



CITY OF
PORTLAND, OREGON

OFFICIAL
 MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **22ND DAY OF FEBRUARY, 2012** AT 9:30 A.M.

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

Mayor Adams left at 10:20 a.m. and Commissioner Fish presided.

OFFICERS IN ATTENDANCE: Susan Parsons, Acting Clerk of the Council; Roland Iparraguirre Deputy City Attorney; and Steve Peterson, Sergeant at Arms.

Item No. 169 was pulled for discussion and on a Y-5 roll call, the balance of the Consent Agenda was adopted.

The meeting recessed at 11:11 a.m. and reconvened at 11:36 a.m.

| | | Disposition: |
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| COMMUNICATIONS | | |
| 159 | Request of DeLance M. Duncan to address Council regarding 1967 State Basketball Championship game and 2012 State High School Wrestling Tournament (Communication) | PLACED ON FILE |
| 160 | Request of Mark Hope to address Council regarding small business in Portland (Communication) | PLACED ON FILE |
| 161 | Request of Wade Varner to address Council regarding enforcement for business outside of the clubs (Communication) | PLACED ON FILE |
| TIMES CERTAIN | | |
| 162 | TIME CERTAIN: 9:30 AM – Reappoint David Widmark for a term to expire March 19, 2016 and appoint Benita Legarza for a term to expire January 13, 2014 to the Home Forward Board of Commissioners (Resolution introduced by Mayor Adams and Commissioner Fish) 15 minutes requested (Y-5) | 36907 |
| CONSENT AGENDA – NO DISCUSSION | | |

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| <p>163 Appoint Deyalo Bennette, term to expire October 2012 and Aimee Samara Krouskop and Mayra Arreola, terms to expire October 2014, to the Human Rights Commission (Report introduced by Mayor Adams and Commissioner Fritz)</p> <p>(Y-5)</p> | <p>CONFIRMED</p> |
| <p>164 Appoint Ricardo Moreno to the Urban Forestry Commission for a term to expire January 31, 2013 (Report introduced by Mayor Adams and Commissioner Fish)</p> <p>(Y-5)</p> | <p>CONFIRMED</p> |
| <p style="text-align: center;">Mayor Sam Adams</p> | |
| <p>165 Reappoint Katie Larsell to the Community Budget Advisory Board for a term to expire December 31, 2014 (Report)</p> <p>(Y-5)</p> | <p>CONFIRMED</p> |
| <p>166 Reappoint Ernest Grigsby, Wayne Glasnapp, Linda Barnes, Mark Beckius and Dave Spitzer to the Building Code Board of Appeal for terms to expire February 21, 2015 (Report)</p> <p>(Y-5)</p> | <p>CONFIRMED</p> |
| <p style="text-align: center;">Bureau of Police</p> | |
| <p>*167 Authorize a contract with LifeWorks Northwest to provide cultural and gender specific services for underage and adult sex workers as part of the Portland Police Bureau's Prostitution Coordination Team (Ordinance)</p> <p>(Y-5)</p> | <p>185153</p> |
| <p style="text-align: center;">Bureau of Transportation</p> | |
| <p>*168 Accept a grant in the amount of \$284,702 from Portland Development Commission for Yamhill Morrison Retail Spine Improvements Project (Ordinance)</p> <p>(Y-5)</p> | <p>185154</p> |
| <p>S-*169 Authorize the Director of the Bureau of Transportation to execute an Intergovernmental Agreement with the Portland Development Commission in the amount of \$802,740 and authorize a competitive bidding process for construction of street improvements in the Lents Town Center Urban Renewal Area (Ordinance)</p> <p>Motion to accept substitute Ordinance: Moved by Commissioner Fritz and seconded by Commissioner Leonard (Y-4; Adams absent)</p> <p>(Y-4; Adams absent)</p> | <p style="text-align: center;">SUBSTITUTE 185162</p> |
| <p>*170 Authorize a Supplemental Intergovernmental Agreement with the Oregon Department of Transportation to administer the design and construction of the Foster-Woodstock Streetscape Project for pedestrian safety improvements in the Lents Urban Renewal District (Ordinance)</p> <p>(Y-5)</p> | <p>185155</p> |
| <p style="text-align: center;">Office of Management and Finance</p> | |

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| <p>171 Create two new nonrepresented classifications of Labor Relations Analyst and Senior Labor Relations Analyst and establish compensation rates for these classifications (Ordinance)</p> | <p>PASSED TO SECOND READING FEBRUARY 29, 2012 AT 9:30 AM</p> |
| <p>Commissioner Dan Saltzman Position No. 3</p> | |
| <p>Bureau of Environmental Services</p> | |
| <p>172 Authorize a contract with lowest responsible bidder for the Columbia Boulevard Wastewater Treatment Plant Support Facility Project No. E09023 (Ordinance)</p> | <p>PASSED TO SECOND READING FEBRUARY 29, 2012 AT 9:30 AM</p> |
| <p>173 Authorize Intergovernmental Agreement with the Oregon Department of Environmental Quality to serve as Qualified Environmental Professional for the Portland Brownfield Revolving Loan Fund (Second Reading Agenda 152) (Y-5)</p> | <p>185156</p> |
| <p>174 Authorize grant and loan agreements with brownfield property owners for cleanup of brownfield properties related to the Portland Brownfield Revolving Loan Fund (Second Reading Agenda 153) (Y-5)</p> | <p>185157</p> |
| <p>Office for Community Technology</p> | |
| <p>175 Consent to change in control of NextG Networks of California, Inc. through a change in control of NextG Networks, Inc. to Crown Castle Solutions Corp., an indirect subsidiary of Crown Castle International Corp. (Second Reading Agenda 154) (Y-5)</p> | <p>185158</p> |
| <p>Commissioner Randy Leonard Position No. 4</p> | |
| <p>Water Bureau</p> | |
| <p>176 Authorize a contract and provide payment for the construction components of the Portland Heights Pump Main project (Second Reading Agenda 155) (Y-5)</p> | <p>185159</p> |
| <p>REGULAR AGENDA</p> | |
| <p>Mayor Sam Adams</p> | |
| <p>Bureau of Police</p> | |

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| <p>*177 Authorize an Agreement and Memorandum of Understanding with the Department of the Treasury, Internal Revenue Service, Criminal Investigation to allow for reimbursement of City expenses (Previous Agenda 156) 10 minutes requested</p> | <p>CONTINUED TO FEBRUARY 29, 2012 AT 9:30 AM</p> |
| <p style="text-align: center;">Bureau of Transportation</p> <p>178 Vacate a portion of SW 46th Ave and a portion of SW Florida St subject to certain conditions and reservations (Hearing; Ordinance; VAC-10070) 10 minutes requested</p> <p>Motion to amend to remove reference to no objections in Findings #5: Moved by Commissioner Fritz and seconded by Commissioner Leonard. (Y-4; Adams absent)</p> <p>Motion to add good neighbor condition: Moved by Commissioner Fritz and seconded by Commissioner Saltzman. Motion was withdrawn.</p> <p>Motion to add new Directive condition b.(9) to require Petitioner to meet with neighbors to explore an east-west pedestrian connection: Moved by Commissioner Fritz and seconded by Commissioner Leonard. (Y-4; Adams absent)</p> | <p>PASSED TO SECOND READING AS AMENDED FEBRUARY 29, 2012 AT 9:30 AM</p> |
| <p style="text-align: center;">Commissioner Dan Saltzman Position No. 3</p> <p style="text-align: center;">Bureau of Environmental Services</p> <p>*179 Amend Intergovernmental Agreement with TriMet and the Oregon Department of Transportation for stormwater retrofits at the Barbur Boulevard Transit Center (Ordinance; amend Contract No. 30001999) (Y-4; Adams absent)</p> | <p>185160</p> |
| <p style="text-align: center;">City Auditor LaVonne Griffin-Valade</p> <p>180 Assess property for sidewalk repair by the Bureau of Maintenance (Second Reading Agenda 158; Y1076) (Y-4; Adams absent)</p> | <p>185161</p> |

At 11:40 a.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **22ND DAY OF FEBRUARY, 2012** AT 2:00 P.M.

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

Commissioner Leonard arrived at 2:15 p.m.

OFFICERS IN ATTENDANCE: Susan Parsons, Acting Clerk of the Council; Ben Walters, Chief Deputy City Attorney; and Steve Peterson, Sergeant at Arms.

| | Disposition: |
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| 181 TIME CERTAIN: 2:00 PM – Accept the Willamette River Recreation Strategy as a guiding document for river recreation and boating facility planning along the Willamette River in Portland (Resolution introduced by Commissioners Fritz and Fish) 1 hour requested (Y-4) | 36908 |

At 3:20 p.m., Council adjourned.

LAVONNE GRIFFIN-VALADE
Auditor of the City of Portland



By Susan Parsons
Acting Clerk of the Council

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

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Closed Caption File of Portland City Council Meeting

This file was produced through the closed captioning process for the televised City Council broadcast and should not be considered a verbatim transcript.

Key: ***** means unidentified speaker.

FEBRUARY 22, 2012 9:30 AM

Adams: Today is wednesday, february 22nd, 2012, it's 9:30 a.m. And the city council will come to order. How are you doing this morning, sue?

Parsons: Very well, thank you.

Adams: Enjoying the rain?

Parsons: Always.

Adams: Then you're living in the right place. Please call the roll. [roll call]

Adams: Quorum is present and we'll proceed beginning with communications. The can you please read the title to item number 159.

Item 159.

Adams: Mr. Duncan. Hi, welcome.

DeLance M. Duncan: Thank you. I want to thank you for giving me 30 minutes to talk.

[laughter] **Adams:** I think there's a little bit of inflation going on there.

Duncan: Well, ok. I'll change it. I'm --

Adams: Please, have a seat.

Duncan: I wanted to present something. But main concern, I wanted to thank this commission. About a year ago, you called it the veterans' memorial coliseum. That's its real title and i'm pleased to see it still remains the veterans memorial coliseum. And it's used for a lot of things. Hopefully, I have a couple of commissioners, one with a grandson that's going to come over saturday evening and see --

Adams: Can you get closer to the mic?

Duncan: We have 982 wrestlers coming from all over the state to compete in a two-day tournament. And we have five tournaments going on at the same time. With people that come from every place in Oregon. Big schools like david douglas, where I happen to migrate years ago and from crane and you name it and they're good wrestlers and their parents will be coming into Portland on -- a lot of them thursday night. And stay friday, saturday, leave sunday. Wrestling people stay and eat. They don't go to a ballgame and go home. Or the football game and tailgate and then come back. They stay and eat and do use the max, we recommend they come in -- but it's a chance for people to see where the grain goes that they raise and the cattle and where the equipment is built here in Portland and so it's a real, real good thing for kids. And we do need the -- the coliseum. And we utilize about everything there with the exception of the winterhawks and thank them for helping on that and appreciate that and the support we get. We have about 150 girls that help with the tournament. And there's a tournament for the girls. Saturday afternoon. We're not as advanced as far as the state of Oregon where they have about 160 girls in wrestling. Girls have competed with the boys but it didn't work too well. The boy was a loser no matter what happened. [laughter] and there's girls in the olympics. A former Oregonian, lee allen has two daughters in california training for olympics and he's coached women and girls, olympic teams himself. But we really like to have people come there and see what goes on.

Adams: What time?

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Duncan: It's going to start, the sessions start at 8:30 friday morning and go to about 9:45 on friday. On saturday, they start at 8:30, the semifinals start at 10:30. And then the finals start that evening at 6:30. And we do have the head honcho, I found his name was -- the prime minister of the royal rosarian and happens to be a assistant wrestling coach at david douglas and he was at the awards ceremony.

Adams: What do you have in the envelope?

Duncan: What I have in there. A picture of the coliseum.

Adams: Hold it up to the tv camera.

Duncan: It's -- 1967 state basketball championship at the memorial coliseum, 13,006 people in attendance.

Duncan: I wasn't there, I was in la grande at a wrestling. But this will never be a gift. David douglas by chance won it 53-51 over jesuit.

Adams: Why so pessimistic about david douglas?

Duncan: Not about david douglas, but in the coliseum.

Adams: Oh, don't be so pessimistic about that either. There's hope out there.

Duncan: Ok, there's another facility next door, I haven't been in yet, but when they have wrestling, i'll go.

Adams: Ok.

Duncan: I'd like to present this on behalf of the -- I use the term private property taxpayers of the david douglas district and the superintendent, don, who is a wrestling fan and we need the help we can get. To welcome people to Portland.

Adams: Great, thank you, sir, very much.

Fritz: I'll take this on behalf of the city. Thank you so much.

Adams: Thank you, sir.

Leonard: Finish his first year of wrestling and loved it and heard all about you and he's been warned.

Adams: Thank you. Sir. Please read the title for item number 160.

Item 160.

Adams: Mr. Hope, hi, welcome.

Mark Hope: Thank you. Had I known I had 30 minutes, I surely would have prepared a lot more than what i've prepared.

Adams: I've lost control.

Hope: My name is mark hope and serve on the small business advisory council and i'd like to give you a history of my company. Tires disposal and recycling in north Portland and employs about 46 system wide which is in three states. About 31 of the employees actually based in Portland. For the last 30 years, we've processed over a quarter billion scrap tires. 14 years of which have been under the tire disposal and recycling banner, the company formed when I bought the regional assets of my former employer. To put that in perspective, that's 166 years worth of the Portland's generation rate of 1.5 scrap tires per year. As a 33-year resident of Portland, nine years ago I moved the company from clackamas to north Portland. It was at that time, I fully realized the level of commitment small businesses have to the city in lieu of the heavy lifting for taxes and fees and regulatory burden as compared to the city and county we had just left. That commitment should not be taken for granted.

Portland small businesses help to make Portland special and over the years, i've had the privilege of interacting with companies or eating in places like voodoo donuts and cloudburst recycling which has fought a long hard battle for many years and used a small business to install a solar hot water system on the house. I would like to thank the city for the recent work in our neighborhood, the columbia slough bridge refurbishment there at kelly point park. Infrastructure, specifically roads, is critical as we log close to one million miles annually, many of those throughout the Portland metro area, This project exemplified a proper notice that you've heard me talk about to those affected by

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the construction scheduling. Mailings were sent out long before the road closure date and provide detour routing and this should set the standard for all city projects where potential impacts to businesses and neighborhoods may occur. As my tenure with sbac ends next month, I would like to thank the city council for creating it as a forum for small business to work with the city so our voice can be heard. A special thanks to the many bureau representatives who spent time attending our council and committee meetings and their presentations and insights have been invaluable in developing an understanding of the issue and their time spent with us allows much understanding of our small business perspective. And to encourage the council to continue and increase the communication with sbac to understand the intended and unintended consequences. We've tried that and lastly, like to encourage the council to keep a balanced perspective when this comes to economic stimulus for small and large business combined. Again, thank you again for the opportunity to communicate with you today.

Adams: Thank you, sir, very much. We appreciate hearing from you. Can you please read the title for item number 161.

Item 161.

Adams: Welcome.

