



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **20TH DAY OF FEBRUARY, 2002** AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi, Hales, Saltzman and Sten, 5.

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

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

		Disposition:
COMMUNICATIONS		
160	Request of Norman D. Wicks Sr. to address Council regarding a complaint with Independent Police Review (Communication)	PLACED ON FILE
161	Request of Norman D. Wicks Jr. to address Council regarding a complaint with Independent Police Review (Communication)	PLACED ON FILE
TIME CERTAIN		
162	TIME CERTAIN: 9:30 AM - Accept Portland Emergency Preparedness Council Report on Terrorism Preparedness (Report introduced by Mayor Katz, Commissioners Francesconi and Saltzman) Motion to accept the report: Moved by Commissioner Saltzman and seconded by Commissioner Francesconi. (Y-5)	ACCEPTED
CONSENT AGENDA – NO DISCUSSION		
Mayor Vera Katz		
163	Confirm appointment of John Lape and Julie Morales to the Building Code Board of Appeals for a term to expire January 23, 2005 (Report introduced by Mayor Katz) (Y-5)	CONFIRMED

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164	Confirm re-appointment of Patrick Kelly, Wayne Glasnapp and Mark Beckius to the Building Code Board of Appeals for a term to expire January 23, 2005 (Report) (Y-5)	CONFIRMED
165	Confirm re-appointment of Steve Karolyi to the Portland Adjustment Committee for a term to expire August 31, 2002 (Report) (Y-5)	CONFIRMED
166	Confirm re-appointment of Susan Landauer and Terrill Collier to the Urban Forestry Commission for a term to expire December 31, 2005 (Report) (Y-5)	CONFIRMED
*167	Extend contract with Miller & Van Eaton (Ordinance; amend Contract No. 33776) (Y-5)	176265
*168	Amend agreement with Hennebery Eddy Architects for architectural and engineering services for the remodel of fire stations 3, 25 and 26 and provide for payment (Ordinance; amend Contract No. 33264) (Y-5)	176266
*169	Amend agreement with Elevator Consulting Services, Inc. for elevator cab design services and provide for payment (Ordinance; amend Contract No. 33842) (Y-5)	176267
*170	Amend Power Sales Agreement with Portland General Electric Company (Ordinance; amend Contract No. 25242) (Y-5)	176268
*171	Authorize short term subordinate urban renewal and redevelopment bonds (Ordinance) (Y-5)	176269
*172	Authorize acceptance of a Historic Preservation Fund grant of \$25,000 with amendments to the work scope to develop specialized historic district design guidelines for the King's Hill Historic District and augment funds to amend historic resource code regulations (Ordinance) (Y-5)	176270
Commissioner Jim Francesconi		
*173	Amend contract with American LaFrance Northwest, Inc./Portland Freightliner, Inc. for the purchase of additional Fire Apparatus (Ordinance; amend Contract No. 40570) (Y-5)	176271
Commissioner Charlie Hales		
174	Set Hearing date, 9:30 a.m., Wednesday, March 13, 2002, to vacate a portion of NE 15th Avenue south of NE Lombard Place (Report; C-9985) (Y-5)	ADOPTED

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<p>175 Accept contracts for street improvements along NW Naito Parkway from Steel Bridge to NW 9th Avenue as complete (Report; Contracts No. 32508, No. 32739, No. 32779) (Y-5)</p>	<p>ACCEPTED</p>
<p>Commissioner Dan Saltzman</p>	
<p>*176 Authorize agreement with the City of St. Helens to provide laboratory analytical services (Ordinance) (Y-5)</p>	<p>176272</p>
<p>*177 Authorize agreement with the City of Gresham to provide laboratory analytical services (Ordinance) (Y-5)</p>	<p>176273</p>
<p>*178 Authorize a contract and provide for payment for construction of the Tanner Creek Stream Diversion Project, Phase 4 No. 5407 (Ordinance) (Y-5)</p>	<p>176274</p>
<p>*179 Authorize a contract and provide for payment for the construction of N. Cecelia St. and N. Hodge Ave. Sanitary Sewer Extension Project No. 6008 (Ordinance) (Y-5)</p>	<p>176275</p>
<p>180 Consent to the transfer of American Sanitary Service, Inc. residential solid waste and recycling collection franchise to American Sanitary Service, Inc. as a wholly owned subsidiary of Waste Connections of Oregon, Inc. (Ordinance)</p>	<p>PASSED TO SECOND READING FEBRUARY 27, 2002 AT 9:30 AM</p>
<p>Commissioner Erik Sten</p>	
<p>*181 Agreement with Southeast Uplift, Inc. for \$66,219 for the Kerns Target Area and provide for payment (Ordinance) (Y-5)</p>	<p>176276</p>
<p>*182 Agreement with Insights for \$37,346 to fund activities related to providing a rental assistance program under the Transitions to Housing Pilot Project and provide for payment (Ordinance) (Y-5)</p>	<p>176277</p>
<p>*183 Amend contract with MWH Americas, Inc. to authorize Phase II of the Open Reservoirs Study (Ordinance; amend Contract No. 30491) (Y-5)</p>	<p>176278</p>
<p>City Auditor Gary Blackmer</p>	

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<p>*184 Authorize a contract with Net Assets Corporation to provide electronic access to City Lien Accounting system (Ordinance) (Y-5)</p>	<p align="center">176279</p>	
<p>*185 Cancel City liens that are being extinguished due to Multnomah County foreclosure transfer, or otherwise deemed uncollectible (Ordinance) (Y-5)</p>	<p align="center">176280</p>	
<p align="center">REGULAR AGENDA</p> <p align="center">Mayor Vera Katz</p> <p>186 Refer to the voters a corrected measure to amend the City Charter, giving legislative authority to a nine member council that does not include the Mayor, giving executive and administrative authority to the Mayor and giving veto authority to the Mayor (Second Reading Agenda 139; amend City Charter Chapters 1-4, 7, 9-13, 15) (Y-1; N-4, Francesconi, Hales, Saltzman, Sten)</p>		<p align="center">FAILED TO PASS</p>
<p align="center">Commissioner Jim Francesconi</p> <p>187 Amend City Code requiring Limited Passenger Transportation drivers to obtain driver permits (Ordinance; amend Code Section 16.40.900-950, add 16.49.960)</p>		<p align="center">PASSED TO SECOND READING FEBRUARY 27, 2002 AT 9:30 AM</p>
<p align="center">Commissioner Dan Saltzman</p> <p>*188 Accept a \$34,000 grant from the Northwest Energy Efficiency Alliance to create a case study of Portland conversion to LED traffic signal lights and share the results with other Pacific Northwest communities (Ordinance) (Y-5)</p>		<p align="center">176281</p>

At 10:56 a.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 20TH DAY OF FEBRUARY, 2002 AT 6:00 P.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Saltzman and Sten, 3.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Frank Hudson, Deputy City Attorney; and Officer Peter Hurley, Sergeant at Arms.

<p>189 TIME CERTAIN: 6:00 PM – Amend Ordinance that repealed Title 34, Subdivision and Partitioning Regulations and amended Title 33, Planning and Zoning to add new Land Division regulations and clarified additional Zoning Code regulations related to land divisions to make minor amendments to the regulations (Ordinance introduced by Mayor Katz; amend Ordinance No. 175965)</p> <p>Motion to amend as outlined: Moved by Commissioner Sten and seconded by Commissioner Saltzman. (Y-3)</p>	<p>DISPOSITION:</p> <p>CONTINUED TO MARCH 14, 2002 AT 2:00 PM TIME CERTAIN AS AMENDED</p>
<p>*190 Amend Ordinance that repealed Title 34, Subdivision and Partitioning Regulations and amended Title 33, Planning and Zoning to add new Land Division regulations and clarified additional Zoning Code regulations related to land divisions to delay the effective date (Ordinance introduced by Mayor Katz; amend Ordinance No. 175965)</p>	<p>CONTINUED TO MARCH 14, 2002 AT 2:00 PM TIME CERTAIN</p>

At 6:58 p.m., Council adjourned.

GARY BLACKMER
Auditor of the City of Portland

By Karla Moore-Love
Clerk of the Council

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

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Closed Caption 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.

FEBRUARY 20, 2002 9:30 AM

Katz: Good morning, everybody. The council will come to order. Karla, please call the roll.

Francesconi: Here. **Hales:** Here. **Saltzman:** Here. **Sten:** Here.

Katz: Mayor is present. I want to welcome mr. Tongue, who all of you know because, for us he's a very honored citizen of this city, but with him today are students from a middle school in suzhou, who when I ask them a question, not only do they understand my question, they can respond to the question, which is a lot more than any of us here can do, so I really congratulate the people. You are part of a one global universe and economy and you have made a decision to learn the language of our nation and that brings us much closer to each other, which is the whole idea of what we're doing with our sister city relationship. Not only do we have a strong sister city relationship with suzhou, china, but they have a sister city school relationship with wilson high school, and we have a mom from wilson high school that -- why don't you just raise your hands. And have all the students raise their hands so that you know. Mr. Tong, why don't you stand up. And we'll say hello to you again from all of us to you, and our regards to everybody back home. And the principal of the school, who I thought was one of the students, will you stand up. [laughter] nice to have you here.

And everybody, we can -- we don't clap very often in this chamber because we don't like a rowdy chamber, but we have some wonderful guests from a wonderful sister city, and let's give them a round of applause. [applause] let me -- for them, let me sort of introduce the first three items to you, how we do business here. We allow citizens to come to talk to us for three minutes on any subject that they want. We used to have them wait till the very end of the calendar, and sometimes they would be here at 9:30 and have to wait until noon. We decided to change that, and so what you're going to hear in the next six minutes is somebody coming to talk to us about a subject and we listen and thank them for being there. Then you're going to hear about an emergency preparedness report in light of the terrorism activity of september 11th. This community has been working very hard to make sure that if anything else happens of that nature that this community's prepared. So if you have time, or if you're interested, or if you have plans to go somewhere else, feel free to go, but I wanted to tell you what was on the agenda. We then have something else interesting, but it's a little later on. So those are the first three items that you may want to listen to. All right. We do the communications first. 160.

Item 160 and 161.

Katz: Why don't you read 161 too.

Katz: Okay, mr. Wicks, both mr. Wickes, you have three minutes each.

*****: Thank you. Does it begin when I start speaking or --

Katz: Yes, it begins when you start speaking.

Katz: Mr. Wicks, jr., are you ready to --

*****: I'll be ready in a moment.

Katz: Mr. Wicks, we don't have all day.

Norman D. Wicks Sr.: Right. Since filing a complaint against four police officers for the incident of october 30th, 1999, i've had 75 traffic and parking citations issued to me. I have been stopped by police upon recognition of my truck and given bogus tickets. There is no way this could happen

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unless there was a conspiracy of more than a dozen police officers who systemically sought me out for ticketing. In december mike hess asked me and my son when we'd come to the citizen review committee. We were told by mr. Hess approximately december 22nd that we had a dental appointment on january 10th. We told that to him. He told us he sent out our appointment date to us. He did not give it to us at that time. I didn't find out until very much later on, three days prior to the citizen review committee, that my hearing was going to be on the same day and time that my son's appointment was going to be. Shocked to see the lies in the report that did not correspond to the written report by the officers who arrested us and put us in jail for six hours in handcuffs. The man who called the police to report us camping in the report states he would not tell the police what he saw -- this is the guy that called the police on us, to report us camping. He would not tell the police, the investigator, what he saw and heard, because he feared a police vendetta against himself, not from the appellant, but from the police. This is in the report by the citizen review committee. I find that to be shocking, really shocking, that they made no effort to get this man, no outreach person came to see him. And there's an outreach person within the committee that could have went and saw the man, and said, look, we will protect you from police vendetta. Tell us what you heard and saw. Okay? The committee had the nerve to hold the hearing without us being there, even though they knew prior to us going there that we were not going to be present. And at 7:45 on the morning that the hearing was held, I called mr. Hess, who I defined as a very deceitful individual. I called him and told him they would not be there. He promised me he would move our back time later back to the afternoon, when we could appear. It didn't happen. They held the whole thing without us. Here are 75 complaints that I made to internal affairs about each and every ticket that is here. Here are the -- here are the tape-recordings of the incident. The photographs that I possess that were never brought to the committee. Okay? This is wrong. You can't carry on a committee like this without the appellant being there. We spent six hours in jail in handcuffs even. I mean, they deny everything. The police deny everything. We need a police accountability committee that is minus the police. If there's one police officer in there, one person who is in favor of polices, it's not right.

