



CITY OF  
**PORTLAND, OREGON**

**OFFICIAL  
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **26TH DAY OF AUGUST, 2009** AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Adams, Presiding; Commissioners Fish, Fritz, Leonard and Saltzman, 5.

Mayor Adams was excused to leave at 10:57 a.m.

At 1:53 p.m., Council recessed.

At 2:12 p.m., Council reconvened.

Commissioner Fish returned at 2:18 p.m.

**Motion to hold a meeting 6:00 pm on October 21, 2009 to hear NW District Plan:**  
Moved by Mayor Adams and seconded by Commissioner Leonard. (Y-5)

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Tracy Reeve, Senior Deputy City Attorney; and Ron Willis, Sergeant at Arms.

On a Y-5 roll call, the Consent Agenda was adopted.

	<b>Disposition:</b>
<b>COMMUNICATIONS</b>	
<b>1204</b> Request of Joe D. Pierce to address Council regarding tenant rights and housing (Communication)	<b>PLACED ON FILE</b>
<b>1205</b> Request of Ronald G. Peterson to address Council regarding tenant rights and housing (Communication)	<b>PLACED ON FILE</b>
<b>1206</b> Request of Greg Harrison to address Council regarding tenant rights and housing (Communication)	<b>PLACED ON FILE</b>
<b>1207</b> Request of Mindy Stone to address Council regarding tenant rights and housing (Communication)	<b>PLACED ON FILE</b>
<b>1208</b> Request of Lew Church to address Council regarding tenant rights and housing (Communication)	<b>PLACED ON FILE</b>
<b>TIME CERTAINS</b>	

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<p><b>1209</b> <b>TIME CERTAIN: 9:30 AM</b> – Commend City staff and project team for hard work and dedication in the implementation of the Enterprise Business Solution Project (Resolution introduced by Mayor Adams)</p> <p>(Y-5)</p>	<p><b>36725</b></p>
<p><b>1210</b> <b>TIME CERTAIN: 10:00 AM</b> – Accept report from the Citizen Noise Advisory Committee (Report introduced by Mayor Adams)</p> <p><b>Motion to accept report:</b> Moved by Commissioner Saltzman and seconded by Commissioner Leonard.</p> <p>(Y-4; Adams absent)</p>	<p><b>ACCEPTED</b></p>
<p><b>CONSENT AGENDA – NO DISCUSSION</b></p> <p><b>Mayor Sam Adams</b></p>	
<p><b>1211</b> Appoint Stewart McLaughlin to the Fire Code Board of Appeals and appoint Kenton Aikens as alternate for terms to expire June 30, 2012 (Report)</p> <p>(Y-5)</p>	<p><b>CONFIRMED</b></p>
<p><b>Bureau of Transportation</b></p>	
<p><b>*1212</b> Amend contract with Portland Development Commission to provide professional garage management services for the Station Place Parking Garage owned by the Portland Development Commission (Ordinance; amend Contract No. 53124)</p> <p>(Y-5)</p>	<p><b>183132</b></p>
<p><b>*1213</b> Amend ordinance to reflect need for additional right-of-way for construction improvements for the NE Cully Blvd: Prescott to Killingsworth Project and to amend the legal descriptions and exhibit maps for two previously identified properties (Ordinance; amend Ordinance No. 182660)</p> <p>(Y-5)</p>	<p><b>183133</b></p>
<p><b>1214</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 (Second Reading Agenda 1164; amend Contract No. 928129)</p> <p>(Y-5)</p>	<p><b>183134</b></p>
<p><b>Commissioner Dan Saltzman</b> <b>Position No. 3</b></p> <p><b>Bureau of Environmental Services</b></p>	
<p><b>1215</b> Authorize a contract with PB Americas, Inc. for engineering services for the design of the Portsmouth Force Main Odor Control Facility Project No. E08927 (Second Reading Agenda 1173)</p> <p>(Y-5)</p>	<p><b>183135</b></p>
<p><b>Bureau of Police</b></p>	

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<p><b>*1216</b> Accept a \$1,000 community grant from the Wal-Mart Foundation for Crisis Response Team volunteer training (Ordinance) (Y-5)</p>	<p><b>183136</b></p>
<p><b>*1217</b> Authorize a \$50,000 agreement with Catholic Charities/El Programa Hispano for the purpose of assisting victims and survivors of domestic violence (Ordinance) (Y-5)</p>	<p><b>183137</b></p>
<p><b>*1218</b> Authorize a \$50,000 agreement with Raphael House of Portland for the purpose of assisting victims and survivors of domestic violence (Ordinance) (Y-5)</p>	<p><b>183138</b></p>
<p><b>Commissioner Nick Fish</b> <b>Position No. 2</b></p> <p><b>Portland Housing Bureau</b></p>	
<p><b>*1219</b> Accept a grant from the U.S. Department of Housing and Urban Development in the amount of \$4,172,282 for FY 2009-2010 for the Homelessness Prevention and Rapid Re-Housing Program under the American Recovery and Reinvestment Act of 2009 (Ordinance) (Y-5)</p>	<p><b>183139</b></p>
<p><b>*1220</b> Accept a grant from the U.S. Department of Housing and Urban Development in the amount of \$2,726,586 for FY 2009-2010 for Community Development Block Grant-Recovery funds under the American Recovery and Reinvestment Act of 2009 (Ordinance) (Y-5)</p>	<p><b>183140</b></p>
<p><b>Portland Parks &amp; Recreation</b></p>	
<p><b>1221</b> Accept a \$24,900 grant award from the Portland Public School District to support activities for participants at Lane SUN Community Middle School (Second Reading Agenda 1188) (Y-5)</p>	<p><b>183141</b></p>
<p><b>1222</b> Authorize Intergovernmental Agreement with Oregon Department of Transportation for Waud Bluff Trail (Second Reading Agenda 1189) (Y-5)</p>	<p><b>183142</b></p>
<p><b>City Auditor LaVonne Griffin-Valade</b></p>	
<p><b>*1223</b> Clarify Contribution and Expenditure requirements for Candidates other than Nonparticipating Candidates (Ordinance; amend Code Section 2.10.120) (Y-5)</p>	<p><b>183143</b></p>
<p><b>REGULAR AGENDA</b></p>	

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<p><b>1224</b> Announce Governor's designation of the Community Gardens Initiative as an Oregon Solutions project (Presentation introduced by Mayor Adams and Commissioner Fish)</p>	<p align="center"><b>PLACED ON FILE</b></p>
<p align="center"><b>Mayor Sam Adams</b></p>	
<p><b>*1225</b> Authorize an Intergovernmental Agreement with Portland Public Schools and Tri-County Metropolitan Transportation District of Oregon to expand the Student Transit Pass Pilot program to offer fareless public transportation for students at additional Portland high schools, with the intention to measure results and expand the program as appropriate (Ordinance)</p> <p>(Y-5)</p>	<p align="center"><b>183144</b></p>
<p align="center"><b>Bureau of Planning &amp; Sustainability</b></p>	
<p><b>1226</b> Approve the 10-year tax exemption requested by RuJax 1 LLC for The Albert Mixed-Use Apartments (Ordinance)</p>	<p align="center"><b>PASSED TO SECOND READING SEPTEMBER 9, 2009 AT 9:30 AM</b></p>
<p align="center"><b>Bureau of Transportation</b></p>	
<p><b>1227</b> Authorize a temporary capital loan from the Sewer System Rate Stabilization Fund to the Grants Fund to provide interim capital financing for the Portland Bureau of Transportation Eastside Streetcar Loop Project (Resolution)</p> <p>(Y-3; Adams, Fish absent)</p>	<p align="center"><b>36727</b></p>
<p align="center"><b>Office of Management and Finance – Purchases</b></p>	
<p><b>1228</b> Authorize an exemption to the competitive bidding process to the Bureau of Purchases pursuant to ORS 279C and City Code 5.34 and provide payment for construction of the Bull Run Dam 2 Tower CM/GC Improvements Project (Ordinance)</p>	<p align="center"><b>PASSED TO SECOND READING SEPTEMBER 2, 2009 AT 9:30 AM</b></p>
<p align="center"><b>Commissioner Dan Saltzman Position No. 3</b></p>	
<p><b>*1229</b> Authorize grant agreement with Brother's and Sister's Keepers Inc. for street level gang outreach from September 1, 2009 through August 31, 2010 (Ordinance)</p> <p>(Y-4; Adams absent)</p>	<p align="center"><b>183146</b></p>
<p><b>*1230</b> Authorize grant agreement with Emanuel Community Services for street level gang outreach from September 1, 2009 through August 31, 2010 (Ordinance)</p> <p>(Y-4; Adams absent)</p>	<p align="center"><b>183147</b></p>
<p align="center"><b>Bureau of Environmental Services</b></p>	

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<p><b>1231</b> Adopt the City of Portland Invasive Plant Management Strategy and establish 10 year goals to reduce the level of invasive plants in Portland natural areas (Resolution)  (Y-4; Adams absent)</p>	<p align="center"><b>36726</b></p>
<p><b>*1232</b> Authorize the Bureau of Environmental Services to acquire permanent easements necessary for construction of the East Side Combined Sewer Overflow Tunnel Project No. 7594 through the exercise of the City's Eminent Domain Authority (Ordinance)  (Y-4; Adams absent)</p>	<p align="center"><b>183148</b></p>
<p><b>*1233</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 (Previous Agenda 1197)  (Y-4; Adams absent)</p>	<p align="center"><b>183145</b></p>
<p><b>Bureau of Police</b></p>	
<p><b>*1234</b> Authorize an Intergovernmental Agreement with Multnomah County in an amount not to exceed \$979,256 for provision of chemical substance abuse treatment services to chronic offenders and for District Attorney and Parole and Probation services for chronic arrestees (Ordinance)  (Y-4; Adams absent)</p>	<p align="center"><b>183149</b></p>
<p><b>Commissioner Randy Leonard</b> <b>Position No. 4</b></p>	
<p><b>Bureau of Water</b></p>	
<p><b>1235</b> Amend contract with Black &amp; Veatch Corporation to increase compensation, extend the performance period and increase the scope of work for Bull Run Dam 2 Tower Improvements (Ordinance; amend Contract No. 37587)</p>	<p align="center"><b>PASSED TO SECOND READING SEPTEMBER 2, 2009 AT 9:30 AM</b></p>
<p><b>Commissioner Nick Fish</b> <b>Position No. 2</b></p>	
<p><b>Portland Parks &amp; Recreation</b></p>	
<p><b>1236</b> Authorize General Fund resources to maintain, manage and operate the Simon and Helen Director Park (Second Reading Agenda 1154)  (Y-4; Adams absent)</p>	<p align="center"><b>183150</b></p>
<p><b>1237</b> Authorize a Condominium Agreement with Fox Tower, LLC for Director Park (Second Reading Agenda 1155)  (Y-4; Adams absent)</p>	<p align="center"><b>183151</b></p>

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At 2:44 p.m., Council adjourned.

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

By Karla Moore-Love  
Clerk of the Council

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

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**WEDNESDAY, 2:00 PM, AUGUST 26, 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 26, 2009**                      **9:30 AM**

**Adams:** Council will come to order. Karla, please call the roll.  
[roll call]

**Adams:** I would like to move that the city council will convene in an evening council hearing on october 21st, at 6:00 p.m. to hear the northwest district plan issues.

**Leonard:** Second.

**Adams:** Moved and seconded. Any discussion --

**Fish:** That's what was originally penciled in for september 25th, moving to october?

**Fritz:** Are we doing a september 16th evening meeting now? We don't know.

**Adams:** I don't know. I don't know.

**Fritz:** I thought -- Karla this was the northwest district remand moving from september 23rd to october.

**Adams:** We'll have staff [inaudible] on the 16th. Please call the roll on the motion.

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

**Adams:** Aye. [gavel pounded] motion is approved. We're going to begin with communications. Karla, please read the title for communications item 1204.

**Item 1204.**

**Adams:** Good morning, welcome to city council. Glad you're here. You just need to give us your first and last name. No address, and you'll have three minutes and that clock in front of you will help you count down the time.

**Joe D. Pierce:** Joe d. Pierce. And I can start. Thank you for allowing me once again to address the city council. The most pressing issue that the tenants rights project has had recently was the issue of greg green. We picketed the central city administrative building and he was not fired but transferred like a shady bishop transferred, a pedophile. This makes one wonder --

**Fish:** Can you state again what you just said?

**Pierce:** Ok. He was --

**Fish:** You have a written statement. Could you -- I missed what you said a moment ago.

**Pierce:** He was transferred, not fired. We all wanted him fired. But he was --

**Leonard:** I think he's asking the same thing I asked commissioner Fritz. Did you hear what he said?

**Fish:** Did you say something about pedophilia?

**Pierce:** He was transferred like a shady bishop transfers around a pedophile priest.

**Fish:** What's the analogy you're drawing?

**Pierce:** You see a lot of things -- ok, what has happened was that he should have been fired for all the things that were happening there at the biltmore. This issue has been going on for four long years. And this partial action makes one wonder exactly what he has -- what -- on -- on central city concern. Since his removal, drugs, prostitution and crime has been lowered. Now, I have a report card that i'd like to tell the city council. On the issue of roaches, the grade is unsatisfactory. On bedbugs, which I had mentioned before, it needs improvement. On the Oregon landlord tenant law, a 24-hour notification, it also needs improvement. On president obama's new openness and honesty of people that are higher up and the powerful, the grade is unsatisfactory. On employees' paychecks

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routinely being late, it needs improvement. And patch jobs on the units instead of full jobs, unsatisfactory. And service requests forms and incident reports, that whole system needs improvement. Red flags have been flying for years in regard to -- since they took over the biltmore more building -- the biltmore building. It makes one wonder with what they're doing with the millions they're getting and have they been the best stewards of such funding. Many other incidents and red flags will be pointed out by my colleagues who will be speaking following me and thank you for your attention.

**Fish:** I'm going to respond. The first amendment protects your right to come and say whatever you want. But it doesn't mean you have the right to come in and impugn somebody's reputation recklessly and making an analogy between a beef with a housing provider and the services they're providing and a pedophile priest, I think is out of line. You have every right to say that and the first amendment in its majesty protects you for saying that. But if your purpose is to draw our attention to things at the housing project, I don't think your cause is served by making analogies to pedophiles and priests in your presentation and I think it's frankly, to me, as offensive as people who refer to the nazi healthcare plan of our president. The first amendment protects your right to say it and as you sit there grinning, but when you publicly proclaim analogy to someone who has not been charge window a crime, not at issue before us and you make an analogy pedophiles and priests, please understand what you're doing. The first amendment has the right to make it, but I have the right to condemn you for making such an analogy.

**Pierce:** As a victim of a pedophile priest, have the right to draw any analogy I feel that -- that -- that -- that I can, and I didn't mean it to be mean, but --

**Fish:** Did you not mean it to be mean to suggest that a building manager, his conduct can be equated with felonious conduct by a priest preying on children? As you sit here, you don't see that someone could draw from that analogy a slander?

**Pierce:** No, I do not. Because transferring people wrong instead of -- instead of firing them, which he well deserved, because central city has the client-employee boundaries and this gentleman has crossed them many types.

**Fish:** The first amendment protects your right to say what you want and it's a cherished right and protects the right of people to say stupid things but to come in here and make an analogy between priests and pedophiles and whatever -- priests and pedophiles and whatever your beef is with this person who is not here to defend himself is reckless and you owe him an apology and I don't see how it serves your cause to bring attention to conditions at housing projects to make that analogy and frankly while it gets attention in the press, we ought to take a time out and ask whether it serves our interests to make inflammatory charges in the public sector for the purpose of getting attention.

**Leonard:** Mayor Adams, commissioner Fish, not only do I wish you were with me last friday night as I entered city hall, will you escort me in and out of city hall from now on? [laughter]

**Adams:** Mr. Pierce, thank you for your testimony. Karla, please read communications no. 1205.

**Item 1205.**

**Adams:** Good morning, mr. Peterson. Welcome to city council. Glad you're here. I think you've been here before.

**Ronald G. Peterson:** Yes, I have. Thank you very much, mayor Adams and I say good morning to all the commissioners this morning. I have to start my report with a rebuttal to what you said, commissioner Fish, as far as the night monitor that was working at the biltmore, I saw him go into drug dealers' rooms and close the doors which is not an official type of action by the night monitor. He has one sexual allegation against him. There are many, many discrepancies to his job he did. I don't want to impugn him beyond the factual statements that I know personally, so as far as the relevance to the catholic priest, I can't say that one, but I know he has been a very distasteful person for a night monitor. Thank you. Now, central city concern has issues that I know in ways their

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hands are tied. Kulongoski's plans, some parts really weren't done properly. I was talking with some of the upper staff at central city concern and complained about the interaction with the Portland police and their rebuttal, we can't have the police coming in the buildings knocking on the doors and I know there are three drug dealers there walking around with what seems like impunity. One is gone, but it went from four down to three. Central city concern does need more work yet. I will give them accolades. They've improved and made steps but need improvements. I want to make the suggestion because I don't -- I haven't gotten far with central city concern because the biltmore is a wet building and when you take a rehab person and put them there, there are so many pandora's boxes there and they're not able to officially complete their duties. It's true, since greg is gone, it has gotten better, but there are the few, because they're trying to find someone to take the position on a regular basis and not been able to. Several of the night monitors there have not held up to what they were supposed to do. I had a whole list of things and commissioner Fish, you caught me off guard. I understand why you said the analogy with the catholic priest but that upset me. Because I know greg has been a sore thumb. I do wonder what he has on central city concern.

**Adams:** You have 15 seconds left. Did you get out the substance in terms of your concerns?

**Peterson:** Not even close.

**Adams:** You'll have to return.

**Fish:** We can do better. Because mr. Peterson in your request to speak, you wrote tenants' rights and housing.

**Peterson:** Correct.

**Fish:** Had you given us more information, I could have done some investigation prior to your testimony. If you would leave a copy of your testimony with my office, which is down the corridor --

**Peterson:** All right.

**Fish:** -- including any allegations you have against this provider, we'll take a look at it.

**Peterson:** Thank you very much.

**Adams:** Thank you for coming.

**\*\*\*\*\*:** Have a good day, everybody.

**Adams:** Thank you for your testimony, we appreciate it.

**\*\*\*\*\*:** Thank you, mayor.

**Adams:** Karla, please read the title for item 1206.

**Item 1206.**

**Adams:** Mr. Harrison, welcome to city council. We only need your first and last name and you'll have three minutes.

**Greg Harrison:** Greg harrison. And I have this to say. The biltmore, aka, the bugmore. Security, lack there have, and pest control. Crime. Crime is first, thefts, drug dealing, prostitution. Attempted break-ins. Money was stolen from one resident while sleeping, while his door was cracked. One resident had his dvd player stolen. The wall in the lobby stolen. The tv in the back, the seating area was stolen. Found a pouch zipped in the third floor bathroom early one saturday morning, it had three syringes, a spoon and a lighter in it. Security -- I had six incidents in the month of july alone. Six people knocked on my door asking various questions, looking around in my room. Casing my room. Not good. When I answer answered the door one time, there was a guy, very drunk, very disruptive. He tried to force his way into my room. And it was very upsetting. He mentioned his name. He said, i'm carlos. And he said, "open up, open up, joe." there was no joe there. That was an attempted home invasion and it turns out this guy, carlos, was in a publication. He was busted for assault. A criminal. And this is a good reason for 24/7 security. This occurred on a saturday afternoon, between 1:00 and 2:00. The personal duty -- the person on duty, they sit in the lobby, watch tv and flay with the computer and listen to music. It's a joke. But

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two or three years ago, this guy went crazy with a baseball bat and banging on the walls and stuff. No one was there to deal with it. He was knocking holes in the walls. Damaging property and everything. Not good. And, of course, bedbugs. Roaches. The whole building's been sprayed once. My room has been sprayed three or four times. We still have them. It's not doing any good. And I don't know -- ccc needs to step up and just be responsible to the building they own and now mismanage. And frankly, i'm suffering from what I call the biltmore syndrome. Stress, headaches, lack of sleep and stomach problems, like heartburn, sour stomach and acid reflux. I rest my case.