Wade Varner: Good morning, council. My name is wade varner, the founding director of homeless in Oregon and here to talk about canopy wars. The city has seen -- and the police department has not enforced the canopy law outside of clubs. And businesses here in -- immediately, it took two hours for them to come out and get my canopy from the front out here when we tried to protest. I can understand the canopies and everything outside of businesses helping to keep dry but most have them out there for the smokers and coming from somebody who's uncle is dying in the v.a. Hospital right now of lung cancer, I don't think they need canopies. If we cannot have protests and homeless have the same level of enforcement as they do for the homeless, I think that -- that it's against the not only the civil laws, and the constitutional laws to discriminate against people, what we have to do is come to an agreement about this and if people have canopies outside, they have to get a permit for them and make sure they're anchored well because coming from 20 years of down in arizona, during the winter, i've seen those things take off and hurt not only people but businesses and places. If they're doing this and the police will not enforce it and I have everybody from the downtown precinct commander to the local people on the street on video saying no, they'll not enforce the law. That is ludicrous. That we are not enforcing a law against one person and yet another. I understand the small businesses, it's a win/win for the city, because you make the activists happy and it's a revenue source. If people want to set up, there's some down there that have four canopies out in front and like 100 feet of the barricade fencing. Especially in old town, in front of the dixie tavern, i've had trouble even getting through there on the weekend in my car because it's not wide enough. They -- it's one of the narrowest sidewalks in the city. Same as outside of voodoo donuts and you can't get past that one. If these people are going do this stuff, they need permits or if we apply, i've got a permit across the street, to protest on federal land because the city won't give it to us on state property for the occupy. It's like equal enforcement. 20 months ago, I was attacked by 5 people on sixth avenue. 15 months ago in front of the five police officers, I said that's the guy that did it. The officer went back to his thing, came back and said there's one witness who said he didn't do it, so we're going to let him go.

Adams: Your time is up. Thank you. Appreciate it. That gets us to the consent agenda. Anyone have any items to pull from the consent agenda?

Parsons: 169 was pulled by the bureau.

Adams: Ok.

Parsons: They have a substitute to present.

Adams: So that goes to the regular agenda. Sue, please call the vote on the consent agenda.

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

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Adams: Aye. [gavel pounded] consent agenda's approved. We have a time certain. Please read the title for item number 162.

Item 162.

Adams: Commissioner nick Fish.

Fish: It's my honor to present two candidates to the appointment to the board of home forward, formerly known as the housing authority of Portland. I'd like to invite harriet cormack, the current chair. Next, david widmark, a current board member and seeking reappointment. And third, benita legarza, who is seeking her first appointment. Do you want to join us? Anita, i'll acknowledge, is the deputy director, standing in for steve rudman. I'm going to turn over the proceedings to our distinguished chair, but first, i'd like to welcome david. David, as you know, is currently a gresham city councilor. Elected in january -- excuse me, elected to the position number one in november of 2008. And in january 2009, appointed to the board of the housing authority of Portland. Today he seeks reappointment. And i'd like to welcome benita legarza. Benita is currently a resident of home forward and a member of the resident advisory committee. And most conspicuous, pursuing a degree in administration of justice from Portland state university and a single mother who has raised four children and put herself through school and an active member of the national low-income housing coalition. Welcome both and I will turn over the proceedings to harriet.

Harriet Cormack: Thank you very much. Harriet, chair home forward. I'm pleased to ask for your approval or confirmation of the two new -- or, reappointment and a new member of our board. David, as you hear, has a considerable resume you've got before you. He's been on the board and been a superb member of several committees and really put his shoulder to the wheel. The gresham city government and mayor bemis concluded they wanted an elected official to be their representative on the housing authority of Portland as it was then known so there was more connection between policy of gresham and the authority. And we have so much confidence in david and hope you would approve him, that we actually elected him vice chair. So please, please, please. And in the interests of consolidating things, it became known that amy, our resident commissioner, because the success of her small business, she didn't have time to be on the board. And we had a process two years ago to interview candidates for the position of resident commissioner and benita was a finalist we interviewed at that time so in the interests of continuity and quick action, we reached back into that existing pool and selected her because we felt she was well qualified and had a couple of years of service on the resident advisory committee and would be a top drawer appointee to our board. With that, very much endorse these people to be joining our board of commissioners.

Fish: Thank you very much. David, would you care to say a few words?

David Widmark: Sure. My three years serving on the board of commissioners, we have accomplished a lot. We have gone through a strategic plan and name change and we've also broadened the perspective of what we provide to over 14,000 households across this county. And I just want to say it's a pleasure serving and I don't look at it that i'm from gresham. I look at it as I represent the east county and that, to me, really speaks to who I am and who I want to serve on this commission.

Fish: Thank you. Benita.

Benita Legarza: Prior to getting involved with the resident advisory committee, I was on national law project committee and went to Washington d.c. Representing Portland and at that engagement, I realized what a triple-a housing authority we have and thought it important that our residents know that and that that engagement continue. That's what brought me here today.

Fish: Thank you very much.

Adams: Thank you, and it's an opportunity to thank harriet for all of your great leadership in this organization for a very long time. Much appreciated.

Cormack: Thank you.

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Adams: Unless additional council discussion or anyone wishes to testify on this matter, sue, please call the vote.

Fritz: Thank you very much for your willingness to serve. It's a huge commitment for all of you and so important and greatly appreciate the thought that's gone into the selections and the on-going assistance of home forward and commissioner Fish's leadership. Aye.

Fish: Thank both of you for your willingness to serve. As a former board member of the then housing authority of Portland, I know how much time and energy is required to be an effective board member and we thank you for stepping up and serving. To remind my colleagues and the public, we have at least four major projects and developments we're currently working on. The redevelopment of the former hillside terrace in southwest. Which -- for which home forward won another grant. The new name is steven creek crossing. So we'll be collaborating with you in that endeavor and I believe when completed one of the greenest public housing developments in the country. We're grateful for the work that home forward did as the lead developer on bud clark commons and the advocacy at the table helping us to implement our fair housing action plan and recently, the housing bureau's director announced three recipients of the notice of funds availability we issued and lifeworks northwest received funding to do a new development in inner northeast and I understand that home forward is the development partner in that development which is terribly important. So for those and all of the other things we're involved with, we're grateful and echo what the mayor said, thank you for your leadership and welcome to the board. Aye.

Saltzman: Well, I wanted to -- since you've elected david vice chair -- [laughter] -- too late to raise any objections on my part. Very pleased david's agreed for another term. And benita, welcome and harriet thank you for your work. Aye.

Leonard: Thank you for your service. Aye.

Adams: Thank you for your willingness to serve. We appreciate it. Aye. [gavel pounded] congratulations. All right. That's our time certain. Can you please read the title and call the vote for -- for 177.

Item 177.

Adams: And it isn't a vote. We'll get a presentation. Good morning.

Erick Hendricks, Assistant Chief, Bureau of Police: Good morning, mayor Adams, commissioners. My name is erick hendricks, an assistant chief for the Portland police bureau and thanks for allowing us and commander Ed Brumfield from the detective division, come to discuss the proposed ordinance that would formalize our involvement with the internal revenue service, criminal investment division, Oregon southwest Washington financial crimes taskforce. You have to excuse me, i'm fighting a very bad cold. The police bureau has been involved with the federal government -- involved in a wide range of criminal investigations with the federal government, with bank robberies, human trafficking, online child pornography. Gun possession and trafficking and drug transaction and interstate transportation stolen property and other crimes. A number of years ago, members of drug and vice division and detective division began meeting informally with the representatives from the internal revenue service criminal investigation division investigating money laundering and bank fraud and other crimes involving financial institutions. At that point, our involvement with irs taskforce was informal. January 2009, the taskforce became a formal entity and up until that point, our participation was still voluntary. But this memorandum proposes to change our membership, -- from being voluntary to formal and I think it's a good thing for the Portland police bureau and for public safety here in the city of Portland. And i'll introduce the commander of the detective division to give us more details.

Ed Brumfield, Commander, Bureau of Police: Good morning. Through the participation in the taskforce, our detectives, detective carruthers has worked closely with not only the irs, but investigators from others in the metro area and to apprehend -- her involvement has been crucial to the team and their ability to expand the scope of cases pursued because federal agencies working

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independently with such partnerships are typically limited to investigating only the highest echelon of criminal activity. Successful conclusions of these cases not only protect citizens of Portland from further harm, but also have allowed for the possibility of restitution for victims where monies were recaptured. Examples of cases the detective has worked, include rescue operations and mortgage fraud. The criminal activities caused millions of dollars in foreclosures and personal losses that negatively affected the Portland housing market and individuals' credit and net worth. One case in which she was instrumental targeted individuals who were perpetrating significant foreclosure rescue scam. Victims included banks, lending institutions and elderly citizens, some of whom lost their home or were left homeless because of the result of the fraud. Through her diligence and corroboration, she prevented the criminals from victimizing more innocent parties. Schemes designed to bilk trusting residents and businesses out of their hard earned money is another area of criminal activity targeted by the taskforce. It is well known that fraudsters prey on people from all walks of life and all too often are successful. One case in which she worked involved a person who owned a chain of mechanic shops in the Portland area and this person has been investigated in the state of California and ultimately was forced to close his businesses there due to unethical business practices, including bait and switch scams. The suspect moved to Oregon and opened mechanic shops in our area. The task force determined that Portland residents may have been victims of the same scam that California had been subjected to and not only addressed that issue, but determined that the owner had not paid the employees' income and social security taxes and resulted in a seizure that -- these are the examples of the cases that Detective Carruthers has been involved with on the taskforce and been successful in cases of elder abuse, human trafficking, drug dealing, robbery, embezzlement, intellectual property crime and identity theft and ponzi schemes and many of these would not have been investigated due to limited resources. We're a lean organization which requires us to do the best we can. By partnering with the criminal investigators of the IRS and other organizations can become part of a team that can address crimes affecting the community and the entire metro area.

Adams: Thank you.

Brumfield: Thank you.

Leonard: I do have some questions and they're relevant to the reimbursement. I appreciate what you described as the problem and us dedicating resources at the local level to help solve that problem and I support that. What I'm concerned about, not unlike other taskforces we've been involved in, is -- is our resources. And particularly as you all know, this budget here, the police bureau, along with the fire bureau and all other general fund bureaus are being asked to submit cuts 4%, 6% and 8%. Significant cuts, so the issue isn't whether or not this is an important function, it's where is it on the continuum of public safety responsibilities we have. Whether it's responding to fires or break-ins or vehicle accidents. And I note in the reimbursement agreement with the IRS, we can submit requests for overtime reimbursement, but that's even limited to \$15,000 a year. So I'm concerned that we're dedicating police officers to a function that albeit, an important function is a function that has at least some focus dedicated to it by the federal government, while simultaneously looking at eliminating entire units within the police bureau that perform -- I don't want to get into weighing which functions you all perform that are more important than others -- but certainly, more street crime in your face kinds of issues that you're charged to protect the citizens from. So the concern I have is can we -- have we or are there other jurisdictions that assigned officers to this taskforce that are completely reimbursed and if not, why not? I had the revenue bureau for a while and I came to the council early 2003 and asked for authority to hire an attorney to ask for the authority to hire staff to go after people who weren't paying business license taxes and I promised next year I wouldn't ask for that to be reauthorized if I didn't more than comp the expenses of that additional staff by the increased revenue. And we did. We more than generated more revenue than what the costs were to add the staff to go after those folks. I see this the same

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way. Generating revenue for the federal government by getting the people to pay taxes whether it's through seizures or what are, that they otherwise would not receive and i'm having a hard time getting my arms around why we couldn't at least get our costs reimbursed to us, \$15,000 a year.

Hendricks: Yeah, commissioner, that's -- that's a very good question and if I can have the opportunity to respond. Always it's a matter of prioritization, we the chief and others, and when preparing this year's budget, went through the detectives' division, position by position, to prioritize their tasks and determine where do the citizens of the city of Portland get their best bang for the buck? Our core position is response to emergency crime, calls for service and committed to that. But immediately secondary is the investigation of major crimes. And that includes person crimes, things we commonly think about robberies. Homicide, rapes and violent crimes and burglaries. But the major crimes involving fraud are huge and over the years, we've seen -- I think criminals are opportunists and over the year, we've seen the pattern of crime change from violent crime -- it's down in Portland, it's a very safe city and we have about half the rate of violent crime than we did in 2002. The smarter criminals have shifted -- shifted their emphasis to financial crime and one thing we provide the federal government, be it any federal law enforcement, local knowledge that's invaluable. Many federal agents are here on a rotational basis, much like the military, three or four years and then move on. And detective carruthers has been here about 20 years.

Leonard: I get that and I get the value of that. My question is not why this is important. I understand the importance of it and certainly understand the nexus of having a local official that understands the demographics and dynamics of our city that a federal person may not having been planted here from, say, virginia. My question is why can't we be reimbursed for the total cost and if not, is this something that we're willing to dedicate resources when we're looking at laying off 40, 50 cops and I have a doubt.

Hendricks: If we look at \$15,000 reimbursement for overtime, I can't tell you dollar for dollar what the detective incur but I would guess we're close to breaking even.

Leonard: Overtime. But you're talking about dedicating officers full time. My question is the cost of an officer dedicated full time that potentially we could use in another area.

Hendricks: I agree, like I --

Leonard: We think this is so important we're going to pay the salary and pension costs and overtime, i'd vote for this. That's not a question for me. It's we're going to make a lot of hard choices coming up soon and for me, this is the beginning of a number of hard choices. And I don't want to have to vote against it, but i'd also like to see some signal before we approve this that may be there's an attempt to negotiate what the irs full reimbursement for the costs of dedicating officers.

Hendricks: That's something we can discuss. My experience with dealing with the taskforce and commissioner, you've had i'm sure considerable involvement, the standard reimbursement for overtime, sometimes a vehicle is thrown in but it's unusual for the federal government to cover salaries, although something we can look into.

Brumfield: Just to make clear, we're not working with the civil part of irs that collects taxes. We're working with the criminal investigators and a lot of the cases are cases that directly -- all of the cases we investigate, directly affect Portland residents that the irs would not be able to investigate without our assistance and participation in the taskforce. They wouldn't rise to that level. As far as our bang for the buck, I look at this as not giving up one investigator. I get four or five back because they work as a team in the metro area and fraud case, criminal case, human trafficking cases, all are metro-wide. And affect Portland but also the surrounding area. But by participating in this taskforce, we bring those resources together to more effectively deal with the major crime issues as far as money laundering.

Leonard: That's what makes it distinct in my mind. I understanding this isn't like somebody didn't file a tax --

Brumfield: Correct.

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Leonard: -- 1040, but seize assets and sell them and sometimes tens of millions of dollars and there's a revenue-generating function that's unique with this particular taskforce. The jttf or other taskforces, that we belong to so there seems to be a little clearer justification for --

Brumfield: Those -- it's important to note those seizures are shared amongst the members of the taskforce. Those cases that predominantly worked by detective carruthers, the majority of the seizures that are seized come back to the city of Portland.

Leonard: What percentage?

Brumfield: It depends on the amount of involves in the investigation.

Leonard: We've received in the past?

Hendricks: I can help with that. If it's a case that's developed solely by the Portland police bureau, we would recoup 80% of the funds and without having the fingers or the immediate figures at my fingertips about \$750,000 in our federal forfeiture account and we use for a wide variety of expenses of the police bureau that's not budgeted annually. The purchase of a \$10,000 german shepherd for the canine unit. I never thought I would see the day when a dog costs \$10,000. And we don't include those in our annual budget and replaced an engine in an airplane. They're like boats -- \$25,000.

