



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 31ST DAY OF JANUARY, 2001 AT 9:30 A.M.

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

OFFICERS IN ATTENDANCE: Britta Olson, Clerk of the Council; Ben Walters, Senior Deputy City Attorney; and John Scruggs, Sergeant at Arms.

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

- *101** **TIME CERTAIN: 9:30 AM** – Authorize agreement for acquisition of the Oregon Asphaltic Paving Company located north of Park Lane Park at SE 155th and Main for park purposes (Ordinance introduced by Commissioner Francesconi)

Disposition: Ordinance No. 175290. (Y-5)

- S*102** Authorize acceptance of the former Killingsworth Landfill at NE 75th and Killingsworth Street from Multnomah County and enter into an Intergovernmental Agreement and a Solid Waste Disposal Site Closure Permit with the Oregon Department of Environmental Quality (Previous Agenda 93; introduced by Commissioner Francesconi)

Motion to accept the substitute: Moved by Commissioner Francesconi and seconded by Commissioner Saltzman.

Disposition: Substitute Ordinance No. 175291. (Y-5)

CONSENT AGENDA - NO DISCUSSION

- 103** Accept bid of Payne Construction, Inc. to furnish Portland Police mounted patrol renovation for \$1,625,316 (Purchasing Report - Bid No. 100396)

Disposition: Accepted Prepare Contract. (Y-5)

Mayor Vera Katz

- *104** Enter into a temporary permit with the Clark Regional Communications Agency for the Office of Management and Finance, Communications and Networking Division (Ordinance)

Disposition: Ordinance No. 175278. (Y-5)

JANUARY 31, 2001

105 Amend contract with Pinnell-Busch, Inc. to extend the expiration date, amend the scope of work and increase the funding to provide additional training for the project manager/inspector training program (Ordinance; amend Contract No. 32980)

Disposition: Passed to Second Reading February 7, 2001 at 9:30 a.m.

***106** Amend contract with Aldrich, Kilbride & Tatone for Human Resources Administrative Services Review services (Ordinance; amend Contract No. 33092)

Disposition: Ordinance No. 175279. (Y-5)

***107** Amend agreement with Degenkolb Engineers to develop a Facility Assessment and Seismic Work Plan and provide for payment (Ordinance; amend Contract No. 33238)

Disposition: Ordinance No. 175280. (Y-5)

***108** Pay claim of Paul Ryus (Ordinance)

Disposition: Ordinance No. 175281. (Y-5)

***109** Authorize an agreement with Multnomah County to purchase a mobile command center for the Multnomah County Sheriff's Office with the Local Law Enforcement Block Grant (Ordinance)

Disposition: Ordinance No. 175282. (Y-5)

Commissioner Jim Francesconi

110 Confirm appointment of Tim O'Connor and Raye Miles to the Taxicab Board of Review for terms to expire December 31, 2001 (Report)

Disposition: Accepted. (Y-5)

***111** Contract with Trauma Intervention Programs, Inc. for crisis intervention training for \$60,960 (Ordinance; waive City Code 5.68)

Disposition: Ordinance No. 175283. (Y-5)

Commissioner Charlie Hales

***112** Agreement with Oregon Department of Transportation to undertake the Burnside Transportation and Urban Design Plan (Ordinance)

Disposition: Ordinance No. 175284. (Y-5)

JANUARY 31, 2001

- *113** Modify Intergovernmental Agreement with METRO for the South Corridor Transportation Alternatives Study for payment of local match of \$86,091 (Ordinance; amend Agreement No. 51299)

Disposition: Ordinance No. 175285. (Y-5)

Commissioner Erik Sten

- *114** Contract with Central Northeast Neighbors for \$46,000 to undertake neighborhood revitalization activities along NE 42nd Avenue and provide for payment (Ordinance)

Disposition: Ordinance No. 175286. (Y-5)

- *115** Authorize agreement for professional services with Conkling Fiskum & McCormick on legislative matters pertaining to community housing goals (Ordinance)

Disposition: Ordinance No. 175287. (Y-5)

- *116** Amend agreement with NorthEast Workforce Center for the Housing Search Assistance Project by increasing the amount to \$65,000 and provide for payment (Ordinance; amend Agreement No. 33288)

Disposition: Ordinance No. 175288. (Y-5)

- *117** Authorize the purchase of real property from Ronald R. Porter and Ruth P. Porter for the sum of \$68,700 and provide for payment (Ordinance)

Disposition: Ordinance No. 175289. (Y-5)

REGULAR AGENDA

Mayor Vera Katz

- *118** Authorize a labor agreement between the City and AFSCME Council 75, for terms and conditions of employment of Emergency Communications Operators in the Bureau of Emergency Communications (Ordinance)

Disposition: Ordinance No. 175293. (Y-5)

- 119** Amend the Central City plan district chapter of the Zoning Code to include a new eco-roof floor area ratio bonus provision (Second Reading Agenda 98)

Disposition: Ordinance No. 175294. (Y-5)

Commissioner Dan Saltzman

JANUARY 31, 2001

- *120** Authorize agreements for the conveyance of one property from George Hammersmith to the Bureau of Environmental Services, subject to certain conditions being fulfilled, and authorize acceptance of deeds and payments of expenses (Ordinance)

Disposition: Ordinance No. 175292. (Y-5)

Commissioner Erik Sten

- S*121** Contract with Tri-Met for \$95,000 to perform environmental assessments within the N. Interstate corridor and neighboring area (Ordinance)

Motion to accept the substitute. Moved by Commissioner Hales and seconded by Commissioner Saltzman.

Disposition: Substitute Ordinance No. 175295. (Y-5)

- *122** Authorize a contract and provide for payment to maintain and construct the Groundwater Pump Station improvements project (Ordinance)

Disposition: Ordinance No. 175296. (Y-5)

City Auditor Gary Blackmer

- 123** Assess benefited properties for the cost of constructing street, storm sewer and water main improvements in the NE 158th Ave/NE Marine Dr-Columbia Slough south of NE Airport Way Local Improvement District (Second Reading Agenda 95; C-9926)

Disposition: Ordinance No. 175297. (Y-5)

Communications

- 124** Request of Richard Koenig to address Council regarding Internal Affairs Division, Police Bureau, declination of his complaint (Communication)

Disposition: Placed on File.

- 125** Request of Patrick Dinan to address Council regarding Community Policing (Communication)

Disposition: Placed on File.

- 126** Request of Mike D to address Council regarding the Portland Police Joint Terrorism Task Force (Communication)

Disposition: Placed on File.

At 11:08 a.m., Council recessed.

JANUARY 31, 2001

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 31ST DAY OF JANUARY, 2001 AT 2:00 P.M.

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

OFFICERS IN ATTENDANCE: Britta Olson, Clerk of the Council; Kathryn Beaumont, Senior Deputy City Attorney; and Peter Hurley, Sergeant at Arms.

- 127 **TIME CERTAIN: 2:00 PM** – Amend Code for Landscaping and Screening, Parking and Loading, Nonconforming Situations, Columbia South Shore Plan District and Quasi-Judicial Procedures (Second Reading Agenda 1773 introduced by Mayor Katz; amend City Code 33.248, 33.266, 33.258, 33.515, 33.730)

Motion to Paragraph A. to change diameter to three inches: Moved by Commissioner Francesconi and seconded by Mayor Katz.

Disposition: Passed to Second Reading as amended February 7, 2001 at 2:00 p.m.

- *128 **TIME CERTAIN: 2:30 PM** – Declare a 120-day moratorium on electronic equipment facility development along the street car corridor in NW Portland (Ordinance introduced by Mayor Katz and Commissioner Hales)

Motion to correct a wording error in No. 27 from Level 3 to Zone 3 seismic requirements: Moved by Commissioner Hales and seconded by Commissioner Saltzman.

Disposition: Ordinance No. 175298. (Y-5)

At 3:52 p.m., Council adjourned.

GARY BLACKMER
Auditor of the City of Portland



By Britta Olson
Clerk of the Council

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

JANUARY 31, 2001

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.

JANUARY 31, 2001 9:30 AM

[Roll call]

Katz: City council meetings are broadcast on citynet, cable channel 30. They're also broadcast live on the internet and can be reached from the city's home page if you follow the council -- council agenda link. It is not only available on the -- in the daily journal of commerce, it's also now highlighted in "the Oregonian" and it's also the entire agenda is on the internet. Felicia does not want to do this. This is her last day. But she has been very special to this -- to this community. A long history of service with Multnomah county, and then with p dot and Portland department of transportation, and now as the executive director of the Portland development commission, I think really deserves a very special thank you and farewell, not only from me, i've done that already, but from the entire council. As you recall, she stepped in at a difficult period of time for all of us. And took the helm of an organization, and if she did anything, she made the organization really respond to citizens -- made them aware of the fact their snakes and neighborhoods and it's a much friendlier place now, perceived by the community, especially out in lents and gateway and hopefully in st. Johns. I thought this would be an opportunity for everybody to say farewell to her and ask her what she plans to do. But also an opportunity for her to reflect back and briefly, because I don't think she likes all of this attention. To reflect back and share with us what she's learned in her positions as director of major agencies. So felicia, it's all yours.

Felicia Trader, Executive Director, Portland Development Commission (PDC): Thank you, mayor Katz. Since you gave me this opportunity, i've written the letter. And it is -- it's addressed to mayor Katz and commissioners. Dear city council. This is -- my own time certain my career a rewarding one. To provide a few observations on the way out the door. When I came to Multnomah county as a budget officer about 22 years ago, I made a transition. I came from working from power house santa clara county, california, an organization of about 12,000 employees. At the age of 33, promotion come my way and I resided in a glossy, high-tech window office on the 12th floor of the new administration building. And of course there was a parking space. Things were about to radically change. At Multnomah county in 1978, I reported to the jk gil building. Getting to the budget office involved finding their way through the health clinics. We had boxes for files. You remember type writers. Every page of the budget document was typed and corrections were made with without-out by the budget analysts. I told myself I would try and stick it out for three years in Portland. The good things kept happening. I was living downtown and walking to work. I became hooked on Portland. I received a promotion. I loved those jobs. I loved the issues and the city. But best of all I was in the company of some wonderful people. Bruce harder was my first job. Denny west was on my interview panel. Helen barney wrote my first press release. Talented staffers, I worked with and they're still at the county. They're institutions, of course carl talton worked with me as the county's first energy officer. It was also during this time I met and/or worked with barbara roberts, and vera Katz. Shortly thereafter I went to the state as barbara roberts' deputy. As most of you know, when you work for barbara you immediately become part of the roberts clan. That allowed me the great pleasure of benefitting

JANUARY 31, 2001

from frank roberts' wisdom and best of all, sailing with him in the san juans. The secretary of state's office was valuable experience for me. There's nothing like being part after statewide office to provide you with great clarity about how the rest of the state views the city of Portland. And it was only when I realized that I was being viewed as an expert on the workings of the state's uniform commercial code that I started to get itchy. My opportunity to join the city came along in 1987 when then commissioner now congressman earl blumenauer offered me the job of office of transportation. He made a compelling argument about how I was wasting time commuting to salem. What a great job. With earl's leadership we invented the traffic calming program, focused on promoting alternative modes of transportation, implemented photo radar initiated streetcar planning and modernized the streets and street light of the lloyd district. I had the current to be part of the westside lyle management team through planning design and construction. On the other hand, one of my greatest career disappointments, was not successful in finding financial over the years I was associated with high profile often I receive rent staff then came the Portland development commission. Everyone wants to end her career on a grace note. Thanks to mayor Katz and then chairman carl tallton, former energy officer, I had my opportunity. At pdc I founded a wounded organization. Elian gonzales tore pick itself up and restore council and public confidence, and eager to go out into the community and work together to make good things happen for Portland. The Portland development commission of 2001 is an extraordinary agency. From airport way to gateway, lents, northeast Portland and on the east and west side of the river downtown, pdc is managing projects and programs which play a major role in advancing Portland's role as one of the -- one of america's most livable cities. I especially appreciate the support of chair marty grantly and the board members. None of this could have been accomplished without the obsessively hard work and determination of the staff and the relationships they built with our community partners. Across the board from project and program staff to administrative support, these people are busting their butts to do a good job. They have my sincere respect and my gratitude. Special thanks go to the interim executive director. George shelly, karen williams, martha richmond, and christina cane. Over the years I have felt lucky to be surrounded by bureau managers who care about the quality and effectiveness of city services. I've also felt lucky to work with professional, accessible and supportive staff in the office of my assigned city council member. People like julia, jeannie, sam adams, and lindley reece. Last but not least I want to thank you, mayor Katz and the city council members. You provide the compass, the gust owe, the soul and the theater of city government. You have a tough job in a restless community that expects perfection. I am honored you have entrusted me to direct important city services. I am honored you have demonstrated your respect by listening to my opinion even when you didn't want to hear it and i'm appreciative no matter how contentious an issue, facts have always been admissible. Portland is a great place to call home. The future is bright and it's time to get on with it. Thank you.

Katz: Thank you. [applause]

Hales: All of us who have work order that issue have been frustrated. What do you think we should do?

Trader: The mayor's gotten me interested in the city's history with the 155th birthday. I was reading documents the other day that pointed out that 150th years ago, males over the age of 21 were required by city law to spend two days a year building and maintaining the city streets. [laughter]

Katz: Really?

Trader: Yes. So I figured that out and I figured if you forward that to the day and if you assume a \$20 average hourly wage, multiply that by awe for -- eight for a day, that's \$320, and this

JANUARY 31, 2001

proposed fee is \$2 a month times 12, 24, I think probably getting a hell of a deal. But I don't know -- I don't know the details of the proposal that's on the tail right now from transportation. I only know what I saw in the paper. It sounds like a reasonable proposal. I do know if you look in the report over the last ten years i've watched with alarm as i've seen the miles of backlog increased and increased, all you have to do is walk out of here and go to columbia and go through the neighborhoods and see the deterioration on the streets to know we're falling behind. That will only have to be addressed in the next generation of taxpayers as we have to reconstruct those streets. There definitely needs to be -- it's pastime for a fix, but whatever the city can do to address the maintenance backlog should be done.

Saltzman: I just wanted to say farewell and thank you for your service to not only the city of Portland, but to Multnomah county and to the citizens of this area. I really was very moved by your statement just now, and like you, I sort of came up through the county ranks, although as an elected official, not as an employee, but I find the experience I had at the county to be very formative as to who I am now, and it's clearly with the passion you've brought to your jobs with the city, as you clearly just said, were formed in large part from your experiences working at the county.

Trader: Absolutely.

Saltzman: I know the experiences of going through the former j.k. Gil building and seeing the clinic and seeing the people who access critical service and realizing to an agency like pdc, which also sometimes in its past has been accused maybe of not carrying -- caring enough about that element of our society, we're more concerned with bricks and mortar and how downtown looks and not really the soul of the city. I think you've done a great job of making this agency not only care about how the city looks, but care about how it appears and the soul of the city and the soul of this county too. And I think this council shares that commitment, and we thank you for helping to put this agency on this course and while you thank us for helping in terms of the theater, I want to thank you and just in terms of your professionalism that you've brought to this job, because as you correctly pointed out, we haven't always agreed on issues, but you've never -- you've never given your ground when you felt you didn't -- you shouldn't. And that's good. We expect that. And we need that sometimes, because sometimes we can get carried away with ourselves up here and expect people to cow toe to our needs and our demands and we need to hear back from strong bureau directors when we need to hear that. So I just want to thank you for your contribution to this community and to the city. And wish you well.

Trader: Thanks.

Francesconi: Felicia, i've been thinking about you lately leaving -- The first is a fog line. When I first started out, it's a lot of fog for a new city commissioner never being in government before. I could always count on you being there. I used to drive between crescent city and eureka and it's real foggy and you have to focus on that fog line. You've been that. It's primarily because of your judgment, which is such an important criteria. The second image is bridge. Which is kind of my high eggs compliment that I can pay, actually. You've really been a bridge with a lot of communities. One important one is you've been a bridge with the business community. I actually worry about your departure and what that might mean right now. But you've always been a bridge to residents out there who need to see some improvements in their neighborhoods outside of the central city. And they need to see the city and pdc as a vehicle for getting at the soul, as commissioner Saltzman said. The third image that's coming even more powerful is that of a healer. That's not only because of your judgment, it's because of your values. And you care about people. Sometimes you don't show that as much, but nobody cares more about people. To see your staff sitting back there, they're so loyal to you, because they know that you not only care about pdc, but

JANUARY 31, 2001

you care about them. And that's the message that you're sending to our citizens, that government does care. And that's a message that's the most important one we can communicate. So thanks for all you've done for not only the citizens of Portland, but the citizens of the state of Oregon.

