



CITY OF
PORTLAND, OREGON

OFFICIAL
MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 27TH DAY OF JUNE, 2001 AT 9:30 A.M.

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

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

Items No. 775, 791 and 792 were pulled for discussion and on a Y-5 roll call, the balance of the Consent Agenda was adopted.

Commissioner Francesconi left at 11:55 a.m.

<p>769 TIME CERTAIN: 9:30 AM – Bureau of Fire, Rescue and Emergency Services Government Obligation Bond Update (Report introduced by Commissioner Francesconi)</p> <p>Motion to adopt the report: Moved by Commissioner Saltzman and seconded by Commissioner Hales.</p> <p>(Y-5)</p>	<p>Disposition:</p> <p>ACCEPTED</p>
<p>770 TIME CERTAIN: 10:30 AM – Tanner Creek Stream Diversion Project Burnside Closure (Report introduced by Commissioner Saltzman)</p> <p>Motion to accept the report: Moved by Commissioner Saltzman and seconded by Commissioner Francesconi.</p> <p>(Y-5)</p>	<p>ACCEPTED</p>
<p>771 TIME CERTAIN: 10:45 AM – Accept and endorse the Johnson Creek Restoration Plan (Resolution introduced by Commissioner Saltzman)</p> <p>(Y-5)</p>	<p>36005</p>

CONSENT AGENDA – NO DISCUSSION		
Mayor Vera Katz		
<p>772 Confirm re-appointment of C. Paul Dagle and appointments of Katherine Such and Louis Ornelas to the Housing and Community Development commission for terms to expire June 30, 2004 (Report)</p> <p>(Y-5)</p>		CONFIRMED
<p>*773 Approve the application of Gateway Arbors LLC for a ten year property tax exemption for a Transit Oriented Development project (Resolution)</p> <p>(Y-5)</p>		36004
<p>*774 Authorize contract with George Austin Associates for strategic planning services for the Office of Management and Finance (Ordinance)</p> <p>(Y-5)</p>		175703
<p>*775 Give preliminary approval for the issuance of Multifamily Housing Revenue Bonds in an amount not to exceed \$3,200,000 for the Garden Park Estates Housing Project (Ordinance)</p> <p>(Y-4; Commissioner Saltzman abstained)</p>		175727
<p>*776 Authorize the Mayor or her designee to execute modifications to a Private Lender Participation Agreement with the Bank of America National Association (Ordinance)</p> <p>(Y-5)</p>		175704
<p>*777 Amend contract with U.S. Bank for paying agent and registrar services (Ordinance; amend Contract No. 50790)</p> <p>(Y-5)</p>		175705
<p>*778 Pay claim of Danny Weikel (Ordinance)</p> <p>(Y-5)</p>		175706
<p>*779 Create one Principal Engineer position for the Bureau of Environmental Services (Ordinance)</p> <p>(Y-5)</p>		175707
<p>*780 Approve cost of living adjustments to pay rates for nonrepresented classifications and Elected Officials, and specify the effect upon employees in the classifications involved effective July 1, 2001 (Ordinance)</p> <p>(Y-5)</p>		175708
<p>*781 Agreement between Multnomah County Sheriff's Office and the City for use of Local Law Enforcement Block grant funds (Ordinance)</p> <p>(Y-5)</p>		175709
<p>782 Partner with Metro to develop a non-regulatory incentives program to protect regionally significant natural areas and associated riparian and upland corridors known as Incentive Strategies for Fish, Wildlife, and People, and provide for payment (Second Reading Agenda 734)</p> <p>(Y-5)</p>		175710

JUNE 27, 2001

Commissioner Jim Francesconi		
*783	Agreement with the State of Oregon, Office of the State Fire Marshal, for Regional Hazardous Materials Emergency Response Team Services (Ordinance) (Y-5)	175711
*784	Contract with Alder Creek Lumber Company, Inc. for fire prevention, suppression and emergency response services for FY 2001-02 (Ordinance) (Y-5)	175712
*785	Amend contract with Pacific Coast Construction, Inc. for renovations to University Park Community Center to a Guaranteed Maximum Price of \$1,415,737 (Ordinance; amend Contract No. 32888) (Y-5)	175713
*786	Authorize Lease Agreement with CM2, an Oregon non-profit corporation, to operate a youth-oriented museum at Washington Park (Ordinance) (Y-5)	175714
Commissioner Charlie Hales		
787	Set hearing date, 9:30 a.m., Wednesday, July 25, 2001, to vacate a portion of SW Porter Street west of SW 12th Avenue (Report; C-9980) (Y-5)	ADOPTED
*788	Lease agreement for certain parcels of property in North Portland by and between the State of Oregon, Department of Transportation and the City and an Abandonment and Retention Agreement for the jurisdictional transfer of portions of SW Market Street, SW Clay Street, SW 12th Avenue, SW 13th Avenue, and SW Naito Parkway (Ordinance) (Y-5)	175715
789	Accept a grant from the Oregon Watershed Enhancement Board in the amount of \$200,000 for replacement of a box culvert (Ordinance)	PASSED TO SECOND READING JULY 5, 2001 AT 2:00 PM
*790	Accept street dedication and permanent slope easement for the North Marine Drive Extension Phase II Project, granted by H.A. Anderson, dba A & W Equipment Company, authorizing total payment of \$78,550 (Ordinance) (Y-5)	175716
*791	Amend Intergovernmental Agreement with Portland Development Commission to provide an additional \$15,000 in tax increment funds, and to provide additional time for planning and construction of transportation and streetscape improvements on NE Alberta Street from NE Martin Luther King, Jr. Boulevard through NE 15th Avenue (Ordinance; amend Agreement No. 51295)	REFERRED TO COMMISSIONER OF PUBLIC SAFETY

JUNE 27, 2001

*792	Authorize the Portland Office of Transportation to make payment to the Oregon Pacific Railroad Company for services on the SE Water Ave Extension Project (Ordinance)	REFERRED TO COMMISSIONER OF PUBLIC SAFETY
793 (Y-5)	Amend Code for Transportation System Development Charges (Second Reading Agenda 741; amend Code Chapter 17.15)	175717
Commissioner Dan Saltzman		
*794 (Y-5)	Authorize contract with the lowest responsible bidder for the construction of the Environmental Enhancements at the Columbia Boulevard Wastewater Treatment Plant, Project No. 6286 (Ordinance)	175718
*795 (Y-5)	Provide right of entry onto private properties with frontage on Cedar Mill Creek and tributaries to perform a stream assessment (Ordinance)	175719
*796 (Y-5)	Amend Agreement for Services with Roethig Engineering, Inc. for professional engineering services related to the Bureau of Environmental Services Wastewater Engineering Instrumentation and Control Team (Ordinance; amend Contract No. 32015)	175720
*797 (Y-5)	Waive requirements of City Code 5.68 and contract with five neighborhood association district coalitions for the operation of coalition programs for the period July 1, 2001 through June 30, 2002 (Ordinance)	175721
*798 (Y-5)	Contract with Janus Youth Programs for operation of City graffiti abatement program to operate from July 1, 2001 through June 30, 2002 for an amount not to exceed \$250,150 (Ordinance)	175722
Commissioner Erik Sten		
*799 (Y-5)	Grant a temporary revocable permit to All-Phase Utility Corp. for a period of one year (Ordinance)	175723
*800 (Y-5)	Contract with Northwest Pilot Project for \$217,724 for housing assistance for seniors and provide for payment (Ordinance)	175724
801 (Y-5)	Amend contract with Montgomery Watson Americas, Inc. to extend completion time for six months (Second Reading Agenda 747; amend Contract No. 30491)	175725

City Auditor Gary Blackmer		
*802	Extend and approve contract with KPMG LLP, Certified Public Accountants for financial audit and other professional services for FY (Y-5)	175726
REGULAR AGENDA		
Mayor Vera Katz		
*803	Amend FY 2000-01 budget by transferring appropriation within City funds to prevent over-expenditure in controlled expenditure categories (Ordinance) (Y-5)	175728
804	Amend City Code requirements regarding district property management license (Second Reading Agenda 723; Replace City Code Chapter 6.06) (Y-4; Commissioner Saltzman abstained)	175729
Commissioner Charlie Hales		
805	Consider vacating a portion of SE 120th Avenue north of SE Lexington Street at the request of BFG Enterprise, LLC (Hearing; Report; C-9989) Motion to bring back the engineer's report approving the vacation an prepare an ordinance: Moved by Commissioner Hales and gaveled down by Mayor Katz after no objections. (Y-5)	APPROVED; CITY ENGINEER PREPARE ORDINANCE
806	Create an Underground Consolidation Area Pilot Project for consolidation of utility facilities in a designated area into a common conduit system (Resolution)	CONTINUED TO JULY 11, 2001 AT 9:30 AM
Commissioner Francesconi left at 11:55 a.m.		
Commissioner Erik Sten		
*807	Grant a temporary, revocable permit to Portland Energy Solutions Company, LLC and establish terms and conditions (Ordinance) (Y-4)	175730
Communications		

JUNE 27, 2001

808	Request of Brian Quinn to address Council regarding saving the historical sidewalk signatures (Communications)	PLACED ON FILE
809	Request of Mike Dee to address Council regarding Waterfront Park usage, signs and enforcement (Communications)	PLACED ON FILE

At 12:21 p.m., Council recessed.

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND,
OREGON WAS HELD THIS 27th DAY OF JUNE, 2001 AT 2:00 P.M.

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

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Frank Hudson, Deputy City Attorney; and Officer John Scruggs, Sergeant at Arms (at 2:30 p.m. Officer Rick Miller replaced Officer John Scruggs).

Commissioner Saltzman left at 5:35 p.m.

		DISPOSITION:
810	TIME CERTAIN: 2:00 PM – Repeal Title 34, Subdivision and Partitioning Regulations and amend Title 33, Planning and Zoning to add new Land Division regulations and clarify additional Zoning Code regulations related to land divisions (Previous Agenda 575; introduced by Mayor Katz)	CONTINUED TO SEPTEMBER 19, 2001 AT 6:00 PM TIME CERTAIN
811	TIME CERTAIN: 3:00 PM – Appeal of Riverdale School District No 51J, applicant, against the Hearings Officer’s decision to impose certain limitations in the approval of a conditional use and adjustment to use the Collins View School at 9906 SW Boones Ferry Road for the District’s new high school (Hearing; LUR 01-00002 CU AD)	CONTINUED TO JULY 5, 2001 AT 2:45 PM TIME CERTAIN
Commissioner Charlie Hales		
812	Amend Title 18 Noise Control to clarify authority for and means of enforcement, add regulations regarding certain sources of noise, and to increase maximum penalties (Previous Agenda 759; amend City Code Title 18)	CONTINUED TO JULY 5, 2001 AT 2:30 PM TIME CERTAIN
S-813	Amend City Code to provide funding for street maintenance and improvement (Second Reading Agenda 768; add Code Chapter 17.21) Motion to accept amendment to delete the portion that deals with the inflation of the rate by the auditors certified inflation rate on an annual basis: Moved by Commissioner Hales and seconded by Commissioner Francesconi. (Y-5)	SUBSTITUTE AS AMENDED PASSED TO SECOND READING JULY 5, 2001 AT 2:00 PM

At 6:23 p.m., Council adjourned.

GARY BLACKMER
Auditor of the City of Portland

By Karla Moore-Love
Clerk of the Council

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

JUNE 27, 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.

JUNE 27, 2001 9:30am

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

Katz: All right, consent agenda items to be pulled. 775, 791, 792. Any other items by either of the council members or the public to be pulled council discussion? Hearing none, let's vote on the consent agenda items.

Francesconi: Aye. **Hales:** Aye. **Saltzman:** Aye. **Sten:** Aye. **Katz:** Aye. 775.

Item No. 775.

Katz: Commissioner Saltzman? Excuse me, can I help you? Do you know why he's pulling it? No. Okay. Don't worry about it, it's fine.

Saltzman: I asked to have this pulled because I have a potential conflict of interest with this measure. My sister is the, one of the beneficiaries of this bond issue so I will not be voting on this measure.

Katz: He's being very cautious. Technically you probably don't because you are not a direct beneficiary but I appreciate it, and for everybody else on the council, we also want to know the reason, which is what commissioner Saltzman shared, so that's the reason -- where is the gentleman who came up to me? Are you cool? You are calm? Okay. Roll call.

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

Katz: Mayor votes aye. One of the things I need, Harry, for you to double-check again because I can't remember in the legislature, you announced a conflict of interest but you can still vote. I don't know if it's any different here or if the rules have changed. So, just for the future.

Harry Auerbach, Office of the City Attorney: The commissioner is just being abundantly cautious not to have an indirect interest in the contract.

Katz: All right. 769.

Item No. 769.

Katz: Okay. Commissioner Francesconi.

Francesconi: Okay. Maybe chief Wilson, as you are coming up, I can introduce this with Ron. Although it's approximately two years ago, the voters were generous in passing the fire bond measure to both renovate and seismically upgrade our fire stations but also to let us build new fire stations in parts of the city where we needed protection. It was all in order to make Portland a safe place to live and work. About a year ago, we gave our first briefing to the council on the status of the bond measure. It's very important we do this not only for the council's sake, but for the public because we are spending \$58 million, and we want to do it in a responsible way, and it's a difficult assignment because we will make sure the stations are constructed appropriately but also, that the locations are such that they work from a fire safety standpoint, and that we do it in a cost effective way, and that we do it with participation in the neighborhood. Except for one bump in the road, we've been remarkably successful in accomplishing all the objectives that we have to balance. With the public safety being the most important. So, a year and a half -- a year ago, we talked to you about establishing an overall schedule, establishing financial policies and attracting system, establishing a comprehensive city involvement strategy, including station advisory committees, the

JUNE 27, 2001

sites for most of the new stations, and renovation of three of the 20 existing stations. Now we want to give you an I couldn't update a year later on what we have accomplished during this past year. So here to lead there is chief wilson, kathy, and also ron bergman from -- I still call you bureau of general services. The teamwork between the fire bureau and our administrative arm has been remarkable. We have skilled people in facilities. Then we are going to have a brief presentation from some neighbors, who have helped us in sighting locations. Chief wilson. Ed wilson, fire chief, city of Portland, mayor Katz, city commissioners, I know ron shares my enthusiasm for the progress of our partnership in this building program. His report to Portland city council will contain the following. An update the new stations, update on our renovations, comments by members of the station advisory committee, and cnn, central northeast neighborhood association, oversight committee status and overview, and a summary of our closure. Ron?

Ron Bergman, Director, Bureau of General Services: Ron bergman, general services director, sighting, design and go preparing for construction of three new fire stations has really been a major focus this last year. We'd like to show you what we planned, how we have prepared for construction for fire station 12 in northeast Portland, for station 16 in southwest Portland, and station 9 in southeast Portland. First line here, station 12, this is the site currently at 87th and sandy. The station will serve northeast Portland along with renovated station 28, that will allow for the closure of station 40. The next slide shows that rendition of what that new station will look like, and as you can see, it will be a major improvement for the neighborhood. The station is attractive and still meeting a number of community objectives that we have. The local architecture firm of mckenzie group has worked carefully with our station advisory committee to design the station so that it will be a landmark for the neighborhood, as well as meet environmental goals for the city. The station is going to be green, and what we mean by that is that we are using the u.s. Screen building's league standards as a guideline for the project. A portion of the roof will have an ecoroof installed on it. We are using some innovative stormwater treatment techniques on the site to deal with the small footprint of the site and also we'll be reducing energy consumption by about 20% over standard construction. The goal for the bureau of fire and rescue, as well as general services is to incorporate sustainable building practices into the construction of all of these fire stations. The projects, all of them, will utilize the green building rating system as the basis for the design and construction that will deal with issues of energy efficiency, water conservation, waste reduction, pollution prevention, resource efficiency, and materials, and improve indoor air quality. The station 12 that we are talking about integrates the community programs for the central northeast neighborhood association in 2100 square feet of space. As you will recall, there was an exchange where the current location is going to be converted into a new fire station where they are currently located and we are going to be providing new space in this station for central neighborhood association. Also they are bringing their rose bushes with them and we are going to be planting them at the new location.

Francesconi: So the lesson here is that police is not the only policy agency that has community public safety.

Ed Wilson, Chief of Bureau of Fire: Station 12 is on budget with -- and going forward with and being completed within the \$3 million allocation that we had for it. Station 16, station 16 is located at southwest montgomery and skyline near the sylvan interchange. That will be the second station completed in 2002. This station is key to improving emergency response in Portland's west side. As you can see the existing site for station 16 is currently empty after removing the partially occupied duplex from the site last year. The site was moved to -- excuse me, the station was moved to the site at the request of the station sighting advisory committee, and after considerable discussion and intensive meetings, we determined this site is actually superior to the site we had

JUNE 27, 2001

acquired for the station some 30 years ago. The new station on the site was designed by an architecture company after meeting with the advisory meeting, has been advanced by the community as a center piece for the sylvan neighborhood. It's modern and stylish, as well as green. It, too, has been designed using the u.s. Green building council's league standard as a guideline and will be certified by pge's earth advantage program. The station is scheduled to open in august of 2002. I would like to point out features of this building from fire and rescue's program perspective. As a drive-through apparatus bay, sleeping quarters for four firefighters, which is expanded for firefighters for future needs. The watch room, where we have our first contact usually with us. The meeting room it be used for training purposes and for community meetings. Parking and landscaping, and art. All of the stations will include public art and the stations, the race working with project advisory committee staff has selected stained glass for the windows of the station.

Bergman: The third station to be constructed is station number 9 at southeast 39th and market street. The station will replace the oldest existing fire station and fire and rescue system. The station now currently is at 35th and belmont, so that the existing station is an unreinforced masonry building, that, in our judgment, will not withstand a major earthquake attack, and requires a replacement. Station 9, current site for the new station currently has a 1905 house on it. We've been working with, with a number of folks to remove the house from the structure. We're working with folks for try to actually pick up that house and move it. We do have -- if that doesn't work out in terms of the timing, we'll be working with folks to do a destruction of the house so that the parts can be recycled, the basic features of the house are basically the exterior of it, the interior of the house has really been totally changed from its original character so there's not much internal to be saved there.

Katz: Let me just ask, are the bones of the house good?

Bergman: Structurally, it's in decent shape. It needs a lot of work in terms of the systems in the house, the electrical, the h-back and what have you, but it can be costly to move. We have provided in our request for proposals on the moving to assist with that moving to the degree that we would have to spend money to do the destruction on it, so we're trying to provide some incentives to actually save that. The new station is being designed by the architectural firm, emmans, and they are working with the advisory meeting with features that are going to mimic the historic home that's currently on there. It's going to have a pitched roof, porched like overhang, and be a two-story structure, to again, compliment the kind of area that it's currently in. This building, too, will be constructed using the lead standards as guidelines. It will also be certified as pge, earth advantage energy model to reduce energy usage. And the, the artist has been chosen, diana lynn lewis, to do the work for incorporating into the station. We have also been renovating our existing stations. Five stations have now been completed and reoccupied by our crews. Fire stations 4, 22, and 41 were the first stations to be renovated and were all completed earlier this year. Station 4 is located at 5111 southwest college street downtown. Station 22, is located at 7205 north atlanta avenue in st. Johns, and station 41 is located at 1500 southeast 122nd avenue. The renovation of fire stations 10 and 14 were both completed this month, also. Fire station 10 is located at 451 southwest taylor's ferry road, and fire station 14 is located at 1905 northeast killingsworth. All these stations have been completed within or below their designated budgets, and at this time, ron, I would welcome questions from council.

Katz: Questions by the council? Go ahead.

Saltzman: I wanted to talk a little bit more about the sustainability aspects of the nut station and also ask you about the renovations, as well. I appreciate what you have done here and with commissioner Francesconi's leadership but I do need some clarification on a couple issues that we've been talking about for a long time and first of all, the ecoroofs on the new stations and I

JUNE 27, 2001

wanted to ask, were any of the renovations reroofed and if so, were ecoroofs considered in that context, and second point is, you mentioned meeting, or using the lead standard, the Portland lead standard as a guidance document, but I assume you are also applying you don't intend to meet the standard, the basic certification level, and get the certification, which is our Oregon style but I realize when we passed that, we did provide an exemption for fire bond facilities, but nevertheless, you seem to be dancing close to, to, close to it so I am wondering why not go for the certification, at least on the ones you still haven't started construction and finished design on?

Bergman: The effort has been to get as close as we can within the budgets that we have available to us. Let me try to deal with the number of questions that you had in there all together. In terms of the lead standards, we are using them as guidelines. We have not intended to seek certification for the fire stations, again, because of the, the, essentially, the cost side of it. Station 16 we are using the commissioning process that is a major component of the lead standards, and as a result, of that, we are going to have some learning that we can apply to the other stations, as well. We do have a finite amount of funds in the bond issue, so in order to make it spread across all the projects, we had to really do some tradeoffs in terms of what could be accomplished. The council policy did have the exemption for projects that had funding in place at the time that, that the policy was adopted, which, which was the case with the fire stations, so we are trying to get there as close as we can to them achieving the objectives, and getting the points that would be awarded under the lead system for certification, but not going through the extra cost of that step to actually seek the certification.

Saltzman: Have you qualified the extra costs?

Bergman: There has been some work done on it but there isn't room within the individual budgets to be able to handle that.

Saltzman: I guess sounds like more -- I will need more follow-up. What about the ecoroofs? I saw a lot of renovations that were flat-roofed structures. Were any of those involving new roofs? And what about the status of ecoroofs on the new stations? Although I saw several of them have pitched roofs but station 12, on sandy has a flat roof and I know that's one --

Bergman: Station 12 has a portion of the roof that is an ecoroof. We did have some consideration for making that larger, but there was a number of significant tradeoffs on that particular structure. We had the full construction of 87th street that we had to undertake that was not part of the original scoping of the project. We have a traffic signal at sandy that was not part of the original scoping, and the design work that came in with the, the sack committee was slightly over the budget in order to achieve the landmark status that the sack committee wanted for that particular neighborhood, so again, balancing the objectives of all the things that were necessary, the piece that had to give and still meet the operational needs of the fire bureau was to squeeze down the ecoroof a little bit, but make it as big as we could.

Saltzman: Renovations?

Bergman: Renovations were really well underway, and under design at the time that the policy got adopted, so we were too far along. There is certainly things that, that we will consider as we move forward. Again, the issue is budget and costs because the project was totally scoped and financed before the policy got adopted, but we are looking at that, and if there are tradeoffs to be able to do that, we'll be back to look at that.

Saltzman: Okay. Thanks.

Katz: Further questions? Okay.

Francesconi: Then we have some citizens that would like to testify from stations 12 and the sack committee, we have susan hamilton and the cnn representative, william warren, so you could come forward. You can all come at the same time. Station 16, the sack member is sally newman, and I

JUNE 27, 2001

probably pronounced your name wrong, sally. And from station 9, it's meme ducas. Susan, why don't you go first.

Susan Hamilton, Chairperson, Station Advisory Committee, 9016 NE Russell, 97220: Okay. My name is susan hamilton. I live at 9016, northeast russell street, Portland, Oregon, 97220. I am the chairperson of the station advisory committee for fire stations 12 and 40. Our committee members are dick from bgs, tom and greg from the Portland fire bureau. Jeff representing group mckenzie, the design firm, william warren, central northeast neighbors and neighborhood representatives from beaumont, madison, south roseway and summer neighborhoods. Our committee has been working on the site and go design of fire station 12 since 1999. The committee had two tasks. The first of which was to find an appropriate location for both fire stations. The second task was to work on the design of the fire stations. Since station 40 was not scheduled to be constructed until sometime after 2002, the committee focused its efforts on the sighting and design aspects pertaining to station 12. Several members of the committee, including william warren and myself, spent one afternoon scouting out possible sites for both fire stations. The criteria applicable to sighting the fire stations included purchase price, availability of the site and the size of the property. The committee then systematically reviewed and discussed each possible site. In the end, the committee decided that the best site for station 12 was the property located at the intersection of northeast 87th avenue and sandy boulevard. And the best site for station 12 is the present location of central northeast neighbors at 55th and northeast sandy boulevard. And interesting note is that the building that is currently being used by central northeast neighbors is, itself, a former fire station. Station 28. The property suggested for station 12 was for sale, and was subsequently purchased for the fire station. In october of 2000, the architectural firm of group mckenzie made a presentation to the committee of various styles and ideas that they thought might be appropriate for the fire station. Discussion was held and it was agreed that building needed to be recognizable as a fire station, as well as to serve as an area landmark. Committee members gave their opinions on what they thought the building should and should not look like, and what types of architectural details should be included in the design. Because a portion of the building is dedicated for community use and will house the offices of cnn, group mckenzie made their presentation of the drawings of the ideas for the station. And decided that there needed to be a visual separation of the two purposes on the building. The next meetings of the committee were dedicated to fine tuning the design, the architects took into consideration all of the concerns of the neighborhoods that were involved. Issues such as noise, fencing, landscaping and others were discussed at length. And it was decided that a good course of action would be to host a neighborhood meeting for the surrounding neighbors and other interested parties so that the invited guest could review the building design and chat with the architects and fire bureau personnel about possible problems that might arise in the neighborhood. The meeting was held on december 5th and was well attended. I think commissioner Francesconi even made it to the meeting. And the neighbors were very pleased with the design of the building, and it was well accepted. Subsequent meetings were devoted to reviewing the mechanical and engineering aspects of the building design, as well as building materials. Throughout the entire design process, emphasis was placed on the needs of the fire bureau, the assessability of the community area by the neighbors, and the mitigation of possible problems to the properties adjacent to the station. The viewpoints and opinions of all of the committee members were given equal weight by each other. The team worked extremely well together and came up with what I think is an outstanding design, and is well thought out and will fit into the neighborhood nicely. It is my hope that the present committee in its entirety, including the architectural firm will be able to continue to work together on the plan for station 40. In conclusion, the process for the sighting and design of this fire station was a model of

JUNE 27, 2001

how things should be done, and how great things can be accomplished when a committee works together for the benefit of the community. Everyone is looking forward to the completion of the station, and it's going to be a terrific addition to our neighborhood.

Francesconi: William?

William Warren, Staff Member, Central Northeast Neighbors: Good morning. Thank you. I am William Warren, a staff member at Central Northeast Neighbors. We're very pleased, of course, to be able to co-habitate with the fire bureau and we are thrilled with the idea that we were able to accommodate the placement of what will eventually be new station 28, when we are able to vacate our historic structure so once again it, returns back to the neighborhoods as a fire station. In addition to which, as Susan explained, it has been a fine process working with all of our neighborhoods and with our committee representatives. We have worked long and hard. You have heard about some of the budget issues, and we feel that all of the various challenges that have come our way, we have been able to work in a harmonious fashion to accomplish. I think for many of our neighbors, one of the most striking things for them is the fact that this had been the site of pretty much an industrial waste for them. It was a former graveyard and with the removal of a former auto graveyard and being turned into a community structure that is a landmark building that has a presence for the city of Portland that recognizes safety and community involvement, is a boom for all involved.

Francesconi: Sally?

Sally Kneuen, Staff Member, Sylvan Highlands Neighborhood Association : Hi, I am Sally. Station 16 staff for the Sylvan Highlands Neighborhood Association, and surrounding neighborhoods. The fire station serves multiple purposes for our neighborhood. First, it will give residents peace of mind about their personal safety in an emergency situation, as well as protection for their homes in the event of a fire or seismic disturbance. Second, the station introduces a solid civic presence in the commercial zone of Sylvan Highlands. Residents had hoped for a strong focal point to help define the Sylvan Village concept, and we believe the dynamic design and distinctive shape of the building at a highly visible corner will make the statement, you have arrived in Sylvan Highlands. Third, the inclusion of a community room in the layout of the building will enable our neighborhood to have a convenient meeting space within the neighborhood for the first time. We expect to hold our neighborhood association meetings, as well as special meetings at the fire station. We are looking forward to community training sessions, addressing preparation for seismic activity, and urban forest fires. And fourth, we are anxious to display a visible safety presence at the entrance of our neighborhood, to deter crime. Crews on duty 24 hours a day, seven days a week, will provide security to the business and residential community located in the Sylvan Village. The station will also be a place for local police to assess neighborhood safety in conjunction with firefighters. As for the design of the station, the design phase is delicate because firefighters tend to prefer function over form, while the neighborhood's priority is form over function. [laughter]

Kneuen: When siting a station for 50 plus years, good design is paramount. We have several recommendations about the design phase, as the city moves forward with future fire station projects. One, determine the members of the A and E selection committee with great care to insure design expertise within the group and to be sure that the committee is not overrepresented by fire and BGS personnel. Do not, number two, do not allow the architectural firm's fee to be the deciding factor in selection. Number three, if you want to see good design, formulate a design oriented committee to oversee the projects. Try to avoid a design process based wholly on function and staying under budget. Four, seek help from AIA professionals to insure quality work and creative solutions. Number five, if there's a public art budget associated with the project, seek informed

JUNE 27, 2001

representatives to serve on the rack committee and be certain that the selection panel is not overly endowed with fire and bgs personnel. The public art component should enhance the station, as well as the community in which it is sited, and should be reflective of informed opinion. Finally, help the neighborhoods achieve an impressive community asset by aiming for high quality design, materials, and landscaping. And a comment on the process for sighting, i'm reading excerpts from the city of Portland public process for sighting and design of Portland fire and rescue stations. Quote, "public involvement is an integral part of the process for sighting and designing new fire stations and for renovating existing stations. The fire bureau will seek significant public input throughout the implementation of the facility improvement program in order to meet five overall goals. To help insure that the public, which approved the general obligation bond issue and will pay the increased property taxes, has input into how the money is spent. To improve the end product by involving different perspectives and community. To help insure that when the development process is over, the fire bureau and the personnel, who staffed the fire stations, will be regarded as good neighbors in their fire management area. To meet applicable state law and/or city ordinances regarding land use, to express the democratic values on which our city government is based. When sighting and designing a new fire station or relocating an existing station, the overall public process will include two components. Site selection and station design. Potential sites will be evaluated using criteria that include the interest of the fire bureau, the community to be served by the new station, and the city at large in closing, the city station 16 sack comprised of representatives from shna, forest park and swirl, was fortunate to have had input at all levels of the decision making process from sighting through design. Although awkward at first, and we were that bump. [laughter]

Francesconi: I wasn't talking about you.

Kneuen: I think you were.

Francesconi: I was talking about somebody else. [laughter]

Kneuen: Although awkward at first, we believe that when neighborhoods are involved in the beginning, and their input respected, the outcome is good. Without public involvement and fair process, neighborhoods feel imposed upon. We fought hard for our process and we believe the outcome was worth it. The city of Portland representatives specifically commissioner jim Francesconi, former deputy chief howard boyt and former chief, robert wall, demonstrated remarkable flexibility by refining the process and listening to neighborhood voices. We were the first ones to go through the process and we hope our investment of time and energy has benefited the city, as well as other neighborhoods who have yet to go through the process. The process, itself, became more efficient over time. Initially, there was a giant disconnect because our neighborhood learned of the intended fire station through a media report, rather than from the city. Our first exposure to the station was when deputy chief boyt presented to the neighborhood association a full scale architectural drawing of an 8,000 square foot fire station, with 35 parking spaces on a site that made no sense to the community. After a rough beginning, we got on track with the help of a professional facilitator, jamie damon, who succeeded in developing workable formats for discovery and dialogue. The staff of bgs and the Portland fire personnel treated the sack sessions with respect and dignity while we pressed forward to gain mutual acceptance. The process was, by no means, easy. It has taken three years from start to finish to accomplish the goal of sighting, designing and bringing a station to fruition. Although it's difficult to get everyone onboard with an idea as controversial as a fire station, our sack believes it has achieved closure and buy-in from the community to be served by this station. Thank you for giving us a voice. I like to publicly recognize the members of station 16, sack, as well as several others who nurtured this

JUNE 27, 2001

concept to fruition. Elizabeth oleman, frank, jeff, barbara, clark, erik, richard, and mike. Thank you for your time.

Katz: Let me just add, as somebody that has been talking about design, I want to congratulate your committee and you and hope that that gets built into the next selection of sites and architectural designs, so appreciate your focusing on that.

Francesconi: I was going to say underneath the sweet exterior beats a worthy and fierce advocate for the neighborhoods, but I don't need to say it. You saw it. [laughter]

Francesconi: Meme.

Mimi Dukas, Sunnyside Neighborhood Association: My name is mimi dukas, with sunnyside neighborhood association with sack number 9, station number 9. I'd like to start by saying that nobody in the neighborhood would like to see the current station number 9 leave. We love our station. It's on belmont. It's next to an elementary school. It's across from a park. The interaction with the firefighters is, is a great asset to the community. That being said, we also recognize that there is seismic concerns, and we want to make sure that the firefighters are safe. And so once the community came to terms with the fact that we are going to lose our firefighters from the current location, as you know, sunnyside and richmond are very active neighborhood associations, and we love -- we love our community. So, the scrutiny on this process was pretty high. And so, I was involved in the interviewing process for the architectural firms, and when stewart and susan walked into the room with a full-scale model of the neighborhood, I knew that these were the folks who were going to be able to communicate the design of a fire station to these two neighborhood associations. And even with that tool and the understanding of what our neighborhoods are and how we, we, how we believe in our neighborhoods, you know, it was still a tough process.

Katz: Did you listen to them?

Dukas: Listen to the architects?

Katz: Yes.

Dukas: Yes, we did.

Katz: Okay.

Dukas: And they asserted you know, some of their professional opinions. And it was a tough process. We actually had a small hick you know in the process where richmond wasn't entirely comfortable with the design. Bgs had to kind of have some one-on-one meetings with them, we got back on track and everything went fine. Part of the design struggle that we had was fitting in a civic building into a transitioning neighborhood on 39th, which is currently residential and changing over to commercial as time goes on, and so what kind of design do you put into that neighborhood so we struggled with that. I think we came up with a really good solution. As civic building. It's considerate of the residential character, and I think even once the, the nature of the neighborhood probably transforms over time, the building is still going to, to be in character with where it's at. The new location, I think, will still serve the community well. It's adjacent to hawthorne. A little bit off from it so you are not going to have that same pedestrian traffic. You are not next to the school. You are not next to a park, but I still think it's a good location. It's very functional for the fire station employees and I think that makes sense. And as far as community value, they are going to have a meeting room that's obviously of great value to us as a neighborhood, specifically with the loss of the southeast precinct evening access, we could use all the meetings rooms we could probably get. I'd like to commend stewart and his team. They were great to work with. He actually came to sunnyside to our annual meet and go presented to the entire neighborhood association, they have just been great to work with. I think the building is going to, to be a great addition to the neighborhood.

