



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **13TH DAY OF AUGUST, 2003** AT 9:30 A.M.

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

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

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

		Disposition:
COMMUNICATIONS		
926	Request of Todd Kurylowicz to address Council regarding freedom and civil liberties (Communication) Motion to suspend the rules to hear agenda item numbers 926 and 927: Moved by Commissioner Leonard and gavelled down by Mayor Katz after no objections.	PLACED ON FILE
927	Request of Andy Seaton to address Council regarding Portland Peace Encampment (Communication) Motion to suspend the rules to hear agenda item numbers 926 and 927: Moved by Commissioner Leonard and gavelled down by Mayor Katz after no objections.	PLACED ON FILE
TIME CERTAINS		
S-*928	TIME CERTAIN: 9:30 AM – Accept off-leash dog report and allocate funds to establish and maintain dog off-leash areas and for related public education and enforcement (Ordinance introduced by Commissioner Francesconi) Motion to accept the substitute: Moved by Commissioner Francesconi and seconded by Commissioner Sten and gavelled down by Mayor Katz after no objections. (Y-5)	SUBSTITUTE 177788

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<p>*929 TIME CERTAIN: 11:00 AM – Authorize payments to Friends of Trees to support neighborhood tree planting programs for the period July 1, 2003 through June 30, 2004 (Previous Agenda 828; Ordinance introduced by Commissioner Francesconi)</p> <p>(Y-5)</p>	<p>177789</p>
<p>930 TIME CERTAIN: 11:10 AM – Accept Report from the Office of Management and Finance on the Customer Information System Replacement Project (Report introduced by Mayor Katz)</p> <p>Motion to accept the report: Moved by Commissioner Leonard and seconded by Commissioner Francesconi.</p> <p>(Y-5)</p>	<p>ACCEPTED</p>
<p>CONSENT AGENDA – NO DISCUSSION</p> <p>Mayor Vera Katz</p>	
<p>*931 Authorize an Intergovernmental Agreement between the State of Oregon, Department of Transportation whereby the Portland Police will conduct vehicle identification number inspections for the Department of Motor Vehicles (Ordinance)</p> <p>(Y-5)</p>	<p>177770</p>
<p>*932 Authorize an Intergovernmental Agreement between the Clark County Washington Sheriff's Office, the Vancouver Washington Police Department and the Police Bureau to share police report information (Ordinance)</p> <p>(Y-5)</p>	<p>177771</p>
<p>*933 Authorize an Intergovernmental Agreement with Portland State University to amend Urban Center Condominium bylaws and declaration and transfer solar turbine to Portland State University (Ordinance)</p> <p>(Y-5)</p>	<p>177772</p>
<p>*934 Create a new Nonrepresented classification of Contracts Development and Review Administrator and establish a compensation rate for this classification (Ordinance)</p> <p>(Y-5)</p>	<p>177773</p>
<p>*935 Create a new Nonrepresented classification of Water Operations and Support Manager and establish a compensation rate for this classification (Ordinance)</p> <p>(Y-5)</p>	<p>177774</p>
<p>*936 Create a new Nonrepresented classification of Technology Services Administrative Manager and establish a compensation rate for this classification (Ordinance)</p> <p>(Y-5)</p>	<p>177775</p>

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Commissioner Jim Francesconi		
*937	Grant revocable permit to CC Slaughters to close NW Davis Street between 2nd and 3rd Avenues on August 16 through August 17, 2003 (Ordinance) (Y-5)	177776
*938	Amend an Intergovernmental Agreement with Multnomah County to provide roadway maintenance services west of the Willamette River (Ordinance; amend Contract No. 51062) (Y-5)	177777
Commissioner Erik Sten		
*939	Authorize agreement with Southeast Uplift Neighborhood Program for \$45,269 to conduct homeless planning, leadership development, and technical assistance activities in Foster target areas and Housing and Community Development-eligible neighborhoods and provide for payment (Ordinance) (Y-5)	177778
*940	Authorize agreement with Cascadia Behavioral Healthcare, Inc. for \$530,658 to provide homeless services and provide for payment (Ordinance) (Y-5)	177779
*941	Authorize agreement with National Development Council for \$60,000 for technical assistance related to the financial management of eligible community development activities and provide for payment (Ordinance) (Y-5)	177780
*942	Contract with Community Alliance of Tenants for \$39,808 for Renter Stabilization and Education Program and provide for payment (Ordinance) (Y-5)	177781
*943	Authorize agreement with Portland Community Land Trust for \$103,397 for the Portland Community Land Trust acquisition and provide for payment (Ordinance) (Y-5)	177782
*944	Authorize Intergovernmental Agreement with Portland State University to analyze census data for the Regional Affordable Housing Work Group and receive payment (Ordinance) (Y-5)	177783
*945	Authorize agreement with Ecumenical Ministries of Oregon for \$40,390 for the EMO-Shared Housing Program and provide for payment (Ordinance) (Y-5)	177784

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<p>*946 Authorize agreement with Cascade AIDS Project for \$460,378 for the Cascade Aids Project HIV/AIDS Housing Program and provide for payment (Ordinance) (Y-5)</p>	<p align="center">177785</p>
<p>*947 Authorize agreement with Salvation Army for \$218,174 for the provision of emergency winter shelter and provide for payment (Ordinance) (Y-5)</p>	<p align="center">177786</p>
<p align="center">City Auditor Gary Blackmer</p>	
<p>*948 Clarify and update Council procedures regarding placement of items on the Council Agenda (Ordinance; amend Code Chapter 3.02) (Y-5)</p>	<p align="center">177787</p>
<p align="center">REGULAR AGENDA</p>	
<p align="center">Mayor Vera Katz</p>	
<p>S-*949 Authorize a contract with Identix to provide a remote wireless fingerprint capture system for the Police (Ordinance) Motion to accept the substitute: Moved by Commissioner Leonard and seconded by Commissioner Saltzman and gavelled down by Mayor Katz after no objections. (Y-5)</p>	<p align="center">SUBSTITUTE 177790</p>
<p align="center">Commissioner Randy Leonard</p>	
<p>*950 Clarify intent of temporary surcharge on the business license fee (Ordinance; amend Code Sections 7.02.540 and 7.02.545) (Y-5)</p>	<p align="center">177791</p>
<p>*951 Authorize Intergovernmental Agreement with Multnomah County for the Bureau of Licenses to administer the Multnomah County Business Income Tax program (Ordinance) (Y-5)</p>	<p align="center">177792</p>
<p>*952 Authorize Intergovernmental Agreement with Multnomah County for the Bureau of Licenses to administer the Multnomah County Personal Income Tax Program (Ordinance)</p>	<p align="center">177793</p>
<p>953 Add requirements for standardized driver safety training, signage, and the installation of digital security camera system in taxicabs, authorizing additional responsibilities of the Private For Hire Transportation Board of Review and authorizing an increase in permit fees (Second Reading Agenda 921; amend Code Chapter 16.40) (Y-4; N-1, Saltzman)</p>	<p align="center">177794 AS AMENDED</p>

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FOUR-FIFTHS AGENDA

***953-1** Adopt findings to approve an alternative contracting process and create an exemption to the competitive bidding of ORS Chapter 279 for the Marquam Hill Aerial Tram Project General Construction and Tramway Equipment Procurement (Ordinance)

Motion to suspend the rules and hear the four-fifths item: Moved by Commissioner Leonard and seconded by Commissioner Francesconi and gaveled down by Mayor Katz after no objections.

(Y-5)

177795

At 12:56 p.m., Council recessed.

August 13, 2003

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 13TH DAY OF AUGUST, 2003 AT 2:00 P.M.

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

Commissioner Saltzman arrived at 2:07 p.m.

Commissioner Leonard arrived at 2:11 p.m.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Linly Rees, Deputy City Attorney; and Officer Curtis Chinn, Sergeant at Arms.

<p>954 TIME CERTAIN: 2:00 PM – Hear Citizen Review Committee appeal regarding the complaint of Merrick Bonneau (CRC No. 2002-X-017 / IAD No. 01-177) per City Code Sections 3.21.100.B and 3.21.160.A.2 (Report introduced by Auditor Blackmer)</p> <p>Motion to support the Police Bureaus modified findings in allegation one of insufficient evidence with a debriefing: Moved by Commissioner Leonard and seconded by Commissioner Sten. (Y-5)</p> <p>Motion to sustain the Police Bureaus finding of insufficient evidence with a debriefing in allegation two: Moved by Commissioner Leonard and seconded by Commissioner Saltzman. (Y-4; N-1, Sten)</p>	<p>Disposition:</p> <p>UPHOLD POLICE BUREAU FINDINGS OF INSUFFICIENT EVIDENCE WITH A DEBRIEFING IN ALLEGATIONS 1 AND 2</p>
<p>955 TIME CERTAIN: 3:30 PM – Accept the FY 2003-2004 Regulatory Improvement Workplan and direct the Bureau of Development Services and the Bureau of Planning to Implement the Workplan (Resolution introduced by Mayor Katz)</p> <p>Motion to accept the FY 2003-2004 Regulatory Improvement Workplan: Moved by Mayor Katz and seconded by Commissioner Francesconi.</p>	<p>36162</p>

At 5:56 p.m., Council recessed.

August 14, 2003

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **14TH DAY OF AUGUST, 2003** AT 2:00 P.M.

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

Commissioner Leonard arrived at 2:06 p.m.
Commissioner Saltzman arrived at 2:07 p.m.
Commissioner Sten arrived at 3:00 p.m. excused.

Commissioner Saltzman was excused at 4:01 p.m.

Council recessed at 2:46 p.m.
Council reconvened at 3:00 p.m.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Linly Rees, Deputy City Attorney; and Officer Curtis Chinn, Sergeant at Arms.

<p>*956 TIME CERTAIN: 2:00 PM – Readopt the Marquam Hill Plan Volume 2: City Council Revised Marquam Hill Design Guidelines (Ordinance introduced by Mayor Katz)</p> <p>(Y-5)</p>	<p>Disposition:</p> <p>177796</p>
<p>S-957 TIME CERTAIN: 3:00 PM – Accept South Waterfront Central District Project Development Agreement and direct implementation (Previous Agenda 886; Resolution introduced by Mayor Katz)</p> <p>(Y-5)</p>	<p>SUBSTITUTE</p> <p>36163</p>
<p style="text-align: center;">REGULAR AGENDA</p> <p style="text-align: center;">Commissioner Jim Francesconi</p> <p>*958 Authorize agreement with Portland Aerial Transportation, Inc. for design, project management and expert tram advisory services for the Marquam Hill Aerial Tram (Ordinance)</p> <p>(Y-4)</p>	

At 4:30 p.m., Council adjourned.