Sten: Let me chime in.

Trader: You don't have to.

Sten: I've got to. I know I don't have to, but I couldn't resist. I don't think anyone's had a more difficult task than trying to think what I think has always been the brains and energy and skill of pdc and refocus it. I don't think it was at the agency -- the agency was trying to do the wrong thing, but there were new things to do and it takes a different skill set and kind of ear and style to take on lents than downtown. And I just think you've done it with so much class and professionalism and it's just -- it's probably the biggest -- it's probably the biggest story of the last few years. I just don't think anyone else could have pulled it off. It -- you should be proud.

Trader: I am proud.

Katz: I wish you weren't leaving just yet. I don't think it's done yet, but you've left an agency that can get the job done. I have zero concerns about whoever inherits the job will have the tools thanks to you that they need. And thanks to all the hard work. On a personal note, i'm going to miss you like crazy. I really enjoy working with you. It's going to leave an empty spot for me, but I also know it's the right thing for you, and i'm happy for you. Good luck.

Trader: Thank you.

Hales: I think in addition to the good working relationship you have with us and your own staff, you've been in public service at a time when sometimes government was described even by people in the highest offices as the enemy, or the problem, and you I think all through your career have demonstrated that public service is an honorable calling and the most competent and effective people are attracted to it, and that you do good work when you're there, and delivered good services to people, and I think those values have shown through in your work. And have been noticed and appreciated and used as a guide by a lot of city employees, maybe some of them that you've never met, even though you know a lot of people in the organization. So I think when somebody is an able and inspiring manager, that resonates a -- a long way beyond their own organization or the governing body that works with you. There are a lot of people in the organization who you've helped by that example and we'll miss that too.

Trader: Thank you. [applause]

Katz: She's going to have a wonderful time. All right, everybody. Let me just add one more compliment. Usually when people check out, they -- and they figure they're gone, they check out of their job, not this lady. She's been on top of all the issues to the very last day. And that truly is a compliment. Okay. Consent agenda, any items to be taken off the consent agenda? Anybody in the audience want to take an item off? Roll call. **Francesconi:** Aye. **Hales:** Aye. **Saltzman:** Aye. **Sten:** Aye. **Katz:** Mayor votes aye. All right. 101.

Item 101.

Katz: All right. We have a request that we're going to honor. Commissioner lonnie roberts, who wants to come up, is this the item you wanted to come up -- who wants to come up and talk with us on it. Commissioner roberts.

Lonnie Roberts, Multnomah County Commissioner: Thank you. Madam mayor, members of the council, thank you so much. It's kind of tough to follow up on the lady who preceded me, but mine is not as exciting, i'm sure. You're dealing with an issue that's near and dear to my heart personally. My personal residence is only a few blocks away. Let me go back and do a little chronological retracing. We moved into that area in 1963. At that time -- I don't know if you've been out there, you have a school on one side, a park on the other and in the middle we had a very

JANUARY 31, 2001

deep gravel pit. And it had been mine for years. All the times we've been out there was always -- it was always understood that someday that would be at least an extension of the park. Because you have the park and you have the school. At this time it is filled in, and the neighborhood was very nervous believing that there was going to be building of homes or apartments or whatever, because they had come to trust the fact -- as fact that it would be at least an extension of the park that now exists. It's my understanding that you are considering purchasing of this property for the purpose of expanding the park. And I am just here to say that, you know, you're going to make a lot of people happy and do a real nice thing for the community that desperately needs it. My area, and the -- in the county has -- in the last decade, has seen a doubling of population in the senior community, we've also seen a rise in those who live at or below the poverty level. It went from 8% to 14%. So all this comes in as a community and a park would be such a contribution to help ease some of these things that we're facing. The other thing is that we're going to see a continuation of population explosion in the east county. So the more of these projects we can get, at least in the Portland area, the better it is for our folks out there. And I will compliment the mayor and the board for at least considering it and simply -- i'm simply coming to say I support it and I ask that you do follow through.

Katz: Thank you, commissioner. Anybody else want to testify on 101?

Francesconi: We've got to step back a minute. We took the presentation a little out of order, which is good for lonnie's sake. But judith, where are you? Come on up. Let me introduce the presentation this way. Let me introduce both items this way, if I could. This is actually a very significant date not only for Portland parks, but the only council and a metro, represented here by mike burton and david bragdon as well as the county. We're developing a trust with the east county when they were annexed that we would put in city services, like parks. So we're keeping a trust here with our citizens. Number 2, we're adding, with the combination of these items, 45 acres of open space and park land in the most deficient part of town, in the most rapidly growing area of town, which is very, very significant. The third is, we're continuing that combination, especially with Oregon asphalt, of that parks and schools anchoring neighborhoods. Which lonnie roberts just talked about. And finally, it's that partnership with other governments that made these things -- made the next item happy. Oregon asphalt, as judith will explain, was our policy on the sdc policy. Which she will explain, is running -- is out now. We have to do some things to increase that funding. Not a new sdc, but we may have to do some more bonding on the current sdc. But judith will explain that. So go ahead, judith. Then we'll take testimony from the elected officials.

Judith Rees, Parks Bureau: Thank you. I would like to step back and give you a little bit of background on the sdc. Just a year ago, we received our first allocation of funds, and the first allocation was approximately \$5 million for acquisition of community parks. Since that time we formed a committee made of citizens to help advise us on where we should be focusing. We also set up within Portland parks a staff committee that includes staff from all areas of parks, recreation, maintenance, you name it, they're on the committee. And we have been working very hard in that last year, and in fact with this acquisition we will have completely spent out the \$5 million that were allocated. The map -- i'll just take a minute -- three dots on the map indicate where the three acquisitions for community parks have occurred over the past year. This is the first one, tpl had an auction on that. We hope to fund it as part after bond measure that failed. But we were able to pick up the option. Secondly, we've done two acquisitions -- I should go back. The pitman property. [no audio] almost 16 acres in size. We've also been very successful on the top of clatsop butte. You can see it's nothing. [no audio] finally now with the acquisition of the paving company property, which is just west of the school and just north of a little neighborhood park we've had there,, park lane park, we'll now have a 25-acre park side. So all of these -- these were

JANUARY 31, 2001

the targets that actually the internal committee recommended to our citizens. So we're very pleased that we've been so successful. And all within a year's time. As commissioner Francesconi mentioned, our original focus for these \$5 million were for community parks and for outer east. Outer east is the area of the city that has been growing most rapidly and also is most park deficient. But the sdc's are limited to those areas that have -- that are experiencing rapid growth regardless of whether they're park deficient or not. In this particular case we had both of those coming together. So it was particularly successful. One of the things that I would like to take another minute to say is that this program would not exist if we did not have willing sellers. We are not doing condemnation. And without people such as Oregon asphaltic paving company and their representative, Mike Lilly, who is here today, we would not have had a deal, and we would not be able to bring this property to you. So I would really hope that the council would express their thanks to them being a willing seller in this program. I would be happy to answer any questions that you might have.

Katz: Questions? Thank you. I don't know if this is the item -- it's the next one. Anybody else want to testify on this? Is Mike -- who's Mike? I know. You're Mike. Are you going to talk? Come on up anyway. Louise, come on up anyway so we can thank you. We don't say thank you enough here. We always criticize. So this is a nice way of saying thank you. Did you want to say anything? Grab ahold of the Mike.

Mike Lilly, attorney for Oregon Asphaltic Paving: I'm Mike Lilly, I'm an attorney for Oregon asphaltic paving. The company really is the one that is responsible for this, not me. So I'll convey your thanks on to them. I just -- the only other thing I can say, this is an example of I guess a gravel company that has reclaimed land and filled back the hole. We weren't under a regulatory obligation to do that because the hole itself was an old pit that predated all the reclamation requirements. But they did it. Partly out of economic self-interest, but I don't want to kid you on that. But those gravel pit holes do get filled in after a while.

Katz: Thank you. Thank you very much.

Louise Cody, Chair, Centennial NA: My name is Louise Cody, I'm chair of Centennial Community Association and my address is 1515 Southeast 1st Avenue, 51st Avenue. We're thrilled at the purchase of this 28-acre park. It will supply sports field as well as enlarge the picnic and playground of Park Lane Park. It will also benefit the two adjacent schools. Residents of Centennial neighborhood during the Outer Southeast Community Plan advocated for this gravel pit to become a park. We want to thank John Suell of the Portland Parks Bureau who's persistence and direction made this happen. And Judith for her skill in negotiating this acquisition. We also want to thank Oregon Asphaltic for eventually getting to the point it's -- that has happened now and being a willing seller. The community is very appreciative of their decision to sell this property. Thank you to all the people who worked on this project over the years, a special thanks to Commissioner Francesconi and to former Commissioner of Parks, Charlie Hales for their part.

Katz: Thank you. Anybody else? Come on up. Anybody else, Britta, after that? Come on up. Diane, come on up too.

Linda Robinson: I'll just keep my comments very short. I'm Linda Robinson, and I live in the Hazelwood neighborhood. I am one of the two people who represent East Portland neighborhoods on the SDC acquisition advisory committee. This was a property that we put very high. We made a tour of all the potential properties, maybe nearly a year ago. This was one of the properties we thought should be very high on the list of acquisitions, so I'm glad to see it's going to happen.

Katz: Thank you.

Rebagliati: Actually, I'm -- I wanted to talk -- Diane, I live in the Cully neighborhood association. I wanted to talk about the other park.

JANUARY 31, 2001

Katz: That's the next item.

Rebagliati: Is that okay to talk about that now?

Katz: No. Why don't we finish this item first. Britta, anybody else? Anybody else on this item? Why don't you go ahead back and we'll call you up later.

Donovan Scheer, Park Lane Assoc.: Mayor and city council, my name is donovan sheer, I live at 15300 southeast main street, south side of the park lane park. I'm here to support the city of Portland buying the gravel pit next to the park lane park. It's a -- as a long-time resident, being involved in the park lane association, I know how hard it was to get the land for -- for what is now park lane park. The project is more now set by. After park lane association developed the park, it was dedeed to the Multnomah county due to the park size. Multnomah then said the gravel pit someday would be a park. I believe this is a win-win position to purchase this gravel pit for the neighborhood. And the city of Portland, because of the high push for high density. I thank you.

Ron Clemenson: 840 SE 156 Pl., 97233. I'm ron klemmenson, I want to thank the council also. The -- as the saying goes, we've come a long way, baby. We first occupied our home in 1967, and the salesman that sold us the home said, that gravel pit is going to be there for a little while, but very soon it will become a park. [laughter] so much for salesmanship. Yes, we've kind of been through it all. We've gone to the noise abatement hearings of Multnomah county when the rattles and the crashing of the rocks were so bad that even if you didn't step out the door you were shook out of your seat in the house. And the school adjacent was of course complaining. And we got some relief there, and so forth, through petitioning and so forth. And now the time has come when the fill-in has kind of gotten rid of the possums and a few of the racoons, although we like the nature part, we don't necessarily like the possums. We've had an experience there that goes back a long ways. So we're really happy to look forward to this and we hope that the involvement of the neighborhood associations as well as in the future as this comes to fruition, that you will involve the neighborhoods, the people, both young and old, and hopefully to make this a multipurpose park, which all generations can enjoy. And as has been said before, we certainly have the folks in Portland and our neighbors to the east, gresham, of course, who undoubtedly will participate in it. This is going to be a great thing, I believe, for all people in this area, and we thank you very much, and we particularly thank jim Francesconi and his group for all the work they've done to help achieve this. And certainly to Oregon asphaltic, who is generous and cooperating in this area. So thank you again.

Bruce Cody, Centennial NA: Bruce cody, centennial neighborhood association. I just warn to say thanks for your consideration for all the hard work that the bureau did planning the negotiations, the gravel pit, bringing you all together. I guess the one thing i'd like to say is, as time goes on, when i'm looking out at that park and I see kids play and the parents watching and people walking around, hanging out, i'm going to remember you. Because without it, without you, and without your consideration, it wouldn't have happened. Commissioner Hales has seen the park and it's really a -- it person identifies a neighborhood. People have all sorts of types, walks of life, all hang out and enjoy and it's what Portland is about. Thank you very much. Thank you again.

Francesconi: I want to add my special thanks to judith reece and john suell for the work they did in negotiating this. I actually saw, it was taken by the neighborhood association of a tour of east Portland four years ago, when I was first elected, and louise showed me this. And clearly it needed to be a park. I guess my request to lieu ease and ron and the rest of you -- louise and ron, we need your help now in communicating to the citizens of east Portland that we do care and we're demonstrating it by major investments. We could -- this could have gone to some other neighborhood. It does cost money to keep station 45 open, and it's the right decision, but we're investing here, and I know you appreciate it. There's no doubt about that. But we still have a

JANUARY 31, 2001

credibility problem down here, and so it's going to take you and neighborhood coffee and kitchens, et cetera, to say, look, those days are over. And we're making some investments, and we need to be partners in this effort. So I really hope that you -- I know you will do that. I also -- i'm just excited to be -- this is a big, big deal for parks and for me. I know how par it is -- important it is to you. Aye.

Hales: Well, bravo, jim, to you and the bureau, and to everybody who's made this victory happen. If this park didn't already have a name, which it does, we should probably call it perseverance park. Because it -- 1967, some of us can remember 1967. Barely. Some of us can't. And that's a long time to advocate for something. And I want to really commend that, really we're here because there was perseverance on the part of these neighborhood activists who saw a public good that ought to be made real, and just pushed and pushed and remind and advocated and here we are. So perseverance paid off in your case. Thank you. And then also I think it's a lesson to the council about perseverance. The sdc wasn't popular when it was introduced, and it takes a while to show results. So I think it's a lesson to us that the moment area unpopularity of some new thing is later ameliorated by the public good that it achieves. So it's I think a lesson to all of us that perseverance pays off -- pays off and hope that maybe it won't take so long the next time. Aye.

Saltzman: Good work to not only the parks bureau, but active neighbors and to parks commissioners past and present. Great job. Aye.

Sten: We've had some hearings in this part of town that aren't always so friendly, and this is a great sign of the times and a great piece of work by the neighborhood and parks, and particularly commissioner Francesconi, who's been relentless on this issue. We all get to santa rosa and be -- vote and be part of it, but he put this thing together and everybody ought to appreciate it. Thanks jim and thanks to everybody here. Aye.

Katz: Nothing left for me to say except thank you citizens of southeast. Actually, if I recall correctly, the latest sea report shows that you're beginning to look more favorably at us, and that makes all of us a little happier. We care about you, this is a commitment that the council made, but without the hard work of commissioner Francesconi and commissioner Hales prior to that, and all of you, this wouldn't have been possible. As a matter of fact, I think you probably ought to sue your real estate person or get him to commit a huge amount of funds to maintain the park. Then we might name it after him. [laughter] aye.

Francesconi: Judith, why don't you come back.

Item 102.

Francesconi: Let's do make and -- mike and david first.

Olson: We have a substitute for this ordinance. The title is the same except after department of environmental quality and an intergovernmental agreement with metro.

Katz: I need a motion to accept the substitute.

Francesconi: So moved.

Saltzman: Aye.

Katz: Director burton and council member brandon, why don't you come on up here.

Francesconi: Just before I turn it over, so we just turn add gravel pit into a park, and now we're about to turn a former dump site into a park. This will be the fourth former dump site that is now going to become a Portland park. Dunaway park, overlook park and kenton park were all former dump sites. I'd like to add one word of thanks to on the prior item. In addition to Oregon as facility company, I would like to thank the home builders. They did not oppose that system development charge and it was that fund that produced this. And they had the foresight to see that parks benefit homes as well, and I wanted to make that reference. This deal that's now in front of us would not have happened without the help of mike burton and david bragdon. They're good

JANUARY 31, 2001

negotiators, and they -- we arrived at a fair deal for everyone. It would not have happened without them, though.