Katz: Thank you.

Norman D. Wicks Jr.: My name is norman wicks, jr.. I've been a citizen of Portland. I was born at o.h.s.u. On march 1st, 1980. I was 5 years old, playing in laurelhurst park. It began to rain. Officer colleens beat on our nomad car door. No complaint, no warrant. They broke the car door open. They pulled my dad out. While I was still in his arms, they threw my dad on the ground and began to beat him. Donna wench from channel 8 was there with a film crew. I saw her. The memory of that is burned into my mind. She asked me what had occurred. I told her we were waiting for the rain to stop so I could go back to the park and play. She said that's wrap, and they left. My father was severely beaten. And folks, don't let the glamour of this moment fool you. There is a big problem in Portland with the police accountability. Crimes are being committed against our citizens by the police. They must be accountable. I can compel the federal government to come in and audit the state government.

Katz: Thank you. Gentlemen?

*******:** Mayor Katz, let me my people go.

Katz: Mr. Wicks, thank you very much. All right, concept agenda items. Any items to be pulled off the consent agenda? Anybody in the audience wanting to pull off a consent agenda item for discussion? Roll call on consent agenda.

Francesconi: Aye. **Hales:** Aye. **Saltzman:** Aye. **Sten:** Aye.

Katz: Mayor votes aye. Item 162.

Item 162.

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Katz: As our guests are coming up, let me just preface this by sharing with you what we're doing and where we have been. After the horrific and tragic attacks on the United States and on September 11th this council wanted to make sure that all of our partners who were responsible for the safety of this community in this region have been doing everything that needed to be done to be prepared for any future possible disasters. So we've asked the group before you to pull together representatives from the city, the county, the region, the state, as well as our federal partners, to share with you what they've done over I think it's been a long period of time, what is still left to be done. At the meeting that I was at, you identified other areas that you still need to look at so that we can be confident that we're prepared, and it might help to identify those. And then I think we have Mr. -- is Mr. Landauer here -- to respond to the issue of possible federal funds and how we are going to be working with our region to identify the needs of this region, but also the needs of this community. All right? So having said that, Chief Wilson.

Chief Edward Wilson: Thank you. Good morning.

Katz: Let me introduce Chief Wilson to the students, is our fire chief.

*******:** Welcome.

Katz: So he's responsible for fire prevention, fire suppression, emergency medical, lots of things.

Wilson: Thank you, Mayor. Mayor Katz, Commissioners, two weeks after 9-11 attacks on our nation you directed me to form the emergency preparedness council with our partners in must be safety in this region. In response to resolution that you passed on September 26th, we have our final report for you today. Per your request we have conducted an internal review and developed a time line and scope of implementing best practices and functional exercises. That information is contained in this document here that's been provided. I'd like to take a few minutes to brief you on the highlights. I also have numerous content experts in the audience here to answer any questions you may have afterwards. Overall, we give the city of Portland a grade of B with regards to our preparedness for our terrorist attack. The city of Portland is and has been for many years on the right track with regards to planning for a mass casualty incident. The findings show that we have many functional plans in place, well-trained responders on all levels, and a phenomenal network of relationships to facilitate a coordinated effort when we will need it most. An excellent example of our training and relationships at work is the coordinated -- coordination during the 1996 floods and the tremendously successful fire stop during the 2001 bluff fire in North Portland. During that incident, when nearly every firefighter in the city was battling the blaze, our neighboring fire agencies filled our empty stations with their personnel and in addition we were able to quickly get helicopters on scene through our relationships with the Oregon National Guard. I don't want to minimize or overlook the critical services provided by the other city bureaus during this incident. The city takes an all-hazards approach, which includes hazardous materials incidents, earthquakes, floods, fires, and of course terrorism and weapons of mass destruction. It doesn't really matter what causes the emergency, the response to the citizens is very much the same. Since 9-11, however, emergency managers in the region have focused on a few key areas to improve our plans in the case of an unthinkable happens and that would be a terrorist attack here in Portland. In a nutshell we found four areas where we can improve. First equipment and training. There is room to increase the supply of protective equipment for all emergency responders, including our police officers. Decontamination equipment, the hospitals would add another layer of protection as well, and in addition instant command system training at the executive level would enhance the city's ability to provide leadership during a terrorist or any other disaster incident. Secondly, communication. We found that there's room to -- for improvement in the redundancy of our communication system. Currently we are assessing how to improve the security of our 9-1-1 center, and in addition we're considering alternate funding sources to develop backups to our existing system. Thirdly, building security. Portland is traditionally a very open city. But there is some room to enhance our security

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in our buildings by adding security systems which can be accelerated as needed. We will be working very closely with council on this effort. And then fourth, recovery. The comprehensive recovery plan is needed for the city to improve its continuity in government. First steps include a business risk assessment and a mainframe recovery study. To address these issues and others, e.p.c. developed 27 best practices, which are detailed in the report. We also found that we have many of these best practices already in place, and that's because of the work that's gone on for several years prior to 9-11. It's important to keep in mind that funding and resources are a critical -- at critical levels for all city bureaus, and some of the important public safety activities recommended in this document can happen with existing funds, such as the purchase of some protective equipment, certain aspects of training, and the continuation of the work groups, the e.p.c. will continue its efforts. For others, there are opportunities to partner with other agencies in the region and apply for grants. The e.p.c. recommends immediate implementation of those items which can be funded with existing resources and implementation of others as resources become available. Much of the work to proceed cure funding is underway and mark landauer is here from the office of governmental relations to explain some of our funding options, but before he talks I want to change gears for a moment and brief you on a highly successful drill called operation red rose. On january 29th we conducted a --

Katz: Good-bye. Good to see you. Have a wonderful visit.

Wilson: On january 29th we conducted a tabletop exercise to test the metropolitan medical response plan, which includes the city of Portland and all of its responding agencies. Some 300 participants representing nearly 60 agencies participated in this test of the regional coordination with our hospitals and our responders. It was a successful test drive of this federally-funded plan, which has been in the making for some two years. The drill gave us an excellent opportunity to improve our partnerships with Multnomah county, public health, local hospitals, law enforcement to maximize -- and law enforcement. To maximize our investment with our coordinated response. Ours is the first metropolitan medical response plan in the nation to have all 18 hospitals in the region participate. We learned that hospitals who serve an extremely important function in actual mass casualty incident and would benefit from additional decontamination equipment. Our partnerships with Multnomah county would strengthen in that we will continue to work to improve communication within political jurisdictions and work together to use federal resources. The lessons learned from this exercise are detailed in e.p.c. Report and i'll be happy to answer any questions, but maybe at this time i'd like to ask mark landauer come up and speak to the funding issues that we believe are available.

Katz: Do you want to do that now or do you want to have --

Wilson: Want to say questions first? They're here to answer questions.

Katz: All right. Then come on up.

Mark Landauer, Office of Government Relations: Thank you. Good morning. Mark landauer with office of government relations. Several weeks ago our office was asked by several individuals to help identify some of the federal funding sources that are available to assist the city, being able to respond to some of the needs that have been identified by the city through the e.p.c.. We've been working with our d.c. Lobbyist to identify those existing grant programs that would assist in this endeavor and we are providing this information to the various bureaus and the e.p.c. As that becomes available. We have identified a few funding sources to this point. I think the major issue, though, that is -- is out there at the moment is the president's budget that was released on february 4th. Under the fiscal year 2003 budget, \$37.7 billion has been set aside for homeland security. That money would become available theoretically on october 1st of 2002. However, a vast majority of that money would be directed primarily to the departments of defense, the department of transportation, justice, h.h.s. and f.e.m.a. The administration securing the homeland, strengthening

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the nation, describes the 2003 budget proposal as a downpayment on a larger set of homeland security thrusts that the administration will include in future budgets. The budget request focuses on four major administrative policy initiatives. These include supporting first responders, defending against bioterrorism, securing america's borders, and using 21st century technology to secure the homeland. The proposed funding plan for the -- for 2003 would make substantial amounts available to state and local governments to support responders. The administration hopes that f.e.m.a. -- hopes to make f.e.m.a. the primary funding agency for first responders. The bush administration has asked congress to set aside \$3.5 billion in fy 2003 to help police, firefighters, e.m.t.s, buy equipment, conduct training exercises, and make other preparations to deal with terrorist attacks. Additionally, some of this money could be used for communication upgrades. The message at this point, however, is that this is just a proposal. It's got a long ways to go before that money becomes actually available. We would anticipate that looking at past congresses, that the money wouldn't actually hit the street until probably next calendar year unless a supplemental appropriations bill comes forward. Another issue that is out there at this time is whether or not that money will be going directly to localities or whether it will be going to the states. The administration would prefer to send the money to the states whereas, as you can imagine, the mayors organization, the national league of cities, so forth, would like to see that money go directly to localities. So there will be a fight in that regard, I gather. There's also legislation out there, for example, senator hillary clinton has proposed putting about \$3 billion aside and putting it in block grants, sort of similar to the community development block grant program. Of course, as you know, the city of Portland is an entitlement community and as a result would receive direct payments under that proposal. So the message at this point is during the first -- we're in the first inning of a nine-inning ball game and it's much to early know what the resources will be made available to the city at this time.

Katz: Mark, let me ask you a question. Are there any available funds currently lodged in some grant programs that potentially we could tap in right now, especially for equipment and emergency communication?

Landauer: The communications question is a difficult one to answer at this time. I do know that this is some money available out there to deal with law enforcement. For example, the bernie formula grant program is something that could be helpful, but in the past the emphasis on that program has been drugs, violent crime. Obviously terrorism could be categorized as a violent crime. The office of justice certainly has some monies available to purchase equipment and communications gear. For example, radios, perhaps repeaters. But I don't think that that money necessarily would be available to provide for a mobile 9-1-1 center or something like that. So yes, there are monies out there available now to tap into -- into, but it's frankly not that much, as what would be made available in future years.

Katz: Questions now?

Francesconi: Follow-up question to that. Let me ask you about equipment. This question is for the fire chief, and also for you, mark. The issue of personnel in the past public safety grants have been primarily for police officers, the cops program. I think i've asked you both about the issue of - - you know, with increased response from -- and our first responder being firefighters, what are the possibilities of some firefighter grants similar to the cops grants in the past, assuming that the city was able to handle the match?

Landauer: Actually there is, beginning march 1st, f.e.m.a. Will be taking grant applications for a program called the fire grant program. Last fiscal year, 2000 -- excuse me -- yes, 2001 fiscal year, \$100 million was made available to various fire bureaus, departments, throughout the country for four general areas. Those areas include equipment, training, prevention, vehicles, e.m.s., so forth. \$3 billion worth of applications were made for that \$100 million. This fiscal year, \$360 million is

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being made available through f.e.m.a. For this program we anticipate that the competition will be just as keen for those monies. In time around, however, each fire department throughout the country that applies may only apply for one grant.

Wilson: Commissioner, several months ago I told you there was talk about a similar process like the cops grant that would in fact pay for firefighter personnel. I don't believe has really come to fruition yet. It was talked about. At that time it was a 75%, up to \$30,000 per -- for a maximum of three years, with a fourth year pickup by the cities. But that has not been passed yet, so -- and this fire act is not -- current fire act of \$360 million, does not buy personnel, it's for those four categories. We applied for two grants last year. We weren't successful last year, but we'll reapply this year.