Leonard: Do we generate enough in the amount we receive as our proportion to cover the salaries and benefits of the officers dedicated to the taskforce?

Hendricks: Yes, we do and then some.

Leonard: Would you support an amendment that would require the money seized first cover the expenses of the officers dedicated to the taskforce and whatever excess is left, put in the fund?

Hendricks: That's something that I would definitely discuss with chief reese and folks from the irs. The only -- my only concern is at time, cases you may go a year and not have a significant case and may not cover the cost, the salary and retirement benefits --

Leonard: Would get the flexibility of that. I don't know how you feel about this, mayor, but if we could postpone this until we could craft such an amendment I would be more amenable to supporting this. Three or four years ago, in a budget environment, I wouldn't be raising these issues and maybe -- but i'm going through right now and we're talking closing three to four fire stations in addition to a bunch of staff and I know you're similarly tasked to come up with cuts and for me, looking at that, not trying to make your life harder, but share some of the pain we're going through right now.

Hendricks: I appreciate that.

Adams: Commissioner Saltzman.

Saltzman: So as I understand it, the dedication of a detective is in return for the dedication, we're eligible for \$15,000 in overtime? That's the basic --

Hendricks: Well, it's actually two things.

Adams: And the [inaudible]

Hendricks: Exactly, the share of -- our share of whatever funds are seized and, of course, the investigation.

Saltzman: And we do not get that recoupment of funds if we're just an informal participant like now?

Hendricks: No, we would not, no. And it's. The same as involvement with the other federal agencies including the drug enforcement administration. If we work a case with them or other federal law enforcement and it's the drug cases next to the financial crimes we see the most significant seizure, if we seize several hundred thousand dollars, if it's our case alone, the federal government is not interested in those forfeited funds but we are, obviously, because once again, we can use them to pay for a wide variety of expenses not covered in the budget and once again, if it's our case alone, working with the dea, for example, we would recoup 80% of whatever is seized.

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Saltzman: I guess since I have the commander of the detective division and the assistant chief in front of me and we're talking about detectives, you know, i'm very concerned about cutting two child abuse detectives. As you said, violent crime is way down but things like child abuse, we don't get federal money. But they're important crimes and impact young people for the rest of their lives. And they're horrendous, too. And I know, the detectives that choose to dedicate their careers to child abuse are saint in my book. So what is the rationale for cutting two child abuse detectives giving the overwhelming demand in that area?

Adams: I did recognize you for the purposes of discussing this issue and we'll have an opportunity to have those discussions through the budget process. But this is -- if you want to ask a question about the issue in front of us, i'll recognize you again, but we will dig into that deeply in the budget process. I'm going through and we'll all be going through the budget in the future and i'd like that discussion to be answered to your question to be done in context of the entire budget process.

Saltzman: Ok. I mean, the preference was, the two of you sat down and gone through every detective position carefully to figure out where it goes and that was the basis of why I asked, what's the rationale for cutting two child abuse detectives.

Adams: To be clear, my goal is not to have any cuts in sworn positions in police and fire, and you all are going to help me with that.

Leonard: But commissioner Saltzman's question, while maybe not on point, raises the larger issue that i'm trying to make a pint of.

Adams: I'm going to take your advice and hold it over. There's aspects of this that i'd like you to take a private briefing because there are aspects of this that we don't necessarily want to talk about in public, for example, there are key opportunities that we're trying to grow with the irs as it relates to dealing with financials -- or the money-making aspects of violent gangs.

Leonard: [inaudible]

Adams: Let me finish. And so we'll talk those through and those of you that want to take the individual briefing and I definitely will take in advisement your suggestion that the money go to pay for the officers first. But what I need to look at, just so that we have all have that -- a useful suggestion -- we see how much money on average comes in so that we're also not -- I don't want to take comfort in something that isn't going to have a big impact and if council doesn't want to sign up for this, then council doesn't want to sign up. In other words, when I read the budget this weekend in detail, it was about \$800,000 in the bank and that would be used up, I just don't know how much we get each year on an average year. We'll get that to you and bring it back to council for further discussion.

Leonard: I'm happy to look at all of that, but again, i'm less focused on the particular issues that you all are going to be obviously investigating with this taskforce than I am the bigger picture that we can't take each of these issues and treat them as though they're independent of a larger budget question. Whether it's a child abuse team or assigned -- these are all interconnected decisions we're making. I know you understand that, mayor Adams, so for me, I can't -- won't make independent decisions like this general fund resources without further understanding the implications in the larger budget picture. Whether you get a percentage of forfeited assets or go back to the irs and say, look, we're having a really tough time, we can help you generate a lot of pun if you can help us with salaries. However that happens. I'm not saying it has to happen a certain way but if i'm forced by anyone at this point to vote on walling off positions out of the general fund, i'm not going to support it until we have a big better understanding what we're dealing with and I appreciate your commitment and track record in the city has been stellar, not questioning that, but I know what I know when I read the numbers and nobody can make a commitment to keep the uniformed services funded at the level they are without income coming in we don't know about yet, so --

Adams: That's why I wanted to make sure that -- further down the path that you pointed to, I wanted to make sure that council had in front of them in the last five years or so, how much of the

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forfeiture, what was the value the money to see if -- and for you to have that in front of you and me, before we decide to sign up for this commitment at all. So i'm actually agreeing and going further. My impression that it can really ebb and flow. And it might not be something we want to sign up with right now. We get a percentage of the forfeiture money. I don't have a impression it's a consistent large amount. Which speaks to your point. The irs, i'll definitely talk to the irs as will the chief on the 15%. I think they're trying to manage expectations around that. That's not likely, that's why we'll hold it over and dig into it and I think this conversation is good and important and we'll hold it over to get the information you ask.

Fritz: Take public testimony today?

Adams: Yes, anyone signed up to testify?

Parsons: We have one testifier. Dan handelman.

Hendricks: Mayor Adams and commissioners, thank you.

Adams: Thank you.

Dan Handelman: Good morning, mayor Adams and commissioners. I'm dan handelman with Portland cop watch and very glad in this item provoked a discussion on the city council. It originally appeared on the consent agenda. As it originally appeared on the consent agenda last week, listed by chief reese as a routine item and we heard from chief hendricks this is the first time this has been formalized since the bureau has been working with the irs. This is not routine, it's another -- actually, to which credit the agreement has written into it provisions that the Oregon law has to be followed by Portland police. But we do not see a provision to enforce that. We had a long discussion with the joint terrorism taskforce and we'll have that discussion next week when the report comes out, i'm sure, but there's nothing to say how the single detective involved is being held to the 181 laws so hoping that you're taking more time, that maybe that discussion can happen as well. And it's not routine in the sense we had never heard about this collaboration between the bureau and irs until last year when the previous consent agenda item came forward. We do appreciate, mr. Mayor, you putting this on the regular agenda for discussion. The -- another question that came up and this came up, I think, also with the agreement between the bureau and dea, that was passed a few years ago, how federal seizure laws differ from Oregon's seizure law -- seizure laws and we had ballot measures that changed the persons of the funds that can -- percentages that can be brought by law enforcement and it was a shock to hear that the chief said 700 something thousand dollars in a bank account that does not appear in the bureau's annual budget. Does that mean the council has no oversight over the money brought in from these seizures? That seems a very interesting issue that I hope gets more discussion as the concerns are raised about the limited budget and the police get to decide if they want to spend it on a airplane or dog or something else that might benefit the community. So thank you again for allowing the public testimony.

Adams: Thanks. Sue, please -- oh, we're going to, unless objections, hold it over until next week. [gavel pounded] please read the title for item number 178.

Item 178.

Fish: Who is here to present?

Lance Lindahl: Good morning. Lance from the bureau of transportation right-of-way acquisition. I'm going to hand the presentation over to representatives from st. Luke's lutheran church, the petitioner and the party that would receive the property within the proposed vacation area and it's my understanding there may be questions about. It's a vacation of a portion of s.w. 46th avenue and southwest florida street and joining me from the bureau of transportation is wendy cawley from the transportation development review and april bertelsen and stuart gwin from transportation planning will be available later to answer questions you may have.

Fish: Go ahead.

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David Knapp: David, knapp. Mayor Adams and commissioners, thank you for hearing us today. I'm pastor of st. Luke lutheran church in southwest Portland right near gabriel park for 20 years and bring you greetings on this holy day in the church year at least. Ash wednesday, the beginning of the season of lent that leads us to the joy of easter morning. I speak in favor of the street vacations you have in front of you for two reasons. One, it will enhance our st. Luke ministry, and secondly, it will enhance our neighbors and our neighborhood. A quick sketch. We're about 1300 members and that means we have about 521 people in worship on every sunday morning which I got to say is pretty good for lutherans at least. My jewish and muslim brothers and sisters do that better than we do. St. Luke is the largest lutheran church in the city of Portland and second largest in the state of Oregon. A median age of 42. Which means that our largest demographic is zero to nine and second largest is 10-19 and this presents all kinds of wonderful and exciting problems. One of them having to do with space and the other having to do with safety. One of the reasons we're asking for the street vacation is because my wife and I have three children. The youngest in fourth grade and in his fourth grade sunday school class there are 28 kids. We don't have a room for 28 kids so end up using the one across the street. And in order to do so, we walk across that barrier, so there's safety issues concerning that. We've been around since 1968 and intend to be around for another 60 years or so and we'll do so under the umbrella of worship and connect and serve the part of the serving part has do with giving away 22% of everything put in the offering plate every year to those outside of our congregation and volunteer time with transition projects homeless shelter which thanks to you has a beautiful new building and a warming shelter and st. Luke, preparing kids for school every summer with giving items away. West women's shelter and hillsdale terrace and others. A quick sketch of st. Luke's, and thank you for opportunity to speak with you today.

Steve Mileham: Mayor Adams and commissioners, thank you for the opportunity again. My name is steve mileham. A member of the congregation and working on the church's master plan. You'll see in front of you an aerial map of the site. St. Luke's is labeled in the middle of the aerial photo. Southwest vermont is on the north side. S.w. 45th, the east side and to the east, the southwest community center. Due south is st. John Fisher roman catholic church and the access to our property is via california street and s.w. 46th avenue that connects to vermont. Our buildings include the sanctuary building which has offices and some classrooms. A shalom center which has the safety issues that david mentioned. A vermont house to the north of that which is a residence we purchased to serve some of our expansion for clam space and a retail center purchased to be able to expand and continue to serve the community. This is a view from vermont street --

Saltzman: On the corner of 45th or to the north of your church?

Mileham: Due north of the church, that's correct, thank you. Fanno creek north of our parking area, it's a buffer between ourselves and the residents and -- residences and forms a buffer through the whole property at this point and s.w. 46th avenue bisects our site, separating the st. Luke's lutheran church from the shalom. The residences, use the access and everything else is pretty much access for our church on california and 46th. This view shows the view from vermont to s.w. 46th, it's an gravel unapproved street and rises about 15 feet as you look due south toward the church in the background. Halfway up, looking back down toward vermont, the unapproved road and the retail building and the vermont house to the right and you'll see that the fanno creek starts to show on the right side, there's a bridge that goes through there and starts on the left of this photo as well and standing here and turning 90 degrees to the right, you'll look at what is officially southwest that's street right-of-way. The fanno creek is to the left of that and -- not available to be approved due to the slope challenges on that site. So as you can see from the diagram, we have a number piece of property separated by 46, bisected and the environmental zone that runs across the north of our property. So any ability to expand the building is limited in space.

Fritz: Before you move off that, the street -- the unnamed street to the west of your property, is that a right-of-way?

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Mileham: That is a -- that is a driveway from st. John Fisher out toward vermont avenue. I do not believe it's a roadway but i'm not positive.

Lindahl: It's a public driveway, not a public right-of-way. The closest would be on 49th avenue.

Fritz: Thank you.

Mileham: The other thing this map doesn't show, the fact we're topographically challenged. Severe slope issues and we've met with a number of churches and found the best way to expand a facility is expand in a connected way and also on the same level. That avoids safety issues and allows centralized operations and if we add a commercial kitchen, how it to serve the entire property without having to take the services outside and into another building. We've limited by the topography. In order to provide a new fellowship -- over toward the shalom center to the right.

Fritz: Again, before you move off those slides, can you help me with california.

Mileham: California? We're not proposing to vacate, it would remain to serve the three residences and a cul-de-sac would be right in front of our property.

Fritz: Thank you.

Mileham: This slide shows early concept plan for how we expand the church should the street right-of-way vacation be approved. As you can see, we have to expand in an area on the same level as our sanctuary the. Green represents a fellowship hall and off of that would be a commercial kitchen and help us serve in the programs we've mentioned earlier. The pedestrian connection was a condition of the approval. That is shown off to the right in gray. It's a 16-foot right-of-way dedication and we're in full support of that and accept that recommendation and that allows the pedestrian connection to continue and that connection -- existing connection on 46th for pedestrians would be maintained until that connection were constructed. As you can see here, and as you noted, the cul-de-sac at the end of california, 70-foot, and vehicles enter the south side and circulate around the building as before. This image shows an aerial of a 3-d model. But you can see how the building could expand. The building to the right, the big building would be the fellowship hall with a commercial kitchen and expanding out to allow fellowship between members and catching up on issues that -- programs that the city -- that the members are -- are performing on a regular basis and eliminate the safety issue of having to cross the street.

Fritz: Tell me the reason why you couldn't do the expansion in the other direction to the west?

Mileham: The other direction, we have our parking field, which is required. We have to meet the needs of the congregation for parking in the facility for all of the functions. In addition, that would require that the fellowship hall fall on a lower level due to the grade. It's a full grade drop toward that side and that would cause some discontinuity in the program and allow -- cause some issues with the ability to service the building contiguously and what we find in talking to other congregations to have the fellowship hall and sanctuary on the same level to keep people involved in the program to go from the sanctuary after services to potentially fellowship type functions that occur in that hall. This diagram, you see a light colored circle, that represents the cul-de-sac and we propose parking that allows for dropoff to the sanctuary and parking in front of the fellowship hall and connection there. This is a view from the southeast looking sort of down california toward the cul-de-sac in front of the church and the building could open up a little bit and shows the parking in front of the building. And the last view is from the northeast looking across that fellowship hall potential expansion toward the church, the cul-de-sac you can see in the distance and the pedestrian right-of-way shown in the gray that steps down in a diagrammatical way in the forefront of the slide. We again, appreciate the opportunity to be here in front of you. The -- pbot accepted and found our conditions -- the street vacation acceptable with conditions and improvements which we agreed to. The bureau of planning and sustainability also found it acceptable with pbot recommendations and we urge you to support our petition here that we can continue to maintain our neighbors in the community.

Fish: Thank you very much. How many people signed town testify?

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Parsons: Four.

Fish: First, commissioner Fritz.

Fritz: In the planning and sustainability recommendation, there was a condition for a good neighbor agreement and that's acceptable to you, I believe? Correct?

Mileham: Repeat that, i'm sorry.

Fritz: The planning commission recommendation and pbot's included a good neighbor agreement?

Knapp: Yes, it's agreeable.

Fritz: Because I think that wasn't transferred from the recommendations to the ordinance.

