. In concern about process, my home, my community was not a part of the process, and the scores that were developed in the process are now being used to justification the location without the participation of those owners. Commissioner Fritz, you met those owners when you were campaigning and you, too, made some observations about how the process should work. As far as money goes, I don't believe that you've had staff evaluate whether or not this is the least expensive and most cost efficient location, because now you're going to authorize and sink money into acquisitions, the value will you and price of which you do not yet know. So from a money perspective, you haven't really figured out what this is going to cost. I'll conclude by one statement. I have suggested in my correspondence with commissioner Saltzman that there are creative solutions to problems. And rather than put an above-ground facility in the public right-of-way in violation of the city's long-held encroachment policy, we could find another solution, a creative one. We could even put it below grade and not violate the city's policy. But it's my opinion that, if we proceed to implement the the the -- implement staff's recommendations, you will do violence to your own long-held policies.

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**Fritz:** I have a question. I remember that I was at the april '08 community meeting and was concerned about the process at that time. Did I understand you to say that waverly condominiums was not included in the committee meetings right after that.

**Simon:** It was not included in the committee in the process that evaluated the test score. There was in the time line issued by bes -- there was a process in the decision subsequently, after the decision was made to pick this site, to decide what the building would look like and what kind of landscaping would be around it. I don't believe those are equivalent public processes.

**Fritz:** So there wasn't a reevaluation at the site after may of '08?

**Simon:** The answer to your question is, no, there wasn't. The proof is found on bes's own website, may 14th, called meeting notes. May 14th, 2008, the meeting notes on the bes website say specifically they had already selected this site on may 14th of '08.

**Fritz:** Thank you.

**Adams:** Thanks. Bill? Did you follow through on my commitment?

**Ryan:** I believe we did, mayor Adams. I know that, at the time it was recognized, we had certainly fallen down in our outreach activities, particularly with respect to the waverly condominium association. It was a mistake. It was an error that was made. The association is a gated community. We were not able to leave door flyers at the doors. We obtained an ad dress for a management company that we sent the notification to for the april meeting. Turned out that that was a bad address, so nobody got contacted. We made attempts. There was a follow-up meeting in may, the beginning of may, that was a community meeting specifically identified at the april meeting follow-up. That was scheduled. It was held. There were representatives of the waverly condominium association at that meeting. Upon complaint that there was insufficient time and consideration, there was another public meeting and held with waverly and with whoever else would care to come to the meeting is my understanding from the public involvement staff.

**Fritz:** Was that after the site had been selected?

**Ryan:** I don't know the specific date that the site was selected, but I know it was certainly considered -- the issues that were raised by the waverly condominium association representatives were certainly considered by our consultant in the selection of the site and then the weighting of the site. And in our -- I mean, there were other sites that were identified by the waverly that were not in the original six that had actually been considered prior and discarded because they were not engineering feasible, and they involved taking active, local, small businesses -- taking their property and shutting them down, so we didn't pursue those any further.

**Adams:** So?

**Ryan:** And also, in addressing your request to us, we did put together the citizens' advisory committee to mitigate the impacts, allow waverly condominium and others to be involved in what the final product would look like and where it would be on the site. We are restrained by prc's future development plans, restrained by the physical location and the shape of the property out there, but we did make some minor adjustments, moving the pump station further away, realigning the pump station to a different alignment fore and aft to have less impact on them.

**Saltzman:** Further away from waverly?

**Ryan:** Yes. It's a very minor amount, though, I will admit.

**Fish:** Why is this an emergency ordinance?

**Ryan:** We have a requirement to implement this by 2011. This is a critical time line in order to be completed in time.

**Adams:** Let me summarize the --

**Saltzman:** Don't turn off the picture. You can take the map down.

**Adams:** The previous time that this came to council where -- I would make sure I remember this correctly. Where issues were raised about notification for participation and site selection process, we discovered there was -- efforts were made but, for the reasons you indicated, were not completed

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to my satisfaction and the satisfaction of others. This the follow-on process consider all the potential locations once notification was made, including the task force, which I do vaguely recall as being a supplement to the outreach efforts. Was the task force given the mission to look at all the sites again or is it only limited to just the design and sort of construction of this particular site?