**Adams:** Thank you for your testimony. Really appreciate it.

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

**Adams:** Karla, read the title for council communications 1207.

**Item 1207.**

**Moore-Love:** She was not able to make it.

**Adams:** Please read the title for council communications item 1208.

**Item 1208.**

**Adams:** Mr. Church, welcome to the city council.

**Lew Church:** You can call me Lew. I'm Lew with the student -- tenant rights. There's a lack of transparency and accountability to tenants in terms of the board meetings being closed. And tenants not being allowed to speak and the board minutes being secret of central city board minutes. Who is central city unconcerned, exactly. The CEO is one of the stonewalling culprits. A real estate attorney on the 16th floor of the standard insurance building is another. For 21 years and claims he runs central city like a business. As I remember, that's what Bernie Madoff said. When tenants came to talk to the city council six months ago, housing commissioner Fish had set up a closed door, smoke filled room meeting. And tenants were excluded from that meeting. Business as usual. Since then, Fish has refused to meet with activists tenants on this issue. Several times we've gone to his office and never been able to set up a meeting. We want to be able to do that. Nick Fish failed to mention in November, 2008, at the governor hotel, he -- donors to dig deep, to donate to central city where \$400,000 was raised and central city is a non-profit with a \$33 million annual budget. This summer, tenants have been talking to Michael Mills, the ombudsman for the city -- the ombudsman. The office -- Portland's mayor, alter or reassign the bureaus and one of the things that the tenants have been discussing is reassigning the housing bureau from commissioner Fish to someone who we believe cares about the poor -- Amanda Fritz. Nick Fish said he wants Portland to be the city in the world where "Jesus would be welcome." Well, activists want Portland to be -- Dorothy Day, Oscar Omerá César Chávez. And he would say to stop pimping for the --

**Leonard:** Excuse me, Mayor Adams, but given the theme here today, I feel compelled to say a couple of things. I think I've worked with central city concern here longer than the rest of the council combined. Starting back there 1979 as a young -- 1979 as a firefighter standing on the corner at 2:30 a.m. of 1st and Ankeny when we were attending to a drunk man who had been put into a cab or the police arrested and taken somewhere and this van rolled up on this early morning, summer evening and it said cheers on the side and a couple of young men came out and said, we've got it and you can go home and we were stunned that there was actually an entity that had begun a service for people specifically that were passed out drunk laying on the streets of downtown Portland. I actually inquired who those folks were and met Richard Harris, for -- please put your hand down and listen. And met Richard Harris for the first time, which began a 30-plus year relationship that included a 1986 video for those who are interested, that I gave on behalf of central city concern and the work they do for the people who had previously been ignored by the rest of us folks in society. And they use that for a number of years as a fundraiser. Central city concern, I've characterized before I've known commissioner Fish as the Mother Teresa of service agencies in Portland. They take people who are -- have been ignored, forgotten and walked around, and pay attention to them. What we're hearing today is an example of what you find in any kind of

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bureaucracy that provides any services. You pointed out a problem. And i've taken note of it and I want to assure you I don't have to follow up because I know commissioner Fish will in spite of the unfair things that were just said about him. He takes his job as the housing commissioner -- no one has ever worked harder as housing commissioner as commissioner Fish. He will look into it. I will tell you to repeat some of what he said, you guys need to work on your delivery a little bit. There are problems, tell us what the problems are. Give us a chance to fix them and then judge us by those standards but not by impugning those who are working to try and help you and certainly look at the bigger picture at central city concern, which continues to be the mother teresa of Portland service agencies and I would argue in the united states there is no other social service agency that serves the population they do as -- social service agency. Heroin addicts. Criminals, mentally ill, or a combination, you're going to have problems and you need to put that in perspective. We need to hear you and fix them but this was not the appropriate way to do it.

**Fritz:** A couple weeks ago, nick Fish received a housing award from the alliance of tenants and I have complete confidence that he will take care of these issues and he's absolutely the right person to lead the housing bureau.

**Fish:** Thank you, I was thinking going to the mayor and asking him to transfer housing to you. [laughter] I appreciate the confidence you have. And again, I would say that no one on -- there's no one on this council that doesn't cherish our first amendment rights but it doesn't give us a license to engage in irresponsible and reckless speech. We're seeing that unfold in the healthcare debate and I understand in an organizing drive, as a former organizer, that heated rhetoric often gets attention and serves a purpose, but if the concern is truly with tenants and the people who live in our buildings, I think there's a better way to go about it. I appreciate the comments of my colleagues.

**Adams:** Just to leave no uncertainty, i'm enthusiastically supportive of commissioner Fish remaining as housing commissioner. The comments, concerns, will be followed up, but i'm making absolutely no changes. We're at the consent agenda. Does anyone wish to pull any items from the consent agenda? I've got two -- 231 will be -- no, that's on the regular agenda. All right. Anyone wish who pull any items from the consent agenda? All right. Karla, please call the roll on the consent agenda.

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

**Fritz:** I was planning to make this comment before but it's even more pertinent. Two of the items on the consent agenda bring nearly \$7 million in federal stimulus money for housing provision and I commend commissioner Fish for making sure that that money is coming to Portland. Aye.

**Fish:** Thank you, commissioner Fritz. Aye.

**Adams:** Aye. [gavel pounded] consent agenda's approved. Karla, would you please read the title for the 9:30 time certain. Item no. 1209.

**Item 1209.**

**Adams:** Mr. Rust, welcome. Ms. Sims, welcome and mr. Higgins, glad you're here.

**Ken Rust, Chief Administrative Officer, Office of Management and Finance:** Good morning, for the record, i'm ken rust, director of the office of management and finance. Joining me today or jennifer sims, the city's cfo and the project response for the enterprise business solution and bruce from sap consulting. The purpose of the resolution before you is to formally recognize and acknowledge the hard work and effort that the projects consultants and the city bureaus have provided over the past five years in bringing the new sap system to fruition. While it's taken longer than plan and cost more than estimated. That does not diminish the accomplishment. We have a modern integrated system to handle the city's financial, human resource and business needs and replaces the previous system that was long in the tooth and in jeopardy of being abandoned by the vendor at any time. Eliminating this business risk was a key priority of mine. While we have finished the implementation phase, we have much to do, including new functionality and learning how to wring efficiencies out of the system, in order to improve business processes and better

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service customers and reduce costs. However, being in the mainstream of technology, by a product that's used by thousands around the world, both public and private, gives us confidence we can learn, grow and adapt with it over time and we plan to be running sap for a long time. Over the course of this project, you, the city council, have been strong supporters of the effort to modernize the city's financial system. I appreciate your support over this long effort and I particularly appreciate the hard work, dedication and commitment of all of those who have helped make this project a success. Many of whom are here to share in this recognition. I would like to ask jennifer to provide a report on the highlights of the project and what we have accomplished.

**Jennifer Sims:** Thank you, ken. I'd like to take a few minutes to recount some of the history of the ebs project. I will quickly review what is in place now, how things are different and what lies ahead. The council officially authorized the project in 2004, followed by a rigorous software and consultant selection process. The project kickoff was in december of 2006, with two phases. Phase one, called finance and logistics went live on november 26, 2008. This included most financial functions such as accounts payable, receivable, purchasing and contracts and more. On june 18th, this year, the city completed phase 2 in implementing the sap enterprise software system and allowed us to retire the 18-year-old mainframe system. Consultants and city staff, many loaned by bureaus, worked together in teams to do the configuration, testing, training and other work. Project staffing peaked at 135 when both phases were in progress. Today we have in place a system that provides a wide range of benefits and efficiencies that we're realizing each day. For example, purchases and contracts are electronically requested, approved, routed and tracked, saving time and paper. Financial information is available in real time for better management decision making. Use of social security numbers is replaced with employee record numbers to help prevent identity theft. Configuration ensures consistent interpretation and compliance with bargaining contracts. We have 1800 city employees trained, we're running over 22 -- we're paying out almost 9,000 paychecks every two weeks on this system. Issued over 22,000 purchase orders since the system was live. We've issued almost 104,000 invoices and 34,000 checks -- invoices and 34,000 checks. Our efforts and results have been recognized with two awards. The city received a computer world laureate honors award and a governor's financing officer's award for excellence in finance, honorable mention, and those awards are before you right here on the dais. So where are we going now? We are currently in a critical stabilization mode for phase 2. This period requires intensive support for users and the system. Stabilization will take several months to achieve. We're working through the first fiscal year and closing process. And a similar first will occur next year with w2 and 1099 processing and we have consulting services planned and budgeted to aid us with these complex tasks. The ebs project staff and consultants have been transitioning to the support structure. The support plan calls for 30 ft, including functional, technical, communication, change management and training staff. Most of the positions have already been filled primarily by members of the project team. This team works in a new division of omt, reporting to the chief administrative officer. A new classification will be created for this division manager and you'll see a filing for this next month. The project while in process was governed by two committees. The executive steering commit and a project advisory committee. Both of these committees were critical to the project's successful going forward, they're being retained to help set work priorities and make recommendation to council on new functionality and budget-related matters. The executive steering committee will recommend operating principles to guide the use of this system and these are also planned for council consideration next month. In closing, I would like to personally thank the council for your unwavering support throughout this difficult project. Your support and leadership has brought us together as one city-wide team. I'd like to introduce bruce higgins, senior vice president from sap consulting.

**Bruce Higgins:** Thank you, jennifer. Mr. Mayor, members of city council, good morning and thanks for the chance to spend just a few moments with you. I have three purposes this morning.

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One, to thank you. Two, to congratulate you, and three, to look ahead just a little bit. First, to thank you. We came together to build a partnership, to indeed deliver and provide to the citizens of the city of Portland, the opportunity to improve its business operations and to do better from a business operations perspective. The partnership that we built together indeed accomplished and delivered on that promise. And as the sap executive sponsor for this program, I want to thank each of you for having the confidence in us, as sap, to partner with your team to indeed accomplish this activity. Second, to congratulate you. The activities of this project team, both the consultants and the city workers, was much more than just a technology implementation project. It was indeed focused always on the business results that were intended to be obtained and keeping those results at the forefront has enabled the project to reach its implementation date and further, to be recognized, as Jennifer commented in her remarks, globally, both by computer world and the governor's finance officers association. Just a footnote on the computer world acknowledge. There were in 209100 laureates globally and the city of Portland -- in 2009, there were 100 laureates and the city of Portland was one of those 100. I would not be prouder nor more earnestly congratulate each of you. Finally, to look ahead. As I commented, the business objectives of this project were the guiding principles, the come pass through the history of the project. You, the city, has a single integrated human resources, payroll and logistics system to drive the business operations of the city, but indeed, to do the business of the city even better. I and sap are delighted, pleased, thankful to have been a part of this project and look forward enthusiastically as the citizens of the city reap the benefits of what we've built together. Thank you very much.

**Adams:** Thank you all very much. Karla, anyone signed up to testify?

**Moore-Love:** No one signed up.

**Adams:** Anyone wish to testify on this matter.

**Saltzman:** Going to introduce the team.

**Adams:** Everyone associated with the team, could you please stand up. Wow: [applause] thank you all very much. Karla, please call the roll.

**Saltzman:** Well, I want to thank you r thank all the team for giving us a modern business operations system, and I particularly want to thank ken rust for having the vision to set this in motion. And tim grew, before that, who started the wheels rolling but ken inherited it and made it happen and I want to single out Jennifer Sims who ate, lived and breathed -- and probably still is -- but certainly the last two years, and it takes someone like that to bring this complicated changeover to fruition. And I think we have something that -- I know there's a lot of people in the bureaus, my office, included, who still groan about sap. And I now these are learning stages, and Mr. Higgins has seen in other projects, but the benefits are there for the long term and will make the city operate more efficiently, with less paper -- more electronics and less paper in an up-to-date system. I'm pleased to vote aye.

**Leonard:** I think it was just commissioner Saltzman and I on the council when tim grew first initiated it project and ken would be quick to tell you, it wasn't his idea. He inherited it and not in the greatest state. I've been trying to think here for folks at home, why they should get excited about this, because I fear for the folks at home, as they saw this on the agenda, trying to plan their morning, there's a lot of folks who watch us at home. This would be a good time to start laundry and water the outside plants and make sure the dog is fed hopefully, by the time i'm done, they'll be done with that and on to something I actually understand. Let me have folks at home and maybe even here better appreciate through an analogy what this means. If you go in to buy a brand new car, generally you don't meet the engineer of that automobile. You meet a salesman and he points out the sunroof and the tachometer and the great stereo system and asks you 0 to go for a ride down the freeway. It accelerates nice. You might ask how many miles per gallon. He tells you 22. Wow, for a Cadillac, that's good. You get that. Now, if a car salesman were really doing their job, they'd say if you're interested, we have a requirement you sit down and talk to someone who

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explains the more important features of this vehicle that you like so much you want to buy. When you put fuel in this vehicle, you put it in back here and it goes threw a fuel line and enters the engine and we have a computerized system that decides exactly how much fuel to dispense in the fuel injection system into each cylinder to maximize your mileage and power. And when that is done, it comes out the other end through a sophisticated exhaust system so you have zero pollution and what these folks have done is design that. What the city enjoys is a well-run machine. We need to appreciate these are the architects and the engineers and folks behind the scenes that get it done. They're not the glitzy salesmen. They make us look good by designing systems like this so it looks like we're better than what we are. A car salesman can be proud and show off the result of a lot of other people's hard work that nobody understands and recognizes. I'm so happy, having been here from day one and seeing both jennifer and -- and ken struggle to not only make this work right, but sometimes come in and say, we've got this part wrong, randy and we need to take a left. Are you with us? That's music to my ears to have someone acknowledge there's a problem and not gloss over it. And come back later, and say, we need to go a little bit to the right. Music to my ears. Proud to support you and proud of the product and there's no way I can describe for other people what it is you have accomplished. All they do is enjoy the sunroof and nice stereo. They don't get why it's that way. Do I and aye.

**Fritz:** Wouldn't it be wonder if the headlines in the paper talked about the city of Portland computer system, global award, one of the hundred's best. We remember other previous headlines that talked about a computer system that didn't work. And yet this is a wonderful thing. You worked hard and chose to delay implementation when you weren't sure it wasn't going to work and that cost more, but then we made sure it worked and I know you've worked extremely hard and most of this room is folks who worked extremely hard on this project and I feel -- i'm with my colleagues and i'm grateful that there are people who understand this system and it's going to be easier for the city of Portland to find out what's in the city budget and what things are spent on and that's a huge value to the citizens of Portland. And I want to thank the folks in the bureaus who have been working through the kinks who have understood this is something we need to do. We're submitted to doing. It's for the long haul. It's a long-term investment. A short-term problem, each of the staff in the bureaus are working on tirelessly. It's extremely tiring, but you kept going anyway and I really appreciate it. Aye.

**Fish:** First, I want it say, randy, i'm ready to buy that car. Can I get 4500 for my clunker though? [laughter] thank you. I guess I would -- I think i'm the resident luddite here and what saves me, I have a 16-year-old daughter who is a computer whiz and she can do things on her laptop that I don't think apple has figured out and i've mastered the art of responding to emails. When I get regular briefings from you, general jennifer and ken, it felt like you were speaking in a foreign language but over time, I got the drift and as you showed me progress and the benchmarks and goals and kept hitting your mark, I came to realize we were in good hands. I didn't relish those meetings because there was a lot that went over my heads but I appreciate the fact that you kept me posted and you hit your mark. If you look in the dictionary, the definition of thankless work, this project would qualify. I used to think the mayor had the hard every job, I increasingly think, ken, you might have a rival. I want to join my colleagues in thanking for you for the professionalism and the hard work. Of course, to people watching, we've come to expect that from everything you're involved with but this particular project was fraught with peril and these things make great headlines, if you don't get it right but there's a sigh of relief when do you get it right. As someone mentioned, there's still bugs to be ironed out in any system like this. But I appreciate the fact that you've been a voice of caution about -- and in terms of some of the work we're doing, creating new bureaus and going a little slower on the i.t. stuff and we're going to follow your lead on that. Thanks for a job well done. Aye.

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**Adams:** I want to thank you for your work and I want to thank the bureau folks as well who have been at the front lines of this project. I want to underscore my thanks for the citizen experts we've brought in to provide us with a fifth opinion, I think. Fourth or fifth opinion on this project. And associate myself with the comments made by the -- my colleagues and let it serve as inspiration to make sap the tool that it has the potential to be in terms of improving or effectiveness, efficiency and accountability. And it's good to get this phase of the project done and we have a lot more work to do. Let's come back in 18 months and get the award for the best implementation protocols and efficiency improvements of any customer of sap. So with that, I vote aye. [gavel pounded] thank you. I want to take chair's prerogative and ask that we read council calendar item emergency ordinance 1225. As our next item.

**Item 1225.**

**Adams:** Commissioner Fritz.

**Fritz:** I need to declare a potential conflict of interest in that my son is now gainfully provided -- i'm happy about this, gainfully provided in the step-up program with open meadows as a tutor and since this program is going to free up money that the schools are spending on bus passes, there's a potential he might get more hours of work, but that's not certain and i'm told by the city attorney it's ok to declare this potential conflict of interest and continue to participate.

**Adams:** Thank you, commissioner Fritz. I'm enthusiastic to bring this ordinance to council. It is an ordinance that fundamentally will provide fairer and more complete mobility to Portland's high school students. Most Portlanders do not realize Portland public school district no. 1 has not been able to afford a yellow bus service for high school students for many, many years. At least 25 years. At least 25 years. So this is our initial rollout and one of -- in one of seven districts within the county. Other districts in the county are able to provide some yellow school bus service for students. Although our goal is to implement this county wide, we're starting with this first effort in Portland public school district no. 1. It builds on a pilot that I worked with mayor tom potter on, nate from his office was the key staff person on that. I want to acknowledge early efforts on in the project. I want to acknowledge, at the outset, that this was this was the number one priority for the Multnomah youth commission. They recognized that to be a successful high school student, and to have the kind of learning experiences, to have the kind of quality of life that all high school students should have access to, that providing equity and mobility and access, transportation, was a deficit that needed to be addressed. So we'll hear from the Multnomah youth commission but I wanted to recognize them upfront as well. This definitely supports our sustainability goals in terms of reducing our carbon footprint. While also building a new generation of transit users by reducing the barrier of cost to high school transit users. This is like almost everything, your city council does, a partnership. In addition to the organizations and individuals i've already mentioned, this is also a key partnership with tri-met and Portland public school district no. 1. We also have fast-tracked this because it is a quiet, maybe not -- not at the surface easily recognized important piece to improving high schools. To reforming high schools. Giving students the ability, not only to choose a high school a distance from where they live, but also is emerging the concept at Portland public schools the notion to allow high school students during the course of the week to have access to instructions and programs outside their home high school across the city. Again, this partnership came together because this helps make that kind of high school reform happen. And as most everyone I hope knows, one of my top priorities is to reduce the 43% high school dropout rate and giving high school students choices and making sure that the instruction and the academic program is engaging and -- and successful requires that we give them options for moving around the community. So we've got -- i'd like to welcome to the podium reece lord from my office. Part of my education team. Carolyn young from tri-met and jenny from Portland public schools. And thank you very much for working on this. It is -- it's not been easy. But it has been very rewarding to get to this point. Mr. Lord.

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**Reese Lord II, Mayor Adams' Office:** Thank you, mayor Adams, commissioners i'm reece lord, a member of the mayor's education team and helped staff the Multnomah youth commission and thank you for the opportunity to bring this item before council today. There will be a number of folks who will testify as to the benefits and why council should unanimously approve this measure. I want to provide a brief overview to start out with. As you may recall, this is the third time youth pass has come before council and your support has allowed this to grow from an idea spearheaded by the youth commission to a reality at franklin, jefferson and roosevelt. The intergovernmental agreement before you builds and will expand to 13,000 Portland public schools students -- high school students. It leverages pps transportation funding and the state business energy tax credit to cover the full cost. No city funds will be used to pay for the operation of the program this year. As the agreement details, the city does guarantee the tax credit of up to \$2.5 million. But as a compare for, the city -- sells 3.5 to 5 tax credits to support its transportation options and sustainability projects and we continue to get confirmation from the department of energy staff that demand to buy credits continues to exceed the supply available. While the current agreement covers pps students, the goal is to expand to all middle and high school students throughout the county. As you're aware, Portland public schools does not offer yellow school business service to high school students. This, along with the extensive tri-met service within the district made pps a logical point to initiate the project. I want to thank the Multnomah youth commission and tri-met and Portland public schools for their efforts on this and ask for your support and barring any pressing questions, i'd like to introduce my partners here at the table. So to start off with, from tri-met, we have the executive director of technology and communications, carolyn young.

**Carolyn Young, TriMet:** Thank you very much. Mr. Mayor and commissioners shall happy to be here today. My name is carolyn young, executive director of communications and technology with tri-met. As mayor Adams mentioned, this has been a process we've been working on for well over a year, figuring out the details of the tax credit program and how we can take advantage of that to provide transportation to students. And mayor Adams, did -- say that over 25 years, it's actually been 30 years since the Portland public schools district received an exemption to provide yellow bus receives for high school students and the thinking at the time, yellow bus service wasn't needed because tri-met had good service to the schools and students could take thankful the problem with that thinking, it transferred the cost providing transportation to schools from the state to the parents and to tri-met. And because tri-met only receives a fraction of its operating costs from the fare box, tri-met is a major contributor to providing transportation to students. With this program, we're able to remove that burden. And the program combines access to transportation connections throughout the city with the funding sources to make the transit passes available at no charge to the high school students. Tri-met's role is to provide high-quality public transportation service to those high schools in Portland public schools district. Every weekday, we put out extra service at the time that classes dismiss at most of the high schools to carry the high volume of student that's ride our service. And without the access to this high-quality transportation, and the ability to pay for the ticket, students in essence, are excluded from many social activities and it's difficult to pay to go to school. They can't participate in after-school programs, can't get to jobs and recreation and they don't have the social interaction they can have by having high-quality transportation. We have a terrific partnership with the city, with the mayor's office, the school district, and with the Multnomah county youth commission. We very much appreciate the role that the youth commission has played in reaching out to students in high school, with our respect, the hide campaign message, to ask students to be courteous when riding public transportation. One of the concerns about expanding the program but i'm happy to report we did not have an increase in complaints about student behavior in the first part that have pilot program. So very much appreciate mayor Adams' leadership on this. Tri-met has many programs that provide passes to

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government agencies, to private businesses, through our pass sale -- past sales program. But there's no program that's more important that gets passes into the hands of students.

**Adams:** I want to reiterate, it seems simple to do. In actuality with all of the state and federal regulatory strings attached to money, in addition to the city requirements, it's been incredibly complex and I want to underscore my thanks to you and the tri-met board and fred and your leadership on helping to make this happen.