GARY BLACKMER
Auditor of the City of Portland

By Karla Moore-Love
Clerk of the Council

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

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Closed Caption Transcript of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

AUGUST 13, 2003 9:30 AM

Katz: Good morning, everybody. The council will come to order. [roll call]

Katz: Let's take communications. 926.

Item 926.

Katz: Is todd here? 927.

Item 927.

Katz: Andy, I saw him in the elevator. Is he here?

*******:** He's on his way up.

Katz: We're going to move on. Consent agenda. Anybody want to take any items off the consent agenda? Anybody in the audience want to take items off the consent agenda? If not, roll call on the consent agenda.

Francesconi: Aye. **Leonard:** Aye. **Saltzman:** Aye. **Sten:** Aye.

Katz: Aye. [gavel pounded] all right. Time certain. 928.

Item 928.

Katz: All right. Commissioner Francesconi?

Francesconi: Before I introduce this item, we have a substitute ordinance. It really makes two changes. One, it declares an emergency exists because of potential harm to the public health safety and welfare, and then the second change is in order to more comply with the budget process, the ongoing expense of \$99,556, we're going to switch to one-time, since this is a pilot, but then we can work with the mayor in the next budget process regarding that figure. So that will be the other change. So i'd like to introduce the substitute.

Katz: Does -- .

Francesconi: I just did it. And parks is preparing the final version right now that we're going to have in just a minute.

Katz: Ok. Do I hear a second? Any objections?

Sten: Second.

Katz: Let me just say, I was very concerned about committing ongoing dollars right now. I'm also very concerned about the tap on the contingency, but commissioner Francesconi and zari have committed that they will work with me and the office of finance and management to see what we can do within the budget for this coming year.

Francesconi: That's correct.

Katz: Do I hear a second? Any objections, hearing none, thank you. [gavel pounded] commissioner Francesconi? Did you want to say anything?

Francesconi: Just briefly.

Katz: Andy, if you want to wait, we'll take you afterwards.

Francesconi: A few brief remarks but in the meantime Zari, janet, jim zarin, why don't you come forward. Our people are passionate about their parks, as they should be. Parks are community gathering places where everyone should feel welcome, because they belong to everyone. They own it. Right now we have a situation where many folks are not feeling good about their parks. And this is user conflict that we must address as a community. And that's this issue of off-leash dogs in

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our parks. Now we have a situation where ball players are tripping in holes dug by dogs, people have been knocked down and some have been bitten, there are conflicts between dog owners and other users, and that's why parks has brought this proposal here today. We're bringing it as a pilot to open more opportunities, because we have many responsible dog owners here in our community, and they have a right to use our parks. As part of this, the council already passed the enforcement plan, which is -- began July 1, and which will intensify in August. So the -- this is an important livability issue. We need to act now. This is a good plan, and I hope the council will support it. Zari?

Zari Santner, Director, Portland Parks and Recreation (PPR): Good morning, mayor, members of the council. Zari Santner, Portland parks and recreation. With me is Janet Bebb, planning supervisor with Portland parks, and Jim, member of the parks board. After my brief remarks, Janet will explain the plan and that would be followed by Jim's explanation of the board's point of view about this issue. Eight weeks ago on June 18, we came before you seeking authorization to enter into an i.g.a., intergovernmental agreement with Multnomah County for increasing enforcement of leash laws in parks and the implementation of an education program. We explained that per the recommendations of the Citizens Task Force for Dog Off-Leash, these actions were required prerequisites to the implementation of off-leash areas and hours. We are here today to present for your approval a plan for the third leg of this three-legged stool -- enforcement, education, and options. We have prepared for you a list of options for off-leash use that are flexible, conveniently located and responsive to dog owners' needs. They are also balanced with other park uses, needs, and protection. We feel good about the list we came up with, that we are able to give so many options to our park users. We are able to do that because we created two types of options. One is the dedicated off-leash areas that we are all familiar with, and the other more neighborhood focused. These sites are shared sites with hours for off-leash use in specific locations that are available for other uses as well. What will make all of this work is an informed public that understands the issue at hand when demands for existing space and user conflicts arise. We believe that the plan is both responsive to the recreational needs of dog owners wanting to exercise their dogs off-leash, and other park users. These sites are a trial. We will be monitoring this program. We will be asking citizens with or without dogs to help make this shared community space safe for everyone. The information we collect will allow us to measure changes in attitudes and activities. A dog policy advisory committee will be established to review the situation bimonthly for the next year. Feedback from the neighborhoods will be critical to their work. In one year's time, we'll report back to you on how this plan is working. The staff has worked very diligently and very hard under the direction of Janet, and I'd like to ask her to explain the plan to you and the siting criteria on selection process. And she will also explain the need for the funds that we've requested. Janet?

Janet Bebb: Thank you. I'd like to start out reiterating that as staff we agreed that there's no perfect solution to this, and what we're doing is putting together the solution before you that we think has the best chance --

Katz: Get closer to the mike.

Bebb: We're putting before you a plan we feel has the best chance of working, given that we have responsible dog owners and communication is open with the neighborhoods. So with that, I'm going to explain some components of the plan, and then focus, how did we select the sites and give you the criteria for that. I'll be talking for about 10 minutes. As Zari said, we're doing some new all year-round sites, which we call y.e.s. sites there. Are currently for of these and we're adding three more to the system to give more diversity around the city, more access. These sites will be fenced. They will have dog waste dispensers in them and benches. They'll be available year-round, any hour of the day. The second part is probably the -- maybe the more useful part as well, the shared sites. We've selected 27 parks out of our 240 parks to have within the park a specific area

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designated that has off-leash use during certain hours of the day. And we're designating two different seasons. The first season is our highest use season, which is from may until the end of october. That's when we see highest use in all of our parks and where we have the most conflicts with dogs. During the high-use summer season, we're suggesting from park opening to 9:00 a.m. When you wake up and you want to exercise your dog, you can then have one of these areas available. Again, on-leash is required during the prime part of the day, but in the evening after 8:00 p.m., once again, the designated areas will be for off-leash. In the wet season, when we typically don't have as many users in the park, we have a different set of parameters. The hours in the morning are the same. In the evening we come earlier, 5:00 a.m. That's because it's dark in our winter, and we don't want people to feel uncomfortable with walking their dogs in the dark late at night. The other parameter that is relaxed is the area. Because we have less users in the park in general and a lot of rain, we will say in the wet season dogs can be off leash except near children's playgrounds, natural areas, and path circulation. On a test run we would like to try this because we are concerned that the specific designated areas will get too torn up and muddy, and this will disperse the use throughout the park and we anticipate minimal conflict. As soon as it comes may 1 again, we go back to the summer hours. That's the essence of the program. The key component is forming a dog policy advisory group. We plan to convene this group in september, and it will be comprised of approximately 15 citizens, and they would include dog advocates and dog owners in parks, adjacent neighbors, as well as sports users to make sure our sports fields are keeping intact. So we'll have a broad-based citizen policy group. This will serve as the touch stone for problems as they emerge, because we anticipate we'll need to make adjustments on individual basis -- in individual neighborhoods and parks as we test this throughout the year. So the dog policy advisory group becomes the key community outreach mechanism that we'll be putting in place. There are two other components, education and enforcement. In terms of education, we'll be meeting with neighborhood park advocates and park groups, talking about the program. We're partnering with veterinary clinics, pets stores, to inform them of the off-leash hours so that they can help us pass on the word. We have a website with the rules for the sites, we have a brochure that's been distributed already in terms of how -- what are the frequently asked questions, and how do we enact this program. And finally, there will be signs in all of the parks that have this program in place so that people have an easy reminder of what is the appropriate behavior. The final key component of the program is enforcement. Without this, we would not be able to enact this program. We have a partnership with Multnomah county animal services. Their officers teamed up with our park rangers. They've been out there giving up brochures and information for about a month. They've been giving out leashes and plastic bags as well as brochures. They will start enforcing the requirements and a notice of infraction carries \$150 fine, and the potential of a park exclusion for 30 days. So those are the key components. I'd like to now spend just a minute on how did we select the sites. Again, it's very challenging. We don't have the perfect site anywhere in our system, so let me tell you how we got there. The first element was in the year 2000 we had a 17-member citizen task force that analyzed this issue in depth. They gave us recommendations and criteria for siting. These included, it needs to be large enough, we need to avoid fish and wildlife areas, areas that have water quality implications. We need to have sites that are relatively level, away from playgrounds, near parking if possible, and distributed through the city in a logical manner. They also recommended in their report that we go directly to the neighborhood coalitions and ask for recommendations. We did that, and received out of the seven coalitions, we received responses from four of them. This includes sweeney, the east Portland neighborhood office, central northeast neighbors, and southeast uplift. We took -- the recommendations from each coalition had a different character based on their own issues within their neighborhoods. We took their recommended sites as a point of departure and analyzed them in step three, which is our park staff

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review. We looked at them, the main criteria that park staff added again, was we added parks that currently have high dog usage. This includes parks such as mt. Tabor, grant, council crest. The idea being that we have an existing problem. We need to provide a legitimate solution at those problem sites, so we took that into account more heavily than the neighborhood coalitions did, and that added a modification to the site. In addition, we pushed -- we mapped all of the sites and we pushed it so that we got a little better distribution. The fourth step was our staff visited every site and took notes about potential problems with adjacencies, will fences be needed, how can we develop this site so it works well. We came back with that note and we then went to our district supervisors, who are in the field often, and they really know the parks and the uses. They made some adjustments for us based on the quality of the turf, which is an issue here. It's like the dogs are -- wear cleats all the time, so they're tearing up the turf, so that I know put was very important, because we want high-quality areas for this use. So after we got to five, that is the list before you, and sara, if you can show the map of the sites, you can see how they're distributed around the city in this proposal. The final number on that is testing the sites, and I think zari and I and jim are going to reiterate, we do need to test all of these sites. As you can see, the yellow stars are the off-leash areas. The year-round fenced-in areas and you can see there are seven of them around the city. The three in the north chimney and east delta and west delta are existing off-leash areas. The pink stars are the parks recommended for hours. We have I think a broad distribution across the city. The areas that have none, we did analyze parks that found that the adjacencies with playgrounds, with houses, with natural areas did not lend themselves to a recommendation by us. I think that that is the main points on the site selection. Just a brief explanation of the costs before you. Enforcement costs for '03-04, 75,000 from the general fund. '04-05, 90,000, including a \$15,000 amount for continued education that goes for our brochures and information and outreach. In terms of the development costs, it's a one-time cost to install fences, additional trash receptacles, the plastic bag dispensers, and also to change the surface material in places where we know we're going to have a problem. This is for the off-leash areas that are fenced. That's \$193,482. The third and final expense is the ongoing maintenance. We do anticipate a higher use in these areas. We are -- our staff is prepared to give attention to them, repair fences, replace signage, make sure that they're in working order. We have estimated that at a \$99,000 ongoing maintenance and operations expense. So that concludes my presentation. Zari?