**Ryan:** The cac was specific to the design and construction of this particular site. As I said, there were some additional meetings that our consultant who headed the process and did the quantification of public impacts and cost and all the other issues to come up with the site. They heard everything that the waverly condominium association had to add to the process. We did not expand. We did not add additional sites to the review process, because the sites that were requested had been specifically reviewed and discarded prior to the development of the six because of their not being anywhere near the suitability of the other sites.

**Adams:** The cac didn't look at the six?

**Ryan:** They did not look at the six. They looked at the final site.

**Fritz:** Why are we looking at the right-of-way?

**Ryan:** It's a right-of-way, not used at this time. It's typical. The pump station that's three blocks away from there is in the right-of-way. Many of our pump stations are in right-of-ways essentially. We're using public property for public utilities.

**Fritz:** Does that raise any policy concerns?

**Adams:** Talking about the 1981 major encroachment policy and whether or not this applies?

**Ryan:** I'm certainly not the best person to talk about the encroachment policy. I believe there's somebody here who could.

**Adams:** Mr. Castings?

**Pete Kastings, City Attorney's Office:** I'm actually not an expert either. I have looked at the 1982 policy. There are a couple of things to say about it. The first thing to say is that it is officially classified as nonbinding city policy. So in the words of the city code, that mean there's policy, quote, does not have finding effect are serve as criteria for future decision making. The second thing to say about it is I understand from talking with people at pbob about that this policy has historically and interpreted as not applying to public utilities in the right-of-way. It would apply to park structures, clubhouses, things of that nature that by and large it app pies to private facilities. In fact it's written quite directly in terms of private facilities in all but one sentence. And again, historically, the only time it's ever been interpreted as applicable to public facilities, not utility facilities.

**Fritz:** Did we consider putting it underground?

**Ryan:** We considered putting it underground. Underground wouldn't address issues that were of concern, which was odor, noise. Underground, the biggest issue initially was the line of sight of the houses above the pump station. Would this allow their -- affect their line of sight? The pump station is below their line of sight. Underground, we can put it below the grade at considerable expense, but it will not address the issue of noise, sound. It will put us in a situation where, in order that meet the flood zone elevation requirements, we would have to go and look at facilities up into the neighborhoods and take, I believe, the minimum number of houses that we determined we could take, four of the single-family residences above the spring water corridor.

**Fritz:** The question was raised about cost. Is this the least cost? And how was that figured in?

**Ryan:** Cost was, I believe, the least rated. No, it wasn't. Compliance for zoning and land use requirements as least rated. Cost was weighted at 10 points compared to impacts to the public for 30 points. Site characteristics, constructability, buildability at 20 points. Risk associated with construction was 20 points. And ease of acquisition was 15 points.

**Adams:** Is this the '95 number -- 95 number, 94 number?

**Ryan:** That's the number that added up to 94 for the site, yes.

**Adams:** What was the number for the next highest rated site?

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\*\*\*\*\*: 71.

**Fritz:** What documents are you looking at? And do I have it?

**Ryan:** I don't know whether you have it. It is the report of the actual site selection.

**Fritz:** I haven't seen that. I don't know if my staff has. I'd really like an opportunity to look at that.

**Ryan:** Certainly.

**Fish:** Can we hold this over until next week? Sure.

**Adams:** I'd like to apologize. I didn't have an opportunity to dig into this as I didn't know that some of these issues were still present. So unless there's objection, 11 number 1197 is held over for consideration until next wednesday's regular agenda. No objections, so done.

**Fish:** Thank you.

**Adams:** It sounds like there will be some follow-up questions from a number of council offices.

**Fritz:** One citizen showing up, even at the last point where we're about to adopt an ordinance, can make a difference, so thank you for your time today.

**Adams:** Number 1198.

**Item 1198.**

**Adams:** Commissioner dan Saltzman?

**Saltzman:** This authorizes exercise of imminent domain to acquire temporary and permanent easements for construction of the garden home section of the fanno creek pressure line. I would ask approval.