**Young:** Thank you.

**Jenni Villano, Portland Public Schools:** Good morning, i'm jenny the regional director of district wide options in Portland public schools and I have to say i'm ecstatic to be here this morning to talk with you on behalf the students and families of Portland public schools. As you know, access to learning opportunities has been a challenge for many families in Portland over the years one year ago, thanks to the efforts of former mayor tom potter and the Multnomah youth commission, you approved the tri-met passes for students in two of our high schools to begin with. Jefferson and franklin. With the hope of eventually providing the same opportunity for transportation to all of Portland students. Today, that dream moves closer to a reality thanks to the continued collaboration and partnership of tri-met, the mayor's office, Portland schools foundation and Portland public schools. For many of our students, transportation barriers have limited access to educational opportunities and extracurricular opportunities and employment and a general awareness of their city. In today's economic climate, the cost of a tri-met pass is simply out of reach for many families. The youth pass program allows everyone equal opportunities to take advantage of all that Portland has to offer its youth. While the youth pass program benefits all Portland public schools students, it has very special significance to our students who are in our education options schools and programs. Close to 3500 students in our alternative and charter schools travel from all over the city to attend schools that meet their unique needs. And too often, transportation issues have caused our most vulnerable from preventing them this reengaging after they've dropped out. Yesterday I had the pleasure of informing our education options leaders of this opportunity. The responses were overwhelming. One principal phoned me in tears and told me just yesterday morning, prior to hearing the news, she was leading a tour of the school and someone in the tour asked her, what keeps you up at night? Her response, unknowing this was coming, was, "getting my students to school." you have no idea of the profound positive impact your actions today will have on the youth of Portland. As pps moves forward with our high school redesign, the youth pass will provide the flexibility for students to access the portfolio of options that best fits their education needs. Finally, I want to publicly thank the who worked tirelessly to provide the transportation for our high school students. We really appreciate the efforts of phil weber and andy of transportation, nate, who was with the mayor's office and now with Portland public schools foundation and reece lord of the mayor's office who worked intensively on students' behave to achieve this outcome. Tri-met leadership clearly valued, as you heard, the need to ensure our students benefit from this program. And i'd like to also thank you, especially, mayor Adams, and to our city council, for your continued efforts to support the youth of Portland. It's our hope this opportunity continues for the years to come and expanding to all students in the city of Portland. Thank you.

**Adams:** Thank you all very much. Appreciate it.

**Lord:** We'd like to call a couple of the members of the Multnomah youth commission to give their perspective and follow with brief comments by andy from open meadows. Sean and lewis. Louis. Andrew, if you can come up too.

**Adams:** Welcome to city council. Glad you're here. All you have to do is give us your first and last name and maybe tell us which school you're from and looking forward to hearing what you have to say. Would you like to go first?

**Shawn Hadley:** I'm sawn, a leadership and entrepreneurship public school. A youth liaison.

**Adams:** Glad you're here.

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**Lewis Wheatley:** I'm Lewis, a senior at Lincoln and new on the Multnomah youth commission in year.

**Adams:** Great, you seem kind of old for a high school. [laughter]

**Andrew Mason:** Andrew, executive director, Open Meadow.

**Adams:** What would you like us to know about this.

**Hadley:** I would first like to thank you for your involvement and the student pass program in the past. So far, our school leadership entrepreneurship school has 250 students and getting the finances for school can be hard and it's important for the people to get to school. Transportation cost, for cars and gas, that's expensive after a while and well, biking doesn't work with our current system. So when they need to get to school, they take Tri-Met and it works most of the time. But for instance, our school was unable to do this -- the 19 and 20 bus were booted six block as way to Sandy Boulevard and our school is on Burnside and that little bit of walking was enough to convince I'd say about a fifth of the students in my classes to not go to school. We lost that many just from laziness. How many are we going to lose through finances and how many how much are we -- how many are we going to gain by giving them this transportation for free. They can be at school, regularly, daily, we can increase the population in our schools by 10 fold. Like I said, I'd like to thank for what you've been doing so far.

**Adams:** Thank you very much.

**Wheatley:** The original purpose of the bus and energy tax credit was to achieve environmental sustainability in Portland and the youth pass program is going to help achieve that goal. This morning, I helped out at Lincoln's registration for seniors and many do drive to school and however, some of the problems that our upper classmen face are no access to public transportation because much of the district is not serviced by Tri-Met. And also parking is very expensive in the Lincoln area. And as well as the typical costs of driving, such as insurance and gas money. By installing the youth pass, a lot of upper classmen, what I've heard from my peers, their response I and like to start using public transportation because after all, it's hard to reject something that's free. A lot of other students are going to be -- start using public transportation even if they've never used it before and we're creating a new generation of public transit users and getting a lot of cars off the road and makes economic sense, helps us go green and finally, I would like to share with you some of the materials we've been passing out at registration, respect the ride Tri-Met bookmarks and the school i.d.s which have a public transit pass sticker.

**Adams:** Can we see those? You can give them to Karla.

**Fritz:** I have a comment because I want the youth commission and the students to inform the rest the students it's not free. It's tax-subsidized and the reason is so that you get a good education and you can come back and pay lots of taxes. [laughter] make sure you use it wisely --

**Leonard:** Now, you're getting there.

**Fritz:** And taxes provides services and we're happy to provide this service.

**Mason:** And to that, I would like to first of all, resist my impulse to gush and that's going to take a lot of work. My hope is to provide a little bit of the on-the-ground program impact and I appreciate the courage, the gamble that you all are undertaking in terms of moving forward with what this means for the city in terms of finding someone to support the tax credit. On the ground, Jenny described 3500 students in the alternative programs, of 14,000 in our city. That's a significant chunk. At Open Meadow, 80% of the students who attend are in poverty. Students in poverty. So what does that mean in order to pay for transportation to come? We are able to scarp together bus passes to support 5% of our students in order to attend. We scrapped through a variety of means to make that happen. There's 75% of the students in poverty we're not able to meet. Until this -- this measure. So I -- the profound -- the impact is profound. What does that mean? Portland public already reaches out to the alternative providers and allows us to have student participate in after-school programs, football and baseball and other things, but they have to be able to get there. That

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will now be possible for the other 75%. So students can come to school and also participate in enrichment activities by decides who felt they were pushed out and yet Portland public reached out to them they have the ability to make. It's a line item of \$46,000 that we now get to use to provide directly for materials and other things too. And that's -- we're a fraction of the some 16-odd providers partnering with Portland public schools. You can multiply what that looks like across the board and what we're able to do with the money, we're table able to do enrichment during the academic day. I thank you. It has a very substantial material impact and enrichment nor our students and sends a strong message to students who felt pushed out that they belong and first-class citizens and deserve the options available to everybody else. I thank you for your support ton this.

**Adams:** Well said. Great testimony. Thank you very much. Karla, anyone signed up?

**Moore-Love:** One person. Ronald peterson.

**Adams:** Mr. Peterson. Welcome back to the city council.

**Peterson:** Thank you very much, mayor Adams. I'm apologizing because I missed part of it but given the current scenario with tri-met and the contract they sign for their diesel allotment when the gas was really high and this proposal in order to help the students make it back and forth to school with the free pass, I have to give you just wonderful accolades. This is a beautiful plan. I have sent an email off to governor kulongoski requesting that he helps with some of the funding for tri-met. After they started doing the tri-met cuts. I remember when they were trying to take off the 7 to 7 on the fareless square and I believe received a copy for the what I proposed for the survey. I can send that to amanda and have her forward that to you. It's wonderful. I've a son in high school and he need that's. From my financial position, this is like a dream come true. This is excellent. How can anyone turn it down?

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

**Peterson:** You're very welcome.

**Adams:** Karla, please call the roll.

**Saltzman:** I want to thanks our Multnomah youth commission for originating this idea. Great job. For mayor Adams for bringing it forward to us with the school district on a pilot basis and I think it's great we're going to bring it to all pps high schools but we need to take in mind the other school districts too as our next phase to make sure every high school student can get to school or after-school activities or to the libraries. Without undue cost to them or their families. So this is a great idea and it's really ingenious way to take use of the business energy tax credit designed to promote sustainable and green technologies. Thanks, mayor Adams. Aye.

**Leonard:** Well, we need to be very clear why this is in front of us today. It is in front of us because of the dogged pursuit of sam Adams that this happened. And I was in meetings just tangentially listening to his discussions with others who were pushing back on him very hard and in spite of his congenial relaxed appearing nature here at council, when sam gets something on his mind, it's easier to say yes. Than it is to figure out why you can't do it. And one of the things I appreciate about sam is -- and a lot of people don't realize -- his experiences in growing up were almost exactly like mine.

Without getting into a lot of detail, they led to both of us at the age of 16 moving out of our homes and renting apartments and getting jobs and finishing high schools because we felt it was safer to do that than it was to stay where we were. Now, there's one obvious difference sam and I have at this point in our lives that I might disclose. Somehow he's managed to keep all of his hair and I have not. [laughter]

**Adams:** Try not to be bitter about it.

**Leonard:** And I have a little bitterness. It's the one thing that divides us from being closer as friends. But in spite of that, in spite of that -- and it's a hurtful difference, I want to point out. Every time I look at him I get more resentful. In spite of that difference, I just think -- I think publicly sam, you should be acknowledged for being a person who has driven yours in public life --

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and i've known you, sat next to you or been close to you in one way or the other in your entire public life and you're driven by the personal experiences you've had throughout your life to make sure that others don't suffer the way you did. And this is an example of that. And people should know that. Aye.

**Fritz:** I was a parent in Portland public schools for 17 years and all that time it troubled me that kids had to pay to get to high school. One way or another. Unless they happened to be fortunate to live close enough to walk. Either the parents drive or they do or they take tri-met and i'm delighted with this program and want to pay homage. Even before the Multnomah youth commission started the conversation. Despite my enthusiasm, I had my staff look into the details to find out if this is a good deal for the taxpayers of Portland. And it is, using energy credits that we've been able to always been able to sell.

**Adams:** I was like -- woo: [laughter] [inaudible]

**Fritz:** \$2.55 million, which the details say the city may be on the hook for. But i'm confident we won't be. It's a way to pay for the students. Why would we not do a means test. Why not save money to allow families to opt out. You can still opt out but then I thought every child deserves a quality public education in Portland public schools. You should be able to get to school without paying. And I noticed again, the headline today was about how Oregon sat scores have fallen. When you read the article, it says we're still fourth best in the nation and Portland public schools had like a 20-point rise in the sat scores. Portlanders should know that our schools are still the finest in the nation even though the cuts of measure five and we should be proud and my oldest son, 23, just graduated from lewis & clark teaching program, my kids are more involved in city government since I got involved, but I don't think they go directly to the city council agenda on friday afternoons to check what's coming up. But yesterday, he came home and said, mom, there's a great program that they're going to give passes to the kids at school. \$20,000 more money at the tutoring program at marshal, the step-up program. It's a function of open meadows and provides qualified students to tutor kids after school. So they get that start in high school to -- kids after school. And so just at that one program at marshal, \$20,000 more to pull into student services. So it's another example of how sam Adams as mayor is an education mayor who cares about education and thinks about how to make the dollars stretch forward in innovative ways and i'm extremely excited about it. And I appreciate the collaboration with Portland public schools and tri-met and the -- the partnership with the youth commission in helping kids understand you need to behave on the bus and stand up for little old lady like me who?

**Leonard:** If you're a little old lady, what does that make me. Seven years your senior.

**Fritz:** A bald head -- [laughter] [inaudible] I can teach you to glare.

**Adams:** She got you there, randy.

**Leonard:** Again.

**Fritz:** Even though the east Portland school districts are still providing yellow bus service we want to help those districts as well and help students in every corner of our city succeed as we know you can with the right support. Aye.

**Fish:** Before we got started I had a chance to introduce emma brown. Would you stand. She's a rising junior at cleveland. A very good student. Studying spanish and mandarin chinese, I believe and does dragon boating and an ice skater which means she's up early to skate at the lloyd skating rink and a wonderful young woman. I was visiting her the other day at her home and her parents were saying how independent she is and how she rides the bus everywhere. And she's an example of someone who will benefit from interest program. Why does that matter? Because I have two kids going to public school this fall. One is packing up your laptop and will be a rising junior and the other one packing up his crayons and will be entering kindergarten.

**Leonard:** Don't be sure he won't have a computer. [laughter]

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**Fish:** And i've been struck by some correspondence i've gotten from my daughter's school. Portland public schools high school. And email we got the other day saying because she's active in sport, the fees are as follows. And for soccer, 250, but if she does more than one sport, the fee structure goes up to \$750. And that's on top of all the costs that we incur for making sure she has the clothing, the books and supplies and the other things, and i'll tell you something else that's interesting. My daughter is 16 and recently got her driver's license. Which is why i've been a nervous wreck for the last few months. Not because of her driving, because she's on the road with other people. [laughter] I have confidence in her driving and I won't say she's a back seat driver, but I do get lectured regularly. But parents who've gone through this, the rude awakening of her getting her license, learning from our insurance company it would cost \$2,000 to put her on the insurance. And that's in you go through driver's ed in bringing the cost down. If you think about working class families, even middle class families and add it up, the cost structure of sending your kid even to public school can be quite prohibitive for families. That's what I love about this and the fact it will encourage people like my daughter to take the bus more regularly and have that opportunity. So mayor, thank you for your leadership on this. You were the difference maker. Thanks to Multnomah youth commission and my former commissioner, chanel monk. And I look forward to extend to to other school districts within Portland. Aye.

**Adams:** I want to thank my colleagues on the city council for their kind words for my efforts on this, but this is an education city council, this is a city council, whether it's -- you know, work through the financial support for the youth commission, the internships and investments we've made in youth corps. Ninth grade counts. This is a city council, a group effort here at city government to do everything we can within our mission to make sure our youth are academically successful in public schools and also again, a partnership with our school districts and really appreciate the operations team and Portland public schools team for the innovation and the cash you brought to the table authorize this effort. \$800,000. I want to thank carolyn young and fred and the board and everyone at tri-met for their willingness to be creative. The youth commission, just a fantastic organization that continues to advise us in ways to make this city a better city for all Portlanders and especially youth and lastly, although I get to sit up here, there's a village of really smart people behind me in my office and elsewhere and I want to acknowledge my great education team. You've met reece lord the point person on this. And jane a.m.i.s and colleen for their great work on education. Really appreciate it. Aye. [gavel pounded] approved. We'll go to time certain, council calendar item 1210. If you could please read the title.

**Item 1210.**

**Adams:** Hi. Welcome back. Glad you're here.

**Maryhelen Kincaid:** That's a good thing, right?

**Adams:** It is a good thing. I'll be unfortunately stepping out early, but as soon as --

**Kincaid:** We'll be quick.

**Adams:** Commissioner Fritz will as president of the council be taking over in my absence, I wanted to tell you upfront before I left, I know how hard of work this is and how contentious it is and how thankless it can feel but I want you to know how much I appreciate having been the liaison for this effort, how much I appreciate you sticking with it. And having those difficult conversations and trying to facility progress, continuous progress. I want you to know how much I appreciate that.

**Kincaid:** Thank you.

**Adams:** Would you like --

**Kincaid:** Sure, i'll get started. I'm mary helen kincaid, the chairperson person of the citizen noise advisory committee. I reside in the -- I want to thank the mayor and commissioners for taking the time to listen to us today. This is a first time event and we fit into the scheme of things of what we've heard today about building partnerships and doing things that have never happened before. Cnac's been around -- 1984, 1985 and cnac formed in 1988 and never -- 1988. We're one to hold

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true on our jurisdictional reports, be it of course, clackamas county, Washington county and the Portland city council. We have that open relationship. And we're solving problems. Going out to communities and what we're going to do today, first, we'd like to introduce a couple of key people. Kelly sweeney is a cnac member. Beverly was going to be here but couldn't and notified us koto kishida is another member but is home preparing for a trip to japan. Those are your representatives. And we partnered with the port of Portland and built a collaborative relationship with them. Several port of Portland people are in the audience i'd like to recognize. Chris, who is the manager and long range planning, the government relations manager who sets these things up and jason schwartz, who is the noise abatement manager, instrumental in helps us get involved in the community and bringing our port and community involvement together. What we're going to do today is show you a brief snippet of what we take to neighborhoods the one of cnac's missions was to provide outreach to citizens. We weren't doing a good job of it so we appointed an outreach education committee. Kelly chairs that. And started going out to neighborhoods and you'll see fantastic numbers of people we've visited and neighborhoods in a year's time. You all know we started communicating with you. I would bet some of you didn't know what cnac was a year or two ago. I think it's fair to say you know who we are and how to find us now. I think that's true of our state elected officials and our u.s. State representatives, they know who we are. We've made that contact and that didn't happen before and I think it's a good thing because it opens a dialogue and helps us solve problems for citizens. So kelly is going to go through and do a condensed version of what we do in neighborhoods and we have a couple of special slides for all of you and if there's questions, i'd be glad to entertain them. I'm going to turn it over to kelly.

**Kelley Sweeney:** The first slide I would like you to look at. Again, my name is kelly sweeney, thanks for allowing us to come in and talk. This is a snippet what of I hear when I go to neighborhood association meetings. What's cnac? Everybody thinks it's the duck on the commercial. [laughter] why do the airplanes fly over our houses? What are the f15s doing to me today? Our goal is to answer these questions and concerns. The committee is -- as mary helen explained, formed in 1988. We're the citizens' representatives and here to ask the tough questions and address the impacts on neighborhoods and the airplanes flying over our houses seemed to impact us at one time or another. The education and raise the awareness, i've been to 32 neighborhoods since then and get into the numbers in a second. That's why the committee exists and our goal and our charge, it is a public meeting. We invite all of you to come the second thursday of every movement next month, I believe it's the 10th of september. Thank you. Published meeting minutes, as any public entities, review reports and a lot of data. I can't impress the amount of work that jason schwartz and his noise abatement group at pdx do. And one of our main -- it re-enhances going out to the community. That's basically what we're here to do. And again, all appointed from jurisdictions and neighborhoods around the city. Who makes up the group? As you can see from the city of Portland, the tricounty area, our friends in gresham, troutdale and wood village and our friends across the river, are impacted by the number of airplanes as well as anyone on this side of the columbia and there's four at-large nominees from the port itself. Not only handles the jurisdiction for the Portland metropolitan, the port brings in four representatives and some of the names may be familiar to you guys. This is why I do what I do. This is why mary helen gets the tough phone calls. Anyone on the council have an airplane fly over their house? This is just smaller cargo guys. 683 of those that fly over your house once a month and the number of complaints compared to the number of aircraft is small in comparison but there are a large number. These are departures out of pdx. The red arrow, we have a neighbor that lives north of powell butte said I think there's an increase number of airplanes. By george, there's airplanes flying over his house. This is a snippet of the types of data that the port can pull down to the city block, or google maps, down to your household. There are also some fabulous tools that I'll get to in just a second that the port provides that you and I as were sitting in council meetings with our

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pc's could go peruse those if you chose to. You can put in a time and date and see which airplanes flew over your house at that particular time. So there's a lot of data, it's part of the customer service attitude that I, we the port brings to the complaint and information flow that customers within our community are trying to ask for. Some of the things that we've been doing are visiting about 25 neighborhoods in Portland and approaching almost 650 residents. 6 in Vancouver, 7 as I head over there this afternoon, 250 people. We started with the most noisy places first which makes sense. Let's go to the where the most complaints are coming from and we'll address those people first and try and find out what's going on and make some adjustments. Then neighborhoods that you don't think in outer southeast, along the ridge in west Portland is all of sudden lighting up because of the traffic pattern change from the north runway being closed, it changes where planes fly a little bit. The number of communications has increased, so I will head to council crest and to northwest Portland. I'm sure you saw -- an ad in the "oregonian" and "tribune" about this. 1:00 and 9:00, you can anticipate the f 15s departing the Portland airport. One of the things the port does really well in terms of helping us do the community outreach is what we call noise 101, general information about aircraft noises. And then who to call? We have many customers that didn't would not talk to the port, didn't trust them, wanted to talk to the citizens' side of the fence, and that's where we got involved. It gives another option for citizens to get ahold of those that have an interest in or at least understand what's going on with the noise from the Portland airport. An example from three of the neighborhoods that are really closely impacted and close in proximity from the airport, cully, hayden island, and verson. We, if nothing he is, try to get a neutral environment. I don't think we'll ever get positive, because it's not easy. It just gives you an idea of the types of things we're hearing when we go to the neighborhoods. The next slide is my rough attempt, after my 30 years at intel -- I can't go anywhere without a spreadsheet or power point. This is my spreadsheet. I'm the retentive person in terms of use colors. Green means we've been there. Red means we need to get there. I keep a spreadsheet of when meeting will be held. Jump in the water. It's warm. Come on in. Help us talk to the community. The spreadsheet is a tool if he use to keep updated. We will be able to meet with commissioner Fritz a few months ago, as an example. On the average of almost 680 flights a day, you can see the numbers. Cargo mostly before 8:00 a.m. And after 5:00 p.m. And then the military flights. The pentagon scrambles at a moment's notice just to keep the alert guys on their toes. The small regional jet, the cr-700 that's known as the horizon airplane and also united and sky west, the little turbo props that are not little, the 7 two-person turboprop that horizon 45s. And then there's a new service with a single-engine turboprop that fleiss between seattle, astoria, newport, and pendleton. Normally the less noise the smaller the airplane. Our favorite friends from esther short park over in vancouver, they get the train, the bridge, the construction. And they are usually at the top of the list in terms of sound. Yes. Oh, i'm sorry, commissioner. I thought you had a question. Step back. The dedication in terms of making the port good neighbors starts from the very top from the port to jason's office that we deal with daily. And I can't tell you again the supply of noise data, their willingness to go to a person's house, take noise monitoring equipment to measure is their perception and the reality of what's flying over the houses the reality. At least the reading I do from other noise environments from around the united states and canada in terms of what airports are willing to do for citizens. Jason has been quoted in several industry publications in terms of trying to do more outreach. This is a perfect distraction tool. Go to the pdx website to see what aircraft are approaching where. This gives you the time, the current weather, fast forward and the only difference is the two-hour delay in terms of when is the date stamp.