*****: Jim?

Jim Zarin: Good morning, mayor and council. My name is jim, i'm a member of the park board. I'm not the chair of the board. She's out of town. So I think my primary personal attribute is that i'm in town. But I do want to speak on behalf of the 12 citizens who currently do serve on the board. Among the duties of the board, as you articulated when we were created, is to advice the council as well as the parks commissioner and director on policy matters pertaining to Portland parks and recreation. So that's why we're doing that. We have reviewed the proposal. I can tell you the parks board is not rubber stamped for the bureau. We do ask questions, we do make suggestions. We have talked about this. Following all that we do support the bureau's recommendation for some very basic reasons. First of all, we know this to be a serious long-term problem that is probably the most intractable user conflict we have in our city's parks. It's a problem that's not going away. First report I noticed in the materials was back in 1995. Janet mentioned the other portions of the process that have occurred since. I know some of you that participated in the 2020 parks envisioning process, when we talked to citizens, this issue came up, people care passionately about this. This hits them deeply. It involves personal safety, it involves their children, their pets, it involves their sense of the use of public space. So it's an issue that we really do need to deal with as a city. It's an issue for people who have dogs and would like to visit our parks, it's an issue for people who do not have dogs and would like to visit our parks. I think it's

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an issue for all of us as citizens so that we know we can govern ourselves on an issue where there's no easy solution. This is a classic role, seems to me for government, it involves public land, and without it, frankly we're heading towards anarchy in more and -- and more and more conflict in our parks on this issue. And of course the events at laurelhurst park just heightened the focus on this issue and the need for action. So it's a significant issue that we need to deal with as a city. We think the bureau staff have put together a detailed proposal, they've done an excellent job. Its elements are sound, it provides for a significant increase in off-leash areas throughout the city, in a thoughtful and prudent way. It follows significant citizen input as Janet explained, there was the 2,000 citywide off-leash task force, there were proposals from the neighborhood coalitions, and we've had discussions at the park board about this. It is based on the recommendations from those various sources, careful winnowing of the broad concepts down to very specific site investigation by our parks professionals. Plus there were staff visits and other investigations of best practices elsewhere in the United States, including in New York, Minneapolis, Seattle, San Francisco, and Phoenix. So we think they've done a really thorough job. This includes a focus on increased public education because without our citizens and in particular our dog owners buying into this program and making it work, it will not be successful. So public education is a key, and it's an important element of the program. And it also includes enhanced enforcement for those people who still don't get the message or for whatever reason are not complying. This also recognizes that this cannot be done without additional resources, both one-time and ongoing additional resources in order to get this job done. And then finally, it establishes a new citizen policy advisory committee, the work with the bureau to monitor the implementation of this program and then to prepare a formal evaluation a year from now and come back to you at that time. So for all these reasons, the park board supports the bureau's off-leash proposal for our city's parks. We ask you to do so as well. This program not only needs your formal support and needs some solution to the funding problem, as it has to be done with additional dollars, it can only succeed that way, but it also needs your political support as our city's leaders. There's no perfect solution to this problem. Not everyone will be happy, no matter what is decided. But our city's parks professionals have put together a good proposal following the right kind of process. The program is going to be evaluated in a year, and you'll have an opportunity to formally review it then. We think it's time to make a decision, show we can govern ourselves as a city on a volatile and continuing problem, and get the program up and running. Thank you very much.

Santner: I want to close this presentation, again, emphasizing that this plan is a trial plan for one year. We intend to -- we have in fact created forms and means of evaluating sites through our staff, through the citizens committee, and we hope that within each neighborhood, within each site, neighborhoods would have their own ad hoc committees that would monitor these things. I also want to explain that we will be trying this coming year to seek partnerships from pet shops, from vets, from groups that will work with us to see how we could add more amenities to these sites, and/or reduce the cost to the city. But one thing I want to leave you with is, as Jim said, this -- the success of this plan depends heavily on the goodwill and cooperation of dog owners who use the park for off-leash activities. Without their willingness to self-police and educate other dog owners, it will not work. Parks are shared community space. This plan attempts to place parameters around off-leash dogs in our parks. Legal off-leash activity means your dog is leashed when it leaves your car at the park, and remains leashed until you are within the prescribed boundary of off-leash activity. Common courtesy is all we're asking for, from all people who use our parks. Our aim is to diffuse the tension and anger that has become a part of going to many parks because of conflicts between some dog owners and other parks users. Common courtesy dictates that the dog owner pick up his or her dog's waste. If we can begin to change the culture that exists in the city parks by

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engaging the whole community to work together, we will have accomplished a great deal in a year. Thank you. We're willing to answer any questions you may have.

Saltzman: I think this is a good plan. I just wanted to explore the financing of it a little bit. The -- there's a \$75,000 cost to do a parking lot at holladay east?

*******:** Yes.

Saltzman: I'm in support of the plan, i'm just concerned about taking money from our general fund contingency, or taking -- whatever amount we're taking. I guess I wanted to explore the possibility that that parking lot be paid for out of parks system development charges. Do you have a response on that?

Santner: We know that -- we're willing to explore, as I mentioned, other sources for implementing this. The system development charge, if you're familiar with, is for areas where growth is occurring and the way the council has approved the plan is for acquisition of parks, neighborhood parks, community parks, trails, and natural areas right now. And some portion of it, the way it was presented to council, was to go towards development of new neighborhood parks. That's currently the policy that we have for use of s.d.c., because we don't have money for everything that we need to do, is focus toward that. So that's why we have not chosen that route.

Saltzman: I guess I could construe those definitions to be broad enough to provide a parking lot to a park which will probably become very popular very quickly. So I guess i'd like to -- I don't know if I need to move that today as an amendment, because the resolution basically says we'll be dealing with this at the next bump -- ordinance, the ordinance says we'll be dealing with this at the next budget process, that we'll look at the contingency --

Katz: They actually are going to tap the contingency, but I have a commitment that they will -- they need a guarantee that the money is up front, but I will be working with zari to see if they can actually fund it within their existing budget. I don't know if that's going to be possible. I haven't seen -- I just saw this a couple of days ago.

Saltzman: I guess the ordinance says at the next budget monitoring process the o.f.m. Is directed to transfer. What i'm asking for, do we have time between now and that next process to look at the possibility of \$75,000 in parks s.d.c. Funds paying for that parking lot at holladay east, or do I need to move that today?

Francesconi: We're going to look at all the options. We'll even include that one, commissioner, so you have time.

Katz: I'm going to say this in general, even though there is language in this ordinance that has a guarantee for them to move ahead of the council -- if the council so chooses, that all of this will be reviewed, a, during the budget process, and during this interim period to see what's possible.

Saltzman: Ok.

Katz: There's no -- the point i'm trying to make, there's no guarantee.

*******:** Yes.

Katz: There's no guarantee for next year. You guarantee if the council votes to adopt this you have the money to do what you need to do, but we're going to be working through your own budget.

Saltzman: To clarify, the \$193,000 from contingency, we make that decision at the next budget monitoring process?

Katz: No, they're going to need that now.

Santner: That one-time money, commissioner, we need in order to create the off-leash areas.

Saltzman: Part of that is the \$75,000, that's included in that?

Santner: Yes. We could wait for that. We don't have to necessarily -- that part actually in order to build a parking lot, we have to go through conditional use permit. So that takes almost six to eight months. So definitely that one we can work through.

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Saltzman: If you'll committee at the next budget monitoring process to come back with an option for us to consider to pay for that parking lot out of s.d.c.'s, i'll be happy.

Francesconi: Well, we're going to present you the option of doing it. But the problem is, there's a parks board and there's a whole group of people that want to use that money for something else. So we're going to present you the options.

Saltzman: I'm looking at a general fund contingency of \$1.5 million for a \$350 million general fund. That's not a lot of money in contingency. So I think we have to be creative and look at other sources, and I think the parks s.d.c. Funds is an appropriate use for a parking lot for a soon-to-be heavily used park.

Santner: Ok. Any other questions?

Katz: Thank you. Do you have anybody else that you wanted --

Francesconi: I don't think we could.

Katz: Let's open it up for public testimony.

Katz: Grab the mike. You have three minutes. Who wants to go first?

Camilla Welhaven, 5029 SE Gladstone, 97209: My name is camilla, I am a dog trainer and behavioralist in the city. I just first want to say i'm happy that this is finally being addressed. It's long overdue. I have a couple of concerns, however. I support -- I think one of the best things about this is that you're talking about off-leash sites where you can have hours to walk your dog off leash. However, i'm concerned about the times. And also i'm concerned about the limited access. I'm curious why at mt. Tabor, forest park, and Washington park and powell butte weren't included. They're large areas of land and they get used pretty heavily. You mentioned problems with overcrowding and wear and tear. By broadening the areas in which dogs and people have access, I think this would address this -- what somebody said cleats, dogs have cleats on their feet and they're going to destroy these parks, I think that would help. The other thing is, the winter hours i'm especially concerned about. They mentioned it wouldn't be in the dark. As far as i'm aware, daylight savings in the winter begins in october, and november 1 is daylight savings, and if my memory serves me right, 5:00 is dark. And i'm a woman, and I don't want to be walking in the dark, and I think you could be creating another safety problem. The other thing is mentioning contacting professionals, veterinarians, about these proposed off-leash areas. I think it would be good if you contacted some of the dog trainers in the area. I think they could help. Dogs can be trained. Dogs can be on voice control. Dogs can actually come when called. So I would just like to throw that out that it's possible. And also, lastly, I would just like to -- dog people are often talked in terms of a nuisance, and i'm tired of being considered a nuisance. I want to use the parks. I have needs. I like to exercise my dogs myself in the parks. And we have rights to these parks. And it's time that we're considered a user instead of a nuisance. Thank you.

Katz: Thank you. [applause]

Katz: No, no, no.