**Adams:** Any council discussion required on this? Anyone signed up to testify on 1198? Please call the roll.

**Saltzman:** Aye.

**Fritz:** As we just demonstrated, these types of project decisions are never easy and are not taken lightly by the council, the city staff, and not by me. The city will work to accommodate citizens' needs that the greatest extent possible. I appreciate the patience of the citizens as the city works on these pressure lines and also recognize commissioner Saltzman and the bureau of environmental service for their good work on this. Aye.

**Fish:** Aye.

**Adams:** Aye. 1198 is approved. Please read the title for emergency ordinance council calendar item 1199.

**Item 1199.**

**Saltzman:** This is part of our big pipe project, and this authorizes us to accept an easement from the u.s. Navy.

**Adams:** Council discussion in anyone wish to testify on council calendar item emergency ordinance 1199? Please call the roll.

**Saltzman:** Aye. **Fritz:** Aye. **Fish:** Aye.

**Adams:** Aye. Please read the title for second reading council calendar item 1200.

**Item 1200.**

**Saltzman:** Aye.

**Fritz:** I want commend commissioner Leonard and the state legislature and Portland firefighters association, local 43, who worked on the legislation at the state. That's why we're making this change. Aye.

**Fish:** Aye.

**Adams:** I'd like to echo commissioner Fritz's comments and thanks. Aye. Please read the title for emergency ordinance council calendar item 1201.

**Item 1201.**

**Adams:** Anyone here to testify on this? Stan, do you want to come forward? Tell us what we're considering.

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**Stan VandeBerg, Portland Water Bureau:** Back on June 10th, we came with an ordinance to authorize a construction contract. The funding for that contract was part of this economic recovery program, and we said we'd be coming back with the contract with that program. And this is that contract for that work.

**Adams:** Council discussion in anyone in the room wish to testify on emergency ordinance council calendar 1201? Please call the roll.

**Saltzman:** Aye.

**Fritz:** This is good work in getting federal assistance. I wanted to take this opportunity to thank Mayor Adams and commend you for being on the ball with this issue raised under citizen testify this morning regarding mercury storage at Hanford. I appreciate it very much. Aye.

**Fish:** Aye.

**Adams:** Thank you, Commissioner Fritz. It is very much a team effort. Aye. 1201 is approved. Please read council calendar 1202.

**Item 1202.**

**Saltzman:** Aye. **Fritz:** Aye. **Fish:** Aye. **Adams:** Aye. We have a four-fifths. It's been so long since we've done one of these, do we first vote to get it on the calendar?

**Parsons:** No.

**Adams:** The agreement in this ordinance was first conveyed that city staff this Monday, the 17th of August, by the Oregon Department of Transportation. Approval is needed quickly in order to meet the Oregon high-speed program application due date of next Monday, the 24th. The agreement in this ordinance creates a unique opportunity to partner with the Portland Development Commission and Oregon Department of Transportation to help bring about \$12 million of federal stimulus funds in the city of Portland in the first round of applications with tentative possibilities of future applications. If successful, federal funds will not require the expenditure of any city funds. If ODOT's application is successful, this will lead to a construction contract subject to paying prevailing wage rates and providing Portland the potential of jobs for construction, experiencing high unemployment. The agreement in this ordinance create as good result that make much-needed improvements to Union Station, an important transportation hub and regional icon. Council, any comments or discussion? Would you like to read title?

**Parsons:** I should read the title. I don't know if I can read that way, though.

**Item 1203.**

**Adams:** Anyone here to testify? Please call the roll.

**Saltzman:** I hope we neat this grant, a much-needed shot in the arm for Union Station, aye.

**Fritz:** We certainly need high-speed rail here in Oregon and improved rail throughout the United States. I commend the city staff for being nimble, although scrambling to get this done might be better. Nevertheless, here it is, and we're getting it done. I commend Mayor Adams on getting that done. It would bring jobs and service to the city. Aye.

**Fish:** Aye.

**Adams:** I'm sorry that it's on four-fifths, but we do want to take advantage of the opportunity. And I appreciate, once you saw the opportunity that, we're making it to our staff team. Aye. Council is adjourned until next week.

At 12:20 p.m., Council adjourned.