



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 26TH DAY OF JULY, 2000 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi, and Hales, 3.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Acting Clerk of the Council; Harry Auerbach, Senior Deputy City Attorney; and Officer Chuck Bolliger, Sergeant at Arms.

DUE TO THE ABSENCE OF TWO COUNCIL MEMBERS
NO EMERGENCY ORDINANCES WERE CONSIDERED THIS WEEK

ALSO, ITEMS COULD NOT BE HEARD UNDER A CONSENT AGENDA

- 1122** **TIME CERTAIN: 9:30 AM** - Adopt the Southwest Urban Trails Plan to increase pedestrian access throughout Southwest Portland (Resolution introduced by Commissioner Hales)

Motion to accept amendment for the urban trails segments that are in parks or the public right-of-way, both improved and unimproved, and an environmental zone will be required to meet all environmental protection requirements: Moved by Commissioner Hales and seconded by Commissioner Francesconi.

Motion to adopt a vote on the adoption of the Southwest Urban Trails Plan: Moved by Commissioner Hales and seconded by Commissioner Francesconi.

Disposition: Resolution No. 35907 As Amended. (Y-3)

REGULAR AGENDA

- 1123** Accept bid of Watershed Garden Works for \$22,750, Frosty Hollow Ecological Restoration for \$23,212 and Inside Passage for \$20,704, for annual supply furnishing native seed for a total estimated annual amount of \$66,667 (Purchasing Report - Bid 99978)

Disposition: Accepted Prepare Contract. (Y-3)

- 1124** Accept bid of Dunn Construction, Inc. to furnish Whitaker Ponds stormwater pollution reduction facility phase 2 of 2 for \$60,884 (Purchasing Report - Bid 100065)

Disposition: Accepted Prepare Contract. (Y-3)

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- 1125** Resolution of the Portland City Council in support of the establishment of a Multnomah County Registry of Domestic Partners (Resolution introduced by Mayor Katz and Commissioner Saltzman)

Disposition: Resolution No. 35908. (Y-3)

Mayor Vera Katz

- 1126** Authorize City Attorney's Office and Bureau of Planning to enter into mediation with Metro concerning the objection to the Metro Periodic Review Work Plan currently before the Land Conservation and Development Commission (Resolution)

Disposition: Resolution No. 35909. (Y-3)

- 1127** Authorize City Attorney's Office to file an amicus brief and participate in court proceedings to support the cross-appeal pending before the Oregon Court of Appeals in the case of City of Lake Oswego et. al. v. Metro, Case No. CA A110947 (Resolution)

Disposition: Resolution No. 35910. (Y-3)

- 1128** Grant a ten-year property tax exemption to Innovative Housing, Inc. for new multiple-unit housing on the block bounded by SW Jefferson, Columbia, 12th and 11th Avenues (Second Reading Agenda 1070)

Disposition: Ordinance No. 174744. (Y-3)

Commissioner Jim Francesconi

- 1129** Accept contract with Columbia Cascade Construction, Inc. for Burlingame Park improvements as substantially complete, authorize final payment and release retainage (Report; Contract No. 32244)

Disposition: Accepted. (Y-3)

Commissioner Dan Saltzman

- 1130** Amend City Code Drainage and Water Quality to implement revised stormwater management policies and the Stormwater Management Manual (Second Reading Agenda 1038; amend City Code Chapter 17.38)

Disposition: Ordinance No. 174745. (Y-3)

At 11:33 a.m., Council adjourned.

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WEDNESDAY, 2:00 PM, JULY 26, 2000

DUE TO THE LACK OF AN AGENDA
THERE WAS NO MEETING

GARY BLACKMER

Auditor of the City of Portland

A handwritten signature in black ink, appearing to read 'Karla Moore-Love', written over a horizontal line.

By Karla Moore-Love
Acting Clerk of the Council

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

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Transcript of Portland City Council Meeting

This transcript was produced through the closed captioning process for the televised City Council broadcast.

Key: ***** means unidentified speaker.

JULY 26, 2000 9:30 AM

Katz: Commissioner Saltzman and Sten are on vacation. Because of that we will have no emergency ordinances or consent agenda. We will take each item one at a time.

Item 112.

Katz: Why don't we have staff presentation. We give our elected officials courtesy to testify after staff presentation and before public testimony. We have Council member David Bragdon here with us to talk about the trails program.

Bill Hoffman, Office of Transportation: Here today to present the Southwest Trails Plan, here with April Keithly, Project Manager for the Southwest Trail Plan, and Don Bach, Chair of the Southwest Trails Citizen Committee. This is a very unique project initiated by a citizen group of southwest Portland concerned about walking. Staffed by a citizen committee using volunteers went out and did the inventory. Superb community participation.