Lindahl: Yeah, there was a number of discussions and issues that came up, the planning and sustainability commission that were more development related and that's how we read that one but if you would like to have it added as a condition or amendment, excuse me.

Fritz: I would. And part of the reason for that, some of the letters that i've received and the evidence in the record, talks about the removing the street further to the west -- to the east, which increases the distance between the connectivity with the next street which is 49th. So i'm wondering if you would be willing to work with st. John Fisher in a good neighbor agreement. They currently, as you say, allow pedestrian access along that private driveway and indeed, across the field, connecting to 49th. Would you be willing to work with st. John Fisher to see if something in the good neighbor agreement could address in an that? Address that.

Mileham: We'll work with them. I don't believe they encourage pedestrians on their driveway. It's about a 20-foot driveway for vehicles that connects to vermont avenue. I don't know that they encourage pedestrians along there, but we would certainly work with them to try and allow pedestrians to cross our property.

Fritz: Thank you, I appreciate that. I know you're a very community friendly organization and st. John Fisher, so that might be a way to address concerns i've read about pedestrian connectivity if we were able to discuss that in the good neighbor agreement.

Fish: I had a question. With the prospect of an industrial sized kitchen and expanded food service, do you have a vision for who you would be serving in the community?

Knapp: Presently we have a community table meal where we on our doors once a month to about 300 people. And we also provide food boxes. And we've run out of space. Both pantry space, cooking space. Space for people to eat. So it would expand that, for instance. As well as other ministries to the church.

Mileham: It should be on the screen, the pictures from our community table project, serving the food boxes if you have the same images we have in front of us.

Fish: Yes, here we go.

Mileham: There's also the annual back it school project which provides students with supplies and backpacks.

Fish: We're going to now take testimony and then we may invite you back. Thank you, gentlemen.

Mileham: Thank you.

Fish: Please call the first three.

Fish: Bring all four forward. Welcome to city council. Some of you have been here before. We just need your name. Not your address. You have three minutes to address this matter.

Terry Kenny: My name is terry kenny. I live in mountain park and a member of st. Luke and presently the president of the church council at st. Luke. I'd like to speak in favor of the street vacation request. You might wonder whether a street vacation by a church has benefit to anyone other than church members and might be concerned about vacating public right-of-way since property used for churches are exempt from property taxes. As you heard from the pastor, st. Luke's mission is to connect with neighbors. The street vacation we request will make it possible to expand facilities with a building that serves the community and congregation. The last saturday of

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every month, we serve a community table meal and provide food boxes to family who is can't always stretch food budgets. We served 300 meals last month and food boxes to over 100 families and we need to expand the kitchen and fellowship hall and add refrigeration and pantry space. It prevent the families from crossing the busy street when they come for the meals and pick up the food boxes. We provide backpacks pull of supplies for about 650 kids from low-income familiar -- families. And makes it possible to store supplies that we and other churches in the area collect and organize distributions so it's say for the families to participate. St. Luke hosts 15-20 community meetings etch each other. Including bagpipe committees and piano recitals and the southwest trails committee. To name a few. The additional classrooms and meeting spaces will provide more convenience for community groups. Churches don't pay property taxes but in 2011, we provided over \$100,000 and donated hundreds of volunteer hours to numerous project projects that benefit the country and the world. Neighborhood house, southwest community health center and transition project and northeast emergency food program and habitat for humanity and bread for the world and there's more. These social concerns -- we set aside at least the first 20% of the community's offerings for this work. St. Luke's facilities are used for projects to benefit our neighbors. And our ability to expand the facilities officially and safely will be made possible by the street vacation. I ask for your support and thank you for your time.

Fish: Thank you.

Maripat Hansel: I'm maripat, and I appreciate being able to be here and have you hear my testimony in favor of the street vacation. I'm a volunteer on the property development team and have been doing this work on this particular street vacate for nearly 10 years when we first started to talk about the need to do this. And since then, we've expanded our facilities by buying different properties and it's more of something we can envision and move forward with. As we move forward in our expansion planning, we've worked diligently to try and address the concerns given a good will agreement and talking to different people. I've personally gone out and talked with a number of people that signed a petition to allow us to be here. We've met with our own neighborhood association, maplewood and continue to stay in contact with them and hayhurst in Multnomah and the pedestrian advisory committee so that everybody had an idea and how this space was important if we were to expand. Through the conversations we've heard the neighbors' desire for pedestrian connect itself through the site and worked with the city to address this access and we've had a number of iterations where you could come through and what would be the best for all parties. We've gained the support of the maplewood neighborhood negotiation in 2009 for these efforts. The pedestrian connectivity works well with st. Luke's how we should be able to be friendly in the community and allow people like they have for years to be able to come through and say hello to us and we to them, whether they're strolling with carriages for children and walking across the area. We have an environmental committee right now that is doing a lot recycling and one of the things we look at is how we can with expansion be able to do more of that. Right in the community as well to help different schools and different organizations be able to recycle better. We have a track record for working with the city, with prior projects, when we did our parking lot, we made sure we had swales in a certain way for stormwater and also to plant native species in areas where we have watersheds. And we've worked with the city staff and I want to personally appreciate them in trying to put this together so that everybody knew what the nuances were and how we might be able to move forward. We've had on-site visits and off-site visits to determine where the best connectivity comes. You've seen the photos and how the access is today. That it really 46th in that section really is an area that is just a segment that really doesn't go very far or -- anyway, north or south, at this point. So it's -- our agreement with the city that conditions that they've come up with are things we feel like we could meet and we understand doing this is going to cost in excess of \$500,000 to be able to put that kind of area in. We believe that st. Luke and the neighborhood will benefit from our efforts. So I ask for your support.

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Fish: Thank you very much. Sir?

Matt Schweitzer: My name is matthew schweitzer, a member of st. Luke, here speaking in favor of the street vacation. You heard a lot of the reasons behind why, you know, as a member of the community why we feel this would be a good thing to allow to happen. The only point I would like to make, we have the opportunity to be here today to present this as an opportunity, because of our community growth. And the fact that we as a membership and congregation are looking to be a strong -- we are a strong member of the community and looking to make that growth further. So this allows for us to grow the programs we're currently doing. And in order to have a viable city where people want to walk and connect around, you have to have viable members of that community and I think we represent that. So thank you.

Fish: Thank you, sir.

Don Baack: Commissioner Fish, other commissioners, greetings. I'm don baack. Live in hillsdale and current president of the southwest hills trails in southwest neighborhood. First of all, I want it that I can a correction. The creek that's been discussed is vermont creek. It's a branch of fanno creek. But not fanno creek. Fanno creek is a little bit further north and runs adjacent to beaverton-hillsdale highway. The maplewood neighborhood is totally blocked. Mainly because of the church property. And other -- and presbyterian churches and other developments in there. This is a terrible state of affairs and the large church properties are the biggest culprits and there's informal access through st. John Fisher's because they close that from time to time because of safety concerns and this would be the south of st. John Fisher. There's two things i'm interested in seeing. First, some time ago there was an agreement discussed and not necessarily agreed to subject to all kinds of passage of council of churches, it was an idea concept of looking at an easement starting at southwest florida, 45th, going basically west to the property of st. John Fisher, which is the road, the part that st. Luke's has the authority to grant and in discussions with the neighborhood, that was one of the things agreed to but never got to a motion point. The meeting was adjourned before they got there and it's important to us. The staff did not note in -- nor consider from my understanding, the things that were listed in the southwest and far southeast master plan for streets but there's a provision we need connectivity across there and the discussion should make sure -- if there's anything given here, we get complete access across st. Luke's to the edge of st. John Fisher. St. John Fisher, we can negotiate separately, but the area we want to go across st. John Fisher land is a small part and gets us to s.w. 49th. But it would be easy, the southwest trails could build that in a in a day and could have very good access and a bridge across the creek and then before we get to texas and the center of the maplewood neighborhood without walking on vermont or 45th and to me, that's important. I have one comment in here, that is not applicable. I think we should move the street to the east. Make it the full width of the street and put lighting on it. The bike and ped thing is nice. But if we're going to have a 20-minute community, the church may not own the property for the next 400 years. There may be changes and we need to look at it for the long term, and, therefore, we should either not vacate this or move the entire street over and require the entire street improvements be born by the church, including lighting. The lighting is a key part of this. When dealing with kids walking to school in the dark and going to st. John Fisher immediately to the south. And I think amanda's suggestion we try and negotiate a agreement with the st. John Fisher to allow pedestrian access through their driveway and across a designate the area, you can't have it willy-nilly. But it would be well done and then we could work toward some other things across there -- their property to the south. Again, approving access. But this is really important.

Fish: I let you go over a minute. If you could wrap up.

Baack: Thank you.

Fish: We have your written testimony.

Baack: Yes, you do. Thank you.

Fish: So thank you all very much. Could we have staff come back for a second.

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Saltzman: We received a letter from the Portland pedestrian advisory committee. Is somebody going to represent their views?

Baack: I certainly can.

Saltzman: Well, I was looking at april. [laughter]

Lindahl: Having spoken with senior staff, there were a couple of points of clarification I wanted to discuss a little bit. The good neighbor agreement, the focus was not just on the abutting property owners but more so the different neighborhood associations in this area and the southwest coalition. And so that's what I think any proposed -- or any amendment discussing the good neighbor agreement had focus on, the other neighborhood associations. And based on conversations i've had with senior staff and the city attorney's office, it's my understanding that the negotiations in discussion with st. John Fisher school and that property would have to have separate and we could not put that as a condition in the language in the ordinance because they're not a petitioner or a party receiving property back in this vacation case and another reminder, quickly, we'll need a motion to amend the ordinance to include the good neighbor agreement.

Fish: Thank you. Commissioner Saltzman has a question.

Saltzman: April, you want to represent the --

April Bertelsen, Bureau of Transportation: Just to clarify. Don baack is also a member of the pedestrian advisory committee and no one else was able to attend the hearing from the pac last night. So in my eyes, it would be appropriate if he were to have additional testimony signed up as a pac member separate from southwest trails but i'm also happy to convey and clarify what I heard from the pac.

Fish: Appreciate the wise counsel to the acting chair. But if you tell us, first, the action taken and the reasons, therefore?

Bertelsen: Yes, the pedestrian advisory committee, has opposed and continues to oppose, the vacation approval of the street vacations of both 46th and florida. And that is really rested on a concern for the public good of rights-of-way. Rights of way, either today or into the future, what they could. And have a high bar of when rights of way should be vacated and given the lack of connectivity in this area, I think it's very important to maintain and have pedestrian connections that remain right-of-way. So fundamentally opposing. They did support the connection from the southwest and far east Portland master street plan, the connection that don referenced and that's on the attachments to the pedestrian letter. The back page there. This was adopted into our transportation system plan, identifying a pedestrian-bike connection from somewhere along 49th with some flexibility because allowing sites -- development flexibility with that. But connecting to southwest florida. With the arrow there. So trying to translate what those squiggles and arrows are. But the fundamental is that there be a pedestrian-bike connection, could just be pedestrian. Across the property. They would support that connecting to either southwest florida or southwest california and wanted to convey that. They support that connection and even though they do overall oppose the vacation.

Fish: Before we get to the merits, can I ask a procedural question. The ordinance we have states in section 1, paragraph 5, no objections were made or filed hereto. So i'm confused. We have a letter from the pedestrian advisory committee dated february 21st, 2012. The letter states this matter came before the committee in 2010. But I just -- one of the things we have to make sure we police, people have a chance -- an opportunity to be heard during the decision making process and this has come to us after its been vetted by planning and sustainability, pbots looked at it. So -- did the advisory, the pedestrian advisory committee, weigh in at a prior level of decision making and state their objection?

Bertelsen: They did. They wrote a letter to the planning and sustainability commission and testified in opposition. To the vacation at that time.

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Fish: So they were heard before that body? And their objection is -- has been received by pbob who has considered it. So there is, in fact, an objection, right? Does this constitute an objection or just an opposition or is there -- my tripping up of the language here?

Lindahl: No, you're not tripping up here. There was an omission by transportation's part. We should have noted in the document that pac did this objections to the case. For that I apologize.

Fish: So mr. Baack, you're a member of the pac, and as a courtesy, i'll recognize you.

Baack: Basically, the letter of before you, it's important to note we wouldn't have this discussion if the bureau of development services had done their work in '86 when they remodeled the church. Prior to that, it wasn't in the city limits, but if they'd done their homework, we'd have had a street there already and we've had a series of these things and now we end up with something where we have to vacate because it's more convenient for the church to do that. That's the essence of the discussion, that the pedestrian advisory committee has made. There's a number of policy issues and noted in the paper and in particular, the connection east-west across the property. Thank you.

Fish: Commissioner Fritz.

Fritz: I have a couple of amendments, the first is the one you just raised to -- in section 1, section 5, of the ordinance to delete the word finds no objections made or filed hereto.

Fish: Let's take the amendments and then i'll offer them. That's the first?

Fritz: Yes, do you need a second?

Fish: If you would just state the amendments and then we'll come back.

Fritz: The second is to incorporate a modified condition, on page 6, that the planning and sustainability to report to us. They have had a condition number five, I move that we add a condition that says create a good neighbor agreement to include the surrounding neighborhood associations that will include terms and intentions focusing on issues related to implementation of bike-pedestrian improvements and access. And it's my legislative intent on that to encourage the st. Luke's church to work with the bureau of transportation and pedestrian advisory committee and st. John Fisher to implement the transportation planning map of an east-west connection. So my thought would be that I understand we can't condition this approval based on an approval from st. John, not part of the application, however, I would like st. Luke's to be on record as being willing to consider a pedestrian-bike easement along the south border of their property that would then allow for that connection, that the pedestrian-bike advisory committee is interested in, the east-west connection with sw 49th.

Fish: Those are the two amendments?

Fritz: Yes.

Fish: Commissioner Fritz has moved the amendment to section 1, paragraph 5 of the ordinance. Is there a second?

Leonard: Second.

Fish: Please call the roll.

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

Fish: Aye. The amendment passes. I'd like to take up the second amendment. First have it placed before council. I'd like to ask staff a question. Would you restate your second amendment.

Fritz: I move we add a condition, modified from planning and sustainability report page 6, number 5, create a good neighbor agreement to include the surrounding neighborhood associations that include terms and intentions focused on issues related to implementation of bike-pedestrian improvements and access.

Fish: Is there a second?

Saltzman: I'll second for purposes of discussion right now.

Fritz: Thank you. If I might speak to my motion. Please. The comprehensive plan 6.30 states the following and we're to consider whether to allow street vacations. Allow only when there's no existing or future need for the right-of-way. Establish city street pattern will not be significantly

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interrupted and the functional purpose of nearby streets will be maintained. Evaluate opportunities and need for a bikeway, walkway or other transportation use when considering vacation of a street. Where pedestrian and bicycle facilities are needed, the first preference is to retain public right-of-way for these uses. If retaining right-of-way is not feasible, a public easement can be required along with public improvements where they will preserve or enhance circulation needs. This is what we have to make our decision on and although I certainly understand testimony we've heard regarding why the proposed expansion of the church would be better done to the east rather than to the west, that's not the criterion that I have to make my decision on. So in order to make -- to make it reasonable that the application as submitted should be approved, I think there needs to be an additional condition requiring the church to at least look at that east-west connection on the pedestrian-bike connection on the south side, hopefully connecting to either 49th on the unapproved street on 47th. There was a driveway shown on the map, so that would enhance the pedestrian-bike circulation in the area rather than to make up for giving up the right-of-way in this particular location.