Katz: Thank you. Any questions? Anybody else?

JUNE 27, 2001

Francesconi: No. Before I bring ed, ed, thank you, everybody. That fast great testimony. That was the highlight of the presentation. Before chief wilson comes back, there was one other person -- come on back, chief. There was one other person that was going to testify, but he, he caught pneumonia, and that's al ramirez, but I wanted to emphasize to the public and to the council that we have another group of citizens, which is an oversight committee for the whole bond measure. His testimony is submitted to us in a letter dated june 27th but basically, this oversight committee performs three important functions. One is they are tracking all the projects, and at \$64 million to make sure that at the end, we cover all the projects so that some future fire commissioner doesn't sit here and have projects and no money. And so whenever we make a tradeoff as we did at station 16, where we spent, I don't remember if it's \$300,000 to \$400,000 more dollars because it was the right thing to do, that the citizens convinced us. We had to take that out of some other project. And this oversight committee helps us make those tradeoffs. The second function that they perform is they debrief each project, and they help us with lessons learned the way sally was talking about. The third function of this oversight committee is that they identify issues. One of which commissioner Saltzman raised today, the issue of sustainability in green buildings, to make sure, first of all, that, we are being as environmentally responsible as possible. I am going to summarize some things at the close but they also look at ada requirements. There has been some controversy here because of federal requirements on bathrooms, ramps, elevators in one circumstance, and these are federal requirements that sometimes, some members, and it's very important that we be sensitive to all of our, our citizens with disabilities. But in fire station, sometimes that are not open to the public, it's hard to explain to the public why we're spending money on some of these requirements. So, this, this committee looks at those issues, and then they also look at sighting decisions, to, to give us recommendations to look over their shoulders. I like the way that al ramirez summarized it in the letter to us. In the last, one of the last sentences he said, quote, "we think of ourselves as protecting your interests, members of the city council, as you steer the city's overall operations." I guess I want to publicly thank the oversight committee. I needed as many people as possible watching over me to make sure we're doing the right thing. Chief wilson.

Wilson: Thank you, commissioner. Council members we want to appreciate, show our appreciation for the opportunity to speak to you this morning. It takes a lot of energy and commitment to keep the program like this moving through the complications of time, money, and people. And I am proud of our effort to date, including the flexibility and good cheer, exhibited by the firefighters as they are disrupted by the moves and changing patterns of response. Although they must literally move out of their fire stations temporarily to make way for the renovations they have never waived in their daily duty to the Portland citizens. Even if it means adapting and finding new routes to and throughout the fire management area, and also I want to thank the city's fine facility staff, both our partners and bgs, and fire and rescue facility staff. Everyone is working very hard and smartly to create successes in all of our neighborhoods. So, at this time if you have any questions of ron and i.

Katz: Questions? Thank you. Good work.

Francesconi: I think there might be some public testimony.

Katz: Anybody in the audience wanting to testify? Jeff? No? Okay. She did a great job. All right, then we'll adopt the report. Do I hear a motion and a second?

Saltzman: So move.

Hales: Second.

Katz: Roll call.

JUNE 27, 2001

Francesconi: We have a good thing going here, and I'd like to thank everyone. The citizens, the facility staff, architects, firefighters, and, of course, the voters who voted yes, only to this measure, to 2 1/2 years ago. They want to make sure their buildings are standing but that we have adequate coverage throughout the city. I guess I would like to thank, especially the fire and bgs. I did hear some references about the number of these folks on committees, et cetera, and I guess I just want everybody to understand that we have three important objectives. One is public safety to make sure there's adequate backup coverage, not only primary coverage but backup coverage on fires and therefore, locations are very important, and we need the professionalism to make sure that we have that. The second is it has to be done in a cost effective way, and then third, it has to meet community objectives, and we have really tried to do that as station 16 and others. On the -- and I appreciate the professionalism of everyone. We did have lessons to learn from the sighting at station 16, and I think we have learned some important lessons that not only as a bureau, but as city government about, how to be responsive. On the issue of the environment, we do, as a city, have a lot to learn, including fire bureau facilities, and we do appreciate commissioner Saltzman's constant reminders in this regard. I'm not sure this came out in the system, but in addition to the question of lead standards, which by the way, we're willing to go through a commission process because we're so confident we have met those standards, but we need some help, perhaps, from our city incentive fund to pay for the cost of going through that process because those were not budgeted. But we're confident that we met that. And the reason we are is because we're doing other things. We have given requests that we meet 20% reduction and energy efficiency in all these buildings. I have asked for that, and the fire bureau is doing that. With the help of pge and others. We're doing daylighting, for example, to reduce energy consumption and we're actually relying on plain old fashioned opening windows for ventilation instead of a relinks on air-conditioning. We do have rainwater filtration systems, this is in every one of the stations, including the redesigns, I think, use of green materials and specifications in construction, the recycling of construction and debris, and low water use landscaping so we're trying to do things to be responsible, and to set the tone that commissioner Saltzman has rightly said that we must set. So, it's a privilege for me to be part of this effort, thank you. Aye.

Hales: I want to compliment you, jim, and the bureau and the citizens for this good work in looking back, I think there was an era that we still are working our way out of when we built generic kind of industrial-looking buildings for fire stations and schools, the 1950s and 60s seem to be for public architecture kind of an era of brainlessness. Just really awkward stuff out there and fortunately we are not building any more of t but more importantly than the fact we are not doing a bad job, we have risen to a level of expectation here that's been very well articulated today that we ought to make public buildings excellent, not just okay and not just something you don't wince at but something excellent and I think that's being achieved here. The other big change and it's been noted along the way, but it probably should be celebrated, as well, is that no one, any more, seems to think that these buildings should just be for purposes of housing, firefighters, and their equipment. That's a very legitimate and basic purpose of these buildings, but no one is willing to settle for that being good enough. So we're not settling for mediocre architecture or for single purpose buildings, and I think both of those changes are really significant and positive and I appreciate all the good work that's gone into getting us to this point, so I think that i'm very enthusiastic, just seeing the rendering, I can't wait to see all the building in place so, great work everyone, very well done. Aye.

Saltzman: This is good work, and I just wanted to, once again, you know, add my voice to the need to make sure these facilities are green, and I appreciate the efforts commissioner Francesconi has brought to this effort. But, I do hope in the future stations that we will go for that actual

JUNE 27, 2001

certification. That's what's required of all public buildings built by the city. I realize fire stations were exempted but nevertheless, we still need models out there and fire stations are out in the community and one of the biggest things about green buildings is people need to be able to walk through, kick it, see what it looks like, and the certification is an important step of that. And as you may recall when we had Dennis testify to us in favor of the green building standards we adopted, he cited when you incorporate the whole process, certification, everything, at the earliest point in the design phase, the cost is no more than 1% to 3% of the design cost, and so I think, well I appreciate commissioner Francesconi's pursuit of the green investment fund dollars to do this, if we were to do this for fire, every city bureau would be coming to us, and the green investment fund is really designed to stimulate private sector and public sector green buildings so it's not available to city bureaus. But nevertheless, and it is going to become the law of the land, with respect to the city bureaus from this point on if, they have to do certified buildings, so we need to -- and I hope the fire bureau will take that with the spirit of, we can do it. Pgs, fire, we can do it and for not much more money and it's important to have examples out there in the community for us to see. Good work. Aye.

Sten: Aye. Citizens and fire bureau and commissioner Francesconi, that's excellent. Very easy to support and I look forward to seeing these new buildings, green and safe for the neighborhood. Good job. Aye.

Katz: I think it's all been said. I am very impressed with the design of these buildings. They are a lot better than some of the infill designs of, of buildings that we see around the city for housing, so congratulations. But, this morning I heard the news that across in Washington they were building enough of wind power to light about a third of the city, and today I hear about the importance of opening up windows. I referenced that because about 10 or 15 years ago, if you talked to architects or to general services of any government, including the state government about building things with open windows, they said no, it's not, it's not efficient and you can't do it, and you shouldn't do it, and I also heard that when power is not efficient, and it's not the future and we need to do some other things, so just kind of a lesson to be learned if anybody tells you no, it's not efficient, and it isn't the way we ought to go, remember about open windows and wind power. Aye. All right. Thank you, everybody. Item 770.

Moore-Love: That's a 10:30 time certain.

Katz: Do you think there will be any public? All right, we're going to get ready to go and if there is any public testimony that comes in late, we'll take the testimony.

Auerbach: Mayor, you pulled 791 and 792 from the consent, could you --

Katz: I can't hear you.

Auerbach: You pulled 791 and 792 from consent but did not dispose of them, did you --

Katz: We can do that right now. You're right. I just did 775. Can question clear the -- quietly clear the council? All right. 791.

Item No. 791.

Hales: This item and the next in both cases they are just some technical language problems with the documents we need to refer them back to my office, please, and bring them back in a couple weeks.

Katz: Okay. Any objections? Hearing none so, ordered. 792.

Item No. 792.

Hales: Same thing.

Katz: Same. We'll send it back, commissioner Hales office and bring it back later on. Do I hear any objections hearing none, so ordered. All right. 770.

JUNE 27, 2001

Katz: All right. I'm going to -- I don't know who wants -- I know. Commissioner -- I know commissioner Saltzman, but I need to tell you that i'm already receiving phone calls, so I want to -- everybody to be prepared for the onslaught of calls that you are all going to receive. Most of them will probably end up in my office. But, we're already warning the public that this is -- this will be an inconvenience, but it's also an opportunity, and i'll talk about the opportunity a little later on. Commissioner Saltzman?

Saltzman: Thank you, madam mayor, and in fact, this briefing, this 15-minute briefing today is designed to exactly fill you in on the details of the burnside closure, and to remind you sort of the greater good for what is all being done. In mid july the tanner creek project will close west burnside between roughly, well northwest 14th and 19th avenues, for about three months. And the closure is required to install a new sewer and waterline using open trench methods. We did investigate, as you may recall, either side of tanner creek diversion is being tunneled, and we looked at tunneling under burnside but rejected it for engineering reasons which we can elaborate on, and finally there are financial incentives in place for the contractor that may reduce the duration of the street closure and detours. We hope that this can be done in two months rather than three months but we have to allow the three-month timetable. And what is the greater good from all this? Well, tanner creek, as most of you know is, an old historic creek that used to run from where the zoo is now to the willamette river. In the early 1900s, this creek in the typical development mode of that time was, was simply put into a sewer system, and the subsequent ravine that it ran through was filled in for development purposes. So, we now have relatively clean water from a creek that starts up in the west hills, going into our sewer system. And we're roughly spending, that helps contribute to combined sewage overflow because you have clean water mixing with sewage, and overflowing into the river, so if we can get this clean river out of the system, we'll not only save rate pair dollars because you will be paying less to treat dollar, to treat clean water with our sewage treatment plant but also help save some of the capital costs of the combined sewage system over the project, as well. Tanner creek will be coming out at the willamette river, roughly, well right near centennial mills, and we are looking forward to working with pdc, and others to do some sort of creative water feature there, stormwater feature so the public can understand a little bit of history of tanner creek but also see the importance of doing, getting clean stormwater out of our system and what stormwater is all about. So, the final segments, after this closure, will be built in 2002, and they will be basically at burnside and at barnes road near highway 26 to the Oregon zoo. And as I said, I think most of the public recognizes there is going to be a near term inconvenience, and we have been doing a lot of aggressive outreach with neighbors, businesses, the news media, and while we regret the inconvenience, we feel that everybody appreciates the larger picture and that's to clean up the willamette river and get rid of combined sewage overflows and this is part of that effort. With that I will turn it over to dean.

Dean Marriott, Director Bureau of Environmental Services: Thank you. Good morning, mayor Katz, members of the council, I am dean marriott, director of environmental services for the city. With me today bill ryan on my left, who is in charge of the construction of this project and jim dixon on my right who has been involved with some of the community outreach efforts. We have a very brief presentation. We know you will have some questions for us, and we'd like to get to those as quickly as possible. But, as commissioner Saltzman mentioned, we need to sort of set the context here for people to understand what what's going to be happening and why, so we will do that very briefly for you. We also have packets, I believe, that include some materials, and I think actually some of these materials may be useful for your office as you get some calls. There is some facts and figures and explanation.

Katz: Could you get us some extra packets?

JUNE 27, 2001

*****: We certainly can.

Francesconi: Is there a phone number as to where -- who my staff calls to relay the calls? That's, that's the piece of information that I need right off the top.

*****: All right. We will make sure of that. Are we ready to go?

Katz: Before you start, i've been fascinated by some of the history you have already dug up as you are working on tanner creek. Are you saving these artifacts or are you just dumping them somewhere else?

*****: Well, that's a good question. I don't know the answer to that.

*****: We do have archeological consultants to take a look at the material that's retrieved and make some determination. I was talking to the engineer, I think his name was mark.

*****: Mush.

Katz: If you leave it to an engineer, with all do respect -- yeah. The reason I raise this question, if we are going to do something interesting at the other end, by the river, you might want to consider saving some of these pieces whether you use them for artwork or you use them as part of, of a lesson to be learned, so, so just my thought, before you start throwing away things. Okay.

*****: Thank you. Okay. We're waiting for the technology to catch up to us here. [laughter]

Saltzman: We are hoping to find a couple of gold coins that might have fallen off of the wells fargo building that may help us pay for the massive cost this far project, too.

Katz: I am more interested in the rails, than pieces, the pieces of rails that you found. Another history lesson.

*****: Yes. Let me know when we're ready.

*****: While we're waiting I will mention that this project is one of those that we are seeking some federal assistance for. We have a request in, appropriation request in to congress, which is still alive. Last I heard, and still in the running for some funding, so, so we hope that, that before the end of the federal fiscal year that that will emerge as part of the budget.

Katz: Dean, on the public information in the phone calls, is it going to be your department, or commissioner Hales pdot that will be responding to the traffic? How are you doing the outreach?

Marriott: I think we will be the primary contact. We worked closely with the, the pdot on the transportation planning, but I think the day-to-day calls about how well the detour system is working should be sent to us.

Katz: Okay.

Francesconi: While we are waiting, let me thank you and commissioner Saltzman for finding another solution where we didn't have to put the pump station in the park, either park, so, and not on the waterfront, so thanks.

Marriott: Let me go ahead and start --

Katz: Why don't you start.

Marriott: With setting the basic context. As you know, we've been very active during the 1990s on controlling csos. We're really starting our second decade on this project. Success stories so far are many. The columbia slough, for the first time in centuries, has no cso charges, that project wrapped up last fall, we've controlled or eliminated eight cso discharge points to the willamette river, and we'll be working on csos for at least another decade, so we're right in the middle of this project at this point. As far as where tanner creek fits into this, I think that commissioner Saltzman did a good job of explaining that basically we're trying to take clean water out of the sewer system, as you all know by now, this problem with csos comes from the fact that there is too much stormwater in the sewer system. It's not that we have too much sewage in the system, it is when it rains we have too much stormwater. One of the things we decided to do very early on was, was look for the sources of the water, and see if we couldn't get them out of the system, and of course,

JUNE 27, 2001

looking at our old historic creeks and getting those out of the source system is clearly one of those opportunities and tanner creek is probably the best example of that. We've been working on this project for several years. There is several segments of the, of the pipeline that have already been completed, and, and this segment right downtown, as it crosses burnside, is a key to one of those remaining pieces to be finished. When we're finished with the work downtown, there will be two remaining segments. One that will go up burnside, past 23rd on up the hill, and the other will be going up the sunset highway corridor up toward the zoo. Those will be finished after this downtown work is finished. All right. I'll just keep going here. This will remove about 300 gallons of clean stream water from the sewer system and of course, when it rains, that causes some combined --

Katz: How much, 300 million?

*****: Over 300 million gallon.

*****: Per year?

Marriott: Per year. We've been doing public outreach and involvement for the last seven or eight years, and specifically, in downtown and northwest Portland, related to tanner creek, we've been talking with folks for about the last five years to let them know what's coming and to actually get their involvement as to how we should do this work. It will require, as you heard, the closure of west burnside for about three months, and right now, the target date for start of that work is july 23rd. Burnside closure, itself, requires, is required because we cannot tunnel under this segment of the project. We are tunneling on either side. The north side of burnside and the south side, but because the topography dips down there, where the old stream course used to be, it's frankly too shallow for us to tunnel. There are also some sensitive utilities existing under burnside, a major waterline and some significant telecommunications lines that we felt we did not want to put at risk by attempting to tunnel under them in a shallow condition. We will put up a map now that shows you that, the details of the detour, when you are heading west off burnside there will be two opportunities to turn left. The one on 14th and then one on 15th. Then you will turn over to alder and turn right. Alder will, will be converted from a oneway inbound to two-way street. The onstreet parking will be removed temporarily. The street will be restripe and had there will be flaggers there to assist. Coming --

Saltzman: There will be a four-lane road.

Marriott: Restriped to be four lanes of traffic. When you are coming eastbound inbound on burnside you will turn onto alder, and proceed down to 14th where you will turn left and rejoin burnside. As I indicated, there will be some traffic control people in the field to assist, to try and keep the traffic moving. What we have also done is done some fairly extensive outreach to notify people as to what's coming and to work with the affected residential and business properties in the area. We have sent out over 2500 individual notices. We're in the process now of directing traffic control signs, there will be electronic signs on 405 to traveling public. As far as the additional community outreach, we have held an open house, at lincoln high school. There have been monthly meetings with the neighborhood associations and business groups and we have actually made site visits to all the affected properties in the immediate area. There will be access for deliveries, parking can be heavy on-site, signage to direct people who wish to, to conduct business at a particular location as to how, where to park to do that and how to reach that business. We have distributed fax sheets around the neighborhood, fred meyer, pge, ballpark, and at the mcdonalds on burnside. We are about to start a newspaper campaign with advertisements in the major media outlets, explaining not only the details of the, of the, of the detour, but alerting the driving public to, to seek their cooperation in finding either alternative routes or just leaving a little early to make sure that they leave some extra time to get through this. We also will be holding news conference

JUNE 27, 2001

and is briefings on the site, as we get closer to the date of construction. We will have project personnel available for answering questions and responding to concerns as they arise. We have done a lot of planning and consideration about this traffic plan. We don't know, of course, until it actually happens how well it will work so we are anticipating being flexible and maintaining some -- the right to make some changes to make sure that we keep the traffic moving. If you have any particular questions, Bill Ryan is here to assist me in responding to them, any technical questions about how the construction will, will take place, but with that, we'll be happy to respond to any questions you might have.

Katz: Questions?

Hales: Are we creating, I should know this, are we creating any separate routing for, for the bus line one or two, in other words, are they in the same traffic pattern as everybody else?

Saltzman: I think try to meet will use Morrison Street.

*******:** We have talked with Tri-Met about moving over to Morrison to stay out of the detour area, and I don't know whether those -- do you know whether those --

Bill Ryan: I don't know what the, the specifics were but I know that Tri-Met has been addressed. They have given their concerns.

Hales: Yeah. If, one of the things we're able to do in terms of traffic management in any kind of situation like this, it was true on the I-25 bridge closure and certainly true here, one of the ways to reduce the scope of the problem is to get more people to ride the transit system. People will do it. Even if they can't always be transit riders, they will ride it more during a time like this if they are not just stuck in the same traffic jam on the bus that they would have been stuck in their car. So, that's why this matters. It's more than just giving Tri-Met special treatment, that you can get more -- reduce the scope of the problem, as long as you are communicating with them and transportation management folks and my bureau I am sure that they will figure that out and a way to do that so if Morrison is a solution, fine, but that principle worked really well on the I-5 bridge closure. Everybody was -- all the project planners were shocked that the public over did it in terms of following suggestions and so we had the best conditions on I-5 anybody had ever seen because people said I will take the bus for a while. And obviously, we have an agenda hope that go some of them will decide that's okay and stay on the bus. But, even if they don't, for the short run, it really works.

Katz: That's a good point, and they learn something with the bridge closure, and you can probably learn something from what their experiences were, make sure that happens.

Marriott: We have had excellent cooperation with the transportation officials, and very, obviously, interested in what's going to happen and we have learned a lot from their experience.

Katz: This is, as I said, it's an opportunity, I know PDOT and planning and PDC are looking at Burnside and trying to, to rethink Burnside as a grand boulevard, as opposed to a mini freeway, and we don't have opportunities often to do something like this, trying to meet, maybe, two objectives. One is the Tanner Creek objective but the other one is to see what we can, in fact -- what is doable on Burnside, and what can we learn from that. So, that's the opportunity that we have, as well as. Okay.

Saltzman: I just wanted to add, I don't think it was clearly stated but all impact of businesses will be open for business during the duration of the closure and we will have signage and will direct people where to park and how to access the businesses.

Marriott: Thank you. I should emphasize that we have met with the individual business owners or their managers or whoever is on-site, talked to them about the schedule, precisely where we will be, where the construction equipment will be. We have talked to them about how we can assist with keeping their customers notified. We have received mailing lists from some of the businesses

JUNE 27, 2001

and we will be communicating with their mailing list about the fact that they will be open, if they have questions about where to park, they can call ahead and we will be instructing all of the flaggers in the field, as to where people should park and how to be directed to get to these businesses. There is no doubt that they will feel the brunt of this, and we really are very appreciative of their understanding, that during this 3-month period they will be the ones carrying the burden for all of us as we get through this major public project.

Katz: Okay.

Francesconi: Just, well, maybe two questions. Now, is -- the answer is probably no because I don't think that we give them any funding but is there anything pdc can do to help on the small business issue? This came up before on the issue, when we were talking about waterfront park, it's come up on interstate max. Might be worth the conversation. The answer might be, I can't help, I don't know.

*****: We traditionally have not provided direct financial assistance to companies affected. We provide all the indirect assistance we can with public notification, with field crews that are sympathetic to their plate and to try to be responsive to their needs. And so far in most cases, that's worked pretty well.

Katz: Here's a thought and it may not be a very sound one, is there a way for you, especially during rush hours in the morning and the evening, to provide information on this to the drivers that are using these arterials today?

*****: We will be, as I said, working with the media, including the tv stations and radio to give them traffic advisories and as up-to-the-minute information as we can. The best thing that we can do is have everybody possible know about this in advance, and I think as commissioner Hales mentioned, many cases, we've been pleasantly surprised as a community as to how well people respond to these, as long as they know about it in advance and can make their plans, and that's, that's the key for the next month as we approach the start of this construction to make sure that there are as few people taken by surprise as possible.

Katz: I meant leafleting the cars that are parked in those arterials, maybe providing leaflets for the cars, when it's a red light. Something far more direct to those who use those arterials, especially during rush hour, just a thought.

*****: To explain what --

Katz: What's happening and telling them to reroute it, starting july 23rd.

*****: Okay.

*****: There is signs also that goes up far in advance of the closure.

Katz: Just some direct, direct hits because many of them may not be attuned to what's going on in the media.

*****: And one thing that, that, as dean said, there will be signs that indicates that this is a clean river project, as well so, people will understand at least what it is. And also, we will be doing some of the newspaper ads that will be referenced. We'll actually have newspaper ads on behalf of the businesses saying something to the fact that these businesses are open during the closure and thing like that, as well.

Francesconi: One other thing, and I think you are doing this already, maybe you said it and I wasn't listening but when you are doing the newspaper advertising and all the community involvement and the street closures, is there a sentence or two about why we're doing this to try to educate the public on this is good?

*****: Yes. Yes. We're going to start.

Francesconi: It's good for the river.

JUNE 27, 2001

*****: In the next couple weeks you will start to see, I hope, these ads and they are going to build up with information about why we're doing this, and then there will be information about the particular businesses affected and it's going to -- we are attempting to have this be an educational opportunity, as well.

Katz: I'm learning more and more as we begin to really focus in on the river, that even the most sophisticated citizen isn't really aware of why, why we're doing the cso project or why we're doing tanner creek or why we're doing anything. Because they don't see it connecting directly to the river. And I think the more we can educate them on that, the better off we are.

*****: I think that's a great point. We have talked about this conceptually for years and our friends in north Portland, as we did this slough work, became familiar with what it meant. They got through it pretty well, I think, and now that we're coming downtown, it sort of is our turn to, to field the direct impact, and as you said, mayor, the people sort of generally remember that this is going on, but when they actually see the backhoes in the street is when they are going to say, this is what they were talking about.

Katz: Right and you did a brilliant job years ago tying the clean river notion to the cso project but it's something that we need to continue reminding people. Okay. Further comments or questions by the council? Anybody in the audience wanting to testify on this item? Okay. I'll take a motion to accept the report.

Saltzman: So move.

Katz: Do I hear a second.

Francesconi: Second.

Katz: Roll call.

Francesconi: Thank you for your very professional work on a very, very difficult project. And a very important project, aye.

Hales: There are still some state legislators who score political points by claiming that Portland is not doing anything about cleaning up the river having spent now hundreds of millions of dollars and made enormous progress against this, I would highly recommend that someone figure out a way to sponsor a conference for state legislators in the general vicinity of this project during the time the street is closed just so if there is anyone left that's still practicing that kind of politics they will have less opportunity to do that with a straight face. Aye.

Katz: Amen.

Saltzman: Good point, commissioner Hales, aye.

Sten: I very briefly would say, I agree with the mayor completely that there is more to be done, and as painful as this is going to be, it is an opportunity to do some education, and I think I have heard through all the years I've been working on these issues a general sense from the citizens how on earth can we, who care so much about green issues and we do in this community, have polluted the river so badly and the answer just in a couple of sentences is, the fundamental way the city was engineered was to roll pollution into the waterways, that's how the city was built, and to restructure that takes dramatic infrastructure rebuilding, and this is the case, and it doesn't make sense to put clean water into sewer pipes, and it's that clean water that's overflowing the sewage into the river. And so it isn't that we were neglectful. It's that we worked on a wrong premise over the first part and you have to pick up the streets underneath it, so fix it, so I hope you will continue, and I think you are, and I appreciate how you are doing this, using this chance to help people get what went wrong in the design of the city that led to the river being so polluted, and how being inconvenienced and it will be dramatically inconvenient, will actually solve that over time, aye.

JUNE 27, 2001

Katz: This is an opportunity to let citizens know how they are helping to clean the river. We talk about all the things we do, and the fact that not only are they being taxed through higher rates to clean up the river, but that in their transportation thinking about how to get from place-to-place, they are also helping, and, and in large that community that's helping to do something to correct them the mistakes, historical mistakes, I hope we can learn something again for, for burnside and educate the public as to what this city is doing, and as we educate the public, certainly, after yesterday's presentation, and today's presentation, educate the legislature. Aye. Okay. 771.

Item No. 771.

Saltzman: Next up is also related to cleaning up our environment and building a better, or I should say recreating a better environment, natural environment, and that's out on johnson creek, which I think we're all familiar with the tremendous flooding problems that go on there, the importance it plays to fish and wildlife habitat restoration. The johnson creek restoration plan, which we are asking you to adopt was developed with the cooperation and input of five other jurisdictions in the johnson creek watershed. They include the cities of gresham, milwaukie, happy valley, and the unincorporated areas of clackamas county and as well as the johnson creek watershed council. As a matter of the policymaker committee I met with the elected officials from all these jurisdictions to review this plan, and the plan, as I said, is a model for sustainability. It takes a systemic integrated approach to address environmental, economic, and social goals. The focus is on restoring the natural functions of johnson creek's flood plains which have been subjected to more than 100 years of human alteration. The guiding principle is to work with nature instead of against it, the johnson creek rest tradition plan will be the plan for recovery there, and I think we will show you a video produced for the johnson creek summit held last fall. It's a short video but I think it really captures the whole essence of this plan and why it's important.

Katz: Okay. Who is running it? [laughter] [inaudible]

*****: Probably the best indication of the restoration of fish, themselves, when they start returning -- [inaudible]

*****: Johnson creek is gentle soil east of gresham, Oregon. The creek is spread with culverts and under highways. Through subdivisions and industrial areas. Past farmlands. One of the last fee-flowing urban streams on the east side of the willamette river is this settlement.

*****: My family moved to this place in the '80s --. [inaudible]

*****: In 1903, settlements along the creek became linked to the city of Portland, when the spring water rail line was built by the water's edge. During suburban booms after world war ii, these communities, places like gresham, offered areas far away from the growing urban center. [inaudible]

*****: I have never wanted to leave this particular spot.

*****: Today, 150,000 people live in watershed, where an average of -- the quantity and quality of water in the creek has changed because of human impacts of the landscape. Streets, lawns and pastures.

*****: The stream system, particularly in the pacific northwest, we get a lot of rain, there's a lot of precipitation, and the stream, it can't function without flooding.

*****: While problem solvers sow flooding as a flaw, like the broken pipe that needed fixing.

*****: When they came in here, they basically worked very hard to move the water through johnson creek. He diked the creek, deepened the creek. [inaudible] we saw a huge increase in the amount of flooding involved and a very big decrease in the amount of water [inaudible]

*****: A complete relocation of johnson creek will mean obliterating the existing johnson cream within this area. It would require, those of you living along johnson creek to give up johnson creek and probably a storm drainage pipe and having the old stream bed filled with material [inaudible]

JUNE 27, 2001

*****: Over the next five decades, flood damages are estimated by the army corps of engineers at over [inaudible] the new johnson creek restoration plan has been [inaudible]

*****: Johnson creek restoration plan is very important for every dollar being treated, is saved by [inaudible] we think this plan is a better chance for success because prior efforts [inaudible]

*****: The johnson creek watershed council was created for discussion and education around issues affecting the creek.

*****: Watershed council evolved out of the community need to address problems in an integrated fashion across the boundaries of the different communities and counties that were present.

*****: This plan differs in a number of areas, but I think the most important is that it's coming from coalitions and communes up. And coalitions of local governments up, and local watershed councils.

*****: Steelhead and chinook salmon are listed under the endangered species act, what that listing did was really, really help to galvanize -- [inaudible]

*****: This is called the johnson creek restoration plan, to address all the complexities from federal, state, and regional agencies, from the water, endangered species, the communities and the watershed came together with a combination of good science, quality information from the field, and common sense.

*****: The idea is to reduce flooding, we want to basically hopefully improve water quality while we are in the process of doing that and preserve the fish and wildlife habitat. I view this plan as a national model [inaudible]

*****: Landowners along the creek [inaudible]

*****: Okay, now a year ago, there were 8-foot tall [inaudible] along here, partly because we have [inaudible] so, we spent the winter cleaning, in january, the watershed came in and planted a lot of the bare root plants. Ash trees, which there are a number of them around here.

*****: The best thing the landowner can do is let the creek fix itself. Two christmas ago, the [inaudible] at first I was devastated and terrified, but as time has gone on, it has carved out this area and created [inaudible] I have seen more fish and [inaudible]

*****: Using the combination of these approaches the restoration plan focuses on eight priority projects along the creek.

*****: This section of johnson creek is [inaudible]

*****: In the upper reaches, from the local soil and water conservation district, works with nurseries and farms.

[inaudible] it has the opportunity to be a buffer and a filter for the stream, but it also has the possibility of supplying [inaudible] so it can go either way. [inaudible]

*****: The majority of the creek runs through the cities of gresham, happy valley, and Portland. The 5th graders from the school are students who learn about ecology from johnson creek.

*****: Fish eat the bugs to live and if there is no bugs, then the fish would go away.

*****: The first thing they wanted to know was that one can make a positive contribution. They are involved with the hands-on activities. We want them to grow from youngsters, to citizens with knowledge about our environment for the future.

*****: The last part of johnson creek runs through Portland and the city of milwaukie to the willamette river.

*****: We can make a choice to turn it around and make johnson creek a good system again. It will take a large financial investment and social investment to see that happen. It is just what value we place on having a living ecosystem within an urban environment. [inaudible]

JUNE 27, 2001

*****: If our grandkids did return to it portion of the city, I would hope that at that time we would have begun to create heavy vegetation to public areas along the stream, that will serve as flood control. [inaudible]

*****: Restored runs of the salmon in gresham [inaudible]

Katz: Thank you. Okay. Come on up, dean.

*****: You have seen the plan, and a great video that really highlights the importance of this. We are here to answer questions of the plan, as mentioned, does have eight specific projects that are envisioned, and the funding for those projects, I believe, is somewhere in the order of \$7 million, correct me if I am wrong, but we are approaching a strategy of, you know, pursuing grants, federal grants, watershed grants to do some of that work. Also, working with the other jurisdictions to see where we can appropriately partner up and do projects jointly funded, as well.

Katz: It's way more than 7.

Saltzman: Is it?

Katz: Okay. Dean.

Marriott: Thank you. Dean marriott, environmental services, director. I'm just going to say a couple of words but I just want to tell you that this is one of the happiest occasions that i've had. When I first got here, there was a lot of discussion about johnson creek and bringing of hands and the concern about the fact it flooded frequently and it was, perhaps, an asset that was being lost forever, and I think you can see from this 12-minute video that I think we've been able to begin to turn that around. We've got lots of people throughout the watershed from gresham all the way down to milwaukie now talking about johnson creek and very positive terms. Not only for water quality enhancement but for flood management and for fish habitat and fish restoration. So, I think it meets all those goals, all those objectives. One of the things you will notice about this plan is that it contains more information about johnson creek than anyone has ever assembled before. We have literally walked this entire stream from the confluence of the willamette all the way to the head waters. We've analyzed the habitat, the water quality, the condition of the stream throughout its entire length. We've engaged people all throughout the water sled for the first time, people are really motivate and had ready to move. We have worked very closely with the johnson creek watershed council, I think just, just created a nonprofit organization to, to serve as sort of the catalyst for making things happen. We're going to talk to you this morning for a few minutes about what's in the plan and how we got here and then we'll wrap up with a few words about where we go from here because it's quite an enormous undertaking not only to create this plan but the really hard work is to see that it gets implemented. And as commissioner Saltzman mentioned, we had some funding requests out for, to a couple of the projects, in this plan, but it's an enormous amount of work to be done. The one thing I can say is that if we pace ourselves, and realize that it took us over a hundred years to get the creek in the condition it's in now, we have to be sure to be kind to ourselves and make sure that we pace ourselves appropriately to do it over time. With that i'd like to have staff folks come up. They will introduce themselves and talk for you for a minute about the plan.