April Keithly, Office of Transportation: The plan proposes increasing pedestrian access and connectivity throughout southwest Portland for both recreation and transportation. Linking key pedestrian destinations was a major criteria in selecting routes for the urban trail network, to parks, schools, transit stops, community facilities, regional trails, Terwilliger Trail, Willamette Greenway, the 40-mile loop and Fanno Creek Greenway. Southwest Portland is characterized by hilly topography and disconnected street network mini on improved right-of-ways making walking difficult. Southwest Portland has very little sidewalks. The plan began with the citizens of southwest Portland who came together in 1998 with the Office of Transportation. Major criteria were to access multiple destinations, to use existing right-of-way wherever possible, to be able to provide pleasant, safe and convenient access to destinations and to get community support. A 2-year process a potential route map showing all pedestrian routes identified throughout southwest Portland district. Selected routes from that doing an inventory. Put together the preliminary urban trail network, consisting of 5 east-west trails and 2 north south, approximately 41 miles throughout the whole urban trail network. The urban trail network consists of a composite of existing roads and stairs and sidewalks, existing trails and pathways. Combined with proposed trails and improvements on approved right-of-ways, through schools and also using park paths. Refinements were made and taken back to the public in March of 2000 for the 2nd public open house, this was the final draft. The urban trail routes are proposed by the Southwest Trails Group and the Office of Transportation. Conceptual routes are where the trails are desired but cross private property or undeveloped property. Alternate routes are proposed where the conceptual routes are which take longer to be developed or planned. Future routes identified as part of the urban trail network. Parks and Recreation has received funding to do a feasibility study and developing a multi-use trail for both cyclist and pedestrians. Another future connection with regional significance is the Riverview Cemetery making a link using their existing roads down to trail 5, which would connect at the Sellwood Bridge then across the river to the OMSI springwater corridor. The last future route is a connection from Gibbs Road in the north area near Marcum Nature Park a connection to Fairmont on the west side. Environmental zones are plentiful in southwest Portland. Have strengthened the language in the plan regarding environmental zones. Anywhere a trail crosses an environmental zone, will require an environmental review and crossing parks or natural areas will require public planning process. Trail alignment may need to be relocated if opposed. Recommended improvements were

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2 overpasses), 4 signage improvements and bridge improvements. Funding and implementation has been identified by relative need and cost for each improvement. Have identified potential local state and federal funding sources in possible partnership, implementation responsibilities required agencies reviews. The whole force behind the plan was the southwest community and the neighborhood volunteers.

Hoffman: Mayor, I think Don Bach was going to do a short presentation.

Don Bach: Thank my neighbors in southwest. Hundreds of people have been involved and it's been a cooperative effort. Appreciate the effort they put into this. Starting at the Willamette River and coming up to county line, a lot of greenway has been constructed, the Fanno Creek Trail. Hopefully we will have within a few years a trail that will go all the way to the Tualatin River. From Willamette Park to Hillsdale. The trails group and many people interested in watershed issues in southwest would prefer that we not use some of the established standards that PDOT has, because they have built huge trails as big as some of the roads I use to build in the forest service. We want small discreet things. 4-foot railroad ties would be adequate. Need good maps and signage so people can find their way with confidence across our various neighborhoods. The trail connects with 3 trails. Only 10 to 15 percent of the streets in southwest have sidewalks. They have emphasized putting the trails where people want to walk. Used a microphone criteria for a good walk is if you have headphones on and you cannot hear what is on the radio, then it is too noisy and not the kind of place people want to walk. Stevens Creek Park the citizens have spent a number of hours renovating and clearing out the blackberries. At the Garden Home shopping center Metro is negotiating with PGE taking over some right-of-way hopefully giving us a direct connection to the Fanno Creek Trail in the Garden Home Area. The alternate route would go around the shopping area, by the pubs, by the Thriftway then across the street to the community center and then connect up directly with Fanno Creek Trail. Notice there are tentative alignments for trail 2, the red electric line in Beaverton. Have not paid a lot of attention to the feasibility of that because we have the feasibility study coming up.

Hales: Appreciate all the effort that's gone into this work we will hear more about that at another testimony this morning. Certainly there is more work to do. Don, I appreciate all the effort you put into this.

Bach: A lot of us have had a lot of fun doing this. A lot of trail walks and a lot of good times shared.

Hales: I think it is really going to pay a big dividend to the people in southwest and elsewhere in the city when they have this opportunity to use your work in the future, I just want to say thank you.

Bach: Thank you.

Francesconi: Don maybe I will save that for a little later. There is a proposed amendment on the environmentally sensitive zones that says not to put it in the environmentally zoned.