Fish: If I can ask staff on this issue. I'm not familiar in past street vacation proceedings where we have conditioned approval on a good neighbor agreement. Maybe there's been. Could you comment?

Lindahl: I'm not aware of any in my review of past cases.

Fish: Commissioner Fritz, as I listen to the good neighbor agreement, and I understand, normally comes up that a applicant maintain good communication with neighbors and affected parties but the way you stated your amendment, it appears there's a substantive content and a requirement that the applicant takes action in this with a particular outcome as a target goal. Which strikes me as being less a good neighbor agreement and more of potentially a new condition for improvement. Could you address that? ...

Fritz: Good neighbor agreements are aspirational and that's why I believe it's in the best interest to put that condition on to at least continue talking about it. We can't condition our approval based on requiring something to happen on another owner's property, however, as currently configured, I don't believe the street vacation meets the comprehensive plan's requirement that there isn't a need for conditional public right of way on this property.

Saltzman: And this is the condition that planning and sustainability commission used? You're using the exact number 5.

Fritz: I modified it slightly so we could add the legislative intent that we'd like this ongoing discussion to happen. Obviously we can't require that as a condition, but we can require a good neighbor agreement which we heard from the applicants they are willing to do.

Fish: Commissioner Leonard?

Leonard: What would the good neighbor agreement say actually?

Fritz: It would require the applicant to work with the neighborhood to look at all of the issues related to the property, which is not unusual when we have a large institutional use. It's obviously doing a lot of good and is beloved by the neighborhood, so I don't anticipate there's going to be any contention as far as that good neighbor agreement, but it might include what was stated today, that it's a welcoming community and that neighbors are welcome to use parts of the property when the church is not using it or something like that. I don't exactly what --

Leonard: Would the good neighbor agreement be beyond the church?

Fritz: According to the planning and sustainability its neighborhood associations so maplewood and Multnomah. It's entirely within maplewood, so it would be maplewood, and I don't know what they intended in their recommendation.

Saltzman: I guess i'd like to have somebody from st. Luke's tell us what they think of this proposal then.

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Hensel: We have two comments. My name is maripat hensel. Being at the bureau of planning and sustainability, when the whole concept of a good neighbor agreement came up, it came up in the context of, gee, when you're looking at 45th, will you allow the neighbors to go through until you develop an alternate path through the property? And that was what the good neighbor – and we said-- and actually it has been put in a number of documents. Until we have another north/south connection, you are more than willing to use the property to come through as always has been done. And that's where I think the whole good neighbor concept came up. The other thing that I would be wary of is to go ahead and move forward saying that the pedestrian access will be in a certain part of the property. As we go forward, we may not know where to have that, so we would just want to make sure that, if we did have to do something like that, that we had some flexibility on how that would work.

Fritz: And my motion doesn't say where it's supposed to be. It's just to talk about it. When the planning commission recommended having this condition, because otherwise we're vacating the street and there's no public easement until you create the next street, so I agreed that, at the very least, we need to add back the language as the planning and sustainability commission framed it.

Hensel: And I feel that we have done a lot of work already with that whole part of keeping that connectivity, that whole clause of having a goodwill agreement, we've sort of accomplished that already, rather than now having to go back and do more in that area.

Fritz: But you didn't object at the planning commission. That was a condition that they requested, that they put on as a condition of their approval.

Hensel: But the intention had to do with north/south access.

Fritz: So you'd be willing to have it as they said.

Hensel: As they said. Well, I think we already have I guess is my point.

Fish: It may be redundant, but it's a question that my colleague is posing. You've testified that you've already made a commitment on this issue.

Hensel: Correct.

Fish: And commissioner Fritz is raising the question of whether that can be memorialize inside a good neighbor agreement. Now, the council hasn't voted on that yet.

Leonard: I guess i'm looking at the staff. Do you have some suggested language that can bridge this gap?

Lindahl: Yeah. I mean, a couple different things here. The easement language has been beefed up considerably since we were before the planning and sustainability commission. At that point we were talking about just pedestrian north-south connection.

Leonard: Can you craft language that will accomplish a goal that will satisfy all parties?

Lindahl: My concern here is that we have conditions that are enforceable. As the case manager on this project, I need to make sure every condition has been met prior to recording this vacation.

Leonard: You don't have it in the ordinance. Do you have a suggestion outside the ordinance that can memorialize the commitment?

Lindahl: I think the place to put it would be in the ordinance, but it has to be an enforceable condition. Do I get the ok to record the vacation if there is a conversation? Does there have to be a formal agreement? What exactly is the end result of the good neighbor agreement process?

Leonard: Can you envision what would make that easiest for you in terms of language that we would put in the ordinance?

Fritz: I'm not specifying what should be in the good neighbor agreement. I'm just saying there should be one, if recommended. That was just a yes or no.

Leonard: He's saying I can't sign off on the vacation until whatever condition that is is satisfied.

Lindahl: Right.

Leonard: Can you conceive of what that might be that would allow you then to say, ok, check?

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Lindahl: It seems only fair to me for them to initiate a good neighbor process and to have a conversation and to meet and discuss the issues they have, but it comes down to having a specific plan. That's something that could go on for a very long time and possibly derail the vacation.

Fritz: That's a good point, because that issue came up with the recology amendment, application, so we crafted language in that condition of approval to say, you have to meet, there and wasn't a requirement that they come to an agreement, so we could certainly look at narrowing that language.

Fish: This is an ordinance, so does this go to a second reading?

Leonard: Mm-hmm.

Fish: In light of what commissioner Leonard has just identified, I think we'd be reluctant to do this on the fly. A couple suggestions to my colleagues. We can vote up or down the amendment. We could pause and give the parties a few moments to see if they can craft language, do the next item on the agenda and come back or we could take some other approach.

Leonard: I like that idea.

Fish: If my colleagues do not object, what I would suggest is we simply come back to item number 178 in about 15 minutes and give the parties a chance to see if there is an aspirational condition which tracks what commissioner Fritz has reference inside the sustainability findings that does not prevent you from filing so that the condition would be met by initiating but not completing any process. My preference would be it not be prescriptive, just general in terms. If you could come up with some language, we would entertain that. In any event, this matter will go to a second reading.

Saltzman: Before you go off and do the huddle, I guess the disconnect i'm hearing is the intent to deal with north/south access I feel is more than dealt with in this agreement. You have the pedestrian right-of-way and, in the meantime, you can use southwest 46th. But I hear commissioner Fritz and don baack talking about east/west and that being the intent of this good neighbor agreement. I want to leave that for you guys to work out, but that's the disconnect i'm hearing.

Fritz: Thank you for highlighting that concern. Moving the right-of-way further to the east makes the street connectivity even worse, so that was why I was hoping we'd be able to get somewhere in a good neighbor agreement that would address that concern and hopefully make everybody satisfied. If you wouldn't mind going back to my office, my staff can help you find the language from recology that might be helpful.

Fish: We'll just put this on hold for about 15 minutes, see if there's a language which is agreeable to both sides. If the language is not agreeable, then this matter will come back to council for further discussion and we will take up the amendment and then vote is either up or down, and this matter will move to a second. Thank you all very much.

Parsons: Commissioner Fish, excuse me. We've had a request for testimony on the amendment by andrew scott.

Fish: I've heard the name. [laughter] andrew, you know that, if you come forward, you'll be subjected to withering cross-examination on the new budget numbers. [laughter]

Andrew Scott: Good morning. I'm andrew scott. I'm a resident of southwest Portland, and i'm here testifying today as a resident of southwest Portland and not in any official city capacity. I just actually wanted to reiterate -- and I haven't been following the street vacation very clearly, but I live about four blocks away from where this is occurring and from these two churches. The two churns are great neighbors, and maplewood did sign off on this in 2009. The east/west access for neighbors is probably the most important thing. Maplewood is completely land locked from a pedestrian standpoint on both the northeast and the southeast side. As a parent of a 4- and 6-year-old, often trying to walk over to gabriel park, one of the city's gems in terms of a park, we have very little ability to get over there without crossing through private property and other areas. I recognize that cannot necessarily be taken into account in full, but the idea of encouraging the parties -- and I

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think don baack talked excellently about the trail issues and the challenge over there, but encouraging them to work, to use this process to express city council's desire to see that north of use of the access point to the extent it's possible, however the language actually works out, I think would be a huge message to the neighbors. There are 600 houses in that neighborhood. I know this east/west access is an extremely important component. Even putting it on the record and having them have those conversations, even if it's not an official criteria in terms of the vacation, I think would be good for the entire neighborhood.

Fish: So we're going to pause on council item 178. We'll be back in about 15 minutes. Could you please call item number 179?

Item 179.

Saltzman: I'd like to have amin wahab describe this ordinance for our consideration.

Amin Wahab, Bureau of Environmental Services: This is just a really small amendment to an iga that the city already has with trimet and Oregon department of transportation having to do with providing some additional funding for a project that the three parties have agreed upon to design and construct at the barbur boulevard transit center. These are installations at the 11 storm water facilities at that site, which is the key site for us in terms of managing storm water in the southwest. The project went out to bid last year, and the bureau received two bids. Actually, trimet did receive the bids. And those two bids were extremely high above the engineers' estimate, so we went back to the drawing board to readvertise the project, and the three parties did so. The second time around, trimet received about, I believe, eight bids. One of them was selected. But still when we looked at the numbers, some of the contingencies were not included in the cost estimates. When we included those, that just elevated the price tag for the construction. The bottom line is that the three parties and mostly odot and bes agreed we'd split the added costs, which is about \$85,000 over the \$600,000 that trimet or odot is already committing to the project. So this amendment is a request for approval of that.

Saltzman: Not only split 50/50 but --

Wahab: 50/50 between odot and the city.

Fish: Council, questions? Did anyone signed up to testify?

Parsons: I didn't have a sign-up sheet.

Fish: This is an emergency ordinance. Please call the roll.

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

Fish: Aye. Matter passes. Thank you. Would you please read council item number 180?

Item 180.

Leonard: Second reading.

Fish: Please call the vote.

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

Fish: Aye. Matter passes. I would propose that we take a 10-minute recess and reconvene.

Parsons: One more for me here. We've had a substitute on the item that was pulled. It's 169. It was a transportation item.

Item 169.

Fish: Would someone care to make a motion to --

Leonard: It's an emergency ordinance. Can we do a substitute and vote on emergency ordinance?

Fritz: I move to substitute.

Fish: Seconded. Please call the roll on the substitute.

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

Fish: Aye. Amendment passes. Now we'll take up the amended ordinance.

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

Fish: Aye. The ordinance passes. We are in recess for 10 minutes.

The meeting recessed at 11:11 a.m. and reconvened at 11:36 a.m.

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Fish: Council will please come to order. Staff would you please come forward. Commissioner Fritz.

Fritz: I withdraw my previous motion.

Fish: Without objection. [gavel]

Fritz: Thank you, and I move the following. At the time of the conditional review or building permit, the petitioner will meet with the neighborhoods, which is maplewood and hayhurst and southwest trail pdx to explore an east-west connection in compliance with the southwest and far east Portland master street plan in the transportation system plan chapter 2.

Fish: For purpose of discussion, is there a second? The amendment has been moved and seconded. Has this been discussed with the applicant?

Lindahl: Yes. They were a party to the discussion, yes.

Fish: Can you represent whether it's acceptable to the applicant?

Hensel: I'm maripat hensel, and we will accept this amendment be considered.

Fish: Thank you very much. It's an amendment. Anyone signed up to testify on the amendment? Hearing none, let's take the vote on the amendment.

Fritz: This just goes to show that you can have a longer than two-year process, lots and lots of public involvement, excellent staff work, and still coming in to testify at the final hearing can make a difference. The public process doesn't always take two years. We were able to get this done inside 20 minutes to figure out that in fact the appropriate place to have this discussion is at the building permit or conditional use stage rather than the street vacation given we know as a condition of the street vacation that discussion will happen later, and so that's what this amendment does is make sure that there is a consideration at the time of building permit or conditional use review, also essentially east/west and potentially other north/south connections. Thank you very much, everybody, for being willing to work on this. Aye.

Saltzman: I appreciate being able to work this out, and I do look forward to st. Luke's expansion plan, and I also look forward to the day when we get the maplewood connected to gabriel park via pedestrian access. Thank you for your forbearance, all of you. Aye.

Leonard: Aye.

Fish: This action means this matter will go to next week for a vote on the ordinance. Reading the tea leaves, this is likely to pass, and some of the st. Luke's family may not be with us next week when we take up the vote. As I vote on the amendment, let me just say to our friends from st. Luke's thank you for spending part of the morning with us. Thank you for the work you do in our community. Thank you to everyone who testified, don baack. I forget the acronym. Is it pac? We appreciate it. And thanks to commissioner Fritz for working out an amendment which is acceptable to all the parties. Aye. The motion passes. The ordinance, as amended, goes to a second meeting next week. We're adjourned.

At 11:40 a.m., Council recessed.

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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 and should not be considered a verbatim transcript.

Key: ***** means unidentified speaker.

FEBRUARY 22, 2012 2:00 PM

Adams: City council will come to order. Hi, sue. How was lunch? Can you please call the roll?
[roll call]

Adams: A quorum is present. We shall proceed with the 2:00 time certain. Can you please read the title to item 181.

Item 181.

Adams: Commissioner amanda Fritz.