Katz: Okay, gentlemen.

David Bragdon, Presiding Officer, Metro Council: Mayor Katz, commissioners, i'm david bragdon, we have appreciated the chance to work with the city on this. One of the occupational hazards in our organization or any government organization both internally and dealing with other organization assist that often you don't get the chance to see all the different things you work on in a given day come together in one transaction. This is pretty rare, where they do, where we talk a lot about efficient land uses in our region and not throwing away old neighborhoods and preserving them and enhancing them. This is a case that does this. This is also -- we -- work we put in on the park system, we're the owners much 9,000 acres of parks, this is another case where we're working on that as well. Finally our work in the solid waste area, this is something we hope we bring to the table on this transaction in cooperation with you. What needs to be added I think to commissioner Francesconi's list of dump sites is oaks bottom, too. If you check the records there's also -- there's a couple of layers of landfill in oaks bottom. What you're dealing with here is partly a relationship with deq, but also an agreement with us where as managers of the st. Johns landfill, we have technical expertise in the decommissions of a landfill that we inherited from the city several years ago. And as a result of that, have staff expertise that we will devote in part to the killingsworth site to assist in the demissions of that in a very safe, technically sound basis in partnership with you in exchange for other parts of the transaction near the st. Johns landfill. I think what woe have is an agreement that benefits the neighborhood and is also very beneficial to the solid waste ratepayers of the entire region. So we look forward -- we appreciate working with you on this. If we're good negotiators, it's because we practice on each other in our spare time. [laughter] also have appreciated the chance to work with commissioner Francesconi and his staff and we think we have an agreement that really is beneficial to everybody in the region.

Mike Burton, Executive Director, METRO: Thank you, mayor Katz, members of the council. I'm mike burton, i'll echo what david has said. We have had the experience in the st. Johns landfill which is a facility that metro actually purchased from the city of Portland about 15 years ago for a dollar, I believe. And eventually we've shut that down. I think the experience here, what we will do is monitor the methane extraction system until it's able to actually be occupied as a site. In exchange for that we'll get a small parcel of land in front of the landfill that the city owns, it allowed us to put a shed and maintenance facilities in for st. Johns. We hope, I think we'll work with commissioner Francesconi's office, that we don't have to wait 20, 30 years to actually have some activity on that site. We've been able in the st. Johns area and the closure of that facility to as we have found that the land stabilizing, we have arrangements with the model airplane flyer, to use that as a site for their activities, and so we look forward to working with the city in trying to figure out what can happen at the killingsworth site perhaps before it's fully engaged as a park area. As david said, we're always happy to see the recycling of land. For this purpose. I think we'll be able to add st. Johns to the list we just mentioned much park sites in the region that will be a full park area for the city. And I want to take advantage of one other thing while i'm here. During your city to the city address you mentioned willamette cove, and that's a site that metro purchased and -- in its open spaces. We are now working with Portland of Portland to talk about the issues of whether there's some spillage out of the area just adjacent to that. We think the upland area, we have deq has told us that area is clear. We'd like to enter into a management agreement with the city to take that over. It's another great site for a park area. I've provided commissioner Francesconi's staff with a history of that, and we look forward to that next one. This might be the next chapter as we expand the park areas, and I appreciate very much the work with commissioner

JANUARY 31, 2001

Francesconi and the commissioner in getting us this agreement. We are pleased and look forward to signing the agreement with you.

Francesconi: It might be good, Judith, did you want to come up and say some things? The other partners, we had two other partners I didn't mention that were critical. And that is deq, I don't know that anybody is here from deq. Do you want to come forward, sir? Without you, this never would have happened. You don't have to if you don't want to. And the other is the bureau of environmental services. I saw dean here earlier. Commissioner Saltzman, your bureau was very helpful in allowing the use of some land. Dean must have had to leave. So I wanted to thank you, and dean marriott as well. Go ahead.

Judith Rees, Parks Bureau: Thank you. Judith reece, Portland parks. Here's my fancy map over here. The sdc properties, the green dots, killingsworth site is where the blue dot is. You can see. [no audio] this is probably -- has probably one -- been one of the most complicated land transactions i've done in the almost five years i've been at parks. There have been more partners involved in this and without all of them, this would not have happened. Deq initially contacted us and charlie landman, tim spencer and bruce gillis have worked with us closely. Interested us in the opportunity in using the area as park, and they have been instrumental in -- because they installed a new leachate and methane collection system to protect public health and safety. Without that participation, the citizens here would not -- this would not be happening. As you've already heard, metro is a major partner in this project. Without their expertise and maintaining and managing both the new systems and the site during the time the systems will function, we would not have been able to do that. Parks does not have that kind of expertise. The staff that we've worked with, I would really like to recognize jim watkins and dennis o'neal. They're at the solid waste staff, and without their assistance we would not be here today. You've heard that bureau of environmental services has been critical from the very beginning. I've worked closely with them on, you know, how to deal with all the environmental issues on the site. Dean marriott, who had to leave, unfortunately, has -- was instrumental in agreeing to allow the leasing and -- at no cost for 20 years, a portion of parcel a that was kind of the quid pro quo that we could give to metro. They will be providing all the lab analysis for metro's work and will be doing the lab analysis of test samples that are done monthly. They will also be providing the reports to deq that are required as part of the transfer of the property to the city. Also, we should mention Multnomah county -- and i'm sorry, the other staff at b.e.s. Are al smith and john o' donovan. Multnomah county has been instrumental. They have expedited the tax foreclosure of the property and the transfer to the city for park purposes. Without that, we wouldn't be getting the property. And obviously our commissioner Francesconi has been critical in negotiating with metro and some of the other agencies involved. City council, for your support and charles jordan's support for use of the cip monies that were able to reimburse deq for portions of the expense that they've had in installing the new system. Also the allocation of \$25,000 a year for annual maintenance of -- for replacement equipment. Metro will be maintaining the system, but we will be paying for the replacement pumps as they're needed, that kind of thing. And also our commitment to b.e.s. To get them to give up the portion of parcel a for metro, parks has agreed to provide \$250,000 or more in the next bond measure for repair of existing parking lots in existing parks that drain directly into the willamette river. So that those will be environmentally -- become environmentally correct. So you can see that there is an entire network and a very complicated --

Katz: Almost, almost as difficult as the civic and the convention center, and the performing arts. Almost.

Francesconi: Dean marriott is a good negotiator too, and he was doing the work of his commissioner and parks was very eager to do this, I should add. And finally, I really need to

JANUARY 31, 2001

thank jan betz of the city attorney's office who really without her assistance, none of this would have occurred. She really was instrumental in pulling this off. The last thing, it has been a real pleasure to work on projects like this in the previous site that we discussed. It's -- it gives -- even though these sites may not be put to their full use right now, we need to wait until the environmental situation is taken care of on kids, but it gives us something really positive to focus on for the future. And to give us an opportunity to work with the community to come up with a design that will really suit them in these areas and address their needs. And it's really been a wonderful experience, complicated and frustrating at times, but it's a wonderful opportunity to be able to partner with other bureaus and agencies within the region. Thank you.

Charlie Landman, Oregon State DEQ: I'd just like to add a couple things. I'm charlie landman from deq. I'd like to thank judith for her work and jan bets too. This wouldn't have happened without jan's involvement. She really brought her skills to putting this agreement together. As I think a lot of folks in this room know, deq is in the business of recycling land. This is I think -- has I think added to the brownfields kind of projects that deq has carried out, including the yards at union station, which recently won an award from epa this year. I'd just like to thank the city, the county and metro for bringing this together. I think it's a tremendous end use for this former gravel pit, actually, which was a landfill, and will now be a tremendous addition to the park system.

Diane Rebagliati, Cully NA: 5908 NE simpson, 97218. I'm diane. I live in the neighborhood situation, where -- which is where this park will be located. We have been park deficient forever, and we want a park badly, but not at the expense of our children. My husband was in the garbage business for many years. I know about landfills, I know about recovering landfills. And I have no doubt that at some point this land will make good land for something. I have my doubts about whether it makes good land for a park for children, especially if we have to wait another 20 years to use it. There's also a railroad that runs right alongside there. There's a five-lane highway to cross to get to the property, for kids to play on, and so we are concerned -- I am concerned, since i'm no longer in a position to represent the neighborhood association, although I talked to several of the people that do represent it, and the general consensus is we're concerned about this sighted. We're concerned that if all the effort is put into this site and it -- we have to wait so long for it to be viable, that in the meantime, there's no other sites being worked on, looked at, pursued. There are a couple other sites that could be used for parks immediately, sacagawea comes to mind, the property adjacent to that, which is also a gravel pit that's been filled in. And I was told that there's another site between 53rd and 55th on alberta. I haven't personally gone to check that out, so I don't know for sure. But -- so our concern is, you know, we're grateful that the city is working on a park for us. But our concern is when are we going to be able to use it, and how safe is it going to be? Although I do feel better since deq's speaking about testing and ongoing checking into what the property is doing. But our biggest concern is, you know, how soon our kids are actually going to be able to use this. My kids grew up in that neighborhood without a park. They're all in their 30s, you know. I hate to see the also children that are there now be in their 30s before we get another park.

Francesconi: You're raising legitimate concern, especially about safety and your kids being able to play. Let me say that 25 acres is a lot, and you can do a lot on 25 acres. And we're not going to wait for the 15 years to allow some access. So in addition, mike burton mentioned anything -- low-impact kinds of things, grass, picnic tables, trails, places for kids to play, ball games, not unfinished ball feeds, but not on the street either. So there's going to be all of that. In terms of safety, I can't give you a precise date, but within -- as soon as we can get moving on this, okay, so you are going to be able to use it. Not for finished fields, soccer fields, that's going to have to wait. But it's going to be a whole lot safer than playing on the busy streets, let me tell you. And in terms of the other

JANUARY 31, 2001

safety, it's going to be absolutely safe. We need your help in spreading the word on this, because they're going to believe you more than they believe us. But it's going to be a shame in that -- if that 25 acres sits there and kids don't play on it if it's safe. Are there any plans to look at more accessible -- make it more accessible as far as getting across the street?

Francesconi: I don't know the answer. I'll talk to commissioner Hales and we'll see about that.

Raquel Aguilon, Clara Vista Apts.: I work as a youth advocate. I brought today three parents and their children who would like to give some comments. They live in the community and they want to talk about the park. Actually the parents are here representing a large contingent of other parents that due to work or school obligation was their children were not able to make it today. But they're very excited about this of the park and they wanted to share some of their feelings with you. They are speaking in Spanish so I will try to translate unless someone understands Spanish.

Katz: Thank you. Why don't you give -- all right. That's fine. Go ahead.

Justine: My name is Justine.

Translator: I am very much in support of a park for children in our community. I believe it's very important for the development of our children. That -- there is ample space in that area, at 72nd and Killingsworth for a park. Because children need to play and share time with their families, and with other children. So on behalf of myself and the parents that I am representing from the neighborhood, I would like to enthusiastically give our support to a park in our community.

Katz: Thank you very much.

Translator: Thank you.

Katz: Anybody else want to say anything? Why don't you move the mike in front of her.

Translator: I have three children. I have -- so that on Saturday and Sundays, during the weekend, the children can go out and do some recreation activities and have a good time and enjoy themselves. When you -- we need an area that's close to home. Currently the children don't have any place to go and play in the community. That's all that I wanted to share today. Thank you.

Translator: My name is Montilla. Currently in our apartment complex it's limited confined space, so we are not able to have our children play or go outside. Sometimes neighbors will complain or we'll have situations where we don't have a place for the children to go and play. So I would like to support very much a park in our neighborhood. We're very excited about the prospect of a park being so close on to -- to our community, not only for the children, but for us as adults where we can go. And also enjoy some time in the park with our families and children in the community.

Translator: Thank you for listening to us today. And also for supporting the park effort.

Katz: Thank you.

Virginia Salinas, Family Resource Center: I'm Virginia, family resource center out at Clarvista. I brought the families here.

Katz: Thank you very much.

Salinas: Just to add, some of the families really wanted to be here today. And I apologize, because a lot of the children are in school, but whether we announced it, that there was -- the families could come and give testimony, they got really excited, but the fact it was the next day, we didn't have much time to really get the families gathered together. It's a difficult process, because it includes outreach and recruitment. So I am speaking on behalf of the families.

Katz: Thank you. You did very well. Thank you. Anybody else? Roll call.

Francesconi: Thank you very much for coming. We all look forward to the day when the children and the adults from the area can play with the children and the adults from the neighborhood association and the other -- we talk about parks as kind of relief from density, which is really important, but even more important is parks as community gathering places. And so it's terrific. There are two people that -- everybody's been thanked, but I want to reemphasize the role of Judith

JANUARY 31, 2001

reece and jan bets. They did a terrific job. Real terrific job. Judith, we're going to continue to use her in parks. Her focus is shifting, but she's a great negotiator. And judith, later on how felicia reflected back on her time in the city, you'll be able to go into these parks and see kids playing from all income levels and all ethnic backgrounds and you can know that you did that. Jan, in addition to being a terrific lawyer, is a terrific soccer player and she's looking to playing soccer eventually someday on this field, because we also don't have enough soccer fields. And that's going to be something. There was one point in the negotiations that jan was sorry she asked me to get involved. But we worked through that. And we formed a team here, and it was terrific. We have such great people at the city who are -- who work together across bureaus. I don't think we get that story out. Today is such a great day. From a gravel pit to a park, from a dump site to a park, and we're one community. Aye.

Hales: Great partnership. Great results. Aye.

Saltzman: Good work. I'm glad on behalf of the bureau of environmental services, I know al smith is here and jan, who does great lawyer work, we're glad to play one small role in making this wonderful new asset available to a neighborhood that needs it. Good work commissioner Francesconi. Aye.

Sten: This is an inspiring piece of work. It's also a great fun and rewarding to see some of the new people in front of council. It shows that not only will this work, it's getting more people involved. Good work again, commissioner Francesconi. Aye.

Katz: Good work, everybody. Aye. We aren't -- we're at regular agenda. I've been requested to move item 120, because it is also good news about property acquisition.

Item 120.

Saltzman: We have one more parcel of property to bring into city ownership. We just brought I think a total of 45 acres into the city for new parks. I thought it was significant also to highlight today that we're also acquiring another 11 acres under the johnson creek floodplain property acquisition program. This will be 11 acres of open space that will help not only provide protection against floods, but also provide fish and water quality benefits too, and I just thought it would be worth -- since we're on a roll, to highlight this acquisition that will be coming under the b.e.s. Willing seller acquisition property and will be managed by parks and -- maybe you have a few words to say, show us where the property is.

Daniela Brod, Bureau of Environmental Services (BES): Sure. I'm excited to be here to -- especially on this day -- my name is dawnella. I work for the bureau of environmental services. A perfect day for something like this. The -- gravel pit to park, landfill to park and in this instance we have several flooded properties and homes and distressed families who over the last three to four years we have acquired some of the -- in conglomeration with some of the neighbors properties will have over 40 acres to do flood mitigation. The hammersmith property is one of several parcels and at the southeast corner of lower powell butte nature park, just to go --

Katz: Do you want to point it out?

Brod: Sure. Here's powell butte, which is owned by the water bureau, managed by parks. Here's spring water corridor. And the property conglomeration, here's johnson creek flowing from east to west, and kelly creek comes in right here. And the property, elsa brownwood property site is a conglomeration of several properties. Hammersmith today will add to that another additional 11 acres. What i'm going to -- we've only had one public meeting so far, we've done about 10% design on the project. And it's a really exciting project. Mostly because it's a rare opportunity in the city of Portland to be able to have so much area and place to do flood mitigation and help with the flooding problems that have plagued johnson creek for so long, as well as meet other objectives. This is going to be a significant opportunity to do some stream restoration and habitat

JANUARY 31, 2001

improvements in johnson creek and consistent with our esa recovery plan. The other opportunities we have, due to the spring water corridor and some of the recreational activities this site will offer in terms of bird watching and potentially even access for folks on to the site, so we're only in preliminary design phases. We've had one public meeting, received very positive responses, especially from downstream neighbors, and I want to thank you for the opportunity to share with you our success. This is the first time we've brought property acquisition, willing seller to the regular agenda, and the last three years we've acquired over 70 properties totalling 65 acres in johnson creek with the assistance of money from fema through their flood hazard mitigation program, and hud, housing and urban development department. And due to the reason that it -- due to the objectives that it meets in terms of helping folks out of harm's way. And we're hoping to be able to do more of this in the future. So thank you.