Bach: Maricara Park specifically, I think.

Francesconi: There are 2 amendments. One is Maricara Park there is a more general one.

Bach: I will let Bill speak to the first one, and I will talk to Maricara.

Francesconi: I saw the staff's point. I see it as just a presumption, the words if practically possible is plenty of lead-way to have the street or the sidewalk. I interpret it a little different than you do. My predisposition is in favor of that first amendment. Tell me why I am wrong.

Hoffman: I do not think you are wrong.

Francesconi: I always wanted to know what the person was thinking when I was on your side. That is what I am thinking.

Hoffman: I do not think you are wrong at all. It is a policy issue. It goes right to the foundation of how the plan is put together and how alternately it might have been put together. We worked on the assumption that we need to pay particular attention to environmentally sensitive areas and identify environmental zones and specify very clearly that when you are in an environmental

zone you need to go through all the review and permitting and design that is appropriate and called for in those areas. We assumed it was okay to go through those areas. You may find you cannot mitigate for the impacts of going through those areas, in which case you need to not go there. Where you can mitigate the plan would suggest that it is okay to have trail alignments through those areas. My interpretation of the proposed amendment is it says your first responsible is to stay out of those areas. If you cannot stay out then you can go and examine whether it is possible to mitigate for the environmental impacts. As a policy issue it begins to effect not only trail alignments but could also begin to direct our approach as to where we locate streets, sidewalks and developed right-of-ways. Our recommendation was to point that out and to suggest that this is in our interpretation a fairly significant policy issue.

Francesconi: Don from a citizen's standpoint where do you stand.

Bach: Number one you have to go back to the beginning Title 3 goal 5 as presented by Metro has some real problems. Metro sent a letter to us from PDOT saying there basis is a document called Coal and Marian. A letter from him says the document has nothing to do with trails; it is about campgrounds on rivers. Metro said they did not look at anything, just taking the conclusions of the fifty scientists that said we should not have any activity in that riparian area. We are not proposing relocating any of these trails. Maricara is a super block and the closest way to Jackson high school. Trail needs improvements but most are minor.

Francesconi: Do you agree or disagree that trail alignments shall where practical avoid sensitive resources.

Bach: I strongly disagree, because I do not think it is necessary or appropriate. It will not be effective because the people are going to walk there one-way or the other.

David Bragdon, Metro Councilor, 600 NE Grand: Here to support the southwest urban trails program. I would be happy to stay and talk with you about LCDC.

Katz: You can add any comments while you are here so that you do not have to hang around.

Bragdon: I would add to the slide show where reference was made to Federal, State and local sources of support, I hope you will include the word regional in that and think of us as a partner as well. The partnership that we have with you in 2 different respects is first the access to nature and recreational values of the region and secondly as pure and simple transportation. This program addresses both of those things, it practical and recreational. Metro is sensitive to that virtually everything we do is a partnership with the citizens of the area as well as other jurisdictions of government. Whether it is the development of the regional transportation plan, recycling grants or our partnership with you on the convention center. What we do is carried out and developed at the local level. Two major things related to our greenspaces program that work hand in hand with what your doing here and what the citizens are proposing to do. The greenspaces master plan that was adopted by Metro in 1992 and the regional bond measure approved in 1995, both include provisions with regard to trail development on the regional level as well as local share to help local jurisdictions with the same type of things. We have worked closely with the City of Portland as well as other jurisdictions; examples include that Springwater Corridor, Peninsula Trail Crossing and OMSI to Springwater Corridor. We have done acquisition of resources that these trails connect to. Here to applaud the plan you are about to consider. Would like to make a part of our regional plan to help enhance that sort of thing. There concerns have been addressed. This is an exciting program. Thank you for your time and I urge your support of this.

Katz: Did you want to comment on the other item?

Bragdon: I did want to address...I have been talking quite extensively with regards to Metro's proposed work plan before the Land Conservation Development Commission that will be on their agenda this Friday in Salem. The City had expressed some objection to that which the LCDC or DLCD the department staff did not uphold the objection. I share some of the spirit behind the concerns that the Mayor and Mr. Kelley have raised. The major point that had been

raised was the discussion of sub regional needs related to urban growth boundary amendments potentially in 2001 and 2002. Our intent was 2001 period would be a study period for that with regards to some of the needs of the Damascas and South Hillsboro. The DLCD staff report recommended we consolidate task 2 and task 3. Urban growth boundary amendments, if any relating to those should take place and be considered in 2002 as part of the next 20 year process that we are required to do by State law in 2002. The majority of our Council is willing to accept the LDC staff recommendation in that regard. The second point raised as part of the larger statewide goal 14, which is the urbanization goal, which the commission is also rewriting is do something in September. Discussion was how do sub regional needs add up in the context of larger regional needs. They are part of the regional needs we do not have a series of small UGB's.