Sharon Harmon, Executive Director, Oregon Humane Society: Mayor, members of the commission, i'm sharon harmon, executive director of the Oregon humane society. I'm here today to urge you to fund this initiative and also to compliment you on your leadership for finally taking hold of an issue that has rocked this city start to finish. It's a difficult issue. Even amongst responsible dog owners, i'm not sure you could find five people in this room that all agree on one tactic to go through, but it takes leadership, and that's your job to provide this community, with sound leadership to bring an end to this controversy. I don't think there's anyone who isn't affected. There's isn't anyone who doesn't have an opinion. One way or another. But I think we need to give it a try. I think the plan you've come up with is innovative. I really like the hours, breaking it down. I do share the concerns that having hours so late in the evening is going to present safety hazards. And that people are going to walk their dogs regardless. As a woman I would not be

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inclined to walk my dog after 5:00 on a dark night in the park. Not a good idea for my personal safety. I would urge you to look at other opportunities in terms of funding as well. Look around at what we're willing to pay money for. \$3 cup of coffees are the routine. I think the opportunity to walk your dog might be something we'd be willing to pay for. I'm speaking for myself, i'm not speaking for any user group here. But I would urge you to consider enabling the development of privately owned dog parks. Who would have thought doggy day care would have been a hot item? People pay a lot of money to have their doing well cared for, exercise and exhausted when they come home from work. Create the opportunity through tax incentives, through land, however, to provide maybe what would be the first way cool dog park. Imagine a pond for laboratories detectors, an agility course, fly ball. It could be something that this city could be proud of. Oregonians are always going to be the first or last in some social movement. Maybe we could be the first with this issue. Again, I am here to offer our support. Urge you to fund it, urge you to give it a try. Be open to what comes up. There's a lot of great ideas out there, but we applaud you for taking leadership on this issue.

Katz: Actually, let me tell you, we are working on a business location, and there may be a private doggy park in that arrangement.

Harmon: Mayor, I congratulate you in that, because capitalization is a big expense when you're talking about an urban location that's convenient to pet owners. Why should I go out to some distant part of the community when I can go to a park and take my dog off leash. But if you make it attractive and make it fun, you make -- you're going to have a great chance of reducing conflict.

Katz: I just wanted to let you know that could be very well in the cards.

Harmon: Thank you.

Paul Leistner, Co-Chair, Southeast Uplift Off-Leash Work Group: I'm paul, the cochair of the southeast uplift off-leash work group. We've been working on trying to better accommodate off-leash use in inner southeast for the past year. We're very happy with the overall structure of this plan. It includes a lot of the stuff that people have been saying needed to happen over the last five years. I really want to compliment darlene and zari. Darlene is the smartest most capable staff person we've had on this issue in the whole history of this issue in the city, and zari brings the leadership that we haven't had under charles when he was there. So it's great to have a citywide plan, it's great to disburse the off-leash use, and also to create predictability by trying to separate the uses. The one-year trial is a great thing that we've wanted for a long time. That's good. The monitoring, evaluation, is a good thing. Developing the actual criteria for success and failure is something I hope parks will work with the community on, because that will vary from park to park. More enforcement with animal services is great, but we need to do a few more things that need to be more comprehensive. It's great you're 0 fussing on the problem behaviors, not just somebody in a park by themselves with their dog i.r.a. That's not the problem. It's the dogs charging, dogs running, dogs stealing the snacks from the kids, that kind of stuff. The dog policy advisory group is great. We wish it had been created and involved in actually helping shape this plan, but we'll take it whenever you give it to us. Some of the concerns was the process. There was input from the community early on, but then there was no input on actually developing this plan itself, and we didn't get to hear about, and i'm still not sure what some of the proposals are for some of the specific parks. With enforcement, we're hoping that you enlist the aid of the realize and the park staff citizen foot patrols and give us a mechanism like the barking dog mechanism where those groups can identify a chronic violator and get that information to animal services and get them ticketed. I support the funding. It's going to cost more, I know this is a one-time thing. This is just for the temporary fencing of these areas. Once you make some of these areas permanent, it's going to cost more in the future, so I hope you'll be there to support that. In inner southeast, we had originally recommended three off-leash trial areas. We've only got one in brentwood park. It's pretty far

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south, so I have some concerns about that. With the hours, I think you do need to check with the schools. That was an issue in almost every park, if there's a nearby school the hours need to stop before the kids start coming to the school. I know it's very close to homes all around, and there's someone here from the richmond neighborhood association to talk to you about that. In mt. Tabor, we've struggled for years to try too site something there. It's not easy, and the site that's on your map was -- they came up with just last friday. And it has uncomfortable sort of deja vu of the experience we had before, where that area was sited on the east side, nobody thought it was a good idea at the time, but political pressure dictated it needed to happen. And then I hope we can hold off on the mt. Tabor site, do the couple weeks of process that we -- that the planners initially had told us we would get, so we can get you a good process and a good site that might suck seed.

Francesconi: Thanks for all your work. Also thank you for recognizing too the park staff.

Leistner: It's been a pleasure to work with them.

Francesconi: The only other person to add, and she came in late, is Janet Bebb, the three of them have done terrific work.

Katz: Thank you. Let's move on.

Fred King, 421 SW 6th, Suite 600, 97221: Good morning. My name is Fred King, I live in inner southeast Portland. I have two children that are toddlers. We have a beautiful neighborhood park about two blocks away from my house. We can't go to it anymore because of conflict with people who run their dogs off leash. People run their dogs through the playground area, they put them up on the slides on climbing structures, and at times I've asked people not to do that. Sometimes they take their dog to the other end of the park where there's an open field, but very often they're very rude and refuse to do that. People are used to letting their dogs run off leash. Not in 26 parks, but in 240 Portland parks. So this map doesn't tell the whole story. We're talking about not 26 parks, we're talking about 240 parks. The enforcement measures that are in this plan are too weak to have any real effect. People are used to dog something, to get to any real change you have to have some incentive for people to change what they're doing. If you're telling them, ok, you're running your dogs off-leash on 240 parks, we're going to make it completely official at certain times of the day, certain seasons, wet and dry, that you can run your dogs off-leash, they're going to get the idea, the message they're getting is oh, not only is it ok, it's even more ok now. Once the panic about the poisonings of the dog died down, people are going to go back to what they were used to doing. Two teams going through 240 parks can't write enough tickets to get people to stop doing what they're used to doing. Your chances of getting a ticket or even seeing one of these guys, assuming they do three parks each team, 360 days, would you have to come to the park 125 times before you even see one of these guys walking around giving somebody else a ticket or handing out a brochure. So if we can't afford enough enforcement to get people to change their habits, it's only wishful thinking to believe that making it legal in 24 parks is going to do anything but make this problem worse. Many dog owners say this isn't going to work for them. People have been saying, I'm not going to do this. I'm used to going to mt. Tabor. You'll hear more people saying that today. The problem is not just in parks. It's every street in the city, it's every school yard. We have a solution available to us to have better enforcement. It's already paid for. We have law enforcement officers who know how to prioritize tasks and they're already in the communities, and they're dedicated to enforcing all laws, the leash law is a law. It not like police can't prioritize crimes and they'll be busy writing tickets for leash offenders and they'll let someone get murdered. They're professionals and they know how to do that. We talk about community policing. If we really believe in it, county auditors showed that 34% of the people saw this as a problem in their communities. If we're talking about community policing, it's being responsive to community identified needs. So I just think that we need to give a stroker message about enforcement for people to expect this plan to work. Otherwise, I think it's great that you're addressing the issue, and --

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Katz: Thank you.

Bob Sallinger, Audubon Society of Portland: Good morning, mayor and commissioners. My name is bob, i'm representing the audubon society of Portland. I came -- society of Portland. I came before you to express audubon support as a mechanism to reduce the impacts of dogs on fish and wildlife habitat in parks. I represented audubon on the 1999 task force that also recommended the establishment of these areas. I was hoping to come before you today to continue that support, but unfortunately i'm not. I'm here to express our disappointment in the plan that's currently being proposed. A plan which almost completely ignores the natural resource protections unanimously recommended by the 1999 task force. From an actual resource perspective, this plan is unlikely to make things better and very likely to make things worse. I think we had a real opportunity here, and it was completely missed. We're looking for the following. We hope you take these things into consideration if not now, over the course of the next year. The task force recommended simultaneously with establishing these areas removing dogs completely from established natural areas such as oaks bottom and powell butte. We felt if we were going to give people places to take their dog and run them, we should also get them out of the places where it's clearly inappropriate, and that did not happen. We were told by park staff they would be raising that issue before you today, that they were going to come back to you with that, that didn't happen either. Secondly we'd ask you to reconsider establishment of rules in parks such -- with high habitat areas. We'd ask you to direct parks to target enforcement action towards parks with high fish and wildlife habitat value. Make sure that where we do have these values still in place that those values are protected. Don't just send them to the parks that have the o.l.a.'s. Finally, we'd ask that you direct park staff to develop a policy to properly handle conflicts between dogs and wildlife. These things do happen all the time. The current mechanism is to refer them to audubon. I know, because I get the phone calls and I get the animals. I'm the one that fixes the oils and the squirrels, and the other animals that come in from parks because of dogs. It's not the biggest problem we see, but it's definitely a problem. Right now parks has only one answer when those problems occur, they call us. Frequently the calls come directly from parks. With the establishment of this plan, that's no longer acceptable. We need something more proactive and more effective than that. I've heard many people, including commissioner Francesconi, suggest that there's been disappointment expressed by both sides of this issue, and that's an indication of success. If you don't make everyone happy, you've got a balanced plan. In some cases that's true, but it's not true here. Despite nearly 10 years of debate on this issue, despite the fact the task force issues its recommendations more than three years ago, we've heard from staff that this plan was hastily assembled during the last two months basically on an emergency basis. We would also add it's poorly conceived and incomplete.

Katz: You have three minutes. You can do whatever you want to do. Within reason.

Jonathan Hoffman, 2838 SW Dickinson, 97219: Thank you. Mayor, members of the council, my name is jonathan hoffman. I have two comments of my own. One -- i've submitted a written statement which I believe I emailed most of to you in advance of the meeting. First is, I don't think you've thought through the long-term solution to the problem and the long-term solution is going to require adequate fenced or enclosed off-leash areas. That's the only way to minimize the conflict. And I don't think this plan addresses it. There are no new fenced off-leash areas proposed for southwest or northwest Portland. The shared areas in my view as a dog owner are shared in only in the sense that buses were shared in mississippi in the 1960's. Dog owners are being put in the back of the bus only allowed in the dark. My comments are more fully expressed, I can't believe with a \$52 million parks budget, which is what I saw on the city's website that you can't come up with more than \$300,000 to solve what has been described as the most intractable problem in the city's parks. Now, in my remaining minute and a half or so, my dog asked me to make his comments. We adopted a dog from the shelter and he doesn't have a opposable thumb, so i'm here on his

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behalf. This is his view of the situation. \m\m I'm a blue yellow lab, them blues have got me down \m\m I hope my friends on city council find me a place to run around \m\m but in a \$52 million parks budget, not one new place on the west side of town \m\m now mr. Francesconi, i'm gentle, I don't bark. \m\m I need to exercise just like you do, and I like playing in the park \m\m so how come you'll only let me do it in the dark \m\m thank you very much. [applause] [gavel pounded]

Diane Redd, President, Mt. Tabor Neighborhood Association: My name is diane red. Good morning to you mayor and commissioners.

Katz: Good morning.