Katz: Chris, are you hiding? [laughter]

Katz: I want to welcome you to city council. [inaudible] [laughter]

Katz: Okay. There is a fire station that we heard about. Thank you. And there's -- we can tell you that burnside will be closed for three months in southwest Portland.

Hales: And we're going to blame the legislature. [laughter]

Katz: Right. [laughter]

Katz: Go ahead.

JUNE 27, 2001

Stephanie Reid, Project Manager (BES): I am stephanie reid with environmental services, project manager. We do have some summaries for handouts on the table if people would like to read them. Executive summary of the plan without going through the whole thing. I will give a little history and overview. The plan is an update of the johnson creek resources management plan that this council adopted in 1995. Now, since 1995, there's been some regulatory changes and some technical advancements and we incorporated those into the new plan, really focusing a lot on the endangered species act goals, and the main approach for this plan is to manage flooding and improve fish and wild alive habitat by restoring the functions of the creek and flood plain. As you heard, the plan does highlight eight priority projects but we also laid out work in all reaches of the creek. From the mouth to the head waters identifying opportunities for restoration that involve working with property owners through, and through, working with, with property owners who were going to do work on their own property and then also through willing seller programs, so that we can bring some of these lands that are flooding right now into the public. The draft plan was unveiled at the johnson creek summit and over 150 copies were distributed for review and comment. We did receive a lot of comments from regulatory agencies, jurisdictional partners, creek-side property owners and other stakeholders. We have incorporated many of those comments and addressed them and we have a final plan that, as you know, has just been published and the copies will be distributed. We also have this available in cd and on the website.

*******:** I want to say johnson creek has -- jim with endangered species program. Johnson creek really is our best chance to implement your vision of assisting recovery endangered species. The projects that are called for in the johnson creek plan are truly multiobjective. You saw the video, the flooding benefits that are going to be provided to people are also going to provide great benefits to fish so I think it's a really truly shiny example of the work we're going to be doing a lot of in our watershed projects in Portland. It could also serve as mitigation for other city activities, for road building and maintenance work that we need to do, dense development we may choose to do so the planning gone into these projects is really going to provide the city with benefits that go far beyond johnson creek. This is also a model for collaboration both internally, the esa program was invited to participate at the very beginning, and was kept involved all the way through, and we really appreciate that opportunity and I think the result is a really great product for esa, as well as public health and safety. The model for collaboration extends, though, beyond the internal folks in the city, to other jurisdictions, and that's been talked about some, but I want to make sure you understand the relationships built up as part of the development of this plan created a watershed-wide effort to replace culverts rather than the individual jurisdictions and I think that's a great step forward for the entire watershed. The research done for this plan that you have heard a bit about means we are far ahead in johnson creek when it comes to crafting our response. We know so much more about the creek than most people know about any watershed in the region. And it's really a fascinating example for me to bring some of our colleagues in from the columbia basin who look at the data that we have and their eyes are huge. We know a lot, and that means our projects will be more successful. And finally, I think the projects call for are the kinds of things that we may be able to do in the future to provide mitigation for our liabilities under super funds, should we have them, and certainly an opportunity to provide opportunities for other potentially responsible parties to invest in restoration actions inside Portland to address their liabilities. And finally I think this plan is a model of the other watershed programs that des is working on in partnership with planning and parks and other bureaus and I think you will see more of this work coming out of des and the staff working on river renaissance, this is a good effort coming out of the work that's going on that you heard about yesterday.

Katz: Jim, what other watershed would come next in terms of doing this kind of quality work?

JUNE 27, 2001

*****: I think there are three watersheds that are currently undergoing this level of scrutiny, and I think that des might be better able to address it but it is high priority and there is substantial resources being focused, and also fanno creek are going through a similar process, and the slough, I don't want to forget the slough, I often do because they are not listed species there, but the slough has done some fantastic work and I think there is a lot of restoration opportunities there, as well.

Katz: Okay. Got it.

Daniela Brod, Bureau Manager, Johnson Creek Watershed: I am daniela brod, johnson creek watershed bureau manager, and I am going to highlight a little bit of what's going on in terms of the next level of implementation. The johnson creek restoration plan highlighted eight priority project areas throughout the watershed and I wanted to tell you a little bit about one of the those priority areas. One of those project areas is in the lents area, and believe it or not the bureau of environmental service is collaborating with pdc to implement the johnson creek --

Katz: Wait a minute, why believe it or not? Johnson creek.

Sten: That wasn't always the case.

Katz: Go ahead.

Brod: Collaborating with pdc to implement restoration of natural functions as part of an urban renewal vision and process. This is definitely a real world example of how restoration of natural functions can be done and co-exist with human development in an urban area. Specifically, what this means is that we've been working with pdc to draw their concept maps of future land uses in the area, and that some of those areas have been delineated as flood storage and parks areas, and we've been using our model, our technical information to inform that process in conjunction with groundwater investigations, to identify where those footprints would be and could be in the lents area. Ultimately, what -- how this is being seen is that nuisance flood management and restoration of natural functions can inform urban renewal process and create value in an area by reducing uncertainty for investors and creating remarkable amenities that basically the parks that can be created out of this in the access areas for people, at the same time, is creating access areas for fish. So, what I wanted to turn your attention to is some of the drawings that we've commissioned. They are very conceptual. We're basically giving people an idea of what these flood management areas can look like. What we have got here on the easel is a view of an area south of foster, just east of the freeway land company site. This is, this whole area is east of 205, south of foster. We've got foster coming through there, as well as the spring water corridor. And this is just to give you a feel of what these flood management areas could look like. Secondly, that's a summer version. You can see some trails through there. Winter during high flow events it would fill up with water and some back channels and flood storage areas, designed in a way to not create access problems or egress problems for fish. But, this is basically flood plain reconnection as part of an urban renewal planning process. In terms of basically these areas are being, or concept plans are being drawn in areas where we have been doing land acquisition. You have seen over 40 ordinances passed for a willing seller land acquisition and lents has been one of those target areas. We own about two-thirds of the property in this area. So, again, conceptual long-term vision. Lastly, what we are going to do in terms of where we go from here with the overall johnson creek restoration plan is that as you can tell it's a very ambitious plan, cost as lot of money, long-term vision, projects all over the watershed, what this is going to take is partnerships, up and down the watershed, between jurisdictions and with other groups, such as the watershed council. It's been mentioned the watershed council will be a key partner in implementing the watershed-wide vision, and there will be a way of our contact with -- and coordinating with property owners, as well as other jurisdictions. The other coordinating effort going on is an interjurisdictional committee where staff from the other jurisdictions are meeting and one current project we're working on is collaborating

JUNE 27, 2001

and hiring a grant writer so that we can fund and potentially use some of those funds for projects upstream of Portland, for instance. And lastly, the implementation of the plan will not be large capital improvement projects. It has been mentioned that private property owners will need to participate so we're in the process of putting together a program, multibureau program, for instance, parks, they participate, the natural resources group participates in, in restoration, as well as working with opdr and permitting issues to create a program that, so we can respond to private property owners when they give us a call, which they do, and say we want to do restoration in our backyard, how do we do this and how do we fit it with the goals and the visions you have in this restoration plan. So we're working on that, as well.

Katz: Thank you. Questions? It's restoration at lid. All right.

Saltzman: Not quite lid.

Francesconi: Jim, you said something profound here and I want to make sure that I heard it right and other people heard it right. I think you said that this johnson creek and these efforts are the best efforts, best chance at restoring fish. Did I hear you say that? I mean, including the whole willamette and including the whole river renaissance and including the esa, this is the best chance not only in mitigation but restoration, is that right?

Brod: One of the interesting things about johnson creek is that we have rigorously confirmed spawning activity going on in the watershed and we don't have necessarily spawning in other watersheds and the willamette, there's a raging scientific debate about whether spawning existed there or not and I won't go into that now but because we have the full life cycle of steelhead, in particular, and coho and chinook salmon expressed in johnson creek it's a real opportunity for us to demonstrate how an urban environment can co-exist with these species. Doesn't mean there aren't great opportunities on the willamette and other areas as well, but because the spawning activity I think it's a unique opportunity for us.

Francesconi: So eventually, or might we, I was really impressed, I didn't read all this but I read your scientific, I don't know what you are calling your other study, and I was impressed with all the work that you have done along johnson creek, so I assume that it's some of the same materials. Is this the kind of approach we're going to have eventually on the wholly -- on the whole willamette? This is much more detailed than anything I have ever seen.

Brod: I think we will end up needing to be there, and if you talk to the folks at bes and others, who are working on the effort, you can see we are gearing up to develop a work lan that's going to provide this kind of detail. It's going to be required of us, ultimately based on all the regulations.

Saltzman: Going back to the river renaissance briefing, the discussion of identifying projects in specific parts of the willamette and here is eight specific projects, so I think it's kind of a model.

Katz: -- yeah. I just didn't -- i'm sorry, I apologize, I thought you were going somewhere else.

Francesconi: Two other questions, one is -- [laughter]

Katz: No, I just didn't want people to say this is where we ought to be focusing all of our attention. And you weren't doing that.

Francesconi: I didn't intend that.

Katz: But it is a very important, you are absolutely right.

Francesconi: Turning to lents urban renewal, there has been some divisions there in the community, but i'm sensing, hoping that we're coming together around some things, and actually, one of the things you said, using this as an opportunity to show that we can do things differently and encouraging some environmentally responsible employers who want to create an attraction, are we making any progress here on keeling some of the divisions east of the freeway and is there anything you want to say particularly about freeway lands and where that sits?

JUNE 27, 2001

Brod: The first question is, I think it's best addressed by the, by these pictures, these pictures have been out in the community for the last week and a half and seen by a lot of community members, as well as business owners, and they have been received positively. I will say that they see that there will be human access and that it will be done in a way that also protects some of these highest quality resource areas, so we have been clear that these could be helping to fill the, the, the lack of neighborhood parks out there, the neighborhood type of parks, and creating access. I will say that there's continued concern about long-term maintenance and the availability of operating funds to maintain these areas once and if, if and once they do get built. And in terms --

Francesconi: Before you move from that, that's really a good point and we appreciate bes. Commissioner Saltzman was also very helpful because we had an issue about locating a ball field and, which was being displaced for other economic and housing reasons, and so trying to accomplish multiobjective purposes, including parks, active, but only in certain limited areas, so I appreciate you saying that and showing a little flexibility as long as it doesn't endanger the habitat. Thank you.

Brod: The manager of that site is -- has been reacting positively to these notions, as well. And there is some room on that property, we think, for some flood storage that wouldn't mandate the entire site to be used for flood storage so I think there will somebody multiobjective opportunities on that site, as well.

Francesconi: And the landowners also talked with gill kelly, and don, and we need to set up with dean marriott because I have talked directly to the owner, who does have some interest and understands it may actually make the property more valuable.

Brod: We took the liberty to put an office building on the site with access for the employees into the park area.

Francesconi: Wow: You really are coming together as a city. Amazing.

Katz: I just want to -- it is a blighted area. Thank you. Okay. Public testimony now. Anybody signed up? One person. Two persons. Come on up.

David Reed, Project Coordinator, Johnson Creek Council: Good morning. I am david reed, the stake holder project coordinator for the johnson creek council and I want to thank you for giving us this opportunity to speak to you briefly about the johnson creek restoration plan. I want to just hit on a couple of important points that, we're were already mentioned but I am tremendously excited about this opportunity. The johnson creek restoration plan is really a unique document that really provides a back-bone for the restoration of johnson creek, and without it, we would be set back in our efforts to accomplish that restoration. It provides a vision that is unparalleled in terms of its scope and as they pointed out, it's a long-term phase-in vision that will not happen right away but something that people can rally around so not only did have the jurisdictions come together but the people would live in the creek see it as an opportunity for them to get involved and to do something about making the creek a good place for them to live so we're developing sustainable communities that work in harmony with the natural resources in the area. So, this plan is absolutely critical to the success of restoring johnson creek and I applaud the city of Portland for the leadership in developing the plant and moving forward in the implementation process. And as she pointed out, it will not just be the city of gresham that moves this plan forward but individual people, but that can't happen without the watershed council and the leadership of the city of Portland, so again, I applaud your efforts to move this plan forward and make this plan happen.

Katz: Thank you. Curious, how many years did it take for this plan to redevelop? I shouldn't have asked.

Reed: Two.

JUNE 27, 2001

Reed: And it was based on, my understanding, based on a lot of the research that was done prior and some, some, some research that was done at the same time under the contracted by bes by Oregon department of fish and wildlife and et cetera so based on a long history of studies but this is really the first look that anyone has taken at restoring the entire creek. A lot of the plans in the past have been like the one you saw in the video, let's, let's fill it in, in this area and dig a big pipe or some of the other ideas that fortunately weren't put through. So we have come a long way in the johnson creek restoration plan. One of the most important things about it is it says, we have to get to natural functions that none of this, none of our objectives will be met, flood management, fish and wildlife habitat, water quality, none of these thing will be met with engineered concrete solutions. These need to be natural solutions and the only way we are going to get to those objectives so through the restoration of the creek. So a really important concept that I think a lot of people are getting excited about.

Katz: Anybody else?

*******:** First of all I wonder --

Katz: Identify yourself for the record.

Ernie Francisco: Arnie francisco, johnson creek resident. I wonder if anyone has complimented the council or that it is remembered that it is Portland that took the leadership and underwrote the first real work that began more than a decade ago. So, you should take some credit. I want to accent something different, that lents is actually a sample of. The creek has been a drag on a large part of outer -- of southeast Portland and milwaukie now for 100 years. There is more undeveloped land and or homes and businesses than I suspect in any other part of the city. So, when we, as a city, are talking about our boundaries, it seems awfully appropriate to me that you are working on this particular watershed. You can -- I assume that most of you have gone through it, but through the years we have listened to what people have said, and have watched people who may have wanted to work or put a business in that area and have not. And that is, includes gresham and it includes the johnson creek clear to the river. So, this work will have not only will it help lents, will it help the stream, but as a city, it should give you more land that you can use before you begin to think of opening that urban boundary. Thanks.

Katz: You sort of excited me about -- have you -- have you identified the, the acreage that may be available for further development, whether it's housing or employment?

Francesconi: No, we haven't. Although the johnson creek watershed should take that on as an effort and we could do it with volunteers. I'll give you just one example, the port of Portland, you know, owned that at one time, a number of years back. And they had a high-tech firm sitting at the desk to put their name on the bottom line when the waters came up. And of course, that opportunity was gone, and apparently the port gave up at that point. There has been other instances of that in the area. And lents, of course, is the shining example, so is what we call -- we don't call it arrowheights any more but few people realize that that probably was and is, perhaps, the poorest area in this city, and i'd like to see something happen.

Katz: Dean that might be something you want to come back to a conversation with the pdc, just for, you know, information that we might have regarding the urban growth boundary because of lot of that is not taken under consideration when plans are made to expand the urban growth boundary. Let me know and commissioner Saltzman know since we're on that. Anybody else want to testify?

Bruce Barnett: I grew up in lents. And i'd like to see my neighborhood improved. That's one of the reasons I got involved. I've been quite involved with pdc, and bes in the urban renewal plan and I hope you don't ask me, mayor Katz, to quantify this, but I do think that the restoration plan will go a great deal further in improving the lents neighborhood. One of the things that I learned about in becoming involved in the community development process and in the watershed

JUNE 27, 2001

restoration process is the concept of interconnectiveness, and I really think that there is a connection between improving the habitat and improving the area that's out there, and attracting business to the area. And therefore, improving not only the neighborhood, but the city, as a whole. I ask that you support this plan because of that. I see a great opportunity to improve my neighborhood, and I appreciate you giving me the chance to come here and say that.

Katz: Thank you very much. Anybody else? If not, roll call.

Francesconi: Well, this is a terrific plan for a lot of reasons. One is it originally began with the citizens, where the most good things happen. It's also a good example of cooperation with the bureaus. Parks would like to specifically thank bes for a long history here of, of acquiring land and manage it go and trying to accomplish multiobjective uses. You've been a terrific partner for us for many years, and it's been demonstrated here, now we need to expand that to our other bureaus and we're doing that. It's, it's also an area that maybe we can heal that devised between environment and economy. We need both. It's the big issue facing our state and our city, and maybe in johnson creek, it may be even more manageable so not only we can demonstrate it's so important to us environmentally, which frankly I didn't understand it was such a spawning area, until recently, so therefore, we're going to have to be deal with this from a regulatory approach. But, if we can view johnson creek as a resource that really enhances the area, and we have a ways to go, this was a little optimistic today. There are still some sharp divisions based on a lack of education about how we do this, and so we have a lot of work to do in this arena. But I think it's actually possible that we do this. It's going to take resources and cooperation and attention. I do think this plan is still a little separate from some of our other plans, but it's pretty one-focused. How does it integrate to river renaissance? How does it integrate to the lents urban renewal process? Just two plans that I need to see a little clearer but we have come so far since the day six years ago that commissioner to be Sten and commissioner to be Francesconi actually had this as a debate question. In one of our debates six years ago that we had. And we have come so far in that time, but we have a long, long way to go but it's exciting to actually be part of it with you. Aye.

Hales: Good work. Please keep it up. Aye.

Saltzman: Well, I want to particularly thank bes people who have been close to the plan, stephanie reed and maggie. They have done great work and jim, has been very welcome, as well so, it's a great plan onward to the implementation, and I certainly want to recognize, while I have the pleasure of being the commissioner in charge today to adopt this plan and there will probably be future commissioners in charge with implementation and I want to recognize sort of laying the ground groundwork for natural based solutions to these problems. Go back to my predecessor and commissioner in charge, starting with no congressman earl blumenauer and transitioning to commissioner erik Sten and then to me.

*****: And commissioner lindbergh.

*****: And commissioner lindbergh. Aye.

Sten: I want to say I am not surprised, knowing how hard the community has worked on this and the caliber of staff we have got in the esa program and bes that this has come this far but I am inspired and delighted. I've been a little out of touch with this plan with other stuff and I think it's just terrific. We've really come a long way, I am looking at ernie, and I probably, probably I will never forget the first couple of meetings I had out in a couple of churches around the flood plain rewrite and the mayor will never forget me asking could we have hearings out there, so I think it took two years to write this plan, this plan is on the backs of what I think is one of the most exemplary efforts the citizens made to reconcile their own land holdings and issues and regulations with some new regulations, and I think with those in place we're able to actually come forward and

JUNE 27, 2001

do this restoration plan which I do, to put on the record, agree with jim, this is our best hope for a full restoration because also this is one of the only places where really as degraded as it is, the stream is still there and still -- there have been some changes over the years with the army corps of engineers and everything but it flows like it used to flow and there isn't anything else like it. And of course the willamette is critical to our species restoration's efforts. You will never get to johnson creek if you can't make it through the willamette as a fish, but it's a huge engineered system with it. And this is really the place where if you can have a fully functioning stream that's anything like what it was before we messed it all up, this is it, and I think thanks to the citizens and the staff's hard work it's going to be there so it's really, with, with a lot of admiration, I vote aye.

Katz: I have always been thinking about that one little fish that I put into the stream wanted to know if it ever made it. There were about three of them. [laughter]

Katz: And that was so exciting for me because as a big city woman, that's not normally what I do. But, that did introduce me to johnson creek, and I recall even just about the time that, that I came on the city council, I asked the question, well, what are we doing out in johnson creek, and I won't tell you who said it, but somebody said, oh, forget it. There is too much controversy. We're not ready yet. They are not ready yet and that was went that long ago so, you really have done remarkable work, and I want to thank the bureau, bes, I want to thank the watershed council folks who have committed to staying there, the landowners, and my own bureau, pdc that finally understands that waters can be blighted, and that I am still trying to figure out the employment opportunities, but there are employment opportunities attached at the other end of it. And it's all right to make these kind of commitments to, as somebody said yesterday, to spaces for people and fish. So, aye.

Sten: I did also want to thank transportation for their work on the culvert issues. We didn't get to it but the enormous issue is the culverts put in and I don't think it has been properly pointed ow the transportation has really gone the extra mile to rethink that this at some great cost to them so I want to thank them as well for their help on this.

Katz: I am glad you mentioned that. Thank you. 803.

Item No. 803.

Mark Murray, Bureau of Financial Planning: Mark return murray, financial planning. Under Oregon statutes addressing local budget law, no fund in any jurisdiction is allowed to overspend within a major object category. The major object categories are defined as personal services, materials and services and capital outlay. The city takes this a step further to insure effective fiscal management and control and implements this requirement at the bureau or au level. So this ordinance in front of you is the last chance for the bureaus in fiscal year to request reallocation of funds to prevent any chance of overexpenditure. Most of the requests on the table you have seen are minor, and technical. I would like to highlight a few of the major ones for you. Specifically, \$1 million transfer from the compensation set aside special appropriation to business license refunds. That's over a million dollars. This includes the fact that last year we carried forward a commitment of \$500,000 worth of required refunds and refunds for this year, were also 500,000 higher, which, of course, is another indicator of the, of the health of the business. That's probably the most important one, and we'll have the most effect on the possible year end balance and therefore beginning balance for next year. Within bes they move \$4 million within their capital funds from capital outlay to external m and s, although it's a large dollar amount it's technical in nature. And the public safety fund they moved money from capital to ex-ternal m and s to pay for \$500,000 to pay for furniture equipment planned earlier in the year, just didn't move the money in one of bumps, actions earlier in the year. Other questions at this time?

Katz: So we made it?

JUNE 27, 2001

*****: We made it. Barely.

Katz: Barely. I need to tell the council that there was a real fear that we weren't going to make it. But we did.

*****: There was six general fund bureaus that needed to move money around and of course, we are all aware of the problems in a few of the bureaus but looking at the last year in projections, we'll make it.

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

Francesconi: Thanks for your work. Aye. **Hales:** Aye.

Saltzman: Good work, aye. **Sten:** Aye.

Katz: Mayor votes aye. 804.

Item No. 804.

Katz: Second reading.

Saltzman: I won't be voting on this.

Katz: Do you want to make a statement?

Saltzman: I made the statement last week I will not be voting on this item due to potential conflicts of interests. I am a part owner of properties within this district.

Katz: Roll call.

Francesconi: I'm going to support this. We need business organizations to work with in order to keep this city vital, especially in the downtown. When visitors come, including my father, he can't believe what a downtown we have compared to others, how clean and safe it is. Those were his words. And to do that, it does take some resources, and it takes some organization. So, I do believe these changes will make for a better organization and a more efficient one. I particularly like the bonding capacity here because there are some public improvement projects, some of which happen to be in some public spaces that I am aware of, that, that could benefit from this potential bonding mechanism. There is an issue, and I really appreciate mr. Kimbro because he's been out to other business districts, looking at potential connections between app, the lloyd center, but also he's been at hawthorne, I believe he's been some other places. There is a question in some of these other business districts about how the city charges for services so that we can use private money to do things to enhance city services. There's kind of a interesting issue there. In other words we're charging people for the, the privilege of giving us more money. So, that's a particular barrier for some districts like hawthorne and others. So, it's an issue that we have to look at because I really believe vital business organizations are as important as vital neighborhood associations to the quality of our life. There are other issues to watch here, the relationship with residential, which does benefit from the clean and safe. I noticed it was voluntary in this, and so we'll have to see how these things go. But overall, I think this is a good improvement. Aye.

Hales: Ain't broke, don't fix it, onto the pearl district, aye.

Sten: I did miss the first discussion last week so a couple of commence, I think this is very well thought out and glad to support it and I think this will make, make the services better because by bonding and some of these other approaches I think more done for the same amount of money. I think the work on residential has been solid. That was a problem in the past and I wanted to comment on the record weaved quite a few discussions about whether or not to put affordable housing buildings into this based on the theory that they are exempt from some of the other things that we do. I thought kim approach this had very, very well. I am comfortable with the way we're doing it. Part of what we have talked about is, is having them pay some of the fees but also then expecting them to be, and welcoming them into part of the app discussion, which I actually think is a very significant change in terms of how we do it. I don't think it's been so much as, as the west end discussion showed last night, that one is pro and one is an tie for affordable housing but there's

JUNE 27, 2001

some, been some problems with not having the people from both sides in the conversation and I think there's been steps for app to bring them into the discussion, I think as well to charge a fair fee, it's small on the change of things but a significant change in approach and i'm looking forward to working with it, aye.

Katz: I'm going to vote aye. I just caution that when we get to the bonding discussion, there will be a public process that will be developed, jointly, not by, by just app, aye. Okay. 805.

Item No. 805.

Katz: Okay. Talk to us.

Heide Ware, Office of Transportation (PDOT), Right-of-Way Acquisition: I am heidi, office of transportation right-of-way acquisition.

Mark White, PDOT: Mark white, office of transportation of course -- mark wright, right-of-way acquisition. I am here to vacate a portion of southeast 120th avenue. Bfg enterprising, the petitioner has been conditioned, tentative approval for a subdivision, the subdivision of deer haven, and the condition of approval of that subdivision is that prior to final approval, the southeast 120th avenue be vacated in the subdivision of deer haven. They have recreated southeast 120th avenue in the map, I provided. It's that dark blue portion, which provides connectivity between southeast lexington and flavell. I've had contact from the planning commission. Different city agencies, public agencies, the neighborhood association, and I have no objections to this from them. I have received no objections to this vacation.

Chris Kovak: My name is chris kovak, and I am an attorney, 1300 southwest 5th. Represent the petitioner, bfg enterprises and I am here to say we are pleased with the support we received from the engineer, city engineer and staff and the planning commission recommendation and we would be very pleased if the council voted consistent with that.

Katz: Questions by, by the council. Anybody else want to testify? Okay. I'll take a motion, commissioner Hales?

Hales: Then I will move, sorry, lost the item number. I will move to bring back the engineer's report approving vacation.

Katz: And an ordinance -- okay. All right. Roll call.

Francesconi: Aye.

Hales: There's no ideal solution to creating a street network if this part of the city so every time you deal with a development project the transportation staff has to figure out the best coherent solution to a fairly incoherent street pattern that prevails to this part of the city. I think this is a good solution and I appreciate the collaborative effort that's gone on between our staff and the property owner to get to something that will work well so thank you, aye.

Saltzman: Aye. **Sten:** Aye.

Katz: Mayor votes aye. Thank you. Item 806.

Item No. 806.

Hales: This item, mayor and council, is one that won't surprise anybody based on the number of franchises that we have dealt with over the last few years. We have gone from four or five telecompanies in 1996 to 25 today. A limited amount of street space that we have, with 36 feet between the curbs in which we have sewer lines and water lines and lots of other infrastructure already to simply accommodate all this infrastructure, has become a very vexing problem for don and the others in our staff that have to deal with it. As we have noticed, there is something about the wild west atmosphere in the telecom industry and getting the folks to cooperate is like herding wild mustangs, if I can continue that metaphor a little too long, but the public is not happy about all of this. People see the street network being torn up and rebuilt on, on an appalling basis. Seems like just about every six months a given street downtown is getting another trench put in it so this

JUNE 27, 2001

proposal that don has brought forward is a very smart move, and to create basically some order to this chaos.

Don Gardner, PDOT: Don gardner with the Portland office of transportation. I need to apologize to commissioner Hales and the rest of the council, due to a communication error, which is solely my responsibility, the utility companies who we have been dealing with for the last four months did not have notice of today's hearing so if the council wants to hold it over for two weeks to give us a chance for me to get back to the them again, that's fine. We have --

Katz: Let me ask you a question, since you are working with them, would that be helpful to your credibility for us to do that?

Gardner: We have been working with them and we think that everybody is in agreement this is a useful thing. I think it's important probably for the council that the utilities feel that they have had a chance before you vote. However, it is important, I think, that we talk about this today because of the Portland solutions franchise which follows, and this is, this is closely tied to it. So I want to talk a little bit about it.

Katz: Let me just ask the council, what's the pleasure?

Hales: Whatever don would prefer.

Katz: If you want us to talk about it today and carry it over.

Gardner: I would like to talk about it and carry it over for two weeks and give them an opportunity. If they want to say something, I think it's appropriate that we do that.

Katz: I will do that since that's important for your credibility and work with the utilities.

Gardner: I apologize, it was my error in how this got messed up.

Katz: I like the fact that a bureau manager accepts that.

Gardner: When you are wrong, you are wrong.

Katz: Go ahead.

Gardner: Basically the issue that commissioner Hales brought up is our underground utilities have, have congested our streets to the level that we really have come to a position where we are running out of space. This is particularly a problem in the area that we're doing this pilot project in, and which is southwest 12th, the southwest 5th, burnside to alder. That's the heart of Portland's telecommunications infrastructure. The pittock block, at&t switch, and the brewery blocks plans to put telecommunications companies into their facility. Along with that, we have had this proposal, that's come forward from Portland energy solutions to provide a water system, which there is some belief that this will provide a more ecologically sound method of providing building cooling which is starting to run into a problem that when the new emerging businesses come forward, we have no place to put them. There is no space. Part of the agreement with Portland energy solutions is that within this pilot project area, as part of their franchise, they would build excess conduit, enable the existing utilities who are now spread across the entire surface street to move into a common conduit duct which will be built by bes and conduit for those existing companies, will be provided by bes. Part of the thing that we're working with the city's telecommunications office, cable, and the bes people is to try to determine what will be the continuing demand that area for at least the next five years so that bes would then build excessive amount of conduit to be able to accommodate future growth. The idea being is that while, if you are an existing utility you move into that conduit system today with no charge. Any future growth would lease that facility from bes. What this resolution and pilot project does is three things -- it gives the city engineer the authority to require that anyone who goes in the future build excess conduit to handle future use and not just take all the space for themselves. Which bes is part of.

Saltzman: Did you say that we require it.

JUNE 27, 2001

Gardner: We are going to require it as part of this. The second issue is that the city engineer will have the right to order existing utilities who are in the way of a public, of a project where it has some public benefit which we believe the pes project to be, to relocate into that conduit system. And the last one would be, is that we will not allow utility cuts or openings as long as there is conduit space available within that system. So, it's a three-thing, move into it, we have the right to order you into it, and you don't cut the street as long as there is that excess conduit available. Those are the three main processes of this pilot project. What we'd hope is that because of the scope of the pes project, it's a very large project, it gives us an opportunity to take those telecoms, we only have one conduit because of separation requirements they take up a lot of space and move them into one common duct bank, set that up, put the pes project in and part of their project, they will repave the entire stark street and we will have a new street, the businesses won't be disrupted, and we'll have the facilities that can handle the people in the future. In a nutshell that's what we're doing.

Katz: I have a question with regard to the repavement. The complaints in addition to everything else that we're hearing is that the repavement in the -- and the standard required is so low that, that it's not satisfactory to people who, who are living and working on those streets. You and I have had this conversation, I think.

Gardner: We have had it before. We're coming forward probably in august with a list of revisions to the specifications and to the amount of time that we require the newly paved streets be not opened, and we're working with app and the construction task force to come up with some solutions to how things can be done better. The problem we have is that actually the most repavement is done to spec, which is actually a quality spec but what happens is we have so many cuts that, that one cut is not too bad. You have a patch, okay. A patch is a patch. It will never be a new street but it's adequate, but when you have multiple tal cuts over time the life is decreased by about half. It looks bad. It rides bad. It doesn't hold up as well. And the other thing that the community, I think made very clear is that once you start having a series of patches, it would be like going out and patching your, your wall. You can maybe blend in one. You can't blend in when the whole street has become a series of patches. The issue on the pes franchise is that because consolidating everybody, what we should be able to do is avoid future cuts for at least, we hope, five years and pes when they are done because of the scope of their project will be repaving the street curb-to-curb. It will be a completely new street, is that we have done it not just a patch.

Katz: Yeah. That's all well and good but that doesn't respond to the other places that you've just described that cuts are done, we have a standard, but as you said, if there are multiple cuts, the standard that we have is much too low and the question that I have, and you don't need to answer it today, but I want an answer because those are the kinds of calls that I get all the time, is what are we going to do about it, other than paving, other than maybe accelerating the pace of paving those streets.

Gardner: We will be back to you in august with our entire list of recommends, which are some upgrades in standards and some, some longer limits on how long before you can cut it. There will be things here.

Hales: I think those two things will make a big difference. With changing the, the standards, you know, sort of raising it to the best, the best practice we can get, understanding that, that it will never be as good as a brand new surface, and decreasing the amount of, of the frequency that people are trenching through the street because it is hard as I understand it to dig a one-foot wide trench, compact it and repave it no matter how good a job you do and have that not settle and change the surface of the street.

JUNE 27, 2001

Gardner: The biggest issue is, one is we're looking at how to up the standard for not the paving but for the restoration underneath but the other problem is the volume of cuts. This particular project, we believe, will give us a way to try to get a handle on the number of cuts, if it's successful, it's a good pilot, and if it works, we can start trying to implement it. The advantage for us right now is that the -- we were buried as every other city in this country was with the telecom revolution and they went out and went crazy and built stuff up. The financing is down, companies slowed down and we have some space to get ourselves back into some kind of condition. I talk to people all over the country and everyone is having this trouble.

Katz: Okay. Commissioner Saltzman?

Saltzman: First of all the overall, pes is proposing to do a district cooling system and that's very good. It's energy efficient, good for the environment to provide cooling services for a central plant to buildings throughout the downtown core, and this is a great pilot. You have done great work on. I guess this is for you or for commissioner Sten but aren't we also hopefully going to get to the day where future franchisees would come into the area, and may not necessarily be as saturated as the downtown area is that we're going to get to the point where we would compel them through the franchise agreement to provide also extra conduit space for future franchisees who will come through and dig up that street, or hopefully to avoid digging up that same street. I thought we were having discussions along at that line.

Gardner: We are.

Sten: We are.

Saltzman: That's where we want to be going ultimately, isn't it?