Katz: Thank you David.

Bragdon: Do you miss it Charlie?

Hales: Not a bit.

Francesconi: Neither do I. Just on a personal comment I appreciate your leadership here and you are just refreshing not only how you handled the second part but bring your glossary with you next time. The fact you are here on urban trails to know that it is connected to this larger regional effort that your helping lead that provide the larger vision makes it a lot better partnership. It is terrific having you there.

Bragdon: We really have to capture the good things that are going on. Give credit on Fanno Creek-Tualatin Hills Park and Recreation District, a great partner as well as the City of Portland. The leadership is coming from the citizens who spoke to. We have great GIS capability at Metro, people come from around the world to look at the computers at Metro.

Katz: Let me add my appreciation too. It has been a long time since leadership on the Metro Council, David and Ron Park as well have worked as closely with the City as you two have and I truly appreciate it. I hope it will make your work a little easier. Both David and Ron participated in our growth management committee, they're engaged with our Planning Bureau and citizens who are concerned about managing the growth in this area. Public testimony.

Francesconi: At some point I would like parks to come up, given the last discussion we had with Don and I....

Katz: I am going to call them up at the end. Lets hear testimony from the citizens that would like to see an amendment and then we will bring the parks up.

Dixie Johnston, 0550 SW Palantine Hill, Co-Land Use Chair, Collins View Neighborhood Association: Meetings with trails committee started in 1996. Our neighborhood has been very interested. Applaud Don Bach for his enthusiasm and spirit behind us. Have concerns about the environment. Looking for alternatives to the SOB's. Hope this will help get people out of their vehicles. Private property owners could put up a listing of rules they wish people to follow when going through the private properties. Talked with Kirky Doble, head of the Parks committee in southwest Portland. She thoroughly endorses the concept of this document. She is concerned about the switchback trails in Maricara Park. Thoroughly endorse what Don Bach has written in this book.

Phil Hamilton, Representing the Corbett-Lair Hill Neighborhood Association Southwest Trails Committee, President of the Friends of Tryon Creek Park: Neighborhood board has expressed explicit support for this plan. This has got to improve the safety for pedestrians and bicyclers. A very comprehensive analysis needs to be done in regard to the environmental zone.

Katz: Would the review of the environmentally sensitive areas happen automatically

Hales: We can talk about that, yes.

Amanda Fritz, Citizen member of the Tryon Watershed Council: We believe this is a great plan and appreciate the revisions that have been made. Here to advocate for consistency. Unfortunate the plan did not evaluate the environmental impacts. The Endangered Species Act

says that federal funds cannot be used for damaged habitats. Sacrifices will be required by all. Need to consider impacts before we designate trails.

Francesconi: One reason to have trails in environmental areas might be to give the public some exposure to these wonderful things in our natural areas so that there would also be more support to protect natural areas so they could experience the multi-objective uses being nature in our own city. If we do not allow trails maybe our own citizens cannot experience this. On the other hand allowing to many in may wreck that opportunity at all.

Fritz: When doing the planning for these environmental areas is to look at going around the edges, where you could look in, but not tromp through the middle and wreck them. The other issue is the historical rights-of-way and developments of unimproved rights-of-way, needs to be re-evaluated.

Hamilton: I walk within 50-feet of Pileated Woodpeckers within the Tryon Creek Park frequently, but my favorite story is where one was pecking on a snag about 30-feet from the nature entrance and within 5-feet of the trail. People were walking by all the time and it was ignoring all the traffic.

Fritz: The issue is size of a park, Tryon Creek State Park is 644 acres. A smaller greenspace of 20 acres, perhaps these little critters feel they do not have anywhere to hide.

Hales: I had one on the metal flue on my fireplace on by bedroom at 5 a.m. It was better than an alarm clock.

Phyllis Towne, Portland Heights, member of the Mazamas, hiking Coordinator for the Multnomah Athletic Club: Been involved in this program since it started. Walked all the trails. Very exciting seeing it all come together. More people are out walking and need a safe place to walk. Don has put together a very good trail system.

Wes Risher, Southwest Portland resident: Applauds Don Bach's efforts and leadership. Learned the enhancement funds have been removed, we as citizens need to actively participate in the legislative process in Salem to get the funds reallocated. Without that kind of funding and flowing through the City of Portland the trail improvements in southwest will not occur, as it is not in the City budget. Need to partner with the county Alternative Community Service Program, the corrections program. In Stevens Creek we have been able to use that labor force to do significant restoration. I would like to encourage the City, PDOT, Commissioner Hales to partner with the Southwest Trails Program and nominate the Southwest Trails Program as a community millennium trail through the U.S. Department of Transportation and the White House, specifically first lady Hilary Rodam Clinton. The Millennium Trails Program consist of legacy trails, community trails and the National Millennium Trail itself, the historic Columbia River Highway was designated on Sunday as a state nominated millennium trail.