Redd: I am the president of the neighborhood association, mt. Tabor neighborhood association, and we are thrilled that you have a citywide plan for off-leash areas. We've had a lot of issues at mt. Tabor park with off-leash dogs, and I think that your looking at a citywide plan are going to -- is going to make a good step in the direction of resolving the problems we've had. We've been very happy with zari and janet as well as the council in terms of your proactive efforts in this work. As a representative of mt. Tabor neighborhood association, our concern is for mt. Tabor park. Just last friday, a portion of the park was identified to be included in this plan, and that portion is in the south end of the park adjacent to warner pacific college. Janet bebb took me and another person from the neighborhood association on a tour of that site, and it looks like a very good site. It looks like that it could be segregated from the playground, it looks like it would be attractive to off-leash dog owners because there's a trail, and woods, and also it is segregated from wildlife areas in the park. So there's a lot of advantages to this area. Now, as a representative of the neighborhood association, I can assure you and maybe remind you that we have a very active neighborhood, and it would be really helpful if before you get this off-leash area sited, that you involve the neighbors in working to mitigate the problems that may come up from siting an off-leash area at mt. Tabor park.

For example, there may be parking issues with warner pacific college, because the site is right next to that college, and their park assisting probably at a minimum. The site is also adjacent to the playground, and there's no fence proposed. So we ask that before you site an area at mt. Tabor park and we are in support of helping you with this effort, that you bring together playground users, dog owners, warner pacific college, and engage the neighbors in a conversation about how we can mitigate potential problems. I think it's great to monitor the off-leash area on a monthly basis, and our neighborhood association is happy to work with you and -- in establishing an ad hoc committee. But we do feel like we need to reduce the emotional impact of this kind of a siting. You probably remember there was a problem before, there's been a problem with off-leash dogs all over the park. We do want to make this work. So please involve the neighborhood association, involve the neighbors before you start this, and best of luck. We really hope that this succeeds. So thank you for involving us.

Katz: Thank you.

Francesconi: Thanks for your willingness to work with us on this. I'm actually keeping a list of issues and i'm going to want janet to address them. The issue of mt. Tabor is one of them. Thank you for your willingness to work with us.

Katz: Thanks, commissioner Francesconi, I want responses after we have the hearing. Go ahead.

Jada Mae Langloss, PO Box 3966, 97208: Somebody mentioned the word "anarchy." I love alan malls. And I think i'd rather -- I have in the past had huge -- dogs and cats. When I get up to have to use the natural facilities I use to have to come back and -- so that was the best part of my life. Another wonderful part of my life is when I used to go along with a beloved bubblecrat and go down to kelley park where this chocolate lab will pull me down there. It was the greatest fun I ever had. Now, another little thing I liked to bring up is that the only thing that outnumbered humans on parent earth is domestic chickens and turkeys. My family in the midwest rescued a whole bunch of horse that's were going to get assassinated because they were wild horses. So they interfered with

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that extermination program, and they brought these wild horses, give them enough land to run around, rather than be exterminated. Because I know that alan malls are here for -- all animals are here for our comfort in times of distress. And we should really, really think about the angels in animals' bodies that are here to help us through stress, and I would like to ask the council how many of you own an animal? A dog? What do you do with your dog, mr. Francesconi? Do you tell him to bark, roll over, and play dead? Anyway.

Katz: Thank you, jada.

Langloss: Without dogs, I wouldn't be here. They lift my spirit more than humans do.

Katz: Thank you.

David Schargel, 6534 SE 60th Pl., #306, 97206: Good morning, mayor and council. My name is david, I am here because I live on brentwood park. By two of the four sides of my house are on that city park. You've heard obviously a number of letters and a number of comments from people that there are way, way too many off-leash dogs in our parks. I personally believe that the reason for this is because there are not enough established off-leash areas, and not enough off-leash hours. Especially on the east side. I would like to urge the council to support the fencing and the funding immediately for the off-leash areas. And place the temporary fencing in. I would like to also urge the council to immediately approve the off-leash hours as in this proposal, and I would like to ask the council to consider the long-term funding and long-term solutions of permanent fencings in our city parks. Thank you.

Katz: Thanks.

Mark Crimin, 3828 NE 12th Ave., 97212: My name is mark, I was here in -- roughly eight weeks ago when you funded for enforcement. Probably voicing something that's 0 a lot of people's minds, but with regards to your sign-up sheets that say support and suppose, it's about as confusing as your hours are going to be. I actually support the fact that the parks have developed a fairly thorough and well thought out plan for use on off-leash areas and shared use areas. My main concerns are the hours. And the scope at which they are distributed throughout the city parks. I heard one person say this is 240 parks we're addressing here, not just the 20 or 26 that are being proposed. I think that's very accurate. If you're worried about your distribution, then you should be including more parks with a little bit more flexible hours. This will hinge on dog owners adhering to these, and as a dog owner and someone who wants to run my dog in these parks off-leash, I have a invested interest that this succeeds. However, given 8:00 p.m. as the earliest that I would be able to legally do this at parks near me, during the in season, and at 5:00 p.m. in the off season hours, I think it's a little bit late. Especially given the fact that the current parks that I utilize don't have any organized or for the most part, unorganized activities utilizing the sports fields. I understand the difficulty the park system has in establishing different guidelines for individual parks. Especially with the number of parks there are. But coming back a year from now to evaluate the success on whether or not your hours were effective, seems a little bit long in the tooth before -- for any real chance of success. I would like to see the meetings with advisory groups held more frequently early on, rather than every other month. I'd rather them meet every month and utilize the input from the parks people, their maintenance and grounds people, Multnomah animal control, to evaluate this on a quicker time line, and adjust hours appropriately for different parks. You may find that you have a much more successful program if you identify areas that can be established that allow people to attend the park at 6:00 p.m., rather than 8:00 p.m., and in off times, more earlier than 5:00. I also heard a citizen explain that they were concerned about the enforcement, and that you would have to attend the park 125 times to roughly see enforcement officer. I attend the park 360 times a year, and take maybe five days off. So I guess i've got better than a 2-1 shot of seeing one of these enforcement officers. I would like to adhere to the recommendations and the law. I just would like to see the law give more consideration to real world, real use issues.

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Katz: Thank you. Finish your sentence.

Crimin: And so please take into consideration that your time lines here are valued, just please ask the parks to come back to you quicker than 12 months, and review on a case-by-case basis better times.

Katz: Thank you. Go ahead.

Brent Yorkovich, 120 NW 20th Pl., #306, 97209: Madam mayor, members of council, my name is Brent, I have lived in Portland for 15 months. I moved here from Phoenix, Arizona, and I was under the impression that Portland was a dog friendly city. Now I guess I don't know whether to agree or disagree with the plan, to support or not support. But the one thing I've heard that I really take opposition to is that you -- is that none of these parks are within walking distance to anybody. You need to get in your car and drive. When -- I don't drive due to injuries I suffered in 1988, and Portland was one of the reasons, one of the reasons I chose Portland, because of the excellent mass transportation system. The majority of people can't take their dog on the bus or the max to get to one of these 26 parks. So in effect you are promoting driving. So now if you want people to use mass public transit, and all the other options, bus, bike, and walk, you need to establish off-leash hours in all citywide parks so people can -- will be able to walk to them and not need to take the car. Thank you.

Katz: Thank you.

Willie B. Poinette, Principal, Robert Gray Middle School: Good morning, mayor and commissioners. I'm Willie, the principal of Robert Gray Middle School in southwest Portland. I'm here to talk about some concerns that I have as principal of the middle school about the placement of an off-leash area at the Hillsdale Park, which is adjacent to Robert Gray Middle School. My main concerns happen to be around safety and security of both our students and the facilities. I have shared in a letter that you have a copy of that I sent back in January to the SWNI Board some concerns that we had there. The potential for conflicts with middle school students, young adolescents, being active as they are, and they're pretty willing to explore, the -- there would be conflict because it's not a fenced-in area, there's boundaries, the footbridge from boundary over to the school grounds that goes across our playground in order to get to the park, our students are there before school, we have students on the grounds as early as 7:30 in the morning. And they're playing around there. That's not a supervised time, and I don't want conflict with our students and dog owners or with parents. It's also a problem with traffic. There's only two -- there are two ways in and out of Robert Gray School, from Beaverton Hillsdale Highway, a very dangerous intersection, or from Sunset. Part of the problem that arises because of that is that people will make u-turns if the folks are coming from Sunset, they don't usually go out to Beaverton Hillsdale to turn around and go around. It's very dangerous. People coming from Beaverton Hillsdale will not turn around. In the -- the entrance to the park, contrary to what I saw in the proposal about Beaverton Hillsdale and 27th, people are going to park on -- at the southwest 25th, right around there. So we'll have people making u-turns, people parking, we have parents who are dropping kids off, so before school this is a very dangerous time for our students. Also, that entrance is right by the ball field, and I can tell you right now, we have people using our ball field during the day for an off-leash area. We've had to go out there because we use the ball field for phys ed activities. We use it during lunchtime. If people are not being responsible and picking up the waste from the dogs, it creates a problem, so we have a health and safety issue as well as use. The other thing is, we have a very busy middle school. When I looked at the hours for the winter hours, 5:00, we have students leaving our school for after-school activities at that time. Many of them are walking, many are being picked up by parents. We have lots of activities in the evening when the neighbors have been very generous, but there's no parking. And there are going to be conflicts because we don't have enough parking as it is. So I urge you to really think about it. There was supposed to be a feasibility study. I received

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that in writing center the parks bureau, and I realize this is an emergency, but I have not been contacted, and i'd like to be involved, because it does impact our students and our community.

Katz: Thank you.

Brian Vik, 2604 NE 34th, 97212: Good morning. My name is brian vik and i'm a neighbor of grant park. I'm here today representing a block of neighbors that live on a street that dead ends into grant park. A neighborhood -- we're a neighborhood of 14 families. We have young families and retirees. We have 11 children under the age of 10 years old and we also have nine wonderful dogs that live on our street. I come here today just to give our vote of confidence to the recommendation made by the parks department. With their recommendation we feel we're very unified as both dog owners and nondog owners, high users of grant park that this is a step in the right direction. It's not perfect. But it's progress and especially in the light of the fact it a one-year trial period, let's give it a try. So we urge all of you to be supportive of the recommendation by the parks. Thank you.