Francesconi: Do you have money to do this?

Brod: We currently have no further money from the federal government to do land acquisition. Unfortunately the regulations as they stand now, you have to wait for a flood to happen. The feds are working on that. They're working on making money available for before the disasters. We do have some capital improvement money budgeted in the b.e.s. Cip budget for this project. However, we didn't get as much as requested. So we will be looking for some partnerships on building this project. We do have enough money for design. It's questionable whether we'll have enough money for full construction of the full shebang that we design. We'll see on that.

Katz: Thank you. Anybody else want to testify? Roll call.

Francesconi: This is a terrific thing. You're to be congratulated, commissioner Saltzman. This is a continuation of the efforts commissioner Sten worked hard on. This combination between parks and b.e.s. That we heard earlier is very active here along johnson creek. And it's a great partnership. Aye. **Hales:** Aye. **Saltzman:** Good work. Aye.

Sten: This is a pretty exciting day. A lot of green space and a lot of parks. I'd just say quickly I think -- you said very well that the johnson creek is probably the greatest example of how you can wrap a bunch of different benefits into one issue. We're reasonably certain but you never know for sure that this land will play a big part in the endangered species work in terms of giving fish habitat they're missing. Let's say we're wrong on that, it will still be a great place for parks and walking, and it will still save us a lot of money when we don't have to send emergency vehicles into the flood every year. It's one of these areas as people look at, are we making good investments in environmental issues, spent well, you can't go wrong with something like this. This is obviously money very well spent. I think it also -- an underscore for why the council has got to keep negotiating and probably changing some of the things we do, but pushing hard to make sure we get a clean river plan approach to our sewer spending. This will be a place for storm water to go as well. And that's another source that we've got to keep alive, something that gets multiple objectives. We'll succeed on the sewers, but fail on some of these other issues. This is a great example of the right way to do it. Good work. Aye.

Katz: Aye. All right. 118. Commissioner Francesconi? Commissioner Saltzman?

Item 118.

Saltzman: I'm pleased here, it's maybe fitting as we formally commence our negotiating with the ductu to get another bargaining agreement signed and sealed today. That is the agreement with the bureau of emergency communications employees, our 9-1-1 folks. They provide a critical public safety service, sort of the glue that holds our fire emergency medical and police resources together. This contract, david shaff and cheryl whittemore can explain the details of it, but one of the primary issues that we sought in these negotiations, and this is a contract that goes through 2003, was to reduce unscheduled absences, which impact staffing levels and increase overtime cost. So I

JANUARY 31, 2001

think we've come up with some innovative ways to get at reducing unscheduled absences, the changes that david will describe, they are basically a pilot, we're trying them on a pilot basis, and these pilot changes will sunset in 2003. It's a little bit of the carrot on the stick approach. The stick approach is to define excessive absenteeism and to provide for denial of overtime to employees who are absentee, because oftentimes they use overtime to make up their wages at times when they should -- which has an impact on other employees and on moral. But in addition, the carrot approach, we've agreed to pay a cash incentive, payable at the end of the calendar year, to give those who have an exemplary attendance record. It ranges from \$1,000 to \$4,000, and it's based upon your years of service and also the few of the number of hours you're absent. Fewer hours you're absent, the more you've worked there, the more of the cash incentive you're eligible for. So this is -- we think this is a way to deal with getting unscheduled absences down and reducing overtime costs,. And the final thing, we also want -- staffing and hiring, 9-1-1 dispatchers is something that's very difficult today. Only about 20% of the eligible people who even -- 2% of the people who even sort of check out for the job ultimately qualify in terms of passing the psychological test and everything else. So getting and keeping people is also a challenge, and today's tight labor market makes it even more of a challenge. We're increasing the entry level wage and providing other incentives consistent with our goal of increasing staffing levels and reducing overtime costs. With that, i'll turn it over to cheryl or david.

David Shaff, Bureau of Human Resources: Mayor, council, i'm david, the employee relations manager. I don't really need to add anything. This is consistent with this agreement is consistent with our other bargaining agreements in place for a wage and benefits package, and then as commissioner Saltzman mentioned, he talked about the one issue that we brought to the table, and that was to reduce unscheduled absences and try and improve our staffing. The only other thing i'd mentions is that we have made changes to our language regarding shift configuration to enable the managers at the facility to better structure shifts and to better schedule people that we do currently have on staff. Other than that, I think commissioner Saltzman covered it pretty well. We are trying an innovative approach to reducing unscheduled absences, and it does have a sunset clause, so that in two years' time we will be back at the table with the bargaining unit to determine if what we've proposed -- what we've agreed to today actually worked and resulted in a reduction of unscheduled absences. Then the increase in pay for the trainee level, the entry level wage, again, is intended to make us more attractive to potential applicants and to help us with our staffing situation.

Katz: Thank you. Cheryl?

Sherrill Whittemore, Director, Bureau of Emergency Communications (BOEC): I would just like to --

Katz: Identify yourself for the record.

Whittemore: Excuse me. Cheryl whittemore. I would like to say the bargaining team did a good job of putting this package together. It is very innovative. We've been trying to deal with unscheduled absence problems for several years. We think this has a chance of succeeding. I would also like to indicate that we have systems in place and we're working under the rest of the programming to make sure we can track all of this information. So that we know at the earned the success rate. So we'll be able to know who is -- who has because of -- who is exempted from the program at that point. So, again, thank you. I think it will be successful.

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

Francesconi: Just a couple thoughts. One is boec is a very difficult place to work. I know that from my prior life. I probably represented 15 to 20 boec employees in the past, all for stress-related issues. So although it's been a while, i'm familiar with that. And so this agreement tries to address some very serious issues. Specifically people calling in sick which results in more

JANUARY 31, 2001

overtime. There is a problem here. I actually looked back at our last budget, so -- and our last hearing. The overtime costs for Portland were \$1 million. That's four times that of Sacramento. A city of similar size and population doing similar work. So what we're trying to do with this agreement, which I support, is trying to address that issue, an issue of sick leave. What we're doing here, though, sets a precedent. We're paying people to do what they should be doing anyway, frankly. And because of the stressful nature of it, I'm willing to support this. But I want to be clear that this is on a pilot basis, and the idea of expanding this to other bureaus is something I don't think I would support. I also want to say that just as I believe that the police commissioner, the parks commissioner, fire commissioner, you know, have to deal with management issues, this begins at the top of the organization. And management has to address these issues. It's been done in other cities, and it needs to be done here. Having said all that, I support this. Aye.

Hales: Aye.

Saltzman: I just want to say that I would also echo the thought that this is a pilot agreement here and probably one that is unique to the nature of an entity such as Boec in terms of the absence issue. So I certainly probably would not support extending it to other bargaining units either. And I truly hope it will work to get unscheduled absences down at our agency and therefore to reduced overtime cost as well. But I do want to say that I want to thank the bargaining team, David Shaff, Cheryl Whittemore, other members of the team, but also the employees as commissioner Francesconi said, it is a very stressful job. But for the most part they do a great job and that's one thing that you can count on, is that they know their mission, they know their purpose and they do it very well. So I'm pleased that we're able to reach overwhelming support of the bargaining unit for this new agreement. Aye.

Sten: Good work. Aye. **Katz:** Aye. 119.

Item 119.

Francesconi: This is terrific work, commissioner Saltzman. I think the central city particularly is suited for ecoroofs. Because you can do other prop rat treatments. Sometimes where there's other locations, it may not make the most sense, even environmentally and costwise. We're discussing that in the fire bond measure. But in a density area like the central city where this bone white house apply, it makes absolute sense. Aye. **Hales:** Aye. **Saltzman:** Aye. **Sten:** Aye.

Katz: I want to again thank the planning bureau for setting aside some of their regular work plan to do this at the request of commissioner Saltzman and the council. Aye. Item 121.

Item 121.

Olson: I have a substitute. Contract with tri-met for \$5,000 to perform assessments within the north interstate corridor and neighboring area.

Katz: We have a substitute? All right. Do I hear a second? **Saltzman:** Second.

Katz: Any objections? All right. Substitutes before the council. Anybody want to testify on this issue? Roll call. **Francesconi:** Aye. **Hales:** Aye. **Saltzman:** Aye. **Sten:** Aye.

Katz: This is -- this money will also be used for Portland brownfield showcase program, in cooperation with the bureau of housing community development and tri-met, and commissioner Sten and I also chair a task force and will be working together to make sure we spend this money wisely on some sites in north and northeast Portland that are brownfield sites. Aye. 122.

Katz: Anybody want to talk to us about that? If not, roll call. **Francesconi:** Aye. **Hales:** Aye. **Saltzman:** Aye. **Sten:** Aye. **Katz:** Mayor votes aye. 123.

Katz: This is a second reading. Roll call. **Francesconi:** Aye. **Hales:** Aye. **Saltzman:** Aye. **Sten:** Aye. **Katz:** Mayor votes aye. All right. We're at our communications. 124. Koenig.

Item 124.

JANUARY 31, 2001

Richard Koenig: Good morning, I don't know how -- I don't know how the same title keeps getting on my communication. Actually, we're not going to talk about piiac.

Katz: Do you want to identify yourself.

Koenig: Richard koenig, buckman neighborhood. Recently I spent another half day studying the law. You included the statute of limitations. Lo and behold, it says that elected officials don't enjoy the same couple years to run the limits on class a misdemeanors. The law is logical in this record. Obviously if a person holding a position of public trust is discovered to have committed a crime, it would be better late than never to initiate a prosecution. In december of 1995, I was witness to Multnomah county then district court judge paula kirchner's failing to do a duty imposed by law. She refused to reward custody of a minor child who -- to a father. Although such a request for custody had been made by the petitioner. I was reluctant to follow then presiding court judge's londers' direction to deliver the -- to criminal judge philip abraham. I didn't have any experience doing that kind of thing, making an arrest, and I preferred to have trained law enforcement personnel do that job. Subsequently, I was referred to the Portland police bureau by the district attorney's office to make a police report. When I tried, a special report was created, but the subject was me. In that special report an officer bella represented that I threatened judge kirchner's life. Unfortunately for officer bella, that meeting was audio recorded routinely. Police commissioner Katz n. Her capacity as a piiac person, moved to deny my appeal of the internal affairs division finding that officer bella was too credible a fella to have made a false police report. But judge williams keyes didn't find that that report was credible. You lose on that one, mayor. The last time I attempted to file the same report I was ultimately arrested. In the lobby of the northeast precinct. Trespass in a public space requires some element of unlawful conduct, which gives rise to a lawful order to leave. At least half a dozen police officers from the northeast precinct testified against me, but none had the presence of mind to fabricate the element of misconduct. The jury may have set down to deliberated, but it didn't take them long. They came back in a few minutes and said not guilty. The charge that my associate pat dinan received for attempting to video ply defense exhibit, which would have been the public space where I was arrested, was dropped in the next couple of days. So he was innocent at all times of anything also. My goodness. Well, I contacted recently the sergeant who arrested me and told him i'd like to profit from our experience. And take it from the top. Start over and do it right the next time. Guess what? He referred me to the city attorney's office. Since the city attorney is sitting right here, I thought maybe next week would be a good time to make that police report here. Although i'm open to suggestions about another good place that it could happen. And I will copy you with this.

Katz: Thank you. Item 125.

Item 125.

Patrick Dinan: I'll wait until you receive the information, because we'll be going over a couple pages to understand where i'm coming from with this issue. And it's getting very serious. I'll identify myself now. I'm patrick dinan. What you have before you is a letter basically in the last month and a half between myself and the mayor. And the two individuals with the Portland police department, assistant chief berg and captain brett smith, which is the -- in charge of iad. I have marked a few lines to show you my ambiguous and -- their reply to my simple request. Provide this citizen with written lawful order that they have claimed that was used to deny me access to get access to a criminal trial of richard koenig. It just enforces my position as a citizen that the police need to get out of investigating themselves and we need an independent review board. The city charter is clear on how exclusion orders are worked. They must be in writing and have a way of appeal. Action taken against me by sergeant stevenson who was the arresting officer of richard koenig are questioned -- are in question being unlawful. Let's go through the correspondence that I

JANUARY 31, 2001

have received from smith and berg. 1st, thank you for getting -- your reply only took five days. My average reply is only usually three weeks. The first letter is from berg. She is advising me the serious allegations which were substantiated in the letter. They're in my file. The next letter is her -- my reply to her on january 4th. She has reviewed my piiac file already. She doesn't deny this. Third paragraph, she found no lawful instrument in my file. Police enclose a check for \$2 to provide it to me if I was willing. I gave her \$2 and said, if you -- if i'm wrong, make me a copy and send it to me. She send me the check back. The next letter is from you, mayor. If you'll note, the re is production of lawful trespass or exclusion order issued to me on or about may 2nd, 1999. Remember that date, may 2nd. Because in the next paragraph -- on paragraph 2 I state, you cannot provide the written lawful order document in five days. I will consider it as I have been told. No document is available or existed. I have still not seen one. In paragraph three, I ask for action. Next is the mayor's letter. Note the date, asked about may 2nd. Now look at captain brett's letter of may 24th -- january 24th. You'll note that he acknowledged getting the letter and that I want the document. As the captain does so well before, piiac, both the citizen and your consul, he uses may 10th. Nowhere on your letter, mayor, is the date may 10th. It is may 2nd. I made no mention. Is there a violation of general orders 31050 here? The third paragraph, he talks with commander foxworth who agrees he does not consider mr. Dinan excluded or -- does that mean I was at some time? If so, where is a written lawful order? And you might want to check the second -- next sentence. Let's get to mr. --

Katz: Patrick, your time is up.

Dinan: You know, I can come back each week and we can get this finished.

Katz: That's fine. Your time is up now.

Dinan: I'll close with, I look forward to an answer as to what you're going to do -- in the next seven days. Ladies and gentlemen, they aren't doing their jobs and they're messing you up and putting you in major liability situations. Thank you.

Katz: Thank you. 126.

Katz: He's not here? Fine. Everybody, we stand adjourned. Thank you until 2 o'clock.

At 11:08 a.m., Council recessed.

JANUARY 31, 2001

2:00 PM

[Mayor Katz was late so the President of the Council, Commissioner Hales, presided until her arrival.]

Item 127.

Hales: Planning bureau has a presentation of the amendments in front of us.

Tom Carter, Planning Bureau: A short one. Tom carter from the planning bureau. I believe you have a document, proposed amendments, recommended graph. -- recommended draft. This is the policy issued described and the information I gathered about them, and then there's a second document which is called, replacement and insertion pages, which is the actual code language that would implement those proposals.

Hales: Okay.

Carter: So when we had the first hearing, I was asked to look into various issues, and we met with additional people. I met with city staff from b.e.s., Opdr, parks, discussed policy issues. I met with scot from opdr and b.e.s. To discuss implementation issues. I -- and from some additional landscape architects and nursery operators. And I made a presentation on january 18th, I believe. I developed these proposed amendments based on the information that I gathered during that process. As well as what i'd learned during previous year or so working on this project. Where possible I proposed amendments that were supported by the majority of the people I talked to during this process, but where that's not possible, i've tended to give a bit more weight to responding to the citizen testimony that was received to supporting the goal of improving storm water management and to making sure the proposals can be implemented in -- and administered easily. So I thought I would walk through the issues and give a little introduction to each of them. Issue number 1 is identifying at the submittal stage the landscape areas that are to be used for storm water runoff, recommending a procedural change. We don't need to change the zoning code. Opdr has agreed to add this to their list of submittal requirements. This will bring storm water management to the beginning of the process. It -- there won't be anybody having to go back and find out they didn't address what they needed to at the beginning. So I hope this smooths the process.

Hales: Are we going to do questions as we go?

Carter: If you'd like, go ahead.

Saltzman: I guess the concern I had last time, which -- it sounds great, I appreciate opdr's cooperation, somebody comes in with a parking lot, new one or redesigned one, they're going to have to clearly show on that plan where the storm water management features are.