Helen Farrens, 9956 SW Conduit, Transportation Chair of Homestead: Monitored this wonderful core group. This is a marvelous plan. The core group put together the beginning a marvelous program of connectivity and persuaded the city to join them. Grew up in Alameda, sidewalks were everywhere.

Mike Sublet, 1244 SW Upland Drive: The Southwest Trails Urban Plan is enormously important. More needs to be done for pedestrian access and safety. The synergy between transit and recreation is important. Seek out more partnership with neighborhood association, non-profits, NGO's, faith-based organizations and this leverage is the resources of the City and the bureaus. Pushes decision making down to a more manageable level in this case the coalition level. More citizen influence and decision making in their neighborhoods. Not a perfect plan. This plan needs to properly patch in to that east west infrastructure. The number 7 trail does not connect in any sort of safe way with the Washington Park west hills Max station that is so important.

Marshall Turner, 6487 SW Burlingame Place: Has walked most of these southwest trails. Senior Leisure Services, sponsored by the Parks department has 3 walks, one on Monday goes

about 2 miles. Tuesday walks go 4 to 6 miles. Thursday walks go 8 to 10 sometime 12 miles. Would like to walk more so he does not have to drive. Great supporter of Portland Parks Department.

Francesconi: Your asking the Mayor to increase her allocation to the marketing department at parks, so we can advertise these opportunities.

Turner: You would get a lot of return from this, that is a very active group of people they work in an out of the way office, but they do a great job.

Ellen Vanderslice, Northwest Portland Resident, President of America Walks: The citizen effort that went into this showcases the kind of collaboration between the City and the citizens. A tribute to community action and citizen power. 2nd nominating this as a millennium trail.

Jim Sjulín, Portland Parks and Recreation, Natural Resources Program: Parks is very supportive of the Southwest Trails Plan. Builds on the 40-mile loop and the regional trail system that Metro is working on. Provides connectivity between the 40-mile loop and the Tualatin Hills Park and Recreation District trail system. Connects parks with town centers, and neighbor hood schools. Trail location need to be reviewed they are a form of development, the way to looks at that is to avoid, minimize and mitigate.

Francesconi: Is it in that order, avoid, minimize and mitigate.

Sjulín: That is correct.

Hales: Because of discussion about this issue April had come up with this language. The middle ground may be of the status quo of the plan and the policy you just described. Add another whereas that says whereas urban trail segments that are in the public right-of-way both improved and unimproved and in environmental zones will be required to meet all environmental protection requirements. Making it clear that e zone requirements do apply to the construction of trails. Not comfortable with going as far with what Amanda has suggested. The parks do serve a need, one of which is walking. Do not want to create a presumption that this is wilderness. By that standard you would not build a Pacific Crest Trail through federal wilderness. You can always go around it and look in. To apply a standard that is tougher than what we apply in federal wilderness to urban parks to me is absurd.

Francesconi: I understand this has been the policy of Portland Parks, so we would be changing it now based on this testimony (avoid, minimize, mitigate). We would like to add more signage and juice so more people use it. Therefore, I am not in favor of this amendment, I am in favor of the stronger amendment which creates a procedural problem for you Mayor.

Katz: We went through this last week.

Hoffman: We are showing alternate trails around the park. How they are handled is a park policy. The decision process is through the Parks Department. Agree with the notion of minimize and mitigating.

Francesconi: Concerned we will have one policy where we are going to avoid parks, potentially sensitive areas, but not avoid sensitive areas in other places. I am not going to go with the amendment.

Katz: We have a resolution in front of us, do you not want to act on it today.

Francesconi: Until this issue addressed

Katz: Unfortunately...for those that are concerned about amendments, we have gone through this, I disagree with the city attorney, they are still chatting amount themselves. We cannot amend with only 3 members here at the Council.

Harry Auerbach: You can amend with only 3 members, you just all have to agree.

Katz: In this particular case and the last there was a split vote, you cannot amend with a split vote, we either all agree and I am not sure I hear all of that or we just cannot amend. I agree with Commissioner Hales I would like to talk about it a little more, I would like to vote on this resolution today.

Francesconi: The problem I am having is Parks has got one policy that we are asking the Southwest Plan to change, and I am not going to agree to that. PDOT apparently has a different policy that would be changed, but outside of the Southwest Trails Plan.