**Kincaid:** I'm going to interrupt kelly here. If we're on a really boring conference call or boring meeting, you can pull this up and watch the planes over your house if they woke you up at 6:00 a.m. In the morning.

\*\*\*\*\*: I hope my boss isn't watching.

**Kincaid:** I forgot we're on tv.

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**Sweeney:** Decibel readings is logarithmic -- logarithmic. Jets make noise, and they're right at the top of the scale. Depends on when you're measuring it, how high they are, the ambient temperatures. That's why we have friends like Jason and Chris from the port, the experts, here. My two children with their iPods, the noise level, and I ride on my bike and can hear the next person's iPod and I don't have one on, I know it's loud. This is one of the last slides we do when we're giving a presentation to neighborhoods. I give my e-mail, my phone number. I want people to contact me. There are so many tools, both call-in 800 number. In the region, it's free. The web is the tool of choice these days. They can e-mail, have e-mail alerts sent. There's more information than many people may want. I think, between the noise management department and Cnac there are tools to use. Mary Helen?

**Kincaid:** And just to recap some of the accomplishments, these are contained in a report that was handed out to you. We didn't go through in line item because I knew you could read the report. We've established contacts with elected officials and neighborhood groups, and I'm very, very proud of that, because I think that will help people. I have experienced in my own neighborhood where you go out to explain to people and educate them. It helps them. It might not give them answers they want, but the education is there, and they can at least understand the situation. Kelly's 98% of our presentations, but we've had other Cnac presenters. Kelly set a goal for 1000. I think we'll be there easily. They drive in a circular fashion so there is no backing up. We participate. The port of Portland invites us to go to them to all open houses. De-icing, noise. We go where the port goes so they have access and we can ask them questions. The current issue is ongoing review of the overhead approach of the Oregon National Guard. Extensive research. We've spent 15 months, done three different noise measurements. I believe all of you are up to speed either in writing or e-mails, and I think we have a lot of information to make an informed decision. Our meeting to come to an advisory to the port is September 10th. Kelly touched on this. The Vancouver Air Authority -- Jason might have to help me on this -- they came up with the best practices of noise management and community solutions, a report funded with some federal money in Wiley Labs. And one of the things most noticeable is that Portland's meeting 95% of those best practices, so we do have a really supportive noise program. In closing, we wanted to ask you something. The city of Portland does not currently have a process to nominate a nominee to Cnac. It's the only jurisdiction that doesn't. There was great confusion over the last two city of Portland nominees. Part of it was because of change in council members. Part of it was there was no precedent. The other part was there was no conventional wisdom that got spoken. I'd encourage you and ask you that we come up with a process so it's not contentious, so we're not pitting neighborhood against neighborhood, coalition against coalition. We want to be city of Portland representatives so we can respond to citizens so that you know the process is complete this and we know how that's handled. And it makes it easier for the port that manages those things.

**Leonard:** I'd like to ask about the descent overhead approach by the Oregon National Guard. For those that are listening, essentially that is a maneuver by the Oregon National Guard.

**Kincaid:** They're F-15's.

**Leonard:** Can I ask my question first?

**Kincaid:** Sure.

**Leonard:** I'm a stickler about being able to ask my question before people respond. It is a huge issue right now and especially for those that are listening by way of TV that may not understand what that is that the National Guard practice as maneuver whereby, in approaching the runway, they actually stall the plane as much as it will stall and stay flying and then accelerate rapidly and go in and land. Apparently it's a maneuver that they need to practice for a variety of reasons, none of which I disagree with. The issue that the neighborhood has and that I have -- and I think you'll hear from Commissioner Fish at least real soon -- is why does it have to be over the neighborhoods. Why can't it be over the Pacific or Eastern Oregon? Remember, these are F-15's, and it takes them

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minutes to get to those locations. I'm in charge of the bureau of development services, which has the noise office in it. I've asked the noise officer to attend a number of these events and measure the noise level, and it is unacceptable. It would be simple for the governor of Oregon to direct the national guard to do those maneuvers at different places which we have requested of the governor and general Caldwell to which we've received not a satisfactory response.

**Fish:** The last letter we authored as a group, we've received no response.

**Leonard:** Commissioner Fish is always more direct than I am. I am the more polite than the two of us so I just wanted to characterize it as not satisfactory. I appreciate the work you do. I appreciate more than you know the balancing act that you have. And I appreciate the challenges, especially released here, and the interactions with the FAA and the limitations that I don't think even the citizens understand you have influencing what the FAA decides to do or not to do. Ultimately Elise Gancy or Bill Wyatt or the governor could call the FAA to say, we really would like a to use a different approach open the commercial planes you're bringing in, and they could say, thanks for the information, and then hang up. This is a problem that could be stopped with a phone call, the area code of which is 503. So I'm having a hard time getting my arms around why we can't get some responsiveness around -- they're frightening the people watching to watch a plane fly and appear to stop and begin to fall and take off again. They're also very loud. What is it going to take for us to get that through to the governor apparently or the Oregon Air National Guard hopefully that we want those maneuvers done somewhere else.

**Kincaid:** Ok. The first clarification that I want to make, the Oregon Air National Guard, when they present the proposal to us, is explaining the difference between a maneuver and a procedure. This is a military normal operating procedure. All military pilots are prepared in this. I did not bring or ask the Oregon National Guard to come to this, because this I could explain better. But my understanding is and knowledge -- and forgive me here, too. Anyway, they call it a normal operating procedure that all military pilots have to be trained in.

**Leonard:** And I understand that. And the neighborhood is sophisticated enough now to understand that. That's not an issue. I don't want to get to where we're talking about a maneuver or operation.

**Kincaid:** I wanted to clarify some misunderstanding.

**Leonard:** That's irrelevant to the point. The point is whether they're maneuvering or operating over a neighborhood. I would not stipulate to you we all agree they need to do what they're doing. I'm just asking why can't we convince people that work for the state of Oregon, that are responsible to the state of Oregon, to do whatever they do over the Pacific or over eastern Oregon?

**Kincaid:** Number 1, it's not over the neighborhood. The flight paths, all of that information was sent to your office. Mike Lyfeld was at our fly day. I'm not going to --

**Leonard:** You're correct. Once again, you're missing my bigger point.

**Kincaid:** Can I finish?

**Leonard:** But the noise levels over the neighborhood we measure, and the noise levels in the neighborhood we measure.

**Kincaid:** There were 73 dba for less than 20 seconds, which is less than a city bus going by on a street.

**Leonard:** Well, they violate our city --

**Kincaid:** Not for a single event. I discussed this with Paul Van Orton. The city noise code is based on dnl. Day and night level, you take a number of events, divide it by the time of day, how many times it happens, and then it's an average. And that's how the city code is written. And that's allayman's simple explanation. So this was not a 70 dnl event which is what's comparing apples to oranges. You can't recall a 70 dba event, which they call the longest maximum time, 20 seconds, and the highest amount it was. I didn't bring the exact statistics but was 73 decibels. The planes currently fly in, straight-in approach over east Portland, over Wilkes, they come in at 76 decibels

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recorded at exactly the same distance, this is, as kelly stated -- that's not arithmetic. It's logarithms, so it's basically twice as loud. Two of the planes were south of columbia boulevard, so the predominant track for the fly day was over airport property. There was a 1500 or 2000 feet. The cargo holders fly in at about 80 decibels. So -- but, again, in my mind, that's comparing apples to oranges.

**Leonard:** Because?

**Kincaid:** Well, because you're comparing a cargo hauler to a military aircraft. Noise-wise, you can do the comparison in decibels and events. The length of an event of a cargo holder flying from 20th and alberta to the airport is a much longer event and much more noise. I think that --

**Fish:** Can I jump in just a second? If you're through, I want to just follow that thread.

**Kincaid:** I wanted to add one more thing about over the neighborhood. I will agree it's over the neighborhood because that industrial area is in the cully neighborhood, but i've got a zoning map out. I went over it with paul van orden and said, here are the residential areas. When the pilots fly this -- the planes don't fly in a traffic train. It would be like us on a bicycle to ride in the exact same circle on a yellow line 50 times.

**Leonard:** I would just conclude by saying we have conflicting information from the noise office, you and I do.

**Kincaid:** Paul van orden?

**Leonard:** I have one noise officer, and we probably need to sit down in my office.

**Kincaid:** I'd be more than happy to.

**Leonard:** He has reached different conclusions on different events an you're representing. That could be a misunderstanding I have.

**Kincaid:** Paul was not at the fly day, but mike lyfeld was.

**Leonard:** I thought there was one coming up shortly.

**Kincaid:** There is not another fly day.

**Fritz:** Evidently this is a topic that needs more discussion.

**Fish:** First of all, thank you for your service. This has been a very challenging job to balance all the conflicting interests, so thank you for that. I also would not talk a little bit about the Oregon air national guard. We are blessed to have the guard at the airport providing security to the region, and that's not what this discussion is about. This discussion is about complaints and concerns raised by people in cully, concordia, and other parts in the northeast about having f-15s fly over. Maybe it's a function of me in the post 9/11 world, when an f-15 comes over the city particularly at a low altitude, high speed, it raises more than sound issues, because the f-15 is a warship. One question for people, I think, is unlike a cargo plane, where we don't associate that with an attack or security challenge, an f-15 does stir a different kind of emotion. I think we can all understand where the concern lives. The question we have posed recently is very understandable. We're not the experts on these maneuvers and the continuous descent overhead approach. We don't know what best practices there are throughout the nation, although it's not clear from any record i've seen as to whether there's a dense neighborhood next to a flight pattern similar to what we have here. Maybe so. Maybe not. We may have a unique situation. But the concern of the issue that's been raised is could we look at some alternatives where pilots could faithfully execute this procedure that doesn't have it occur over a dense neighborhood. In the letter that we wrote a number of months ago raising that question, we never got a response. I was a little disappointed in that. We'll follow up on that. I think a lot of people want to know if there is an alternative. If there is an alternative, is it cost effective? Does it not put our pilots at risk? We have not gotten a response on our inquiries. The specific question of noise, though, i'd like to ask you has the cnac, the citizens oh noise advisory committee, visited the homes of any of the folks who raised concerns about noise and listened to the noise from their point of view?

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**Kincaid:** I was not at a citizen's home when the fly day occurred. We did a six-month test. Because of the parameters, it's only done when the wind is out of the west, when the water is clear, when the faa clears them. That would be a difficult thing to be able to pinpoint a time and day you could be at a stip's house. I'll get to that, but I would not preface it by why it's difficult. Basically the planes fly 9:00 a.m., 1:00 p.m., come back about a half hour later. They call in to traffic control. They say can we do a cda? Faa says yes or no at that point? The faa has to manage all the traffic on the ground and in the air. They'll say yes or no at that point, and the approach is done. Currently, when you say "alternative," they fly in from 10 miles out, engines. When you fly -- you've experienced this -- you come in. They'll glide a little bit, power engines back. Military jets do the same thing, and they're noisier. I don't mean to answer for the Oregon national guard -- and I think here is to get staff to talk with the pilots who made the proposal. Currently, most of the time they go to redmond, because they can't touch the ground in redmond, so it's taking about 20 to 30 minutes out of their time to few we all of that, for them to do it. That is an alternative. Out over the pacific ocean, air currents and water and all of that would come into play from what I understand. They usually do it on their return, from what I have understand. And again I shouldn't even be answering this, but they fly out, do military maneuvers, fly back, and then they approach as they land. Most people report the noise with the departures, but people are sometimes confused with landing. This is just about landing. So what I did two different saturdays, I went out, walked around, knocked on doors in the cully neighborhood. Some people talked to me. Some didn't. Mike dembrose was in the neighborhood. 60th and ainsworth, there's three houses around there. Asked them if they had noticed any increase in noise, if they had any issues. One person said they off the planes fly over. They didn't know what they were doing, but they weren't bothered by the noise. They weren't bothered at all by the noise.

**Fish:** On that point, for what it's worth, the last time I was at the cully/concordia neighborhood association meeting -- and they get a very robust turnout -- every person in the room was concerned about this issue. I think a helpful piece of this would be if you could help us facilitate discussion with the Oregon air national guard and not simply with the pilots but with the commanders to talk about the people that can actually make the decision. The last time I met with the neighborhood, everybody had a concern, and it wasn't because they are reflexively military.

**Kincaid:** Can I just ask when you were there?

**Fish:** Last time I was there was about 3 months ago.

**Kincaid:** They did have -- originally, there was a lot of incorrect misinformation given to residents of the cully both in "the Portland tribune," in the star, and I worked very, very hard to get all that information corrected. So if it was three months ago --

**Fish:** We'll the -- we'll follow-up -- follow up on this. If there is misinformation or confusion out there, we'd be happy to set the record straight. It wouldn't the first time we'd ever seen a newspaper print misinformation. [laughter] the other question I had, assuming there's a continuous descent overhead approach protocol that's agreed do, how will we know that the noise level and overhead pieces stay intact. Is there which mechanism to monitor that.

**Sweeney:** Well, that's the training part. The military is so good at what they do because necessary practice is over and over and over again. As stated by mary helen, there's a variance of maybe a couple hundred feet, but they try to fly the same place at the same time.

**Fish:** I hope you're arthritis. But how does the c this.

**Kincaid:** Ac assure that they meet their mark? We would pay attention to citizen complaints. A whole bunch of people that never called the noise office called the noise office, and we're following up on that.

**Jason Schwartz, Port of Portland:** Aim jason schwartz, the noise manager for the port of Portland. We have a flight-tracking system. We can set that up to track the overheads and then do an altitude and ground track analysis, showing us what was the altitude over, say, cully in this case

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and the track of the flight. That would probably be based on past projects. We would report that back to them on a monthly or semi-annual basis.

**Leonard:** Do you keep a record of those flight patterns?

**Schwartz:** We do.

**Leonard:** Could we have the records for the last 12 months?

**Schwartz:** Certainly.

**Leonard:** If you could get that record -- and I think we're stipulating we're specifically sneaking of that aircraft operated and controlled by the air national guard. You don't have to bring us a whole massive amount of documentation to throw us off. We would like just specifically to have the tracking information that you have. If i'm not even asking the right question but you might suspect there's another piece of information, I would like to have, if I nah more, to ask the right question if you would provide that as well in preparation for this meeting.

**Fritz:** Thank you all for your testimony on this report. Does anyone wish to testify on this issue?

**Moore-Love:** We had robert granger sign up.

**Fritz:** Welcome to city council. Please state your name, and then you have three minutes.

**Robert Granger:** Council members, my name is bob granger. I live in the cully neighborhood, and i'm also a member of the board of the cully association of neighbors. I'm here today to provide some input on the noise advisory -- citizens noise advisory committee. I want to acknowledge the commitment the cnac members make that our community. They're all volunteers who give their time to work on our behalf. It's a difficult job, as you've acknowledged. I'd like to address three elements of the cnac shorter and come back to that. Who is cnac representing in their role? These issues are based on their charge as described in the website for the port of Portland. First they're to act on behalf of local jurisdictions as the official forum to address noise concerns. It is our belief cnac is not in this role to represent an independent -- independent body. They're supposed to work for the interests of the citizens. In this regard, to be champions for the concerns around noise issues, this doesn't mean that they're always going to champion the issues of cully neighborhood, but it's our expectation that they would certainly strongly embrace those issues and bring them forward. Secondly cnac is to provide information on issues, how to resolve and follow-up actions. Their charter means they need to push for accountability and for ongoing monitoring of noise issues that you spoke to, commissioner Fish, about violating limits that have been set. Thirdly, they're charged with enhance the educational understanding of noise management but it strikes me, if they're taking on the role that really belongs to the report, and consequently putting them in a position just like today, where they in fact become the apologists.

**Leonard:** Your time has expired, but ask you to continue.

**Granger:** It's our expectation for cnac -- we expect that cnac will clearly reflect the positions of the cully neighborhood, which has strongly objected to what we consider these discretionary flights over our homes. Cnac tends to spend more time trying to explain why our position is not correct than it is to listen to us and bring that position forward. Secondly, we wish there be more effort put into these activities if they were to move forward. Thirdly, we expect them to certainly provide outreach to the community and provide, to a certain degree -- provide the role that we think the port should be playing in coming out and advocating their positions. I hope you'll support our interpretation of cnac's role of really being representatives of constituents in the region.

**Leonard:** You articulated the position of the 19 hood better than I could have. Notwithstanding whatever concerns about about cnac and their advocacy, you will not have similar experiences. We want to make sure everyone plays fair and does the right thing.

**Fritz:** Would somebody like to make a motion to accept the report.

**Saltzman:** Moved.

**Leonard:** Seconded.

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**Saltzman:** I want to thank Kelly Sweeney for your ad so Cassie. It is a very tough job to fulfill, and I think you're doing a great job fulfilling the role of citizens working with other citizens in this area notwithstanding some of the issues we discussed. It's a tough job, and I know issues of airport noise need to be balanced to the extent of liveability we can. Great work. Thank you very much, aye.

**Leonard:** I echo Commissioner Saltzman's reports but also hope the citizens' advisory committee was listening carefully to the well-spoken words of Mr. Granger who lives in the cully neighborhood. Even when we're volunteer will and have no interest necessarily in the outcome of a decision, I understand how one could get up in what I call the dynamic of a committee and then sometimes kind of lose focus of why we're here. Sometimes we need a bat upside the head to get us straight. I don't think you're that far, but I think you certainly need to listen to the industry, the military, and certainly their needs -- and I agree with that -- but balance that they're flying over real neighborhoods of real people trying to lead real lives. I appreciate your work. Aye.

**Fish:** I have also would not thank the advisory committee for your work. The report that we got I thought was excellent. This question that's come up about the Oregon Air National Guard, which is an issue this council has previously tried to address by attempting to communicate with officials of the National Guard unsuccessfully, I'm please the that, coming out of this, we have which momentum and a working agreement to continue the discussion to bring the Oregon Air National Guard to the table and our team to talk about whether there are alternatives. I'm not interesting in putting obstacles in the way of good training, military preparedness. The more I've learned about this issue, I think there are some common sense inquiry -- inquiries we could put on the table. Thank you for your work and thank you for the lively discussion on this. I think it was a very good bit of information.

**Fritz:** I know that Helen Mary Helen is very aware of what living in a flight pattern I was. Also thank you to the port. 10 years ago, this would not have been the same discussion. There would not have been kudos to the port for listening, be willing to change patterns, and respond to the neighborhoods. And then thank why to the neighborhoods. We don't always agree on everything. That's ok. That's how it should be. I appreciate Commissioner Leonard and Commissioner Fish volunteering to take the lead on some of these issues and having a longer discussion, and I think this has been a very helpful opening to that. Thank you to everyone. Aye. We're now moving to the regular agenda. Mayor Adams has left me in a quandary with conflicting discussions about whether to start with Commissioner Saltzman's item which I believe was promised to be moved to the beginning of the regular agenda versus the one that's on the beginning of the regular agenda which is the community gardens issue from Commissioner Fish.

**Fish:** You're the president, but it looks like we're going to go deep into the afternoon on our agenda, but I have half of the parks bureau and half of the housing bureau here to address the first two items on the agenda. I feel a little bit embarrassed about I have taking up this talent.

**Saltzman:** I'm ok with going with the invasive species first. I think that was the commitment the mayor made.

**Fritz:** That's the challenge. My understanding it was a time certain for the invasive species.

**Saltzman:** We surrendered the time certain.

**Fish:** If that's the understanding of the mayor and Commissioner Saltzman, I don't object to that. If we do that, I'd ask we move to 1224 and 1226. Depending on how long this presentation is scheduled for, we may actually suggest that people may leave and come back. I feel guilty tying these people up for two hours.

**Fritz:** With your concept, Commissioner Fish, we'll go to --

**Leonard:** I'm staying out of that one. [laughter]

**Item 1231.**

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**Saltzman:** In november, 2005, the city council adopted an ordinance requiring the city to develop a plan to integrate invasive plant management into existing city programs. This was done, I believe, under the leadership of then commissioner Adams. The resolution today officially adopts the invasive plant strategy and establishes the 10-year goals to reduce the level of invasive species plants in Portland natural areas, not only reducing diversity, impairing water quality, decreasing populations and growth rates and the increase, the intensity of fire and increasing soil erosion. What's exciting about the program is the collaboration of the parks bureau, environmental services. Today we'll receive more information about the Portland invasive plant strategy.