Katz: One second. Go ahead.

Saltzman: Appreciate the description of the legislative process and the executive branch process and the scramble we're going to have to be in, and we will be in that scramble. The other issue we've talked about before, though, is the administrative rule-making branch, in particular the federal communications commission. There are some very key issues there affecting our emergency communications abilities throughout all of our public safety bureaus, and I know we've talked about it, making this a priority of our federal agenda as well, which is pursuing some of the rule-making, for instance, you know, public safety agencies are going to have to switch frequencies due to interference caused by commercial companies. It makes perfect sense to me that because of -- we were there first that they should compensate us to change our equipment and all that to adjust to those new frequencies. I believe that the f.c.c. Has the power to do that under its rule-making. I'm not absolutely sure about the compensation item, but that's a key issue, and I want to see our law firm, our lobbyist and our local people here, you know, pursuing those issues as well. And so maybe at the next update you can tell us more about our pursuit of that agenda as well.

Landauer: I can assure you that we're very carefully following that issue. It has been clear to our office as well as our folks in d.c. that this is a major priority of the city, and we're carefully monitoring that issue as it evolves.

Saltzman: I guess i'm saying, maybe we need to move beyond the monitoring to a higher level.

Landauer: A more proactive role. I know we're looking at opportunities to do just that.

Wilson: The state of Oregon has actually created a committee to track on the 7 megahertz issue. I attended its meeting --

Katz: Grab the mic.

Wilson: I'm sorry. The state of Oregon has interest in this issue too. The way the f.c.c. is addressing this, is state plans are being developed so the state of Oregon's in a process of developing that statewide plan with input from all of the players. I attended the first kickoff meeting and its being -- we have representation on this committee, and the Oregon fire chief also is tracking this. So we'll be working with mark and -- so we do have input.

Katz: Commissioner Hales?

Hales: You as our local team have done a good job here, and you're being pretty polite about the federal situation, but I think it's reasonable for us to assume, and you've done this, that we're largely on our own, that we're -- what we're likely to get from Washington is some rhetoric, some occasional warnings, and maybe at worse some mandates, but probably not very much money. That's nothing new on any front. So, I mean, obviously all hope that we'll do better than that, but that's what we're likely to get from Washington, as opposed to what we hope to get. However, a couple of questions, sort of one's an upside and the other is a downside. That is if there is a fairly paltry pot of money available for grants, would we be better off if we were to regionalize our application rather than simply do it through the city of Portland? And the flip side of that question

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is, are we likely to be in competition with other municipalities in the metro area or with state government for that limited pot of federal grant resources?

Wilson: I think the answer is yes and yes. We are working with our regional partners, developed eight bullet point items --

Katz: What that stands for.

Wilson: Region managers group. It's made up of the five -- emergency managers from the five counties in the region. So they've a list of issues, many of them very similar to what we've identified in the city. They're meeting on march 1st to further fine-tune their possible grant requests. So I think there is a possibility -- I don't know if we'd be in competition, but definitely some of the issues that they're trying to fund are our issues also.

Hales: Is there a possibility of a joint application or are we just talking to each other?

Wilson: We're working closely with the group. The decision is whether or not we fully support all the issues on the remg items. Because it may or may not hurt our efforts. That discussion will be taking place on march 1st. And I would also say that the state's actively involved in some coordinating efforts. For instance, state fire marshal's office is interested in developing a statewide urban search and rescue type team, utilizing the resources throughout the state. It wouldn't be a f.e.m.a.-funded or sponsored team but have a lot of resources coordinated similar to the hazardous materials teams that they've developed and coordinated statewide. So there's a lot of things going on and we're involved in all of that. And I think you're right, I would ask that we -- we've submitted to you kind of a list of items that would -- have been identified as need to have, like to have, and if you could share -- or discuss that list with the directors of the bureaus in your portfolio, just to maybe get a -- get further definition as to needs and possible funding sources. Because some of the stuff will have to be done with existing resources. And so I think it's good if you've identified, if we've identified things, we need, we need to find a way to try redirect resources to that where possible.

Hales: Yeah, I don't know if there's time. I mean, we're accustomed to getting our act together as a region, transportation, and making a coherent request there. You know, we have a structure to do that. In the cops grant program it's generally been municipally based, because that's how police officers are hired and supervised. I'm not sure if there's a time, you know, to try that out on this issue. But again, if my working assumptions are right, that there's not going to be that much money, more competition than ever, just because everybody's doing this all over the country, saying, oh, we better be more prepared than we were before. So if we as a region could actually get together as a region that might be something of a standout and what I -- in what I suspect will be a crowded field like you described, mark, crowded field of applications around the country. I just want to say, I think there would be support here on the council for that. We tend to be regionalists whenever we can be, but whether there's time to get that kind of approach together or not, I don't know.

Katz: Identify yourself for the record.

Assistant Chief Mark Paresi, Portland Police: Portland police. We have worked from that premise that a major incident would be regional in scope. And so we as the bureau people have worked from that regional perspective from the outset, knowing about the competitive issues and about the need to get a package that would serve the multi-county area. So I think you have that foundation laid. The question is going forward to remg, and as the chief said, supporting that package.

Katz: It seems to me, in listening to the discussion of the council, your council, not this council, that the personnel equipment to keep our front line responders is absolutely critical. That ought to be the top priority on everybody's list, as well as the ability to communicate with the region. And then facilities, mobile facilities, for 9-1-1 centers and to what extent that would be more important

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on a regional basis versus having a backup facility here. So you want to -- why don't you jump in and address that issue.

Saltzman: Can I say something before he does that? We formed the emergency preparedness council to be a team, and you've come together with a list of recommendations ranked without regard to you know, without regard to money but based upon need. And I want to make sure that we continue to approach this as a team effort, not by each commissioner in charge working with his or her bureau, saying, okay, which ones of these of the list am I going to go to bat for? We need to continue to honor the integrity of the list you developed. It's a good list. I guess one of the things to overcome, this issue of sort of creating that dynamic of the commissioner in charge working on his or her own bureau's budget is could we talk about it? Is this a topic, this list, can we do this in executive session and actually go through a period of talking about this list in more detail and --

Katz: I don't think we need to do it in executive session, but we can have a work session for that.

Saltzman: My sense was, from the team, from the council, that there are items on this list that they would prefer not to have discussed in public, that point out weaknesses.

Wilson: The list is rather large, as we present it, and so it does have to be prioritize and focused. My suggestion that we just talk with bureau directors within your portfolios is not meant to try not take a team approach to this, but some of these things won't percolate up to the level of the federal grant or even a priority. So I could, as chair of the committee prioritize it, but, again, the police bureau knows what their needs are better than i. So we need to do this as a team approach, but there's a lot here that won't percolate up to a --

Saltzman: But you have produced a comprehensive list.

Wilson: Exactly.

Saltzman: Rank them 1, 2, 3, et cetera. I'm not saying anybody deliberately is going to get into the dynamic of that, that I think we need to continue to rise above. That's it would be incumbent for the whole council to deal with this list in an executive session.

Paresi: I think the mayor touched on the very key areas that we focused on -- the safety of the first responders, the ability to do their job in a safe environment, and the ability for the region and the city to communicate. Those are our two most critical elements that we face in addressing a trauma, a disaster or bioterrorism threat. We all are in concurrence as far as the committee on those points.

Saltzman: But each one breaks down to very tangible, separate items on this list.

Paresi: And we have a prioritization on those tangible items. I mean, there's actually a tier of prioritization.

Katz: Identify yourself and add a couple of thoughts on this.

Carl Simpson, Director of Bureau of Emergency Communications: Carl Simpson, director of bureau of emergency communications. Thank you for the opportunity. Again, our first priority is -- is unified, and that is protecting our first responders. At the bureau level, my first priority is the -- the security of the personnel who are in the building, and then the facility itself. By shoring up and making sure that our facility is as hard as it can be, we'll be available to facilitate the communications during any event. And to be clear, this group that -- of which i'm a part of, we stand united in our priorities on the things that we need to take care of immediately.

Katz: Fine. Thank you. All right. Further questions? Do we have --

Saltzman: I may have a question.

Katz: Go ahead.

Saltzman: Assistant chief, I guess it's come to my attention that chief kroeker has formed, or is in the process of forming, some sort of a weapons of mass destruction blue ribbon committee. I guess my question to you is -- shouldn't this issue actually be part of what the emergency preparedness

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council is dealing with? I guess i'm questioning why is it going off on a separate track by a member of the emergency preparedness council? If you could address that point.

Paresi: Good question, commissioner. It's not a separate track. We actually are doing more of a micro inspection of the organization. We have 22 community members that are on this committee. We hope to have a report to the council by may. And basically we're looking at best practices, likely scenarios and prevention aspects on the part of the police bureau to strengthen our relationship with fire in respond responding to emergency incidents.

Saltzman: So is the emergency preparedness council going to have a review role?

Paresi: They're actually actively participating. There's members from the emergency preparedness council on this.

Saltzman: You said there's going to be a report to council. Did you mean the emergency preparedness council? You said our next review with the emergency preparedness council would talk about that, or are you talking about a separate report to the city council?

Paresi: I would certainly want to run it through the emergency preparedness council, but it's the chief's intention to bring it before the city council and make his find I guess available to you.

Saltzman: Thanks.

Paresi: Yes, sir.

Katz: Okay. Could our partners stand up, please, and introduce themselves. Go ahead. Gary has been a wonderful partner with us and the council, and I have a tremendous amount of faith that his work with the state folks will give us some answers to some questions that keep popping up all the time with regard to biological or chemical disasters. Okay. Anybody else? I didn't see -- who else? Where are they?

*******:** Red cross.

Katz: Ahh, and our red cross partners. And I was going to give you a plug. There is a statewide initiative led by senator hatfield called prepare Oregon, and you all will hear a little bit about it maybe at some other time in terms of the delivery of packages to our citizens in the state. Am I correct? Okay. All right. And hopefully we'll see some on friday. Okay.

Saltzman: Final question --

Katz: Tri-met, absolutely, because part of our strategy to move people and to take care of people is the use of our tri-met facilities and buses. Yes, go ahead.

Saltzman: I just wanted to make sure we have the next reporting point back to city council. I'm looking at your schedule of exercises. You have a full-scale exercise in may. So would 60 days -- and I assume the chief's weapons of mass destruction report would be available by then, maybe not.

But anyway -- elective issues -- it seems like 60 days. So roughly may 20th if i'm doing this right - - april 20th, I guess. Yeah. So 60-90 days, which would you prefer for coming back to us?

Wilson: Looking at the calendar of events here, 90 would probably be -- we'd be able to report on more things. So 90 days.

Saltzman: Something around the week of may 20th?

Wilson: Yeah. It's our intention to bring the committee back together -- it's our intention to bring the e.p.c. Back together regularly so, but 90 days probably makes sense to us.

Saltzman: I just want to make sure there's a loop where you continually meet with us.

Katz: And chief, make sure that county commissioner diane linn and I get invitations to those. All right. Anybody else want to testify?

*******:** I'd like to testify. Multnomah County Sheriff are partners

Katz: Thank you very much. They're partners at the table as well. I'll take a motion to accept the report.

Saltzman: So moved.

Katz: And a second.

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Francesconi: Second.

Katz: Roll call.