Sjulin: Our policy would make us look at the feasibility of avoiding the resource. We must consider that, the process of deciding that through the Park planning process will get us through that possible to the minimization step and the mitigation step. It does not say that we are always going to avoid, it says that we are going to consider avoiding.

Francesconi: I actually do not think practically getting to your point, Commissioner Hales we are that far apart. PDOT does think were apart, because there is a difference in emphasis. There is more of an emphasis in the Parks approach and the amendment I support on avoidance, but there is a process to get citizens involved to make that decision.

Katz: I want you to talk in terms of how in practice this will work. I do not think there is much disagreement between you two.

Sjulin: With respect to the Parks, 1 month ago we were here with the Southwest Parks planning process, we would use that process to help us determine what we want to do with the park. In addition to that if we are going to do any park development we go through the environmental review process, if there is an e zone involved. I do not see the conflict here.

Hales: E zone policies themselves, essentially, I do not think they use the words, but essentially say avoid messing up the resource if you have a choice. 99 percent plus of the people that will walk down these trails will never hear this plan, even though they will benefit from it, they will not know who Don Bach is, even though they should. They will not know they are crossing a boundary into an e zone.

Francesconi: Does the e zone regulation say put a first preference on avoiding the resource.
*****: no.

Francesconi: Because if they did you would not be taking the position you did.

Hales: Sure they did they require mitigation for any development in the e zone.

Francesconi: Mitigation is not avoid.

Sjulin: What we are wanting to not do here is avoid the e zone regulation. E zone regulation provide adequate protection if we follow that process. I understand the public concern on this is that the photo of the trail at Tryon Creek Park is the worst nightmare in terms of a Park management standpoint where the trail is put in place without any review or staff input.

Hales: Have you seen this amendment that April drafted. I think that captures the sense of that.

Sjulin: My impression is that it does. It provides what we need.

Francesconi: Based on 2 things you just said, I think I am okay. It says that whereas urban trail segments are in the public right-of-way, both improved and unimproved and in an environmental zone will be required to meet all environmental protection requirements, you are comfortable with that.

Sjulin: That is great language.

Hales: Maybe it needs to say park or public right-of-way.

Sjulin: That could be an improvement.

Francesconi: So that means that there is a preference for avoiding first.

Sjulin: Yes, that would be my interpretation.

Hales: I can say that with authority in terms of the e zone.

Francesconi: That makes me a lot more comfortable. Now I am curious as to why you were having objections with the issue of avoidance if there is a preference anyway. Then this amendment is not any different than Amanda Fritz's amendment.

Hoffman: Only in that we are showing proposed alignments in some cases through environmental zones. At the end we will come to the same conclusion that Parks will go into their process. We are saying here is a place people like to walk and have to go through an

environmental area. Both Parks process and the Office of Transportation need to go through environmental review.

Katz: I will take the motion with an amendment.

Hales: I would move this amendment, but changing the language to say whereas urban trails segments that are in parks or the public right-of-way, both improved and unimproved, and an environmental zone will be required to meet all environmental protection requirements.

Katz: Do I hear a second.

Francesconi: Second.

Katz: All right we are all in agreement. Anybody object. Hearing none so ordered. Thank you, we will take the motion to adopt a vote on the adoption of the Southwest Urban Trails Plan, Item 1122 as amended.

Hales: So moved.

Francesconi: Second.

Katz: Roll call.

Francesconi: Thank you Don. Not just your passion for this but you have others excited about it which is the real key of leadership. There is great opportunities here. It is the connections that make us the same as relationships between people, connections between places which make this a special thing. You are creating opportunities to walk especially in areas where there are no sidewalks, creating access to public lands, connection between schools, town centers and parks. Walking adds to our health and it is a creative use of land in the public right-of-way. There are next steps, we have to do some cost estimates and figure out how to raise the money. The suggestion of approaching ODOT should be considered right of way it is the practical suggestion made here. We need to establish some trail guidelines, placement materials and figure out how we are going to mark these trails with signage. Volunteer labor and how to vamp it up is a good idea, we do some of that already. Multnomah Juvenile Justice program has a very good volunteer program. My personal priority on trails, which I have come to adopt as one of my top priorities is the 40-mile loop and completing that. Resources of Parks are going to be aimed first at that. You have all done terrific work on this. Aye.

Hales: Thanks to Don and all the citizens who worked so hard on this issue. Ellen you may be walking less but your influence on these issues is no less. I have relearned a couple of things in this work that you have done and this discussion it really is a common theme, both Parks and Transportation philosophy are about choices, how they live, housing, neighborhoods, how they move around, that your not stuck in your automobile and choices about recreation. The Parks Bureau has to accommodate a lot of people and their activities. Citizens have time after time lead the way on issues like this and these plans do not sit on a shelf they get acted on and modified. There may be a trail in Portland that Don Bach has not thought of yet, probably not, but there might be. Thank you for good work. Aye.