Glenn Bridger, President, SW Neighborhoods Inc.: Good morning, mayor and council. My name is glen bridger, i'm president of swni, that's southwest neighborhoods incorporated. And I want to thank you for putting together this proposal. This is a citywide issue and we need to distribute the off-leash area activity throughout the city and through a larger number of parks than we have seen in recent times. Our community volunteers in swni, and we have put in significant effort in studying the proper usage of our park lands, both for off-leash areas and for other areas. And we in fact are very pleased that the city has been able to add to our park land in recent years. We do value our parks tremendously here. One of the key parts of your proposal is the enforcement area. You've heard that before and I think that's part of what our own off-leash committee has strongly recommended, is a strong enforcement area. I do share the concerns that others have expressed that we do need to adequately fund this enforcement activity so that we can cover all of the parks, not just the off-leash area parks. So we do have people respecting one another during the process. There are a couple of items that I did not see in the proposal, and i'd like you to specifically consider in redoing this proposal. First is the master planning process as it relates to the hillsdale park. When swni adopted the off-leash area proposal that our committee put together, we also simultaneously requested that a master plan be prepared for the hillsdale park because of the conflicts involved. Over the ensuing six months or so, we have heard nothing on that request and we ask that hillsdale park be taken off the plate until that master plan has been completed so we can get the issues resolved so that it will be a successful off-leash area. And the second area has to do with once again with the master planning process, and that is I think all the parks that are made permanent through some sort of off-leash area need to go through a community-based planning process before those are made permanent. So that the issues can be resolved on a community basis, and I would ask before any park area is made permanent as an off-leash area, that you do undergo that planning process so that we do get both sides of the table there talking. We know that from the tragedy in laurelhurst park that we need to listen to both sides of the topic, and i'd like to see the disagreements take place in the meeting rooms like this and across the city and not in the parks.

Francesconi: Just -- four coalitions submitted helped us site these, and I wanted to thank southwest. They did a very thorough and terrific job working on this.

*******:** Good morning mayor and commissioners. Dog owners are taxpayers.

Katz: I need your name.

Tom Deus, 7034 NE Everett St., 97213: Sorry. Tom deus. Dog owners are taxpayers, voters, and the most consistent year-round users of our parks. Dog owners bring useability to the parks and they help to prevent crime with their presence. I ride my bike every day through laurelhurst and mt. Tabor parks and shortly after the poisoning threats, the parks were almost deserted with the exception of the hottest days. I think this plan has some good ideas. Those are the advisory group, which I hope to be a member of, the educational aspect, which provides community building, and

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more designated off-leash parks. I think the bad ideas that this plan has are the special hours. Most of the things I was going to mention have already been mentioned, but I think one of the things I do want to mention is we set a precedent that we're going to set special hours for special activities. There are times I can't -- I can't walk my dog because there's a sports activity going on a field. So should we have special designated times for sports activities, bike riding, children playing? Those are all different activities that take place in the park, and I think this sets a strange precedent to have special hours for just one group of users. And in terms of designated areas, it seems that mt. Tabor and laurelhurst weren't quite settled yet. They're very heavily used areas, and within the 205 acres available between those two parks they can -- we can probably find one or two to designate at off-leash areas. In terms of cost, I think that fencing is expensive, if that's an option. I think we should consider it. We've got fenced-in tennis courts that only four people can use at a time. I don't see why we couldn't afford to fence in areas that are going to have many more users if we can justify tennis courts. But there's also the option of designating off-leash areas with signs with strict enforcement. I'm a strong supporter of the enforcement. And I guess in wrapping up, Portland has some great parks, and most of them are surrounded by dog owners who chose that location based on the proximity to the park, and I'd like to see you recognize that today. Thank you.

Katz: Thank you.

Bridget Flainga: Good morning mayor and commissioners. My name is bridget, i'm here representing the hillsdale neighborhood association. The letter i'm about to read was provided to you on monday. At the meeting of the hillsdale neighborhood association on august 6, 2003, the issue of off-leash hours in hillsdale park was reviewed. As you may be aware, the hillsdale neighborhood association is on record as opposed to the use of the park for off-leash activities until a large number of serious issues are addressed through the master planning process. We outlined those issues for you in our letter dated november 7, 2002, and february 24, 2003. And those letters were attached to a copy of this letter distributed to you on monday. In addition, the serious issues that need to be addressed through the master planning process include conflict with other users, such as children traveling to and from the robert gray middle school, and children using the playing fields for soccer and baseball. And these playing fields adjacent to the school are used consistently from september, soccer, starting this week, until july. They are extremely heavily used fields. You've heard from the principal with regards to her concerns, concerning the conflict with the school. I just want to spend a minute if you will looking if you would pull out this aerial photo, because this park is very difficult to really understand where it is. It's outlined in white, it is totally inaccessible. It's a little leftover piece of land. It is not accessible from beaverton hillsdale highway and 27th. Dog owners would drive up 25th and they would park along 25th and park on caanan. That is directly adjacent to the playing fields. They would have to -- in order to reach this park they would have to travel down this little strip of land owned by Portland public schools, go down a hill, and have access to this little park back in here. Without adequate fencing, without many, many of the recommendations that were even included in the swni report, what will happen is those dog owners will just use the playing fields. And the playing fields will then deteriorate in terms of their use for school children, and for children playing soccer, and playing baseball. At the august 6, 2003 meeting -- 2000 meeting, the neighborhood association unanimously approved the following motion. We reaffirmed the necessity of completing a master plan for hillsdale park prior to any change in use, including the commencement of off-leash hours at hillsdale park. We volunteered to draft such a master plan in conjunction with all of the stakeholders. And again, we are on record as wanting to do this master plan, we have not heard back from parks as to their commitment to do a master plan.

Katz: Thank you.

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Francesconi: Both hillsdale and the issue of master planning is on my list as -- to ask parks about today when they come back.

Flaing: Thank you.

Randall Heeb, 1826 SE 33rd, 97214: Good morning. My name is randall, i'm representing the richmond neighborhood association. Our association supports this program in general. What we want to talk about is specifically the park that is in our neighborhood. The neighborhood association would like to create a community that's livable for a broad range of people, and we're not -- we would like dog owners to not have to choose between living in the city or living in the country just based on their ownership, but we also expect them to take certain compromises to work with the entire community. Our highest priorities on -- priority is on the safety of our citizens, and their personal enjoyment of the public facilities. Sewallcrest park is bound order two sides by single family residences. It's bounded on another side by edwards elementary school and the community garden. The green space in the park is pretty well taken up by the playground associated with the school. The asphalted basketball court, the baseball field, and the soccer feet, leaving very -- field, leaving very little green space left over. We feel that because of that, because of the hours of use, because of the high presence of children, that this is not a good location for an off-leash park. The coalition, through southeast uplift, as you heard earlier, already made that recommendation that sewallcrest is not a good candidate for this park, and we heard earlier where janet mentioned there were other criteria that the parks used that are a little bit unknown to us, but that overruled I guess the recommendation of the coalition. We also don't know that much about the proposal as it actually fits into our park. It was actually pure luck that our neighborhood association met on monday and sort of five-day period between this becoming announced and today's meeting. So we feel fortunate that we were able to discuss it at all. Things that could be done to make the plan more amenable to us are fencing around the area, tailoring the hours to the school, for instance, school starts at 8:30, so the 9:00 ending the morning walk at 9:00 we feel should be moved back to 8:00 if it were to go through. Enforcement really needs to be picked up. And on a personal note, I was bit by a dog in this park about four months ago, and it was a dog that was off leash whose owner was not even yet in the park. Now, when I called Multnomah animal control to follow up on this, they were -- they told me they didn't have the staff to do anything about it. We're not talking about somebody off leash, we're talking about somebody who was bit. If that doesn't rise to the level of that level of importance, then I don't know what does.

Katz: Thank you. We got it.

Diana Madarieta, 12995 NW Filbert: Good morning. Mayor Katz and members of Portland city council, my name is dianna, this is my daughter olivia. I'm here today to ask that you rethink the current park proposal on share areas at several of our parks. This proposal does not go far enough to protect the safety of our children or give dogs of the city the freedom they need to run and roam. Olivia bears the scars of a dog bite she suffered two months ago. This was not a strange dog running wild, this was a beloved pet after family member, a dog she had known for years. She sustained bites to her face that required 79 stitches and many more in her face. I tell you this not to demonize dogs, but to show you that even man's best friend can be unpredictable. This unpredictability requires that dogs and children have separate, not shared areas in our city parks. I am not familiar with every park on the list for share areas, but olivia and I have spent countless hours at 2 of the park, wallace and couch. Dogs are off leash daily at wallace park and behind chapman school on a soccer field that serves as a play area for children during recess. Even with increased enforcement we continue to face dog waste in the playground, and soccer fields that are rendered useless by the use of dogs and that have become dangerous to children. At wallace there is plenty of space for all uses. For the playgrounds, for the soccer fields and for fenced areas for our dogs. This would give dogs the freedom to run and roam while protecting our children and keeping

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them safe. While sharing may seem like a logical and financially efficient way to solve this problem, it is not. At many of these identified share areas, dogs are already off leash. Even with increased enforcement and public outreach, this proposal does not solve our problems. All this proposal does is institutionalize current sharing practices that have proven not to work. These practices are not only unfair to dogs and dog owners, but they are continuing to put our children at risk. I would ask that the proposal include not share areas, but identify an area in each of our city parks that could be fenced for the sole purpose of dogs. We have come together to raise money for things less important. I think we could come together to raise money for these fences. This would keep our sports field in shape, allow our dogs to have room to run and roam, but most importantly, keep our children safe and our communities happy. I appreciate your time and your consideration.

Katz: Thank you.

Susan Lindsay, 1618 SE Alder: Susan lindsey. I think it's a good idea, and a good start, and I think you have to start somewhere. And I think that this has been a long-time coming, and i'm glad to see that this is coming at this time. I think I appreciate that the commissioner's office moved it forward in a fast track after the poisonings.

Francesconi: This was coming before.

Lindsay: I know that. Because I mentioned it at our meeting, that big changes were coming. But I appreciate that it's here now. I think that -- i'm a dog owner. I am not an off-leash dog owner, i'm a leash dog owner. Years ago I figured out the way to deal with dog walking issues as I aged was to get more than one dog. So i'm a multiple dog owner. I always have two dogs and I have a fenced yards and they play with each other. Dogs need to interact, I know that so I got more than one. I do walk my dogs when I can, and I walk them on a leash. But in some ways I think the lot segregation issue is a much bigger concern to the parks, because I worry about as we get more and more smaller houses, that we're going to run out of options for people to be able to have spaces where their dogs can be at home. What I wanted to say in terms of this plan is, it's very evident that the problems that we had before at mt. Tabor park and other places, and gabriel, where you have had these areas, is that you haven't had enough distribution throughout the city. So this is a wonderful step in that direction. I'd like to see more distribution. I am concerned a little bit as the chair of the buckman neighborhood association, that colonel sumner park was not included on the list, because we have many people who own dogs there in apartments, and they often times don't have any means of transportation, so they don't have any way to necessarily get to the other areas. I did speak to janet about it, she had some concerns that colonel sumner around moisture issues, but -- and that may be a problem during the winter, but it certainly wouldn't be a problem during the dry season. So I want to recommend that maybe you take a look at colonel sumner park. Other than that, i'm in support of it and I hope that you will approve the funding from the general fund to be able to make this plan work, because it sounds like that at least for the holladay east park you're going to need a parking lot to make it work. Thank you.