Francesconi: The response brought us together. We were united as maybe we've never been before. And that is the way we're going to be responding to the next emergency no matter what the cause is, but having you working together the way you are across bureaus in a teamwork fashion you're to be commended. And any suggestion that we're not doing what's in the best interest of our citizens in responding is just not right. And what you're doing is an example of that and the approach that we're taking is an example of that, and the history of all of us have, I think, demonstrated that. Now, when it comes to this report, I think commissioner Hales is right at making sure that this is a regional response, the way you're doing this shows that we have not only interest of the city, but the region, and we're practical. So when it comes to heavy rescue, it makes accepts that that be a regional response. When it comes to the issue of 9-1-1 backup that's also an issue that should be explored, given the duplicate systems that we have right now in 9-1-1 on at primary area. So if you could do that from a regional side. And I don't know that that's practical, that would make a great deal of sense. Turning to the local area, the way that we always use to to strengthen our public health system, the way the mayor referred to, would also make sense, so that the hospitals are also strengthened for other kinds of events, so that we're using -- preparing for one event, also has the benefit of strengthening another. I also -- the last comment, you know, i'm not used to reading things involving the fire bureau which have kind of bs as opposed to a-pluses. Now the reason is we're coming together with some new parties, and i'm not sure that that b evaluation was actually accurate, but I would ask that as we work with the new players and you prioritize what needs to happen next, we'll come back with an a grading for our effort, because certainly that's the quality that you all represent. That's the quality of response that our citizens expect, deserve, and will receive. Aye.

Hales: This is good work so far. This is I appreciate the good work that's gone into it. The regional concern is obviously something that we share. Each of us has contacts and relationships with other people around the region, so please make use of that as you go forward. I mean, obviously the remg group is great, but the elected officials and councils in those other jurisdictions might not some peer-to-peer lobbying from us. I know mayor rob drake of beaverton has been real supportive of taking a regional approach and I think he's been involved in your work so far, but obviously i'll certainly volunteer, and i'm sure everybody else here would, to use what contacts we have try to mic make it a regional support approach. The federal government, at least in other areas, have noticed our capability in the Portland metropolitan area of doing things regionally and working together, and they appreciate that, both because they get less applications and less fighting among various setup applicants for funds. The more we can do of that, the better. If we can do it in this case it makes all the sense in the world. As we found out with the flood, natural disasters don't know city boundaries, and this kind won't either. The more regional we can be the better we'll spend the limited funds we have available. Thanks for the good work. Aye.

Saltzman: This is an excellent report. And I want to commend chief wilson, carl simpson, the assistant chief and chief mark kroeker for leading this effort. I sleep better at night knowing that. It's a very good report. It's honest, and it does give us grades for our effort. They're not maybe the grades we want to be at, but nevertheless we want candor over good grades. It also lays out the investments we need to make to make this city safe, to make this region safe. And puts them in the priority order without regard to costs that we asked you to do at the last meeting. And so I appreciate all the work that's gone into this. And it's really an excellent report. It's also very readable and quite understandable to those of you who are not in the everyday swing of the lingo of remg and things like that. And it's he -- as operation red rose demonstrated clearly, that -- in responding to a domestic terrorism incident that was the scenario operation red rose had with over

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300 participants, many players at the table for the first time getting to know each other, you know, it was chaotic, and it was confusing, but, you know, eventually order emerged over that six-hour period, and not to say we -- you know, we've got some honest feedback and still have the full-scale evaluation of how we did on that drill coming to us in a few weeks, but it certainly does, you know, stress once again that as we approach these issues and prepare for the new era of security threats that face us, we need to keep -- keep polished and, you know, make sure that we are quicker and better at making order out of chaos in the future situation. Like I said, it was a great job, operation red rose, but there was definitely room for improvements. It's a great report. And we will use this to move forward. We'll see you back here in 90 days. Aye.

Sten: You've done a very good job. I think it's very uncertain time, and I think just by the fact that september 11th happened, it's self-evident this country wasn't ready for it. And so I think the idea that we'd be at an a is not reasonable, and I think we're trying to take the steps to get as prepared as we can. There's a lot of tough questions embedded in that report. I mean we're not able to get everything to the place where it should be, but I think you've done an excellent job of getting people together and lining up the choices, and i'm in full support. And it would echo the more we can do it regionally, the better, because it seems to me very unlikely that something of this magnitude would happen in the Portland city limits and not affect the suburbs, but you obviously get that, and I think it's a fine piece of work and appreciate it. Aye.

Katz: Maybe i'm so obsessed with the financial situation here in the city that i'm obsessed at a different level when it comes to this report. And maybe it's because i'm a woman, but as we -- as I listened to the issues that was raised by your council, they honed into certain issues that the community is really interested in. And let me sort of, without opening it up to full discussion and debate on them. Clearly the issue of how we communicate with all of our partners, not only our regional partners, but our school district partners. And do we have the equipment to do that? Second of all is what do we do -- question was raised -- when we have an emergent volunteer community that comes to say we're here to help. We experienced that in the floods. I'm sure that that -- the management of volunteers, especially on the scale that other cities have seen, new york, is going to be something that we need to figure out and to do a work plan on that. The other is are we prepared with our mental health specialists? Because there will be a demand for our mental health specialists to also be involved and on the scene and ready. And can we handle 2-3,000 people in a large casualty scenario, especially if we have the need to decontaminate individuals and whether we have the area and the facility to do that. One other thing that -- that was identified that quite frankly I didn't think of, and that came from the council, was what do you do with all the teddy bears that come in? This was identified as an issue in other communities when a community's flooded with them. Those are some serious ones, some moderate ones, some less than serious. But those don't necessarily require dollars. They require the ability to identify those areas and then work together to solve those problems. Just want to remind you that remg is having a full-scale exercise on may 7th. I want to invite all of you to see how we're prepared and how we're getting prepared. On the final comment I want to make is that what troubles me at night is that the federal government still hasn't tackled the issue of communication with their state and local partners. When congresswoman nancy polozzi was here yesterday, minority whip in congress, I mentioned to her that it is absolutely critical that the recommendation of tom ridge, that we change the way we communicate with our f.b.i., our c.i.a., our national security council, and how they communicate with their counterparts here in the states, and then how that's communicate to the local government, and the fact that according to federal law, I know mayors in this country, or police chief or fire chief, are privy to any of that information. And that's just an intolerable situation, as we're spending all this time and all these resources in preparing for a potential incident that I hope never happens, but preparing for it without having the direct, full communication with our federal partners. She

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understands that. The mayors have been clamoring for that. I wish tom ridge luck, but the change is slow. I want to thank all of you for your work. It's not easy work. Certainly to work with all of our county and state partners, but then also go out to the region and work together, but you've done a great job. I give you a-minus. Thank you. Aye.

Katz: Okay. Next item? Item 186.

Item 186.

Katz: Roll call.

Francesconi: This has been a very important debate really. It's a debate about the future of our city and what form of government we have, or should have to lead our city into that future. In making my decision here, I actually -- there's two fundamental principles that both sides agree on, and that is the first that citizens really care about their local government and they want to be involved and participate in the decisions that the local government makes. The second is they want their local government to be effective in meeting some of the challenges that confront our city and our citizens. In applying these principles today, we look at -- I look at what we have in front of us. We have first an initiative petition filed and advocated for by rob ball and by his many supporters. And really they're to be commended for this. What they've done through this initiative is really direct democracy upon which our country has been founded. An initiative allows anyone to bring forward an idea and have it voted on by the public. The initiative sponsors supreme. He or she may work with whomever they want, wherever they want, to draft this proposal. Any suggestions that motives -- about motives is actually inappropriate. That's what the initiative is about. People have a right to do this. And I actually -- this debate has furthered our city and our city government. But now we're being asked to turn an initiative into a referendum. A referendum is something different. A referendum is a creature of government. When elected officials propose a referendum, it is my belief that we have a duty to involve the public in the process of crafting the referendum and as an elected official we have an obligation to make sure that the referendum meets what we believe is the best interests of the public. That's the oath I took. That's how I view my responsibility in approaching this question. I believe that a referendum, there's a -- basically a higher duty in terms of the amount of citizen involvement and the type of citizen involvement, especially when it comes to changing our very constitution. I also believe that the end result has to guarantee, or at least strongly believe, that we will end up with a more effective government. On the question of the process, I do not believe changing the form of government with the -- a week or several weeks of discussion was adequate to adequately involve the public. On the question of whether this is a more effective form of government, I have some serious questions about removing the mayor from the council, having nine council members and seven districts. There is a possibility it could be more effective, but it also could be a recipe for paralysis and parochialism and I cannot make that decision without more adequate public input. If the people pass this initiative, we here on the council will have an obligation to fix this initiative before it takes effect so that the city can function, but after the vote. For us to fix it before the vote would be a violation of I believe the initiative process and it would be a breach of trust with the voters. I was elected to involve citizens in decision-making and to exercise my best judgment as to what I believe is in the best interests of our citizens. Based on that, I have to vote no.

Hales: We heard some very good testimony last week from disinterested citizens in the sense of any special interest, people who paid long-time attention to quality of governance and quality of public services here in the city, and those arguments, particularly about the city council establishing the precedent here of intervening in an initiative about the city council attaching its good name, as jim just described to something that was privately developed, and losing the one check or balance in the initiative process, I thought that testimony from chris thomas was particularly incisive that the only check and balance process in the initiative process is that the proponents might make a mistake

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and have the measure overturned in court. There is no deliberative process, no community discussion. It's private and then tested in the courts. I thought those were all very good arguments and they're sufficient reason right there to not vote for a referring -- for referring the measure. But I think in a larger sense there's another set of reasons to not do this. And that is if you send paid petitioners out on the streets with a persuasive argument, like how would you like to reduce your property taxes or shouldn't those politicians in salem have to go home after ten years, it's not hard to get signatures, but if you go out and ask a disinterested question, what are the real problems in this community you'd like to see addressed, they'll describe real problems that we ought to be spending our time and energy on. They'll talk about traffic safety in their neighborhoods. They'll talk about the economy and the fact that Oregon's at the bottom of the heap in terms of employment in our country at 8% unemployment rate in our state, and those effects are felt here in the city. They'll talk about public schools and the crisis that we're in in our community of maintaining the last major city in the united states with a middle class sends their kids to public schools. That's what they will bring up. They will not bring up the city hall power structure. Ask ten people, 100 people, 1,000 people. That open-ended question, what are the key problems in this community, that we ought to be addressing, and I bet you not one of them will bring up the city hall power structure, but that's what we're being asked to play with here, to play a power game. That's the other concern that I want to raise. The initiative process has been used in this state very carefully, very deceptively in the last decade, to cloak a special interest argument in a populist wrapper. Measure 5 said, how would you like to lower your property taxes? But the inside said give away your power at the local community level and sending it to salem. Term limits, as I mentioned, it's a power game. Let's have politicians spend only a little time in salem, but of course that had some pernicious side effects we are now learning about. The super majority, shouldn't they have to have more people to raise your taxes? In each case those power game initiatives have increased the power of special interests and made government less effective in solving those real problems. Is this initiative not one more example of that? I think it is. And again, we're asked to solve real problems by our constituents at large. We're asked by others to play in a power game and we should decline. No.

Saltzman: In the past two weeks I know the debate, it's easy to sort of slip from what the question before us is today, and that is should we, the council, make a technical fix to the good government initiative and refer a competing measure, and unfortunately it would have to be on the ballot with the old measure as well. Into the merits or demerits of the proposal itself, and so I need to keep focused on, you know, the question before us, and I know a lot of us, it's too easy to slip on the -- what you're pros or cons are on this measure itself. Frankly I see some good and I see some bad in it, but that's not what we're here to decide today and we're not here to voice our opinion on that. What we're being asked today, what I think has been said here, is to alter something that I think probably fits in with what the holy trinity of what Oregonians consider to be sacrosanct. One is public beaches, bottle bill, initiative petition process. If you want to add a fourth, you might put no sales tax. Nevertheless, the whole idea of the initiative is to allow voters to create laws or defeat proposed laws without interference from the legislature. In that case that's us. I'm not comfortable opening the door on altering that fundamental dynamic of the citizen's right to bring something before us without being altered by a legislative body. No.