Carter: Yes. The landscaped areas that are going to be receiving storm water have to be identified, and if it's not, it's on this list they'll get. So if it's not, that's --

Saltzman: It won't be considered a complete submittal until it's on there and labeled on there.

Carter: Correct.

Saltzman: Okay. And we don't need code language to do that?

Carter: No. Issue number 2 is the types of trees. The recommendation borrowed language from storm water management. It had required 40% evergreens. There was discussion this is too restrictive and would lead to some design problems, excess shade in some situations. And general agreement was it's better to reduce this requirement to have more flexibility in the design situations. The issue is the evergreens provide better interception of rainfall. They actually reduce the runoff and have their leaves in the winter. The deciduous trees do not, so they don't provide that benefit. That is the reason for this proposal. For issue number 3, I want to clarify -- go ahead.

Francesconi: I've got to get the rules clear. Do you want us to make points -- flag issues if you --

Hales: Go ahead.

Francesconi: I also requested more work done on this, so our forestry experts, the urban forestry commission, that they weighed in on this. So it's my understanding that there's some conflict as to

what the appropriate kinds of trees should be. So it's my understanding that one compromise that appears reasonable is a list of preapproved trees, like 30, the number 30 was -- so you give a lot of options to the developers.

Saltzman: Evergreen trees in particular?

Carter: That is a related issue.

Francesconi: Am I on the wrong issue? I'm sorry. You don't have to be polite. But I appreciate your intent to not embarrass me. We can wait until the proper time.

Carter: Okay. Issue number 3, I want to clarify we've been using the words evergreen and deciduous. It's more proper to say that the broad-leafed trees are generally measured in con -- i'm recommending that technical change. There will be fewer exceptions to that as far as the measurements. Now, this issue -- I put two things together. Which is requiring a minimum tree size generally through the city and the other is making an exception where needed trees are to be planted. This is a contentious issue. Here i've given more weight to the citizen testimony that came in on this issue, and what I heard during my research, which is that there is a more limited supply of the three-inch trees, which are in that current proposal, planning commission recommended draft, so it's both expensive and it's more difficult to get the varieties of trees you're looking for, and in some cases it appears that there are violations of code. And we have trouble enforcing the code provision, because people at least say they can't meet it, and then -- the problem with the zoning code is that it doesn't actually allow you to say you can plant a three-inch tree unless -- you can't find one. So it's a rigid tool. It's hard to give a flexible standard.

Hales: It's a minimum.

Carter: Yeah. Three-inch --

Hales: Whatever is in the code is minimum. You can always plant a bigger tree.

Carter: You can always plant a bigger tree. I should also say this applies to private property. It does not apply to city-owned property or street tree. Now, the exception here, b, is to allow the minimum size for native trees to be -- let me say a little more. There are so many things that were said about the sizes of trees, what's important. I think most people I had in mind -- most people had in mind survivability being the big issue. There was disagreement on the affect of the survival of the tree. Most people would agree larger trees will survive vandalism better, resist vandalism, if I foresters have better results with larger trees. Others say smaller trees survive transplant shock better. Some people have made the point the parking lot is not the same environment with respect to those issues, vandalism and in particular as a street -- back to the native tree exception, another thing everybody agreed on was it's very difficult to get native trees in sizes larger than 1 1/2 cap per inches. -- call per inches. We'll get to the discussion about the appropriateness of native trees in general. This proposal would allow those who wish to use native trees to use them. So the proposal is structured as intended to avoid having an effective ban on a native tree by holding the size standard too large. So that's the purpose of the proposal for item 3-b.

Francesconi: I think i'm right now on this one. Okay. Now, it's my understanding, I may be wrong about this too, what you do is you go to two-inch caliper for all trees. But the purpose is to allow native species.

Carter: Two inches would be for basically all the -- I should say also, this is nonresidential zone. It's not applying to single family residents, which also have a size exception. So this would be two caliper inches for the nonnative trees, basically. Most of the ones that are commonly used, and then create an exception for native trees. Part of the reason here was native trees, there are those who believe the native trees have additional values. Not necessarily better storm water values, but support other goals, such as related to the endangered species act, that sort of thing. This exception allows 1 1/2-inch native tree, if that is what you choose to plant. So these -- it leaves that choice up to the applicant.

Francesconi: Okay. We're go to have to have some testimony on this. I may be -- i'm confused. What the forestry commission looked at this, and i'll just get it out, you put 90 whatever order they're

supposed to, they would like a list, and I thought maybe planning thought this was okay -- of 30 trees that -- so we give some directions, but options to people. So that was one issue. The second issue is the issue of the three-inch trees. I have a letter dated 1986 from bill naito. We have an established policy that goes back to august of '82 that says we should have three-inch caliper trees. So we just went through this separate tree planning ordinance that set the standard at three, and now we have a proposal to reduce it to two. So as a compromise on this issue, I want to throw out the possibility of, which was recommended by people, we're going to hear some testimony, that we stick with three, but if you want to do two, then you just come up with a little bit of money that's less than -- it will still be cheaper than our current code, and that way we have a little fund to plant more trees. It a compromise.

Hales: Let's get through the presentation of what we've got in front of us before we start modifying the modifications.

Francesconi: Okay. Sorry.

Carter: That is mentioned. I'm aware of the --.

Francesconi: I made my point.

Carter: Issue number 4 covers the other part of your concern, the list. I'm not making a recommendation that we use a list at this time, at least not in the code. And --

Hales: That's issue number 4?

Carter: This is issue number 4, yeah, which is crown size and spread. I looked at two ways to do this. One is to have a performance standard. There are examples of this in other discuss' codes. You require that trees shade a certain amount of a parking area after so many years, or you allow people to propose trees that says, yes, this tree will reach a certain size. But the problem is with this performance standard, and with a list, is that I found we were pretty far from agreement a what the performance standards should be, and what the list might be. This is because I believe the different parties were participating -- who whether participating have different objectives for their tree planting. The business trees for storm water are not necessarily the business trees for other things, like lifting payment, or shape or size. So the criteria, you don't have agreement on that use yet. We're too far from that. So that's why i'm proposing that we not adopt a list at this time in the zoning code. It's certainly a good issue for further discussion, to work out these conflicting objectives. Issue number 5 - - are there any other -- Quality of trees. Essentially everybody favors prohibition on this. There's nobody opposes this. It will only apply to required trees, not all existing trees. Issue number 6, there was citizen testimony on needing more specifications for curb heights and gaps in curbs. Some that was -- would be a problem for administering, difficult to plan check, but one of them was a good idea, I think we should adopt, which is that the tire stops, that kind of device, should only be in front of parking stalls. It shouldn't be used as guidelines along the driveway. Finally, issue number 7 was issue the has and industrial lapped due to excessive parking. Here I recommend an amendment. I worked with the people who tempted the testimony on this issue, and essentially it's because in some zones loading areas may predominate over parking so you wind up with a huge amount of parking required for a small parking lot. So eliminate that by only requiring the calculation of the required landscaping on the parking area. Don't consider the loading area. So that is -- those are the issues that i've addressed, those are the proposals i'm recommending for your consideration and adoption.

Hales: Okay. So we've got a staff recommended package of amendments in front of us. This shows up as second reading. I assume that means the we adopt the package that's in front of us and notice we're done, but we can amend that if council members choose to amended it. Right? So we'll need a motion to adopt --

Carter: I'm not sure if that's absolutely right.

Hales: I -- where's our city attorney? Further amendments need to be carried over.

Kathryn Beaumont, Senior Deputy City Attorney: That's correct.

Hales: These are will need to be carried over.

Katz: No, these don't.

Hales: We need a motion to adopt these amendments. If people want to amend that further that's what we'll take testimony on. Jim it sounds like some -- like something you want to amend.

Saltzman: I'll make a moment to adopt.

Hales: Any objection? Okay. That's what's in front of the council. We'll take testimony. Then we'll consider whether or not we're going to further amend the package. If we further amend it, it's not a second reading, we'll vote on the further amendments and it will come back on a second reading, for a final vote. Any further questions for staff?

Beaumont: I have a question. Do these proposed staff amendments amend language that the council's already considered?

Hales: Yeah, back in our december hearing.

Beaumont: Okay. I think regardless of whether you adopt these staff amendments, whether you add these staff amendments in today or make further amendments to them, it will need to be carried over.

Hales: That's okay.

*****: Unless i'm --

Hales: All right. Thanks. Do we have a sign-up sheet or do we simply have folks here planning to testify? I'm not sure if we have a sign-up sheet. We don't necessarily have to be that formal. We do. Okay. Please, three at a time. Come on up, all three. You have three minutes apiece. Please state your name for the record.

Gregory Wolley, former member, Urban Forestry Commission: My name is gregory wooly, I live on northeast 38th avenue in Portland. 97212. Speaking as a citizen and a 12-year resident of Portland and a natural resources professional, with a botch legislator's, I served on the urban forestry commission on the state of urban and forest council and have been personally responsible for planting over 10,000 trees in the region over the past four years. A basic tenant of urban forestry and right tree, right place. That means planting the right tree for a given location. To overstate that -- you wouldn't want to plant a giant redwood right outside your bedroom window, because within 50 years you would be having substantial foundation problems and plumbing problems. And the same way you wouldn't want to plant a prickley pear in your back yard if you have a 2-year-old. Portland seems to be a city of trees, but it's also a city of bumper stickers. I occasionally see one that says go native, which means plant as many native trees as possible. I'm a big proponent of this. I'm not in favor of planting native trees in urban areas impacted by asphalt, concrete, car exhaust, weed eaters and many other effects of urban life. Urban trees have to deal with drainage and run-off issues, air quality problems, heat sink effect of sunlight, and other challenges. Most of our native trees have been grown for thousands of years, do not have the resilience in an urban setting. That's why the forestry division has developed a list of trees they know, based on years much urban forestry will survive in an urban setting. You're won't see many natives on the list, but you will see many beautiful trees that will be helpful contributors to our landscape. Also, given the right low it's location, bigger is better. When you have the right tree, planting a more mature tree will further help to assure its arrival. The larger trees have gotten a head start by staying in the nursery and getting stronger. That tree will better be able to survive urban stress and other challenges I mentioned. It will also have a head start in providing all the things we love about trees. Cooling shade, wildlife habitat and affecting our city's climate. The current standard should remain intact. Some accommodations should be made on a case-by-case basis if cost is really an issue, but the standard should remain. The urban forestry division staff should be regarded as leaders within issues that involve trees in Portland. In conclusion I say, go native in the forest, but go nonnative in the city. And bigger is better, not only for the trees, but for the citizens of our beautiful city. Thank you.

Hales: Thank you. Yes? Next.

Mark Hadley: 6327 SE Traggart, 97206. My name is mark hadley, i'm a landscape architect and representing comments from the asla, as well as our mutual clients in the development community. Last july you raised the minimum sides of trees to three-inch caliper. This recommended code in front

of you increases the density of required trees by 300%. That effectively nets out at about a 600% increase in costs to plant trees in the parking lot areas. The code change also puts all the plants on the nuisance list on the prohibited list. Thereby prohibiting any further planting of norway maples in the city of Portland. The norway maple is one of the successful trees we have -- shade trees we have in Portland. This limits our selection. Three-inch trees are expensive to plant because they do require tractors and lifting devices to plant them. They are scarce in the nursery industry and that limits selection and diversity. It's difficult to support the combination of all these compounded increases. I suggest a solution is to drop back the size to the inch and three-quarter or two inch, had is a reasonable balance against tripling the density of tree planting required. It's a more reasonable cost much development and allows a greater selection of variety. And this does support the amendment that's on the table in front of you. My second comment has to do with evergreen trees. The recommended code, as you know, requires 40% evergreen trees. That may be beneficial strictly from a water quality basis that poses numerous other site development issues for landscape architects who are responsible for designing functional and safe parking lots. The overuse of evergreen trees in parking lots may cause the following. Many times their growth habit is too wide to fit into narrow parking lot islands. Many evergreen trees like pines will die if they're planted in the wet soil environment of the water quality areas. They conform dunk tank can form dense and visual barriers can -- which can cause safety and vandalism problems. They can create too much shade, resulting in icy spots in the winter. For those reasons, a 20% requirement rather than 40%, is a better solution. Designers will have more flexibility to strategically locate those evergreens in the parking lots where they will be in the -- an enhancement to the projects, not a detriment. Thank you.

Francesconi: I have to ask you some questions, because it was good testimony. So do you have any ideas about how much more could it cost for some -- we don't have numbers in front of us. This is the problem. So you've talked about tripling the density. If we state a three-inch versus go to two-inch, can you give me an idea of the typical project, if will is such a thing, about the difference in price between three-inch and two-inch for a developer.

Hadley: Sure. I'd say it's close to doubling the cost between inch and three-quarter, which was the standard, or two-inch. Those can be handled manually. You get up to three-inch, or the 3 1/2-inch, those need a machine to move them, and that's part -- and it also needs larger excavation and backfill. To that's part of why the cost increase -- the -- it costs more itself. I think a typical contract did price to plant a three-inch tree is over \$300 per tree.

Francesconi: And i'm going to need help from staff on this. I haven't heard a lot of complaints on the cost side. Maybe it's because I just haven't heard them. I thought the three-inch to two inches, the purpose was to allow native plant plants, not the cost issues. So I guess one of the things I need from staff is, are we getting a lot of cost complaints and is that -- because I may have misunderstood. I was pretty sure the purpose of the change to allow native plants.

Saltzman: I think there is a supply issue of native plants. Didn't you tell us of a shortage, there's a tremendous demand for the native plants and that --

Hadley: Yes. My previous testimony was that native plants typically are not available at the three-inch size within the industry.

Francesconi: That's the other issue. That one i'm aware of. That's different than cost, that's availability. Okay. So on that second issue, the idea -- I don't have numbers, so this is tough -- but the idea of going -- keeping a three-inch, but if it's not available and you want to do native plant, have a small mitigation fund you pay into. What's wrong with that?

Hadley: My case that I made, I feel that the -- you have to weigh that against the density of planting that this new code is requiring, and the 10% of impervious increases the landscape area by about 175%. The density requiring -- required is going from 1-200-square feet to 120 square feet. That's another increase. So I think as you look at the value of the storm water issue itself, the long-term goal is to create a bigger urban forest. More canopy, more shade. And I think if you weighed the two three

times the trees, versus larger trees, if you had to choose between the two, which is what I did, I would say the storm water value is going to be reached more successful I by going with three times the number of trees. So when you get back to the cost issue, by doubling the price of the tree, that's six times the cost. That you're imposing on the development community. Which is an issue.

Francesconi: It is. How about the last question? The issue of having more options than native trees? Where have you a list of preapproved trees that would work here. Are you okay with that?

Hadley: Why. Lists have problems -- yes. Lists have problems. There are hundreds of cultivars, hundreds of new varieties of tree that's are suited for individual situations and I think a list is best used as a recommended use, not a required list.

Francesconi: But I take it you agree because of your desire to improve the urban forest, going to native plants that won't work doesn't make any sense either, does it?

Hadley: No. Obviously it does not.

Hales: Okay. Go ahead, please.