Michelle Ryan, 818 SW 3rd Ave., #168, 97204: My name is michelle ryan, and i'm a dog owner. I own two dogs. I live in the same neighborhood as randall does. On our street we have 15 dogs. That I know of on our street. And we all do go to sewallcrest park there. Are people on our street who have decided they can let their dogs off leash on our streets, and that's been a problem we've all had. And that's something I personally do agree with addressing, having off-leash dogs wander around. I support this proposal and urge you to support it because it will prevent things like that from happening. Rather than a neighbor opening up his front door and thinking that's the way to let the dogs run around and recreate, instead, if we give that person a place where they know they can take their animals to, and they cannot interfere with my yard, with the neighbor's yard, with my old 70-year-old neighbor next door, cleaning up poop in her yard. I know that's one of the largest

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concerns. That's already against the law. So is having aggressive dogs. And i'm sorry with what happened to randall. I believe that most of the dogs in our community, however, are not like that. There are a number of responsible pet owners, and we've all been hoping for a place where we can take our dogs safely. I've been personally threatened when i've been at parks this summer. I've been in Portland for six years and have never had anything like that happen. I'm hoping that you can help make this a safer place for me to take my dogs. I'm hoping that i'll be able to do it without getting in the car. I live a half hour away from the closest dog park. I need to exercise my dogs. I don't want my dogs to be barking when the mailman comes. I don't want my dogs to dig in my back yard. But I don't want to have to drive that far, and I also don't think anyone here wants me to drive that far. While our natural resources are a concern, so is clean air. For me to drive for an hour back and forth to a park does pollute the air. And I believe that that's something we need to look at. We exercise our people when we walk to our dog parks that are in our neighborhoods, we're more likely to go to the dog park if's they're close by. Rather than having parks that are so far away. An issue I haven't heard much discussion about, but I think is important, is that when people are together with their dogs, they educate each other. I've been known to tell people to leave the park because they've had aggressive dogs. And i've seen other people do so as well. I've been known to people -- tell people to pick up their dog's poop or i'll do it myself. And we tell each other things about how to deal with their dogs, about what to do when their dog is behaving aggressively. What to do -- we tell stories to one another. I think part of the education that does need to be done is to educate everyone. And i've talked to a number of organizations who sound interested in helping. Because while dog owners themselves may know about dogs, they also don't know about how to deal with people who are afraid of dogs. And that's -- that seems to be what the heart of this problem is, is about fear. And everyone is afraid of something they don't know.

Katz: Thank you.

Ryan: If I could say one thing, what I think is important is for us all to work together on this. And to compromise. I'm willing to get up at 6:00 in the morning to take my dog to the park and I hope other people are willing to compromise and let us use the parks during those times. I hope you're able to fund this adequately and with the public assistance.

Katz: If your dog can wait until 7:00 in the -- or 8:00 in the morning, he's a better dog than I had. [laughter]

Shannon Kimmel, 3325 SE Stark, 97214: Thank you, my name is shannon kimmell. I spoke to you before at the laurelhurst meeting. Our dog was one of the dogs poisoned at the park and he survived, one of the few that survived. We'd like to thank you first of all for proposing the off-leash hours. I know it had been in the works. The hours that have been proposed are practically -- practical yet impractical. Six hours of off-leash time during the summer months is a good start. But not everyone has a 9:00 to 5:00 schedule and can take their dogs early in the morning or after 8:00 at night. For example, people who work a 2:00 to 11:00 shift get home at midnight, will go to sleep and sleep until 9:00 in the morning, they have to be back at work at 2:00, they have no opportunity to exercise their dogs off leash before they go back to work. We'd like you to maybe consider adding a couple hours in the middle of the day, maybe from 1:00 to 3:00, for example, where other people who have different jobs can exercise their dogs off leash. Right now there are relatively small numbers of people at laurelhurst. I was there on monday from 1:30 to 3:30 and saw about five people walking through the park that weren't working for the park and rec department. The children's play area is completely separate from where everyone who walks their dogs on or off leash takes them, so that wasn't a concern. Just the fact that before the poisonings occurred in laurelhurst park, there were more people using the park, and I believe that was because there were a lot more dog owners bringing their dogs to that park. We are bringing our dog there on leash now. I don't know that we many bring him there off leash if the hours are approved, just because he was

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one of the ones that was injured. It's like she said, a fear factor. It's unfortunate. But I do appreciate the fact that you guys have offered these hours, and a wide variety of parks for people to choose from. Finally, I did speak with Kevin Genesgail about being on the dog policy advisory committee. I reiterate I would love to be part of that committee. I don't know who I speak with, but that's it. I thank you guys for your time. It's been a lot of exhaustion I'm sure listening to all of us, but I appreciate it.

Francesconi: I'm not going to be the one that appoints them. I want parks to do it. But we heard you.

Louise Cody, Chair, Centennial Community Association, 1515 SE 151st Ave., 97233: My name is Louise Cody, the chair of Centennial Community Association and I was on the East Portland neighborhood office site off-leash dog committee site selection. Much of the proposal violates an office of neighborhood involvement city ordinance 3.96070 that requires city agencies to give 30 days' notice, not six days, to neighborhood associations of any action that affects their livability. The complete list of parks was published in "The Oregonian" on August 7 and in the Tribune on August 8. This does not constitute notice to neighborhood associations by a city agency. The director of parks on August 7 sent a letter to coalitions regarding off-leash hours and permanent sites. No identification of the parks involved was in it. Instead, inaccurate -- an accurate -- inaccurate information about evening hours was given. It said the dogs would be allowed in parks after 9:00 p.m. in the off-leash areas, and that off-leash season would be May 1 through October 1. There was no mention of the fact that the season for these areas would be also November through April 30, and that dogs would be allowed in the summer on off-leash parks after 8:00. This is important information left out of the coalition letter from the park bureau. When the parks bureau asked for the participation of coalitions in the site selection process, East Portland neighborhood associations participated in a meeting with the parks bureau representative after our recommendations, we were told that no parks in East Portland would be chosen. We were never notified by the bureau about the five off-leash hours parks that were not recommended by the committee, but chosen by the park bureau. No one was told even about the two parks that the site selection committee recommended that were chosen in our area. Lastly, at least three parks are next to primary and elementary schools in East Portland. Perhaps more. Glen Fair, Lynchwood and Cherry Park. And they're for off-leash hours this creates a conflict between children walking to school and off-leash dogs. The only ordinance violated is, a, responsibility first responsibility of city agencies. A. City agencies shall notify all neighborhood associations affected by planning efforts or other actions affecting the livability of the neighborhoods. B, city agencies shall include affected neighborhood associations and district coalition boards in planning efforts which affect neighborhood livability. C, notice of pending policy decisions affecting neighborhood livability shall be given to the neighborhood associations at least 30 days prior to final action on the decision by a city agency. If said 30-day period may injure or harm the public safety -- health, safety, or result in a significant financial burden to the city, this notice provision shall be applied.

Katz: Thank you.

Cody: When Commissioner Francesconi said this is an emergency ordinance, I believe the intent was to make the only ordinance responsibility of city agencies part C, not --

Katz: Thank you.

Cody: -- implemented and I don't believe this is an emergency.

Katz: Thank you.

Cody: We had --

Katz: Thank you. Louise, thank you.

Francesconi: Louise, that -- you're right about the emergency clause. But the main thing I wanted to tell you was it wasn't parks' fault, the bureau's fault on the 9:00 p.m. question, because they

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thought it was 9:00 p.m. when they sent it out. But in listening to the concerns that I received, especially from single women, i'm the one that asked him to change the hours to 8:00. Just to let you know what happened.

Katz: Ok.

Sean Kennedy, 204 SE 30th Ave.: Hi. High name is sean kennedy, hello, thank you for letting me speak. I'm not good at public speaking but I do want to relay a couple stories that I have, and it's not just the issue of city parks, but it will tie into the city park issue. I used to go out to sauvie island a lot with my dog to let him swim. A couple years ago I got pulled over by the sheriff because he had seen me with my dog off leash. I was there early in the spring, it was cold, it was wet, I was the only person on the beach. The officer said he turned on his cherry lights when he pulled me over, he turned to me and said, did you have your dogs off leash? I said, yes, I did. I have a water dog, I was letting my dog swim. He goes, you're not allowed to do that. I said, why? He said because of the wildlife. I said i'm on the beach. There is no wildlife on the beach. He said, I didn't create the law. That is the law. You're not allowed to have your dog off leash. Then I asked, so are all the hunting dogs on leash? And he goes, well, no. I said, no, if I come out to kill the wildlife I can have my dog off leash is what you're telling me? He threatened me with a ticket, I said, no, I didn't want one, I said it doesn't seem just. Anyway, I ended up leaving, he didn't ticket me, he said, if you're letting your dog swim, that's fine. I didn't go back there the rest of that spring or summer and early fall. I finally went back late in the fall once again, wet, cold, had my dog off leash, throwing the stick, got back to the car, sheriff pulled me over again, did you have your dog off leash? I said yes. He said you're not allowed to. I said, I was told I was aloud to. He turned to me and said who told you this? I turned to him and said you told me this. I said, remember the hunting dog issue? He said, you're not allowed to let your dog swim in the columbia anymore. I just met somebody at east delta park, I was talking to him, he had taken his wife and kids up into the national forest in an r.v. They paid an extra \$8 per dog to have their dogs with them. They were down by the lakeside in an area that nobody else was there, it was just them, their dogs were swimming. A ranger saw them from across the lake, jumped on a jet ski, came across, said you need to put your dog on a leash. Otherwise, it's a \$300 fine. The guy said, I can no longer use these public lands. He ended up packing up his family and leaving. What I see happening here with the city of Portland is once again us as dog owners being treated as second rate citizens. We're being denied access to our public lands. I like using kelley point park, and I know that the reason that kelley point park wasn't chosen is because they wanted to use the excuse of, we're trying to protect the wildlife, we're trying to protect the endangered fish. However, when I go out to kelley point park and my dog's swimming, I see a family with kids wading and swimming in the river at the same time. How is that any different than me allowing my dog to wade and swim? How is my dog any more detrimental to a kid playing in the water? Also, the last time I was out there, I happened to notice a gasoline sheen on the water. I know my time is up.

Katz: I didn't -- yes, your time is up.

Kennedy: The thing is, we don't ban kids from using access to our lands because of the wildlife. We are not banning people from using pleasure craft that we know leave gas.

Katz: Thank you.