Sten: This is an unfortunate situation that we're having to debate now. I think this -- you know, there's a lot of pluses and minuses to the different arguments, and people are passionate, and I think that's great. It's a reasonable mistake that the -- that gatherers made, or the drafters I should say. They got the date wrong. But that was something they did, and I don't think it's -- you know, it's one of these things where I don't think it reaches the matter of there's absolutely right or absolutely wrong. I don't think it's an unreasonable request to say we should fix it. There's an argument on both sides. I've looked at it, thought about it closely. I think it's very unfortunate that we're having

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this debate now, because to be blunt I think the measure's writer's slip is going to have more impact to this whole debate than just about anything else. It's not the council's fault, not the people who signed it fault, and certainly not the people who oppose the measure, which are many as well. But that's the reality. I've been weighing both sides and I come down on the side that we should not refer another measure. Having two on the ballot I don't think's a good politically. Won't make any sense, but the reason i'm there is basically the sum total of three different arguments. Like I said, there's reason on both sides. I don't think it's a black and whitish particularly, but I think we should err on the side of not getting into the citizen initiative process. As we get in, there's been arguments made, and, you know, I think they can withstand reason that we're not setting a precedent, that we can use judgment, but we are using judgment, and I think keeping politicians' judgment out of the initiative process is the better of the two principles, although there's merit on both. Secondly, I can't get around how you put a measure on the ballot with the city council's name on it, which is with a we'll have referred by the city council without implying an endorsement. I'm not willing to endorse this measure. I think it needs to stand on its own merit. And the arguments made, well, everybody will be able to figure out that you referred it, but you didn't endorse it. If that's the case they should be able to figure out that this is a technical problem and that I will pledge, if it does pass, to work to refer something to fix it. If they're smart enough to figure out, despite the fact my name's on it, I don't endorse it, they should be smart enough to figure out we can fix it after the fact. So the final principle I see, you know, is in a tough situation, I think a legislator, which is what I am when I vote on these measures as opposed to a politician who can take a position outside of this forum, which I think must be free of some of the politics, should attempt to do neither harm to either side. And it's not -- again, I think you can make an argument on both sides, but given that the -- that the backers of this measure made this mistake themselves, I think i'm doing harm to their opponents by fixing it. The best thing I think do is stand back, let the process go through as it will. Hopefully we can have a decent debate on the form of government. There are good sides to both arguments. I don't think either what we have or what's being proposed is anywhere close to perfect. I think there's going to be a good debate. Probably go on. It's unfortunate that this is happened at this point, but I think it's a distraction, but it's not one that I can see as the council's role to refer out and send a city council measure to the ballot to fix this mistake. I don't think that's appropriate. No.

Katz: I guess I defer with all of you. My approach is a little bit different. This is a technical issue. It is not a moral or ethical issue. It's an important debate that this community has been wanting to have for a long, long time. I invite any of you to sit and take my phone calls and tell me that citizens aren't concerned about city hall or aren't concerned about our form of government. I trust you. I trust that if you did that, you would be surprised about how sophisticated this community is about the structure of government. So I have no problem sending a corrected measure to the public, because I don't want the focus to be on a date. And I certainly don't want to hear the council's debate in the public, if you are going to have a debate in the public, about a faulty date, because you had the opportunity to correct it. So i'm disappointed that the council isn't willing to do this. And I hope that if the measure passes, that the council will at least be willing to put a corrected measure on the ballot after the voters have said yea, if that's the case. Aye. The measure fails.

Katz: All right. 187.

Item 187.

Katz: All right. Who wants to testify on this? Come on up, you two.

Francesconi: Very brief. Council, this is just a continuing effort for us to level the playing field for the taxi drivers and the taxi companies.

Jim Wadsworth, Director, Bureau of Licenses: Good morning, mayor Katz, council. I'm jim wadsworth, the director of the bureau of licenses. The ordinance in front of you today is the limited passenger transportation ordinance for driver permits. This levels the playing field for the various

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for-hire ground transportation driver groups -- taxis, the executive sedans and shuttles, the three primary groups right now. This puts them on a very consistent level playing field. It requires the same background checks and training requirements of both, and puts us in a position to where we'll have a consistent regulatory scheme across the three different ground transportation types and complement to the ordinance that the port has, as well as the tri-met and specially attended transportation groups that use medical transportation.

Katz: Questions? Did you want to add anything?

*****: No.

Katz: Council have any questions? Does anybody want to testify on this issue?

Moore: We have darrell goodall.

Katz: Come on up. Anybody else? We have three chairs. Come on up. Go ahead, sir.

*****: Good morning, council. And jim. I was here last time, we went through this exercise. The thing that bothers me about this whole thing --

Katz: Identify yourself.

Darrell Goodall, Cascade Coach: I'm darrell goodall. I have -- i'm the owner of cascade coach towncar service in Portland. I think we're the largest in Portland right now. And this ordinance I think was -- came up because of things that have been happening downtown, around the hotels, and such, which we -- in my business, and 3-4 of the other larger businesses in town -- don't care with the downtown business, the hotel business. And what came up was at the last meeting was I think jim mentioned that he thought that this board that they'd set up, meeting they'd up, should have representation by the towncar people. And i've been to a couple of meetings now, and we're not represented there, and we still aren't. So I think there should be some representation from us to have some input into this thing. And because we haven't so far, and it just seems to be getting passed on, passed on. They have their monthly meetings, but nothing really has come up that concerns the real towncar people. We know there's some guys operating as towncar operators downtown, that pick up people only from a hotel, that don't operate at the airport because they can't. They don't have the proper insurance, don't have the proper licensing. And those are the people that we're after. I think that they're after also. They get in the way of the taxicabs. Which we don't do. And there's about 3-4 of us companies in town that operate that way. We operate from a residential homes to the airport. Airport to homes. And that's always been my take on this whole thing. And so I think we should have representation on their little group, taxi review board. I think jim mentioned that too.

Francesconi: Right. We'll address that in just a second. But before we do --

Katz: Just one second. Are you finished?

*****: Okay.

Francesconi: I'm sorry, mayor. But you say you don't have an objection to any of the rules, but you don't like the process, right? Just so I understand this.

Goodall: Yeah. I've been going to the meetings to watch the process take place, and just doesn't seem like we got the right input here. Jim wadsworth is doing a pretty good job of what he's doing, but --

Francesconi: Okay, thank you. We'll get a response. Thank you.

Katz: Anybody else? Jim, come on up. What I thought I heard is that they are not represented on whatever panel you've put together. You want to respond to both questions?

Wadsworth: Yes. Mayor Katz, let me respond to the first question. We've been sending out the proposed rules and regulations on a regular basis to everyone that we can get on the list of who the providers might be. And as we found out additional providers we've been sending those out. John hamilton, in addition, who's a taxi supervisor, has been out and paid personal visits to several of the operators to walk through these things, to make sure that everything is in place. At the last two taxi

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board meetings, we have had representation in the audience from the industry, from the executive car industry, and we have on several different occasions during those taxi board hearings stopped the hearings, asked for input from those groups on various issues, whether it's been around town cars, taxis, shuttles, s.a.t. transportation, whatever. Our goal is to be able to come back to you, and if you'll recall last fall when we talked about this the first time, our goal is to come back to you with a revived and reconstituted board that will include an ordinance, that expand the responsibilities of this board for the three ground transportation types. It will give you some options around how the regional picture of the ground transportation industry looks. It will provide you with several different choices of board members and who should or shouldn't be on that board to have the proper representation that will cover the entire industry. That's our -- that is our goal. And we do have that in mind. We don't know for sure what that industry is really going to look like at this point in time, because we do not know what the -- what the port is going to be doing with the shuttle picture. We do not know what additional steps the port will have to take around the executive car industry. We want our ordinances to be complementary, we want our programs to be complementary, so that they appear virtually seamless in how we're doing business. So we have not taken that step yet to change the board structure. We do believe that we are getting good, solid input from the industry on these regulations that we're bringing forward and the rules that we're bringing forward. And we have made a very extensive outreach to them.

Francesconi: Have you decided to change the makeup or is that still up in the air?

Wadsworth: We have had one discussion at the board meeting, and I believe it was at the January meeting.

Francesconi: Okay.

Wadsworth: And we discussed the makeup of the board at that time. And we have provided a list of various different agencies and different stakeholder groups that are part of the ground transportation picture. I believe there were either 18 or 20 different groups and different parts of this industry that we needed to look at.

Francesconi: When were you thinking of bringing this first to me and then to the council? When were you thinking of bringing this issue?

Wadsworth: We thought that we would implement -- go on and implement this piece, which brings the shuttles and the executive cars under regulation. And then towards the end of spring, first part of the summer, come back to you with a recommendation based upon our experience of having the industry's regulated and seeing what the problems were and what the needs of the industries were, and bring that back to you at that time and say this is what our best thoughts are from the board's standpoint of who we would need to be able to feel like we're giving adequate representation and broad enough representation to the industry and the citizens and the area that we're serving.

Katz: Go ahead.

Saltzman: I think if you go back and actually listen to the council consideration when we decided to bring town cars into the regulatory scheme here, there was a specific commitment by the city council that there would be a member of the town car industry on the taxi review board. You're still treating it as if it's a maybe. I think it was a definite yes. And I think you go back and review our discussion of that that day, you will see that statement. You probably -- you probably concurred with that statement, I'm sure. So I think that question's over with. There will be a town car industry representative. I appreciate the discussion that the industry may change, but nevertheless when I look in the yellow pages there's plenty of town car listings there. We should be able to find a member and we should make that commitment. I'm concerned that that commitment is just around the corner. We should have a reconstituted taxi review board, because in the absence of that representation, the taxi review board remains dominated primarily by the taxicab industry, plus a

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few citizens. So, you know, by default, there's the potential for harm, the potential for economic favor to be shown over one sector over the other. So i'll just -- you know, my frustration. Let's get on with it. So you're saying now by spring we will have a proposal for a reconstituted taxi review board?

Wadsworth: Yes, sir. And I might --

Saltzman: With a towncar member?

Wadsworth: Yes, sir. I do agree with you that we need the representation for that industry, but please bear in mind that the limited passenger transportation industry, of which the towncars are one type, also includes all the medical transportation providers, of which there are many more of those. It also includes the shuttles, of which we're regulating at the same time. And how that mix will look is how we want to try to represent on the board and make sure that we've got something that will cover each of those. If you recall, we have a driver representative on the board, and we took great, great pains to make sure that the driver issues could be represented by that driver representative on the board, that we didn't need to have a separate taxi driver, a separate s.a.t. driver, a separate towncar driver, executive car driver. We're trying to take those same steps so that we can keep the board at an operable size and still have that representation that reflects all of the stakeholders, all the industries that we're trying to regulate. So we agree completely with you.

Saltzman: Time to bring it home. Time to land it.

Wadsworth: Yes, sir, I agree with you.

Saltzman: Okay.

Katz: Thank you. All right. 188.

Item 188.

Katz: Go ahead.

Susan Anderson, Director, Office of Sustainable Development: Good morning, mayor, council. I'm susan anderson, director of the office of sustainable development. This ordinance, for the sustainable office to receive a grant for \$34,000 to provide information to other northwest cities on energy efficient traffic signals. We bring it to you on a regular agenda because it adds money into our budget. The contract is with the northwest energy efficiency alliance, a regional agency that provides work on new technologies throughout -- throughout the region of Oregon, Washington, idaho and montana. We're being asked to do this because of our very recent experience on working with streetlights and traffic signals with the department of -- with the office of transportation. In december transportation in our office jointly completed a major conservation office where we changed out of our red and green incandescent lights to l.e.d.s. The result of that will be a quarter of a million dollars in savings for the next 6-7 years from this project. As partners with us, p.g.e. And pacific power have more or less bought our future energy savings and have paid up front \$700,000 toward the cost of this project, about \$500 from p.g.e. And \$200,000 from pacific power. This will help the utilities basically reduce their demand and the energy they need to go out on the market and buy. And that may not seem that important right now, but you can remember 18 months ago, we were all sitting here and power was selling at 2 or \$300 a megawatt and we were looking for anything to do our part, and so we have gone ahead and done that. So when you walk out of city hall today, you can look at the traffic lights, notice that they look a little bit different. They're a little brighter, a little more clear. They cut energy use by an amazing 85-90% from incandescent lights. They last six years instead of 12-18 months. Soon due to this contract we'll be able to work with cities around the northwest, basically telling them how did we do it, finance it, how do you put together the package and how does it work, so it will become a standard in the northwest. Transportation really deserves recognition on this effort, but they were a great partner on it, and we came to them with the idea a couple of years ago, and they jumped right on it, and it's done.