Fritz: Thank you. Indeed you're looking to both commissioner Fish and i, we have cosponsored this, one of the few projects I can remember that two commissioner and their bureaus have taken full part in bringing forward to the council and the community. And working on together. It's a model for how we can get beyond our silo and beyond our commissionership and work together to do good for Portland. I'm very proud of this. Thanks to staff for bringing it forward. And commissioner Fish for your ongoing partnership. The willamette river has defined its region since time and memorial. We have not always been respectful of its beauty and wealth. Fortunately that is changing and we're working hard on many efforts to restore the environment and economic vitality of our main river. The ratepayers of Portland have paid \$1.4 billion to start to clean up the river and we've done a really good job. We recently celebrated the end of the overflow project which has removed many of the contaminants from the river. We're also going to be working on the superfund site, and though we don't know the city's share of the liability for that, we know there will be work ongoing over the next many years to clean up those poisons from our river. So we know Portlanders will want to start enjoying their river more, and it will become the front yard of Portland residents, something we turn our back on. That was the concept of the river renaissance strategy, which is being continued through the office of healthy working rivers and the work in partnership with the bureau of environmental services and the bureau of parks in this particular case. Portland parks and recreation. This strategy represents important progress in aligning our priorities, for advancing river health by protecting habitat and managing recreation with other priorities. Securing an improvement in environmental health. We want to increase Portland's enjoyment and direct experience with the river because when you are on the river, near the river, you understand the river better and you value and understand why it's worth paying attention to restore and it why it's worth being mindful of how we use the river in ways that are respectful to the environment and other river users. This strategy looks at providing public facilities for river enjoyment and education, which is important, because without having a strategy folks are going to go to the river and access it at all kinds of different places, not necessarily knowing that environmental services, for example, might just have spent a lot of money restoring a riverbank and that that wouldn't be the preferred place for a person to carry their kayak down and get into the river. So part of what the strategy does is identify the places and the ways in which we're encouraging folks to use the river, in part to protect the health of the riverbanks and other places. We also want to be sure to remain respectful of the willamette as a working river. There are big barges and there are huge ships, and there are valued businesses like the Portland spirit that use the river as a commercial base. And we want to make sure that those enjoying it for recreation, that the

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weekend kayaker or the folks just sitting by the waterside understand the nature of the river and the importance of everybody using it wisely and safely so we can reduce some of the conflicts that i've seen. My husband likes to photograph ships on the willamette, I tag along when I have time to do so, and i'm sometimes amazed at the yachts and power boats and even row boats and such going right in front of these enormous steamers that are clearly not able to stop on a dime. We want to make sure that everybody is able to use the river, but those who are working on and it those enjoying it for recreational purposes alike. Meeting this demand will be done with proper planning. That's why we got ahead of this curve to get this strategy in place. Many thanks to especially to rick bastasch and kathleen wadden, for your efforts in working on this strategy, and to the many community members and bureaus and agencies who have also been involved. The strategy is built on and promises more partnerships. We don't get very far with our river recreation objectives engaging the partnerships we have -- the strategy has engaged -- a constituency that can be better connected with key decisions about Portland's future, and we have received comments from a wide range of river users from those who use it recreationally to those who live on the river, which is something perhaps we don't often think of, we're looking forward to working with this energetic new constituencies through the proposed river recreation advisory group as Portland embraces the willamette. So this plan is a beginning and it establishes this advisory group which as we like to do in Portland, engages volunteers to work on -- in concert with staff so we all are part of the ongoing planning for our beautiful river. With that i'll turn it over to commissioner Fish to continue the opening remarks.

Fish: Thank you, commissioner Fritz. We greatly value the partnership with you and your office, and the office of healthy working rivers, and I want to acknowledge this beautiful report that is before everyone today, a few people, obviously brett horner, kip wadden, josh darling, anne, and then rick bastasch, and randy henry, who is here from Oregon state marine board and many others. Thank you for your service in the production of this strategy. As amanda noted, the willamette river separates, unifies, and defines Portland as its front yard. Interconnected system of public access points from riverfront parks and boating facilities is a significant recreation resource in the city. River recreation use in the willamette is increasing and diversifying. Existing public facilities need to be upgraded and expanded to meet the new demand. The river recreation strategy properly puts a premium on taking care of the river recreation investments we've already made, while targeting a limited number of new opportunities for access to fill in the gaps and the existing system. Meeting the ambitious goals of the strategy will require continued cooperation and collaboration, and partnerships between the city and other agencies and the growing population of boating and recreation enthuse and their representatives. Parks is building our capacity in the partnership area to continue collective success and we have already as evidence in other partnerships that we've launched, like harbor playground, the field, and the grant high school field project. This strategy before us provides an excellent policy, guidance, and recommendations for sustainable best management practices in the planning, designing, and accommodating of recreation use on the willamette going forward over the next five to 15 years. We're proud at parks to have played a part in preparing this, i'm grateful to commissioner Fritz and her team for their leadership, and we look forward to this hearing. With that i'd like to welcome to the podium directors anne beier and mike Abbaté. Who wants to go first?

Ann Beier, Director, Office of Healthy Working Rivers: I will. Good afternoon. For the record, i'm ann beier, director of the office of healthy working rivers. We are thrilled to be here today, to ask you to accept this willamette river recreation strategy and to direct us to create an ongoing citizen advisory committee. This truly is a partnership between the rivers office and parks, and a partnership with other state and federal agencies. We're really pleased to have this model to go forward from. In addition to thanking rick and kathleen for all their assistance, I want to thank all the members of the public who really contributed to the strategy and whose thoughts are

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incorporated. I think we're really reflecting a lot of views from a public we haven't engaged before.

We do also need to acknowledge dean marriot, who is in the audience, and the work of bureau of environmental services. If we would have not made the investments in cleaning up the willamette, there would not be a willamette river recreation strategy. We've now turned the river into an amenity. With that comes new challenges. We have an increasing demand for use of a cleaner river. We have a responsibility to manage conflict, and to educate people about the resources they're using. We also have an opportunity to be wiser about how we recreate on the river and how we site and design facilities, and we have some colleagues here who will speak to that later on. Again, thank you so much for the opportunity to present this and to the people who participated. Mike?

Mike Abbaté, Director, Parks and Recreation: Thank you. I guess to round this out, this has really been a terrific collaboration. Parks, the parks bureau understands that most of the things we do intersect with other key bureaus. As ann mentioned, it's been a great collaboration. As she also mentioned, dean and his team at bes has been critical. It's interesting, even in my first six months of being in the city of Portland as an employee and staff person and then the last three months as the director, one of the things the common themes i've been hearing is people want to get to the river. So whether it's people who want to swim, people who want to canoe, people who want docks in south waterfront, all of those members of the public have been incorporated into the plan, and I think it gives us a great road map for the next 5-15 years of some new projects, but as well taking care of some assets that we currently have. I'll talk a little bit about that after rick's presentation. With that I think we'd like to bring rick and kathleen up. And rick will just give a quick presentation to sort of overview of the strategy and how we propose moving forward.

Rick Bastasch, Office of Healthy Working Rivers: We think this is timely, given some years of watershed care, and the recent completion of the big pipe, they're additive. They add up to a cleaner willamette now. We've also got critical planning processes ongoing that are added to. You add the Portland plan to the river plan to the central city plan, you wind up with a better willamette for tomorrow. So it's a great time to revisit the recreation needs. That are diverse and that we hope are well represented and brought together on one document for the first time. In the strategy which is again, jointly produced by parks and recreation and the river's office, the strategy which articulates a comprehensive river recreation vision, documents, uses, trends, and needs. It zeros in on public facilities stresses the importance of serving both recreational and environmental needs, and essentially gives us a priority to do list for the next 15 years. When we talk about willamette recreation, that's a mouthful. What we're starting is with the in water uses, specifically boating, knowing that public dock and public boat ramps are a big part of what makes that experience possible. But we also acknowledge part of the recreational spectrum is provided by private entities, boat clubs, marinas. This strategy zeros in on what's within the span of control of the city, namely recreational docks and facilities. But in our conversations we're reminded how interested Portlanders are on am sorts of ways of engaging with the river, from getting more waterfront destinations, to river taxis, fishing from the banks, all conversations that are happening and will continue to happen and that we look forward to with the strategy once again, zeros in on public recreational facilities. So what shape strategy, why did we do it? Why there -- there were issues around river recreation and the alignment, and its alignment with river stewardship. River stewardship produced a cleaner river, we have growing demand, all good things, but that demand is interfacing with aging facilities. On the stewardship side, the willamette has had years and years, decades of significant habitat losses, which have resulted in the designation of several species for listing under the endangered species act, requiring specific safeguards and sometimes creating a challenging permitting environment. It was our intent in putting the strategy together to integrate and have those two very important perspectives on life along the willamette match and support each other. We had a lot of information to work with. We were fortunate to have a 2006 water

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recreation report produced by the river plan. Lots of recommendations, still valid. We were fortunate in working with the Oregon state marine board, particularly there -- their boating survey, which has shown and continues to show that the Columbia and the Willamette are the most boatable water bodies in Oregon. That Multnomah is one of the busiest boating counties and that Portland stretch of the Willamette is one of the few spots in Oregon where boating is increasing for all segments. Great information, but we wanted to delve even further into Portlanders' river experiences. The city of Portland held a couple workshops, conducted a couple online surveys where we got 1800 responses and 2500 comments, that told us some key things. It's important to serve a full range of river recreation experience. It's important to take care of the facilities we already have. That river recreation and river stewardship can and should work together, need to go hand in hand, and that everybody would benefit from more education and enforcement. So that went into what is a wordy but we hope inclusive vision, namely a clean and healthy Willamette is the pride of Portlanders who fish, paddle, sail, pleasure boat, and sightsee on its waters, with some goals. To increase the enjoyment and direct experience of the river, to foster and improve understanding of river history, economy, and ecology, to manage recreation in concert with other city priorities to secure a net improvement in river health and to provide for a safe enjoyable and valuable on-water recreational experience for all uses. Traditional uses. Things like fishing, water sports, sailing, and in more recent decades, a proliferation of newer uses -- kayaking, the big float, inner tubing, stand-up paddling. Swimming. Dragon boating or other team sports. This says that it's not only increasing it's diversifying, which has important ramifications for the provision of future services. It also has important ramifications for how we share the river, so strategy also plays a premium on keeping an eye out for big things that have us benefiting from self-awareness and watching out for river traffic and cultivating a respect for the Willamette as a commercial highway for the working waterfront that supports Portland's economy. If you're a motor boater we expect people to watch their wakes and if you're not we expect people to be seen. To date, there's been no unifying framework that guides city investment and maintenance operations, or expansion, to help manage user conflicts, attract how Portlanders use or want to use the river. Furthermore, the strategy reemphasizes the city policy to encourage thoughtful recreational use of the river, focuses on public recreational boating facilities as a singular community asset that must be managed as a system, Willamette is a regional resource, strategy calls that out too, and places a premium on taking care of what we have while targeting a handful of new facilities in the coming 15 years. We need new strategies and partnerships to fund improvement, we'll be informed in that, all these efforts through a river recreation advisory group, and the strategy sets forth detailed guidelines for building boating facilities that minimize impacts to fish and wildlife habitat. Maybe worth taking a minute, talk about that last bullet, because that's another point of origin in the strategy. In the strategy, should you accept it, the city commits itself to a more integrated way of planning its docks and facilities whether it's pbot or fire, pdc, or parks, as the city puts things out into the water to know -- have the left hand know what the right hand is doing and assure existing facilities are well used before adding new, and use and avoid mitigated approach to new structures. And to mitigate for unavoidable impacts, for example, by removing overwater structures that maybe aren't being used anymore, and toward that end the city conducted a GIS-based overwater structure inventory that tells anyone who wants to know what sticks out over the water, where, and what depths of water are involved. Piling inventories are ongoing, to understand where pilings are, and together these two data sets represent important information for understanding how we might improve our river environment. Because public dock and ramps are literally the gateways for Portlanders' river experience, they represent key opportunities for public education. Practicing clean better best management practices, participating in clean-ups, understanding how to stop the spread of aquatic invasives. That's the content. The meaning of these criteria have to do with just saying that Portland's interested in getting people to the river as an important priority. It's also important to us

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to be very careful in our approach to in-water structures. Again, making the best use of what we have and we're identifying just three new dock-related sites over the next 15 years. When we do build or expand, we'll be rigorous in siting and design using the latest information from natural resource agencies, so this represents our good faith effort to safeguard our river environment while meeting recreational demand, we hope that bodes well for improved program alignment. So in terms of the facility recommendations, how do we take care of what we've got? Fix the willamette park boat ramp. Fix the swan island boat ramp, the cathedral park boat ramp and implement the park master plan, replace the dock at sellwood riverfront park and work with the port of Portland to repair McCarthy Park's nonmotorized access points. In terms of meeting new demand, find a way to replace ankeny dock or provide water access for downtown Portland, build a new dock in the south waterfront district, explore the opportunity for a light watercraft launch near the east end of the sellwood bridge, investigate an intriguing opportunity at the former staff jennings site, what kind after unique Portland opportunity to have a dock you tie up to, maybe a non motorized boat beach launch and picnic area and sort of a trailhead really where people can enjoy the hidden gems of Portland southwest riverfront parks. The idea that we have a beach in downtown Portland is intriguing too. We can promote the waterfront park as a place for water contact recreation. So I also emphasize -- go back to the first two points. We heard a lot about this. Lots of people kept on telling us how interested they were in using the willamette as a way to get to the urban amenities that Portland offers. To boat up, tie up, take a stroll on the esplanade, buy an ice cream, have a beer, take in a show. So these water destinations are something that Portlanders are keenly interested in. This is just a map equivalent of what I think i've just said. Namely in terms of areas for potential new facilities over the next 15 years, just a few spots. Downtown, south waterfront, somewhere in the sellwood bridge area. But we know recreation exists within the context of knowledge and behavior, so we are looking forward to collaborating with the marine board, with the coast guard, with Multnomah county river patrol, to enhance waterway enforcement. Looking forward to working with all the groups, inside the city, and external to the city, working on improving education and recreation programs to sort of recreate to recreate good habitat. I want to get better information on river use, especially nonmotorized use. They're harder to count than registered motor boaters, we're really interested in economic impacts with recreation as it exist and as it could exist. We have an opportunity as a city to develop an asset management plan for these facilities and to formulate partnership-based funding plans as advised by the river recreation advisory group. So the strategy, should you bless it, it gives us a written-down all-in-one place spot to always guide us, at least over the next 15 years in terms of the things we said we were going to do, and to help us keep our eyes and ears on the river. We would have a river recreation advisory group. It would enrich our formulation and implementation of all the plans that are going on. It informs our capital improvement programs and our asset management plans. And it gives us the opportunity to deepen our existing partnerships and expand into new partnerships. And we've got a good base to work from. We've enjoyed working with the Oregon state board, the river patrol, working with the Oregon parks and recreation department and willamette river keeper and understanding how this lower part of the willamette water trail can function. We're working with and look forward to further working with the port of Portland. Those are public agencies, and we are getting good at that, but this strategy we think also gives us an opportunity to really get better at our interaction with private groups, nonprofit groups, clubs, and all the elements of privately provided recreations that gives us the experience that we do have. And again this, river recreation advisory group that we would hope to form up pretty quick and bring back to you for your advice and consent, would be a diverse group that would help us keep us moving in all these partnerships. That's pretty much it. Just a few parting slides to suggest that willamette recreation is a continuum through time, and we have lots of ways yet to enjoy the willamette which is just now standing urban -- an outstanding urban amenity.

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Beier: Thank you, rick. Thanks again to kathleen and rick, they have really done an amazing effort in putting together this strategy. Kathleen has put together this really in-depth inventory of the public facilities that we currently have and their conditions, and I think that's a critical baseline to moving forward.

Abbaté: Particularly for parks, we've done an initial condition assessment of all of the facilities and we'll be plugging those into our asset management program. We've got replacement costs, we'll need to do more detailed analysis of some of the structures, some of them are complex and a lot of them, much of the structure is below water where it can't be seen. So I think it's really key to our asset management strategy that we look at these facilities and get them fully integrated. And has been said, we support the establishment of the advisory group and Portland parks is committed to helping establish and assist in that group's deliberations on future projects.