**Paul Ketcham, Bureau of Environmental Services:** My name is paul ketcham. I'm the watershed manager in the Washington services group, bureau of environmental services. Resolution 36360 referred to by commissioner Saltzman directed the city to develop 10-year goals and three-year work plan for invasive species removal, and b.e.s. would like to thank the council for support and leadership. The work was completed in november of 2008, and we respectfully request the council to -- council to adopt the strategy before you today. The city working group was composed by 14 staff. After a -- round of stakeholder meetings, it was presented. In 2008, there was a rousing crowd of 200 people. Jennifer goodrich, the city's invasive species coordinator, will be presenting the highlights of the program. Greater green funding which has been shared among the bureaus has been instrumental in helping us go forward with implementing aspects of the invasive species program. I'll now turn this over to my colleagues in parks.

**Dave McCallister, Portland Parks and Recreation:** Dave mcallister from barks and recreation. We manage over 8000 acres of natural areas and developed parks as well as 236,000 street trees throughout the city. Invasive species management is job number one for us. Toward that effort, i'm encouraged that say we are making progress on a number of actions that are articulated in this management strategy that you have in front of you. For instance we've managed in the last year around 1000 acres of lands who project the best program which is intended to manage the pest of our lands and prevent them from invasive species invasion. We've gotten a grant from fema, a wildfire protection grant that we've been able to use on these degraded properties as well as the money that came as part of the acquisition of the donation of ross island to the city. We really appreciate the efforts of our volunteers working both with our friends groups and our citizen volunteers to work on invasive species management. We've really had a wonderful sense of satisfaction for their part in working in our parks and gotten a lot done. Finally i'd like to recognize that we continue to have a strong presence regionally. We're doing well, but we need to do at although more, and we would love and appreciate the leadership of the council in this effort. We need a comprehensive -- comprehensive program that will help both the city and the regional governments work more effectively together, work more efficiently together, and through the acceptance of this invase sieve species strategy, I think it will put us this a better position to go out, search out, and acquire grants and moneys to further the action that's we're interested in bryan krieg asked me to pass along his sentiments, and sport -- support for the program as well.

**Astrid Dragoy, Portland Parks and Recraetion:** My name is astrid dragoy for parks and recreation. Commissioner Saltzman, paul ketchup, and dave mcallister said before me and as jennifer goodrich will say uh in her presentation after me, the fight against invasive species requires us to think out of the box. Parks was asked to check out availability for stimulus dollars. Based on programs already certified at effective, we came up with the youth conservation crew. They work at parks, youth and employability support services, work use employment institute and the Portland violence prevention program. The teens work within four different disciplines in parks, some in tree care and tree establishment, some in trail main nance, some in general park maintenance. The teams involved in 12-week work have established 10 miles of trails, airported for 200 trees, and affected 68 acres of natural area both east and west of the area. This has combined efforts of invasive removal and watershed help with stewardship and life skills. The youth conservation crew

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for many is their first job and an opportunity to work in and for their community. They're responsible for their attendance, for managing their tools, and for being respectful. It's our hope that perhaps this experience will foster an ongoing interest in careers and vegetable management, land stewardship, and perhaps even a career with parks. We look forward to sharing successes with you, and we hope this program will remain one of the ongoing tools in our city's fight against invasive species. Thank you so much for your support.

**Saltzman:** Jennifer goodrich?

**Fish:** Astrid, thank you for your tremendous work. It would not have happened if commissioner Saltzman had not been so adamant about helping us attack invasive species with the use of the youth. Dan paid you a great compliment the other day. Thank you for your work. Dave, you mentioned the fema grant in passing, and the fema grant will allow us to take some long overdue steps in parks. Parks you, look back historically, from time to time, there have been major fires there. We used the fema grants to deal with the most degraded areas and then put together a fire prevention strategy with the fire bureau, with des, with parks, and then our folks at the department for mid-term election american management.

**McCallister:** To that point, commissioner, you'll be hearing a presentation september 19th, 9:30 time certain. You'll learn more about the programs at that time.

\*\*\*\*\*: Did you guys get a little pamphlet with some letter inside? Hopefully.

**Jennifer Goodridge, Bureau of Environmental Services:** I'm here to talk about some of the specifics. I'm jennifer goodrich with the bureau of environmental services. What you have in front of you is a four-page handout that describes the strategy. You need to know which properties the city owns, and so we put together an inventory by bureau owner ship. The city owns about 10,000 acres of land within the 92-acre city limits and the acres in bull run. The strategy has five components, and i'm going to basically talk about the details of both throughout this presentation. We wanted to look at policy and regulation, so i've been working with tricia sears in the bureau of planning and sustainability. We're going to implement a program that requires eradication of invasive species on both public and private property. Some of the new invaders are such that we need to manage all of it. Tricia will be taking this, as a package, to the planning commission in october and bringing it book to city council in october or november. Outreach and education, the city does a lot in this. The bes clean rivers education program has two staff and reached 19,000 students in the last year. That's with both classroom and taking them outdoors to do invasive species removal. Astrid talked to you about some of the new work with teens. They have ongoing programs to involve people of all ages in stewardship in our parks. The water bureau leads volunteer removal events out in the bull run. As part of the strategy, we noticed we weren't doing a lot of outreach to gardeners, so that's one of the things we added. We put together this garden smart book. We've started staffing garden shows and really trying to target some of our outreach that that audience. Believe it or not, a lot of new leaders come in through landscape. Finally, we are leading by example. When we're out there doing the work, people talk to us all the time about what we're doing, and we've also started new programs to help private landowners remove the species on their property. These are some of the agencies we coordinate with. We meet with professionals monthly. We started giving training to the general public and also put together a new identification guide. The fourth part of the strategy, this is a picture of the inventory parks has done to rate the health of the publicly owned land.

**Fish:** Can I just note that we had someone do the math the other dave. If you look at forest park, which is by far our biggest, by acreage, parcel in the inventory, if you add up healthy, good, and fair, you get to well over 70%. While we have a challenge here, I want people to understand that the severely degraded to poor is still a smaller piece and has to be tackled, but the takeaway is the forest is actually pretty healthy thanks to investments by bes and others that are keeping it healthy.

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**Goodridge:** It's the largest forested park in the country, so we should be proud of that. The 50 piece was the actual on the ground control. We set four priorities. The photos on the left is showing the escarpment at oaks bottom. That can carry wildfire in the trees. The grants are to help with reducing wildfire risks. The photo on the right shows the treatment boundary. On the left, they have not done work. On the right, they've removed all of the invasive. Those trees aren't dead. You have to take photos like this in the winter because, leafed out, you wouldn't be able to see the difference. People are walking at oaks bottom all the time right along that trail, and they can see the results and that can be successful and they can do the work on their property as well. The early detection and rapid response, the consent is demonstrated by this. Over time, invasive species increase in their coverage. While they might start out not being very abundant, by time, they become abundant. This is the ivy, the clematis particular are things that people know we need to be managing. We need to be catching these new invaders before they become a new problem. This is a new program we've started. Mustard, knots weeds we hope not to become the next ivy. This map zooms in on the north end of forest park, and the hatches show the areas that this group has been working. They basically start in areas that still have a lot of native species and read move those small patches of invasive. This is really the most cost-effective and successful way to remove invasive species. I would not talk just a minute about our bes program that hires contractors to go out and remove invasive peace cease. They take on at least 70 new acres per year. In the last few years they've taken on about 300 acres each year. In any year, they could be working on about 1000 acres to remove invasive species. These are at the grotto. You can see the ivy coming down the hill here, and it extends back. They actually hired high climbers to rappel off the top of the cliff and remove the invasives. For about \$150,000, they're able to remove invasives from 125 acres. Plus their work really partners with all sorts of people. Odot, state parks, Portland parks, city bible college, and it's just highly visible work. We set some 10-year goals for the protect the best program to hopefully get some more grant money to continue the wildfire risk reduction work and tackle another 300 acres through the program. The revegetation program will tackle 200 acres. That will lead to us removing invasive species from 40% of our publicly owned land. Also do to process, people brought up the issue of invasive animals. We're trying to understand our role in this as well as within the context of the state role. Looking for opportunities for collaboration. By december, we'll actually have a report that outlines all of our priorities and where we sit within the big picture of invasive animal management in our state. This will put us out as a leader on this issue. So that is an overview of the strategy and resolution. If anybody has any questions, I can answer those.

**Saltzman:** Thank you, jennifer. That completes the presentation.

**Fritz:** Would anybody like to testify on this issue? Welcome.

**Lisa DeBruyckere:** May name is lisa debrocare. You have a letter from our chair, brad knox. Our council has a mission. We were established by the Oregon legislature in 2001, and we have a mission to keep invasive species out of Oregon. For those that do arrive here, to err raddick and control them in whatever means possible. We work at the national level early associations and you as well. All the entities comprise the Oregon invasive species council. In addition to that, we have 34 individuals representing 34 other agencies and organizations that work with us. We have a lot of work to do. Frequently i'm asked, have we lost the battle against invasive species as california, texas, florida, hawaii, a lot of states that have lost the ballets. Even recent research demonstrates not here in Oregon. It's going to take more of our council, more than any one individual agency or individual. The city of Portland stepping up and passing this resolution will not only set an example for other municipalities, and so our council very strongly supports this resolution and everything you're doing to consider and pass an invasive animal resolution in the coming years. Thank you very much.

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**Mary Logalbo:** I'm mary logalbo, a conservation planner. My district manager is also over here, dick springer. We are here in full support of the resolution, and we are here lending more of a local perspective of the partnership and importance that we have the city onboard as well as all the other groups across the board. You also have a support letter from us. Basically to just pull out a few key points from that, the early detection rapid response program that we have partnered within the city on is crucial to all of our private landowners, our main bailiwick. We're working to get conservation on the ground with the invasive species management being a key component with all private landowners that would like to work with us. It's crucial we've got this program being one of the most effective and efficient methods. We've worked hand in hand with parks to establish parameters we would like to work with by developing comprehensive plans. We're kind of your other partner that's we need to work together. And the wildfire -- besides the wildlife risk reduction and the rapid response, the crew and the Multnomah county conservation district has recently begun working together on key components or both agencies and key priorities. So we certainly are here in full support. This furthers our mission to conserve and protect water resources for the people of wildlife and the environment throughout our district. We hope that the city can lead, and we plan to partner as much as we can. The unincorporated parts of Multnomah county also to further your efforts.

**Fritz:** If there's no further testimony, this is a resolution. Please call the roll.

**Saltzman:** Well, if I would not thank bureau environmental services, Portland parks, all our other partners, including the state council for developing what we think is an effective and leading strategy to deal with invasive species. We haven't lost the battle, and we don't -- intend to. Aye.

**Leonard:** Aye.

**Fish:** Dan Saltzman and I have adjacent offs. Bes and parks work collaboratively. I just want to acknowledge this terrific partnership between the bureau of environmental services and the parks bureau, no better illustrated than in how we attack invasive species. To draw attention to this problem sometimes presented as a ticking time bomb, the evidence is that we're making real progress here and that we're making these programs work. Jennifer, who was a gracious host last friday -- in fact emma, who's shadows us today -- emma and I went to jennifer's team to take a look at the restoration efforts in park and and on the waterfront. We really appreciated that. Dan, thank you for your leadership on this. Aye.

**Fritz:** I'm attempted to be as brief as commissioner Fish was. I, however, being of english descent, I have to apologize for english ivy and many hours doing due diligence in trying to remove it in multiple Portland neighborhoods, so i'm very excited for that project and the city's dedication to it. I know it will require ongoing funding when greater expires in 2013. If you go back to the place where you've pulled ivy, as if by magic, the natives have replaced them in many places. It's contributing to society, at the same time getting some exercise. Summer is not a good time to do it, but get out this winter. You'll be surprised at how much you'll enjoy it. Aye. With that, let's get back to the regular agenda and go straight down the line. Please read the title for item 224.

**Item 1224.**

**Fish:** If stephanie hallock and mary bedard would come -- I will introduce this matter. As many necessary, a neighborhood park was destroyed, about half the garden. I would say the community response, though, was all the sweeter. Last saturday, over 100 citizens came together at the earl boyles community garden to replant. Mayor Adams, krebs, santner, the crack team, leslie. Senior leadership and I with citizens came and replanted. Within a few hours, we turned a wrong into a right, as the mayor said. That garden has been restored, but we should not have to prevent people from vandalizing our gardens. One primary step is to engage more citizens as our eyes and ears. Commander krebs said he could double the workforce but still not keep an eye on everywhere in our city. That event was a wonderful community happening, and it happened coincidentally on the eve of the national designation of community garden week. Agriculture secretary, tom bilz, a k

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declared August 23 through August 27 as community garden week. There are over a million national community gardens. Here in Portland, 32 of these gardens are managed by Portland parks and rec, but there are hundreds, if not thousands of gardens, on church properties, schools, people's front and backyards. The challenge we face today is that, in the city that grows, we have a huge backlog, 1300 people that would like to have access to a community garden. Our plots of 20 by 20. There's 1300 people on the backlog, and we have a city that's dough voted to this gardening movie. Out of this, the mayor and I have made a public commitment that we are going to greatly expand -- expand our capacity, also transform our government systems into less developers of community gardens and more facilitators of helping citizens build community gardens. Community gardens are wholly consistent with our climate action. They also serve as community events that bring people together.

At Earl Boyles, one of the plots was leased by a school program set up to be an after-school program for the sun school program. Community gardens improve the liveability and social fabric of our community. In addition to the good news around replanting Earl Boyles, we are here to make another announcement that the governor of the state of Oregon has decided that our plan to greatly expand our community garden program is so important that he has designated it an Oregon solutions project. That means that we will a formal process to bring together all the key stakeholders and develop a plan of action of how we're going to double our capacity over five years, remove barriers so citizens on their own land can build gardens. I invite Stephanie Hallock and Mary Bedard on behalf of the Portland friends of community gardens.

**Stefani Halleck:** I'm Stephanie Hallock with Oregon solutions. I will be the project manager, and Steve Greenwood, who is the manager of all of Oregon solutions, is here today as well to hear your conversation. We are here to help basically. We will run about a six-month process that is really going to be owned by those that participate in it. Oregon solutions is about community-based problem solving. As you just heard, there are a lot of very motivated, passionate folks interested in community gardens. We're going to have a great process, great time really figuring out how to address the concerns you've expressed. I'm looking forward to meeting Mary and others who will be involved in this. We're here to help you have a great project.

**Mary Bedard:** You covered it very well. I'm Mary Bedard, the chair of the friends of Portland community gardens. I also sit on the Portland/Multnomah county food council, groups involved with community gardens. You covered very well most of the things I wanted to say. With the chick times we're in, people are feeling a lot of lack of control. They don't know what's going on. Community gardens are really about getting so local that you actually can control something. It's about safety, security in getting to know your neighbors as far as food is concerned. There are a lot of groups in this area I can hardly wait to meet. They are working on food issues. Most of all, they're here to help work out the solution for community gardens in particular and food access in general.

**Fish:** Last week at Earl Boyles, the number of private citizens stepped up and helped in other ways. I want to acknowledge that New Seasons Market and Fred Meyer came and delivered fresh produce to the families that had their plots destroyed, people that had been relying on those plots to grow food.

R and H construction built a shed that could be placed in the garden where people could severely keep their equipment. Others also came and pledged services and supplies which speaks for the community and their response for that. Thank you both. In our most recent budget cycle, we did budget for this process. We put a \$50,000 appropriation aside to cover the cost of a planning process, soup to nuts. What makes Oregon solutions so exciting is that it's a 70/30 split with the state. We'll be contributing about \$35,000. Compared to the cost of our normal planning -- normal planning process, it's a great deal. This is a wonderful thing for our community and a great vote of confidence that the governor designated us. Thank you both very much.

**Fritz:** This is tremendous work. Thank you. Does anybody want to testify on this issue?

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**Fish:** There's no action item to vote on. We will be coming back shortly with an iga similar to the one we voted on recently.

**Fritz:** Any other comments from council on this?

**Saltzman:** Sounds great.

**Fritz:** We now move to 1226.

**Item 1226.**

**Fish:** You rule these meetings with an iron fist.

**Leonard:** If you'd just follow procedure, you'd have no problem with the president of council.

[laughter]

**Fish:** I'm pleased to welcome beth kaye and barbara sack to the table. The city administers a number of tax abatement programs reviewed first by the planning commission and then a recommendation is made to council. By tradition and by charter, that is come to the mayor's office and then come to council for review. The mayor announced a few weeks ago he would like to consolidate as many housing functions as possible under the housing bureau. We have charged all recommendations of the planning commission and in turn briefing each of you on the merits of the application and making a recommendation. The request before us is an issue that came up a few weeks ago but we put over in part because there was a pending design review process which had not been completed. We were questioned about going forward with a tax abatement program before the process was complete. The question on the table is whether we approve a ten-year tax abatement under the program. Each of you received briefing material on this including what you'll get each time this comes before us. As in all these matters, it is for the council to decide whether it's appropriate to grant the abatement. Beth, could you give a very brief overview of this matter and then we'll take questions.

**Beth Kaye, Portland Housing Bureau:** Certainly. As the commissioner said we're here today from Portland Housing Bureau to give the recommendation on a ten year tax abatement for the albert. The tax abatement is sought under the transit orient development program. I believe you heard a description of the project when it was before council a few weeks ago. It's a four story building with a ground floor commercial space. No abatement is sought for the commercial space, just for the residential units. There are 72 housing units. The developer who is here today has offered to or has committed to make 25% of those units affordable. It's 18 units. They will be affordable at or below 60% of the area median. That's about \$42,000 for a family of four and \$33,000 for two. And the rest will be rented at market rates. For households at about 100% of -- \$56,000 for two. And the project also includes motorcycle and bicycle parking, dedicated car share space and the project will be constructed to lead silver standards and certified by the u.s. Green building council. The application is under state statutes and chapter 307 of ors and city code chapter 3.103. The exemption is limited in a few ways. The property has to be within a quarter mile of a light rail station or transit center or transit oriented corridor and the abatement or exemption must be needed to make the project financially feasible and there's an affordability requirement and requirement of additional public benefits. So briefly, the threshold question. Is it located within a quarter mile of a transit corridor? Yes, it is. That's northeast mlk boulevard, a main street between lombard and there's frequent bus service on that stretch. In terms of the financial analysis, is it financially necessary and what would be the impact on the taxing jurisdictions? For the 10-year term of the abatement, pdc conducted an analysis and found that the internal rate of return would be 6.21%, which is well within the 10% ceiling set in chapter 3.103. Without the abatement. The return for the first 10 years would be 0.27%. That goes to the necessity. The maximum value of the exemption is \$523,000 over the 10-year term, or \$52,000 per year. And let's see. Actually I have two different numbers here for that. And pdc will monitor the internal rate of return annually. Just one moment.

**Barbara Sack, Bureau of Planning and Sustainability:** For the 10 years --

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**\*\*\*\*\*:** You have to introduce yourself.

**Sack:** I'm Barbara from the bureau of planning and sustainability. For the 10 years, the value of the abatement is approximately \$1.16 million. And the pdc figures out a net present value where they add in the discount rate. And that's how you come up with the smaller number.

**\*\*\*\*\*:** That's the all of taxing jurisdictions, the city's is about a third.

**Kaye:** Barbara, will you speak to the planning commission review?

**Sack:** They held a hearing on May 26th. That was within the recommended 60 days. Pdc's recommendation. They found that the project met the affordability requirement and provided the three public benefits and recommended approval to city council. And this is contingent on providing 25% of the units affordable to households at 60% or below and that they meet the unit mix and that three public benefits be provided and that's the ground floor commercial space, a dedicated car share and a construction to LEED standards and certification by the U.S. Green Building Council. There's an independent group that has to certify the project meets LEED Silver standards and my understanding talking to the staff, the council does send someone out to meeting the points and you receive a plaque and I believe a letter to show you've met the silver standard.

**Leonard:** I've read the report and partially to blame for the depth you're going into detail. And I obtained the price by asking so many questions in the past. I'm assured that Commissioner Fish has reviewed this and prepared to vote. I have an important meeting with the fire chief at 1:00 p.m. I need to be at. And certainly, if there's questions about this, wish to have them, I'm not one that has any.

**Fritz:** Good.

**Kaye:** The recommendation we bring is that you approve the abatement because all of the requisite findings have been met or exceeded.

**Fish:** How many people signed up?

**Moore-Love:** Three people signed up.

**Fritz:** Let's take citizen testimony and then figure out how we want to proceed on this.

**Fish:** Thank you both very much.

**Tracy Olson:** Hi, my name is Tracy. I apologize if this is going to make you late for your meeting.

**Leonard:** I was just alerting folks that this should take as long as it needs to take and I'm alerting people I may have to leave at 1:00.

**Fritz:** And this is not an emergency ordinance so we won't vote on it today anyway. We have time.

**Olson:** Thanks, that's relieving. We're concerned as neighbors that the financials of this don't warrant its passing. You, the last time we talked, mentioned that you questioned the integrity of having the developer draw up the finances and present them and you were interested in getting an outside objective observer to look them over and we would appreciate if that was followed through on.

**Fish:** That monitors the internal rate of return?

**Olson:** No, looking at the financials that are presented to pdc that -- pdc that justify the feasibility.

**Fish:** I want to be clear. The financials have no bearing on whether we grant the abatement. There's a statute criteria. We have an interest --

**Olson:** I'm sorry, I think the financials justify whether or not the project is feasible with or without the abatement.