Katz: Thank you.

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*******:** Thanks.

Katz: Questions? Anybody else want to testify? Nope? Roll call.

Francesconi: Cost effective method to save energy and protect our environment. That's terrific.
Aye.

Hales: This is a good effort. Thanks, susan, for your work, and pdot did a good job. I need to apologize to my fellow politicians, in a moment of weakness I agreed to a press event early on in this press when I was caught on film screwing a light bulb in and nobody politician should ever do that. So I probably set us all up for jokes for the rest of the time about how many politicians it takes to change a light bulb. But we have changed them all and it is a good piece of work. Thank you.
Aye.

Saltzman: Great work. Aye.

Sten: How many politicians does it take to get an efficient light bulb? [laughter] aye.

Katz: You need to watch out when your public relations people want to look for a shtick for you, 'cause they'll find one that will not work. I can give you a whole list of them, including climbing up some kind of a -- oh, never mind. Aye. We stand adjourned until 6:00. I understand there's only the three of us, but i'm going to tell the rest of the council that they'll have to -- we get points, but the majority of the testimony will be heard when they all get back. [gavel pounding]

At 10:56 a.m., Council recessed.

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FEBRUARY 20, 2002 6:00 PM

[roll call] Francesconi and Hales absent.

Katz: All right. Let's read 189 and 190 together.

Item 189 and 190.

Katz: Okay. Come on up. How many people are here to testify? Okay.

Gil Kelly, Planning Bureau: Good evening, gil kelley, planning bureau. With me is stevie greathouse from the planning bureau as well. There are other bureaus represented this evening who can update you on their activities and concerns.

Katz: We've got pdot, opd & r and b.e.s..

Kelley: As you mentioned this, is a public hearing. There are really four items for your consideration. The first is not taken action, and that is really to hear updates should you wish from each of the three bureaus you just mentioned on the work that's been going on in the interim. There are sort of three major work tasks there. One was within opdr with the assistance of stevie working on the procedures and training and forms and protocols for the new and division code, which is a substantial amount of work. Also there was a requirement by your action when you last took action that both b.e.s. And pdot prepare and publish standards for certain elements of what had been in the planning commission's proposal land use review criteria, which became under the adopted ordinance ministerial actions, but the agreement there was that those ministerial actions would be guided by publicly known and understood standards for street right of way and on-site storm drainage and other environmental issues. And so that work has been proceeding in those bureaus, and they're here tonight to give you an update on those actions. Those -- that work i'll translate into the first of the three actions that are in front of the council, and that is a request for delay of the implementation date by 90 days so that that work can be completed. You cannot take that action tonight as we had hoped because it's an urgency ordinance that requires a minimum of four council members. So we will need to continue that action to a date certain prior to march 26th, when the ordinance would otherwise become effective.

Katz: Nobody wants to testify on that issue? Okay.

Kelley: The second two things really are, one, there's a series of noncontroversial or housekeeping amendment that's have come up in that interim time period, sort of 1-42, and stevie will go into those very briefly, but those have no controversy attached to them as far as we know, and we doubt anyone here is to speak on any of those tonight, although it's possible. If not, those you could just take action on this evening to include.

Katz: Okay. And those are embedded in 189?

Kelley: Correct.

Katz: Okay.

Kelley: The second set of things are some issues limit -- a limited number of issues that have arisen in the interim time that are more substantial, and there I think you have the choice. And stevie will go into these so you understand clearly what they are. In that case you have the choice of either saying let's try what we've got is good enough and monitor and evaluate this and see how it works and come back if we need to make changes, that would be our preferred option. The second option would be to ask us to go away and craft some further amendments to address these issues and come back to you again in march.

Katz: That's also embedded in 189?

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Kelley: Yes. And so she will articulate which of those issues those are so you can strip them out if you want to.

Katz: Okay.

Kelly: With that --

Saltzman: Is there an option to just ask you to go away? [laughter]

Kelly: You did that once and we came back. You're sounding a lot like a planning commissioner.

Stevie Greathouse, Bureau of Planning: Stevie, bureau of planning. Via power point presentation which i'm trying. This is the third hearing i've had a power point presentation on this topic, and i'm hoping this evening it will work, and it looks like it is.

Katz: Karla, it's rolling, you need to hit it a couple of times. That's what I did once.

Greathouse: We've got ours. It's not rolling. I've got hard copies as well.

Saltzman: Mine stopped. Like a slot machine.

Katz: Oh, mine's fine now. Technological solution. Just hit it.

Greathouse: To sort of go back over the background, september 26th, 2001, the council adopted new land division regulations. At that point there was a request and adopt add six-month implementation time for these regulations to be effective march 26th, 2002. In the inner -- interim period, technical guidelines have been documented or -- in the progress are being created by the office of planning and development review, b.e.s., and transportation, primarily relating to the design of public and private streets and the design of storm water management systems on the site.

We've also done extensive training and testing of the new regulations with office of planning and development review staff, including several training sessions for members of the public and development community. Through the process of working with staff on testing the new regulations out and training staff on the code, we have identified numerous housekeeping amendments that are included in the package before the council this evening, and most of those housekeeping amendments are included in the implementation report that was filed as exhibit a of the ordinance that is before the council this evening. At the september 26th, 2001, hearing, we received council direction to adopt the new regulations effective march 26th to complete implementation related activities in advance of the effective date, including documenting the guidelines i've mentioned, and creating a process for the public to request a review of technical decisions or administrative review process by opdr and transportation and b.e.s. At that point we also heard direction to bring back any implementation issues that were discovered while testing and training the new regulations, which is more or less an explanation of what we are here tonight to do, which is to bring back the housekeeping amendments that have been identified during this process and to bring to the council a status report on the activities that have happened in the last six months. Over the course of the last months -- months, technical agent advice has begun the work called for by the ordinance. You understand -- I understand you have a memo this evening that gives a more detailed summary of the work that has been done by each of those agencies. And representatives from the agencies are available to answer questions on that, however, we're not going to take the time in this setting to go through the formal presentation of that work. Unless there's specific questions about it. Office of planning and development review has nearly completed the staff training and systems updates required by the new land division regulations, but we're recommending that there be a delay of the effective date of the new regulations until july 1st, 2002, in order to ensure this work can be completed in advance of the effective date. The amendments package that is before the council for consideration this evening includes several concepts for discussion that are included in the implementation report and that we need further council direction

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about whether or not to craft additional amendments and what those amendments would look like specifically, and i'll go over those in detail in a few slides. There are also numerous housekeeping amendments that include specific amendment language where we are just recommending adoption of that amendment. There's additionally a memo from bureau of planning director gil kelley that folks should have received today that includes additional amendments and one additional concept for consideration, and i'll go over in detail as part of this presentation what those additional amendments are, because I realize not everyone had a chance to review it thoroughly in advance of the hearing. In terms of the minor housekeeping amendments, as I mentioned, there are minor amendments that are described in the implementation report, and there's a chart at the beginning of the report that outlines those minor amendments. They -- the impact chapter as related to tree preservation, seeps, streams, flood easement area, streets, services, recreation area, lot dimension and procedures, these amendments primarily relate to specifying measurements and processes, removing inconsistencies, and clarifying the intent of the code.

Katz: Let me interject. Is there anybody in the audience or anybody of the agencies of the bureaus that are here that have any problems with any of these minor housekeeping amendments? There is one hand up. All right. Go ahead.

Greathouse: They include amendments relating to adding an approval criteria for hazardous soil conditions and 42 additional amendments that are outlined in the table, the front of the implementation report and described specifically throughout the report. There are additional minor amendments that have been identified subsequent to publication of the report that are included in the memo from planning director gil kelley, which include a request to replace outdated language, which is issue number 1 this -- of this memo, a request to clarify stream tracts and easements are measured from the top of the bank, an amendment that would clarify the regulation of utilities and the requirement for utility easements adjacent to rights of way, and an amendment that would add final plat wiggle room for right of way width and limited situations near intersections primarily to accommodate curb ramps. In addition to these minor housekeeping amendment that's include specific language in the materials that are before the council this evening, there are several amendments that staff needs additional direction to craft specific language in which the council has the option of either directing us to craft specific language and bring it back for council adoption in the next couple of weeks, or to defer consideration of these amendments to a future legislative project. These are amendments that there's still some level of discussion involving what the appropriate approach is for the amendments. The first one is tree preservation on large sites. The adopted regulations require that applicants preserve a certain percentage of significant trees and/or total tree diameter on the site. Opdr has raised concerns that the measurement of total tree diameter through a tree survey could be cost prohibitive on large forested sites and because the tree preservation regulations apply only at the land division stage, the regulations may unintentionally encourage developers to cult down trees on the site in advance of the land division. Opdr recommends allowing sites over an acre in size to use a different method for measuring and preserving trees. Environmental services and the foresters support allowing sites to use a different method as long as it doesn't discourage preservation of the quantity and quality of trees that would be preserved using the base method on smaller sites. The two possible methods for providing an alternative method for the larger sites, one would be use to use aerial photos to assess the existing tree canopy and base the percentage on -- vague of canopy. Another method would be to use statistical sampling to estimate the total tree diameter on the site and the total number of significant trees present. The first option is the more straightforward of the two options and would be the easiest to craft standards for. The second option seems to have the greatest deal of support from

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staff from the forester and from staff and b.e.s. Because it would continue to make sure that the significant larger trunk-size trees are being preserved on the site.

Katz: All right. I think that the three of us after hearing margaret -- margaret, did you want to say something on this? -- can probably give you direction. Okay?

Greathouse: And for this -- for the tree preservation we recommend council direct opdr and staff to work with b.e.s. To bring back specific amendments that would look at tree canopy, or to bring back specific amendments that would rely on statistical sampling on sites larger than an acre or the third option, this is going to be an option for all of these discussion points, is to direct the issue be monitored and that a future amendment be brought back. As part of a future legislative project.

Katz: All right.

Greathouse: The next issue that staff needs guidance on is related to allowing flexibility in the width of right of way at final plat when issues such as trees and other natural features can be engineered around currently, office of transportation has a practice of allowing sidewalks to be placed in easements in some situations where a tree would require sort of a bump-out of the right of way width. And there's a diagram on this power point slide which kind of identifies this issue.

Katz: What's the issue? Don't you allow that for now?

Greathouse: Under the code as adopted, we specifically removed the ability to put sidewalks in easements.

Katz: Okay.