Jodi Elder: Hello. My name is jody elder, the assistant sales manager at j. Frank smit and son. We're the largest bare root tree producer in Oregon. We supply bare root and container trees across north america. I've been involved with both friends and trees and the city's neighborhood tree liaison program. The market for call per trees the is currently remarkable. That applies nationally, not just in Portland. Speaking with customers from around the country, the supply looks to be fight for another year or two. There are nurseries willing to all indicate part of their problem to reach that three-inch size. Our sister company, northwest shade trees, does create -- some growers will have trees available at that size simply because there are no buyers when the trees were two or 2 1/2 inch and they've just grown on. Trees aren't manufacturers -- manufactured. We can't add a second shift to increase production, unlike a brick or steel company. With planting and early ordering, three-inch caliper trees can be available. Projects are planned long in advanced and a savvy contractor can procure landscape material months if not years in advance. The growers are, however, often sold out with -- when a land contractor is awarded a job at the last minute and they need to purchase the trees. In fact, three-inch trees can be grown on contract to supply a specific need. Our sister company, northwest shade trees, planted out several hundred trees for installing over the course of a three- to five-year in response to such need. Even though our willamette valley growers ship to areas outside of Portland, it's still an important and significant market. Because of the cost of shipment, call I per trees are not too fracture where they are grown. When the municipal regulation and your market require three-inch trees, you gear up and provide those trees to your customers. So although there is shortage of three-inch tree and two-inch trees, eventually they will become more readily available. I -- the maple is probably the most common. Six feet versus seven feet wide. Our red oak is six feet versus eight feet wide, and a green expire linden is three feet wide versus four feet wide. Even when you first plant the tree you have a more canopy with a larger tree. The first year after planting most plants do not grow very much. They're using their energy to replace lost roots and establish themselves in their new home. A three-inch tree will have more pruning to establish its final form than a smaller younger tree. The smaller trees will be more prone to vandalism even theft. Because the branching structure is in place in the larger trees, less maintenance will be required in the future to secure the health of the tree. Larger trees will come with plenty of new soil that they're grown in. Often a much better quality than the new soil. Development makes a big mess of the soil structure this. Aids in greater survivability of the larger trees. The three-inch caliper expect was adopted by good reason. I urge you not to cave to current market demands by changing specifications that are based on sound principles of you're bang forestry. Instead, be flexible on a project-to-project basis until the market demand eases. Empower your forest department to accept smaller caliper now but insist the overall canopy be mitigated by planting more trees elsewhere. Be patient. It takes time to grow a tree. I wanted you guys to have the catalog so you could see the price differences between two- and three-inch trees.

Hales: Thank you very much. Any questions? I thank all three of you.

Saltzman: I have a question for mr. Hardly. -- hadley. The issue of native species or not in urban environments. I don't think you commented on that. What is your professional opinion on that issue? We heard from one professional, but we shouldn't -- I certainly know the bureau of environmental services, which I am in charge of, has strong feelings we should encourage native species. I guess i'd like to ask both of your opinions on native species in the urban environment.

Hadley: The -- that was an issue at the last council hearing. Since then, we have had some discussions, and I have spoken with both b.e.s. And planning. I asked for a specific clarification a the requirement for native planting. Currently the b.e.s. Storm water manual, the words in the manual require native plants in storm water facilities. There seems to be some various interpretations of those words, and maybe someone from b.e.s. Here can verify that for you. The way I interpret the proposed code -- interpret it, native plants are not going to be required, but will be heavily encouraged to be planted by b.e.s. In the water quality areas, but not required. And probably should have a b.e.s. Person clarify that for you.

Saltzman: And you're supportive of that?

Hadley: Absolutely.

Elder: Trees just need to be planted in the right place. So trees are not adapted to an urban environment. So a lot of the natives don't just live in any particular spot, but there's plenty of places they do well. So it's the right tree for the place they're being asked to live.

Wolley: Most of the trees that b.e.s. Is planting are native trees are planted in the right locations. The watershed restoration program, and so those trees are in the right location. They're in areas that will previously forested and not areas impacted by concrete and parking lot. So we're talking here about areas that are surrounded by concrete parking lots and heavily impacted by the effects of being in the city. And those are the areas that impact the trees.

Hales: Thank you very much. Britta, do you have three more?

Rob Crouch, Urban Forestry, Parks Bureau: I'm the urban forestry coordinator for the city of Portland. I also live in Portland at 3821 northeast wisteria street. After reviewing these changes, i'm quite disappointed and concerned about lowering the street standards in a time of infilling, which causes loss of many urban trees, the city should be strengthening the tree ordinances and not weakening them. The three-inch minimum standard, which was adopted in 1999 in june, has been working well. The urban forestry has been implementing this and seeing many benefits and they far outweigh the perceived problems. Up front costs are more, but bigger trees you rile eyes more for your money. Will the alternative that was proposed to allowing the property owner to plant a smaller tree if his choosing if he cannot find a three-inch tree is a fair solution. By having the three-inch standard, we're also sending a good message to the city as well as the rest of the people that trees are important to Portland as wells storm water management. I know -- another important aspect of the ordinance that hasn't been addressed was space for the roots and trees to grow in. And there's an architectural standard I passed out in my letter to you all that's included that addresses that. It has a chart for soil volumes for trees and I will pass my time to brian after this.

Brian McNerney, City Forester: My name is brian, i'm the city forester for the city of Portland. I want to first of all thank you for meeting today and taking some testimony and time to listen to different perspectives on parking lot design and other changes to the city code. These are very important considerations, and what is decided today will have a significant impact on the future of Portland's urban forest. Urban forestry is different from traditional forestry in that it is as much about people as it is about trees and vegetation. On my staff I have arborists who are experts in urban forestry. They are experts in tree stewardship as they are the primary providers of stewardship services for park trees and also provide services related to trees to other city bureaus. They're also experts in working with people. The tree inspectors at urban forestry spend more time working with citizens than they spend working with trees. Much of this time is spent working with property owners to correct earlier mistakes made in the selection, design or care of trees. The more effective approach to urban

forest management is to take a preventive approach and help the property owner make the right choices to avoid cost of re -- cost of expensive repairs. These costs can result from liability claims for the need to make a physical repair to the tree or adjacent infrastructure. Providing good guidance not only helps the property owner but the community achieve environmental and livability goals. It appears that the proposal before you today is merely focused on storm water management. A -- I urge you to use the list of recommended trees adopted by Portland's urban forestry commission this. Is good list that should be a tremendous help to property owners. Trees on this list will perform well in a different environment and be compatible with other city amenities and work for its citizens. Not only will these trees perform well to arrest storm water, they'll also be top performers in achieving urban cooling, reduction of energy use and provide a significant aesthetic element to the community. The trees on this list have also been selected to be compatible with lighting systems, less likely to disturb pavement and not promote crime or burglaries. These on this list are also readily available on the local market. I also urge you to retain the current standard of three-inch tree caliper of commercial development. The proposal suggests reducing the standard to two inches. A three-inch standard was introduced in 1982 for the central business district. The three-inch standard has been use order park and public works projects for the last two decades. We have used this standard because it produced good resulting. For a few dollars more a larger tree can be installed that provides immediate benefits and is less susceptible to human and environmental damage. In the street and parking lot situation. The structure is high enough to meet transportation clearance standards for vehicles and pedestrians. This is important in parking lots. A young tree is much like a young person. It is at significant risk at its youth and needs guidance to reach adulthood without major scars. The three-inch tree has been groomed by professionals, it is well on its way to becoming a fully functional adult that will begin to provide benefits to the property owner. A younger tree will have a lower branching structure that will not meet transportation clearance standards. We'll also need to be shaped as it grows and raised to adulthood by the property owner. Our experience is being most commercial property owners neglect the tree and have other interests that capture their time.

Francesconi: Just one question. On the list that makes perfect sense to me, and I am having trouble understanding why it doesn't make sense, but on the other question, the three-inch versus two-inch, would you rather have three-inch trees and less trees on the parking lot? I'm not saying we would do this, because there's storm water reasons not to do this, but from an urban forestry standpoint -- putting a develop every in the situation where we triple it, but then there's a trade-off. I -- if you had to choose from an urban forestry versus three-inch trees or three times as many two-inch trees, which would you prefer?

McNerney: My understanding is there's been a change in what we originally understood in that this doesn't only apply to parking lots, it also applies to all commercial development now, this new standard.

Hales: It doesn't apply to street trees. But landscaped areas in parking lots.

McNerney: Development, commercial development on landscaped areas.

Francesconi: Beyond parking lots?

McNerney: Beyond parking lots. That was something we didn't quite understand at first. And I guess my preference would be to have a tree that's going to make it, because enforcement is a problem, and if you have a tree that's established and is going to be a survivor, it's going to provide more than three trees that may be only one of them will make it anyway. So my preference would be for the larger tree.

Joe Poracsky, Chair, Urban Forestry Commission: I'm speaking today as chair of the urban forestry commission. I would like to expand on the philosophy underlying my testimony. I apologize for some repetition. In writing this, so it will be done in three minutes -- basic principle to -- is to have the right tree in the right place. This means when making decisions which tree to plant, primary consideration must be given to selecting a tree that is appropriate to both the opportunities and the

JANUARY 31, 2001

constraints presented by the planting site. With parking lots we generally have a readily identifiable set of both opportunities and constraints. Here I will address a couple of Tom Carter's concerns about performance standards and suggest some. As you know, the tree-related opportunities on above ground environment that has no barriers, vertically or horizontally to canopy size. We can put big trees and there's no problem. The possibility of intercepting precipitation before it becomes sewer storm water is another opportunity. The possibility of increasing summer shading and reducing the heat island effect of a sea of asphalt is another opportunity. Finally we have a chance to improve the aesthetics of a portion of the built-in environment that more often than not is needlessly sterile and unattractive. Among the tree-related constraints are a nutrient poor growing medium, often composed of gravel and rock. Highly compacted soils, undersized planting areas, artificially increased air and ground temperatures, concentrations of harmful emissions and the great likelihood of much physical damage to trees. In addition, trees with messy fruit or that drip fluids not welcome by people in vehicles. Knowing the opportunities and constraints it is possible to identify the particular varieties of trees that are most appropriate to the parking lot situation. The urban forestry commission has developed a draft list, and I mean if a -- emphasize the word draft, of 30 varieties that we feel are the right tree in the right place for parking lots. Our suggestion would be to make this a preapproved list of trees from which parking lot developers select. We do not feel a list of 30 choices is prescriptive. In any event, substitutions could always be allowed if a good case can be made that an exception is warranted. One additional point on tree selection relates to what I can only describe as the overzealous promotion of native trees. We would argue native species are suited to natural habitat, but there are no parking lots in nature. We need to remain cognizant the more we modify the growing environment of our cities through human activity, the more we reduce the options for native plantings. The plan you adopted by council in 1995 clearly identifies the places where natives are likely to be successful and efforts to promote natives should focus on planting them in these areas rather than following a one size fits all and seeking to put natives everywhere. Finally, in addition to the tree selection process, three of the safeguards need to be implemented. In identifying planting designs we suggest the code focus on providing direction and goals not examples, that might be applied by overly busy designers. I might comment that that suggestion was made by the landscape architect on the forestry commission. Second, before a planting, better attention needs to be paid to issues of soil quality and growing space for the tree. Third and finally, after the trees are planted, it's critical to -- that follow-up is important to ensure the trees survive and are maintained in their natural growth form. We suggest the Davis, California, program as a possible model. Thank you for your attention.

Saltzman: I'd like to have the bureau of environmental services offer testimony as well.

Hales: Anybody else that wants to testify from the audience? B.e.s.? Come on up, Linda, Tom.

Saltzman: Maybe you could talk of the issue of the preapproved list, why we feel native species are important.

Linda Dobson, Bureau of Environmental Services (BES): Thank you. My name is Linda, with the bureau of environmental services. You should have already received a written comment from us on all the proposals earlier today. I won't go over that, but let me say we're very supportive of the work that has been done by the planning bureau. We're supportive of the amendment that's before you today. If you don't have copies of that, I can try and get you some immediately. I think we're zeroing in on two specific issues. Before I get there, I want to remind folks that we are here today considering storm water related amendments to the parking lot. Parking lot regulations. That is why we're here. We wanted to improve the circumstances for all the reasons you've heard. Water quality, heat, for all those reasons. And that's the underpinnings of our comments and why we are -- come forward with our recommendations. The size, 1 1/2, we found from our own experience it's in our storm water manual that that is the approved caliper for plantings in our storm water facilities. So we have used that, we've had experience with that, and that is our basis for that recommendation. It's also true we are recommending native plantings. That's not to say they're exclusively native. But that we have felt

JANUARY 31, 2001

for various reasons that relate to water quality, having to do with pesticides, fertilizers, better survivability, that natives in the right locations are where we are going with our manual and other storm water efforts. I wouldn't disagree with a comment you want to have the right tree in the right place. Obviously that's what we all want to do. I'm not suggesting that we couldn't come to an agreement on a list. I haven't seen the list that's being recommended. But I think those are the underpinnings of some of the things that we've -- we feel are important. This is an awkward situation. I think we have two very good philosophies here, and it's unfortunate they seem to be conflicting. But I think we can come to some resolution. Did you want to comment specifically on a technical aspect?

Patrice Mango, BES: I'm teresa with b.e.s. I manage the storm water program, which is part of our clean water compliance. I would just like to clarify a point that was stated earlier in testimony that we, b.e.s., Require native trees in storm water facilities, and it's a fine point, but there is a distinction. We only require those in public facilities -- facilities, facilities that we the city maintain. We feel strongly about encouraging and potentially looking at in the future recommendation for requiring natives in some allotment or allocation for all storm water facilities to help us meet city goals and principles.

Saltzman: Right now it just applies to city --

Mango: That's correct.

Tom Liptan: My name is tom, i'm with bureau of environmental services. For this code as it's being proposed, it's not requiring native trees. The issue I think that becomes somewhat confusing is we are asking for 20% evergreen tree concept, which could be nonnative evergreens as well as native evergreens. Just to give you background, i'm a landscape architect, registered in the state of Oregon. I've been in this field for 30 years almost, and i've been studying storm water since 1978 when I worked on my first storm water swale in florida. A lot of the issues here, and I know there are too many to take your time to discuss at this level, but we have these differing opinions as to what is the right tree, what is the right place, the right size, and that type of thing. We've tried to have some dialogue with others about that. We have had some. We feel that maybe the next step, and we would take the initiative to start this, is to develop a discussion paper that's based on the information we've found, we've found information from the u.s. Forest service studies, and put that into a format where we can all -- those who have interesting comment on that and bring something a little more concrete to the table as it relates to these. I say that because one example is that there are a lot of native trees in the urban environment of Portland right now, and you can actually look at this city hall site and I believe the tree right outside the window is a native conifer that's in a circle location, it looks like the right place and the right tree. And so there are many trees out there -- during one of our meetings I had actually produced a number of photographs showing many native trees in parking lots, and some -- anyway, so -- but staff didn't really want to look at those pictures. So I if I if we can get this discussion going beyond this, I think the proposal is a good one, and b.e.s. Agrees with it at this stage. We can look at tree list and have an opportunity for everybody to look at that and assure that all the issues are addressed. We can look at the issue of where we've seen success with planting and in terms of smaller trees and how well they've done, evergreen trees in parking lots, the idea that some trees are not necessarily appropriate for a parking lot because they're native is not necessarily founded on what's out there in terms of fact, that's what's in the ground right now in the city.

Francesconi: I think we're agreeing on the same thing. But the problem with this amendment is it opens it up too widely. You could end up defeating your purposes and our purposes. So the idea of saying in the code that there's going to be a list, and then you go off and decide it, if you can't agree, I guess you come back, but you go -- you're okay with that, I think.

Liptan: Oh, yeah. Yeah. I think --

Francesconi: So what i'd suggest to the council is we just say there be a list, but then we leave it to the other folks to specify what's on the list. And this current amendment doesn't do that. Now, here's - - it's okay that we have disagreements among us. I think that's fine. And I think sometimes we have to resolve it. And parks and b.e.s. Have a tremendous working relationship and that's what's hard right

now. We just bought property together today. And we're partners. And I respect this. But here's the issue i'm having difficulty with. On storm water and how you manage storm water, that's b.e.s.'s charge. On the issue of trees and what kind of trees work, I kind of think the urban forestry department deserves some say on that issue. And therefore, when we got urban forestry telling us we warn a preapproved list, I think that's okay. The one i'm having more trouble with personally is this issue of three versus two. We've got on the three we've got our experts telling us we have a policy going back to 1982, and now through your storm water code you're changing that policy. Am I missing something? Go ahead, linda.

Dobson: It's true that we have a different standard for storm water facilities. I wouldn't say necessarily we've changed that policy that applies citywide in other places. But we have a different standard in our storm water manual. It's based on our own research and the science as well as our own experience.

Liptan: Can I say something about the issue of storm water and trees? What we've been trying to do ever since we've first got into the storm water issue, is to study trees and find out how well can -- do trees work to manage storm water. It's not something the urban forestry commission -- in terms of urban forestry, it hasn't become a part of how they look at trees until the storm water issue came up back in the early '90s. So we've been doing a lot of research. I think we have a lot of good information to share with them about this.