**Fish:** Yeah.

**Olson:** So we want you to look further into that. It was mentioned and I think it's very important. Additionally, there were design changes made. Through the committee with regard to setback and other things that will affect and actually change the financials that you're looking at now. Because

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obviously, the unit sizes are going to change, the rent, there's going to be a lot of numbers that changes fallouts from the design changes. And so also -- it's also premature and actually inaccurate to look through the numbers you have before you when they haven't been revised to reflect the changes that the design council required. So we have questions about the integrity and actually, the solidity of the financials you're using for this subsidy and so they should be as clear and transparent and honest as possible if you're going to award that amount of money in consideration of the fact that we're also fighting for schools to stay in business. And this money that you're awarding, this person, this developer, comes directly out of the money that is -- that funds the schools, you know? You did a brilliant, brilliant thing with the tri-met bus passes but you shouldn't have to fight tooth and nail when there's property taxes that you're giving off the side. Secondly, we have serious questions about whether the public benefit in this 72-unit building justifies the award. One car share space in a 49-space parking lot, which actually is also part of the tax abatement, isn't enough. Is that --

**Fish:** You have 30 seconds.

**Olson:** All right. So the timing is ironic when we can't fund schools and at the same time, we're -- and at the same -- actually in the same morning, giving \$1.6 million away. And so ultimately, we believe that this project is enormous in its grant, is outside the margins of what's appropriate under the standards and intent of the tod, and it's disturbing that your hands would be tied to give this amount of money as a subsidy to a develop -- as a subsidy to a developer.

**Fritz:** Thanks.

**Robert Hodge:** My name is robert hodes, a property owner in the neighborhood. Lived in the neighborhood for 23 years and i'd like to say i'm relatively happy to pay taxes and it concerns me that a large developer would come into our neighborhood -- fine, we're not opposed to development. What we're opposed to are a huge subsidy for a project of this nature. The infrastructure it's going to bring to the neighborhood, parking, policing, etc., we're already experiencing the stress of that. This will simply add to it and I like to say if i'm ok with paying my taxes, why shouldn't they be? I think that's about all I need to say.

**Fritz:** Thank you.

**Cathy Galbraith:** Good afternoon, i'm the director of the advocacy group, we've participated in the review of the albert apartments project for two reasons, we've been active since 1994 documenting building associated with Portland's african american community and the building demolished that's known as the house of sound building was a strong association and long history demolished over new year's eve's weekend. That's an issue here today. Our preservation needs assessment we did around the community in the fall identified what infill development looks like in terms of scale, mass, feel and materials is the single biggest issue and concern of neighborhoods all over the city. We participated in the design commission hearings and the design of the albert apartments, it's 56 feet tall, 250 feet long, longer than most downtown city blocks, has the exz zoning, many of us participated in the zoning, and it was sold to the neighbors with the proviso that the design overlay will enable you to determine what is actually built in these zones. That's not exactly how applications are being processed. Standards are looked at as a minimum rather than a maximum. What is surrounding these developments is not analyzed in any objective ways. I've provided copies of photographs and across williams avenue to demonstrate that. The adjacent properties are going to lose the ability to do solar retrofit because of the sheer size of this building. Their privacy lost because of the numbers of windows and 56 building height and heat generateed from the asphalt parking lot and the lights both interior and exterior are going to affect people's daily lives and the properties behind it. The landscape area, despite efforts to increase it, is a minimum and the supposedly useable outdoor area and gathering space is a parking area for these 72 units and i'm hearing different stories about the leed silver. We heard at the design commission this was not going to be a leed project so there needs to be clarification of that. As far as the tod

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application, specifically, I think the neighbors, I think everybody's come to the conclusion perhaps this project can and will be built but does it deserve a tax subsidy? It's a quarter mile walk to the martin luther king transit bus line. Is that adequate transit given the residential tax abatement study I reviewed? The tod projects were all near transit. Maximum light rail was 26%. That's perhaps 18 of the albert units. I have two more brief points. If this is a transit-oriented development, why 46 parking spaces and is 16% enough to justify the full abatement of all 72 units? There are abundant storefront spaces and apartment units all over the city, especially in this area of northeast Portland and including the mississippi corridor. And we think that given this climate and given all of the issues, there are small benefits being described in this application that should be expected to stand on its own.

**Fish:** We're going to lose randy and --

**Leonard:** 1:00.

**Fish:** We're not voting on this and before I bring staff back to address your issues, I want to see we can find some common ground. I want to make sure i'm clear what issues you're asking us to address this in hearing --

**Galbraith:** This project has been through the design process. We had two hearings and the developers went back to the neighborhood. The neighborhood association which was an appellant, tracy oleson, came to the last meeting that was last thursday and the changes made in the plans are not reflected. All of those things on the agenda date to june.

**Fish:** I appreciate that, so you've raised questions about the design of the building.

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

**Fish:** Now, do you believe that as part of our evaluation of the tod tax abatement program that we should, as a matter of course take into consideration the design component? Do we as part of a tod tax abatement review have authority to look at the design of the building?

**Galbraith:** I'm not sure if you do or not. But what this building looks like and I have a copy attached to my letter of comment, you should look at that and put yourself in the shoes of the property owners and the homeowners right behind it.

**Fish:** I'm not quarreling, i'm trying to figure out what's before us. You've raised a question about the zoning and what can be built. Is -- do you believe that's an issue we should take into consideration when reviewing a tod tax abatement program.

**Galbraith:** We think --

**Fish:** What a developer can and cannot do at that site.

**Galbraith:** We think the design overlay gives the design commission and the bureau of -- what's approved for a particular site. That's why the design overlay was put in place. An assurance step.

**Fish:** The tax ability, that gives you -- that's a question of whether bds -- I ask this with all sincerity. We're administering a tax abatement program which we can revisit and change. The theory of most of our tax abatement policies is that the development wouldn't get built without the abatement. Would never pencil out, in which case, you'd have dirt not developed and that changes the way we look at the foregone revenue because nothing would be developed if we didn't help develop. Or we're encouraging a developer to do a certain kind of development, which meets our goals, like transit-oriented development. Do you believe that we ought to revisit some of the underpinnings of the tod program and take a look at the criteria we use? And if so, and I would love to engage you in that conversation because the housing bureau would be interested in your thoughts about how this can be improved. Including whether you think it's outlived its usefulness. The transit-oriented development tax abatement has become one of the most -- the federal, state and regional and city level, we're trying to encourage that kind of development but if you think the criteria we've established are too loose or it should be fine tuned, we'd be interested in engaging you around that.

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**Galbraith:** A quarter mile walk to a bus line? 18 units at 60% of 72 units but giving a full tax abatement to all 72 is an excessive bonus for what's being provided here and I don't want to minimize the importance of leed buildings, but almost everybody is building to leed standards because it makes sense from an energy, operational standpoint over time.

**Fritz:** Thank you for your testimony. Anyone else want to testify? Let me just outline what I'm planning to do here. Commissioner Leonard has a meeting at 1:00 and we have five emergency ordinances but this item is no less important than the one we heard at 9:30. What we're going to do is continue discussing this item. Commissioner Leonard can come back from his office when he needs to vote on the emergency ordinances, if that's ok with you.

**Leonard:** I had the perception you weren't happy that I wasn't willing to sit through the whole discussion. I think I owe you -- early morning hours of september -- excuse me, may 23rd, 2009, just hours after commissioner Fish and mayor Adams and I celebrated the grand opening of the rose festival, the fire boat was out in the river, providing the display, a distraught woman threw two children over the sellwood bridge. One died and the other survived. The fire boat stationed on front avenue took 43 minutes to respond. I found that unacceptable. I'm meeting with the fire chief to develop a plan -- excuse me for one second. Meeting with the fire chief to develop an economic and staffing plan to full-time staff the now fire station that sits on the east end of the hawthorne bridge open 24 hours, seven days a week. That currently is not. It is temporarily while we're remodeling a station downtown and ask for a fire rescue boat like we have on the columbia river. The difference in the response time would be from 43 minutes to three minutes to reach that little girl. This is something I feel strongly about. I would not normally absent myself from council but I hope those listening and heard my explanation understand why it justifies me being at that hearing.

**Fritz:** So we're going to discuss this with staff and take other items on the agenda and if necessary, we can take a recess --

**Fish:** Bring this back today?

**Fritz:** Yes.

**Leonard:** And I can come back and forth for votes as needed.

**Fish:** For purposes of the witness who is may want to engage -- what's the interval?

**Fritz:** We're continuing. We're done with citizen testimony and have staff come back up and continue the discussion.

**\*\*\*\*\*:** Do you think that will be now or --

**Fritz:** Right now and continue the agenda because everybody else has been waiting for their things too.

**Fish:** Beth, come forward and I made notes off the questions. If I missed one, my colleagues --

**Fritz:** I want to make sure the other commissioners have a chance. Do you have any further questions?

**Leonard:** I do not.

**Fritz:** Commissioner Saltzman, did you have any questions for staff?

**Saltzman:** I did have a question about the total amount of the abatement again?

**Kaye:** The total amount of the abatement is \$1,169,845 over a 10-year period. The city's share is about a third. \$389,560. This is foregone revenue.

**Saltzman:** And then quickly, what makes this transit oriented?

**Kaye:** That it is a short distance within a quarter mile of a very active bus corridor, mlk.

**Saltzman:** Quarter mile --

**Kaye:** That's what the regulations say and we're right there.

**Fish:** Beth, these are the points that I got. You have your list. I want to make sure we get everyone's comments if we missed something.

**Kaye:** Certainly.

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**Fish:** The first is what is the public benefit to justify a tax abatement at this site?

**Kaye:** The public benefit is several parts. There's the affordability piece and there are 25% of the units will be affordable to households of 60%. There's a transit orientation, which is a big public benefit because we are as a community trying to move feel on to mass transit and away from cars. This is also on a bike corridor. And then there's a public benefit list promulgated by planning where the developer gets to pick three from the list and in this case, the developer has picked the car share parking space, the leed silver standard, and -- let me quickly check my notes here. And the --

**Fritz:** Ground floor.

**Kaye:** Ground floor commercial.

**Fish:** And this is set forth in our code?

**Kaye:** It is.

**Fish:** A question has been raised about the calculation of the internal rate of return and I apologized earlier to one of the witnesses for mixing apples and oranges on that. Commissioner Leonard has raised a question of how we monitor this in the out-years to make sure the numbers are solid. With the respect to the 6 point something referenced, what steps does pdc take to verify that comes out with that rate of return?

**Kaye:** I can ask someone from pdc to come up and speak to that.

**Fish:** Introduce yourself and what your position is and then answer that question.

**Komi Kalevor, Portland Development Commission:** Good afternoon, commissioners. I'm komi, with the pdc housing department and housed there [inaudible] with the Portland housing bureau. The review we take is very independent. We look at the initial investment of the developer, which in this case is half a million. And foregoing development fees because they own projects, we compare that with -- there's -- we compare that with a huge portfolio of projects. It's a formula-driven internal rate of return. If you invest half a million, you need to make at least \$50,000 a year to get close to a 10% cash on cash return.

**Fish:** To the public who asks, I think, with justification, how do we know that the assumptions and the math we're relying on are hard numbers and bank on them, what do you say?

**Kalevor:** I say they're hard numbers. The project is efficient as I mentioned earlier. The developers foregoing the development fee. The construction cost is \$107 per square foot which is a good \$30 a square foot lower than average and that's because they construct and manage their own project.

**Fritz:** If I might follow up. The maximum tax rate of returns is 10% and this is asking for 6.1%.

**Kalevor:** Based on the projections we have.

**Fritz:** How do you decide the 6.21 is the right number rather than 4% or 8%?

**Kaye:** If I may, commissioner Fritz, we do not set the -- the city does not set the 6.21. We set the ceiling. The maximum they can make and qualify is 10%. The proforma they submit and -- pro forma established their rate of return will be 6.41 and as long as it's below 10 it's a green light as far as the abatement goes.

**Fritz:** But it's been at 10% for as long as i've been involved and we have an economy where most can't get that much on their investments. Is there -- maybe make 4%.

**Fish:** I think if I understand that, could we revise the formula and the criteria in our tod program, yes, and as will be my habit when I present these, i'm not selling. I'm presenting the facts and if council wishes to revisit the question of the criteria for eligibility including the internal rate of return, we'd be happy to take those suggestions and report back.

**Fritz:** Thank you. And then I have another question on that. Is it true we're abating on all 72 even though only 18 are affordable?

**Kaye:** It's on the residence portion of the building. On all of residential pieces, including all the units in the common areas. Not on the commercial space. And that is the way these abatements

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work. This is not primarily -- the tool is not primarily an affordable tool. It's a transit oriented and to provide an incentive for private developers to develop close to mass transit.

**Fritz:** And this is right at the edge of the quarter mile.

**Kaye:** Yes.

**Kalevor:** If I may, commissioner Fish mentioned about the incentive and developer is in the audience. That's the key. The alternative is -- they're currently paying property taxes on the land and the history shows that the land value tends to go up dramatically after development. So they will be paying taxes on the land and on the commercial space. The value of that land will increase significantly, which the public will be getting taxes on that value as well.

**Fish:** But the public policy question, regardless of the incentive issue, regardless of the ultimate return, the public policy of the criteria we use is fair game for this council, as it has been for the planning commission, which has over time, you know, supported these applications if they fit within the established criteria. That's a fair game. If -- if -- and I would welcome direction if someone wants to take any one of these programs and have alternatives presented. If I could also ask you both while you're there, we also heard testimony that the leed silver, I believe it is, certification, may be illusory and how -- illusory. Could you address that again?

**Kaye:** If the council decides it no longer wishes to incentivize leed silver and only leed gold or platinum, it can do that. We will be taking a review of all the tax abatements as part of the policy review. We'll be starting later this year.

**Fish:** What happens if they build it and it comes in at something less than leed silver?

**Kaye:** Then they do not qualify for the abatement.

**Fish:** Which means --

**Kaye:** That the entire property would go back on the tax roll.

**Fish:** And that's monitored on what kind of basis?

**Kaye:** There's a monitoring structure in place for something like leed silver, you have to get it once in order to -- it lasts forever, if you go with the leed silver, it's going to be leed silver. That will be checked by I believe the Portland development commission before the abatement is processed through. Is it pdc or planning? -- pdc or planning?

**Saltzman:** The u.s. Council certificates.

**Kaye:** Right, but other things, like the internal rate of return, that's monitored on an annual basis by pdc.

**Sack:** Can I speak to this. The leed silver, you can't get that until three to six months after the building is built. But they I believe send a letter and there's a plaque and that can be checked. The tax exemption doesn't go into effect until a year after a building is completed. So there's a period of time to check that.

**Fish:** That's our protection at the front end?

**Kaye:** That's correct.

**Fish:** And we'll be coming back to council with a series of properties no longer eligible because one or more of the criteria have not been met. And, therefore, disqualified. Are we monitoring these on an ongoing basis? The answer is question yes and results in tough love as you will learn shortly. On the impact on foregone revenue on other jurisdictions, this goes to the heart of I think a very robust discussion of tax abatements. What's the impact of foregone revenue on schools and county and others. In the fall, the county got an annual report on that. If nothing is built on this site, the other than continues to pay property taxes. If something is built and abated, the owner continues to pay property taxes on the land and taxes on the commercial part, but the abatement would abate the residential units, is that correct?

**Kaye:** Yes, for a period of time. And in this case, 10 years and at the end the full value of the land plus improvements will go on the tax rolls.

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**Fish:** And komi, to amanda's point, if we were to change the ground rules on the tod program and say we'll give you an abatement proportional to the affordable units but not the rest, what would happen to the project like this?

**Kalevor:** I would think you're not creating a developer fairly with their colleagues who have abatements on -- abatements on similar projects, but what would happen to this project, might be it doesn't go forward. I think the fact that they're getting a commercial loan and an equity investor's loan, in its is a testament to their ability to develop this improvement. And many lenders rely on predictability of some of these programs to make their investment decisions. So I would hate to speculate what would happen to their lenders and equity partners if you give them a partial or --

**Fish:** It is within our province to reject the request for abatement which may or may not kill the project. We have the right to say we disagree that there should be an abatement and that may kill the project.

**Kalevor:** The key word is may or may not.

**Fritz:** Suggesting not so much that we only go to the affordable units because this is to do with transit proximity rather than affordability. That's an added benefit, but that's not what we're giving this particular abatement for. My concern in this economy, is it wise to guarantee the rate of return of 6.21%? I know when I was on the planning commission, and the Portland development commission that we looked at structuring abatements so they were more in line with the benefit. So can we give a 4% return because of this economy?

**Fish:** I have to tell you, the deeper I get into this, I welcome both the framing of these issues and the -- one of the things -- framing of these issues. At what point in the process do we flag this? You're going to hear us, not today, but shortly, a report that Multnomah county, the assessor has refused to acknowledge abatements on the commercial portion of buildings we've granted abatements on, which have put a number of projects in this city at peril after they've been constructed and underwritten and played by the rules and one of the questions we have to grapple with, what stage do we change the ground rules and i'm certainly open to revisiting any portion of the tod program and reporting back options to council. I'm concerned about doing it in mid stream of a project where someone's played by the rules but that's for the council to decide.

**Fritz:** Please keep going.

**Fish:** I think kathy addressed a number of the other ones. Issues about the design of the building, issues raised about the underlying zoning and other things and i'm not entirely clear how we can bootstrap those issues into a tod tax abatement discussion. I'm not sure -- clear in my mind how they're relevant to our consideration of whether an abatement is issued as opposed to whether it's properly zoned or whether it meets design guidelines.

**Kaye:** From the staff perspective, as part of the tod review, you -- council should not take design or zoning into consideration. Those are outside, they are jurisdictional with another board and they have their own appeal route. I believe up to the land use board of appeals. So they're outside of your purview. The city attorney may want to speak to that.

**Fish:** Let me push on that one. If in the course of the design review process, the building has to be redesigned in a way that would affect the financing and the financials? I think an issue was raised if you have certain kinds of setbacks and a redesign, how does that impact the pro forma and our evaluation whether someone is eligible for an abatement?

**Kaye:** That's a good question. I think the answer is are the changes material enough to affect the -- the financing such that the building might run afoul of the rate of return. The 10% rate of return ceiling. That is the only provision I think would be affected. For that I would ask the developer, will the design review increase the revenues such that the rate of return will be above 10%. It sounds like this building has been a little bit smaller and so I don't see how the effect would be material. But this is a fact question for the developer.

**Fritz:** I'd like to ask a design question. Is it true that some of the bedrooms don't have windows?

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**Kaye:** It is.

**Fritz:** How is that legal?

**Kaye:** It's allowed by code. I have tim from the bureau of development services is here and can speak to that.

**Fritz:** How many don't have windows?

**Kaye:** I don't know. I would ask the developer to speak to that.

**Fritz:** And further, on the design, it mentions that two-foot planter box on one of the streets. Is that in addition to the planter strip or instead of?

**Sack:** I believe the planter boxes are next to the building.

**Fritz:** But there's width for a sidewalk and planter strip as well?

**Sack:** Right, but tim herring, who supervises the design review and the developer can speak.

**Fish:** You're the president -- should we invite the developer and bureau of development services to --

**Fritz:** Are you done with your questions?

**Fish:** Thanks for your job.

**Fritz:** Gentlemen, welcome.

**Tim Heron, Bureau of Development Services:** Good afternoon. Tim heron, bureau of development services.

**Fritz:** How many bedrooms don't have windows and how is that legal?

**Heron:** I'm going to determine the specifics of the windows to the -- our review was design. Not the specific number of windows but it does meet building code and, of course, it was also approved ultimately by the design commission on appeal for the design aspects. So --

**Fritz:** How many --

**Jack McNashe:** I'm jack mcnashe. 24.

**Chris Peters:** I'm -- there are 24 units but I should mention we're still in design development. So the internal design has not been totally completed yet. The external is pretty well fixed.

**McNashe:** But in the market, that loft style of one-bedroom is extremely common. You'll find it in all of the new developments. All over Portland. The new condo loft one-bedroom units are that way.

**Fritz:** With no windows?

**McNashe:** Correct.

**Fritz:** How do you get by the fire code.

**Peters:** When you have a sprinkler system, you don't need a direct exit to the outside for bedrooms. There are provisions in the structural code that pertain to ventilation and lighting. And we can meet those easily. I must say, too, there are benefits to having internal bedrooms, especially in entry level workforce housing. You can control sound and light intrusion better. We have experience of looking at apartment windows and seeing windows screened out with aluminum foil so that the people inside have an area they can sleep in during the day. Especially for night workers.

**Fritz:** How do you meet leed silver if you have a -- constantly have to have a light on in the bedroom.

**Peters:** You can have sensors.

**Fritz:** But whenever someone is in there, you need a light on.

**McNashe:** Leed silver has a wide spectrum of parameters. It's not necessarily determining that someone with an occupancy sensor is keeping a light on in the bedroom.

**Fritz:** Of the 24 units, what proportion of affordable, the one with no windows?

**McNashe:** I don't know the answer to that. I would have to figure that out.

**Fritz:** And what's the --

**McNashe:** The affordable units are in proportion to the entire mix of the project.

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**Fritz:** What's the answer to the question about the planter boxes.

**McNashe:** There is.

**Fritz:** Is there an outdoor area other than the parking lot.

**McNashe:** It's serving as the outdoor area.

**Peters:** And we have three our landscaped areas also.

**McNashe:** Right. I'm sorry, based on the results of the last design review, we added another planter area in the parking lot.

**Fritz:** Did you get any height bonuses?

**McNashe:** Height bonuses? We're 10 feet under the height limit currently.

**Fritz:** And did you get any density bonuses?

**McNashe:** None. And just to answer your question about how can you do the math if the design review isn't completed, well, we lost about 150 square feet of commercial. We lost no residential. So we lost \$50,000 of value, it's going to be harder to finance the project from a commercial standpoint. But there's no difference in review on the residential side.