Sten: And I am looking at my friends from at&t. There is a couple of issues. One is what's the right policy and the other is what's legal. And I think there is an improvement over what we do now. And it's, the first steps of it are in here and we're going to keep working on trying to get there.

Saltzman: I don't know if we can get there without legal impediments.

Sten: There is several issues. One is legally what we can require. Two is, a lot of it revolves around once a company owns a conduit, box, I am going to say, they are sensitive to a competitors being in that box and if you run through that, that box, then you have got to have either -- it makes perfect sense but from a business angle you have got to either have, you know, shared access to it, which gets to real issues or you have to have one company agree to do work and there is also a big fear that if somebody knocks out the other person's system, while they are done, there is a bunch of very complicated legal issues, that I think are legitimate that are not just bureaucratic. But, I think there is some structural ways we can actually get this built in and avoid those but we're still working on it.

Gardner: It's one of those things that intuitively seems to be, why don't you just do it.

Technically, and legally there are big problems and we've been trying to work through them, like I said, this is -- we have an opportunity here because we have a franchisee willing to do it, and we have, because of the scope of this project, the opportunity to do it and we have an area that is so congested that, that everyone, including the utilities, is willing to sort of back up and say, yeah, we have got a problem and we all have to work together.

Sten: And that's very good segue to the next one. I think the answer is that we are going to aggressively try this with companies that are volunteering to do it requiring them to do it is a regulatory level that we're not ready to get to.

Gardner: Chris is here from app. He'd like to speak.

Sten: You are in the middle of everything this week.

*******:** I know. Good morning.

JUNE 27, 2001

Chris Kopka, Senior Vice President, Downtown Development Group: Senior vice president of real estate for downtown development group. I'm here today on behalf of app. Five quick points. First I share this task force that don is referring to on construction of the right-of-way. And we began our work in a fit of frustration about the kinds of activities that commissioner Hales is talking about. We have actually gotten on a pretty productive mode, and we're a couple months away from finishing our work here but we'll have probably a series of recommendations we'd like to present to you on how construction of the right-of-way can be minimized. Secondly, this kind of demonstration project will clearly fall into one of our recommendations. It is a great demonstration project. We're thinking it can apply to other places with lesser scope and lesser complications but equal importance. And so we're hoping you are going to view this as a, as a, not just a demonstration project and probably the, the worst intersection for utilities in the city but, but a longer term solution. We'll be making those recommendation encouragements to you here shortly. The other item, that we will be trying to take an attitude of expanding service. It's not an anti-service issue, no more construction, we will want to come forward with recommendations about how telecom service and all the utility services can be expanded downtown but have less impact and I think this will be important for everybody. It's not just an anti-position. It's finding ways to make it work for everybody. And trying to represent the retail community downtown and their interests of getting the customers there and the office community and trying to get their, their business people there. It's been a challenge but I think we will come forward with productive suggestions for you. Most clearly this idea was not our idea. And compliments go to, to both the governor, the governmental staff and the utilities staff that worked on this proposal. This is an excellent idea. And we're just piggy packing on it and I want to make sure the people would worked on it get credit for it and it's a great idea and they should be complimented so lastly we're asking, app is asking for your endorsement of this action. Obviously we would have asked for it today but it sounds like it will be set over so I hope you carry these remarks into your next hearing. Thank you.

Sten: One question. Or a comment, really, everyone is trying to get used to this, and I think that today, and this, I think, is the right mix of this, my general philosophy has been to err on the side of, even though tearing up streets is an enormous headache, to err on the side of not regulating this until we really understood it because I feared not getting the downtown wired more than I feared street tearups. But I don't think that those have to be mutually exclusive and we can get there. The question I want to pose for you to ache back to app is that a big piece of this, you know, I mean this in a good way, the sort of flexibility at times in what happens downtown, I think a fair amount of this could be handled at least in part, by building owners actually thinking through what they want in the buildings because I think part of the issue is tenants on every floor contracting with a different telecom provider and I think that there is some opportunity for the downtown business community, particularly the landlords to make some market decisions based on, you know, we are going to all work together to get this served in a certain way, not anti-competitive at all but as long as -- I think it's uneconomic for some of the tenants to completely all pay for different attachments to the buildings, and that's what's happening at this point. And so often what you will have is a tenant on floor 3 getting their service from this provider, one on six getting their service, and there's a variety of ways that the building owner could take that on. One would be to provide the conduit themselves and let the providers go through that conduit if you wanted the tenants to have a choice and another would be to limit the number of access points to the building and say, in this building you are guaranteed super high speed internet, but you can only get it from this provider because the building owners made an agreement and it's built into the rent. I am not necessarily recommending what the right approach is because I think that's a market decision but I think the building owners

JUNE 27, 2001

could probably play a more active role in by how they strategize their interactions with the telecom community limiting the street cuts as well. I think it's worth more conversation.

*******:** I would agree, that the hiccup is that you get a tenant part of a national network and they are tied into that but generally speaking I have to agree with you and we should look at that, also.

Sten: And you might be able to run the conduit with that so you don't have to get two hookups.

Katz: A good idea. Thank you. Anybody else want to testify on this item? One we will do as a courtesy is bring this back in two weeks, okay. Thank you. And chris, you won't -- unless you want to, you don't have to come back. All right.

Item No. 807.

Sten: Quick presentation. I think we talked about there some. At least half the council was involved with this because it's a big enough street cut that it was very, very problematic. First said we can't cut the street up, it's all cut up, and, you know, as we step back and really looked at it, I want to compliment bes for their hard work with us. We came to see this was a big enough project we could not just issue the permit but as we thought about it, we were able to turn it, thanks to a lot of help from our utility partner from, from -- a hindrance to a chance to consolidate other things, which I think don talked about, I want to compliment both the cable and franchise office and transportation and the people in my office who worked hard on this, and this is significant, not only is it the cornerstone of getting a smarter street cut strategy, this is a district heat and go cooling system which we don't have and it is a more energy efficient way to provide very important services, and it's a small pilot project, and in this one probably won't overall impact the energy usage but I just had, had the great chance to spend some time talking with a bunch of the scandinavian cities that are the world leaders in energy efficiency and reducing emissions and all things and they use almost all heating and cooling. And this is like a lot of things, hard to retrofit the city to but if we can do it, it will make a tremendous difference on our energy usage, which is even dramatically more of an issue than it was when -- I suspect your proforma is better today than when you decided this was profitable a year or two ago so welcome and we'll have a quick presentation.

Mary Beth Henry, Cable Communication and Franchise Management: Mary beth, cable communication and is franchise management. With me today is the general manager of Portland energy solutions, gary. I want you to take a minute to outline the process and one of the unique elements of this. This is actually a revocable permit. We will be coming back to you with the franchise. We have to go through the charter required publication process. This revocable permit is to allow Portland energy solutions to build a district cooling system. The project is really divided up into four phases. This, this permit and franchise approved just the first phase. Incorporated into the agreement is an evaluation then that the city will undertake in cooperation with the company to see how things went in this first phase. We actually, the projects divided into four phases. We have been working for over a year with -- we've involved all the bureaus at the city, environmental services, water, sustainable, any bureau that would have an interest in this type of project. We also met with representatives of the utilities and all the telecommunications franchisees in april, and outlined this project and indicated this was going to be coming forward to the city council. Don gardner mentioned, one of the unique elements, which is that as a public benefit, for using the right-of-way, Portland energy solutions will be putting in a bank of conduits. At this point, we're looking at almost 35, four-inch conduits for telecommunications purposes. In this area. I also wanted to highlight for council since you have the tanner creek project on earlier today, that we have been aware that that project was coming. This is in close proximity to that project, and we have our traffic engineers are working to insure that the traffic will still be able to flow in the area. The construction for Portland energy solutions is scheduled to begin sometime in

JUNE 27, 2001

the mid august to early september time period, and I wanted to flag that for you because we happen to all, you would think this was a well coordinated effort that we had all these related projects on council on the same day. With that i'd like to turn it over to gary to say a few words and we're happy to answer any questions that you have.

Gary Hinkman, General Manager, Portland Energy Solutions: My name is gary and I am a general manager with Portland energy solutions, and just wanted to give you maybe a brief explanation of the system i'm not going to spend a lot of time. We're building our first plant at the brewery blocks and we will serve all the blocks from our system and then our first, first section of distribution pipe will come down, stark street from the brewery blocks area. The district cooling system will basically make chilled water, and generate chilled water and deliver it to buildings through a network of pipes, and fairly large sized piece says of equipment that will be installed at the brewery blocks and we have a commitment from the brewery blocks to serve all the cooling load there and have several other contracts with exercises along stark street working hard to get more customers along that line. This provides a lot of benefits, we believe both for building owners and the city from building owner's standpoint, they are able to avoid the capital associated with putting in their chilled water, cooling equipment. They can stick that capital elsewhere and utilize it more fully. It also eliminates the energy and operation and maintenance costs associated with running their own equipment, also allows them to really operate their buildings a lot -- it's a lot cleaner and simpler way for them to operate the buildings from an environmental standpoint. There will be energy savings because of the size and the attention we're going to give to it in terms of controlling the equipment. We'll be more energy efficient so there will be net energy savings. We also believe there will be net water savings, since that will be more water efficient system, and less sewer discharges. So, we all hope that, that, that will also have additional benefit and finally it will help accelerate the phaseout of the use of cfc refrigerants being used in the older systems. The refrigerants are those that are drilling a hole in the ozone so we will help accelerate the elimination of the use of those. So, I am -- and we're excited about doing this. We've been working at it a long time. And hope to get going here soon.

Katz: So explain this at an 8th grade level. At the brewery blocks there's a chilling facility?

Hinkman: There's a chilling facility in each of these water chillers as they are called in the air-conditioning industry, about the size, almost the size of a tri-met bus so they are a good sized piece of equipment.

Katz: And that's at the brewery --

Hinkman: That would be installed in the penthouse structure of block one at the brewery blocks.

Katz: And the conduits underground will carry?

Hinkman: They will carry chilled water and there will be a supply and return pipe. It's a closed system. We are not discharging water out of that system in each of the pipes will be 20 to 24 inches in diameter so when we talk about the size of those in the street, we're talking about a fairly substantial size, and then we will connect to individual buildings and connect into their existing systems, and we will basically then deliver there chilled water that they will then distribute through their building and utilize that for air-conditioning purposes.

Katz: And then it gets returned?

Hinkman: Then it gets return and had it's rechilled.

Katz: Okay. Thank you.

Sten: It's very common world-wide and a much better system that what we use, the problem, it's like the sewer system, you have to dig it up, you have it put this in on the front end or it's a huge retrofit and to have a private company looking at putting the capital into the retrofit is very exciting, and to me there are some, some good sides over the energy crisis which is going to make

JUNE 27, 2001

people get more serious about these issues, and sort of joking but I do think that the price of electricity unfortunately is going to go way up so I think the economics on this thing and the forward thinking of bes will prove to be very smart.

Hinkman: Maybe just a quick comment on the conduit. We've been working very closely again with the, the, couldn't have done it without the city facilitating a substantial meeting held with telecommunications providers, a couple of months ago. And we have followed up with each and every one of those telecommunications providers to determine their interest in a joint build, in other words, how much conduit would you like to have, and frankly have been very pleased with the response. We have gotten an initial interest from about a dozen telecommunications providers, that have added up to this 34-inch conduit at this point in time. We still need to refine that, and work on that and we continue to do so. And then we will add, throw in some extra conduit for good measure to hopefully hold us for a, a five-year moratorium on that street, if at all possible.

Saltzman: A couple questions, first of all is the conduit inside or outside the pipe?

Hinkman: The conduit will be outside the pipe. The conduit system will be separate from the piping system.

Saltzman: As I said earlier, as commissioner Sten said, district cooling is definitely as you said, too, good for the environment and very energy efficient. And in fact, I think most of us may recall the old plant down at the harbor place used to generate steam heat for much of downtown so the district cooler is kind of the flip side of central heat. And i'm wondering, I know a lot of the pipes are still there in downtown from the district heating. Curious, if those, if you're plans go well, and I hope they do, would those pipes be available to you to expand your district cooling system into?

Hinkman: I wish they would be. I think from a practical standpoint, probably not, as I understand the system. There was just one steam pipe down there. We need a supply and return. Some of those pipes are no longer in place. I think they have been removed. Other sections of pipe have actually been used as conduit, potentially for telecommunications. There are also some, some mitigation problems associated with the asbestos, from a practical standpoint, no. But as we go down the street, I think we will certainly explore on a street-by-street basis whether or not some of that could be reused and frankly I just don't know from a practical standpoint, our planning does not include utilizing any of that pipe. Although, as I understand it's in pretty good shape.

Saltzman: Thanks.

Katz: When you said you are going down the street, draw a picture for, you know, 20, 25 years from now, maybe sooner, assuming this works, wouldn't you want a central location? Somewhere?

Hinkman: We -- 20 years from now, I guess our vision would be a couple of large centralized plants when they are at the brewery blocks and one on the south end of downtown, and, and with an interconnected distribution system, of pipe, that can be served by, by both plants, that increases reliability and redundancy and being able to serve those people, 20 to 25 years down the road, there's 12 to 15,000 trench feet of pipe in the street. It's not necessarily criss-crossing every street but there may be one or two main pipes that go north and south, maybe every other street to connect the larger buildings. Typically this works, the larger the building the better it works, the smaller the building the economics start to get a little bit borderline for the smaller buildings.

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

Hales: Aye.

Saltzman: Aye.

Sten: Thanks. I want to very quickly thank mary beth, and council is probably aware but may have missed it, david Olson, director of the office, had to take a couple months leave to take care of personal business and mary beth stepped in on little notice, taken over the office and done an absolutely exemplary job, so thank and you good job to both of you, aye.

JUNE 27, 2001

Katz: Aye. Thank you. 808.

Item No. 808.

Katz: Brian, come on up.

Brian Quinn: I am brian quinn. I want to reassure you that I do have a life outside of this city council here. I, again, want to request that we do something about saving those sidewalks. Did a lot of talk this morning about preservation of history and restoration and did a lot of talk about construction, so I see that there's going to be a lot of construction going on, and it just kills me to drive around the city and watch our sidewalks being demolish and we're not saving those stamps. I don't understand it, if it's money, i'm willing to, to buy a saw to cut the concrete. I've been looking at different parts of the city, currently demolishing the entire corner. I know in years past, we used to cut up to those stamps and we would build a ramp and leave them. And I think that that would save money and also take less time to do, and we could preserve history, as well. I noticed that i'm sitting here. On historic furniture number 014. And I am glad that we preserve this had but I don't know who built it and I also don't know the year it was built but I do know when I walk around Portland I can tell how ole the neighborhoods are by looking down on the sidewalk. And I appreciate that. And so again, I ask that you do something. I would like to move onto another I know some day.

Katz: Brian, I won't ask commissioner Hales and vic rhodes to think through this and come up with some recommendations -- I will ask them to look through this.

Hales: Basically, the current practices to try to restamp the dates and the street names, but not the, the contractors original --

Quinn: Really proud of it. They went to the trouble of, of signing it, kind of like a piece of art. I look at it that way, you mentioned the way we, we dealt with things in the '50s and '60s was brainless, and I agree. I think that some of the things, practices we have now fit into that mode, so --

Hales: I am willing to donate money or time, whatever it takes to do that.

Hales: We'll keep looking at that and try to find something that's practical and --

*******:** If you look too long, they are going to be gone. That's my concern. You will start up 30th and there's a bunch of them up 30th.

Katz: Okay. The challenge is the private owners who are doing their repairs. Okay. Stay on it, please. 809.

Item No. 809.

Katz: He's not here. Thank you, everybody, we stand adjourned until 2:00.

At 12:21 p.m., Council recessed.

JUNE 27, 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.

JUNE 27, 2001 2:00PM

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

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

Katz: Present. I notice that we have -- all right, we're just going to have to plow through it, and it's going to have to take what it's going to take. I do lose one member. I cannot lose another member. I don't go to impact, I don't think that there's anything on the agenda at impact, but I can't lose anybody. 810.

Item No. 810.

Council Clerk: Repeal title 34. Subdivision and partitions regulations and amend title 33, planning and zoning to add new land division regulations and clarify additional zoning code regulations, related to land divisions.

Katz: Let me open it up by reminding council that this is a 30-year play. [laughter]

Katz: It's taken a long time. It's something that gill has inherited, and we have discussed it several times. There's some very technical points that hopefully we're all up to speed object at least collectively, up to speed on all of them, and if not, we have good staff people that will help us. I think it's been very clear, we will not achieve consensus with every segment of the community. I don't think it's possible. And there may be other issues that I recall discussing that are next to be looked at because we may not have done a comprehensive job or it's an issue gill raised that said that needs to be done. I recall the design issues where one of them -- gill set up a director's discussion group, as you all know, and they worked hard over many of these issues over last year, and if you recall, I think it was in november 2000 that the council agreed on some of the issues, and asked -- but did ask us some questions on some of them, and asked gill and steve to come back with options and opinions and I need to identify those issues that the council agreed in concept, minimum lot sizes and widths, design standards for narrow lots, assignment of street and decisions to land user technical assistance process -- we did have some discussion with our bureaus who had other ideas and I think we asked gill to talk with bes and I think it was bes. I know parks and tried to identify what's the best route to go. There was some decisions that I know that some of the community members raised that probably we'll go over today, and finalize that but folks, we want to come back with code language that will then give others opportunity to testify on all of the issues and we hope to bring back that code language in august and then at that time, people will be able to come and testify on the items and the code language is supposed to be dealing with all these issues today.

Francesconi: I had one -- I had one question with gill. When you interviewed with the mayor, were you told about this?

Gil Kelley, Director, Bureau of Planning (BOP): She dropped this on me after I was on the job.

Katz: Actually, I didn't even know we were on this project.

JUNE 27, 2001

Kelley: She did quite honestly tell me it was going to be my first test, so I do recall that. Well, let me say a couple brief things and then turn it over to Stevie who has become the project manager on this project. As the mayor mentioned, we have distilled down what we heard from your last discussion on this to six issues, and we presented those in terms of issues and options for your action. We'd really like your direction on those six points today so that we can draft the final version of this. The August meeting we had intended, August 15th --

Katz: Excuse me but we are going to go over the requested amendments, 24 pieces of paper, this one. Okay.

Kelley: Yeah, we're going to focus the discussion on that. And the really -- really six major points on there. The August meeting it turns out a couple of council members won't be available that day so we're now suggesting that we move the hearing on the final version of this so September 12th or 19th, I believe, either one of those.

Katz: Work with my office because I haven't given plans for vacation.

Kelley: We would like to produce the final set of amendments. By mid August so they are out in public for 30 days or so before we come back for September. Stevie is going to go into detail on those issues. I would just say that you also heard last time from some members of the community that they had a preference for taking some of the elements of the director's proposal and essentially grafting those onto the current code and abandoning some of the other work, and we have subsequently received the proposal from some people in the community to that effect and we reviewed it, and feel that although there are some points that we probably can put into hours, in general, it represents a very different kind of direction that's not consistent with the concept that we put forward through the director's discussion group, so we advise you to sort of stay the course and hone in on the six major questions that we have asked you and we would draft the final version in that regard, but you may want to debate that.

Katz: Let me ask you further, in reading the material that came from Mr. Rockland and Amanda, have you incorporated or some of those ideas that you think, a, have merit, and b, can fit nicely with, with what you have?

Stevie Greathouse, BOP: I think we're definitely there. Several legal issues that Mr. Rahman brought up and a couple of pieces of correspondence at that we think we're fine on but we are definitely going to make sure to do the research work again to make sure that we are fine on those and propose --

Katz: But you have looked at it and identified that proceeds are -- may be workable?

Kelley: There are -- yeah, several points that we think we can incorporate, but in general, there are many which we feel represent a difference of opinion in the departure in the direction so we're not advising to put those in. Council, how do you want to proceed? You've got some members of the community. We did come back. The staff has come back with options. To what extent do you want to open up further discussion on those options?

Hales: Not much.

Katz: Not much, all right. That's all I need to know. [laughter]

Saltzman: I am sort of at closure.

Hales: I am, too. There are some implementation issues. Could you maybe give us a brief notion of -- Susan, why don't you come on up here, if you could.

Katz: Are you talking about --

Hales: Or Margaret. I see you behind.

Kelley: While one or both is coming up, I should mention we met with them yesterday and we understand that there are some implementing issues that we think we can work with them on between now and September.

JUNE 27, 2001

Katz: We'll get to them.

Hales: We don't necessarily have to get to them now.

Saltzman: There are issues I want to pursue on the tree cover --

Kelley: I think those are two of the six topics.

Katz: Let me do this, if there are issues that you still want to pursue and talk about, then maybe those are the issues that we ought to open up for, for some folks to respond. Does that sound fair? Yes, no?

Francesconi: Some of the big issues, where there's a clear choice, and especially if there is some new information, some limited testimony from the neighborhood that makes sense to me.

Katz: All right.

Sten: There's been -- yeah, let me just frame the question and see where the other council members are. There's been a significant amount of neighborhood work and amanda fritz has been involved in this, not as a planning commissioner, to try and look at sort of the fundamental question that I was asking about, and I know it's a difficult question, but am I better off with or without this one, and if the majority of the council doesn't want to look at the bigger question, that's one thing, but I am interested in kind of hearing what the overall fruit of that discussion with all these neighborhood folks has been, and maybe you can kind of frame that in your presentation, but to me, it's an important discussion. But, if the people are just kind of passed that, I don't want to waste people's time.

Katz: But, okay. Let me try to do both. I have a sense that the council is passed that, but there may be issues that have really been flagged by some of the citizens that we might want to hear, and not from everybody -- the representative of the group, and after we're finished with all of this, if you want to invite one or two people and ask that question to get a sense for you, commissioner Sten, we could do that. But that -- I will let you just -- let's move on and let's see what happens.

Kelley: I am not clear, should we start with the big issue or start with the list of six? I'm not --

Katz: Why don't you -- let's start with the list of six.

Kelley: Fine.

Greathouse: Stevie, bureau of planning. I've prepared for the council a packet that includes a summary of sort of --

Katz: I'm sorry before you start, because there may be other testimony i'm going to get a sense from this group whether, which options you prefer. We are going to vote on them but I am going to get a sense because there may be testimony at some point and I sure like heck don't want to have made a decision and then have testimony come up and have us reverse ourselves, so we'll get kind of a, maybe hopefully a consensus. Okay. Go ahead.

Greathouse: Okay. So the packet includes six sort of key policy decisions that the council asked us to bring back additional information regarding as well as a list of amendments, the staff supports that came out of the testimony that was presented at the may 16th hearing, so basically what we're - - i'm going to be briefly sort of frame each of the issues and then answer any specific questions that you have about the issues. There's also staff present here from opdr, and transportation to answer any specific questions you may have on the issues that affect those bureaus.

Katz: Okay. If there are issues that affect those bureaus, I want to see their hand up somehow so we can make a note at that we bring them up, as well. All right. Go ahead.

Greathouse: Did you want me to run through each of the items one at a time and have discussion about each one, at that point?

Katz: I want you to run each of the items and I want to get the council's sense of which, whether they want to recommend your option or to the bureau's option, and then we'll move on.

JUNE 27, 2001

Kelley: Before we do that, just to clarify a response to an earlier question on your part, madam mayor, the staff report does contain a list of 22 issues beyond the six where we -- they were requested amendments that we agree with. So unless you want to do otherwise, I don't think we need to discuss those. Today, those, those we're happy just folding in.

Katz: They were recommendations by some other people in the community, right?

*******:** On pages --

*******:** The 22 items did.

Kelley: 3 and 4 of the, of the cover memo, June 21, those came from members of the community and to some extent, other bureaus. And we've incorporated those.

Katz: Yeah, but --

*******:** We have agreed to.

Katz: But I don't think that there's been public discussion on those. So, that's why I want to go through it. Very quickly. All right. Go ahead, Stevie.

Greathouse: Okay. The first major policy decision, there was money raised at the May 16th hearing about the notion of maintaining the existing planned urban development planned unit development regulations in the code. Staff does not recommend maintaining those as part of this code, primarily because what we've basically done with the recommended draft is to take the overall assumptions behind the planned unit development process and expand that to become the entire body of the new code to some extent. So, basically, the recommended code would allow the same kind of tradeoff between flexibility and resource preservation that you get under the planned unit development approach and expands that to apply to all land divisions. We have more specific language in some cases for resource preservation. Currently I know that you have heard concerns from the community that in some cases, making this, making the regulations more specific narrows the amount of protection that they are providing, however, we feel that making the regulations as specific as possible is something that is necessary in today's sort of regulatory climate and what we have to do to make a code that is understandable to anybody that might be using that code now and into the future.

Katz: Okay. This was one that the council wanted to, to stick to the recommendation of the director's group. You have received material from others on it, what's the wish of the council in terms of the option of choice?

Hales: I like the staff recommendation.

Katz: All right.

Francesconi: Well, this is the hardest of all of them, and this is at the root of it. It's also hard because I don't totally understand everything. But, in looking at it, and listening to it, I think that in a close call, we should go with the staff.

Katz: All right. Let's go.

Greathouse: The second item is item b, which involves land use versus technical decision making assignment, and is basically sort of where -- at what point in the process certain decisions related to services get made and who is the final decision maker on those decisions. The recommendation would basically regulate the decision on whether there's capacity on the site for an adequate stormwater system as part of the land use decision by the hearings officer or staff making that decision. It would also put the decision about location of right-of-ways, as well as the width of those right-of-ways at the land use decision making process, and would defer the decision -- the final decisions on the design of elements within the right-of-ways and on the final design of the actual stormwater system on the site to a technical decision as part of the engineering phase of the project.

JUNE 27, 2001

Katz: We had a lot of discussion on this but I think that was one that council finally came down on the recommendations that stevie identified but there still was a little nervousness on it. Where are we today?

Francesconi: This is the one that -- i'm sorry.

Sten: This is the one I would prefer to keep these as land use decisions, and my reasoning is that my recollection may not be exactly right but in the four years or so i've been on the council I think these have been the basis of an appeal to council two or three times, but in each of those two or three times I thought that they were critical decisions. I am thinking of the one in the camelot estates, one comes to might not, and quite a few of them where they, you know, what became clear to me, what seemed like a technical decision that there was stormwater capacity came forward was that my intend at the time was to be yes, commissioner when, we passed regulations, wasn't consistent with the interpretation, and sort of there was a common sense appeal to some of the issues, and when I looked at it at this level I realized, this isn't what's happening so I just (d) I think it's a way to have an outlet for problem case that is doesn't get used very often. So, I understand the reason you want to make it technical and get clarity but I lean towards the other way.

Hales: I want to argue the opposite. I hope you read mr. Gardner's memo. I think this is a real practical problem. He pointed out that say these are land use decisions, somebody would have to submit complete engineering plans to streets when they started the subdivision process, and if we had to change anything they have to go through the notice and land use process to change the street width and that's just crazy.

Sten: Excuse my confusion, are they technical --

Hales: Yes.

Sten: Because stormwater is not so this is taking stormwater out of the --

Hales: Maybe we ought to bifurcate the issues.

Greathouse: We have also got technical staff from the bureau of environmental service and is transportation here that could possibly address --

Katz: Why don't we have the staff up and then I will get a sense. Relax. I'll give you a chance to identify those when there is discussion.

Francesconi: I wanted to flag one other issue the staff can address simultaneously to this one and that is for me, it is kind of hard -- I don't know how you do this on a case-by-case basis, design a stormwater and transportation system through a land use process but on the other hand, what I wanted to know more about is the public involvement side on, that pdot and bes would have because it was my understanding they were redesigning that.

Kelley: I think the one thing that stevie forgot to mention that was part of the proposal is that each of those two bureaus and bes actually has already done this subsequent to the camelot subdivision, is to actually publish a set of standards and guidelines that they use and the storm water manual represents that for bes. Pdot would be obligated to do the same thing by the time this is an effective ordinance for the street systems. It's information that now exists at pdot but needs to be cataloged, put in one place and publish sod that there's a clarity of understanding on the part of the community about what the standards are that would apply. And there's confusion in the committee right now. The other piece of the recommendation was that each of the service bureaus would need to develop some internal system for addressing complaints, so that's, that's an unknown and transparent system which may not be the case right now so those are two conditions oven we have advanced the motion that certain ones of these remain technical. I actually think right now the stormwater issues are technical. The planning commission assert that had they ought to be land use and we have, we recommended something different than what the planning commissioner recommended. The demonstration of capacity, we're saying, would need to be an engineered

JUNE 27, 2001

capacity. There's proof at least one way you can do it would be a land use decision, but it wouldn't require going back through the process to perfect that design or to alter that design. I think the issue, and again, I don't have the history that arnie does with the camelot estates, was that it turned out there really wasn't the capacity to handle that stormwater. Wasn't really sufficiently demonstrated. It was asserted but not demonstrated.

Sten: And i'm a little lost in just, what exactly -- I mean, the basic ability for the site to meet the intent of the regulations, you know, at some point, you know, from my experience, if it's not appealable, it will slip through the cracks. That's just how I feel.

Kelley: I understand the feeling about that.

Sten: And on the camelot one, the reason i'm comfortable with it, very comfortable with it is I think you err on the side of giving people a path, especially in this state to air out policy grievances that they see as being put forward, you know, on a technical basis until that's abused, and I don't see any evidence from my time on council that -- I can't remember of a frivolous stormwater appeal so I think not 99 out of 100, you know, more than that, everybody is in agreement but when they are not I found them to be very serious.

Saltzman: I think the new perspective that needs to be added to this is, you know, in this intervening time we have adopted the stormwater manual which has extensive guidelines on how to deal with this, and i've been looking into this issue a lot since our last hearing, and I guess I think one of the messages I am hearing from bes folks is if you make all this land use subject to the appeal process, you may actually end up encouraging developers to basically go with the same old solution that is most conservative based pipe solutions, at the expense of doing more innovative solutions because if they have to change anything, if they have to change anything, back into the land use problem, they are going to try and do all they can to avoid that, and that means going conservative as opposed to the more innovative ways.

Katz: Let's bring up bes and transportation.

Hales: I am willing to take a look at the two issues but it's not like -- our stormwater standard has been rapidly evolving over the last few years.

Katz: We may not --

Sten: Let me say --

Katz: We may not need don but to you want to hear from dean on this issue? This is an important one. Be patient with me.

Sten: What I was going to suggest is that, I feel like i'm fully versed on this issue, and I know that commissioner Hales, if we disagree maybe we could take a head count. I'd love to hear from dean.

Katz: Dean, I need to hear from you very briefly on -- don I am not sure I need to hear from you on this. I don't think council needs you to but I remember the discussion on --

Sten: I do have a question on transportation, but it may not be for don.

Katz: Dean.

Dean Marriott, Director, Bureau of Environmental Services: Thank you, mayor Katz, members of the council, dean, environmental services. I would echo what commissioner Saltzman said. I think our view is that we are trying to encourage flexibility and innovation, which I believe will be stymied if all these decisions are land use decisions. Second, we agree, I think, unanimous agreement from the staff that the capacity issue and the location issue of stormwater facilities would be land use decisions. So, I think you can capture most of the potential for a problem by making someone demonstrate capacity and having them show location and have that be part of the land use decision, and we think that --

Sten: Now I have got to ask a question, dean. How, under this scenario, again, two questions, one is, do you have a sense that people are frivolously appealing your staff's decision and is two, then

JUNE 27, 2001

how do you get at the come lot situation where on paper there was capacity but the topography of the land made -- there was enough room to drain the stormwater, and so the capacity situation that your staff signed off correctly that there was capacity but then when they plotted the land following the e-zone regulations it turned out you could not run the pipes anyway that the person configured them, and do it properly. It's, granted, an anomaly but it was the case, and it was held up, and your staff wouldn't have known that, and been able to catch it if it hadn't been appealed. I know it's an anomaly but I am trying to get at those anomalies.

Marriott: Well, you are right. There will be anomalies that come along. I think we have come a long ways since that case. We do have the stormwater manual now. We do annual updates, which we reach out to all of the affected parties, interested parties, including water sled advocates and so on to make improvements every year in that stormwater manual. So, we hope by having a clearly delineated set of standards that are reviewed annually is the way to try and make sure that we, we minimize any of those problem cases.

Sten: Have there been a lot of appeals?

Marriott: I'm not the best person to ask that.

Kelley: I don't think they are appealed upon the face right now because they are technical but it would get involved in an e-zone review.

Greathouse: I wanted to point out under the recommendation with capacity that the facility being a land use criteria, something ended up, the site didn't actually turn out to have the capacity to do the stormwater, the land use decision would still be able to be appealed based on it not meeting the criteria related to stormwater capacity.

Sten: In this case, what happened and I will shut up after this one is the capacity was signed off on. That was challenged but if it had went been challenged, my experience with these, and I don't mean any offense, once the general parameters of the capacity issue have been decided, that the developer gets an engineer to, to write the best plan they can. I don't think we look nearly as closely at these so frankly I think this entire success of the land use system is dependent upon citizens using the odd-ball case to catch flaws in the system and what we're doing is shutting that door on this case and I don't really think that we've demonstrated that there's a big problem that's caused by frivolous use of that.

Marriott: I guess I would go back to what we're trying to encourage all of the development community to do and that is to think about doing things differently regarding stormwater. This council is very well versed on that, and our fear is that by making it overly complex this way and setting up, if you set up all these decisions as land use decisions, you will push them to do a very cookie-cutter safe conservative approach, which is not what we're encouraging them to do. So there's clearly some judgment and balance involved here, and we think that we have covered most of the problems that we can envision by making location and capacity issues land use decisions.

Katz: Okay. You wanted to ask a transportation question. Yes, no? No? Okay.

Francesconi: My view, again, i'm pretty serious about wanting to see this public involvement, so I want to see these other conditions before I can know for sure on this, but my leaning is, my strong leaning is with commissioner Saltzman, because in my experience, when you start legislating based on anomalies, you create unintended consequences on the major policy objectives, which you are trying to accomplish, and here we're trying to get flexible to do stormwater differently so that's why --

Katz: My sense is on item b, the option is keep the recommendation of staff. Don, sorry. Thanks, dean. All right. Seeps and springs.