Hales: Any further questions for these three? I think it's time to ask if there are any further amendment that's anybody on the council wants to propose. I'm suggesting mayor that we go ahead and take a vote on this. I think we've noticed and tortured this particular matter long enough that i'll risk a luba appeal and get this one done. Do you want to recommend --

Francesconi: I do. I want to preapprove a list. And leave to others -- but I don't want there to be a -- a preapproved list and I so move.

Hales: You're moving to amend -- which one is this?

Francesconi: I don't know.

Hales: Number 4. Okay.

Francesconi: Not the list all in the code, that there be a preapproved list, keep the list out of the code.

Hales: A second?

Saltzman: Is this a recommended list or a mandatory list?

Francesconi: A mandatory list, but broad. At least 30. I want a lot of options. I want to make sure we try to cover multiobjects. -- objectives.

Saltzman: Are there native species on the current list of 30?

Francesconi: There need to be.

Saltzman: I guess are there?

Francesconi: Yeah.

*****: There are two natives.

Francesconi: Let me be clearer about this. I want a preapproved list to specifically include native plants as well as nonnative, and I want b.e.s. And the urban forestry commission to work together on this. In coming up with a list.

Saltzman: It's a new list.

Francesconi: Right.

Hales: Kristin and susan are standing up. I'm going to ask them to comment on this. The other test we apply to code, is can we administer the damn thing. And that's the question here. So kristin?

Kristin Cooper, Office of Planning and Development Review (OPDR): I just want to make sure, i'm from opdr, I do planning review. I want to make slur that you know what you're doing when you adopt the mandatory list for the zoning code, you're saying that in parking lots, it's these 30 trees and that's it. So there's no discussion about whether or not they're appropriate, and if you aren't able to get the trees or if you want to try something else, it's a \$1200 adjustment land use review. It's an eight-

week process. That's what happens when things go into the zoning code. It's not a very flexible instrument for that. We can't say, you can't get these trees or -- for another three years at three inches, so do something else in between, or the urban forester thinks this other tree is really great here, but it's not on the list, it's --

Francesconi: Can you create -- I appreciate the advice. We want to make this easier. So can you create something that says -- first of all, with 30, that may -- if the list is big enough, that could take care of that issue. So I guess i'd like b.e.s. And parks to remember that. If we go this direction. But the other thing is, can you leave some discretion in something like this to the urban forester so you don't have to go through --

Cooper: No. Not through the zoning code. They could comment through the adjustment process, but it wouldn't be anything you could do in the zoning code.

Francesconi: I appreciate it.

Cooper: One other suggestion we had made, we could have a recommended list we could give to people when they're coming in to ask questions about parking lot landscaping, and say that these are tree that's perform really well and this is a preferred approach. And we're certainly willing to do that. But it's problematic to start putting it in the code. It's hard -- it's also hard just doing a plan check. It also takes more time at the plan check stage and enforcement stage checking to see all the species if they're on the list.

Francesconi: Can I do something a little unusual? Gil kelley, can you come up and offer your advice on this? You've heard the debate.

Gil Kelley, Director, Planning Bureau: On any topic?

Francesconi: No.

Kelley: I think you have a choice of going two ways. One way, just to look at the procedural aspect of it, you could go the recommend -- route of having a recommended list and just say, these are recommended, have the two bureaus get together and sort that out and give it to opdr and it would be at the counter. The other way would be to bring something back to you in a resolution format sometime after your adoption here that says, this is the list. If you want to do a mandatory list, that would be the route you'd have to go. So we're real clear and that would be easier to amend than trying to put them in the code. You could do either one of those two alternatives.

Saltzman: The resolution would provide more flexibility over time.

Hales: What problem are we trying to solve? I'm lost.

Francesconi: If you get rid of the three-inch, you are going to plant trees that won't make it. The objective of having a vital urban forest isn't going to work, because you're going to have all kinds of people planting the wrong trees in the wrong place, and that's the problem.

Sten: Let me -- i'm on a different tact. Please ignore this if it's not helpful.

Francesconi: I need help.

Sten: I was personally convinced by the forestry commission's plea for three-inch trees. I would be prepared to keep the standard at three and toss the list at an alternate one vote --

Saltzman: Could I go for that too.

Hales: We've -- we got into this -- first of all, these requirements only kick in in a relatively minor number of cases. Commercially zoned or industrially zoned new development. Bare site development. Or the more frequent scenario somebody is remodeling their store, a lot of talk at this council about small business this, is a small business issue. Somebody is remodeling, they go over the \$25,000 threshold and they've got to meet the landscape requirements in their parking lot. Surprise. And that's when this usually kicks in. Now, again, the -- one of the reasons you haven't heard many complaints, the number of times this actually bears over the course of the year, susan can give us a guest mat, is not that many. On any given weekend, friends of trees will plant more trees than this requirement will require over the course of a year. In the real world of what's happening. A few hundred trees is what we're talking about in terms of the number of developments that actually have

this kick in. So we're not changing the urban forest very much, folks, with two-inch versus three-inch, which is why my eyes have been glazing over. But if it's hard to get three-inch trees, then many the practical problem that kristin just mentioned, something would have to get a variance in order to plant two-inch trees because the three-inch tree isn't around, and that's a \$1200, three-month proposition. Because these are clear and objective code requirements that kristin and her colleagues have to enforce at the permit process. They don't get to call brian and say, what do you think about this kind of tree versus another kind?

Sten: I heard all the testimony. I'm comfortable with three. That's where my vote is.

Saltzman: I was comfortable with three, I still meant to have the option of allowing to go to 1 1/2. Issue number 3, where I think commissioner Sten was referring to requires a two-inch right now, and I think commissioner Sten was saying, and i'm comfortable with this, is making that two-inch, a three-inch. So still main taking -- maintaining subparagraph b that allows the minimum size if you use it off the Portland plant list, to be 1 1/2, which gets at the economic demand issue, the supply issue. That's what I --

Sten: On the two-inch -- i'm with the three.

*****: We start order this two years ago, totally independent on this process.

*****: Why is the list only native trees?

Poracsky: The Portland plant list is a different list than the one just described.

*****: That's right.

Francesconi: Brian --

Saltzman: I want to keep the Portland plant list on there. And if we go to three inches it's to take subparagraph a and increase the two-inch minimum to a three-inch. Keep it at a three-inch minimum.

*****: It's just allowing inch and a half native trees. That's what it's saying.

Saltzman: Right.

McNerney: I just wanted to say that we do have a three-inch standard now. We have a three-inch standard for all public works project and a three-inch standard for commercial development projects. The standard for commercial development has been in place since 1999, and we haven't heard a great deal of complaints that people can't make it. I have staff in the development center that are working with permittees on tree issues and haven't heard a lot of complaints there that people can't make that standard.

Carter: This was raised by your staff too, to clarify that, this there have been complaints, code compliance --.

Francesconi: I -- on paragraph a, my motion is to make that three --

Hales: You're withdrawing your motion about the list and you're making your motion about three inches --

Katz: Second --

Hales: Further discussion on that motion? Any objection to that motion? Adopted. Now, any further amendments?

Francesconi: Now, brian, i'm sorry, commissioner Hales. On paragraph b, you don't like that because --

Katz: Are you talking about the --

Francesconi: 1 1/2 for native. Then everybody will be the -- do the 1 1/2 native and it won't work.

Carter: That could result in an exodus to the lowest minimum, which is what we see when we have a minimum standard. With people not necessarily endorsing the native concept, but looking for the cheapest way out.

Francesconi: Is anybody interested in -- under this section creating a list, some kind of list, so that we try to -- we have to get at the issue of not everybody going to the minimum. Or what we could do is if they do the native list, then they pay into this fund idea. Both of these are complicated. They

JANUARY 31, 2001

come at the last minute. I could direct urban forestry to do more work on it and bring it back. Before I do anything, I want to hear, is there any interest --

Sten: It doesn't say there is a list --

Carter: The Portland plant list exists. It's not filled with trees that would always do well in parking lots. The drafty have has a can you remember of trees that would be on the Portland plant list that also would work in parking lots.

McNerney: The Portland plant list was developed for environmental zones.

Sten: So to me, to be frank, I don't -- I have yet to get into this, I don't see the justification for 3-b. We have a list that doesn't apply to this situation.

Hales: Commissioner recommendation allows --

*****: That's the existing proposal.

*****: The preexisting -- planning commission recommendation was the exception, if a property had the environmental zone, this 1 1/2 inch --

Sten: That's the only time it applies?

*****: That would be the only -- no. The current proposal has been broadened from that. If we deleted --

Hales: 3-b, we would be back to the planning commission.

Sten: I'm fine with that. Just delete 3-b.

Wolley: In terms of this issue of the storm water facilities, this is -- we're making more space for storm water facilities in the parking lot. We want to have more storm water managed there, you're going to get more of a rate discount the more do you in the parking lot. We feel strongly that the native trees are the most prop rat for these water quality facilities, basically the landscaped area. And I know we differ from everybody else in how they look at this, but we've got experience with parking lots and we'll take you there, we'll bring them here, whatever it takes to show you that this is a good proposal. This 3-inch thing, by saying three-inch they're going to go to 1 1/2. I think we can get a good list from native and nonnative. If we take this off we're missing a an opportunity -- one of the technical issues, when you have this storm water facilities which has a characteristic of being moist and also has the sides that are drying, you've got opportunities that you need smaller trees to adapt to that condition. As people have testified, with the trees growing in the nursery, they're in a nursery environment. If you put them in a new environment, it may not be the best position for them.

Hales: I'm losing sight of the forest again. We're back into the trees and i'm losing sight of the forest.

Saltzman: I think subparagraph b, if we're going to look at it we shouldn't be trying to look at it right now.

Hales: Amen.

Saltzman: Kick it back to forestry and b.e.s. And planning and come back. I'm not comfortable deleting it right now.

Sten: It -- there seems to be two debates that I can see. One is on whether or not because of cost and availability we should allow a lower standard. My feeling is i'm unconvinced that we should not lower the standard based on cost of -- and availability. Then there seems to be a debate on what's best in terms of native trees. I'm going to suggest that the two of you that i'm look at reaching a compromise would -- maybe better policy than the five of us. Is there any chance you guys could agree on us and bring it back? For 3-b?

Hales: I think there's a good likelihood we could have a discussion and reach some sort of consensus or compromise.

Sten: That would be my recommendation.

Hales: We're going to set this over for two weeks, allow the bureaus an opportunity to once more -- if there was ever a cautionary tale about why it's good for our bureaus to settle turf battles before they get to this room, today ought to be a great reminder. So if we could set this over for two weeks, bring

back a final package of amendments, the council can consider those amendment and set it over for a final third, second reading a week later. Any objection? Thank you. Next item.

Francesconi: Let me say just two things. Thank you for your patience on this. Commissioner Sten, thank you for your help in getting closure here.

Kelley: I just want to -- I assume what we're going away to work on is the exception piece.

Katz: 3-b.

Kelley: And not all of it.

Katz: Just 3-b.

Kelley: To get back, I wouldn't -- to get back to commissioner Francesconi's original question, it should shall clear from our point of view the coverage that the number of trees is the most important standard. Size is the second most important standard. Frankly the jury is divide order whether bigger is better. If you're deciding bigger is better we don't want to undo the decision about the number of trees. I just want to make sure that is settled.

Katz: That's because that's where people are going to go.

Kelley: Right.

Katz: Okay, thank you, everybody. Item 128.

Item 128.

Katz: I'm going to turn this over to commissioner Hales and -- in a second, but I want to thank the bureau of planning again to bringing these issues back quickly to us. Because I don't think we have much time to deal with a lot of these. Time is running out. So the quicker we can act on it, the better, and I want to thank you for that. Commissioner Hales.

Hales: Thank you. I don't want to another much more than that. Gil and barry, I appreciate the good work under a deadline here. And there's some other folks I want to thank as we get farther along for work on this issue in the community. So I just appreciate the fast footwork on the planning process. So we do have based on council discussion at our last hearing, an amendment -- a moratorium in front of us now that covers a smaller area and you should describe both the moratorium itself and the area that we're now affecting by this if council adopts it. So if there's any confusion about the scope we can clear that up today.

Gil Kelley, Director, Planning Bureau: Great. I'm going to let barry do that. I also wanted to reiterate something, I think you said too commissioner Hales, today's hearing is really focus order the moratorium issue, not on the broader telco or northwest -- which we'll be dealing with in its own way.

Barry Manning, Planning Bureau: As you'll recall at the -- barry manning, bureau of planning. As you'll recall at the last council session that we were at on december 14th, bureau of planning proposed a strategy for addressing electronic equipment facilities, the issue in the northwest transition area and along the streetcar. The bureau of planning's strategy includes a strategic zone change to property zoned ig-1 in the area which is essentially the northwest transition area to exd to foster a transit -- support of mixed use development in the area, and development special regulations to ensure active use along that streetcar line. A moratorium on development on ig 1 land in northwest had been discussed by council, but was not part of the bop proposal. At the end of that session and after hearing public testimony, the council discussed the possibility of a moratorium and indicated an interesting consideration a limited moratorium on eef uses in the area near the streetcar to protect our investment in the streetcar and prevent additional development of eefs in the ig-1 zone where there's no design review and the ig1 zone allows only limited land uses. Council then directed staff to provide notice to neighbors in the area and bring back moratorium proposal for consideration in january, and that's what we're here with today. You have a copy of the ordinance which was drafted which would prohibit development of new eef uses in the ig-1 zoned area within two blocks of the streetcar line which is essentially between northwest 12th and 18th avenues from northwest lovejoy to pettygrove streets. I'll show you that on the map. This is the area the moratorium would affect. It's a very small area, it's within two blocks of the streetcar line in the area that is currently zoned ig-1.

JANUARY 31, 2001

Hales: It doesn't extend farther because the other zone assisting already in place.

Katz: Right.

Manning: Allows for mixed use development.

Katz: Further down on the streetcar or up, or -- the zoning is the right zone.

Manning: It's the right zoning --

Katz: For us.

Manning: Correct. In the project that we're doing in the fast project that we're doing in the next six months, it will address additional specific regulations in these other areas to foster even more mixed use development, but the base zoning in those areas are suitable urban mixed use zones.

Katz: Okay.

Manning: I just want to read the definition of EEF [electrical equipment facilities] as stated in the ordinance. According to the ordinance, it is any facility greater than 3,000 square feet in size primarily occupied or intended to be occupied by electronics and computer equipment to provide electronic data switching, transition or telecommunication functions between computers, both inside and outside the facility. And similar uses may include an office for equipment personnel, backup power generators and fuel storage. The characteristics of electronics equipment facilities include access to power supplies in the range of 100 to 200 watts per square foot, service by 480 volt power, backup power generation, extensive cooling equipment, fiber optic connections, seismic construction beyond typical zone 3 requirements, fire suppression safety systems, few or no windows and few employees. The bureau of planning in response to this sent measure 56 notice to all of the affected property owners in the affected area on January 9th, 2001, and we sent general notice of this city council hearing to interested parties on January 10th. Question also hosted an informational meeting on the moratorium held at the northwest cultural center on January 23rd of 2001. And about 15 people attended that meeting. That's really all we have to say about that. The record is in the room, and the bureau of planning staff and the city attorney are here to answer any specific question you might have.

Kelley: I'd like to apologize, but I'm going to need to excuse myself in a minute or two. Barry can carry on. I have a group that will be waiting for me on the mid-town blocks, an event coming up next week.

Katz: Oh, yes.

Hales: Any questions for Gil in particular for -- before he leaves?

Katz: Time line to come back?

Manning: The fast track piece?

Kelley: We're shooting for May 30th.

Katz: We don't use that word.

Kelley: Five months.

Katz: All right. Good. Thank you.

Kelley: We've taken a month already to get here, so it's about six months.

Katz: Oh. Okay. Thank you.

Kelley: Just being honest.

Katz: Yes, you are. Let's sign up. Who's signed up to testify?