**Fritz:** And what were the justs you got in -- adjustments you got in design review.

**McNashe:** The modifications?

**Heron:** There were modifications to interior parking lot maintenance for the parking lot area. That was increased, part of our consideration was this project is not required to provide any parks whatsoever. Because of its adjacency to the transit node. So the balance on that was understanding that people will still drive regardless of whether parking is required or not. And that was seen as a balance with the neighborhood. Because clearly people will park within a block or two blocks of the existing neighborhood and fill out those otherwise assumed private spaces on street.

**Fish:** We had that issue come before council a week or two ago where people expressed concern in an inner southeast neighborhood about the displacement of cars. It's a balance.

**Fritz:** So how about the stormwater run-off be managed with less landscaping?

**Heron:** We had extensive conversations with bds. There's a landscape strip that runs the entire east face the project and we had a couple of meetings with bds to specifically plant certain types of species. Meeting the stormwater management manual. Deemed adequate. The intern parking lot landscaping, to what was modified would be not as speck stormwater management. Provide shade and shadow and a visual buffer to the neighbors to the east. Stormwater management manual affords fast and medium growing types of plants. The ones planted were planted at twice the density that the code requires relative to screening parking areas from adjacent spaces. Hopefully, the -- we'll see pretty fast and dense growth relative to a green buffer.

**McNashe:** Of those parks spaces, only 14 are surface parking, the rest are tuck under. They're not going to be subjected to sheet flow of the impervious area.

**Fish:** I'm sorry commissioner Leonard isn't here. He noted these matters used to be on the consent agenda for city council and now, not only on our regular agenda, but we have a former plan can commissioner member asking probing questions and asking questions about the continued viability of a particular abatement program in addition to how it's applied and then monitored. So regardless of the outcome of this one, I have to say I think this has become a much healthier discussion about this program.

**Fritz:** I agree. It's a better process. Did you have any other questions?

**Fish:** I don't. Thank you very much.

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

**Fritz:** So finally -- if I might tell you where i'm coming from on this. I come from a land use perspective. For the last 1818 years i'm been doing -- 18 years, as a plan can commissioner and the rules on effect on the day the application is submitted are the rules that govern the decision.

**Fish:** I'm going to need your help with chair wheeler on that point.

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**Fritz:** Wait until I finish. And that's what I was thinking when reading the citizen comment to the wee hours of the morning and thank you, Tracy, who is -- was sending it to the wee hours. I woke up and realized this is a policy decision and we're policymakers and I know in the past, the council has come to a decision on a particular building, for instance, in Irvington, where it seems like too much for the site. And regardless of the height being met and design review being met. It just didn't fit and I'm concerned about the adjustments, there's a modification being necessary to put more parking spaces in because of the size of the building, for the 72 units and I'm concerned about giving the tax abatement for transit-oriented development a quarter of a mile from a bus line. Which is not, to my thinking, congruent with next to a light rail line. I'm concerned about the public benefits which were which the developer was given to choose from, one of which was to designate a parking space already provided as a car share rather than as an open space. That doesn't cost the developer anything and yet it's at the same level of providing 20% of the units to be handicap accessible. That doesn't seem reasonable that that should be on the same level of choices. The LEED service, as pointed out, is cost-effective for the tenants and a good thing for the developer to do and the ground floor commercial is going to be something that will help this project be viable. In terms of the public benefits compared with the impacts to a historic neighborhood of this very large building, with height, bulk, number of units, in a neighborhood that's not right on a transit street. I just can't feel comfortable, despite the good process you've done, Commissioner Fish to review the tax abatement request, I feel the other aspects of the planning issues that do weigh into whether we think this project is worthy of giving a subsidy of \$1.2 million to.

**Fish:** As I've tried to break it down, there's the narrow question of applying a code provision that gives someone a -- the opportunity to apply for a tax abatement. And the specific elements and whether they're met. And there's the policy question of whether this is a useful tool, are we getting our bang for the buck? And if not, should we either abandon it or tweak it and update it at any particular time. And then there's the question of just sort of basic fairness, do you call that question in the process. If the developer plays by the rules and lines up the financing and in this economy when nothing is being built, comes up with a way to build and then when do you revisit the basic ground rules, which is what you led with. My sense on something like this, is that the criteria question needs to be scrubbed carefully and we've been charged this fall with a committee that can back with a whole set of recommendations on all the plans and we'll do that and they'll include a menu about tightening, rate of return, looking at the request of a quarter mile. Is that out of date and should it be more restrictive. And then also looking at the benefit we've received from these investments. The only reason we have these programs is to create a public benefit. We're not giving away money. We're creating incentives to meet our goals. The piece that gives me pause is if we conclude the developer followed the rules and the code has been met, and what we're left with is a building that a neighborhood objects to and I'm -- objects to. And, respectful of the reasons cited, is it our role to yank the abatement or do they have other recourse through appeals of the planning process and design review. You're more conversant on those than I am, that concerns me a little bit. The challenge we currently face is we don't have any meaningful development going on because the credit markets are seized up and it's impossible to get financing and I'm concerned at this stage of a process saying we want to revisit the policy questions, particularly when a developer has put together the tools to build something. Mr. Menasche, to get an award for being at this stage. Because nobody else has been able to build anything. We're going to come back to you on block 49 and make recommendations in the river district because we're facing adversity in cobbling together financing, there's not a point I can recommend to my colleagues to take on risk. That's the piece I'm concerned about and about mangling the example on this particular development, particularly because it otherwise meets all of our criteria and the -- and the developer's has played by the rules. That's something we want to think about between now and when we come back to vote on this. I respect the points you made on revisiting the assumptions and triggers in this particular

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plan. It just feels a little harsh to apply it after the fact, particularly at a time when we're not building things and a project, and I wish it was a project that was greater -- embraced by more in the community, and I respect those concerns, but this is a project that will put people to work and add to our inventory of affordable housing and those values also drive my desire, perhaps not to make an example of this project, but to perhaps put a marker down for future projects.

**Fritz:** Thank you. Commissioner Saltzman, any comments? Thank you. So the process from here on in for those, we'll be bringing it back next week for the vote and further comments from the council.

**Fish:** I should announce, i'm taking a vacation next week. And I don't know whether we have a full complement of council, but I think we should make sure we do. Because this thing, I think this issue warrants a full council and if we don't have a full council, I might suggest we put it off another week. Give notice to everybody, so we have a chance for everyone to weigh in on this issue.

**Fritz:** Thank you.

**Fish:** Thank you, it was an excellent discussion. Thank you to the citizens for testifying.

**Fritz:** We're going to do the non-emergency ordinances and so if you're here for an emergency ordinance, you can be assured that we won't start it before it if you need to good -- before 2:00. And 1235 we will not hear before 2:00.

**Saltzman:** I have to leave by 2:45.

**Fritz:** We'll get it done.

**Saltzman:** There's a lot of people on the emergency ordinances with. Like the sellwood pump station.

**Fritz:** That should be first -- thank you -- that's the vote only, right?

**Saltzman:** No, it's -- it's -- it's not a second reading. We set it over.

**Fritz:** That's right. We set it over and we can have more testimony if you wanted to.

**Saltzman:** So is it possible we could take up that?

**Fritz:** We would need to pull commissioner Leonard out of his meeting. Once we find out what happens to commissioner Fish.

**Saltzman:** I think commissioner Leonard said he's available for the vote.

**Fritz:** Right.

**Saltzman:** Commissioner Fish will be back shortly. We could begin the presentation from bds.

**Fritz:** We should wait until we get a quorum back in. So which item is it that you want to take next, commissioner Saltzman?

**Saltzman:** It is 12 -- 1233.

**Fritz:** 1233. All right. If somebody in commissioner Leonard's staff is watching, which I hope they are, we will hear the presentation and then voting on 1233. But then after that, I think we'll go back to the regular order.

**Saltzman:** I appreciate that.

**Fritz:** Thank you, everybody, for your patience and I don't know which items you're all waiting for.

So please read the title again for item 1233. But then we'll wait after that -- you have to wait to read the title? Ok. We have to wait to even read the title. Chat amongst yourselves. They don't give you any instructions for being president of the council. They just hand you the gavel.

**Moore-Love:** Were you planning on taking testimony?

**Fritz:** Yes. Emergency ordinance, like last week's was. Ok. We were waiting for -- we're doing one emergency ordinance at this point because of the number of people who want to testify. It's one, two -- please read the title.

**Moore-Love:** 1233?

**Item 1233.**

**Fritz:** Thank you, commissioner Saltzman.

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**Saltzman:** Thank you, madame president. This ordinance as we discussed last week, will authorize the bureau of environmental services to exercise the city's eminent domain authority to acquire temporary and permanent easements for the sellwood pump overflow station. There was a bit of discussion about the process and involvement of the waverly condominium homeowners and we have here tammy who is the project manager for the sellwood pump station and we did provide you all with a memo. The documents and decision making and that have occurred up to this point and i'll turn it over to tammy or --

**Megan Callahan, Bureau of Environmental Services:** I can start. Great, thank you, commissioners. My name is megan callahan, for bureau of environmental services, I manage public involvement for the bureau and i'm here to provide additional information regarding the public involvement activities that occurred during the site process. As commissioner Saltzman said, tammy is here, a supervising engineer with the bureau and project manager for the pump project. I'll start with a recap about the comments you heard last week and then provide an overview. The city is required by the department of environmental quality amended stipulation or environmental order to control combined sewer overflows to the willamette river by december 1, 2011 or face fines for illegal sewer discharges. We're in the 18th year to control the outflows into the willamette river and the pump station is one of the last projects in the cso program. The pump station will control outflow no. 27 in the sellwood neighborhood. With respect to pump stations. Our sewer system prefers to use gravity whenever possible however on indication we do need -- on occasion, we need to pump uphill and pump stations allow us to do that. We have currently 100 pump stations located throughout the city. Many operate continuously but this particular one, would operate during wet weather. Based on the sewer system modeling, construction risks and costs, and environmental services determined the best approach to controlling outflow no. 27 which uses the existing lents trunk sewer, underneath harney street to store combined sewage during wet weather and pump the sewage to a gravity line and convey it to columbia boulevard. The pump station near the western end of lents trunk sewer in order to maximize the sewage capacity in the line. Public involvement began in january of 2008 with a public hearing. To update and inform the neighborhood about projects going on in the sellwood neighborhood. We have a number of projects in design and/or construction most related to the project. At the time of this meeting, potential sites had not yet been identified. The public was shown a large map with a large circle at harney street indicating a general area where a pump station would be placed. Environmental services began working with a consultant to identify potential sites. Six were identified guided by the amount of land needed and the proximity to the western end of the lents trunk sewer or southeast harney street. This was at this point that the public involvement became more targeted. Through the proximity of their residences to the site. And on april 9th, 2008, a meeting held at the station that was targeted for the neighbors living near the six identified sites. The meeting's purpose, the neighbors were informed to provide them information on the pump station and the proposed sites and to hear from them, their concerns and feedback regarding the six sites. They were informed their input would be used in a quantitative evaluation of all six sites. Staff learned that the waverly landing condominium had not been invited as their letter had been delivered undelivered to the bureau. And inviting them to the next meeting. It was held only may 14th, 2008. One of whom was the condo association president and updated on the project and included provided information that a preliminary site or preferred site had been preliminarily identified and asked to provide feedback on that site as well as the remaining sites and again reminded and informed that their information and feedback in the meeting would be used in the analysis of all six sites. On may 29th --

**Fritz:** Excuse me, are you going through every meeting you had? I'm -- there were lots of meetings and people were invited and involved.

**Callahan:** I do have a couple others to mention.

**Fritz:** If you could take the highlights, that would be help.

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**Callahan:** There was a meeting at the end of may and the final meeting at the end of june at the request of residence residents. The final meeting in june was held in the office of bureau director dean marriott. Input gathered was used in the quantitative analysis and evaluation of the sites. The criteria to evaluate the sites was impacts to the public, site characters, risks associated with construction, ease of temporary and permanent acquisition, cost and compliance with the land use requirements. The design consultant issue, the technical memorandum in june, that site is located in the southeast harney right-of-way and patently on [inaudible] we've been moving forward with the design since last year to assist the bureau with site layout and design of the station, we convened a meeting. Three members of the Portland rowing club, three representatives from the waverly condominiums and one representative from smile. And they've met five times. In conclusion, we recognize this is a difficult project and not all the neighbors support the location. However we've made efforts to incorporate the feedback of the residents into the evaluation of the site and the determination of the preferred site and through our work with the committee, we've continued to seek input on the layout and design of the pump station in order to minimize the long-term impacts on the neighborhood. We're happy to answer questions you have.

**Saltzman:** [inaudible]

**Tammy Cleys, Bureau of Environmental Services:** Only that it's a difficult thing even for us to do to impose something the city need where people don't want it. We've tried our best to incorporate what we can do in the architectural renderings and what we can do to make the pump station a more amicable neighbor.

**Saltzman:** I'm assuming we have people who wish to testify?

**Fritz:** Do we have a sign-up sheet?

**Moore-Love:** Two people. Mike and peter.

**Fritz:** If anyone else would like to testify, there's a seat, you're welcome to take. Go ahead.

**\*\*\*\*\*:** I'm going to start the time [inaudible] and distribute it while you're talking.

**Fritz:** Please state your name and you have three minutes.

**Mike Shangle:** Thank you. Mike shangle, resident of waverly landing and representing the homeowners association. The handout i'm giving the council i'm going to refer to in my testimony here. First thing you should know is that our residents of the homeowners association were not made aware of the pump station's final determination of the location for the pump station until after the decision had been made. We were late coming to the dance. The decision was made prior to us being invited to these meetings. They published their own timeline and met with the Portland rowing club starting in october of '07 and had two public meetings prior to us. Calling your attention to the upper left photo you're looking at there. The site selection process we believe was flawed. The contractors, as bes consulted rated site for having the least impact to the public even though the site is approximately 40 feet -- I think [inaudible] but actually -- i'm sorry, 40 feet from unit 24 in the condominium complex. 40 feet is roughly between the pillars on my left and right here. Tiger woods makes putts -- putts like that all the time. That's close for a sewer pump. At -- and as I understand it, the city has not in the last 20 years, anyway, built any sewer pumps as close to residential complexes as they're proposing this one here. At every meeting we attended we urge bes to consider other sites but told it was too late to change their mind. In the end, the only major change that was made was that the pump station was moved even closer to our complex.

we're worried about the quality of life of our residents during the long construction period and the frequent operation of the pump station itself. They've been unable to assure us that noise and odor levels will not be a problem. We expect it to impact our property values. The lower left photo on your handout there, to permanently block the right-of-way leads to the river and provides a nesting site for herons is not in the community's best interest. The trees you see are in the -- basically very close to where the nesting sites for herons are located. And lastly, the upper right photo, we have identified an unoccupied industrial site at sixth and southeast umatilla that we feel would be a much

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more appropriate site. There would be no need for bes to obtain greenway or encroachment permits for this site. So we're coming here today to ask the council to delay your decision on this until other more suitable sites, especially this industrial site, can be investigated. Thank you.

**Fritz:** Thank you. Mr. Fry?

**Peter Fry:** Peter fry, 2153 southwest main. I'm a planning consultant helping the waverly landing condominium organization. I want to start on a negative note. I just want to say I personally believe the practice of eminent domain should never be on an emergency ordinance. I think it's the city's most powerful tool and should always go through a non-emergency process. Basically, yesterday -- or last week, thanks to council, I became aware of a technical memorandum no. 1 and went and acquired it yesterday and reviewed it. And I found numerous errors, but in the interests of time, I was only going to focus on two. This talks about the long process of condemnation, or eminent domain. In fact, it's not a long process at all. It takes basically 60 days. The time it takes for you to decide to do it, the time for notice of the owner and then the time it takes for a judge to take the property and then you may spend another year discussing price but your acquisition is almost immediate and this does not reflect that. The second thing is in this document, they say a land use variance is expected to be a straightforward process. First of all, there's no variances involved in this. They're land use reviews and in my experience, 30 years, i've never ran into a straightforward land use process. So I would -- and these two issues and others, were rated which then resulted in site 4 being the highest ranked property. I want to briefly go through the land use issues. It's our opinion and our attorney's opinion that the city needs to go through an encroachment permit process because we're putting a physical structure in a public right-of-way. It's the opinion that the city is not bound by the encroachment process and, therefore, they can put anything they want in a right-of-way and we obviously disagree with that. The second issue is we believe it's a conditional use process because it's part of a regional facility. Goes from lents all the way to swan island and not a little pump station serving a little neighborhood. The bes disagrees and they're filing for a greenway permit. And greenway permit, frustrating part of this to me is that these procedural issues have to go all the way to the court system to be resolved and results in delay. I prefer the procedure correct now and if any way it falls is the way it goes, but to have to fight procedural issues is not a fair thing to do. Thank you.

**Fish:** It's a long day and i'm trying to track what you said carefully.

**Fry:** Sure.

**Fish:** What is it specifically you're asking us to do?

**Fry:** Asking bes as part of this public process to file for a conditional use permit, to file for encroachment permit and to go through a greenway process and build a greenway trail on the willamette bank where there's no link. That's what i'm asking council to put a spotlight on this and get your bureau to do the right thing so I don't have to come back in a year and a half and do it all over again.

**Fritz:** Thank you.

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

**Fritz:** Can I get a comment from the city attorney regarding the encroachment review?

**\*\*\*\*\*:** Yes, our office [inaudible]

**Fish:** Can you speak into the mic? Sorry.

**Tracy Reeve, Sr. Deputy City Attorney:** The encroachment policy is listed in the Portland policy documents as non-binding city policy and based on that, based on city code and practice, it's not an approval criteria for decision making but in addition, pbob, the way they've applied it and interpreted the policy, it's never applied to public utilities in the right-of-way. They're not encroaching. The right-of-way is to have public utilities in them. So even if the policy were a binding policy, which we don't think it is, it wouldn't apply.

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**Fritz:** Thank you. Anyone else want to testify? Could we have staff come back, please? Could you respond to the suggestion of the alternate site at sixth and umatilla. Was that examined?

**Cleys:** It was and discarded quickly.

**Fritz:** Why?

**Cleys:** At the time, it was a business, so we would be displacing a business, a relocation of a business takes a significant amount of time and did not seem in the best interest of the city. It also is a significant distance away and would take some deep tunneling because you would have to go through the bluff, do a deep tunneling and deep retrieval shaft and make the pump station significantly more expensive, deeper and risky because we'd be going under rail lines.

**Fritz:** What's the consequences of not doing it at all?

**Cleys:** Outfall 27 would remain open. We would fail our deq mandate. The city would be fined. But more extensively, bes has made quite a bit of strides in meeting this and this would be the only project that did not meet the date. It's more pride than money.

**Fritz:** How much -- how often do we think this pump station is going to be used?

**Cleys:** Should run about 90 days a year. It will be cycled slightly but that outflow does outflow 90 days a year. Mr. Frey raised a principle issue from his point of view about doing a condemnation on an emergency ordinance. Can you remind me what our time constraints are?

**Cleys:** Our time constraints, I wish john -- he had to leave for a family emergency with pbot right away. He's better --

**Fish:** Never anticipated a five-hour marathon.

**Cleys:** For this project, if it's read in 30 days, that means according to the 120 days, the city is more likely to take, more their timeline for getting eminent domain and possession, that means I couldn't start until february 1st. Again, i'm trying to get out early work in order to make sure this makes time. So I was planning on getting one package out in mid february. So making it quite a tight timeline. But can be done. Again, i'm using the 120 days, which is more likely, but I think mr. Frey is right. I think legally, 60 days is what's required.

**Fish:** Thank you.

**Fritz:** Further discussion or questions?

**Fish:** Council discussion.

**Fritz:** Commissioner Saltzman.

**Saltzman:** With all due respect to the homeowners of the waverly condominium association I want to remind the council that the actual land subject to eminent domain is not their land. It's the Portland rowing club and I would point out I don't see anyone objecting from the Portland rowing club. It's been under review for almost two years now and I think tammy said it's not always painless, but I do feel this is a site that balances both the impact as the criteria indicated, on the public, the need to respond and meet our combined sewage overflow targets on time and budget, which is what we're currently doing, and to I think, you know, mitigate the impacts as best we can through the design of this facility. But I do think it's a critical facility in our overall compliance with cleaning up the willamette river, which is a public benefit shared by all of us in this city and region. So I would urge support by the council.

**Fish:** My instinct on a question like this is to defer to the bureau and commissioner in charge and trying to make sure I understand all of the -- make sure I understand the practical and legal issues and I think to the extent my colleagues have any views, I would benefit from hearing them.

**Fritz:** I am -- I was concerned about the process here. I was at an earlier meeting and the criteria set without public input because that affects which sites were chosen. I think that was recognized and from that point onward, the process has been good and i'm concerned about the compliance deadline with something we have worked with for 20 years and invested over a billion dollars of taxpayer money to get done. The option of continuing 90 times a year to overflow into the willamette river is not acceptable. So as you know, i'm one of the most sticklers for process and I

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think that we've learned from this process. It does seem to me they've -- that the process after the initial problems, has reached the least objectionable alternative. There's probably not a good place to site a pump station in a neighborhood that everybody is going to be satisfied. With it has impacts for other taxpayers and i'm sure there are other neighbors had near there who would come in if we were to propose relocating at this late stage. So as I say, these types of decisions are never easy and I do believe that this is something that I can support.