Greathouse: Seep and is springs is an issue where --

JUNE 27, 2001

Francesconi: This time i'm not on your side, I want to tell you. You may have to convince me on this one.

Greathouse: I will explain both. This is an issue where we, the bureau of planning have a different representation, the bureau of environmental services have and I will try to briefly outline what the issue is. The recommendation currently requires that seep and is springs that have not otherwise been identified as part of an environmental zone on a land division site be preserved or where practicable that the lots be configured to not affect the seep or spring, where practicable. There was concern at the last, at the hearing on may 16th that the language were practicable was, might be too open to interpretation. We are definitely recommending including a more refined definition of practicable that would make it clear what we mean and that approval criteria by that term. The recommendation would not, by using more practicable we would not be requiring somebody to give up density in order to preserve a seep or spring on the site so that's the basics or the, the crux of the policy disagreement on either going with option a, which would be just to clarify the definition of practicable and add some language to what we're preserving in the seeps and springs. Option b would be to increase the production of seeps and springs and change that criteria to require a possible reduction in development potential on that site, if a seep or spring is detected on the site in order to preserve that resource. The bureau of planning is uncomfortable recommending option b because these are resources that are not otherwise included in environmental zones, may well have been inventoried through the environmental zoning process and found to not, through that process to not be significant resources. We see the value of making sure to capture anything that hasn't been inventoried, somewhat concerned about basically applying environmental zoning level protections to resources that may not meet the analysis criteria to receive environmental zoning.

Katz: All right, let me ask a question. Because I was going to tend to go with bes but now I may ask the question. Do we have any clue as to how much property we're talking about that would be unbuildable or at least reduction of the density so at this point, without having an environmental overlay?

Kelley: I don't think we do. All stevie is saying the implication might be that you may lose a unit or some units on a lot. I think the reason we don't know is that we have done a pretty careful mapping effort under the latest e-zone work, as you know, we greatly expanded those resource maps. So we're really talking about this being distinct from what's been mapped and what's been quantified or qualified as a significant resource under that mapping effort so this will be things we inadvertently didn't find or looked at and said it doesn't qualify under the e-zone process.

Francesconi: Do we know which is which? I mean, if, if we looked at it and the city made a decision, that it's not a significant resource, then to just kind of all of a sudden change our mind up here with no analysis, that doesn't make a lot of sense, maybe, and that's where --

*****: I guess --

Francesconi: If they are overlooked, then that's a different issue. Do we have any sense of, of which is which and how many housing units?

Kelley: If we knew they were out there, in other words, we know, we probably have a record of the ones that we have examined and said they don't qualify but we don't know the ones that are undiscovered so it's impossible, so this is an extra caution and I think that dean should speak to it because there is a real concern on the resource side. We were just trying to craft a balance in the implementation.

Katz: Dean?

Marriott: Thank you. My guess is that it's, it's that they have been overlooked, all sites have not been walked from lot line to lot line and I think that only as you get to the development stage,

JUNE 27, 2001

predevelopment stage are these undiscovered seeps and springs, do they come to light so I think it's a pretty small number, and I would guess that it's a pretty small number of lots, or buildable areas that might be affected. Most I think have been identified as part of the inventory process.

Francesconi: Do you have a range --

Marriott: I don't.

Francesconi: Can you maybe educate me, tell me the value of seeps and springs to the environment.

Marriott: Well, they are usually where the groundwater is reaching the surface that tends to be cold water, tends to provide a grail of benefit to the surface water of the streams, particularly during a low flow periods, it provides the cooler water that keeps the water quality and the fish habitat viable. So, particularly they are valuable to us.

Katz: All right. What's the legal implication of not telling a property owner the way we do when we deal with environmental zone, that there's a resource there that we, as a city, need to protect and his or her density is reduced?

Marriott: In my view this is similar to, to identifying like an archeological resource. You can't map them all but when you discover if you need to address it.

Francesconi: Do you agree that there is very few of these or is there a lot? This kind of is important.

Kelley: We hope that there are very few because my bureau with support from bes and others has been doing the resource mapping and it's been very extensive. Dean is right, we cannot physically walk every single property line, lot line to lot line, but we have, we have examined every parcel on the ground or through aerial photographs, so we have done a pretty significant row constance effort so I think that we have captured the great majority, it's hard to guess at what the, the spring might be more easily than seep. Depends on what type of year you were there.

Francesconi: Do you have an opinion -- do you agree with dean that most of those that haven't been detected were overlooked as opposed to not significant resources? I think that dean said that. Or do you have in way, no way of knowing?

Kelley: I don't want to hazard a guess.

Francesconi: To me that's an important fact. That would make a decision.

Katz: I know that they looked at all the resources and began mapping it but I don't know if they --

Kelley: I think over, you know, a period of two or three or 4 years we'll have a pretty good indicator of that, but it's hard to know going into this because we're essentially doing kind of a preventative regulation that says, we're not sure what we don't know so we'll put something out there as a standard that allows us to discover that in the process.

Katz: All right.

Saltzman: The other perspective is the reason for making this recommendation is also in reaction to the notion that the current proposal is to preserve them as much as practicable, to us, as much as practicable means they will be gone and i'm really -- to go into a big discussion about this, this applies to the three discussion, as well, because it's such a term. An elusive term. You can literal, you know, federal, clean air and water laws, have, are tied up in litigation for years over what's, you know, what's practicable so I am reluctant to see you go down that road and I also feel that under the existing language any seep and is springs that are discovered and aren't mapped will be built over and be lost.

Katz: So you're recommendation at this point is to increase the protection and take option b. Yours, as well? I figured that much. This end of the room?

Hales: Staff recommendation.

Katz: You are with staff recommendation.

JUNE 27, 2001

Francesconi: That's what I am going to go with bes but if somebody would tell me either that this is -- how much property is involved or that question of, is it overlooked versus other, so for now i'm going with bes, but I am uncomfortable.

Katz: I'm going with bes, so we'll take option b. All right. Let's keep going. Plow through this.

*******:** Item d is somewhat related to seeps and springs. Sort of a similar issue only with some differences.

Francesconi: Let me -- this one is a little different.

Katz: Let it go through it first. I know trees are big here and we have discussions about canopies and inches, go ahead.

Greathouse: The basic recommendation for trees, currently requires that a developer inventory the trees that are existing on the site, figure out which of those trees meet the definition of significant, which is a table in the code, that gives different species and inches for the width of, of those trunks and then is required to preserve as many significant trees on the site as practicable. Again, the definition of practicable would basically require that they configure their lots to preserve trees and more practicable preserve trees in clusters on the site so that they don't -- so that if there is a stand of significant trees those are preserved. We feel that making a few minor modifications to the recommendation that reflect testimony that the urban forestry provided council with on the 16th, would strengthen these regulations while still allowing them to be applied appropriately on a site-by-site basis. We think in some cases that criteria will actually lead to greater than 35% of the trees on a site being preserved in some cases, will lead to less than 35%, but it will be geared towards tree that is meet the definition of significant trees that will be preserving the types of trees that actually are significant trees, add to the canopy --

Katz: Is there anybody here from forestry on this? Does anybody have any questions on this?

Francesconi: We've talked to them, because they report to parks and they are part of me. I guess I want to say that, may seem inconsistent, but I support the planning commission because the forrester really has strong feelings that practicality, in this case, if the forrester is involved in the decision, which I think is one of the amendments, will lead to preserving more trees so, it would be like in the prior case if bes were coming in and saying, look, we need more flexibility and in order to take care of the seep and is springs, and in an issue like this that's exactly what our forrester is saying and I think that we should defer to their judgment on this so that's a long way of saying I support the planning commission on this one.

Katz: All right.

Saltzman: I understand what the forrester, his position, where he's coming from. However, I do think this position is somewhat motivated by, which I have yet to figure out but we ran into this issue last time on tree diameters, there is a native species versus forestry division, there is some friction here on this issue between bes and the forestry division and I think that's reflected on the forrester's recommendations. I believe the proposal by bes, it's unambiguous, preserved 35% of the tree cover, again, will give us more protection. With all do respect to steve, with the recommendations under planning district it would lead to more protection than 35%. The pressure is on, give us as much buildable room as possible per lot. This establishes 35% as the standard and gets away from that, again, that whole sinkhole of defining what is practicable, and I would note finally in the recent issue of governing magazine, june 2001, our forestry division is a american of the american forestry association. And they recommend that all urban neighborhoods should have a tree cover of roughly 25% and suburb should be closer to 50% for an average of 45% tree cover and assuming we are part of that american forestry association this is their national standard so 35%, I think, is a little less than what they are recommending on average.

JUNE 27, 2001

Francesconi: This is kind of fun arguing back and forth with another commissioner. We don't do enough of it. [laughter]

Francesconi: If the commission were here, first of all we have a lot of citizens involved in addition to forester but they would probably agree with that standard. The point that I think you may be missing, commissioner Saltzman so they believe you will get more than 35% by giving away flexibility in the circumstances as long as the foresters are involved and let me tell you nobody has accused the forester of being too easy on these things.

Katz: Dean, could you respond to the issue of, is it possible, and I know you are not an expert in this area, but is it possible that, that the forester, under his guidelines could get more than 35%?

Marriott: I think it is possible, a situation under scenario a or option a. You could end up with more than 35%. To clarify what we intended by b is that the 35% would be the minimum requirement, not that you couldn't preserve more trees but if someone came in and said this is zoned to build four communities and I need to build four units and in order to build four units, I can't save 35% of the tree cover, under a, I think they could win that argument about practicality. They would say i'm losing my right to four units, and what i'm saying, what we're suggesting by b is that the 35% is the sort of minimum, below which you will not go. And there may be a possibility of sort of combining the two to certainly have the forester involved and some of these ratios involved to try to maximize, what we're in the business here is to maximize --

Katz: I don't think you are disagreeing. It's just how, how the -- what the approach is.

Saltzman: Minimum of 35%. If you can go better, go better.

Greathouse: Two basic concerns, the 35%, as a in him, and then go better, one is that when you actually do put a minimum standard, people tend to put in applications that meet that minimum standard and don't look at creative ways of going beyond that minimum standard so we're a little concerned about the possibility of going to a lowest common denominator.

Katz: But you could probably write language that, that would, would -- that would require a minimum of 35% and move beyond that. Don't you think?

Marriott: The second concern is that if you are requiring 35% the developer may choose to take out the most significant oak tree on the site and save the 35% that isn't the significant tree cover. So that's --

Katz: But you could write code language that would prohibit that.

Francesconi: I guess this is -- maybe it's just me but why would we sit up here and we have an urban forestry, whose job it is focused on this, i'm not -- i'm trying not to tell you how to handle the sewer issues. I am a little confused as to why you are telling us how to handle the tree issues.

Marriott: I am happy to have you tell me how to handle the sewer district. My point is just this, we're losing tree cover.

Francesconi: Don't you think the urban forestry knows that?

Marriott: Of course they do and we're trying to help. And that's why I am suggesting that by perhaps blending the notions here of a and b to keep the forestry involved and to -- i'm trying to set that minimum threshold. That's all.

Katz: You have got to come back with code language. Would this satisfy everybody that we ask stevie and gill and dean to work out language that satisfies the need to protect a certain amount of trees, as well as in addition to that, some significant trees.

Saltzman: Is that amount at least 35%?

Katz: That's fine, 35%.

Francesconi: I'm satisfied with the planning commission, the planning recommendation.

Katz: All right. I'm trying to be helpful here.

Hales: I think keep it go simple I was happy with option a.

JUNE 27, 2001

Katz: You are an option a?

Hales: Yeah.

Francesconi: I'm an option a.

Sten: I think option b is simple.

Katz: Come back with some language. We'll argue it again. All right.

Katz: Off-street parking.

Greathouse: We have a chapter that we basically have taken out of the existing regulation and is expanded it to corps all, all, to cover all land divisions that would require off-street parking, be required at the land division stage and this is additional parking to what is already required per unit. We do still have parking minimums in our single dwelling residential zones in the city. Office of transportation has concerns with the implementation of these regulations, and recommends that we delete the off-street parking requirements from the land division regulations. Bureau of planning supports that request. And then option b is, the fallback request that would make some, some minimum modifications to the chapter in order to make it a little more implementable.

Katz: Okay. Where's transportation?

Saltzman: You are supporting option a?

Hales: Plan and go transportation agree on this one.

Sten: Who's against it?

Greathouse: The off-street parking regulations are ones that were pretty hard fought at the planning commission level and moved forward and the planning commission recommendation to the council so, so there is going to be concern from the community about these regulations being --

*******:** Option b allows some --

Francesconi: Do the neighborhoods know that minimum parking could be gone tomorrow? Has this been raised? Has there been a debate on this? Remember what I said about deferring urban forestry and stuff? Forget I ever said that. [laughter]

Francesconi: Because I think -- see, i'm flexible. [laughter]

Katz: Commissioner Hales.

Hales: Let's get real if we want to save seeps and springs and preserve trees and build housing something has got to go. And I say, parking spaces is the best thing to lose. So, and look around, folks, you know, do we really have to work at it in Portland to make sure that people have enough room for automobile storage? Somehow they will get by. So this is one opportunity for us to actually walk our talk and do something that will matter a week or ten days from now, as opposed to a lot of the rest of the stuff.

Greathouse: I have to clarify these requirements are in addition to requirements that they already have to meet at the development stage for minimum parking spaces.

Kelley: There is still minimum parking requirements.

Francesconi: For now.

Hales: For now. [laughter]

Francesconi: So I guess I don't understand the effect of this, i'm sorry.

Greathouse: The effect of this basically would require on a case-by-case basis, additional parking spaces. The developer would still need to, when they are applying for building permits, provide on-site parking. At least additional parking.

Katz: I've got it.

Francesconi: Why would we require that.

Hales: The redundancy department problem. We're doing it twice.

Katz: I am with commissioner Hales.

Francesconi: I want to hear from michaelson on this issue.

JUNE 27, 2001

Katz: Hold on, let me get a sense from the council where they are.

Saltzman: Support option a.

Katz: Option a?

Sten: I am with Hales.

Katz: With Hales. Do you still want to hear from Rick.

Francesconi: I am not clear, why would we require more parking.

Katz: Rick.

Francesconi: I don't understand why.

Katz: Rick, I don't know where you are on this issue.

Rick Michaelson: Let me simply say with the planning commission recommendation was. Given the adjustments made to the street standards, given some of the size of puds, the present code requires both private parking and parking onstreet or in bays, we felt that there were places and times when you might want to make sure that you weren't just having one parking space per unit but had some place for guests to park, so and therefore, we recommended that this be something that could be looked at as part of the ped process. I personally later made a recommendation, if you are going to look at increasing it, let's look at flexibility and potentially decreasing it in those cases where people would rather preserve onstreet parking. That was my personal recommendation later, different from the planning commission. If you take this all out, neither the ability to increase it nor to reduce it where it's not needed.

Katz: Gill, do you want -- he doesn't. All right.

Francesconi: I'm going to, sorry, Rick, I will go with commissioner Hales.

Katz: We have got option a. And the last one, the policy item, I am not sure that there is a major policy issue with this one. We had originally talked to transportation staff on transportation has concerns about the notion of calling these street facilities that don't have vehicle traffic on them. We think you can make some amendments that would be minor amendments to the terminology and get up the issues without having to rethink the overall approach to green streets. Option a and b basically a is the one that we are recommending, I believe, transportation is actually with us on that recommends at this point.

Katz: Option a? Council members? Commissioner Hales?

Hales: I think so.

Katz: Okay, option a? Okay.

Kelley: We won't be calling these green streets any more because this is a common green. The street were entered so that we could identify the -- each lot has a required frontage and the current code says they have to front on a street and that's where we got tangled up.

Katz: I do, for a different reason, need a hole packet on green streets. So, get it to me whenever you can, please. All right. We went through the major policy. There is -- we've all agreed on all of them except one, well, the majority of us. Most of it was unanimous, except for, for the tree preservation and I think we can find language that will merge through it -- it was a majority, not unanimous. Requested amendments on page 3. You want to run through these very quickly? Sorry, but I want the public to, that's watching to know what we're doing.

Greathouse: The first amendment we list was a request that it come into amend the maximum density table to increase the amount in the r-2-5 zone from one unit, 5,000 square feet as it is today to one unit per 3,000 or 2500 square feet. We're recommending that we consider this as part of a future work program because it wasn't part of the overall policy discussion up to this point in the project.

Katz: Council, jump in if you disagree and we can move quickly.

JUNE 27, 2001

Greathouse: Option number two, was requested by the office of transportation and miscellaneous testimony which was to amend the requirements for traffic impact studies, we're basically would be recommending amendments that don't make you have to go through an impact study to determine whether or not you need to provide a traffic impact study on the site. Which we think the language in the existing code does it would apply it to a broader range of sites and specify when traffic impact studies were required as part of the documentation for meeting the impact criteria.

Katz: Everybody is all right with that? All right. Three.

Greathouse: Issue number three would simply be to add a definition for public access easement. This is a concern that came out of the city attorney's office that we aren't clear enough legally in terms of what we mean with this term.

Katz: Council? Four?

Greathouse: Item 4, without a regulation that requires partial streets to be dedicated to the public. This is so that you have adjacent, when you have adjacent land division sites they are using straight infrastructure as efficiently as possible and you don't run into the legal complications of having two halves of a private street dedicated or, or created at separate times. Council.

Katz: Yes. All right. Five.

Greathouse: Five would amend the regulation for pedestrian connection width to insure greater safety for users, this was an amendment that was requested by the willamette pedestrian coalition. All right. Six.

Greathouse: Six would be to delete the plan and straight plan review chapters, I know that council may hear some testimony on this one if we bring it back for language. Our basic concern is that the street plan and plan review chapters as stated in the existing code don't reflect today's process and they don't reflect what is being envisioned under the transportation system plan for what tomorrow's process is going to look like and we really want to make sure that our code language actually reflects what the process is going to be for approving legislative street plans as part of the master street plan process. And we don't view the language in the code accurately reflects that.

Hales: I may be some help, some explanation on that one. I still don't quite understand what we are doing there so don, I don't know if you or glenn or somebody wants to deal with that, gene.

Jean Harrison, Transportation Planning: Jean harrison, transportation planning. What we're required by the state and metro to do is create master street plans for the entire city and it's done in two layers. One, at a legislative level, which are conceptual street plans and then what the developer does when he comes in, which are the more specific, here's where every single street goes. We haven't written the policy or adopted the policy yet that would implement that so it's a little hard to preknow ahead of time exactly what the code needs to say. I think it's going to end up looking something like what's in front of you but it could have some nuances or twists in the interim could make a little difficult to figure out what we're supposed to be doing with it so we will be bringing something back to you, we hope next spring, and we think that will clear up everything, which isn't too far off sync with your implementation for this project.

*******:** So to meet this now because we are going to fix it soon -- all right.

Katz: Council. Seven.

Greathouse: Seven is another one there's probably going to be some testimony on when we bring back specific language. It's revising the flood hazard area, approval criteria to allow a tiered approach that considers the location of the site and the zoning designation, the requirements that we have got and the recommended code for subdivisions in the flood hazard area, we believe were crafted originally with the good intention of watching out for single dwelling development on relatively -- single dwelling-sized lots in areas like johnson creek, and we feel that the language needs to be amended to reflect the realities of larger commercial and industrially zoned sites that

JUNE 27, 2001

may have enough site size to be able to do something other than to prohibit subdivisions entirely in those zones. So it would be proposing bringing back language that reflects that.

Katz: Council? Be interested in seeing the language because I think it will impact areas that we are working on now. Next.

Greathouse: Eight to be providing a process for requests to amend the existing industrial park land divisions, this is a minor code tweak that we are happy to make.

Katz: Okay. Council? Okay. Nine.

Greathouse: Nine would set a time limit for submitting all stages of a staged final plat.

Katz: Council? Ten.

Greathouse: Ten would clarify section 33.720.020, g-2 to insure the regulation refers the different kinds of review not multiple reviews of the same kind, another technical fix, we feel the language does it now but it could be clearer.

Katz: 11.

Greathouse: It would amend the maximum lot coverage table to insure reasonable transition from one side range to another. This was materials that mr. Rockland presented to you at the last hearing that -- which provided more specific guidance for lot coverage.

Katz: Okay. 12.

Greathouse: 12 would be amending the standard for the main entrance that requires the main entrances be within 4 feet of grade to insure the standard is applied to the front door of the house.

Katz: All right.

Greathouse: 13 would amend table 110-3, single family development standards to clarify the intention of footnote number four.

Katz: Which is -- okay. Is it a technical fix? All right. We trust you, arnold. 14. Not an everything, though. [laughter]

Greathouse: 14 would allow modifications of the parking requirements in chapter 2 33256 as part of the planned development review, raised in testimony, by rick michaelson and would allow them to not have to go through a separate review process in order to modify parking requirements as part of a planned development. There may be in the additional list of implementation related amendments that, that they may be bringing forward some other issues of modifications to the planned development process.

Katz: Council? Okay. 15.

Greathouse: 15 would allow options for vehicle access other than alleys for land divisions with narrow lots on corner sites.

Katz: Council, good, I know you want to move quickly. I'm trying. 16.

Greathouse: 16 would consider eliminating the threshold for. [inaudible] land divisions and we support producing that minimum threshold.

Katz: 17.

Greathouse: 17 would require the balancing requirements for land divisions.

Katz: You support that had? Council?

*****: Yes.

Katz: 18.

Greathouse: 18 would amend the required recreation chapter to consider adding standards more suited for multifamily development. This is one that we're recommend and go have been recommending throughout this process to be considered as part of the future nonland division specific work program.

Katz: This is another whole conversation that I think that the council needs to have with regard to some new census data. 19.

JUNE 27, 2001

Greathouse: 19 is simply clarifying technical amendment to rename the subject district to the other --

Katz: That's a nice amend. Okay. 20.

Greathouse: Amendment number 20 would --

Katz: Arnold you are laughing. I have never seen you laugh. [laughter]

Greathouse: The last three are not amendments but recommendations for things we'll do as part of the implementation measures for the project, which if it's feasible will post final applications on the internet to allow citizens --

Katz: Good idea.

Greathouse: We are all, opdr and planning are recommending funding to work on the land division handbook and providing monitoring reports on the land division code as part of the monitoring process. To the neighborhood coalition offices. And that's it for the amendments that we had recommended.

Katz: All right. All right. We've got a whole slew of amendments not supported by staff. How does council want to deal with those? We don't really want to open everything up again for discussion. Is there any -- take a look. Are there any of them that you would like to hear? Some of them we dealt with already.

Greathouse: And I think quite a few of the issues on the amendments are not supported by staff are part of the bigger picture question of whether we consider taking it entirely -- taking a new approach to the land division regulations so i'm not sure.

Katz: They were outside of the scope what you were doing.

Greathouse: They are folded into the alternative that's been presented.

Katz: I recall that. All right. Of the major policy decisions in the requested amendments, the items we went over, not, not the additional amendment requests, not supported by staff on this list because I recall that discussion that, that that is something that, that gill and the commission might want to look at in the next chapter of, for the next chapter of discussion on these items. Is that correct, gill?

Kelley: Well, there are some of those, and I think we tried to articulate where those are. This list, and I think we've received some communications as recently as yesterday or today, from mr. Rockland and some others. That might not be reflected in this june 21 memo. For the most part, those would not -- we would not submit those to the future work program because they are substitute concepts for what's, what's elsewhere in our proposal here, and they are squarely on the land division.

Katz: I was referencing these.

*******:** This list of nine? Or --

Katz: I don't have them numbered.

Kelley: Page five?

Katz: Page five. Yeah. No, I think these are choices that confront you now. These we would not examine in the future. They are alternatives to what you have decided in some way. Or to what we recommended.

Katz: Council, what is it -- what's your pleasure?

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

Katz: Let me try this. At least those issues that we identified today, anybody want to testify on those? Arnold, why don't you come up. I will give you an opportunity to do that. Go ahead.

Sten: If it doesn't end here somewhere, and you may point it out to me later, could somebody give me a quick list because I got confused on the issue I was arguing, you know, what is a land use in a technical use now and what ones would change in writing if it's not in writing.

JUNE 27, 2001

*****: It does outline it on -- there's a chart before the 11-by-17 pages in the packet. Looks like that.

Sten: Thanks, if it's in there, great.

Katz: Gill it right. These are things that are not set aside. They were just disagreements.

*****: That's right.

Katz: That council had made some decisions on.

Kelley: And we did receive a letter from mr. Rockland yesterday or today and there are two or three or maybe 4 other points he raises that we would incorporate some we consult with the city attorney about, and others we would disagree with.

Katz: Arnold why don't you just not tell us about those and those will come back and code.

*****: Okay.

*****: I know what not to talk about. [laughter]

Katz: All right. Pull the mike over to you. I'm not going to give you forever.

Arnold Rockland, PO Box 83645, Portland, 97283: Okay. Arnold rockland, post office 83645, Portland, 97283. First, on the subject of the technical versus land use decisions. I believe that there is a misunderstanding conveyed to the council on what is currently technical decision and what is a land use decision. They are both. Of course it's technical to evaluate stormwater and sewage and streets, but the way the land division code is structured now, including the pud's chapter of title 33, those technical decisions ultimately come to the hearing's officer to sign off on. If it's a type 3 or the planning director, if it's an o perform dr director or type 2. That gives just exactly what commissioner Sten was asking for. The technical stuff is evaluated, but there's a chance to look at it and for somebody to say, it's wrong. Now, I have never heard a hearing where anybody has gotten into an issue of, is this particular type of, of hole in the ground the right way to gather the water, and when the specifications for this particular facility is that it allows so many gallons a minute to seep through, is that correct? It always hinges on issues of terrain and most importantly, and this is the key to the thing, it's the facts. Which are not a technical decision. Objective decision that usually the neighbors are more familiar with than the, the bes or other technical staff. The issue in camelot estates on the stormwater thing was that the applicant in submitting a packet that was half foot high, for bes to review, left out calculations for run-off of sidewalks completely, one of the 40-yard lots was omitted because off in an area and the applicants, consultant didn't notice it and didn't include it. They didn't calculate anything from semi permeable surfaces, like lawns, that increased run-off, and they didn't calculate the full size of the houses. What they did was, in an area that is, that generally has a quarter million to a half million dollar or more houses, they proposed that, that the permeable surfaces would be 2400 square feet. Now, the point was, now, bes has, no expertise in knowing how big the average house is going to be in the, in a street of dreams development or development across the street from the street of dreams. That's not their area. And that's where the public comes in. Okay. Point's made, I can see that. Okay.

Katz: I will not give you much time so pick out the key, and if the council members want to go back to the issues as you clarify, we'll give them time.

*****: That's what the issue's about on that. On seeps and springs, I know from my own personal experience that the scale of review of the environmental reviews, I started -- the first one I was involved in ten years ago was a larger scale than seeps and springs. They were looking at things like large ravines.

Katz: We increased protection on that.

*****: Still, you had dissension on that. And I would like to give you one other -- just my own personal opinion, that you are very likely to even lose one lot, you may have to have some smaller

JUNE 27, 2001

lots leaving a little open area but it's unlikely any developer will lose a lot. They just aren't that close together.

Katz: What do we do on seeps and springs? Excuse me? [inaudible]

Katz: That's what I thought. All right.

*****: Okay. You know, the principle concern, one of the main concerns that I want to talk about that I don't think you want to hear about now is the issues where I claim that about, about half a dozen things were unlawful. Is that right? You don't want to hear about that?

Katz: Are those the issues you are going to be checking? Yeah. Let's not hear about that.

*****: One more statement, and this is one on procedure, which --

Katz: Let me just, you are going back to revised statutes on these issues? That have legal issues, is that what you are doing?

*****: I'm sorry?

Katz: You are referencing the Oregon revised statutes on the legal issues? That's the handout. Okay.

*****: That's just one example.

Katz: Okay, there are others. There will be others.

*****: And I will drop that then. Planned unit developments. Commissioner Francesconi, I admire truly your frankness in saying that you did not understand what it was entirely what it was about. I don't either. It is extremely difficult to keep in mind --

Francesconi: That makes me feel better, ernie. I am not being sarcastic.

*****: It's completely sincere. You have a chapter of about 10 or 15 pages now where all the pud regulations are in one place. That chapter also requires compliance with the subdivision code, if there's a land division involved with the -- at the same time. Instead the replacement for that, staff has claimed without identifying it all, that there are dozens of other provisions now scattered to the whole proposal that will offset it but they do not accurately tell you what's happening. For example, there is no specific offset for the 20% common open space required in a pud now. Which is then, and that offset balances the, the benefit that the developer gets from being allowed to have much smaller lots, virtually unlimited decrease in size of lots, and flexibility and arrangement of the facilities and so forth that he doesn't have now. And that's just one example I have given you the details in writing where I've -- in analyzing, in responding to staff's analysis of the pud chapter in the June 21st memo, it's where I take that up, I give the address about four or five points, where I could not find an equivalent to what they were taking out of the pud regulations. Now, when I heard staff talking here, they didn't say one word about what we were losing and that's why I -- part of the reason why I feel it's difficult to grasp what's happening. Thank you.

Katz: Council? Do you want to go back and ask any further issues raised?

Francesconi: Just one. Just one. The issue of the 20% loss of green space from a pud and whether there's a way to handle that through the revised version. That's my only question.

Greathouse: In the packet the, I put together for the council today there's a matrix that compares the existing pud regulations with the land division regulations. It's right after the last, actually, on the back of the pud.

Katz: Tell us what it looks like.

Greathouse: On the back of a, there's a matrix that's entitled "summary compare system of existing pud requirements and recommended land divisions requirements." in the front part of the packet. I apologize it doesn't have a page number.

Katz: Go ahead.

Greathouse: Under the existing pud regulations, 40% of the site not on streets must be an open area and half of that open area must be commonly owned which is what Mr. Rockland refers to as

JUNE 27, 2001

the 20% open area requirement. There is not any specific requirement in the existing pud regulations for what the improvements of the open area look like, the access to that open area is, there are no specific requirements to that effect at all. Just requires that the site have 20% open area commonly owned. Under the recommendation, we're proposing that land division that create 40 or more units are required to set aside at least 10% of the site as recreation area and that recreation area has requirements related to street frontage and access and improvements to the recreation area, as well as whether it can be in an environmental zone or not. Under the existing pud regulations your common open area could actually be entirely in an environmental zone. The recommendation also requires preservation of trees, flood hazard areas, seep and is springs, landslide hazardous areas, environmental zones and all that which we believe will lead to the creation of protecting those resources so in effect, you could end up with a lot more than you are getting under the existing pud regulations. And there would be more specifics when those areas are being used as recreation areas.

Francesconi: Okay. I guess I hadn't mentioned this before. This is an aside, not on arnie's point but I asked for two or three years to try to get some recreation areas in apartment complexes and I was told that it would happen through this process. And I appreciate you doing it. That's all. Thanks.

Katz: Okay. I didn't hear anything else. Did you want to add anything?

*****: I don't need to add anything.

Katz: Let me just say for those of you who still have difficulties with what we're doing, you'll have an opportunity when planning brings back the code language to come back, they will give us some additional time to further review some of the issues that, that arnold and amanda and others have identified, as well, as maybe reacquaint ourselves with the, the packet of material. Okay. Council. All right.

Greathouse: We do need to continue to a date --

Katz: You are just ahead of me. One second.

Francesconi: How about the last two weeks in july. [laughter]

Katz: Who doesn't want to deal with this issue any more? [laughter]

Katz: When do you want to come back with code language?

*****: We were suggesting either september 12 or september 19. We will make sure to have language available approximately 30 days in advance for everybody to review.

Katz: And may I recommend that on the issues that you heard from arnold, especially -- the pud issues and other key issues, give us some additional material from both arnold and or others, as well as planning, so that we'll have some time to review it again. There aren't going to be many issues that might come up again.

*****: I should mention that there were four issues that margaret did bring to my attention. I think she did to yours, as well, which I think we can work on over the next draft.

Hales: So you will keep working on those implementation issues?

Katz: These are implementation issues.

*****: Margaret is here if you would like to hear.

Katz: Margaret, come on up. These are implementation problems you might have? Come on up and identify those for us. We're not finished with this folks thank you. There are four areas in the code where the current wording we think creates some implementation problems for us. And we have identified those to gill and his staff. They are the wording of the review criteria and planned developments, the process for how you deal with changes to existing puds and pds, how to deal with changes to grading plans, and the issue of concurrent motives, which is an issue that rick michaelson brought up as well so there are three areas, it's a language issue that we want to

JUNE 27, 2001

continue to work on, make sure that the intent of the changes are met but, but we can deal with them as we deal with specific cases.

Katz: Okay. Are there people signed up to testify? Do the three people really want to testify? Who are they?

Moore-Love: Amanda fritz, bonnie mcknight and arlene.

Katz: I saw bonnie shake her head. No? Amanda? Yeah.

Amanda Fritz: I am amanda fritz. After the last hearing, commissioner Sten asked arnold to put together a proposal for the good parts of this, and a group of neighbors have spent six weeks doing that. And I was hoping that you would discuss it. Because this is not fixed and we're going to come back in september, and a lot of people are going to be really upset about going to pud standards such as 4200 square foot lots in an r-7 zone and not having the public process to be able to say if we think that's okay or not.

Katz: Amanda, these issues were discussed at a previous hearing.

Fritz: I just think that people are not going to be happy with them. I think that the public --

Katz: That may be true but they were discussed at the previous -- we did discuss it.

Fritz: There are hundreds of amendment requests that have been put in that have not been dealt with in these things. You didn't even discuss the issue of 15% deduction for streets, which is a significant issue which creates a problem. The problem with this draft is that it's better in the neighborhoods where you have the small infill projects. This code has to apply in pleasant valley. And yet it allows the planning of super blocks that are 530-by-530. That's the key problem that we were trying to fix when we first started doing this and we haven't done it. So, it's taking away the planning and development code, which is much better for us in the outer neighborhoods, and it's not substituting the amount of public process. Land use decisions, streets and stormwater are land use decisions in planned unit developments and that's why arnold and I have been in front of you and you have agreed with us when we have been in front of you on these so-called technical decisions what we have been able to show that there is a problem. And we don't bring frivolous problems to you. Why would you want to take away that safe guard? I just wanted to acknowledge that many land use chairs have worked really hard and the alternative proposal, it was fun to look at the parts we liked than the parts that we don't and at least there were 23 sections we thought could be adopted without further amendments and I am really concerned that, where we're at now just is going to be a long time before this code gets implemented. It has to set up appeals processes in the technical service bureaus. I think that's going to be a big problem. And it has to set up the technical standards in transportation, and I think that's going to be a big problem. So the goal was to try and adopt the new code which is going to be helpful in the inner neighborhoods and I don't think we are going to get there as fast but thank you, I know you tried your best very best.