Greathouse: Transportation requires allowing sidewalk -- continuing to allow sidewalks in easements. Planning bureau staff have some concern there was previous policy discussion about this issue that revolved around the desirability of having all elements of the public right of way be within a right of way rather than within easement. So we were recommending allowing wiggle room at the final plat for the right of way width itself to allow the right of way to be extended out around the tree. So the two options on this one are to -- three options, to direct planning staff to continue to work to bring back amendment that's would allow street elements, or to bring back specific amendment that's would allow some flexibility and right of way width in these specific situations, or the third option, to direct further work to be done as part of a future legislative project, and not at this time. There's another sort of the final amendment on the list that I think is probably the thorniest amendment and the one that may be least likely to be able to result in good solid agreed-upon language in advance of a hearing less -- in less than three weeks relates to seeps, springs and streams, floodways, and storm water facilities that will serve more than one lot. Under the current to go into effect code, these resources would be required to be placed in tracts. There's concern that depending on where these resources are located on the site the tracts could end up impacting the placement of streets and could disrupt the ability of the site to provide lot frontage to each of the lots that are created on the street. The creation of these tracts could also be an issue if there's existing development within the area to be included in the tract. For example, extreme tracts could make it difficult to provide street access to a deep lot, although the recommended language does include an allowance for clear span bridges across seeps stream tracts. And shared storm water facilities that are often required in front yards of attached houses requiring a tract around such facilities which the adopted code does, would separate the adjacent -- could separate adjacent lots from their legally required street frontage. Transportation and opdr have recommended the code be amended to allow rights of way to bisect the tract and/or to eliminate the requirement that these resources be placed in tracts by requiring easements or similar. The -- b.e.s. Has requested any allowance for rights of way be accompanied by specific approval criteria that would provide guidance for the circumstances under which encroachments are appropriate. And

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there's a concern that allowing rights of way to bisect seeps, extremes and streams in the floodway may impact the quality. We recommend that the council either direct opdr to monitor implementation of the provision, or direct opdr and bop planning staff to continue to work with environmental services and transportation to determine whether a code amendment can be developed to deal with the problem of existing development and to allow right of way encroachments and whether such an amendment could be developed that would continue to implement the policies behind requiring these resources be placed in tracts. And further to direct that staff bring back amendments in advance of council action on this package of amendments. Of the issues that are up for discussion this evening, at least from our presentation, I think that one is probably the most complicated issue and the one most likely to involve difficult discussions about what the appropriate way of dealing with it is. To summarize our recommendation would be to amend exhibit a of the original ordinance adopting the land division code as shown in the implementation report, and as shown in the memo from the bureau of planning dated february 20th, today. Select an option for trees on large sites and direct staff to return with specific amendment language if necessary. Select an option for allowing right of way flexibility and direct staff to return with specific language if necessary and direct staff to bring back specific amendments related to preservation of tracts or direct opdr to monitor implementation of the regulations and consider changes as part of a future legislative project.

Katz: Okay. This is what we're going to do. There were four people who had their hands up. Why don't you all come up. Come on up. I'm going to call out on the issues, and if you want to talk about those issues, that's fine, if you have anything else --

*****: I have anything else.

Katz: You have anything else. All right, anything else. Why don't you start.

*****: Oh, you want --

Katz: Why don't you go ahead. Do you have anything on the issues that we just covered?

*****: No.

Katz: Okay. You're the other category.

*****: I am. But I do agree with these ladies on their testimony.

Katz: Okay. Before you heard it.

*****: We talked. We've been talking for a week.

Katz: It was -- there was a gentleman.

*****: I was here to testify on the delay of the --

Katz: Okay. We'll wait. Why don't you go ahead and identify yourself and start your testimony.

Linda Bauer: Linda bauer, 6232 southeast 158th. I am very concerned about the appeal process that pdot has proposed. I'd like to see an independent -- an external review body rather than an internal review body. The review body might consist of a pdot person and oni person and anybody else that you think would be -- would do a good job. The second thing is, i'd like to see a time line for review. I totally agree with pdot that each review will be different, and that some may take more time than others.

Katz: Let me interrupt. Let me make sure we have staff addressing each issue. All right. Go ahead.

Bauer: But I attached an example of a case that I reported to opdr in 1998, and didn't get resolved, and I have attached an internal memo from opdr dated september 2000, which talks about this. And it says that it's working its way to the top of somebody's stack of work to do, and to this day, I do not think that this case has been taken care of. So i'd like to see some time limits put on the appeal process, whatever pdot comes up with. Thank you.

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Katz: Okay. Go ahead. Dixie, go ahead.

Dixie Johnston: Dixie Johnston, 0550 southwest paletine road. I'm speaking only for myself and not in my capacity as land use co chair of collinsview. My biggest concern is that I did not receive these documents until this evening, and I have not had a chance to review them, and I know i'm on a mailing list somewhere. My name has been put on several of them. I feel like I could do a better job testifying with that, even if we could just get a small postcard in the mail. By the way, this is going on right now tonight. And this is just as important as the land division code rewrite, and there's some people I know who have concerns but cannot be both places at the same time. So I think there would be more people here if they were not looking at the healthy streams initiative. One of my big concerns is that I think stevie has done an excellent job. I've been following through on her letter of september 27th, 2001. She has a list of things of items that she feels should be done. Two of the items, especially were mentioned tonight about technical decisions to be made by b.e.s. and by pdot. As I understand b.e.s. Is following through very carefully on their end of things, and are well on the way. With pdot, i'm a little concerned there may not be the clear and objective standards that stevie is recommending, and she has requested that there be the administrative review process and that additional guidelines for technical decisions and to make the housekeeping amendments, and I think this is really important. I've been reading the pdot transportation system plan, their element of a comp plan, and one of the things I have noticed that they are planning to do, and this is why we need the clear and objective standards, is that they were thinking of eliminating policy 617 of the comp plan, which has been used in the implementing codes. It talks about the coordinating land use and transportation. They're saying this required certain land use reviews to use the transportation policies as approval criteria. We have used that ourselves. But this approval criteria is being removed, we understand, and we think that we really need this for quasi judicial decisions to be made. It will make the hearing officer and opdr staff's job a lot easier, but it needs to be also coordinated with a clear and objective standards. And I don't want you to back down on these things. We had an instance in our neighborhood where the college in our neighborhood put in a sidewalk as to pdot standards. We were told there would be sidewalks on both sides of the street -- excuse me, bike lanes on both sides of the street. The sidewalk was put in, but the bike lane was only put in one side of the street part way, and then it was switched to the other side of the street the rest of the way. With all the trucks, the buses, and other large vehicles using the street, the bicyclists are using the sidewalk and sharing it with the pedestrians. And this is why -- this is just one small example. And I know they have a long laundry list of things they want to do in the future, pdot does, some of them are very expensive. I think we really need to look at these standards carefully so it's done right. Some of it I think is dangerous.

Katz: Thank you.

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

Amanda Fritz: Amanda fritz. I just want to read from the ordinance that you adopted in september. Pdot shall develop additional guidelines for technical decisions and make housekeeping amendments to the code as described in part 5 of the report. This work must be completed in in -- no later than march 26th, 2002. If the work authorized by this directive is not completed in advance of march 26th, 2002, the bureau of planning shall bring back to council for consideration an ordinance amending title 33 to include land use approval criteria for decisions related to street and storm water designs. The information that has been produced by pdot is not additional guidelines. It's just a compilation that the previous guidelines which were not to be not adequate. We had this discussion in september, that there aren't clear objective standards for how to pick what goes in the street. We were promised those standards would be developed by march

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26th. They haven't even started to develop them. So the potential for them to be done in three months is just not there. I said in september I didn't think it could happen in six months. It certainly can't happen this in -- in three months. What you promised was if they didn't bring back the clear objective standards, would you send back -- you would bring back an ordinance to change them back into approval criteria so the you be can discuss what goes into the public realm. It's quite amazing to me that citizens will no longer be able to say whether there should be sidewalks on both sides of the street, or whether there should be parking. The guidelines that have been brought back to you in this package, they just say, if you have parking on both sides of the street, this is how wide it can be. There's no criteria or standards for how that choice is made except for who makes the choice, which is the city engineer. And then the appeal is to the city engineer too. So basically that's taking the public out of the decision of what the public street is going to look like. And I think that's completely wrong. The second issue that I have is one of the minor amendments on the seeps and springs, and commissioner Saltzman, i'd appreciate your expertise on this. It's asserted --

Katz: Excuse me. What both of you are talking about is embedded in the -- in exhibit a?

Fritz: I'm not sure what exhibit a is.

Katz: We'll find out. I'm trying to follow.

Fritz: Those of you with e-mail got a memo from pdot about two weeks ago with an attachment that --

Katz: All right, go ahead with seeps and springs.

Fritz: The problem, there's a lot of problems with seeps and springs language. Would I request that you just send the entire section back for more work with the below of plan,, b.e.s., and opdr. The notion that the edges can be determined by a wetlands delineation is simply incorrect. Not all wetlands are streams, not all streams are wetlands. I know this for a fact because we hired somebody in my neighborhood to look over the forest of the headwaters of our creek, and the stream isn't a wetlands. You have to have wetlands plants for it to be a wetlands, and you don't always get that in these small springs and seeps. By putting that additional standard in, you basically are wiping out the whole purpose you agreed to back in september. So it's just incorrect. I'd just ask you to change that. Finally, we hadn't seen the memo from opdr until just now.

Katz: We're going to hear from them.

Fritz: I'm particularly concerned about the question of how you balance conflict between the regulations, because that's something that we did have a lot of discussion about in which the citizens have a right to have our opinion.

Katz: Okay.

*****: Thank you.

Katz: Sir, did you want to testify or not? Okay. All right, let's bring the bureaus up front, including stevie and gil. We don't have enough chairs. All right. Come on up, stevie.

Margaret Mahoney, Office of Planning and Development Review: Good evening, mayor, commissioners. Have a memorandum from me -- margaret mahoney, office of planning and development very view -- review. The memorandum you developed an attempt to compile some of the issues from opdr, b.e.s., and pdot, and I do apologize for it not being available earlier. Let me say first that stevie greathouse and staff from our bureau have done incredible work trying to resolve these issues, and we certainly support the report and the memorandum from gil outlining the issues that stevie went through with you. There are a couple of points, as stevie very ably outlined for you that we still feel need some further delineation, and we're more than willing to work on wording on those. Let me just mention a couple, and then i'll ask lana and don to speak to

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those that are more germane to us. The one that i'd like to comment on is the measuring of trees. Our concern is the four options that are listed in the code as is written out really are very expensive options. For smaller properties but also larger ones.

Sten: I don't want to cut you off, but i'm okay on this one.

Katz: On the --

Sten: It's pretty straightforward.

Mahoney: Actually, our proposal is to add in one or more. We could work with either of those, and I think we can sit down with the forest --

Sten: I'd take any feedback, but I thought the estimation was reasonable just for the sense that aerial photography is going to be expensive, and -- if we're convinced the estimate would solve the same problem as the aerial photograph, it would be cheaper, I think, but either one is fine with me.

*******:** Aerial photographs are available, and they're there, and --

Sten: You don't to take a new one, okay.

Katz: Identify yourself for the record.

Lana Danaher, Bureau of Environmental Services: I'm sorry. Lana, from bureau of environmental services.

Sten: That's fine with me.

Katz: You would -- you would prefer use either one of those options?

Mahoney: Our preferred is the aerial photograph, but we could work with the other one as well.

Sten: That's okay with me.

Katz: Stevie, that's dunk tank.

Sten: This is just for the sites over one acre?

Saltzman: I thought b.e.s. And the forester wanted the statistical --

Danaher: We have concerns with the aerial, but we feel the other option we still have some things that would have to be worked out. We're concerned that deciduous trees not be given a preference or treated equally, so there's -- and we're concerned about having some sense of the size of the trees. We think the estimating may be better able to do that, but we're not real sure how that would estimating would occur in a reliable way. So we still have some work to do to reassure ourselves that we can get what we want and still have --

Saltzman: Aerial sounds more straightforward.

Danaher: We don't want to lose too much by having it straightforward, so we're just trying to --

Saltzman: My only question on the aerial is what -- how old will you allow aerial photos to be?

Danaher: That's one of the issues. They have to be timely and we have to know how old they are. Fortunately we have aerials that are timely and we continue to have them.

Sten: You're not going to have more trees to -- particularly on an older photo. Would I have to be really old for it to have grown more trees -- more likely it will be a newer photo with less trees.

Katz: What instruction do you want to give to the bureaus to come back with amendments on flexibility to allow you to do both?

Saltzman: I think go aerial.

Mahoney: From opdr's standpoint, go aerial is fine.

Katz: Okay. All right.

Danaher: We can live with it.

Katz: All right. You'll have a little bit of time as you work through the amendments to work -- you're a little nervous about it. So you'll have a little bit of time, but I think the direction at least of

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the three of us is to go aerial. All right. I think we tyke took care of one of your problems, stevies, right?