Beier: Thank you. I think as you've heard this strategy is really a beginning for us and a way to help ensure that Portlanders can enjoy the willamette river in a way that maintains the stewardship values that we talked about today. We did hear from a variety of interests and we know that we didn't reflect all those interests in this document, that's why the ongoing advisory committee, so we can continue to respond to concerns. We know we have industrial and commercial users who have their own issues and we'd like to broaden our horizons to address some of those concerns. We also need to do more to understand the impacts that recreation has on watershed health. That's something we need a better understanding of. For us, the next steps come with working on a couple of key kind of behavioral things as opposed to facility things. One is enforcement. Our enforcement budget is shrinking. How do we more effectively enforce any of these waterway conflicts? And that's something we'll be continuing to talk to our partners about. We need to be more effective in how we deliver river education. Again, that's a partnership thing. If we can work with our friends at national marine Fisheries, the Oregon state marine board, and have a consistent message, It's much more powerful and much more cost effective for the city. We also need to get better baseline data. The strategy collected a lot of information, but we still lack baseline data on nonmotorized use and the economic impact of river recreation, and that's pretty important in an era that we have now, where jobs are critical. We'll also make sure that we work with our regulatory partners to have the best available design and siting guidance when we do build and maintain our facilities. That's critical to our stewardship mission. So we look forward to implementing this and to our new partnership. And would be welcome, any of your questions at this time.

Fish: I have a question for mike, who modestly noted he's only been here three months but he's decent that tenure won the gold medal as the best parks system in america. It's downhill from there, mike. On the maintain what you have front, and the capital work, is your view that some of this if its into a future bond measure? Does some of it fit into existing streams of money we get for -- on the capital side, or is there an opportunity to try to create new revenue streams from users or other creative ways to cover those costs?

Abbaté: Commissioner, thank you. That is a terrific question. As you are well aware, our facilities and our assets throughout the parks system, their need exceeds our capacity In terms of funding. In terms of what you're yours first -- your first question, we're going to need additional funding sources to maintain docks. The ongoing annual maintenance and those kinds of things are things that we're doing now, but when a dock fails or when there's a major need, these are expensive structures. They're expensive and they're time consuming to permit and to replacement so the short answer is, in addition to the funds that we currently have, we'll have to seek other funds or other partnerships that help us solve these problems. As these recreation facilities go, they're not just for the citizens of Portland. They are heavily used by tourists, they bring a lot to the autonomy, so we're going to be looking for other areas and other partnerships to find adequate funding. I will say that the Oregon state marine board has been a terrific partner with Portland parks and recreation,

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they've assisted us in funding for various improvements, and we want to continue that partnership as well.

Fritz: How long did it take from start to this point to do this plan?

Bastasch: If I recall, kip can correctly, I think you're coming on close or beyond 18 months.

Fritz: Thank you.

Adams: All right. How many people have signed up to testify?

Abbaté: We have a panel who would like to speak to you. And i'll just introduce people And they can reintroduce themselves. Nick haley, doug walker, kim kratz, and veronica rinard. Thank you.

Doug Walker: My name is doug walker, i'm the executive vice-president of the columbia river yachting association. I find it kind of ironic that the diagram a -- die rama behind you folks really emphasizes the river. The river was the key to the founding and the growth of Portland. So it's an important thing that we're talking about here today. I represent 21 boat clubs up and down the columbia river, from astoria to the dalles. Most of them are in the metro area. And we have more than 3,000 boaters represented. But a lot of things I do affect all recreational boaters, so the numbers just expand beyond that. We really appreciate this plan includes all of the activities that we enjoy while recreating on the river. And we recognize that usage of the willamette is increasing, we have paddlers and cruisers and water skiers and wakeboarders, Fishermen, and as was pointed out, many others. Floaters and paddlers of all sorts. More events are taking place each year on, in, and around the river. This is a good thing, because it brings more people to the place where Portland began. Our roots are in the river, both figuratively and in some cases literally. I myself lived on Multnomah Channel in a floating home for 15 years. That's part of the willamette system. Unfortunately, the increased activity also brings added pressure that can lead to user conflict. A prime example would be the holgate channel and ross island lagoon issues that were recently addressed. I see in the strategy plan that no one has left out -- no one's left out. It address's wide variety of users who enjoy the river and facilities needed for access and enjoyment of all users. It rosendo rosales-corona niess there are 18 miles of willamette within Portland's boundaries, and with all its nooks and crannies, we should be able to accommodate all the uses we've come to enjoy. I see this document as work in progress, it should a basis for future thought about what happens to our river. All agencies should river to it when making plans that affect the river, and don't just put it on the shelf and say job well done, let's use it as document that it was intended to be, as we go forward. And address the problems and the needs on the willamette. And if we do, the river will bel become an even more vital part of our community with opportunities for all to enjoy. I thank you for this opportunity to speak.

Kim Kratz: Mr. Mayor, commissioners, my name is kim kratz, i'm the director of the Oregon state habitat office, and i'm here to express support, the city's investment in the willamette river recreation strategy. The strategy was developed to provision guidance and action recommendations to meet the growing demands -- river recreation demands in Portland over the next 5-15 years. I appreciate the fact noaa was invited to provide input and we'll continue to work with the city on finalizing the strategy as well as its implementation as requested. Noaa commends the city for proactively working to minimize theism packs to -- through this approach. We also commend the city for its investment and individual restoration action like those on johnson and stevens creek to improve habitat conditions for salmon within the city. We believe strategic plans like the river recreation strategy make it possible to consider the positive and negative trade-offs across multiple objectives by considering the effects of actions over larger spatial and temporal scales. This perspective is not possible by dealing with individual actions one at a time. It's important to note while the city has made an effort to minimize the potential impacts of the growing recreation development throughout this planning process, boating traffic and associated infrastructure continue to be detrimental. We remain concerned about the increased infrastructure in the willamette harbor and boating traffic impacts relative to esa listed items. There are five species of endangered species

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listed that inhabit the river. Many of the species rear in the lower willamette, Multnomah channel, and the sauvie island areas. The combined extinction risk of these five species ranges from very high to moderate. Factors limiting the recovery include degrade near shore habitat and competition.

As commissioner Fritz identified earlier, the habitat has been historically degraded through urbanization and industrialization. It's been diked, filled, almost 80% of the shallow water habitat that currently existed has been lost through historic channel deepening, stream banks have been altered, and the number of in-water structures has increased habitats for predators. We believe that maintaining and restoring a diversity of habitats in the lower willamette river is of the utmost importance to the survival and recovery of these listed Fish. We think the strategic planning, like the recreation strategy with its intent to minimize the future impact, along with the city's investment and the individual actions to restore degrade habitats are important steps that the city is taking toward making recovery of these listed species possible. Without strategic planning like this strategic plan, there's a risk of losing and failing to realize opportunity to restore habitat function in the lower willamette river. We again appreciate the city's efforts to improve habitat for these species in areas of the city through individual restoration actions, and we appreciate your willingness to work with NOAA to strategically consider and reduce the impact of some future development through the willamette river recreation strategy. NOAA is looking forward to continuing to work with the city on the design and the implementation of these recreational facilities to ensure the lowest possible impact to list the Fish. We also encourage Portland to look for opportunities to develop similar strategic plans to maintain and restore habitat to provide salmon and survival and recovery in the lower willamette. Thank you.

Randy Henry: Thank you. Mayor Adams, members of the commission. Randy Henry, I'm the policy analyst for the Oregon state marine board. First I'd like to start by thanking Ann Beier, Rick Bastasch, Kathleen, and Mike for working on a document that approaches the river as an interconnected system of resource and opportunities. We look at this opportunity as a new opportunity to better understand and serve boaters and boating facilities in the area. We believe this document represents a good start down a road that will help us develop the stated vision of the willamette river recreation strategy. A key component of this plan that we believe is development of the recreation advisory group. It is clear from my work on local issues such as Holgate channel and others that most boat warriors rather work together to achieve a clean healthy and accessible river than to argue over the -- with careful input over time a focus on no net loss of recreation strategy rational opportunity and development of new access opportunities carefully integrated with existing and well maintained facilities we believe access to and enjoyment of the willamette river will continue to improve. We view the advisory group as an opportunity to help manage access and facilities for the long-term benefit of a diverse group of users. And in a way that addresses some of the conflict issues we see on the river. The committee can help address some of the gaps in the plans such as placement of dump stations, an advisory committee will help the future development of access points for nonmotorized users, with consideration for adequate parking and sanitation facilities to serve this growing segment of boaters. We do understand this strategy is high level and provides detail for specific facilities development, but as those details are developed we encourage and support constituency involvement that identifies use patterns to minimize user conflict. We encourage development and it enhances current investments that have been significantly funded by registered boat owners. We recognize the need to accommodate and encourage the growing number of nonmotorized boaters. In this vein we appreciate the plan's reference to marine law enforcement challenges. When highway construction is planned, dollars are allocated to enforce temporary restrictions to ensure compliance. When bridge construction or reclamation of contaminated shoreline is planned, funds haven't always been allocated. Worse yet -- finally we encourage implementation of the immediate next steps as outlined in the plan on page 35, the success of this plan relies on implementation and ongoing management of the process. A high level

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of interest on water-based recreation is what this plan is all about. The Oregon state marine board will participate in good faith partnerships to serve all boaters while encouraging a clean and healthy willamette river. This is a step in the right direction and will help achieve the visions so eloquently stated in the plan. Thank you.

Nick Haley: Nick Haley, with the Portland boat house. I have two comments I'd like to share with you about the plan and the future of the river. The first one is that I think the plan does a good job of covering all the bases, having sat on several committees dealing with the Holgate channel and the no-wake zone, and coming from the perspective of a rower and a paddler I have learned that it's often times better to step back and look at the big picture, and I think both Rick and Kip have done an excellent job of covering all the bases. I think their basic strategy of covering the bases and keeping what we have restoring what we've already built is a wise one. So my first comment is that I'm in favor of this proposal, this strategy because I think it's a good start. My second comment is that the advisory group is an excellent idea because although this strategy covers what we have, the community on the river is growing. Two days ago the Fishing season started and I've been on this river almost 20 years, I was blown away by the number of boats out there. I can tell you from the perspective of my own community, that an explosion in the population has already begun. So the advisory committee and future plans for additional facilities are absolutely critical. It's an ongoing, working project, I think, document. And I encourage you to look at it that way.

Fish: A number of people who testified today have talked about, have alluded to user conflicts. Clearly with the projected growth of different uses, that will be a fact of life, it will even become more complicated. And of course one category of user conflict is between motorized and nonmotorized. But since you alluded to the Holgate channel and no-wake zone, that was ultimately a dispute that was how to protect the Ross Island and the habitat there, and how to accommodate uses. I guess what we've learned in the last couple years, through some of the more challenging moments, is when everyone is at the table we make better policy. I was curious to you, Randy, currently are there representatives on the marine board from the nonmotorized users, or is it exclusively motorized users, and what is projected for the future?

Henry: Thank you. Actually there's a mix of people on the board. For example, one of the newer board members is Jean Quincy with the Wasabi Paddling Club. She brings an understanding of some of the issues faced by nonmotorized, by organized rowing organizations. And she is a very active and energetic participant and also participated in development of the plan quite a bit with Rick and folks. We have other board members who -- we really have a variety of perspectives, and other -- another board member is a parks director for Lane County. He's involved in serving multiple uses on Linn County lakes and reservoirs and waterways. Really sees issues from all sides. We have other members who may be predominantly motorized interest and others who don't own a motor boat at all, and stand more sort of on the broad mixed use and things. So there's a broad perspective. Maybe your larger question is what's the agency's focus on nonmotorized in the future? And that's a really important question, because this isn't a Portland phenomenon, the development of nonmotorized, it's a statewide phenomenon. It's come to a head in Portland in some degrees. And the marine board understands that, we have increasing calls for service to nonmotorized users in the form of regulations, facilities, law enforcement, we're already funding significant amounts of enforcement services to nonmotorized that are essentially funded through boat registration, through motorized boaters. So we recognize it's a constituency, they want to be served, they tell us they want to be served, they just want to understand what role they play in the agency. In that vein we have our own plan process, we completed a year ago and one of the top issues that came out of that is trying to understand a way to practically integrate nonmotorized perspectives into the fabric of the agency. A committee has been formed within the strategic plan, we have designated a project manager, nonmotorized, we'll be developing all committee that represents the both interests. There's no such thing as a nonmotorized group. There's really 10 different ones. So to sum it up,

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it's a key interest, we need to bring those people into the management of The agency, we need to figure out what's acceptable to them and how they want to play. And we need to learn to speak the language better.

Fish: Thank you for a very thoughtful and comprehensive answer. It reminds me years ago when we did transportation planning we'd have people that drove cars at the table driving the planning, and then we introduced people who rode bikes, and then pedestrian coalitions sprung up, and everybody that had an interest was there and trying to make policy, and I think the evolution at the marine board of bringing more voices in and having people understand concerns and breaking down some of I think the false barriers, because frankly whether you're motorized or not, you have the same commitment to a healthy river, ecosystem, we all have a commitment of ross island prospering, having more bald eagles hatch there. So there are common interests, but I think the divide perhaps was exacerbated because people were not at the same table. I appreciate the approach that you're taking.

Henry: Thank you.

Fish: Thank you.

Adams: Thank you all very much.

Fritz: We have one more invited testimony. Anne and also going to summarize the other comments we heard. We had 1800 participants and 2500 comments.

Adams: How many people have signed up? Different from the people that have testified.
[inaudible]

Veronica Rinard: Good afternoon. Good to see you again. Thank you for the opportunity to give some comments on the river recreation strategy. For the record i'm veronica rinard, director of community relation was travel Portland. We appreciate the attention that the city is giving to recreation on and in the willamette river. Many people think of the harbor when they're thinking of the economic impacts on the river, of the river, and that of course is an extremely important element but the recreational uses have been mentioned, bring economic advantages as well. The river is an important tourism asset for us. It is a huge part of the identity of our city, not just for those who live here, but for those who are look at our city. And it's recreational aspect contribute greatly to our brand much being an urban destination with incredible outdoor opportunities. Whether it's walking or renting bikes on the esplanade, a tour on the Portland spirit, or a paddle trip to ross island, many visitors enjoy our river as part of their Portland experience. As an example, more than 70% of Portland spirit passengers are from outside of Portland. About 50% are from out of state and those include a lot of international visitors. Tom mccall waterfront park and the esplanade were brilliant developments in their time. But we believe the river is still underutilized and much more can be done to make the river more accessible for recreational uses. We hope this strategy will help to focus attention on the economic value of river recreation and tourism, and we support the strategies called to provide more opportunities for people to get to and on the river in more locations. We would like to see this include passenger vessels as well as private boats, as the passenger vessels are one of the easiest ways for visitors to experience our river. We also support the call to conduct the detailed study of the impact on and potential of river recreation to contribute to Portland's economy. We have bit and pieces of information, we have anecdotal information but we don't have good numbers on how river recreation tourism is contributing to our economy. So we look forward to working with the office of healthy working rivers, going forward to further develop recreational tourism opportunities.

Adams: Thank you. First four?

Adams: Welcome to city council. Glad you're here. You just need to give us your first and last name, and if you're affiliated with an organization and authorized to speak on their behalf as a lobbyist.