Katz: We try to do the best. I know the issue of the pud is important and that's why I asked stevie when the code language comes before us, to give us an opportunity to take a look at that again, and make -- review it further and you will have opportunities at the time that the code language is rewritten. Thank you. Okay. All right. Everybody, when did we decide? We didn't decide. All right. Come back and decide and let us know when we're coming back to this. How much time do you need?

*****: September 12 or 19, 12 has the benefit of being sooner and the other date has the benefit of being a 6:00 hearing.

*****: We were prepared to come back in august but the august dates won't work given council's schedules. So september --

Katz: Council wants to come back to this in an evening meeting? Give citizens an opportunity, even though most of them that are worked on are here? Up to council?

JUNE 27, 2001

*****: I guess, I mean, the point of the evening meetings was to allow other people to come here and unless there was other issues that we haven't heard from as much on people I would say yes, this is an appropriate evening -- I don't know what the other viable topics are for that day.

*****: Nothing else is scheduled.

Katz: Let's do it in an evening meeting then, all right. Okay. All right. Everybody. Item 811.

Item No. 811

Frank Hudson, Office of the City Attorney: Good afternoon. Today's hearing is an evidentiary hearing. This means you may submit new evidence to council in support of your arguments. This evidence may be in any form, such as testimony, letters, petitions, slides, photographs, maps, or drawings. But you haven't given the council a copy of your evidence. You should give it to the council clerk after you finish the testimony to the council. Any photographs, drawings, maps or other items you show to the council during your testimony should be given to the council clerk at the end of your testimony to make sure that it becomes part of the record. The order of testimony will be as follows -- we will begin with the staff report by the planning bureau staff for approximately ten minutes. Following the staff report, the city council will hear from interested persons in the following order. The appellate will go first. To present his or her case. Following the appellant, persons in support of the appeal will go next. Each person will have three minutes to speak to the council. This three-minute time limit applies regardless of whether you are speaking for yourself or on behalf of an organization. Such as a business association or a neighborhood association. The principle opponent will have 15 minutes to address the city council. And rebut the appellant's presentation. After the principle opponent, the council will hear from persons who oppose the appeal. There is no principle opponent the council will move directly to testimony from persons who oppose the appeal. After supporters of the appeal conclude their testimony. Again, each person will have three minutes each whether you are speaking for yourself or on behalf of an organization. Timely, the appellant will have five minutes to rebut the presentation of the opponents of the appeal. The council will then close the hearing and deliberate. After the council has concluded its deliberations, the council will take a vote on the appeal. The vote is a tentative vote but council will set a future date for the adoption of findings and the time vote on the appeal. The council takes the final vote today, that will conclude the matter before council. If you wish to speak to the city council on this matter vinny testaverde not yet signed the list located outside of council chambers, please sign up at this time with the council clerk. I would like to announce several guidelines for those presenting testimony and participating in the appeal. In the hearing, excuse me. These guidelines are established by the zoning board and state law and are as follows -
- any testimony and evidence you present must be directed toward the applicable approval criteria for this land use review. Or other criteria in the city's comprehensive plan or zoning code, which you believe apply to the decision. Planning staff will identify the applicable approval criteria as part of their staff report to the council. For the close of this hearing any participant may ask for an opportunity to present additional evidence. This kind of request is made the council may grant a continuous, and hold the record for at least seven days to provide an opportunity to submit additional evidence. And will hold the record open for an additional seven days to provide an opportunity for parties to respond to that new evidence. Under state law, after the record is closed to all parties, the applicant is entitled to ask for an additional seven days to submit final written arguments before the council makes its decision. If you fail to raise an issue supported by statements or evidence sufficient to give the council and the parties an opportunity to respond to the issue, you will be precluded from appealing to the land use board of appeals based on that issue.

Hales: Okay. This is normally the point in which, in the proceeding in which the council needs to declare a potential conflict of interest, or ex parte contacts since two of our members are

JUNE 27, 2001

temporarily absent i'm going to come back to that item or the mayor will when she returns, after the staff presentation. So, let's proceed with the staff presentation, and then we'll pause and see if there are any ex parte conflicts or conflicts to declare and we can go on with the rest of hearing so go ahead with the staff presentation, please.

Miriam Hecht, Office of Planning and Development Review: Okay. From the office of planning and development review. This is the appeal of conditional use for riverdale high school, and most of my presentation will follow the slides. This is the first one. It's part of the record. This is the other riverdale high school. [laughter] they told me I had to leave it in as part of the record. The proposal in front of us is a conditional use to convert collins view school to riverdale high school and includes an adjustment to maintain the existing front setback of the school with the expansion that's proposed. The school program consists of a maximum of 360 students. Of which a maximum of 75 can be from the Portland public school district and that is part of the agreement between Portland and riverdale school districts. The school day, schools open from 7:00 until 4:00 with classes as early as 7:15 and ending around 3:00. Use of the fields behind the school, riverdale would have use of the fields until 5:30, for gym and practice but not for athletic items. They would run the school as a closed campus, meaning students would not be allowed out for lunch or breaks off campus. Approved were 15 special events, large events per year with a large event was defined as 200 to 360 people. They are proposing to hold their athletic events that are outdoor events away from the school. The physical improvements proposed are parking for a minimum of 120, minimum 112, maximum 120, 64 bicycles and the hearings officer required the north parking lot be redesigned. Which it has been. They are proposing a bus-student drop-off area, 16 classrooms of which eight are in a new two-story addition to the rear, a new gym on the south side of the school, a new theater on the north and incorporated into the main building, a library and cafeteria. The improvements are proposed in three phases over three years. The first one, demolishing the more current additions to collins, building a new gym, upgrading the parking and doing an interior remodel. Second phase is the two-story classroom addition and parking on the north and the theater lobby addition is the third phase. There are no significant changes to the ball fields west of the school and there is playground equipment that will be relocated but retained. Transportation improvements proposed and required are a left turn lane from terwilliger into the school, sidewalk improvements on terwilliger, changing the existing south driveway to exit only, with a card lock system, and widening the north driveway for site -- to improve site distance, and providing off-site parking for special events after the appropriate land use approvals are received on that satellite site. They are required to have a parking management and traffic management plans. They will -- the use of the fields will continue for Portland parks and recreation, and the neighborhood will continue to have their neighborhood association meetings in the school. This is the site. The zoning is open space, has a scenic overlay on the eastern part of the site. There's no impact on the scenic overlay. This is the existing site plan, shows the outline of the school and the fields. And this is the phase-in plan showing first, sec, and third phases, and again, the outline of the, the new building. This was submitted as the primarily landscape plan. There are -- it's -- there will be extensive landscape screening improvements with all the new parking areas and along the south side of the site. And those will meet the current stormwater requirements. And this is the update with -- at the time the most current information I had that plan has changed again in the last day or two so i'm going to speed through some of this, which is what the applicant will update. From the requirement to change the north parking lot because of its proximity to neighbors to the north, this originally proposed parking was head-on and it's really about five feet from the property line and the houses to the north are five feet from their property-line, so that was needed to be redesigned. The redesign includes parallel parking to avoid headlights and to the private property, and further

JUNE 27, 2001

setback to 15 feet so that has been redone. As a result of that, the original proposal had parking on the northwest corner, and that has expanded only slightly to pick up some of the parking loss from perpendicular to parallel. In the south, parking in the original proposal looked like this with -- and most of the parking was existing the parking that's headed south and south directly south of the school there is a church and some other, some residences owned by those students. The private property begins where the gray area is shown. And there was a proposal to provide more parking there. They have redesigned that. Questions came up about the use of the field and programming for parks. There are now three back-stops and they were being moved and the question was, can we still do as much programming as we had been doing. Applicants have been meeting with parks. They are represented here, parks, and can speak to the movement of the back stops and actually come up with a design to really have two ball fields instead of three and that works, I think, better for everyone. The building line in the proposal that was approved kind of looked like this. And the new one looks like this, and that's actually a slight extension of the building. It also extends a little to the north, so I will be recommending an additional condition that just gives them the square footage that they are proposing but draws the line. And this is the, the current site plan, however, the parking on the south has changed. Let's skip that one. The issues that I am sure you will hear today are traffic is the main issue. Entering and exiting onto terwilliger from the site and from the adjacent streets, and the capacity of the taylor's ferry, terwilliger, intersection north about a quarter of a mile. The impact on adjacent properties, the use of the schoolyard, by high school students, schoolyard availability to community users, pedestrians, safety and accessibility, evening use of the school, screening for neighbors and property. Much of this was addressed in the hearings officer's decision and conditions were placed to protect most of that. The appeal issues, the applicant appealed on two issues. At the hearing they proposed to start school earlier in order to avoid putting cars at the terwilliger-taylor's ferry intersection at peak time because it's already at an e or level of service or beyond. That was made a condition of approval and the applicant came back and is asking that you can still avoid that peak hour from 7:30 to 8:30 by having classes start before or after that peak time. So the request as to have early or late start.

Francesconi: So that wasn't proposed to the hearings officer, that's new?

*****: That's new.

*****: That came in --

Katz: Came at the appeal?

Hecht: Yes. That was one of their appeal items was asking for that. And the second is the proposal that was reviewed for event, evening activities, originally proposed were eight to ten large events that would end at 9:00, staff recommended that ten events ending at 9:30 during the week and ten on the weekends giving some time to get out of there. There was much testimony at the hearing about really what ought to -- defining the events, what are they, the little events, how many are they and the applicant was asked to submit additional information. The record was left open, an additional information came in outlining and defining all the special events, small, medium, and large. And asking for, asking for 15 large events. 15 events were approved with a, a stop time of nine on monday through friday and 10:00 on saturday. The appeal originally was to ask for ten on the weekdays and 11 on the weekends, that has been worked out, and modified so that it's a moot point now, they are asking the change. The only change now is that friday, be considered a weekend day and sunday not. So, they are willing to have events end at 9:00 monday, tuesday, wednesday, thursday, and sunday, and at 10:00 on friday and saturday. This is the site entrance on boones ferry, terwilliger. This is looking south from the driveway, and this is the driveway that would be -- this is actually the south driveway, I believe. Directly across the street a church and a parking lot that is now used for a satellite parking for lewis & clark. This is looking south towards

JUNE 27, 2001

boones ferry and taylor's ferry split and an intersection of mabel crest. This is the pedestrian improvements. Directly south of the school, gravel lot to the right was a temporary lot used by lewis & clark for their construction. You can see the traffic on the right. This is that lot. It is now -- it is not allowed to be used for anything currently. And this is on mabel crest drive south and you can see the school. This is the directly south on maple crest at the corner of maple crest and boones ferry and this is, I object, a house owned by lewis & clark, students and students are there, and parking. And this is the house directly across the street from that and this is behind the school also, I believe, owned by lewis and clark students. Lived in by them. This is the, a church, mt. Carmel church adjacent to the school on the south. This is a view from the collins view parking lot to the church and the relationship of the church to the collins view site. There's quite a bit of grade change. This is the south property line towards the south property line of the school, and shows the grade change, and actually, the location of the fence, the school property goes beyond the fence, almost, except on the north side of the school so the grounds are fenced and there's quite a bit of land outside of the fence that is still school property which provides a buffer to some of the neighbors. This is the neighboring house to the south and this is in the area of where parking, I believe, redesigned the parking so as to not face into that house. This is the parking lot on the south and this is from the south driveway, which the circulation will be change sod that this is an exit only bus parking -- bus driveway. This is the south end of the school and rear pouring is the current gym which will be removed and a new one added. This is the rear of the school and all of the kind of off-white structure are the newer additions removed and a new addition to the school with eight classrooms and media center will be added to the back. Everything you see there, basically, will be removed. This is the west property line, and here you can get an idea of the fenceline, the trees and all the, basically all the ground you can see to the left side of the fence is still school district property. But there's a grade change so they fenced it at the level area. And this is the northern backstop, and again the school ground. Another view of the school. And then this is the north side of the site, and this little area right here is owned by the homeowner's association of the subdivision that is just north of the school, and then this is the relationship of the school's north property-line in the three homes just to the left of the fence. So they are quite close. This is the playground equipment on the right side will be relocated to the south. This area becomes a parking lot, and this end of the school is actually also in addition that will be removed. This is the area owned by the homeowner's association and you can see some of the grade change to the properties to the north. This is western-most house, close ones. This is the middle house. And this is the easternmost house so the hearings officer's decision required at least a 15-foot, I believe 15 feet, no parking, no paving within the first 15 feet and only parking that does not face north so the headlights are going north. Back to the front of the school and there will be a smaller parking lot developed in the front of the school and turnaround for drop-off. This is the intersection, the north intersection of boones ferry and terwilliger, right at the north driveway of the school. And then this is looking toward the school from boones ferry and at the same intersection.

Katz: Okay. Thank you. Let's put the lights on. All right. Declaration of conflicts of interest. Declaration of ex parte contacts.

Saltzman: I've had numerous conversations with people who live around collins view, I think that they have all occurred basically in the context or before this became a formal land use issue, it was when the school district was considering whether or not to lease, to riverdale, so I don't know if that conflicts me out or not. Probably not.

Hudson: I don't think so. I think you just have to state whether you can still make a, an impartial and unbiased decision despite the contacts.

Saltzman: Yes, I feel capable of doing that.

JUNE 27, 2001

Katz: Anybody else?

Hales: I had a number of contacts with the Portland school board during their consideration of the lease of this site to the riverdale school district. I opposed the lease. I have copies of correspondence that, where I expressed this opinion during the course of that issue and I will provide those to the clerk in case anyone wants to examine that and ask any questions about that.

Katz: In light of this appeal, do you feel you can make a determination without prejudice?

Hales: I oppose the decision. I think it was the wrong decision but the question in front of the council now is whether the current application meets the conditional use requirements and I think I can keep those two, that question separate.

Katz: Okay.

Francesconi: Several thing and this all happened before the school board made their decision. One is I went to the site. Two, I met with neighbors at the site and state representative chris beck who were opposed to this happening. I've had numerous conversations with kurky and several members of the park committee about the site. Again this was before. I had one conversation with debbie menashee from the school board. After those conversations with the neighborhood, especially and visiting the site, I asked parks and david judd to talk with the district to put in as much language so the public could use the site which led to some of the language within the contract. Then my staff shielded me for any of this for the last three or four months. So, that's that, and I can keep an open mind.

Sten: I have not had any ex parte contact.

Katz: Anybody want to challenge any our comments or silence with regard to ex parte or conflict of interest? Let's start with the appellant.

Saltzman: This hearing is only on the two conditions being appealed by riverdale?

Hecht: No, a de novo hearing.

Saltzman: Okay.

Hecht: Those were two appeal issues but the rules are it's a de novo hearing.

Katz: So there are other issues that -- okay.

Hecht: It was a noble strike, commissioner Saltzman.

Katz: If you read the material, there was several other issues that were raised by people who wrote to us, and so i'm sure we're going to hear those, as well. All right. So, we'll have -- go ahead. You have ten minutes and then three minutes for supporters afterwards, and then you will have time to rebut.

Tim Ramis: Mayor Katz, members of the council, tim ramis behalf of dale, with me is the superintendent and dan seaman, who is with our transportation consultants. I'd like to begin by thanking the staff and acknowledging the great amount of time not only planning but also other bureaus put into this, particularly pdot and parks. Parks did a, a very thorough job in protecting the public's interest and assuring that the, the open space would remain open to the public, and we appreciate the time that they spent. I'd also like to thank the neighborhood association while we may see some adverse testimony, they were open with us. They were available when we asked and we particularly appreciate that when they took a vote on whether to appeal this, they voted not to appeal it, so while we didn't get everybody on our side, couldn't be expected to, we know that we've at least garnered some, at least in our situation, and we appreciate that. Two issues appealed on, one is not controversial, and that is the, the shift in the 10:00 stop time for evenings from, from sunday to friday. I believe now we are in concert with the neighborhood association on that, and I don't believe there's a controversy. We, we were persuaded by conversations not to, to approach the 11:00 issue, and so we're going with, with the, the proposal that the neighborhood introduced back in march on this question. On the second issue, which is what time do you start class in the

JUNE 27, 2001

morning, there is an agreement in concept. And that is that between 7:30 and 8:30, which is the peak traffic hour we should avoid starting at that time. As originally proposed we were going to start at 8:00 and we asked for some flexibility to start some programs earlier, not knowing that the hearings officer would say, it's a mandatory requirement that you start a majority of students at 7:15. We weren't aware of that, never debated that issue in front of the hearings officer. So, at this point, there are two ways to avoid the peak hour, one is to start early and one to start late and we're asking for the flexibility to start after the peak hour at 9:00. The evidence that we have submitted from Kittleson, which has been reviewed and approved by pdot is that we can avoid conflicts by starting at 9:00. The logical questions that come up are, one, can we adequately police parents who might be tempted to drop their kids off early during the peak hour and Jim Abbott will speak to that. We believe we can. The second question is whether that stretches the school day out long enough that you might end up with a conflict at the 4:30 p.m. Peak and Mr. Seaman will speak to that. We believe the evidence is that we can avoid conflicts towards the end of the day. We think that this is a, a workable solution and other than these two particular conditions, we subscribe completely to the decision of the hearings officer. It was a tough one. As far as we know no other school district, no other high school has conditions even approaching these but we believe tough conditions are appropriate in this circumstance, and we believe the hearings officer did his job. As was pointed out the conversation may want be limited to these two issues. There may be other issues raised, and I would like to point out some aspects of the hearings officer's decision which I think are important. The main theme is that nobody in this case, neither side, got a complete win or loss. In some cases the hearings officer agreed with the evidence presented by the neighborhood and imposed tougher conditions in the staff had originally proposed, such as the 35-foot buffer on parking, also very clear about the need for an on-site drop-off lane next to a sidewalk so there could be safe drop-off of kids on-site. And imposed very stringent requirement for transportation demand management plan as well as a parking management plan. Those are lengthy and I think really served to address the transportation and planning issue. In some cases, he rejected the opposition testimony. He disagreed with claims about conflicts with 6th and other streets, and site distance and some of the other points. And still others he disagreed with both sides, fashion his own set of conditions and that would relate to some of the transportation issues, as well as to the preservation of parking for the parks department when there are potentially conflicting uses with school. We think that was an appropriate approach to the case and we support it.

Jim Abbott, Superintendent, Riverdale School District: Mayor Katz, members of the council, I am Jim Abbott, superintendent of the Riverdale School District. I believe you know the recent history of our history attempting to site our high school so I won't bore you with those details. It has been a long ordeal and I'm anxious to get back to spending 100% of my time on the education of kids. We found a site that not only works for the kids but demonstrates the partnerships we're looking for in our city and our state. This arrangement is good for Portland public schools and good for Riverdale. It is also my desire to make it good for the Collins View neighborhood association. In the meetings with the neighborhood association over the last couple of years I think they will attest to the fact that we have had open, honest communication and I have always said that I am anxious for the opportunity to show that we can be a good neighbor. We knew that this project would generate some concerns from the neighbors. For instance, the start time regardless of when it is, generates concerns about driving and parking. The 9:00 a.m. start time will not be a problem for either the morning or afternoon peak times. With the small school we have the ability through our staff and student leadership to work with the neighborhood, to police ourselves and create workable solutions to problems. For instance, our students developed a system that limits student driving and parking and enforcement of those limits. This system will work the same way at Collins View.

JUNE 27, 2001

We are confident of that. In fact, we have already agreed that no more than 25% of our students may drive to the school and park at the school. We have obviously created a plan for permit park and go patrols that will control parking in the neighborhood, and drop-off either at the wrong time or the wrong place. We make that commitment and that's a strong commitment. We have also incorporated frequent meetings with the neighborhood association that will not only continue to cultivate the relationship but will also create a proactive atmosphere in which to operate and i'm anxious to incorporate all that far.

Katz: Excuse me. Please turn off your cell phones.

Abbott: We are sensitive to the neighbor's issues and we have been all through, and we'll work hard to be a good neighbor. In fact they will be living with us since we are providing dedicated space for the association within the building and also meeting space in that building. [captioner break]

Dan Seaman, Sr. Associate, Kittle and Associates: If we were to, to extrapolate that, that situation to a 9:00 start time instead of the current 8:00 start time, and also to assume 360 students, that there would be an estimated 37 riverdale related trips at the terwilliger-taylor's ferry intersection. You will hear a lot of reference to that intersection. And that's because it's currently operating at an unacceptable standard based on city standards. 37 trips related to riverdale. That's seven more than, than what we observed and estimated at, at that intersection related to the current user of the site. So, that's seven trips more. Keep in mind that, that the seven trips out of a total of about 2200 vehicles entering that intersection during the morning peak hour, that amounts to between .2 and .3% and is really, is imperceptible to even the trained professional watching that location. That's extrapolation of conditions. If, if we, again, assume the same travel behaviors that are occurring at marylhurst, there are a number of things that are changing in this particular case, that is the location, the location is closer to the constituents at collins view school is closer to dunnthor, this is going to be a parking management plan and other measures that we are proposing that I will describe to you now. And in any case, we are talking about a total of seven trips. Those mitigating factors that I mentioned, one is the changed conditions, that is collins view school is closer. For that matter, bus services is better, there's a number 38 and a number 39 bus that have, have numerous stops at this location during those, those times that students will be using the school. Also, the bus stop is directly on the same side of the street and the opposite side of the street but very, very close proximity to the school, whereas at merle hurst, it's a pretty good trek to get out to highway 43 to use tri-met. Also, riverdale has proposed a tdm plan, which includes eight key elements that would reduce single occupant vehicles visiting the site. Riverdale is also proposing a parking management plan, again, that's a part of the record that would limit it, limit the number of parked cars on the site and also insure that, that there not be overspill of parking into the neighborhood. In addition, we're introducing two more elements to the tdm plan. One being bus shelters and sidewalks. Those are things that, that have been conditioned by the, the hearings officer, but in, and, and were complied with or, or, or, are in support of by riverdale. Also a carpool connection for parents and students, meaning a carpool matching program. Those things will be incorporated into the tdm plan so there would be ten total elements in the tdm plan, with these measures, we expect that there will be a reduction in trips, affecting that 7 trips most critical to the intersection, bringing the impact of riverdale to below the impact of the current collins view site. I'm wrapping up right now.

Katz: You have just finished.

*****: Okay.

Katz: Questions by council?

JUNE 27, 2001

Francesconi: I have got to ask the obvious one, if you start later, what happens in the afternoon with the traffic?

Seaman: Thank for you asking. In the evening peak hour occurs from 4:30 to 5:30, and, and what we found in the survey of current behaviors at merle hurst again is that students and faculty tend to leave the site very, very shortly after school, and so there would be very little impact. In fact about 32 total trips is what we estimated would occur at the site driveways, with 360 students. During the evening peak hour, and, and when you compare that to the existing use of the site, right now columbia academy uses the site with 90 students, and ohsu has offices, psychiatric offices, the net effect is that, is that riverdale would have a less impact during the peak hour. Another --
. [inaudible].

Seaman: 4:00.

Saltzman: So what we're saying is that, is that the students would be pretty much clearing the site before the p.m. Peak hour, and in addition to that there was consideration in terms of conflicts with Portland parks' use of the parks and that occurs at 5:30 and there would not be an impact or as great of one.

Katz: Let me ask you a question, what percentage of the students will be dropped off by parents of friends? What percent, and when do you think they are going to be picked up? Just talk a little bit about, what percent of students are dependent on rides from parents and friends?

*****: And --

Katz: Are these households that don't have to be at work at 8:00? That's a second question.

Seaman: And yeah. I'd like to take those one at a time. The answer to the first question that you asked is, documented in june 26th letter that, that I wrote to jim abbott and is included in the packet that you received and we're estimating that, that student drop-offs amount to about 35% of the overall student population today. Now that would be diminished, subject to the plan that's proposed. So, again, that's, that's unmitigated sort of situation.

Katz: Let's say it's 30%, and this may be better answered by the superintendent -- are you superintendent or principal?

*****: Superintendent.

Katz: Superintendent. What do you think -- tell me about the, the situation with friends and parents. 9:00? Aren't they usually in the office or if they are going to work to drop folks off at 8:00 or are these families where there is somebody that doesn't work? Explain that to me because in some of our neighborhoods, if you told folks that they were going to start at 9:00, the kids would be hanging out there probably much earlier.

Abbott: First of all, the, as I mentioned in my testimony, the early drop-offs that that affection that peak hour, we're not going to allow that. When the students come to our school and I think you will hear it from some students today, that we believe strongly in setting those rules, policing them and keeping them. And in terms of where the students are going to come from and how many would be dropped off and how many of those parents have to be at a work at a certain time, I don't have any way of projecting that because our school is one-third the size now that it will be, but I will say that, that we have set very strict and stringent standards for driving and dropping off because we know the effect it can have and we want to be a good neighbor so that's why we worked very carefully with tri-met, working with them again yesterday on making sure that tri-met is available for kids from all over the area.

Katz: How are you going to stop friends or parents from picking kids up at a peak hour? Or dropping them off at a peak hour? Even though you have a management plan?

Abbott: Yes. What we will do and what we have already done is we have sanctions that are, that are initiated with those families and kids if they class to break those rules. For instance, let's talk

JUNE 27, 2001

about two things. One is what if a student drives who is not supposed to drive and you will hear some of that later. Those driving privileges are taken -- taken away permanently for being able to drive to school. We're not the dmV but we can certainly take the driving privilege away. In terms of drop-off, we make agreements with parents. We say if, if you're going to drop your child off at this school rather than do bus transportation or, or if you are one of the small number of students who are able to drive you must abide by the rules that we have in place or you will not be able to attend this school.

Saltzman: Question. Is it a fundamental assumption that everybody agrees? The Taylor's Ferry intersection is north and Dunthorpe is south, so is has everybody agreed the traffic pattern, people will be dropping their kids off and going on to go to work or is it the assumption people will be dropping their kids off and not going north but going back south?

Seaman: I think there's a mix of that but the vast majority is going to be the drop-offs that would continue onto work in Portland. During that morning peak.

Ramis: Mayor Katz on this point also I will mention that we have a revised TDM plan, and one of the tabs here and included in that is language requested by PDOT that makes the, the school district responsible for putting together a carpool connection so the school will have to take responsibility for actually organizing car pools so our job is to use sanctions to, to create a disincentive for the people who don't follow the rules and give them a solution by putting together a carpool program.

Francesconi: I can think of other neighborhoods around schools that would like there. Do other schools do this?

Ramis: We reviewed all the land use approvals we could find for Portland high schools, including the, the Parkrose expansion recently, and we found nothing like this in any of the conditions.

Katz: Let the superintendent respond.

Abbott: I do want to make a point that's important, I think. Prior to today and prior to the land use hearing, prior to the last, months and months, the condition -- many of the conditions that the hearings officer placed were already things that we had agreed to with the neighborhood association because we wanted to be a good neighbor and some of that has to do with our patrolling and policing making sure that we are obeying our own guidelines and now guidelines that are, that are official from the hearings officer. And we intend to do that, we have a patrol plan, a permit plan, and a plan for taking care of car pools informing those and sanctions if they don't obey them.

Hales: While we're on the subject of the revised plan, I don't think I heard this clearly, bus shelters and sidewalks along Terwilliger to the bus shelters should be, should be installed in coordination with Tri-Met. What does the word "should" mean?

Seamon: We could change that to will be.

Hales: Okay. So should be shall, if this is adopted. Thank you.

Katz: Further questions?

Ramis: I might mention in that regard we are currently working with Tri-Met to change locations of those shelters to make sure that they are in the most safe situations to encourage people --

Hales: The physics might get negotiated but whether or not it's going to happen needs to be clear.

Katz: Thank you, gentlemen. Supporters of the appeal, let me see, how many people want to testify this afternoon? We're going to do two minutes, not three because we have got a full agenda, and for those of you who haven't been here, you do to trust us. You can say, and, and the professional citizens who are here will agree, you can say what you need to say in two minutes, as well as in three. So we'll take two and have everybody still with us. I don't want to lose the public. All right. Folks who support the appeal. Do we have -- Karla?

Moore-Love: We have one signup sheet.

JUNE 27, 2001

Katz: Karla, we do need to have two signup sheets, okay. All right. Then, oh. Come on up. I'm not sure we should allow you to testify -- i'm teasing, and congratulations for your interim job.

*******:** Thank you. Mayor Katz, council members, i'm here very briefly --

Katz: Identify yourself.

Jim Schezinger, Portland Public Schools: Jim, Portland public schools. Currently the finance officer soon to be interim superintendent. I'm here just to briefly recall why Portland public schools got involved in this transaction. This is part of an ongoing effort to generate income and to get operating cost savings for the district from our surplus property. This type of activity of generating income has been recommended by many studies, including our agreement with the city, where you so graciously donated money to us to help save programs. Back a few years ago. It's been involved in a long process of community involvement, to work out community concerns, have been substantial restrictions in the lease agreement, to protect community concerns that there are more than added by the, by the land use vision. We have looked at the appeal and we believe that the community concerns are still met by this. And we agree it would be difficult to operate a school with the, the restrictions that, that riverdale is asking to change, particularly the, the start time restrictions. And I think it's quite clear the restrictions on this particular use of property are greater, far greater than those typically placed on our high schools. So if you have any questions I would be glad to answer them.

Katz: Questions.

Francesconi: I would like to, to maybe disclose a couple years ago, I might have been the one that actually put the language on there that the district should look. I know I was the one that insisted on outside performance audit of Portland public schools and it was that audit that said the district needs to look at facilities, especially those not operating as schools. To try to generate revenues so I have to disclose I was the one that did that. It's, in verifying what jim just said.

Katz: All right. Thank you. Anybody else want to testify in support of the appeal. All right. Come on up. Anybody else? All right.

Julia Shepard, 9415 SW Kelly Ave, Portland: My name is julia shepherd and I live in the collins view neighborhood at 9415 southwest kelly avenue. I have always been in favor of riverdale districts using the collins view school as the high school location. I feel this will be an excellent use by our neighbors of the building. Regarding the starting time of 7:15 a.m., as a parent I feel this would be way too early to expect kids to be in class and ready to learn. But, more importantly, I feel that that starting time would undermine some of riverdale's plans to control traffic by running a bus that drops off at the grade school first and then proceeds to the high school to drop off the high school kids. The 9:00 a.m. Starting time will allow this system to work but the 7:15 starting time will, will not allow that system to work. The 9:00 a.m. Starting time will also insure, as other people have said, that the riverdale buses and cars will not interfere with collins view neighborhood buses and cars taking their children to school. And the second item, the friday and saturday night time limit, I feel, should be extended as requested by riverdale, because it is just more realistic. People at work can't get to an event like a school play or concert at an early enough hour to allow us to insure that events could be ended by 9:00 p.m. I understand that no other has this limitation, even though others are located next to residential neighborhoods, and in conclusion I would like to say that I have spoken with many of my neighbors who are also excited of the prospect of having riverdale high school in our area. And we appreciate the efforts of all partners to insure that all sides benefit from this partnership. Thank you.

Katz: Thank you. All right. Principal opponent of the appeal. Come on up. You have got 15 minutes.

JUNE 27, 2001

Dave Johnston, Co-Land Use Chair, Collins View Neighborhood Association: Mayor Katz, city council, i'm dave johnston, co-land use chair of the collins view neighborhood, the neighborhood that the school is located in. Let me pass out a written testimony that we have and some materials to you as I speak. I believe this will be helpful as we consider the site. I was pleased to learn last night that riverdale is dropping their proposal to extend their evening hours until 11:00 p.m. Even on weekends. And also, to find out that they had modified at least their proposal to start later. What I passed out, is a letter -- a letter from the neighborhood association --

Katz: Let me interrupt you just for a second. I just got a note that there is some riverdale students who wanted to speak but missed the cue here that I gave them. How many of you are here? One. Two. All right. I will let you -- I will let you come in after the main opposition. All right.