Katz: As a community we need quiet places to walk through and places that you blaze a trail through. I am pleased to support this and look forward to the day I join the seniors that have been walking through the City and blazing these trails for us, I want to thank them all. Aye.

Item 1123.

Katz: Does anybody want to testify on this item. Roll call.

Francesconi: Aye. **Hales:** Aye. **Katz:** Aye.

Item 1124.

Katz: Anybody want to testify on that item. Roll call.

Francesconi: Aye. **Hales:** Aye. **Katz:** Aye.

Item 1125.

Katz: This issue was also brought to us by citizens of the community with the help of my office and Commissioner Saltzman's office. This is more than symbolic. Private employers are voluntarily moving to provide health and other benefits to domestic partners and their children.

We are one of those employers and the county is one. This registry will be an easy way for people to file their statement of their relationship their domestic partnership and help establish those relationships for the purpose of obtaining such benefits. Tanner vs. OHSU has now created a situation that obligates public employers to provide those kinds of benefits offered to married couples. This is a nice and convenient way for couples both homosexuals and heterosexuals to express their relationship using the criteria we use here for domestic partnership health benefits to get some of these benefits that they deserve.

Madelyn Wessel, City Attorney's Office: The critical legal action undertaken on the establishment of the registry occurred over at Multnomah County. Working with OGALA, which is the Oregon Gay and Lesbian Law Association and other folks from that community to develop a plan that could establish for the very first time an opportunity for people who are not able to marry or do not wish to marry, and I emphasize the registry is not limited to same gender couples it is open to all couples who would like to register there. The City of Ashland developed a domestic partnership registry earlier this year. As we all worked together it became clear for lots of good reasons it made more sense to implement the registry over at the counties. It is very efficient to do it there, the county initiated the registry within the context of the marriage bureau. The only odd thing about it is that they are all located within the department of environmental services at the county. This is far more than a symbolic step by the county or by you. Oregon is quite unique in that the Oregon Court of Appeals in a constitutional decision about a year ago has acknowledged that gays and lesbians have equal rights in Oregon. All cities, counties, towns and school districts are obligated to offer those couples the same benefits that are available to heterosexual married people. The establishment of an official registry gives those couples an easy, clearer mechanism for establishing and registering that they are part of that committed long term family relationship and they a basis for requesting from other public agencies that same level of equal treatment that the state court has established is their right.

Katz: Madelyn thank you for all your work.. Anybody want to testify on this item. Roll call.

Francesconi: There are several reasons to support it one is it is a tangible benefit in a way of making it easier to meet our legal responsibilities under the Supreme Court. It is a recognition that we need and are broadening are definition of families. This acknowledges commitment and we want to encourage. My son here from college said, "Dad it is the right thing to do". Aye.

Hales: This is one of those policies that makes you happy and proud to be a Portlander. We are a livable and good tolerant city. Thank you Mayor for your leadership on this. Portland has it right. Aye.

Katz: I want to thank the Council. It has been a privilege to work here with my Council colleges on these issues. It was much harder in the Oregon legislature. We have accomplished so much together because we can introduce these resolutions, but without your support it would not be possible. Jim, your son took the words right out of my mouth, it is the right thing to do. Thank you. Aye.

Item 1126 and 1127.

Katz: Gil would have been here but he meets on a regular basis with LCDC staff and he is down in Salem. We are at a crossroads in terms of how we manage the growth in this area. Two issues that have come up at impact, we are at a point where we have to make some decisions. Sub-regional goals, the jobs and housing balance talking about the lack of industrial lands, if we look at things with the sub-regional view, we need to expand the urban growth boundary. There is strong support for the expansion of the urban growth boundary looking at the sub-regional needs. Can and should be expand going on the 20 year supply of land issues. There is a lot of literature coming out from California on jobs, housing balance and I think it is a myth. I have no problem with impact looking at it tied to the other task that are before us. For now I am asking the Council for support on these two resolutions that will give us a better position on these issues.