**Fish:** Commissioner Leonard, i'd benefit from any thoughts you have.

**Leonard:** I was in a meeting but I was listening to the discussion and I think commissioner Saltzman has articulated well where i'm at on this position.

**Fritz:** Please call the roll.

**Saltzman:** Aye.

**Fritz:** This project does help the city to be in compliance with the clean water act. Staff has done diligent work and it's not an easy decision. Not easy to say, yes, this needs to be near your homes and not be easy to say we need to spend millions more to do the process over again. I think had the public been allowed to help with the selection criteria, things would have gone better, but probably still somebody at the end would not have been happy. But I commend the staff for their hard work and I vote aye.

**Fish:** Aye. **Leonard:** Aye.

**Fritz:** Thank you. [gavel pounded] anyone here to testify on anything else? We are going to take a 15-minute recess so we can attend to basic human needs --

**Saltzman:** This gentleman has been here all morning.

**Fritz:** And you're here for?

\*\*\*\*\*: 1234.

**Fritz:** 1234. Regardless of you're having sat here all morning, I can't sit here one more minute. We'll take a 15-minute recess. [recess]

At 1:53 p.m., Council recessed.

At 2:12 p.m., Council reconvened.

**Fritz:** Read the title for 1227.

**Item 1227.**

**Fritz:** Thank you. Gentlemen, presentation, please.

**John Rist, Bureau of Transportation:** Good afternoon. My name is john risk with the bureau of transportation. In june you approved the financing plan and we're back here today to seek your authority for a capital loan from the sewer system rate stabilization fund to the grants fund totaling \$22 million. This loan will eventually be paid back from federal funds and they come in but to keep the project on schedule, we're seeking authority from council for this temporary loan.

**Fritz:** Do you have anything to add?

**Ken Kinoshita, Bureau of Transportation:** No, i'm from the bureau of transportation. I'm [inaudible]

**Fritz:** Great, thank you very much. Any questions from council? Anybody in the audience wish to testify?

**Moore-Love:** No one. I didn't have a sign-up sheet.

**Fritz:** It's a resolution, please call the roll.

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

**Fritz:** Aye. What we're doing is borrowing money -- expecting to get \$75 million from the federal government.

\*\*\*\*\*: That's correct.

**Fritz:** And we have it in the budget. Aye -- thank very much. Please read 1228 and 1235.

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**Items 1228 and 1235.**

\*\*\*\*\*: Good afternoon. Sorry.

**Fritz:** Commissioner Leonard.

**Leonard:** Mike stern.

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

**Kathleen Brenes-Morua, Bureau of Purchases:** Let's start with item 1228. I'm kathleen with the bureau of purchases and we've got mike and david from the water bureau and --

\*\*\*\*\*: Tim collins.

**Brenes-Morua:** Tim collins. Item 1228, the ordinance is seeking authorization to exempt this construction project from -- the improvements bull run 2 from the traditional bid process. Under Oregon law we're required to provide an exemption based on different findings which are attached as exhibit a to the ordinance. This enables us to pursue competitive requests for process and allowing us to select a contractor, such as diversity in the workforce and qualifications of their project team instead of awarding just based on low price. This authorization is the first step in a selection of the contractor, we could -- sorry, the acronym for construction manager general contractor.

**Fritz:** Thank you.

**Brenes-Morua:** And it's the first step and we would be back before council for authorization to execute the construction contract. With that, i'll pass it over to david, barring any questions.

**David Shaff, Director, Portland Water Bureau:** Good afternoon, i'm david shaff, the director of the Portland water bureau. I'm here to talk about the dam two tower improvement process and the fact it's a critical project. A \$30 million project. I have half the audience remaining in this room to answer questions. The chief engineer, the chief Fish biologist who I think is still here and our design manager. The cmgc process is a contract four -- 4 type that will best meet our goals in this process. To carefully select the contractor who has speck experience in this type of specialty and dangerous work. We're going to be dealing with tons of steel at depths of 100 or more feet under water. And the cmgc will be working with the design team, the black & veatch design team to meet the project, do it within our budget and safely and allow us -- and this is the critical piece -- to allow us to continue to operate or bull run system while doing all of this work at the dam 2 tower intakes.

Our water comes into the treatment system from those two towers. So while working on the towers, we'll have to continue to allow -- provide water to the citizens of Portland and all of our wholesale customer. So this is a critical project and the reason we're using cmgc to allow our contractor who is going to construct the project, work with the our designers, black & veatch, and people like tim, altogether so when it comes time to build it, they will have already determined the means and methods in order to build it most efficiently and safely while still operating the system. That's what we're here for and here to answer questions if there are any.

**Fritz:** Questions from council? Thank you.

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

**Fritz:** Would anybody like to testify on this?

**Moore-Love:** No one signed up.

**Fritz:** These are regular ordinances. They move to second reading. Thank you.

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

**Fritz:** Read the title for 1229 and 1230.

**Items 1229 and 1230.**

**Fritz:** Commissioner Saltzman.

**Saltzman:** Thank you, madame president. In may of this year, the city council approved two grants for gang outreach violence prevention services with brothers and sisters keepers and emanuel community services in partnership with catholic charities and we're here to expand those outreach grants and due to internal administrative savings we'll be adding additional ongoing general fund

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dollars and a contribution from the police bureau federal stimulus funds which will employ a total of 10 full-time gang outreach workers compared to eight right now. We had people to testify earlier, but I told them they didn't have to wait. Recommend improvement.

**Moore-Love:** No one signed up.

**Fritz:** Please call the roll on 1229.

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

**Fritz:** Good work. Aye. And 12 -- the roll on 1230.

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

**Fritz:** Aye. Thank you, please read the title for emergency ordinance 1232.

**Item 1232.**

**Fritz:** Commissioner Saltzman.

**Saltzman:** Thank you, madame president. Again, this is similar to what we heard. It authorizes the bureau of environmental services to require easements necessary to complete the eastside big pipe construction. No individuals or groups notified have opposed this passage and we urge approval.

**Fritz:** Questions from council? Anyone wish to testify on this? Emergency ordinance, please call the roll.

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

**Fritz:** Nobody comes in to complain about eminent domain, I think it's safe to say it's a good thing. Aye. Thank you. Please -- I keep forgetting the gaveling thing. It's too much to handle with everything else. I don't think it's necessary. The city attorney is telling me banging the gavel is optional.

**Leonard:** I'll do it for her. I like to bang the gavel.

**Fish:** Knock it off.

**Leonard:** We haven't eaten.

**Fritz:** Please read 1234.

**Item 1234.**

**Fritz:** Thank you. Commissioner Saltzman.

**Saltzman:** Thank you, madame president. This is authorizing an intergovernmental agreement with Multnomah county as part of our service coordination team efforts that were pioneered by commissioner Leonard in the old town chinatown area in downtown and we would -- I urge approval of this intergovernmental agreement.

**Fritz:** Questions from council? Anyone wish to testify on this issue, please come forward. And I would note that dan handleman of Portland cop watch was here earlier and unable to stay and I apologize for not being able to get to this item until now.

**Christopher O'Connor:** My name is chris o'connor -- o'connor, an attorney in Portland. It's a secret list that singles out people for enhanced penalties and they're put on a list through an unpublished and constantly changing process only decided by the police bureau and subject to enhanced prosecution by the deputy district attorney that this seeks to pay. What becomes a misdemeanor becomes a felony and only after conviction on the felony do they become eligible for treatment. The money is spent on treatment and police overtime for the police officers to follow these folks around once they're in the program. I want to say treatment is great. I support it. I support the city working with the county to provide drug and alcohol treatment. In my job, I represent people in court every day and helped -- I represent people in court every day but secret lists are bad and singling out people for enhanced prosecution is bad. History teaches us that -- it's inefficient. A person cannot walk into the city or county and say, "i need assistance, drug or alcohol treatment, please help me." first, you have to be arrested. Maybe for a misdemeanor, have it enhanced to a felony and then go to the whole court process. Including the required funds from the state for employment of indigent defense counsel as well as court time. It's inefficient on that basis. Additionally, if there was a way to straight out reach and talk to niece folks we wouldn't have

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the expense to the city for the police overtime and salaries and, of course, there wouldn't be the need for a special district attorney or p.o.'s, and we can imagine why the probation department and police would be supporting this. They're receiving funds for it. You need to understand a person on this list is barred from the very successful community court program through the county circuit. Barred from the stop court program. Once on this list, you're not allowed to be in that program. The ultimate question, the whole program's been shrouded in secrecy the whole time. The talk of public meetings and criteria for contractors, none of that was gone through. No public meetings held about this. No participation in the community and the program is cynical in that it's an attempt to do an end run around the existing criminal process and avoid judicial review of the placement of the list and execution of the list. So I would urge you to vote no on this.

**Fritz:** Thank you.

**O'Connor:** Unless you have questions, i'll return to my seat.

**Fritz:** Questions from council?

**Saltzman:** I appreciate your patience. I know you've been here since morning.

**O'Connor:** Thank you.

**Fritz:** I'm wondering if you would be willing to address the issue.

**Leonard:** Is there anybody else that's testifying? Understanding i'm not the commissioner of police, commissioner Saltzman is, but he has graciously alluded to the fact that I worked to create this group and -- I listened to you politely and appreciate it if you try to do the same.

**O'Connor:** Just shaking my head, sir.

**Leonard:** And I just want to, first of all, say publicly to commissioner Saltzman, as i've said to members of the police bureau, I wish they would reconsider the whole list of the -- whole notion of the list not being published. Commissioner Saltzman has gotten the same advice I have from the city attorney that says don't publish it. But it's created by the number of offenses one commits and it's easily discernable. The more offenses one commits, the higher up one finds oneself and what is mystifying about the advice from the city attorney's office is somehow we should keep private what is otherwise public information. Arrests are public, and it's for public review and why the city attorney doesn't just remove this what I consider to be a distraction and just say, we -- we have a blind system by which you end up number one on this list, it's because you've committed more offenses than anyone. -- I agree it should be public. And second, I have learned through a variety of experiences in my life that people do bad things not necessarily because they're bad people but because of mental illness, drug addiction, alcoholism, but usually all three mixed together. So people in our community that find themselves constantly at the bad end of a drug deal or the other end of a drug sale or find themselves hopelessly in the dark spiral of alcoholism or find themselves hopelessly in the dark spiral of prostitution or in the spiral of robbing, thieving and conniving in order to feed the addictions that I alluded to earlier, we've not figured out how to break that cycle until we came up with this really straightforward approach. And it's interesting what we're voting on today, that commissioner Saltzman brought forward, is money that includes treatment for chemical abuse. So here it is, the police bureau, that is asking for money to treat people chemically.

Why in the world would we do that? Why the police bureau and i've heard some people say that this program is making social workers out of police officers. Let social workers be social workers and police officers be police officers and it tells me they don't get it. And Chris, you don't get it. Have our police officers think more like social workers. What is it that is not being done that causes a person to be arrested but what motivate them to get to that point. The predominant number -- i'm looking at one person who knows what i'm talking about -- the predominant -- are done by people who have all three. What this program is funding, jail beds that were otherwise closed. Project 57 when we first started this. And went to the county five years ago, I sat down with the then county sheriff, the chief judge of Multnomah county and representatives from the mayor's office and said what do we have to do to get beds open to put bad people in that the police find

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downtown, taking drugs, selling drugs, using drugs, committing crimes with alcohol or alcohol related crimes. They're now only getting citations and police officers are telling me that it doesn't make any sense. I issue somebody a citation, they walk down the street, they buy more drugs. And what I was told, we need more beds to put people in. So we sat down and negotiated the only agreement of this kind in the united states of America, wherein we actually rent beds from Multnomah county that are specific to the city of Portland. We put people in jail in the city of Portland that should not get put in jail for the same offense in Gresham or troutdale or woodvillage or unincorporated Multnomah county because we pay for the beds. But I recognize that just putting somebody in jail, and I recognize from my service in the legislature, I'm going to take a few minutes to explain this so you get my whole motivation behind this. When I was in the legislature I served on the subcommittee on public safety because of my background as a firefighter. So I worked on budgets that related to funding to the state police, funding the state prison, and we were at that time, when I was on that subcommittee during the same economic area that we're in now. So where we're not looking at adding programs, adding police, or adding prison guards, or opening prisons, we're looking at cutting prisoner's programs, cutting prison guards, cutting back on services. The single most powerful testimony that I've ever heard to this day, ever, and randy miller state representative randy miller characterized himself as on the conservative end of the republican party, was chair of the committee, said the same thing. The single most powerful testimony we ever heard was from a group of ex-cons who dedicated their life to helping inmates overcome addictions to drug and alcohol and to get treatment for mental abuse. We sat, as we're sitting here, and looked into the audience and saw biker gangs by the dozens, people that would frighten me, people that let's just put it this way, if those folks cussed at me, I wouldn't say a word. I would just take it. They were big, burly ex-cons who saw the light as soon as they got treatment and thought that part of their duty and part of their life was to pass that on to people that were in the place they had once been, there but for the grace of god I heard a dozen times that afternoon. And we walk out of that room, and randy miller said, we are not cutting that prisoner's program. We are not cutting that prisoner. I don't care we're we get the money. If I have to raise taxes, I will because i'm convinced that those guys are stopping the cycle. So, that seed was planted in my mind when I was approached by officer jeff meyers to please find a way to fund jail beds. I put together this program that is not as comprehensive an approach. We arrest somebody, we take them to jail and say you can stay in jail or we have a bed for you, and if you choose treatment you will get out of jail. People thought, because they are scammers, well, i'll just, take the treatment. They go out the back door, the police officers recognize them and put them back in a jail bed. They are going, wait a second, what happened to the ticket? I did this same thing a week ago and you gave me a ticket and now you are dragging me to jail and then I go to treatment and you take me back to jail, what's up? We came up with resources and this cycle is going to continue until you either do one of two things. You fill out the time in jail or You complete treatment. What we have found from them until now is 36% drop in crime. The current police chief, who most people would agree, doesn't necessarily agree with me on anything, necessarily, has said, this is the singular, most effective crime enforcement treatment tool that she has witnessed in her nearly 30 years in law enforcement. And when I read that, I knew that I was onto something. If the police chief rosey sizer said, this is the single most effective law enforcement tool that she has used, I knew that we were onto something. Commissioner Saltzman, being the man that he is, wasn't worried that I create this had program. He is not worried about who authored it. He said it works. I'm going to continue it. It works. It saves people's lives, and we have this one, this small disagreement, and i'm urging publicly that we go over that small disagreement, and publish the names on the list because again, the only people who are on the list because of the arrests they get so publish it. Other than that, this is a perhaps that other cities come to us to ask us how we operate it annually. We have had victoria b.c. Come here. This is before I was, I was, before -- a year ago, and since then, i'm sure that commissioner

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Saltzman has been visited by other communities. I don't know whether he has or not. How are you guys doing this? And we're doing it by being smart. Not treating people like things or like criminals. We're not treating people because they urinate in the street like they should, beat up. We're figuring out why, and then we're building public rest rooms and we're creating more, more treatment programs, and we're creating specific treatment programs for prostitutes, for drug addicts, for alcoholics, and we're fixing people and giving them a chance at life. So thank you, commissioner Fritz, for giving me the opportunity to explain that.

**Fritz:** Thank you very much. This is an emergency, please call the roll.

**Saltzman:** I think commissioner Leonard did an outstanding job of articulating the rationale for the service coordination team. I would say that, that I know that, it was a week ago on Monday I attended a service team coordination barbeque/graduation underneath the Burnside bridge and saw 302040 individuals whose lives, 30 to 40 individuals whose lives were immensely better than they were before. This is a good thing, and I would point out that, Officer Jeff Meyers is on his way to becoming Detective Jeff Meyers, if it hasn't happened for sure yet. And I appreciate your statement and I appreciate your concerns for being patient and waiting around all day. Aye.

**Leonard:** I believe I have said enough. Aye.

**Fish:** I associate myself with Randy's marks and also, also, add my voice to the chorus about publishing the list, and frankly, based on a couple of matters I've been involved with, I'm learning that, you know, we often get, we get good legal advice but ultimately, we're the clients. And we have to always remember that. So, I think that I will join with you in seeking to have that list published. As I think it should. Aye.

**Fritz:** Thank you. I also agree with all the other remarks, and I would like another date to find out what services, like this, are available for women in terms of the parody of men versus women getting into this program, and I know from the other side of the equation, from working at OHSU in psychiatry for 22 years, how desperate people become when they cannot get into treatment for six months. And sometimes, they get arrested for seeking, doing crimes, which then get them the drugs and alcohol that take away the pain. Sometimes they come into the hospital suicidal. And these are, neither of those routes should be the way that a civilized society helps people. We should be funding enough treatment programs that people can get treatment on demand. We're not at that point yet, and so this program makes fiscal sense in prioritizing service, for those who have caused the most criminal offenses. So, it's a good program. I want to thank the city project manager, Bill, the project manager, of the Portland Police Bureau, Multnomah County Manager, Kathleen Trabb, and for spearheading this, the volunteers of America and the Salvation Army who helped to provide outpatient and inpatient drug and alcohol treatment, and the entire service coordination team, which, again, I have met with them, and understood their compassion that, that is very similar to my colleagues at OHSU, the approach is, is of people who care about people in the community. And that is very good to know. Aye. So, we did this one, and now we're for 1236. Read the title.

**Item 1236.**

**Fritz:** Please call the roll.

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

**Fish:** I had a chance when this was first read to thank everybody at Parks who worked so hard at the Portland Park Foundation. Our private partners who have contributed 60 percent of the overall cost of this project, and the talented team that are bringing this home, and I will just again thank everybody for their exceptional work. Aye.

**Fritz:** I have a lot of concerns about the process and the ordinances that we're asked to vote on. We have a problem when construction costs end up three times the projected costs. We have a problem when traces are made in the design of a project that result in the ongoing operations and maintenance costs three times those expected. And we have a problem when two months after the 9-10 budget is approved we're we are presented for requests for 450,000 in the operating costs. We

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have a problem when donors are allowed to give large sums of money contingent on providing particular expensive features which involve ongoing escalating operations and maintenance costs without also requesting that a concurrent endowment be given to pay for the ongoing maintenance for that. And I think that we have a problem that they increased costs for operating the maintenance could have been paid for out of the spectator fund if we had not voted to put that money into p.g.e. Park. And I would like to see safeguards so that the council is required to improve expensive upgrades before bureaus are allowed to agree to them, and I would like to see a process for a set-aside of general fund dollars each year so that when new parks come online the money is available for the operations and maintenance. That's something that we have done in the past, and were we know that, that there are many parks, park deficient areas at the city and we are going to work with capital projects and with bond measure, and with donations to get more parks into the system, and we need to be prepared to improve them, and because i'm concerned that, that the citizens are going to be coming downtown to, to come to this new paved park at the Pioneer courthouse square not knowing that part of the operations and maintenance is coming out of the overall parks budget, the overall city budget. And that we're making choices here that affect next year's budget without fully considering how, how, how exactly that works. And I would like to have donors who want features in parks be required to endow the ongoing fund and see equity in funding between parks and different parts of the city, and on the other hand, this park is built, it's going to be a beautiful park, and we definitely have a responsibility to fund operations and maintenance in parks, and I think that most people who know me understand how much I care about parks and have been a supporter of the parks system as a whole. And I want parks to be operated and maintained in a permanent and secure fashion. With all that said, so this train has been running down the tracks before I hopped onboard and since i'm a supporter and I want to maintain it, I vote aye. And please call the roll for, read the title for 1237.

**Item 1237.**

**Fritz:** Call the roll.

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

**Fish:** I want to compliment commissioner Fritz on the eloquence of her statement a moment ago. I will say, though, that to the extent a number of the issues that you raised are issues that in the future you would like me as the newest parks commissioner to actually address in a public Hearing, rather than to make conclusionary statements after the record is closed and there is no evidence in the record, I would welcome that opportunity, particularly, the reference to alleged changes made at the, at the dictates of donors. There is no, nothing before us at the council on that, in our hearing, our public hearing, and the, to the extent that you would like to see policies and procedures and protocols, I join, I have said that. I would also like to have a chance in our deliberative process not only on this, but everything that i'm, i'm now responsible for, to build a robust record on those issues. So, I would encourage you to, to be, to speak out on these issues, and I also encourage you to give your colleagues a chance to build a record on those things when they come before council. Aye.

**Fritz:** I think if you checked the record I mentioned it and it's in the ordinance about those issues. And similarly, I raised the issue --

**Fish:** If you will yield, that's not my point, not you mentioning it but having a public process and a hearing we're, we're my bureau that i'm responsible for can actually address concerns of my colleagues. Someone putting it in the record is a, as a concern is different but having my team have a chance to, to respond to matters that are raised and create a fair record. I think that there is a Difference respectfully.

**Fritz:** Thank you. The commitments of that, which is what I was asking for, so I appreciate that. And again, on the condominium agreement, I wish, as I mentioned last time, I would have liked to have seen a reciprocal agreement for parking spaces underneath the property instead of taking it out

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of the general fund. However, again, we need to make sure that the, the transportation bureau is whole and that this condominium agreement is sound and I vote aye. And with that, I promised commissioner Leonard, or Saltzman, that we would be out by 2:45, and it's 2:44.

**Saltzman:** Thank you. [gavel pounded]

At 2:44 p.m., Council adjourned.