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George Schnieder: I'm George Schneider, a 49-year boater on the Willamette River. Started in 1963. I have recently formed a corporation to help access of all boaters on all navigable waterways in the state of Oregon. My corporation looks at efforts, it looks at the politics of efforts, that are aimed like the river strategy is, to encompassing vast areas of recreational strategy. When I looked at this strategy, a couple of things jumped off the page at me. One of which is, this can't be done without a lot of money. And the revenue streams have not been identified. The Marine Board probably has the best revenue stream going. They charge you to register a motorized vessel or a sailboat even without a motor over a certain length, and they charge a tax on fuel sold to boats at marinas. The human powered boating fraternity has so far in all but one very tiny area, escaped any revenue stream, and they're proud of it. I just came back from the Pacific Northwest Sportsman Show, where I paid for a booth there, and over a period of five days, talked to literally thousands of boaters, almost everybody that came by the booth in hall E was a boater, because that was the fishing part. I was just a stone's throw from the Marine Board booth and I was a stone's throw from the fly casting pond. And I had boaters coming and going, and talking to me at great lengths. What they told me was they expressed consternation about crowding waterways. About degraded fishing from crowded waterways. And they told me about conflicts. They told me about Waldo Lake, where motorists were recently banned on the second largest lake in Oregon with the exception of electric propulsion. You don't want to be on Waldo Lake, which is three miles across, when the wind blows with an electric motor, unless have you a boat load of batteries to power it with. What I heard in all of my talking and listening in five days was a justification for my company, Will Boat, and today I brought some folks associated with my company with me who are here to talk about important impacts such as the money. Thank you for the opportunity to speak.

Frank Martin: Mayor Adams and city council, thank you for letting me speak this afternoon. My name is Frank Martin, I'm from Portland, Oregon, I represent Will Boat.org. One of the parts of the report I see in the presentation I just heard, I heard a lot about the nonmotorized boaters. The Marine Board has recent figures that despite the recent economic troubles we're at 20% higher boating use on the Willamette River. Now, the only thing I would like to express is, we need to balance the use of the recreational river with the nonboaters, with the motor boaters who are paying the taxes that Mr. Schneider previously mentioned. I'd like to also come up with another figure that maybe the city council hasn't considered on that plan. There are many businesses within the Portland area that service the motorized boaters. I can name about seven marine outfits, multiple motor repairs, at the Portland Northwest Hunting and Fishing Show, many outfits were represented there. And we need to balance the uses of the motor boats and the nonmotorized boats for the recreation on the river while maintaining laws. Not just restrict the motor boats on the river to accommodate the nonmotors, because there's an economic impact new do those restrictions, and those businesses will start to suffer. Thank you very much for your time.

Laura Jackson: My name is Laura Jackson, and I'm just here representing basically myself and interests of a lot of my friends. I've been a rower, competitively for about 30 years. I've also been a competitive kayaker, I've traveled throughout the U.S., Canada, and Europe to compete. So I've seen a lot of great facilities and a lot of mediocre ones -- I'm also a planner by training. I spent about 25 years as an environmental transportation planner, and Commissioner Fish opened the door to talk about transportation planning for a moment. Our pros told us if we don't dream it, make no small plans, if you don't dream it it's not going to happen. Going back to how we used to do transportation planning. People didn't dream it back then, we wouldn't be a platinum transportation city like we are now. When it comes to water recreation, I'm speaking partly for the motorized people as well, we're not even lump of coal as opposed to platinum. Places like Oklahoma City are kicking our butts. 10 years ago Oklahoma City had a dry riverbed. Today they've got several world class boat houses, they have an Olympic training center for rowing, for kayaking, they've hosted huge international regattas, and are soon to be building a white water park adjacent to their flat

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water park. If you don't dream it big, it's not going to happen. I was on the committee 15, plus years ago that was starting to talk about Portland boat house. And part of that dream was to actually have almost a Portland boat house row over on the east side in the area between where the current Portland boat house is and omsi. Where did that dream go? Seattle has two bond funded publicly owned water sports facilities oakland has three. We in Portland do not have any. During Portland boat house planning, we found we were the only city in the northern hemisphere and possibly the world would our combination of climate, population, shoreline, and economic resources that did not have a public water recreation facility, aka, a boat house. On page 27 of the recommendations, there's a line that recommends to provide facilities that meet future Demographic trends and needs for capacity have been maximized, but no mention of a public boat house. A place where members of the community can gather to do organized water recreation to learn about river, to learn about habitats and environments. All of the recommendations for projects in the strategy are either deferred maintenance of exist can facilities or cleaning up a facility that has been in public use or other ownership such as the spokane street node and staff jennings, which had been or have been in public use up until the construction of the sellwood bridge. Even in an era of no money, if you don't dream it, it's not going to happen. Page 2 of the document shows the old pavilion at oaks park. Where our 21st century vision? I have a couple other comments on the inventory but I notice my time is going to run out. My biggest concern is because we don't look at privately provided recreation facilities at oaks park, at the Portland boat house, at riverplace, at Portland rowing club for motorize and nonmotorized, we don't get a real picture of what is the demand for water recreation in the city, and there's really no acknowledgment that those facilities including Portland boat house, are at risk for -- to be lost to other forms of private development, not supporting river recreation. I'll turn it over.

Adams: Thank you for your comments. Appreciate it. Mr. Harvey.

Larry Harvey: Thank you. My name is larry harvey, i'm delighted to be here today on behalf of the working waterfront coalition. We're very happy to be here to tell you how pleased we are with the progress made with the river recreation plan and that we support it. We find some very interesting, intriguing, and significant elements in here that we're happy to see got included. We met several times with various members participating, thanks to ann beier, thanks to rick, so i'm here today to tell you that the coalition is happy to continue to work with you folks and with the other members of the committee. We find it significant that you want to maintain and rebuild the existing facilities because they are an investment that exists now and should be continued to supported. So we think that's an important, significant things, particularly cathedral park, particularly swan island. We find it's important that you folks are address can some significant aspects of eliminating conflict and creating partnerships, and we're very happy to continue to participate in that. So I won't -- we're not going to provide an exhaustive review. We're happy to see that there's going to be an advisory committee, and we're committed to continuing to working with you and with the parks and office of healthy working rivers, and we'll be happy to participate in any advising capacity we can provide support For to show our willingness to partner. And thank you very much. As an aside, I can tell you i'm probably the only person to appear before you today who actually was married on the river. It has certain qualities there, I was the operating manager for salty's on the willamette river, which opened in 1980. Because of the tourism qualities of the river that that restaurant served 557 dinners on a saturday night because it was a hot august night and we were able to open up the river access and bring a lot of people in to have a little food and some drinks too. So there is much to be gleaned from leveraging the tourism qualities of the willamette river. It would be great to return to those days. We hope that we can help in that capacity as well, and thanks very much to see you here today, under these pleasant circumstances.

Fritz: Thank you for taking the time to come.

Adams: Thank you all. Next? Anybody else wish to testify? All right.

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Will Levenson: My name is will levinson, i'm on the board of willamette river keeper and organizer of an event called the big float. We have first year, last year, where 1300 people created across the hawthorne bridge with inner tubes, including mayor Adams, and floated from the west side of the marquam bridge to the public boat dock on the east side. But today i'm speaking on behalf of will levenson, just myself. I first want to say really quickly how much I appreciate and how important the office of healthy working rivers is. Obviously people here really appreciated working with them, they just do a tremendous job working with the community and I think just as a statement that the city of Portland cares about the river, having that department is extremely important. But when I first came in I was struck by how few people are in this room, though since my time working with the big float, i've come to realize that when I first moved to Portland I was an told never to put my toe in the river because it was so disgusting. And I became outraged I lived in boise, idaho, I just assumed every western city had a river that people appreciated. So when people told me you couldn't swim in the willamette, I was really outraged and put off, and particularly since people made jokes about it of in a town that people consider themselves to be environmental and green, and it's kind of a big part of who we are as people in Portland. But what I came to understand is that it's such an uncomfortable thing for people, because it is uncomfortable when you try to present yourself as being environmental and live in a city that you don't feel proud of your river. I'm really excited to see the next 15 years and how the willamette river is going to transform downtown Portland. In this city we pride ourselves on livability. I think if you went up to most people and said, scale of 1-10, rate the urban amenities of benches, street trees, trash cans, etc., they'd say, it's an 8 out of 10 in Portland. I would say if that's an 8 out of 10, swimming in the river when it's hot in the summertime would be a 1,000 plus. Often times I feel like the city of Portland can be a little too academic when it comes to talking about livability. And looking at Portland, and how we do really I feel strive to be a world class city and set ourselves apart, we're a small city and that can sometimes be hard to deal. Let's look at the list of major cities we can swim in the middle of your city. You want to differentiate Portland from seattle? Seattle can't swim in their city. There's no place to swim. San francisco. This is an extremely low hanging fruit that can really set ourselves apart and what is livability? What is sustainability? It is a healthy river that goes through the middle of your town. So i'm really thrilled to be able to be here and really acknowledge the office of healthy working rivers, ann, rick, and kevin, and my personal dream is 15 years from now that there's a gigantic bond that's floated that transforms what the willamette looks like. It's irrelevant what it looks like today. If I can just close with my Favorite analogy right now in terms of how people view the willamette river and it's probably why people aren't here, because people just have not considered the willamette river as anything but a toilet generally. I think if you were to go to most people -- and excuse this analogy -- if you're to take somebody into their bathroom, point to the toilet and sigh, what's your aspirations for that toilet, they maybe would say, I don't know, maybe could I make a planter out of it. Asking people what their aspirations for the willamette are, people are clueless. They've seen it nothing but an embarrassment. It's going to be such a magic thing when people reclaim this, and it's going to be a tremendous source of pride. Boise, idaho, in the summer, it's a river city, and it's something everyone is proud of. It's going to be really fun to witness.

Adams: Thank you very much. Peter.

Peter F. Fry: My name is peter finley frye, and i'm here on behalf of gunderson, and we also remember the working waterfront coalition. I wanted to say also I -- a friend of mine and I restored a 28-foot, 50-year-old cabin cruiser, so we used the river recreationally as well as professionally. And I want to say that the park bureau and the office of healthy rivers has been great at communicating with gunderson and the other interests, and I really want to reemphasize what everybody is saying that it's really important that we all talk together to sort these things out. Because we have enormous barges that can -- graydon you've ever seen one of those things, and

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that has to be all sorted out, because we need to maintain safety. And those are the two things we focused on, was education safety, was one category and that the strategy starts to talk about that and create a framework for that. And frankly a lot of people don't know that you need a license to drive a boat in Oregon, and that boats have to be fully equipped with specific things. All that can be presented by education. The other thing we talked about was the delineation of the river, just like every year I go sailing in catalina, and their charts tell you where to go and where you can't go. In fact, there's places where you can't even go near and then there's huge paths where the big container vessels go. So everything is like, this is one area with no wake this, is an area where you stay away from the industry this, is the area that's good for paddling. My best friend was a dragon boat paddler for nine years for cleveland, and I got the opportunity to do the dragon boat paddling as well, and that's a perfect location for paddling. I actually did the dock, by the way. And the last thing I wanted to say is that it's really Important the coordination you're seeing happen out of your office, with the other agencies with the state marine board, with the sheriff's department. And with the fire station 21 come jog line, with the public safety issues, a lot of things are starting to come together and this strategy creates a framework for that. Thank you.

Fritz: Thank you very much for coming, both of you.

Adams: Unless there's additional council discussion, sue, please call the vote.

Fritz: Thank you, everybody who is here today and who has work order this strategy. I think the power point showed it well with the puzzle pieces with the recreational piece and the stewardship piece working together, and one without the other doesn't work. We have made a huge investment in cleaning up the willamette, we will continue to do that. And we have also made an investment in the willamette as a working waterfront and we need to continue to make sure that we include all of our partners, the motorized, the nonmotorized, the industrial, the commercial, and those who just like to walk around and look at the river and think how beautiful it is. So this strategy sets that in place. I do acknowledge that it is a public strategy that it doesn't include a lot of things that we could and will be doing in the future to looking at other private facilities that also support the overall strategy. But it does set some important goals and aspirations and specific targets for which projects. We want to add, just the three additional docks, and which ones are going to be part of future planning processes. It doesn't have any money associated with it for development, it does have commitment for staffing the ongoing advisory committee, which is going to be really important to include all of the different users in helping to figure that out. Our river is beautiful. And our river is vital in many senses of the word. And i'm really proud of this strategy that so clearly shows how the ratepayers have funded the clean-up, the taxpayers fund the park system and together we've invested in our river, we need to make the most of it. That's what this plan does. Thanks so much to ann beier and the office of healthy working river staff, patty howard in my office, the team in parks, this is -- and commissioner Fish, this has been a joy to do as a partnership, and showing how the city can work together with all of our partners in the various realms that were represented here today. Thanks so much for coming. Aye.

Fish: Amanda has I think said just about everything that needs to be said. I also want to acknowledge amanda and anne and the team at our office of healthy working rivers. My team of brett and kip, josh, rick, and mike, and everyone who's worked on this. It's a marvelous document, and I actually in addition to the text I love the photographs. Some of the most beautiful pictures of the river of which we can be very proud. The testimony I think today was interesting. I particularly appreciate those who have noted we need to find a more reliable funding source to both maintain and build out our capacity. And we're as opportunistic as we can be at this point, if you look at the facilities they're owned by pbot, pdc, the port, parks, I was surprised to see pbot has a couple of facilities but we've spread them around. We use tiff from urban renewal districts, sdc's, fees, sometimes capital dollars. We don't have general fund dollars anymore for this, but perhaps in a future bond measure there's an opportunity to get the voters behind investing and the vision that one

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of the people who testified talked to us about today. This is a wonderful piece of work, and I just again would be to compliment the leadership of both parks bureau and office of healthy working rivers for bringing it forward, and especially to amanda who is passionate about this work. And with this document I look forward to her leadership in taking us forward and implementing this road map. Aye.

Saltzman: Good work everyone. Aye.

Leonard: I have a unique perspective on the willamette having lived here all my life. There was growing up here a complete disconnect between the populous and the river unless Your family depended upon the river for income, which my family did. My dad was a merchant marine, so we spent a lot of time at the docks in the industrial area of the willamette river. So from that to the last quarter of a century or more, actually longer than that when harbor drive was removed and the old journal building, and tom mccall waterfront park, a lot of people looked at me like what the heck are you talking about? But those were structures that were part of what I grew up with and saw that without understanding it actually separated the community from the river in a variety of ways to today these various changes that have occurred over the last 25 or 30 years so that we have more boating opportunities, more boating facilities certainly the big pipe project, the esplanade which I use every week between the hawthorne and steel bridge, is really pretty spectacular for a person that was brought up in a completely different environment in the same location, but the environment is so much different to now having a really master 30 thoughtful plan done to take the river to the next level. Which I think is really to be heralded and praised, because as some of the testifiers alluded to other cities haven't had this historic disrespect for the waterway that we've inherited from those that inhabited these lands before we came and did our thing to them over 150 years ago. So i'm pleased to be able to participate and supporting this Report. I think it's a great blueprint for the future. Aye.

Adams: Congratulations to commissioners Fritz and Fish, and thank you to the leadership in the bureaus and the community leaders and others that participated. I like to plan, I like the fact that it's prioritized, and as mentioned by the sponsors and everyone, we will get to that bond measure that you talk about, the investment that we all want by getting more people in the river, not just on the river. And I look forward to seeing you all this summer at the big float. If the mayor can get out there in his swimsuit --

Leonard: Ouch.

Adams: I know. [laughter] in his swimsuit and do the big float, and have a -- and have a lot of people stop me mid river going -- then all of you can too. [laughter] really, congratulations. Aye. [gavel pounded] so approved. We are adjourned.

At 3:20 p.m. Council adjourned.