Bob Clay, Bureau of Planning: The two resolutions before you are different matters, however they both concern the very same subject matter and the timing was very critical. The first matter is simply to authorize the City Attorney's office and the Bureau of Planning the ability to enter into mediation with Metro before a hearing a proceeding before the Land Conservation Development Commission concerning their work program for periodic review for the urban growth boundary. The City had filed formal objections to the department, they have responded, Metro has responded. The department has indicated some equal concern based on the objections we had raised. One procedural point is the opportunity to enter into formal mediation the administrative rules allow for that. We have had a new staff report issued by the department that indicates recognition of several of our concerns in 3 different areas that they are willing to modify their report. We also had communication from presiding officer David Bragdon at Metro indicating they are prepared to state for the record changes to the work program in a couple of areas. A lot of definition needs to occur and a lot of clarity. The second resolution relates to the very same subject. Sub-regional need, analysis and what happened in a recent case involving the Rosemont Homeowner Association vs. Metro, joined in by the City of Lake Oswego. A letter from the Mayor of Lake Oswego has been handed out requesting the Council to join as an amicus, a friend of the court to take on a specific which LUBA had ruled, we believed is counter to the interest of the City and to the provision contained in the Metro functional framework plan 20/40 growth concept. The City Attorney would file with the Court of Appeals that amicus on the narrow issue of sub-regional need analysis.

Al Burns, Bureau of Planning: The Cities essential interest that were the basis of the Mayor's letters to the LCDC first is the importance of the 20 year land supply within urban growth boundaries, a long standing feature 25 years with the Oregon Land Use Planning program. The 20-year supply has hit the right balance, it provided for market choice and market opportunities on the edge, but constrains regional land supply enough that it provides infill and redevelopment incentives for project in the central city for example the River and Pearl Districts. Sub-regional needs added up could exceed the regional needs analysis, it would be a technique for justifying a greater than 20 year land boundary. Policy and implementation; the urban growth boundary is suppose to carry out Metro's functional and framework plans, particularly the region 20/40 growth concept. They proposed urban growth boundary expansion in their work program without looking at the options of infill and redevelopment and revisiting jobs and housing targets. A major oversight in Metro's work program. I believe they will be resolved amicably, but in the context of us having to keep a contested case hearing date this Friday in Salem.

Katz: Questions. Anybody want to testify on this issue. Roll call on 1126.

Francesconi: I can support both of these. Following the Mayor's lead on this who is there and is part of the process and now I am not, I have lost touch with a lot of this. The point made on re-affirming the 20-year land supply and not more and not using a sub-regional to expand it, mediation and law suits are valid means of raising the discussion and that is what you are asking for. I do believe that industrial land is a problem in the region and we need more industrial land, I am not supporting the resolution. I am not ready to say that the jobs housing is a myth. It may be over emphasized, but I am not ready to say that we need to throw that out of our analysis or plans completely. Aye.

Hales: I support the effort as it stands now but I cannot stop myself from saying it is pretty discouraging. Thinking about the Stafford Basin, it is legally right, but from a Planning standpoint it is absurd. The whole Metro process is this discussion and these actions indicate a sinking into a swamp of legalistic mitigation and mediation. It is nobody's fault, we are all scared of growth and nobody wants to do anything bold and intelligent so we inch along, wrangle and have endless debates about minor things and nobody states the obvious which is someday there should be a tap on there. I will stop rambling and we can move on to the next

pointless battle which has become a series of pointless battles. One day I have to stop admitting that I was on the Metro Charter Committee. Aye.

Katz: At one of the meetings I said if you are asking me or Portland to expand the urban growth boundary because you need housing or jobs, I am willing to listen. If you need housing, it has to be housing that provides people choices, it cannot be mansions, it has to be affordable housing for people who have the jobs very close by who happen to live in Portland. If you need jobs and you need industrial zones, Clackamas County, then you need to make sure that you zone them for manufacturing jobs, jobs that employ a large segment of the population and make sure that you have the ability to tie those jobs close by in Clackamas County. There is not anybody that is going to tell them that is what they have to do. As long as we do not have the hammer in making sure that the zoning is justified for the expansion of the urban growth boundary then I cannot support it. Aye.

Item 1127.

Francesconi: Aye. **Hales:** Aye. **Katz:** Aye.

Item 1128.

Katz: Second reading roll call.

Francesconi: Aye. **Hales:** Aye. **Katz:** Aye.

Item 1129.

Katz: Anybody want to testify. Roll call.

Francesconi: Aye. **Hales:** Aye. **Katz:** Aye.

Item 1130.

Katz: Roll call.

Francesconi: Aye. **Hales:** Aye. **Katz:** Aye.

Katz: Commissioner Hales and Commissioner Francesconi I want you to think about whether we ought to proceed with code amendments to allow us to vote when we only have 3 members here on amendments that we do not agree. The 3 of us went through this process last year.

Hales: It might improve attendance.

Katz: Think about it because the City Attorney is going to tell us that we in fact cannot have a split vote when three of us are here to amend

Hales: Let's think about it.

Katz: So let's think about it, I am not rushing into it but I think it is worth thinking about having a conversation as a Council. We stand adjourned.

At 11:33 a.m., Council adjourned.