Johnston: We're pleased with the modification in riverdale's proposal. The map is just a section of the current comprehensive zoning map, but I think it shows us some very important things, and so let's talk about the site a little bit because that's very important as to what's reasonable for riverdale high school to operate. You will see the map gives the collins view site sort of toward the middle of the map. It's a small site, 5.99 acres. Even as elementary schools go that's small. The wilson cluster has two schools smaller, capitol hill, one other, most schools are larger running up to about ten acres for elementary schools. The two high schools within the wilson cluster are wilson high school at 26 acres and jackson, now a middle school built as a high school at 36 acres. Taken from the best use of property studied by the school task force. That's tremendous difference between the other high schools. That's a small site for an elementary school. This map does show the three properties to the north of the school. Those were shown better by your staff slides. It also shows the road system, and it shows where riverdale grade school is and in fact, we have highlighted the location of riverdale grade school to make it easy to see. Collins view school to make it easy to see, i-5 and terwilliger to make it easy to find. The sellwood bridge and circled the intersection at terwilliger, taylor's ferry. All of these are key points in the discussion of this case. Now, bear with me a minute and let's use some imagination to illustrate a point quicker than we might otherwise explain it. Look at this and turn it sideways and with your imagination with me see if you can't see a bow tie, with collins view school as the knot. Look at the street path. It takes a little imagination but I suggest it's there. Well why is that important and what does that tell us? That tells us that that is the exact bottleneck of the street for much of southwest Portland. If you follow the streets, you look at boones ferry road to the south. All the traffic from lake grove, much of lake oswego, the kruseway area, comes through here, some of that traffic could go up around i-5 and 217 but much of it comes through here both going to Portland from those areas because there's residential areas, and going to work at those areas because kruseway is a major employment center. If you look down along terwilliger, which goes off on the bottom of the bow tie to the south and the west, that leads up to lewis & clark college, another major employment center and also leads to dunthorpe, the collins view neighborhood, major residential centers. You look to the north, you have i-5 which takes you to Portland and much of the metropolitan area. You have taylor's ferry road and an intersection we have heard about already, which is the main route down to macadam avenue and the sellwood bridge, which is the entry point for milwaukie, clackamas, much of southeast Portland, which are bedroom communities that feed through to Portland for employment but also to kruseway and lewis & clark for employment. What you have at collins view school is a major bottleneck in the transportation system for that side of town. And you have a small school. Well, what else is important about the site? It's only street access is on boones ferry, terwilliger right there in the middle of that little bottleneck that makes the knot on the bow tie. The street at that point is a two-lane street. The lanes are narrow, you can see that from the photographs, although I suggest some of those are with a wide angle lens and you have to see the car on the

JUNE 27, 2001

street to appreciate it. The other things you could see about the street at that location, there is no parking lot. You have a traffic lane, bicycle lane and curb on one side. On the other side you have a traffic lane, bicycle lane and a ditch. There is nowhere to safely drop off kids without turning into the school drop-off. How do you do that? Well, there will be a left turn lane there, at least the hearing officer has ordered that we have faith that there will be, and we don't think the city would allow this without that. But, that means that what you have is all the drop-off will be making left turns probably coming from the south, left turn through two lanes of heavy traffic both ways and it doesn't matter which peak you are talking about. And after the kids are dropped off, the parents will need to leave the parking lot also making, if they are headed to Portland for work, left turns out of the parking lot through a lane of heavy traffic going south through other cars turning left to get into the parking lot and into a lane of heavy traffic headed north on the other side of that left turn lane complicated by cars entering the street from boones ferry road from that northern branch of it, which will enter -- in fact does enter boones ferry, terwilliger right at that north driveway. We think that creates a nearly impossible traffic situation, at least during peak hours. As a result, the neighborhood thing is essential, the traffic to that school, riverdale school, be moved away from peak hours. Our original suggestion in the march 9th letter had been extremely vigorous transportation demand management including a requirement that all the students be bused from the riverdale elementary school, which you can also see the location on the map, or from other transit points, such as the burlington transit center, and drop-offs not be allowed. Well, what else is important about the site? There isn't any onstreet parking on boones ferry, terwilliger and if you look quickly at the map you'll see it's a long ways around from any of the side streets to get to the front of the school. And those side streets don't have good parking, either, not only are they neighborhood streets, but they are substandard streets. Most don't have good shoulders. They are narrow, and you saw some of them, when you saw maple crest with the slides. It's not a good situation for parking. You need to have adequate parking on the site or transportation demand management to move people in and out, so that there is something to be done with the cars. And i'm going to follow a letter that's in front of you a little bit, so to the extent you'd like to follow along with me, if we go down it, looking at page 2 we notice one of the things that the applicant included in their initial evidence, and the initial traffic study and the follow-up letter of march 15th, kittleson stated that virtually all the faculty and staff, as well as a high proportion of the students tend to arrive at school prior to 7:30. As we got into the hearing, this, among other things, was the hearing officer's key for finding it reasonable to begin classes at 7:15. This came about as your staff told you, when it became evident during the hearing that the traffic situation for starting classes with the drop-offs occurring during the morning rush was impossible. And if you read the hear officer's discussion, the discussion entered on the problem of the terwilliger ferry intersection as well as a tremendous amount of testimony and discussion of that testimony that the neighborhoods brought in with respect to the traffic problems at the site. The hearing officer was able to avoid resolving the problems the traffic study caused by moving the start time of the school out of the peak traffic hours to 7:15 in the morning. I suggest as you look at the traffic studies, they are not extensive enough to go beyond just the peak hours so if you start getting into I think around 6:00 to 9:00, if you start getting -- or 7:00 to 9:00, if you start getting into start times, 9:00 or later you start to run out of what the traffic studies initially cover. Likewise, the evening studies ran 4:00 to 6:00, and you don't get into the 4:00 20 -- the 4:00 20 6:00 studies and you don't have anything to cover what we are looking at. As we are continuing on, some of the other things that occurred with respect to the traffic studies are important. The staff, when asked many questions in the work-up of the, before the hearing, of kittleson and the riverdale, and they did some further things and you have heard dan seaman talk about the studies with respect to the high school staff

JUNE 27, 2001

and students presently at the marylhurst location and what they came up with by questioning the students. That's the march 26th letter that is in the file, and I have somewhere here the, the exhibit number, I think it's exhibit a-5. Yes. Now, their original analysis, at least with respect to parking and vehicle trips, looking toward the last half of page 3, had indicated 2 1/2 people occupancy for vehicle, I think it said something like 30 people dropped off, 65 using the school bus and so on. They found things quite different were they actually interviewed the students out of marylhurst. Instead of a 2.5 person vehicular occupancy rate the staff had a one-person vehicle occupancy rate because students driving their own cars had 1.3 and the students being dropped off had 1.32. About half or less than what they had based their initial studies on. That's important to us because much of what this whole decision keys on and the workability of the site has to do with the number of people in a car and whether there's enough parking for those cars and how many cars are going to be affecting the traffic at that site. Now, if you go to the exhibit a-5 and kittleston's traffic studies and the chart on the second page, you draw some things that are rather interesting. Kittlestons, themselves, represent in that that, that this should generate 258 vehicle trips during the morning peak hour. Based on their study of the marylhurst in promotion to the 360 students at the school. That doesn't count the staff which they think will get their ahead of time. That doesn't count the percentage that they think will not travel during the peak hours. That doesn't count about 36 children that were absent that day. That doesn't count a lot of things. If you add those things back in, you get a total of 416 trips in the morning, not necessarily during the peak hour, and that projects out to a total of 832 traffic trips during the day. A considerable amount of trips, and I would suggest to you that based on the, the actual interviews of people at the present marylhurst campus that's more reasonable. In fact, my wife and I visited that campus toward the end of the school year, and we found that their studies, with respect to the number that would ride the bus, were probably just about right on. We observed in the morning seven children getting off the school bus at marylhurst out of about 40 or so that come from riverdale, and about nine getting on. The campus was too dispersed to tell how many were dropped off and how many arrived by other means or that because the students sort of arrived from all over but you could see the school bus come in, and it was spectacularly empty. Both coming and going. Now, let me show you, and I suppose we need to get these marked as exhibits and then I would like to have you view these with me.

Johnston: I would like to show these to the council. I have smaller copies that, perhaps, we could mark as exhibits and I will share with the folks from riverdale.

Katz: Don't use up your time, i'm going to give you another minute because we had some confusion at the beginning but now you are using up your time.

Johnston: We're running down. These show traffic on one morning and one afternoon at the riverdale grade school, same community as riverdale high school, the same people that will be coming and going, taking over a period of approximately 15 minutes each time, and show cars arriving, the volume of traffic cars parked illegally, dropping off and retrieving students. This shows us what the riverdale community may do. Let me move on with the, the, since the time is short, and introduce some other photographs of the resident to the north of the school property. These photographs will show the, the house closest to the fence. One of the photographs shows a little pink flag that you can see through the school fence. That's the new survey of the property line, about three feet closer to the house than the original survey. Even with the hearing officer's buffer, we're looking at the parking lot being within about 18 feet of the house, the distance across the normal living room, awfully close for late night activities, especially a lot of late night activities. We think it's important those late night activities be limited. As we look at that particular issue, exhibit 52, which became the hearing officer's exhibit 56, was entered just before

JUNE 27, 2001

the close of the record of the hearing, the neighborhood association didn't get to comment on it. We think it needs some refinement. Some of the refinements are these. The key for shuttle service for supplementary parking for riverdale is based on the number of people. [captioner break]

Johnston: The shuttle service is provided, whether the vehicle occupancy turns out to be 2.5 people per vehicle or not, we think that's just a minor adjustment to the conditions but we think it's important to, to control the parking. We also think that it would be important to gate the parking lot, or at least the north section of it, at 10:30, to two purposes. First, riverdale should like that. It's a standard security procedure for businesses and institutions, but also, it insures that after the evening events, people leave promptly so that, indeed the neighborhood becomes quiet for the night. So we would ask that be added as a condition. We support playing fields, we look at parking on the south side of the site as the site is redesigned and would ask that the same buffers be used there as on the north side of the site, should the parking extend the long residential properties. So, I thank you. I leave you with the letter that outlines these things. I'd be happy to answer any questions that you may have. With respect to the bus service, i'd suggest that the hearing officer address that very well. The bus schedules are in the record, and the bus service to the collins view site is not convenient at all. The bus 39 runs a loop once every half hour, the bus 38 travels rush hours only and infrequently from downtown, bus 39 goes to the transit center with a transfer to downtown. So thank and you if there are questions i'll be happy to answer them otherwise i'll yield eel the floor.

Katz: What time does, does, do classes start now at marylhurst, do you know?

Johnston: I think it is 8:15.

Katz: Did you say most of the students arrive earlier than 8:15? Did I hear you say that correctly?

Johnston: That is kittleson's report quoted in my letter. My observation was that they were sort of all over but as we watched, most of them seem to be more present shortly before classes started.

Saltzman: I think you raised good points about ordinary behavior and sorted of the expected traffic situation but for an aggressive commitment by the school district to make sure those things don't happen so do you believe that, if they say they are going to enforce a policy of no early drop-offs, things like that, limiting the number of students that can drive to school or do you feel those aren't going to happen? Are you just --

Johnston: Well, I believe human nature will take over and it will be very hard for them to require this of the population that they represent. As you can see from the photographs, the folks are very used to dropping their kids off from school, you see the buses there, this is a school district about one mile by two miles, and yet look at all the vehicles bringing kids to a 300-student elementary school and picking them up. The street in front of that elementary school by the way is one that if you walk down during the day, there are legal parking places available. You maybe see one car or two moving, nothing like you see at, when school is out or starting. So I tend to think human behavior will per veil and people will, will insist on dropping children off. I think if they have students coming in from west linn and tigar, those people will probably divert from what their usual route to town would be and go by that site to drop children off and actually increase the traffic of the site by drawing commuters from other areas to drop off students.

Katz: Further questions?

Hales: What's your objection to their proposal to change to a significant number of students arriving after the a.m. Peak at 9:00 a.m.

Johnston: If you do that, there is a 7-hour school day but at 4:00 p.m. Or later, you are leaving during the evening peak, plus I don't think there will be really able to prevent people from dropping students off early. Human nature would tell me a parent will drop a student off on the way to work

JUNE 27, 2001

even if it's early, if they can't get in maybe they will drop them across the street. The nature of that street is such that I think that would be dangerous.

Hales: Thanks.

Katz: Thank you, and of course, tim and the superintendent, originally, and don't answer it now but originally you were supporting a -- all right. Thank you. All right. The two students that were in support of the appeal, come on up. You have two minutes. You will hear a little buzzer, just identify yourself. You don't need to tell us where you live.

Rebekah Rubin, Sr. at Riverdale: Good afternoon, my name is rebekah rubin and i'm going to be a senior next year. I've been at the high school for thee years and been in the leadership class ot our school and the leadership class is the class that deals with the parking at our school. And the way that students get parking is they first fill out an application, and say why they would like or need a parking space, and we give the, the parking spaces according to the people who carpool and also students who have physical needs or like injuries or something to that effect. And that has worked very well and students have followed the rules and many students at our school do carpool. I take one and sometimes two students to school every day who live in my area, and the way that we give these permits out has worked very well, and the students follow the rules and park in the spot where they are supposed to otherwise they know that if they don't follow the rules, their permit will be taken away. So, that works very well.

Katz: Thank you.

Ole Riise, Freshman at Riverdale: I am ole, I am a freshman and I will be a sophomore this year. And I just want to talk about our community feeling in our community, and as you can probably tell if you look at the testimony, we have really good representation here, which is really important. Our sense of community is really strong because of the close student to teacher ratio. That's one of the reasons why we have a small class size is because it keeps everybody together. There is no cliques. A really weird thing that happens at school is I feel safe and I can talk to anybody I want. I don't have to fear they are a different clique and I can't talk to them. And that's really important. The second thing I want to talk about is we want to be good neighbors. We know everybody in leadership class, which has 20% of the student population, we have a really good beat on things and we keep everything on track. As with parking and with community problems I am sure that we could set something up. And the third thing I want to talk about is, is nighttime activities. We want to have the ability to have nighttime activities like every other school. I really don't think that that's asking a lot, but we just want to be able to have nighttime soccer or, or choir, which i'm in, and plays. Thank you.

Katz: Thank you. Questions?

Saltzman: Are the permits issued for the entire year or do you revise them? You mentioned somebody with an injury.

Rubin: If something comes up like that we would give somebody a parking spot based on that.

Saltzman: But you have to take it away from somebody else.

*******:** Yeah.

Katz: Thank you. Okay. Let's continue opposition to the appeal.

Steve Manton, 0442 SW Alpine Rd.: Mayor Katz, members of the commission, my name is steve and I live at 0442 southwest alpine road, Portland. Thank you for the opportunity to speak with you today. Just a few quick things. The issue before you today is a conditional use appeal that deals primarily with traffic management, i'd like to make a few points about that. One, this case is a result of bad public policy, I think we all know that. Bad policy was created at the legislature, and bad policy by the school board in terms of selling the piece of property. Two, this is now an issue about neighborhood impacts of the school, not education, not education, three, there are two

JUNE 27, 2001

sides, the taxpayers of Portland, residents of Portland and the voters of Portland. Versus, a group that doesn't live in Portland, doesn't pay taxes in Portland, and doesn't vote in Portland, and now wants to do what they consistently totally the city, and use the resources of the city for something that they want within the city. So, there are now two issues for the school parking and that is the location and the amount of parking. Within the location, it's a point if someone was going to build a strip mall here and they were going to put parking into the front of the strip mall we would have a very bad time with that type of a site here on boones ferry or terwilliger but now we will have school that's going to do that. Put a whole bunch of new parking on the front of the school and rip out most of the lawn and then on the side of the schools, also. They also propose to put a lot in the back alongside the neighbors and that will affect the neighbors back there. That brings us up to the amount, the quantity. They say they need about 100 spaces for the students. This number is driving the transportation management plan and it is the point of contention. I would like to make a suggestion or a solution to these issues. First one is to go back to what the neighborhood association originally said, and that is, let's bus the people from riverdale school. Let's create 25 parking spaces, at, at the site, and have everybody else go down to riverdale or somewhere in dunthorpe and park their cars there and be bused from there. That takes the impact away from the neighborhood, collins view, and puts it back in the neighborhood that's creating the problem to begin with. Now council can reduce the amount of parking here. To do that it would probably have to send this back for another hearing for an adjustment on the conditional use permit. I would request that you do that. Thank you very much.

Katz: Thank you.

Francesconi: I have one question, so perhaps I agree that it's a result of some bad public policies. But, and you referenced this, this, you made an analogy to a strip mall, you said that this is not about education. And if this was a Portland public school that was applying for this site with these conditions, and this department of transportation management plan would you be opposed to it?

Manton: If this was a Portland public school the citizens within that district would be able to use it. Since this is a school that is going to charge that goes to that school, it's a different issue. If you were reopening collins view as a middle school that had an effect on us the children in my neighbors or my children would have been able to go there and I would elvis grbac totally different issue here but everybody that's going to go here lives outside of our neighborhood. Maybe one or two people live inside our neighborhood. But, out of 360 kids, i'd say 358 are going to come from somewhere else.

Francesconi: Thank you, sir.

Katz: Further questions?

Lynn O'brien Wolfe, 9518 SW Corbett Lane, 97219: Hello. I am lynn o'brien wolf, and I live at 9518 southwest corbett lane and live in the collins view neighborhood association. From june 1999 to june 2001, I served as chair of the neighborhood association. And I have been totally involved in what I call the riverdale issue. I worked closely with bruce samson, the legal council for Portland public schools and jim, the superintendent of riverdale. Throughout the entire process, both of these parties consistently said that they. Ed this deal to be a win-win for both the neighborhood and riverdale. We are working on getting the neighborhood share of the win. I had my testimony prepared yesterday and when I got here I found out that river-day changed the conditions of their appeal items, so I have created new testimony and unfortunately, obviously I don't have copies for you. I would say that if the new proposed start time is approved, i'd like to know how the arrival time of students is going to be enforced. If classes start at 9:00 a.m., aren't students going to be arriving at 8:30 or 8:45? How does the later start time affect the ending of regular school classes and after-school activities? Aren't we now into afternoon rush hour? In

JUNE 27, 2001

reference to a remark made by dan seamans of kittleson regarding the location of collins view being closer to dunthorpe and therefore there won't be the same amount of traffic as currently there is at marylhurst, I believe that there are currently 31 or 32 students at riverdale who actually live in dunthorpe, the balance of the roughly 102 current students come from outside of dunthorpe. Riverdale anticipates 360 students at the collins view site and projects approximately 240 of these students will be from outside their district. You can't compare what's happening traffic-wise at marylhurst and what will happen at collins view. In reference to another statement made by dan seamans of kittleman regarding the trimet bus service, numbers 38 and 39. Bus 39 drives around in a circle from lewis & clark college to burling-game fred meyer's and bus 38 runs from downtown to tualatin and I believe it does not run more than once an hour for much of the day. I also would like to say that I believe it's impossible for riverdale to say where their students are going to be coming from because the majority of their students are not going to be coming from their own neighborhood.

Katz: Thank you.

Kirky Doble: I am kirky, and I live in the collins view neighborhood. At 0106 southwest ridge drive. The photos that were shown to you at the beginning by the staff were pretty amazing because they must have been taken at dawn. It showed no traffic whatsoever in front of that school, except for maybe one or two cars, and I would have to --

Katz: We have to stay neutral.

Doble: Last week I was stuck in traffic on terwilliger at 6:15 p.m., the traffic was backed up for miles. I am here today to support the hearings officer's decision, and as you might read on my testimony, the last time I was here was in december, and I was honored with other people for volunteerism and neighborhoods of our city. So today I am here again and the reason is, neighborhoods. And I just wanted to comment that we have noticed here in Portland a disturbing trend and that is people migrating away from our city neighborhoods. And the important thing to note is that school buildings are really a focal point of neighborhoods. They always have been and they always will be, and if the school building is closed or access to that building is, is changed from one party to another, the neighborhood very often never recovers from that trauma. And that is what our neighborhood is facing, in spite of the testimony that you have heard about good community relations and all of that. Our neighborhood, it will not be the same. One of your public elementary schools, collins view, was closed two decades ago, and prior to that, it was really the hub of community activity for 40 years, and after that, all of our neighborhood children were either driven or bused to other schools. What I would like to say now is that I believe that character and livability of our neighborhood is going to be changed irrevocably if this proposed use proceeds. The traffic generated is going to be mull replied to such an extent that this two-lane road southwest terwilliger boulevard will not be able to carry it, and it is beyond capacity at this time. And if you multiply that with the traffic that is generated from lewis & clark and lewis & clark's law school it will be a mess that we will never recover from. Thank you for listening.

Katz: Who wants to start? Grab the mike. Identify yourself and go.

*******:** Of all the neighborhoods --

Katz: Identify yourself.

Mary Jean Murray, 9632 SW 6th, 97219: Pardon me, mary jean murray, 9632 southwest 6th. Of all the neighbors adjoining this property, we are the most seriously affected. With retired, more hours spent at home a, drop in property value, construction noise over a period of three years. Since retirement in '82, we have lived here 19 years as of yesterday. Our house lies just 5 feet from the property line of the planned north parking lot. We will address mainly the two appeal issues. These seriously affect the livability of our property and that of our adjoining neighbors. The

JUNE 27, 2001

hearing officer stipulated no cars be parked facing north within 35 feet of the property-line across the width of the lots affected. First 15 feet of the space is to be filled with plantings for provide a buffer from noise, lights, and et cetera. These requirements are absolutely essential for our livability. Access to the north parking lot is a real concern. When the starting time was considered to be 7:15, we had recommended 8:45. With the, the revision by riverdale, and starting classes at 9:00, there's a question of people arriving and conflicting with the high traffic hour of, of 7:30 to 8:30. So, that should be revised. We recommend that evening activities be ended by 9:00 p.m. On sunday through thursday and by 10:00 p.m. On friday and saturday. Our personal preference, of course, would be sunday without any school activities.

M.J. Murray, 9632 SW 6th, 97219: I am the other half of the murray contingent. Same address. All parking lots should be closed by 10:30 p.m. This could be affected by having gates at both entries to the campus. The north, as well as the south. In order to facilitate the lots following a, a large evening activity, the bus exit might be unlocked. This would be considered only at a later evening hours when traffic on terwilliger is at a minimum. We are seriously concerned about school-related parking in our neighborhood streets. Arrangements presented so far by riverdale appear to be very inadequate with the likelihood [inaudible] will be required. We would really appreciate your serious consideration of our concerns. In order to develop better communication and greater cooperation between riverdale school district and collins view neighborhood association, we suggest that, that a standing committee depose the representatives from both parties be established to discuss future concerns and to mediate any differences that may arise. Thank you.
Katz: Thank you.

Dale O'Bannon, 0203 SW Palater Rd, 97219: I will try to be brief I am dale, live at 0203 southwest palater road, which is adjacent to terwilliger. Right at the intersection. I'm also the college view -- collins view neighborhood association chairman. I am changing from what I had originally written to answer some other kinds of questions here. A study in, in, over the last couple of years, I guess it is, and I believe it was done by kittleson really identified two rush hours on terwilliger. There's an early rush, earlier rush hour going to i-5 and there's a later rush hour, of course, coming to lewis & clark college. And the one at lewis & clark college is not quite as bad as the one to, to, to i-5 but it is certainly, because it goes in front of my house, a very definite traffic rush at that time. If you start at 9:00, if the riverdale start is at 9:00, that means all the people are going to have to be making left turns in, into, into oncoming traffic from, from, I might add, to students at lewis & clark students rushing to class, themselves, which is not a good situation, I think. I would also like to reiterate what has been said about bus service. The bus service is, is very, very bad to that area. I would challenge each of you to sit down with some tri-met planning material and get your -- get yourself to, to the collins view site on bus 39. It will take you quite a while. A better plan, if the hours were to be changed a much better plan would be to have riverdale bus the students from the riverdale site up to the barber and the burling-game transit centers and then up to riverdale high school, thank you..

Lise Rein, 9416 SW View Point Terrace, 97219: My name is lise rein, I live at 9416 southwest viewpoint terrace, I am a homeowner and resident in the collins view neighborhood for seven years. I believe the Portland school board played a poor decision to seek a source of revenue by selling property to a school that would impose on a community but not let its resident children attend the school without paying tuition. I ask the council members to uphold the decision of the hearings officer and not make an already bad traffic problem worse by granting the riverdale proposal. During rush hour the traffic already is, is backed up between taylor's ferry road and boones ferry road. Extrapolation by the kittleson study that, from the marylhurst location to the terwilliger location seems only speculative and not the reality I experience. Regarding extending

JUNE 27, 2001

the hours to 11:00 p.m., please uphold the 10:00 deadline. The existing conditions that riverdale high school is appealing are the very conditions that helped mitigate the burdens they impose on our neighborhood. Please do not grant their requests. Thank you.

Donna Byrd, 106454 SW Boones Fry Rd, 97219: My name is donna byrd, live at 10654 southwest boones ferry road. The traffic at that particular point was not good in 1943 with gas rationing and the speed limit of 35 miles per hour. It certainly has not improved -- there's not much that I can add to, to the, the opponents to this deal except add my voice. I am very pleased that you brought up the matter of the turnaround. I do not believe that I had previously heard anything about a drop-off point, and I would object if they are base it go on marylhurst, marylhurst looks nothing like collins view. It is flat with two or three roads to the east and one road to the west, and collins view has numerous roads. There are -- it's sort of a 5-point, hundred, eight or so south of collins view and the boones ferry road that, that merges just at collins view is, is, is a terrible blind spot anyway you want to look at it. Thank you.

Josh Hinerfeld, 0600 SW Palatine Hill Rd, 97219: Good afternoon. My name is josh, and I live at 0600 southwest pal tin hill road in southwest Portland. My wife and I have two children, a 16 month old boy and a 6-year-old daughter who will be entering first grade at capitol hill elementary school this fall. I'm here to share with you one family's perspective on why city council should uphold condition b. Hear officer's decision which stipulates that the majority of students should start their first class no later than 7:15 in the morning. If you turn to page 2, I have highlighted location of my home with the pink marker. Is 1.85 miles from riverdale grade school highlighted in red and .43 miles from the proposed riverdale school which is highlighted in orange. My house, located between the two schools, and across the street from lewis & clark's grizzly walled stadium is ideally situated for families with athletic children and the finances to attend river dick vermeil schools. It's a different story for a family intent on sending their children to the nearest Portland public schools. [captioner break] [captioner break] [captioner break]

*****: The neighborhood sorry has revived since then but now another blow. People are giving up on having any say at what happens to them. What is the city going to do about losing the soul of this neighborhood?

Katz: Thank you.

Sandi Sheets, 18 SW Palatine Hill Rd, 97219: My name is sandy sheets, I live at 18 southwest pal tin hill road. I am currently the co-chair of the collins view neighborhood association. I am here to support the decision of the hearings officer regarding riverdale schools and collins view. There has been much testimony regarding traffic. It is sufficient to say that terwilliger is overloaded. Monday, I was on boones ferry road south of the site at 7:45, traffic was at a stop heading north on boones ferry south of, of arnold street. That's approximately three quarters of a mile south of the site. It was stop and go at 7:45. Under condition b of the document that riverdale handed out today dated yesterday, they proposed all students started either 7:15 or after 9:00 a.m. I feel that a starting time after 9:00 a.m. Will allow students to be dropped off in the 8:00 to 9:00 time frame while parents are commuting. Riverdale is offering monitoring. Will they monitor drops off at 2nd street? Will they monitor drop-offs on boones ferry north of the site? I doubt that they are monitoring can fully address the situation. In correspondence dated march 7th of 2001, riverdale proposed that their school hours be 7:30 to 4:00, events ending at 4:00 p.m. Will mean students leaving the site between 4:00 and 5:30 when practices end. The evening rush hour will be significantly impacted by this traffic. How can kittleson say the traffic impact will be less than the, than it is currently with columbia academy with a population of 90 students? They are proposing 360 students plus faculty and staff. They say that they will only generate 37 trips and how does 83% of these people drive themselves and get dropped off? Their numbers are mind boggling to

JUNE 27, 2001

me. Evening peak hour does not end at 5:30 in our neighborhood. It easily goes to 6:15 to 6:30. This is the real peak hour. Student drop-off rate of 30% will not be mitigated by their plans. Kids can be dropped off four to five blocks away. And I could go on.

Katz: Thank you. I think we got the message. Any questions?

Katz: Thanks.

*******:** Mayor Katz and the council, my commence are very brief. I support the hearings officer, I wish that I didn't have to support the hearings officer.

Katz: I need your name.

Nancy Benani, 9616 SW 6th Ave, 97219: Nancy, 9616 southwest 6th avenue. You recognize my house, you have seen it in a photo, one of the three most impacted houses. If you remember the very first slide shown by the planning office, the arrow, that's my house. My bedroom is 20 feet from the driveway that will be used by all these cars and buses for drop-offs, driving, and carpooling. I would prefer not to have to support the hearings officer. I would rather that a high school not be located on that small piece of land, which is much better suited for an elementary or a second, or a middle school. However, the decision is not in my hands. It's in the hands of lots of other people besides me. So given the circumstances that this decision has been made, I think we need to look at the fact that this is a very large use for a very small space. I have lived in this house for 18 years. My concern is the closeness, perhaps the developer shouldn't have built as close as they did to the property-line. That's a possibility. Perhaps also a high school doesn't fit in that space. That's a possibility. You have heard all the other comments about traffic and so forth. I don't need to repeat any of those. I would ask the city council keep in mind the matter of neighborhood livability, and preserve our rights as a neighborhood. Thank you.

Katz: Thank you.

Beth Lebert, 609 SW Maplecrest Ct, 97219: Good afternoon. Mayor Katz and members of the council, my name is beth, I am an adjacent landowner for the last 15 years at 609 southwest maple crest court, and I have handouts there, and on the second page our land is highlighted in yellow. Please refer to this handout. The private residences are in such close proximity to the school now the impact of a larger building with more and older students is unimaginable. Columbia academy has always been a good neighbor but recently we got a taste of things to come. On June 14th, my husband and I witnessed the last bash of the academy indoors while a little league baseball game was going on outside. I was quite alarmed by the amount of cars at these events. There were cars parked on Terwilliger in front of the school, behind the school, along the adjacent fence. I was tired after working all day and I wanted to relax in the backyard but I couldn't because of the game. So, I went inside and I estimated that there are over 50 people outside and 100 inside probably a graduation or whatever the event was so I decided to relax inside. But, I could hear loud music coming from the school. It was too overwhelmingly so I decided to work with my husband. The gym doors were open and music from a live band bellowed out. We could not even carry on a conversation while we were pulling weeds. By 9:00 p.m. There continued to be gym noise, parking noise, horns honked, people yelled above the engine roars. The parking exodus continued until after 10:00 p.m. The amount of events Riverdale has planned and the number of people every night of the week and weekends will impact us every waking hour of every day. And you can look at the exhibit, h-56 from the hearing, and that has their schedule events. The parking lot changes proposed are much closer, and the building changes, especially the gym, will be much closer to our house. We must insist on more than a few shrubs between our property and the parked cars and noise. Shrubs do not block noise. We need a masonry wall to block the noise. In addition I feel the Riverdale school district should be responsible for providing a list of their special events including small, medium, and large events to the neighborhood association so that we can keep

JUNE 27, 2001

track and anticipate these events and a combined total number not to exceed 150 people at any event should be the limit. I also think that they should limit the amount of students at the school to no more than 200.

Katz: Thank you.

Michael Schiewe, 015 SW Ridge Dr, 97219: Hi, I am Michael, I live at, on Ridge Drive. I have lived there all my life, in southwest Portland and I went to Stevenson, grade school, my wife and I met at Capitol Hill school and our children now attend there. I am the parks representative and also the Capitol Hill school PTA president for next year. This is bad policy, I know you didn't make it but we have a beautiful city, and we have a lot of good things going on. We have a lot of citizen task force. Every time we have something going on, there is a citizen task force. With, with staff people, working on ideas, this deal was, was, everyone, everyone, every parent I talked to, they say well, it's just a done deal before we even had a chance. This is such bad policy, we need to -- maybe you won't do anything about this now but in the future you have to address what's going to happen to Portland schools. There's a decline in enrollment. Portland schools are great. But, we have a drop in enrollment. And they may be closing more schools. This is going to detract from my neighborhood for future parents. Commissioner Francesconi and Commissioner Saltzman, I understand you are working on a bond to raise money for after school programs, and I understand the number one reason to do that is to attract new families to our community and our city. What would -- why would I, as a young parent, moving to Portland want to live in the Collins View neighborhood when I could go to Lake Oswego, raise my kids in Lake Oswego, they could go to the Lake Oswego schools and when they are in high school, they could have the chance of, of, the option of transferring to Riverdale High, or going to a small school where they may fit in perfectly well or going to Lake Oswego High, where there is a larger enrollment where they could be in band and football teams and things like that. This is what will happen to our neighborhood if the school goes in. It's going to be a negative impact on the futurability to attract young families to this part of Portland. And I think you need to really look hard at the for, for now and in the future. Portland schools are great. We need to support them. I understand we need more money. And I understand why they wanted to sell them for the money but we have to look at better options.

Katz: Let me ask you a question -- this is really nothing to do, although it does, but not directly. We had a long conversation the growth management committee about the issue that you were raising, people moving out of the city and the auditor is doing some work on trying to identify why people with children are moving out of the Portland public school district. I was curious about why people are staying. And so as a citizen, you just described of the neighborhood involved, why are you staying?

Schiewe: Why am I staying? Well, I was born and raised there. My family has been here since 1886, or something like that. I am proud of our city. Capitol Hill is an excellent school. I cannot imagine a better place to send my children than Capitol Hill school. We have an incredible after-school program. And it's actually drawing families to the neighborhood. I have rental properties. I have a woman call wanting to look at one of my houses. They are moving from San Francisco. She called every school in southwest Portland, and she lived here previously. Has a 3rd grade daughter and younger child. She called every school in southwest Portland and said, do you have a strong PTA involvement, strong parent/teacher relationship, do you have after-school programs. Yes. Capitol Hill is the only one that has after-school programs, arts and cultural enrichment classes, very successful with it. We plan to continue it on. And I think it can be duplicated in all schools. And that, that's one example of, of that program that brought this, the people into our neighborhood. And I'm not sure how she would feel if she knew -- and Capitol Hill is a big district and she can live on the other side of Collins View and not have to, when, when my children inner

JUNE 27, 2001

high school, three days they will go by riverdale high. 350 students. They may fit in perfectly well at wilson high with 17 or 1800 students, but they may be struggling very much and would thrive in a school like that but what will I tell them when I say sorry, you are not good if you have because you don't live in the riverdale district and my tax dollars aren't paying for that school, even though it's in your neighborhood.

Katz: Thank you. Thanks for the answer.

Katz: We have -- let me see a show of hands. How many more people want to testify? We'll make it. He has to leave in 20 minutes. So. Frank, I may take a break and deal with smith, is that all right? Are we going to get into trouble legally? Okay. So, and after this testimony, it is a second reading, so it will go very quickly. And that way I will feel comfortable we got -- we finished with that item and we can continue listening to the testimony.