Katz: Keep going.

Mahoney: Flexibility of the right of way and right of way crossings are more for pdot and b.e.s. than they are for us.

Katz: There's a it from you?

Mahoney: The balancing of technical decisions and land use regulations is of some concern to us because it's going to fall to our staff in a certain number of these to try to balance those. We feel like the language isn't clear enough on how we do that, and what happens when there is a situation where one of the other bureaus, b.e.s. Or pdot in particular, feels like we're recommending something that creates a safety problem or a utility service problem. So we've identified a number of possibilities for how to do this. I think as amanda fritz said, it is a very tricky issue, and it's something that's going to take some very careful discussion on how to do it.

Katz: All right. We're not going to act on that today. All right. B.e.s.?

Danaher: Our issue with the right of way I think can be resolved. We were -- we have been moving towards some resolution about right of way. We of course want to ensure that any crossing of an environmental tract is -- that there's some criteria about when it would be crossed and the protections that would be made so we're not losing protection for the seeps and springs. The existing -- we are -- we agree with pdot that the language that is in there now needs to be revised. So I think with a little bit of work we can come up with a resolution. We're not at a resolution at this point.

Katz: Okay. Pdot.

Don Gardner, Office of Transportation: Don gardner, office of transportation. We have a couple of issues that we'd lake to -- like to talk about. Opdr have a concern about the balancing, that it talks about balancing but it doesn't identify what a conflict really is. Is ate conflict truly between codes or with the developer's goals? The whole thing needs some work, and we'd like to go back and try to work on that. The other one we have a concern about is this thing on the right of way, the easement. The issue that we have is I think a relatively simple one. You get a tree or some natural feature that would be in the way of a sidewalk, and we can presently take a very minor easement to go around the tree, put it on the front yard. What happens then is should the tree die in the future, we can put the sidewalk back, and the lot setback from the front of the houses to the property line stays the same. If we do it as right of way, since everything on lot setbacks is measured from the right of way line, what you end up with is a situation that's probably only going to be for a limited number of years, but the house is set back say an extra five feet, doesn't all line up. It's just a design problem. It's also an awkward problem that should that natural resource go away, perhaps a tree, an easement is fairly simple to extinguish. A right of way we'd have a right of way line that has a jog in it, that has to go through a street vacation process that's time, it's money, it's a big problem. We can live either way. We think it's -- we think keeping it all in a rate ofd -- right of way is a complicated way to solve a simple problem. We've been doing these for years. The issue that has come up over putting transportation elements totally in the right of way is prior to the code changes where right of way would -- the amount of right of way would affect the number of lots you could obtain out of a site was that we had standards adopted in '98 that required that we have a planning strip in the sidewalks. Under the old standards, the right of ways were too narrow to fit all that in, so what we would do is we would take the back two feet of the sidewalk and put it on an easement all the way down in order to be able to get the planning strip for trees and get the -- and get the sidewalk. That's all taken care of in the new code because the right of way

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doesn't affect how many lots you get, it's the total site area and the new standards that are going to be required through the land use process, which is a land use decision, which is the right of way width allows most of those elements to be incorporated. So what we're talking about is some very limit the circumstances -- limited circumstances. We would prefer an easement. We can live either way. We think it's a very expensive and awkward way to handle it.

Mahoney: I think we think it's a pretty minor amendment in terms of wording, allowing the easement in limited circumstances.

Sten: I'm with the easement.

Mahoney: I forgot to mention an item on the seeps and springs --

Katz: Let's finish this. I think you've got direction to go on easements.

Mahoney: On seeps and springs, I think both b.e.s. And opdr agree with the comments that amanda fritz made. There are problems with the reference to wetlands as well as measurements and we need to work through those.

Katz: Okay. I think the council will -- the remaining members of the council will agree with you. All right. Stevie? Walk through what else you want from us. What of everything we heard, all the issues that we heard, are embedded in the housekeeping amendments?

Greathouse: All of the issues that you heard with the exception of the balancing issue, which is an issue outside of the amendments report, are embedded in either the amendments report or the memo that you received from gil kelley of the issues that have been brought up here. There are issues I heard in testimony that are not necessarily reflected in our report or in the additional memo. And i've heard I believe direction on all of the question items that we'd presented in our presentation, what we don't necessarily have direction on is the additional items vis-a-vis balancing or any of the issues that have been brought up in testimony.

Katz: All right. What is it council wants to do? Do you want to yank those out for further consideration when everybody's here and just move on those that have not -- that we're -- where issues have not been raised?

Saltzman: M-hmm. Yeah.

Sten: Yeah. I mean -- yeah, I think that's the way to go. At this point i've thought that the code is better than the old code but voted against it over the issue of balancing what's a land use decision and what's not. I wouldn't be comfortable supporting the package before we've even got all the standards there. I'm not sure -- I would pull that one off.

Katz: I would like to hear.

Sten: I'm comfortable voting for the other pieces.

Katz: I would like to hear more information on that as well.

Greathouse: On the balancing issue?

Katz: Yes.

Saltzman: It needs more work. It's a little ambiguous right now under the present language.

Sten: I hesitate to push an issue that i've already lost on, but I think the issue was whether or not standards could reach a bar that the council is comfortable not allowing appeals, and so I think we have to really look at those standards. That would be my two cents.

Katz: I agree. So if I hear correctly, will the council would like to set aside those issues that were raised by the public that testified, you have an -- you have direction from us on the canopy, the identification of the size of the canopy, and the issue of easements versus right of way. All right? So if we pull those out, then we can vote on 189.

Greathouse: Just to clarify, are we also setting aside the issue of right of ways crossing resource tracts as part of a larger --

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Katz: Yes. Yes. I'm not prepared at this point. Okay? Gil? Come on up.

Kelley: The only thing I'd suggest that we sort of rethink the issues that came up during testimony. I'm not clear that any of those affected the housekeeping, although apparently there may be one.

Katz: Stevie said --

Kelley: So you can adopt all the other --

Katz: That's where I was going.

Greathouse: The one I heard that affected housekeeping was issues related to sort of the larger issue of seeps and streams, tracts, so it might be worthwhile to delay any action on chapter 33.640, seeps and springs. Until we can have a larger conversation about it.

Saltzman: Isn't that what we just agreed to do?

Katz: Yes. Gil wanted clarification.

Kelley: I just wanted to get it clear so we know what's locked away and what we still -- what I heard was an -- was in addition to seeps and springs, most of the other comments went to the companion to the balance provision, which is confidence in the standards.

Katz: Correct.

*******:** I think all the remainder fall into those --

Katz: All right. I think we're not in disagreement. Stevie, you understand what we're -- where we're going?

Greathouse: Yes.

Katz: Have you that look. -- you have that look.

Greathouse: As soon as I have specific direction about what we're bringing back to the next -- I know what we're not bringing back to the next hearing.

Katz: You're bringing back the amendments to the direction of the tree canopy, and the easements issue of the easements. That you're bringing back. We've all agreed. What you're not bringing back yet until you've worked them out are the big issues of seeps and springs, and the issue of the balancing on the standards issue.

Greathouse: Should we be prepared to bring back any discussion related to those issues to the next hearing?

Katz: Sure, you might as well. We might as well have a full discussion if you're ready with some kind of language that's workable, that the public understands and hopefully can support. We may be able to act on it. All right?

Kelley: We would also bring back the request to delay the --

Katz: Yes. 190.

Kelley: We'll need a date certain for that.

Katz: Well, it's difficult. Karla, what do you have on your calendar when all of us are here?

Moore: I show march 6th.

Betsy Ames, Mayor's Office: You might consider --

Katz: Let's push it back -- let's push it another week.

Moore: March 13th, the next wednesday.

Katz: All right. I just want to warn everybody, well, I hope -- if we have all four votes we'll be all right. Okay. March 14th. 13th. That's a --

Moore: A wednesday, 2:00 p.m..

Katz: Fine. 2:00 p.m. March 13th, 2:00 p.m. You'll come back with new language on trees and canopies and easements. You'll try to work out the issues that we pulled out of the housekeeping amendments and the issues that were raised that were outside of the housekeeping amendments,

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and do you want us to actually take a vote now on the housekeeping amendments minus the issues that we pulled out? Frank, are you with us on this? Okay. Roll call.

Saltzman: I just realized I may have a problem with march 13th. Is it possible we could do this on a thursday afternoon?

Moore: The 14th is available.

Saltzman: Although if other people are here, that's fine.

Moore: I show everybody else in.

Katz: Okay. March 14th. 2 o'clock. All right. Roll call. Roll call on 189 as amended.

Sten: Do you need it moved? I would move the amendments as outlined by stevie.

Saltzman: Second.

Katz: Everybody understand what's in and what's out? Let me make it very simple. What's in is material we didn't hear anything about tonight. All right. Roll call. [laughter]

Saltzman: Aye.

Sten: Aye.

Katz: Mayor votes aye. [gavel pounded] thank you very much, everybody. And what we'll do is we'll delay 190 until we bring everything back together. Yes?

Gardner: I'd like to -- i'd like to get some clarity here, because i'm having a difficult time based on some of the testimony tonight, I have a brief memo here for council, an example of what we were putting together for pdot for standards. And I think if the mayor is willing to spend two minutes to help me out here.

Katz: Sure, we don't have anything in front of us.

Gardner: The direction that we were given, and I think stevie can back me up on that, was that we were to compile and document our existing criteria and standards. Which is what we were in the process of doing. When it talked about new standards, it says when they're necessary. The only one i'm aware of that's out there is this whole idea of green streets, which we will be the first to admit we're not very far along with that idea at all to even have drafts out. The other --

Saltzman: Did you say main streets?

Gardner: It's called green streets. The right of ways that would actually not be for vehicular travel. The other thing that we were told to do along with the other bureau assist to bring forward code amendment that's were necessary. Those code amendments are the items presently entitled -- in title 34 which tend to be very limited but need to be moved into title 17 so we continue to have that authority which we are working on. The idea that came up here tonight was we would be creating a series of new standards. We had no intention to do, and it was never our understanding that that's what we were doing. Nor were all standards to be clear and objective, and that became the difference between why some things are technical and some are land use. So i'm a little confused as to where you really want us to go, and amanda is correct. If we had to write clear and objective standards for everything that we do, that's a multiyear process. It's not going to be done in three months or six months. We have compiled the data, we've tried to take all of those things that are the key relevant issues when we make public street design decision and put them into this handout that explains how things work. Some of these things incorporate data from the skinny street standards, the pedestrian design guidelines, the bicycle master plan, everything, to give direction to people that these are the relevant things that we're dealing with when we're doing street design. And our discussions with the bureau of planning through this whole process have been compile your data. Unlike b.e.s., who is doing a biannual review of its storm water manual, which is an ongoing process for them because of the technology changing so much that they're constantly doing it. They're doing that as part of their normal process, not as part of this. Their other

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standards and the other standards of the water bureau are just being compiled, moved forward. So I need to know, am I supposed to be taking on a major project here, or am I compiling standards as our understanding of the direction was? I don't want to put you on a box, but I just want to raise that issue. You don't even have to answer me right now, but i'm going to need some help here.

Katz: I can't respond to you right now.

Gardner: I understand.

Katz: I need to have a conversation with you, I need to have a conversation with gil. There are some probably legitimate concerns, I don't know how far the council wants to go. All right?

Sten: I'm in a funny position, because i'm not saying don is doing anything wrong, but it's a major from my interpretation, difference than I understood it. I thought the justification for taking away the land use appeal on these things was that the standards were going to be clearer. The standards are going to be exactly the same, I think -- I would once again urge the council to make them appealable, and I don't think we have a problem.

Katz: Okay. All right. We'll come back and give you some direction. All right, everybody, we stand adjourned. [gavel pounded]

At 6:58 p.m., Council adjourned.