Chris Smith, Northwest District Assn. (NWDA): Good afternoon, I'm Chris Swift. I know you're used to me addressing you on behalf of the NWA transportation committee. There are the neighborhood has already gone on record, so I'll be speaking for myself today. My testimony is going to be informed by several other roles I have, including being on the board for citizens of sensible transportation, having participated in the city club density study committee, and one I don't often use, my day job, which is as leading internet technologist for Xerox in Wilsonville. So particularly from that last point of view, I may be a little uniquely can see both sides of this issue. I participate in an economy and depend very much on the bandwidth of these facilities at the same time I'm very concerned about the impact that they can have on the neighborhood. Also from my position in this

industry, I can tell you even if we're seeing a short-term slow-down of the development of these facilities I think because of capital formation issues, the demand for the bandwidth is still increasing and fits not a current issue today, it will be in six months or a year. If we have it, we need to be careful. Looking at this from a regional transit perspective, a big concern I have is that when they're placed inside what should be otherwise a transit oriented neighborhood, they create black holes where there are no transit riders to help sustain bus lines or rail lines in those corridors, and I think that suggests that we need to be very carefully about where -- careful about where we place these facilities. My theme is i'm going to be concerned the zone assisting not of a protection for the areas outside of the moratorium or -- I really hope we could find some urban design guidelines that would help us place these things in -- if they have to be in pedestrian zones or transit neighborhoods, that we could at least have control -- place them away from the immediate transit corridors. Looking at this from an urban density point of view, one of the recommendations of the city club study was that in order to achieve our density goals, we want to put increased density in places where we don't have to shoe horn it into existing neighborhoods. I think that the area of the moratorium and more so the transition area in northwest are excellent opportunities to do that and if we allow these facilities to get placed in those areas willy nilly, we could potentially destroy the opportunity to put in a lot of mixed use and residential density, and I think we need to be careful about that as well. I have seen several ways to address this. In the long term commissioner Sten's office is doing great work in trying to identify targeted areas where these should go. That's going to take time. I'm not sure that can happen fast enough to protect us from the onslaught of these facilities. The second solution is -- is to craft regulation to control the siting of these. These are a necessary utility as much as a sewer pump station, but nobody is talking about building sewer pump stations in northwest Portland -- stations in northwest Portland.

Hales: Surprise:

Smith: I understand the facilities are being built. We're doing so in a way that makes sense in an overall siting plan. Because these facilities are free market we need to find some other way to address that. I guess the third point i'd like to make is that the zoning may be -- this is Portland. We do things differently here. Just because these concrete boxes in other cities don't -- doesn't mean they need to be here. I can envision where you might have a building that has ground floor retail, several stories of tell coho tell and residential above it. You could probably heat the residential with all the heat coming off the computers in the hotel.

Katz: Thank you.

Smith: We shouldn't be afraid to make the -- this is Portland, we do things differently here.

Steve Karolyi, Urban Design, American Institute of Architects (AIA): My name is Steve, i'm -- I live at 2147 northeast 14th avenue. I'm here representing the AIA urban design committee, Portland chapter. First of all, my testimony here mentions the Pearl District, but I understand that the proposed moratorium stretches a little beyond that. Like many of the citizens who have worked very hard to create an urban neighborhood in the Pearl District, the committee is very concerned about the proliferation of the telecommunication facilities, or telco hotels. I think we all know that these buildings are filled with computer and electronic telecommunication equipment. They also consume vast amounts of electricity and require fairly large mechanical systems for cooling, which if left exposed to view, can have a -- can detract visually and acoustically to the neighborhood. To maintain operations in the event of a power outage they rely on vast diesel, sometimes diesel-powered generators which are noisy, polluting, and need to be tested on a regular basis. Well, the telco hotels provide the infrastructure required by expanding cyberspace, they contribute little or nothing to the quality of the urban space in the neighborhood in which they reside. To their neighbors, the hotels provide little opportunity for employment. No place for people to live interact or conduct business. To their neighborhoods, these facilities offer little more than blank walls. Their walls are not punctuated to admit people or their activities there. Are few windows, doors, storefronts, porches,

tables, products, to activate life on the street. People, their interactions, their business transactions, glances, conversations, meetings, all of these activities which often occur at the edge of buildings that are inhabited by other people really provide the richness that we value in an urban setting. Telco hotels contribute nothing to this richness. Our committee feels that the unregulated expansion of telco hotels in the pearl district the substantial public and private investment made to create a vital rich urban mixed use neighborhood. For this reason we propose -- we support the proposed moratorium. We also feel that it is important to mitigate the negative effects these facilities have on their urban neighbors. Not only in the pearl district, but citywide. Therefore we recommend adopting a series of guidelines or zoning modifications. And those include requiring active retail or commercial uses on the ground level for the majority of the length of the development, similar to the current city active use requirements, consider existing zoning precedents to require the spacing of these facilities to mitigate the deadening in impact they have on adjacent blocks or streets. Because all buildings along the Portland streetcar line should be transit supportive, designate the streets along the alignment as transit streets. This will help assure the greatest return in terms of ridership and transit support of development for -- from the \$53 million investment. And then finally, require greater articulation at the base of these buildings, including 50% transparent facades and pedestrian interests similar to existing city ground floor window regulations.

Irwin Mandel: 1511 SW Park Ave., 97201. Good afternoon. Irwin mandell. As a member of the urban design committee, I strongly support the previous testimony by Steve. Secondly I think the council is being short sighted or perhaps planning bureau is by having a moratorium apply only to the area two blocks on either side of the streetcar line up in northwest Portland. I believe it should be extended to two blocks on either side of the streetcar line throughout the length of the streetcar line, and let me tell you why. I suggest you take a walk up Washington near -- and cross and then turn the corner at 10th avenue. On that corner there used to be a very good Chelsea audio store. It went out of business. What you're faced with now as a pedestrian are blackout windows. The Pittock, we've already lost the Pittock block to Telco and it is only getting worse. This is directly on the streetcar line at 10th avenue. Secondly, what I've heard is that the telegram building on 12th has been shall we say investigated or sniffed out for conversion to a Telco hotel. Apparently there's been a lot of trouble in deciding what to do with the telegram building, but this is a potential problem. Thirdly, in the west end itself, my stamping grounds, if you will, there's been a great deal of talk about the problems of the Galleria and what to do with it. My nightmare is that the Galleria could be converted to a Telco hotel and we'd be stuck with one right in the middle of town. Unless the zoning would preclude that. Now, that I don't know. But certainly that -- there are probably other buildings throughout the area that run the risk of this conversion into for all purposes for a city, an urban place, a dead area. And dead buildings. In that respect, it might be wise to extend this moratorium until you get good further consideration of what is happening with Telco hotels to all areas within two blocks of the Portland streetcar line. Thank you.

Sten: Isn't the Pittock block mixed use?

Mandel: It is mixed use and gradually turning over to Telco use. Gradually.

Sten: I just want to be a little careful that we've got to allow some -- that one is not a box that has nothing else going on.

Mandel: At street level --

Sten: As we go after these things, the way we're going to make sure there's no money to redevelop these areas is if they're not wired. On that one I'm just sort of raising the rhetorical point, is that one really objectionable?

Mandel: It is objectionable in you -- if you walk by as a pedestrian. A pedestrian environment. It is pretty much almost a dead building, even though it is mixed use avenues above it. If you -- above it. If you walk up Washington and make the turn at 9th and the corner -- 10th, corner of Washington and 10th, you're faced with blackout windows. Period. There is another store further down on 10th avenue

JANUARY 31, 2001

further south on 10th that is vacant. I many not the developer, but i'm quite sure this too will be turned over.

Sten: I just want to push a little bit on the -- we're not setting -- you can't get any telco -- it's going to take some of some buildings to have the city wired. So we've got to have some place. We've got no building that looks good --

Mandel: I quite agree. Obviously the telco industry is necessary for the growth and development of this city. And the economic well being of this city. But it is -- you have to find a jew dishes placement for these buildings in order that they don't disrupt our entire urban fabric. And that's really the issue.

Katz: All right. Telco.

Dr. J. Stoeckler, NWDA: I'm dr. Jenkins. I live at 2375 northwest northrup. I've been a member of the nwda planning committee for over six years. I'm here on my own. We're aware of what the position is. However, I would like to say first I support the moratorium but would like to echo mr. Man dell's reaction to it, and that is that it should be bigger. In fact, I wonder rhetorically speaking to mr. Sten's point that why choose one use to vilify for the need to in fact take a deep breath and consider the planning and design review overlay for the entire streetcar line. While i'm willing to say that this is a great first step and it certainly gives breath to the people to deal with the issues of planning around the alignment, my greater hope would be that the city council see that by villainizing one use over any other and at the same time not dealing with the issues of design review and controlled development along the streetcar alignment is perhaps more at the bottom of the issue than this particular use.

Neilson Abeel, President, Pearl District NA: I was -- reside at 1325 northwest flanders. I'm president of the pearl district neighborhood association. I just wanted to reiterate the pearl district's support of this moratorium and the speed at which you people have moved to get it in place. I think that it's simply -- I think my -- our perception is preliminary 8 a tool to -- simply a tool to have breathing space in which to get the correct regulations in place, primarily as a start to protect the investment that we've all worked so hard on, the streetcar, which is going to open this coming july. I think listening to some of the other testimony today, I also would reiterate that as the moratorium is taking effect in ig-1 zoning, it is not truly protective of the transition of our neighborhood, and there is -- within the exd zone, there truly is not what I would say a positive zone can to forward the transition of some of our buildings and streets from inactive warehouse buildings which they have been and which with the installation of complete telco facilities within these buildings they will continue to be basically dead buildings. And we have two which are now been taken up by telco developers, perfectly within the city zoning and code on northwest 14th avenue, and at the same time we've got other developers on northwest 14th avenue that are truly going to probably -- one project is already on line, the conversion of bits and pieces building at lovejoy and 14th, which will put in 165 or possibly 180 work-live condominium units and an active ground floor and other departments along 14th avenue that really can transform 14th avenue. And the exk zoning, even with the design review overlay, does not require a warehouse conversion to an electronic warehouse, doesn't create any lively changes. And I don't know if the moratorium, whether the council has got the ability to expand the moratorium, but it is certainly something that I would want to eye light in the pearl district.

Katz: Thank you. Let me just remind everybody, we had the discussion of the size of the moratorium in previous meetings, and I think there was a consensus at that time that though not everybody agreed necessarily, but a consensus that people wanted to shrink a -- it a little. But your points are well made. Anybody else? Okay. Did you want to make --

Hales: Unless anybody wants to testify, I think we can take a roll call. I'm sorry, we have a technical amendment.

Sten: Can I just --

Hales: We have a technical amendment. A memo from Katherine Beaumont, we have a small wording error in the original ordinance. In number 27, directive b there's a reference to level 3 seismic requirement that should be zone 3 seismic requirements and I so move.

Katz: Okay.

Saltzman: Second.

Katz: Yes, commissioner Sten?

Sten: I didn't want to -- I wanted to make one observation. Bill Harwell here -- is here. He is -- we're going to talk about some of the franchise issues, but he is one of the backbones of our -- if our communication back -- infrastructure is going to work. They'll start to link both sides of downtown together, and they kind of took a little bit of a brunt at the last hearing in a good-natured way and they're based on Oklahoma and have -- members of many of the council staff as well as planning, my office has been coordinating those issues to make sure that we're as much on the same page as we can. Their next build assisting 20th and continuum by which is outside of the range of this, it is a very industrial building and -- in industrial section but they've made significant design changes. It's still an industrial building. You're not going to make it into something that looks like a restaurant, but they've done a lot with street trees and other things to try and make this conform as much as possible. They had this permit ready to go before any of this happened and I wanted to acknowledge they've made a big effort to work with us. I see that there's a positive relationship that's come out of this as well as some of these rules. I wanted to thank Bill. I don't know if you want to say anything.

*****: Thank you and your staff.

Sten: Getting on the plane back to Oklahoma with your building permit intact.

Katz: Anybody else want to testify? If not, roll call.

Francesconi: We need Telco hotels and we need you here in our city. I appreciate the work Mr. Sten has done so you feel that. But we also need an active streetcar line. Commissioner Hales has led the way on that. And we can have both. So I'm glad that the signal has gone out that we want you here, and it's just a question of where. We got plenty of opportunities in our city, and it doesn't -- does not have to be within two blocks of the streetcar line. And so this is an appropriate balance. Aye.

Hales: First I want to thank Al, who didn't testify again today, but he was the Paul Revere of this story. Riding around, telling us we had a problem before anybody else noticed that it was. And it was a significant problem. And I appreciate that, Al. I think your neighbors and the rest of us owe you a debt of gratitude for being awake and noticing and -- this problem. The other thing I want to say, I've heard a lot of willingness on the part of the planning bureau and the neighborhood activists and property owners in the area affected by the streetcar, not just the area subject to the moratorium, to really get on with the zoning work that needs to be done, because the fundamental point I want to make is that the moratorium is not the solution. The moratorium is just a breather as I think Mr. Mandel said, just a breather that gets us the opportunity to get to a solution. And where Portland has differed from other cities, successfully, is that we are most times clearer about what we do want -- as clear about what we do want as we are about what we don't want. Most zoning ordinances across the country spent a lot of time racing around trying to block this bad result or that conflict. And then dither about what the community really wants to be. The success of Portland is in large part found in order neighborhood plans or a counsel town plan or zoning code that says this is what we want you to do. Please do it. If you do it, you'll get a permit quickly and clearly we'll respond to your issues and get you reviewed and out the door with a building permit. So we've got to do that in this area. We made this terrible strategic error of thing that industrial zoning would give us plenty of time to dig out what the future is. The future is here. We've got six months to catch up with it. Aye.

Saltzman: I'm glad we're adopting a narrow moratorium. I do think that this issue was brought to our attention in a rapid manner and it deserved rapid attention. We have an investment in the streetcar we need to make sure is one that really pays off in all the dividends we hope. But we have to recognize the new economy is here, and we need to make sure that Portland is part of that new economy. I think

JANUARY 31, 2001

any kind of a broad-based moratorium -- it really just comes down against something. And I do believe we need to strive to find the right ball answer, and I think the subsequent fast track zoning that we are aiming for will strike that right balance. In the meantime this, -- let's -- this more focused moratorium is the way to go. Aye.

Sten: I'm ready to support this. It's been a pretty interesting conversation. I want to thank commissioner Hales and al and some of the folks. What's interesting to me is there hasn't been a ton of disagreement that i've noticed about what the ultimate solution is, which is trying to get some clear reasonable design guidelines in place in the -- and get rezoning done to put the right standards in place. The concern i've had and why I was not originally supporter of the -- wouldn't have albanian supporter of the broader moratorium is essentially this is a problem of our own creation. I'm not blaming anybody, but we haven't kept up with what's going on. So my fear was that the unintended by product of taking a deep breath and trying to fix our mistake was that we scare off telco communications infrastructure that we absolutely have to have. In this case I think a couple of things have happened. I think we've limited that message to the place where the most damage would be done, not where there could be problems -- there are other places in the city where we could have a less than desired building, but on the other hand we haven't really limited the ability to get that telecom structure in, and we've also taken proactive steps and worked directly with the telecom community and so rather than a quick move which could easily be interpreted wrong and in a message -- a lot of these companies are not from Portland and won't get the nuances of a moratorium, I think we can work through these things. All in all we're on the right track and I actually -- as i've watched the last couple months, I don't think we're at all being too cautious to worry about making sure we get those kinds of investments. In the last two months the alternate cable company i've been counting on to go into the neighborhoods has pulled back because of the capital investments and decided to build gist in l.a. Until a future date. That's going to hurt us. The capital markets are such that two things are happening. One is we have a breathe ore some of these buildings, the other is the chance that we don't quite get top of the line infrastructures going up because there isn't as much money. So we need to strike a balance between a welcoming mat to companies that want to invest private capitol to get our city wired. If it's not wired correctly it's not -- we're not going to sell blocks in these other things and protecting Portland's character. My feeling is thanks to the hard work of planning and the mayor's office and commissioner Hales office we've struck the right balance and we've acted with as much haste as a city can act with without doing any harm to the telecoms. So I think this is an excellent piece of work. My thanks is out to those of you who have helped get to us this point. For those of you on all sides, I hope this is balance and that the intent of this as well as the rule that's actually being adopted today I think is clear in -- and hopefully all the sides can work together to get a good result. As commissioner Hales said, the moratorium in and of itself is just a tool to get us to where we need to be. So i'm going to vote aye.

Katz: I'm going to vote aye. I'm looking forward to receiving a report for the council to adopt on this issue so we can go beyond the moratorium within five months. Aye. Thank you, everybody. We stand adjourned.

At 3:52 p.m., Council adjourned.