Bob Deaver, 609 SW Maplecrest Ct, 97219: I am bob, I was formally of 609 maple crest court. I left because of this very issue. I now live in another town and another county. I rent the property there, hopefully some daily school will be gone and I can move back. My main issues today concern traffic. And teen drivers being aggressive and inexperienced. And that the study is very inadequate. They looked at a few peak hours and as you will see in my photos, that range from 7:00 a.m. To 7:30 p.m., there is a lot of traffic at all times during the day. I am just going to walk you through those photos very quickly. The first one shows the bus stop on terwilliger. And there's the issue of, of when the kids get off there, will they jaywalk or go back to the light behind them. Second issue is, there are -- how many crossings are there? Not a single one, crossing terwilliger, boones ferry and maple crest, all of which are busy. I almost got nailed the other day, a guy locked on his brakes when I was crossing with the light and the crosswalk. Second picture on page 1, you see a van blocking traffic to get out of maple crest court and go north on terwilliger. This has been an issue and I lived over there, a huge issue. The kittleson report says there is an average of ten-minute wait, ten-second wait and that with the school that will go up to 21. I sat out there yesterday at 4:00 for 20 minutes, and the average was 26 seconds, and 7:30 this morning, the average was 28 seconds. Going down to the bottom of the pain, again, the maple crest entrance onto terwilliger, kittleson report looked -- did not look at all at cars going to southwest terwilliger -- south on terwilliger, south on lower boones ferry. They looked merely at going northbound terwilliger, and all of those things have to wait. Everybody has to wait regardless of which direction they are going. Second page, first photo, you see where the turn lane is proposed. Right in the lane of traffic. That's a blind hill and a blind corner. I see a lot of rear-enders happening there. You also see the entrance of the school where people will be turning into. Second photo, you see bus access, and the, the kittleson report refer to say site distances and how they are all fine with the posted speed limit.

Katz: Thank you. Your time is up. We'll look at these as the folks talk to us and try to do both.

Steve Buchert, 9804 SW 6th Ave, 97219: I am steve, I live at 9804 southwest 6th avenue. My property is adjacent to the school. My issues of concern are the traffic which he covered here well. Also about the hours, asking that special events be limited to the 10:00 on the weekends and 9:00 during the week. The parking issues for my neighbors, even though this parking will not affect my house, very, very concerned that the property values in the entire neighborhood will go down with my neighborhood's property values, by having the headlights shine into their houses. I am not completely clear as to why students need to be able to drive. I do think that the shuttling from the riverdale school is a much better plan for the community and for the, the neighborhood and the traffic.

Katz: Thank you.

JUNE 27, 2001

Karen Josephson, 9220 SW 3rd, 97219: I am karen josephson, live at 9220 southwest 3rd, about two blocks from the school. The first issue i'd like to address is events. The information from riverdale said that they would have 405 events of which 260 would be small events, less than 80 students. And that these events by their own calculations would be lasting until 10:00 p.m. Every night. All these events, things like the clubs and all the little events, as well as big, and so if they were going to be up until 10:00 every night I don't see how they could keep their proposed agreement, which is that they would be out by 9:00 p.m. On monday through thursday so that doesn't fit, and so I would please consider conditions that would limit the events to something less than 400, maybe 250 to 300. The sec issue is really about the kind of students that we expect to graduate from riverdale. I expect a lot from students who are going to get this kind of a level education. We know that they are going to go onto high level schools and they will be the leaders of the future. I appreciate that Portland has acknowledged global warming. I would hope that these students are studying and will acknowledge global warming. That means, as leaders of our culture in the future, these highly educated students will be expected to lead us and to lead their peers through a period of time over the next 50 years when this planet is going through global warming. We all know who, know the science of this. That we have to get out of our cars, on our bikes, on the bus. We know that, and I appreciate the city of Portland knows that. I challenge these students to get on the bus now. They said riverdale said a total of only 7 additional cars at taylor's ferry, terwilliger. Our information said something like 832 strips. It must be very confusing for you to hear seven cars, additional at an intersection, versus 832. It's going to be an unknown. A challenge -- I challenge the students and the school to reduce the number of students who drive, to reduce the number of drop-offs because as leaders they will have to lead us into the globally warmed world and get out of the cars and onto the bus. How about taking a bus from riverdale grade school to this site.

Katz: Thank you. Don't anybody move because this won't take -- no, you can move. [laughter]

Francesconi: Good at following directions, I have to say.

Katz: Don't anybody move because I want to go right and continue this because i'm going to lose some members and we still have another ordinance that we need to deal with. S 813.

Item No. 813.

Katz: Roll call.

Hales: Wait a minute. I would like to, to propose an amendment. I know this is the second reading, so the question is, can we do that? And the amendment is simply to delete a section.

Katz: You can do that but you won't be able to vote on it today because it was an emergency.

Hales: So vic, could you come up and assist us in that question? I'm sorry to throw a monkey wrench into the works.

Katz: Yes, you just did.

Hales: I know. I won't take long.

Vic Rhodes, Director, Office of Transportation: We have had a request to leave a portion of the -- to delete the portion that deals with the inflation of the rate by the auditors certified inflation rate on an annual basis. That's a concern in the business community and an automatic increase in the rate as outlined in the ordinance and the proposal would be to amend the ordinance and delete that provision and deal with rate increases on an annual basis with the council and the community as part of the budget process.

Katz: How much are we going to lose? I know, I know be I know. How much -- what's the --

Rhodes: This has no effect in the next fiscal year.

Katz: What's the financial impact the following fiscal year?

JUNE 27, 2001

Rhodes: If you did not ever increase the rate, about \$3 million over five years. We are not proposing council not increase the rate but rather have a discussion annually.

Katz: Do you really want us to have a discussion annually on this issue?

Rhodes: I think it's legitimate to have some public process regarding the rate. The way the ordinance is structure it had kicks by the inflation rate and if the financial aid in the system isn't there we ought to have that conversation, I guess.

Hales: I'm sorry about this, with so little warning, this was a late breaking suggestion, and I think it is prudent to borrow an overused word so I will move that we delete section h on page 6.

Francesconi: Second.

Katz: All right. Let's have a little discussion on it before we -- just slightly because, you know, I spend a lot of time with you and commissioner Hales trying to figure out what we're going to be fund and go where. And this, if the council does not approve an inflation factor it will make a difference to the neighborhoods in terms of loss of revenue to fix their streets.

Rhodes: My suggestion, mayor, would be that we continue to program the expenditure levels at the inflation rate and that we have that conversation as part of the budget when we can show the impact of not making that rate increase, engage the business community in further conversations about it over the next six months before we come back with a firm spending plan.

Katz: Further discussion? Roll call. On the amendment.

Francesconi: And it's not just the business community but it will have an impact potentially on the residents in terms of less fee. And it will increase public involvement on this. For all those reasons, I vote aye on this amendment.

Hales: I think the original ordinance was good public policy, it has provoked reaction that's caused many considerable worry and thus, I think this change, although somewhat odious from a matter of policy, is prudent from a matter of politics, aye.

Saltzman: Aye.

Sten: Well, that's clear that it's politics. Aye.

Katz: I wouldn't have presented it the way I did if I knew this was happening. This is politics, aye. All right.

Hales: Quick thank you to vic rhodes. We will have second reading on this so maybe we should save that later, but right up to today he has done great work in trying to get this done.

Katz: Okay. Thanks, vic. You need to leave. Okay. And you need to leave -- we'll get to the other one, if not we'll just carry it over. Who is here for the noise?

Francesconi: I need to leave at 7:00.

Katz: We're not going to be here at 7:00. Let's continue with the testimony.

(Commissioner Saltzman left at 5:35 p.m.)

Item No. 811 (continued)

Katz: Okay.

Scott Staff, Vice President Lewis and Clark College: Shall I go first? Madam mayor, distinguished members of council that are left I am scott staff, vice president of lewis & clark college.

Katz: Do you want to hold off for a second? Commissioner Saltzman is excused for personal business. Somebody want to get commissioner Francesconi? Do you want to wait or continue? It's up to you. You can wait if you want.

Staff: I will wait.

Staff: I am scott, vice president, lewis & clark college. And in that capacity, I serve as a member of the collins view neighborhood association board. I must admit to being uncomfortable being characterized as for it or against it. The college is firmly caught between a rock and a hard place.

JUNE 27, 2001

On the one hand, we are sympathetic to the needs of our dunthorpe neighbors to the south. And their ongoing exodus in search of a home for their high school. On the other hand, it is impossible not to be moved by the passion, civic pride and dedication demonstrated by our collins view neighbors to the north and the west. These neighbors are good friends to the college, even though we have our occasional disagreements, and should make our elected officials proud. To the matter before you, the college supports riverdale's appeal, especially in light of its voluntary modifications of the hearing officer's conditions related to start time and events. The college is clearly a significant contributor to neighborhood traffic. Our first class at the law school starts at 8:00. Also, classes start at 8:00 on the main campus. Our staff's workday begins at 8:30. Either the 7:15 or 9:00 a.m. Start time for the riverdale high school would seem to mitigate the traffic problem from our point of view. My good friend, dave johnson, expresses what I would call the hobsian view of human nature. I do not share it. [inaudible] the people are basically good and incentives to matter. Culture can be changed. The college has reduced the single occupancy vehicle traffic to its campus by 40%, in two years. Have faith, we do, riverdale will be a good neighbor.

Katz: Thank you.

Francesconi: I missed the bulk of your testimony but I will ask a question, flag an issue, how do they do this in half an hour? How do they get the kids out thereof in half an hour at the end if, and how do they enforce only in half an hour window before school? We have got some real enforcement issues with only a half an hour window before the peak times start.

Staff: How do they enforce the events, conclusion?

Francesconi: How can they guarantee it's going to happen? With only half an hour window from 8:30 to 9:00 and then from 4:00 to 4:30 before the peak time starts. It's really tight.

Staff: Well, just because it says that the events must end at 10:00, doesn't mean that they can't end sooner.

Francesconi: The starting times at school, i'm sorry.

Katz: He's talking about the starting time and end of school, not events.

Francesconi: Not evening, I meant the school day, beginning and end. They only have a half an hour window.

Staff: That's something that I think it would be incumbent upon the school to work out as a good program. And involved the neighbors and I can guarantee you from where I sit at the college, the neighbors will be watching carefully and making sure that they comply with the conditions.

Katz: Sir, grab a mike.

John Marks, 0668 SW Palatine Hill Rd, 97219: My name is john marks and I am, and I live the 0668 southwest pal tin hill road across from mr. Staff. And his campus, and I am here primarily to address the question of traffic. I am lucky because I am retire and had I can start and stop trips for the most part, by will, when I was actually working and commuting, I had to commute by bike, and I managed to, to avoid the traffic largely by biking. However, right now, I sometimes have meetings at 7:30 in the morning in town, and I find myself, if I go down to town, if I start downtown at 7:00 I can get down in very short order, if I start at 7:15, it's murder. The traffic starts at that time. And it keeps on going continuously until after 9:00. I find that if i'm coming back, if I come back at 3:00, or so, i'm all right, but if I come back at 4:00, i'm caught again. So these are specifically the times it seems that riverdale is suggesting for their kinds of school openings and shuttings. I would like to see some of the, the council actually return this to the planning commission for some of the revisions that have been suggested here such as busing from a centralized place within, within riverdale district. And also, the idea of, of some, some further controls on the crossings of the streets, but however it is, the timing of classes is going to be essential. I was only going to talk about traffic but since the two superintendents said this is

JUNE 27, 2001

something educationally good for both districts I just would like to say that as a person who is supportive of public education I cannot think of anything more likely to undermine public education than this project of sending people from a school district to another school district having established their school in another school district and also to recruit people to maintain that school from a variety of school districts. I think that's destructive.

Katz: Thank you, sir.

Gene Lynard, 0107 SW Brugger St, 97219: I live at 0107 southwest brugger in the collins view neighborhood, and also a board of the collins view neighborhood association, crime and public safety solving committee. I'd like to identify an impact that I didn't notice in the kittleson report and that's that the morning commuters coming out of lake oswego, from kruseway and that dave so eloquently stated, goes by the school and as the congestion occurs there, these folks will be going into the neighborhood to circumvent the traffic in front of the school, and going up 2nd, going down paltin hill and down taylor's ferry to macadam and also going on primrose back to terwilliger, as a condition of approval i'd like to see traffic taken prior to, prior to the school going in, and following the school opening to allay my fear and is my neighbor's fears that the traffic won't be diverted through the neighborhood onto local access streets.

Katz: Thank you.

Lynard: I also would like to say that, feel that this public high school located in our neighborhood is not, not right. We are faced with all the impacts, traffic impacts, noise, the crime, the litter, and the vandalism that will likely occur without any benefits. We can't send our kids to the school. And none of us will be here today if it wasn't for riverdale school district turning their back, walking away from the right of eminent domain that they were prepared to do last year at the renewal center acquired by lewis & clark college. And I asked the superintendent of the riverdale school district why they did that. He told me that that site was too small. It's interesting to note that, that the renewal center is four acres larger than the co-collins view site. Lastly i'd like to say that there is a legal proceeding now questioning the legality of the lease between the riverdale school district and the Portland public schools. This question will be heard before a judge july 11 and 12. This conditional use approval may be subject to the outcome of that or any future legal proceedings. Thank you.

Katz: Okay. Frank, think about that as we proceed. Thank you. Go ahead.

Katz: Hi. Your honor, I am carolyn colby and I am a parent of two riverdale high school students who have in fact graduated, fine citizens, i'm glad --

Katz: You are testifying out of order.

> i'm sorry.

Katz: Go ahead. In our proceedings, we testify for and then against, so, but that's okay.

*******:** We probably signed the wrong list. I'm sorry.

Carolee Kolve, 01632 SW Corbett Hill Dr, 97219: Two riverdale high school students who have graduated so we have no further students in our family to go there so i'm just speaking out of my own interest in the school. I just wanted to make two points. One, our students were both involved with leadership class, which the two students who spoke previously have been, and they start school four days a week at 7:00 a.m. Which is probably why they saw students arriving early. I don't know of any other students who do get their earlier. But, as part of leadership, there is a traffic committee that assigns the parking spaces and even though our kids were in leadership, they were not on the parking committee, and they didn't get parking spaces until they could create a carpool that was larger than the two of them. So they really are strict about enforcing their own internal rules. The other point I wanted to make, is that we have approximately 90 students in the neighborhood who do not attend riverdale high school for a variety of reasons. Either they want a

JUNE 27, 2001

bigger school, lots of them want a permanent site before they make that decision, but these 90 students by and large are going to wilson, lincoln, st. Marys, and jesuit. All the 90 students are driving through burling-game right on the way to school. If we had that site and a starting time of 9:00, I think a lot of them would, would convert to the high school, and that would actually improve the traffic conditions because if you add those 90 cars to the 90 that are also going to columbia academy now, that's 180, potentially, people driving in that.

Katz: Thank you.

Colin Duncan, 11334 SW Avenbine Circus, 97219: Hello. Mayor and commissioners. I'm colin duncan live at 11334 southwest avantine circus. A graduate of the high school, and I would just like to reiterate the vice president of lewis & clark's views that the high school would be able to accommodate the needs of the community. We have done an excellent job working with the marylhurst site accommodating their needs. Concerning our presence. As far as traffic goes, I mean, I am, i'm an example, I think of, of, of attempting to lessen traffic burdens, i, myself, bicycled to and from the marylhurst site for the past three years. And having the collins site located much near to dunthorpe that marylhurst was could encourage that sort of behavior. Not using cars to get to and from, from, from collins view. What's more, again, has, as soon as we have a permanent site, with the encouragement that, that that's going to have for the dunthorpe kids to come to the high school, again, you are going to have a large number of cars that would be going outside of dunthorpe, and you don't need those. You will be able to use alternative means of transportation to get to the high school, and that could lower the, the demand on that, the intersections. So, thank you.

Katz: Thank you.

Dixie Johnston, Co-Chair, Collins View Neighborhood Association: I'm dixie johnston, collins view neighborhood association, 0550 southwest paltin hill road. Excellent points have been made today. I am going to fill in on some additional information you have not heard yet. The traffic reports from kittleson covers only 7:30 to 8:30 in the morning, and then from 3:00 to 4:00 in the afternoon for the most part. After 4:00 there's some negligible mention. As a result even with the changes of start and stop times, there are no traffic studies officially for those times in this process, and I think that needs to be mentioned. Also, these people from riverdale mentioned some students attending from the north and going to marylhurst, they didn't mention there is some students from, from west linn and lake oswego also attend the current riverdale site. The marylhurst college is a huge campus, gorgeous, and the young people, 100 high school students have lots of parking when dave and I were there, lots of parking spaces, empty spaces, they may have a, assign parking but if somebody wants to come in and look for another place there is lots of room. It's a huge site with lots of ways in and out so, you don't have the bottlenecks that you will have at the collins view site. Also, the students are free to move about the campus during the school day. They can go to the commons, and other building across, a beautiful field and then go back to the high school for classes. The collins view site, have having triple the student population they will be more constrained. The pictures we took at the river detail grade school, the reason we did that, that site and that number of students corresponds to the collins view site with the same number of projected students. And as you can see, there are people who are, who are illegally parked. They are across the lanes. I students are dropped off during the day when dave and I walked the dunthorpe neighborhood, this area is mostly deserted, and so this is basically just, just during the school time.

Katz: Thank you.

Charlotte Joshi, 648 SW Maplecrest Ct, 97219: I'm charlotte, and I am at 648 southwest maple crest court. What we are, of course, very directly impacted, principally traffic, access to terwilliger. We have no light so, we have to wait for the traffic to allow us in. And it's the

JUNE 27, 2001

pedestrian traffic that they are proposing adding which right now there isn't a whole lot. But, when they start using it as a main access because there is only one place to cross, there is only one light that they can use to get across, safely, so, you know, assuming that they all use that light, it's going to create a, a major impact because it will -- there's a lane of traffic that is always free-flowing. There is -- the light is always green, unless somebody crosses the walk light. And that is the lane of traffic that, that we depend on to get out. You know, if we are going south. It's also the lane of traffic that the people turning left get into the, the school parking lot, will have to cross. So if they activate the walk signal all that traffic will backup and they won't be able to get across that lane of traffic to get into the school parking lot so, it's, it's a very, very catch 22 situation. Nobody will be happy with the situation. And then also, the question of the students leaving at 4:00, as soon as they get out of school, they are high school students, very social. They talk in the parking lot, that's very unrealistic to think that they are going to get out in 30 minutes. Not just talk about the teachers that have papers and people staying afterwards to talk to them, et cetera et cetera, et cetera. Also, something that wasn't was the topography of the site. It's on a hill and all the neighboring houses are below it, so all the noise and lights, everything carries very, very far. It's not a normal situation. It's not flat ground at all. So, that's another thing to mention. And just out of, you know, curiosity, I don't know why they have to have such a big school. It's a small site. The traffic is horrendous.

Katz: We didn't make that decision. Okay. Go ahead.

Prakash Joshi, 648 SW Maplecrest Ct, 97219: Mayor and members of the city council, I wanted to touch on things that the folks have, I will spare you some redundancy, I live at maple crest and I am the delegate for the council for the neighborhood association for my street. Which encompasses about 52 residents on, 52 houses, 48 to 52 houses, and 45 of those are directly adjoining the school so the impact is quite a bit, and I have signatures from them, to represent them so when I speak I am speaking on their behalf, there will be 25 people speaking to you. Some of the corrections I wanted to make that maryanne had, I hope that hasn't eaten to the time but I would like to make a correction. The houses you mentioned are not owned by lewis & clark students but owned by lewis & clark college and the students are living in it. And these are properties that are acquired by lewis & clark college for future expansion which leads to what I would like to talk about. There is, there is a collision course going on between the college, the riverdale school district, especially two colleges, law school and the college, they are all in an expansion scale and they all have plans, and this city in this council and the hearings officers are listening to arguments and to make decisions independently of each other. I think that's wrong, and I would like to bring your attention to something that none of these studies take into account the other entities, expansion programs or whatever the plans are, and it's a humongous problem. The college today is a major contributor of traffic. We heard the staff talk about how the college has reduced the parking, well that isn't true and I will say that because our neighbors testified to this and we have pictures, the colleges sent traffic into the neighborhood away from the college and they park in the neighborhood and I believe that the brief time that we have that high school students coming to school, they own cars, these are affluent students, they will own cars and they will drive, and I will tell them not to drive cars and when they are late, I will sneak into the neighborhood and park into the streets. That happens to today, lewis and park students come in a hurry, park in the neighborhood and hurry off to college. Lewis & clark college also has a shuttle program that is a complete failure and the neighborhoods will tell you that's a failure. The college will tell you it's a success because there are less people parking in the college, the college is more beautiful today so, this is a major, major concern for us that we are fighting one entity and we have another one on our tails.

JUNE 27, 2001

Katz: Thank you. Go ahead.

Anna Castle, 733 SW 6th Ct, 97219: Anna castle. And I live at 733 southwest 6th court. I have two small children, and I primarily walk everywhere that I want to go. We have lived there ten years and I just want to say something about the assumptions, I didn't really hear riverdale answer any of the questions, that they questioned them about how many people are two parent working families, and, and how many students, what percentage of students are going to drive their own cars. I find that really funny that they can't answer those questions with their studies because they don't want to answer those questions. Right now, I drive my child to school at quarter to 9:00 and I go up terwilliger and over the hills. Right now at quarter to the 9:00, traffic is terrible. It's backed up from taylor ferry's road to 6th avenue by collins view. When I drive her back from school, at 3:15 in the afternoon, traffic can be backed up all the way from barber boulevard all the way up to taylor's ferry and half of them are waiting in a left hand lane that doesn't exist to turn left onto taylor's ferry and go down the hill to macadam. Traffic can be backed up from 3:00 and it goes north from lewis and clark college north is terrible at 3:30 in the afternoon. The assumption that they are not going to add to the traffic is totally ridiculous. Right now, it's totally overwhelming traffic and it's overwhelming when you walk on the street. With my children, there are cars illegally parked all over 6th avenue now where, where we try to cross the street to get onto terwilliger at a sidewalk from 6th avenue, there are several trucks that totally block your view and if somebody were to turn that corner, they would smash right into us because they are already three or four trucks blocking and I don't know where they are from, they must be from lewis & clark. Secondly, the people from west linn and lake oswego both very affluent communities will benefit from this. Not Portland public schools. And wilson high school starts school at 7:15 because the neighbor girl says so. They should be able to answer that question. They could start at 7:15.

Katz: Representative beck, I apologize. I did not see you. Usually I give representatives a little -- [laughter]

Katz: All right. Sir, go ahead.

William Heston, 9640 SW Terwilliger Blvd: Live at 9640 southwest terwilliger boulevard. I sit - - my house is across the school from terwilliger. On that narrow issue are the changes, time limitation should be enforced. The late-tight activity time is 1:00 p.m. -- the burden of living with a high school in the neighborhood is being shifted to dunthorpe -- traffic patterns will shift. Traffic that uses macadam avenue in the morning, from the dunthorpe area, is now going to be shifted to terwilliger. High school drivers will be more common in Portland neighborhood streets. Those kids do not have permission -- that do not have permission to park at school will be parked in local streets. The noise and traffic associated with evening functions will become a burden to the collinsview neighborhood and not dunthorpe's. Portland public schools short-sighted the new zoning for this area is about twice the current density. The new zoning doubles the school-age households in the area. Wilson high school is already at capacity. Other schools in the area are near capacity. Collinsview does not have a safe park within safe walking distance. The neighborhood's closest swimming pool is wilson high school. And sellwood park is closed during the summer.

Katz: Thank you. Unfortunately, this council did not have the authority to make this decision. So thank you.

Heston: You do have the authority to not allow to build a school there, I believe.

Katz: No.

Heston: That you can change the zoning or --

Katz: No, we can't. Not after the fact. Thank you.

JUNE 27, 2001

Chris Beck, House District 12: Thank you, mayor, and commissioners, Chris Beck, House District 12. I hadn't planned on talking today, and since I'm in Portland today I was able to listen in on the proceedings and thought I'd share a little bit of perspective on this since I've been involved with it for about a year now. There was a compromise and a solution to this problem that I think could have been forged, and that solution involved getting the Portland school board and Riverdale school board to agree to a provision for open enrollment between Portland and Riverdale, which would have allowed as many as 300 Portland children to attend this school. I tried, during the legislature, to forge that compromise through legislation. And frankly, I could not get either Portland or Riverdale to work with me on this. It was very frustrating. I think it would have been a fair solution, but as the education establishment fought me every step of the way, and being a lowly member of the minority in Salem, I really couldn't move that forward. I think it would have been a fair solution to this. Sadly the decision that you're making, finalizing, will have a long-term and I think negative impact on this neighborhood. Living near this school and driving by a public school that people in the neighborhood cannot attend will sour people on this process, on the school district, on the legislature, and on the city council for many, many, many years to come. I also think it will continue to create a very divisive situation that has existed between these two communities for as long as I can remember. This neighborhood, Collinsview neighborhood, is yet to be represented by any of the decision-makers with jurisdiction over this issue. It pleaded with their school board. School board wouldn't listen. 16 Portland legislators asked the school board to hold off, pursue open enrollment. They didn't listen. The legislature didn't consider this very carefully. So here we are. I grew up in that neighborhood. I get out there frequently to see my family at various times of the day. I'm familiar with some of the traffic problems people have discussed. I think the hearings officer's decision is extremely generous, and more than reasonable. I think Steve Matten's proposal of maybe even going to the shuttle system might be worth considering. For them to be at this site is a privilege, for Riverdale to be able to site in this community I think it's a privilege, and any other changes you might want to make on a shuttle system that would allow for parking at Riverdale might be worth considering at this juncture.

Katz: Thank you. Okay. Five minutes rebuttal. Come on.

Ramis: Mayor Katz, members of the council, for the record, again, Tim Ramis. Let me begin with where the testimony started, and that was with the letter of Mr. Johnson, who has taken some time to try to craft some proposed additional conditions. Let me respond to those. The first two, which begin on page 5 of his letter, marked a and b, as written I don't think we could support, however his point about multiple small events adding up to a big event I think is a valid one, and I would suggest that we add a clarification to the chart included in the hearings officer's decision, which says that small events are cumulative, and that how you regulate is based upon the total of people attending the event, not just looked at individually. His condition c, which deals with the -- what triggers the shuttle we would agree with, we have no problem with that.

Francesconi: This issue was raised in written testimony, but not orally. Is Riverdale going to have activities at the school from the grade school? In other words, from other parts of the district going to be here or just limited to the high school?

Abbott: It would be the high school.

Francesconi: Okay, thanks.

Ramis: Okay. The next condition, d, I don't think we would support this, principally because it's impact both us and parks and eliminates the ability of parks as well as Riverdale to use available parking, so we would not support that. But condition number 2 on page 6 we would support, which requires locking and securing the facility at night. The central issue, seems to us, to be the question of whether we really can enforce -- take the enforcement steps that are necessary to make a 9:00

JUNE 27, 2001

start time work. And I would suggest to you that the tools are available to make that happen. You've got a district that's willing to monitor, to enforce, to sanction students, and to provide an alternative so people don't have to violate the rules. You also have in the transportation demand management plan, an ombudsman specifically required a transportation ombudsman, so there's someone that the neighborhood can go to who is charged specifically with the responsibility of getting results and making things happen. Finally, Mr. Murray, I think it was, suggested that there ought to be a task force, where there would be an ability of the neighborhood and the district to work together. That idea has been honored and is in the transportation management -- demand management plan, so it provides for a task force, it will include the neighborhood as well as the school, potentially tri-met and the city. So there's a forum to bring complaints to and it's charged with coming up with ideas to modify the activities and enforcement to make sure that there's compliance. I think there was a question about whether a half hour is enough to exit the site, and I'd like to have a chance to talk about that.

Seaman: And again, based on the survey that we took of all Riverdale students and faculty and staff at Marylhurst, what we found is that -- that that data supports the fact that everyone leaves in a very short period of time after school ends. And in fact, we found that there are -- were 12 total trips associated with the peak hour, that is the -- I should say that study was based on an 8:00 start time. And so we found there were 12 trips that exited the site between 3:30 and 4:30. And therefore if we were to ratchet everything back an hour there would be 12 trips that would exit the site during the 4:30 to 5:30 hour if we started school at 9:00. And if we extrapolate that to a 360 population that becomes 32. And as I said before that 32 total trips to again rated by the site during that p.m. peak hour is less than that that is currently generated by Columbia Academy and O.H.S.U. At the site.

*****: So only 32 kids would leave after half an hour.

*****: That's correct.

Francesconi: My daughter would be in that every time.

*****: I urge you to read the June 26th letter that's a part of the --

Francesconi: What's the power --

Katz: Whoa, whoa. Let me finish. They've got another minute.

Francesconi: Oh. Sorry.

Ramis: Okay. And about the issue of dual peaks. There is a -- you know, there are two times in -- it was mentioned that there's a commuter peak and there's a Lewis & Clark peak, and by starting school at 9:00 we're impacting the situation that is much, much lower in terms of its traffic, and therefore the level of service is much better and the ability of traffic to get in and out of the school is -- is improved. Exiting traffic, exiting left turns out of the school, we found the level of service to be acceptable in terms of inbound movements the level of service to be much improved by the left turn lane and is acceptable and meets city standards. Your city staff concurs with that finding. One of the issues about exiting movements from the neighborhood and the difficulty of making left turns and the fact that we went out and actually observed the length of time it takes for drivers to make those movements, a member of the neighborhood had mentioned that he disagreed with our ten seconds, which might become 21 seconds, and said that it was really -- he measured it to be 28 seconds. The fact is a 28-second delay for that movement is a level of service C, and I wish everyone could get that kind of operation on that movement. That's very acceptable within city standards. That ends my testimony.

*****: Mac, we haven't had a chance to answer your question about the 7:15 start sometime.

Katz: Well, you did, but -- oh, at the beginning. Go ahead.

JUNE 27, 2001

Abbott: We had not proposed that a majority of students start at 7:15. If you look at page 2 of the original staff report, it states clearly that we propose 8:00 as a start time. We asked for flexibility to start earlier for other classes like other high schools.

Katz: That's not what the staff told us. But let's not get into that right now. Thank you, gentleman.

Francesconi: A couple questions. From a practical standpoint, are you going to have most of the students start at 7:15 or 9:00?

Abbott: We would most likely, as the school gets larger, someone mentioned that Wilson starts at 7:15. It doesn't start at 7:15, except for students that voluntarily want to come and zone a zero period. We would anticipate that at some point we would offer a zero period that may start at 7:15, and then we'd have -- we still would have the majority of students starting at 9:00. This start time is the primary reason why we did this appeal, because it's unreasonable to ask the students at this school to start at 7:15 in the morning when no other school in the Portland metropolitan area has to do that. And that would be a real detrimental effect on our kids, and frankly our board is concerned about consummating the deal here if that start time is enforced. What we want to do, though, is have flexibility so we have some kids at 7:15 and some kids at 9:00, so we don't have the entire load on one time, which I think would help the entire situation that's been addressed here today. I think you've heard that there are concerns regardless of what time we start or what time we end, but I think 9:00 to 4:00 is reasonable. I'm totally completely committed to enforcing that and working with the neighborhood association together hand in hand.

Francesconi: How are you going to enforce it again?

Hales: I've got to make a motion. I've got to leave. I'm sorry. Mayor, I'm going to move that we continue this hearing in one week. I'm sorry to be disruptive twice in one night. I've been getting more and more nervous, as this has been getting lengthy, my daughter is in a dance performance for which he's practiced for ten months, I will be disowned as a parent if I'm not there. I hope everyone in the audience can appreciate, and for the council to discuss this and deliberate it and decide it, you know, I think in a rush is not a service to anyone. So my request is that we manage to just make it through the formal process at this point. Obviously we would need the principal appellant and principal opponent to the appeal to come back for council questions and discussion, but my request to the mayor is that we close the public hearing and hold our decision for a week.

Katz: All right.

*******:** Mayor Katz, we'd simply like to -- we have a written rebuttal and I'd like to submit that in the record.

Hales: You've got a seven-day period in which to do that. So it's still fairly orderly.

Katz: Is that already for the neighborhood and --

Hudson: Are you saying the record will be kept open for one week?

Katz: For seven days.

Hudson: Then it's all right.

Katz: Hold on. Hold on. We make that decision. We'll try to make it so everybody can be there. Yes?

Sten: A week from today is fourth of July.

Katz: It will be Thursday.

Sten: I will not be in town on Thursday. So it will be two weeks if you want to keep my.

Hales: Then let's make it two weeks.

Katz: We're going to have a problem. Do we have a schedule --

Francesconi: I'm gone two weeks from now.

*******:** Is somebody gone all of July and two people gone on the last week of July.

JUNE 27, 2001

Katz: Okay.

Sten: I won't be offended if you do it next week.

Katz: He won't be offended.

Hales: Then we'll attempt to do it next week.

Katz: Thursday, what do we have on the schedule thursday?

Moore: One 2:00 time certain already scheduled.

Katz: What is it?

Moore: The signal and street lighting.

Katz: That's fine. All right, everybody, usually we spend a lot of time on questions. I'm missing commissioner Saltzman. I think I know what commissioner Hales wants to do. That's going to require some additional discussion. There may be other issues. And so i'm going to -- i'm going to make a suggestion that we delay this a week, for thursday.

Francesconi: Is there any time factors here for anybody?

*******:** Yes. Are we under a 120-day rule problem?

Francesconi: What's your problem?

Ramis: Our constraint is the specifics of the tragedies with the school district, requires a certain time.

Hales: I don't know if this is possible either, mayor, but the other option I would suggest is recessing the council until, you know, tomorrow at 2:00, but, you know, that's -- that's crazy that.

Katz: That isn't going to work.

Hales: I'm sorry, folks.

Katz: Go, go.

Hales: Thank you. I'm out of here.

Katz: Your child is more important than this conversation we're going to have right now. So, everybody, I do apologize. We'll come to a conclusion. Meanwhile, frank, you take a look at the question with regard to legal proceedings and what our role and what conditions we can place on that. Now, you really ought not to be talking to anybody at this point. So this is still --

Sten: Why are you looking at me?

Katz: Well, i'm looking at the people that are left. So that we don't have conversations. And somebody mentioned, please, somebody tell commissioner Hales, and commissioner Saltzman in an e-mail, frank, from the city attorney's office. This is a quasi judicial hearing, everybody. So we need to adhere to that. All right. Sorry. Come back. It will be next thursday at -- come at 2:00. You'll probably have to wait a little bit, but it's not going to be a big wait. All right? Thank you.

Item No. 812.

(continued to July 5, 2001 at 2:00 p.m.)

[gavel pounding]

At 6:23 p.m., Council adjourned.