Linda Robinson, Chair, Parks Open Space and Environment Committee: My name is linda robinson, and i'm representing the hazelwood neighborhood association, i'm chair of the parks open space and environment committee. I wanted to thank you for add -- trying to address this issue citywide. I think it's been a long time coming. I also wanted to support the designation of east holladay park or whatever -- no one knows what the park is called. It's an undeveloped park. It's just grass. So it doesn't even have a sign. So i'm hoping that the signage will include a sign that says what the name of the park is so we actually know finally. And I think I also wanted to

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emphasize the importance of the need for parking area at that park. This is just off halsey, but at the present time the only real access is off a small neighborhood street where you go through narrow streets. It's not easily seen from halsey, but there is a wide enough area to make accession next to the substation. There's an electrical substation that's right on halsey. So that was the area that the east Portland neighborhood offices designated would be an appropriate place for an off-leash dog area, with request that promise the access could be made from halsey so we don't have the parking and the traffic problem in the neighborhood area. Also i'm not sure that it's totally fenced. I think it's mostly fenced, but I didn't walk the whole perimeter, but we need to make sure it is totally fenced. The park has no amenities. There's no tree, there's no bench, there's no nothing. This is just a grassy field-to-that's been mowed. So I would hope when there's money available for amenities, at least a couple of trees could be planted. I did have concerns about the shared sites, the lack of the notification of the chance for neighborhoods to kind of comment on that. I'm also concerned with the dog waste issues, particularly at those parks that are adjacent to schools. They don't -- the enforcement, not only enforcement of people keeping their dogs on leash at appropriate times, but the enforcement of picking up the dog waste in these areas that are heavily used by children at other hours. I do like the idea of, if you're going to have shared areas, having a small fenced area to keep it separate from those playground areas and separate from the areas where all the kids are walking through and playing. And I am concerned about the ability to fund adequate enforcement.

Katz: Thank you.

Scott Pratt, 3545 SE Ankeny, 97214: Hello, thank you. I am scott pratt, i'm speaking for the laurelhurst neighborhood association. I live at 3545 southeast ankeny. Which is significant, because it's directly across the street from the most heavily used entrance to laurelhurst park. Hardly a day goes by that I do not use that park either walking in it, playing with my son in it, looking for my son in it, and -- in some fashion or another, i'm over there. So I have a pretty good sense of how the park is used. I can tell you it is beat up. The turf is torn up in the winter time there are mud puddles everywhere, we have trash strewn around, kids and even adults are often frightened in the park, and this is caused primarily by people. Not by dogs, but by people. There's a running track that has been torn into the grass about two feet away from the asphalt path that goes around the park. There are bike paths that have been ripped into the hillsides from bicyclists, mountain bikers using it. Kids and adults and me have been surprised and spooked on regular occasions when bicyclists or skateboarders or other wheeled device goes by. Trash is left around, in fact trash is left in front of my house on a regular basis that I pick up and throw away. And this is all, again, by the use of people. People causing the most impacts and most conflicts. People who can't even walk 50 feet to stick their trash into a receptacle sometimes. Dogs cause far less problems. I've been -- i've put up with this. I've lived with this and i've lived with it largely without complaining, because I think a park should be used. Even though it's beat up, I don't think it's supposed to be pristine. People are going to tear it up and beat it up in the course of using it, and it recovers over the winter and starts the whole cycle all over again. I have gotten to use the park for my dog. I and hundreds of others are able to use that park for dogs off leash, not legally obviously, but we've been able to use it, so i've put up with these problems that people cause. And the dogs cause far less problem, far less impact than any of the people. So we really need to allow dogs to use these parks, and dog owners as well. I think this is a good start, but it's a start, it's not enough. It's not enough because if you look at that map, there's a lot of people that are still going to have to go lock distances to get to off-leash areas, to be able to use these parks. They're going to have to drive. They aren't going to do it. They're going to use their local park. It's not enough because there's 140,000 dogs here. And if all of these parks are used by these 140,000 dog, they're going to be overwhelmed. So I urge you to take a different approach. There should be a presumption that

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every park should be part of the system, should have off-leash hours. And then we should only look and say, why would a park or an area of a park not be allowed? Go from that perspective. That's what the laurelhurst neighborhood association recommended. We want our park to be part of it, but a whole system.

Katz: Thank you.

Devra Stanart, 3304 SE Stark St., 97214: My name is devra stanart, madam mayor, city council, of the many issues i've heard today, I think one that stand out for me is the idea of fencing or not fencing. I don't have an answer for that, but I also want you to think about this question -- who do we fence? The adults that use the park, the kids that use the park, the dogs that use the park? I don't have an answer for that, but that's something we need to consider when we're talking about fencing in specific users. On the other hand, I think the proposal in front of you has been a long time coming. I know it's been a process of many, many years. I've been part of that process on and off for the last 10 years. I realize it's been brought most current to the public eye because of the tragedy at laurelhurst park. But I also want you to know that as a responsible dog owner, as a resident of Portland, as a human owner of one of the dogs that died due to this poisonings, I applaud the attempt to find a compromise that allows all park lovers an opportunity to share our parks. I support the parks proposal that's in front of you, and I hope that you support it as well by both your vote today and future support.

Katz: Thank you.

Francesconi: And thank you for your testimony. Janet up there, the issue of fencing is on the list.

Katz: Go ahead.

Michael Kinney, PO Box 18051, 97218: Good morning. My name is michael kinney, the vice-president of c spot, and I live in northeast Portland. Despite parks proposal, it appears to be something less than that which was promised by commissioner Francesconi june 18. We support -- we urge you to support this proposal by parks. And we look forward to work with parks to make it work and to improve upon it. The only other issue I would bring up this that is perhaps appropriate place to do so is funding obviously is a problem. Has anyone looked into the idea of diverting all or most of the money from fines to support off-leash recreation in parks? It's -- I understand, I believe it's a county issue. The money goes into the general county fund I guess in Portland -- and Portland may get some of that money. They don't get any of it? There's got to be a way to do that. I think that's a source of revenue that you should look into. That's my only recommendation for this board. Thank you.

Katz: Thank you.

Gina Patriarca, 105 NE 57th, 97213: My name is gina, good morning. I have a 4-year-old black lab named jasper and we are both very happy that you guys are doing this proposal. Although we're very sad and angered it happened after people lost their loved ones. And we're very sad it had to come to that. I support everything everybody said here today just about. I think it was all very important, very good points. I just wanted to reiterate making mt. Tabor a dog park. I go there every day. Ever since the poisoning, barely anyone is there. No one. And that proves to me it is primarily a dog owner park. And I have taken my dog to a dog park for over four years, his whole life, and have never, ever seen anything horrible happen. I'm sure it does every once in a while, but not to the extent that people report. And I think a lot of the times the conflict comes from the nondog owners who don't understand. And i've been insulted and attacked verbally when my dog is even on a leash. And i'm not doing anything. So I think that needs to be taken into consideration. I think the hours need to be taken into consideration too. I think everyone made a pretty good point that you can't discriminate that. If you're going to limit everyone, great. If not, you can't single out a specific population and do that, especially when the dog owners' safety is in mind. The third thing

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I think that needs to be done, I think education is so important. I also think it's important for people who don't own dogs and who are against dog parks and off-leash dogs. I found the most educated people about dog issues are dog owners who use the dog parks. To continue the thought process that children are the most important thing, that's what's going to keep the conflict, and the discrimination and the tension that's been going on. My dog is my child. And that's -- i'm sorry people don't understand that, but I think there needs to be a lot of education out there about how people really do feel about their dog and how we have a right to do the same thing. There's no difference between me and my dog and a mother and her child. To me there's no difference. And we have a right and we don't underestimate our power, because we will speak up, and we will get what we believe we deserve and have a right to. I pay taxes just like everyone else. And I think that education needs to go not only to dog owners, but to nondog owners, and their acceptance of what's about to happen. Thank you.

Victor von Salza: I'm victor von salza, from southwest Portland. I was on the southwest swni dog off-leash committee, and I wanted to say how happy I am to see this proposal that comes from parks. I think it's well thought out. I can't believe how comprehensive it is, and it's trying to do -- implement these areas all at one time. We never dreamed that would be possible. I think that's an important part of this plan. I think being on the committee i've heard many of these issues, all of these issues from many, many people during the nine months we worked on this and I think a key part and opportunity that the plan that's -- that parks has put forth is for the involvement of ad hoc and nonad hoc groups from each of these neighborhoods to bring together people from all sides of this issue to work to make each of these areas successful. Dog owners, nondog owners, leash users, off leash users should come together and make each of these areas successful. This is their chance, their opportunity to make them a success. And I think this plan allows for that and should encourage the community to participate and make these a success. There's all kinds of opportunities that we listed in our report and that people have mentioned here today, and having committees and neighborhood participation, I think they can be made successful. I think the parks deserves a job well done on this proposal. It's a great starting point and it has a great opportunity to succeed. I urge you to fund it for this trial period and hopefully it will prove that they can be successful and deserve money, and attention in the future. Thank you very much.

Katz: Thank you.

Moore: That's all who signed up.

Katz: Anybody else? If not, council, I assume nobody wants to take off the emergency clause? All right. Roll call.

Francesconi: Can I -- there was a couple issues.

Katz: Oh, sorry, staff needs to come back. I'm just trying to move this along.

Francesconi: Actually i'm going to try to condense the questions. If council wants to add any, i'm not going through every one, but I want to hit what I consider -- that doesn't mean my list is exclusive. An it is her way down, if we can wait 30 seconds, she'll be here.

Katz: Can you respond to any of them?

Francesconi: I'm going to lay them out.

Santner: Can you start?

Katz: Start now.

Francesconi: Janet, you can hear it, and zari or janet. The first issue, let's start with the issue of children. And park conflicts. This came up at hillsdale, especially -- it came up at robert gray. It came up at sewallcrest park, it came up at others. So --

Saltzman: Wallace.

Francesconi: And couch. The issue of conflicts between children and dogs, and it came up at particular parks. It started at robert gray, and willie shall the principal issue. It also came up at

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sewallcrest and it came up at couch and wallace. Let me say at the outset on the issue of dogs versus children, I literally through up after putting my first -- our first golden retriever to sleep. Having said that, children come first. We need to accommodate dogs in our parks. But the safety of kids comes first. Now, can you address the issue of those parks and what's parks' policy in relationship?

Janet Bebb, Portland Parks and Recreation: We did work very hard in one of our primary criteria in looking at parks for suitability was the proximity of children. Let me go through the specific examples. On hillside, it is possible to park your car on a public street, exit your car onto park property directly, not onto school property, but onto park property, and walk a short distance to the off-leash area. I think we can work with the school district and talk about it, and see what solutions there are. At couch and wallace, those are our urban parks, and they're the smallest parks that we're recommending off-leash hours. That's because of the high density of residents in that area, and the high use of dogs right now. The area at couch that we have delineated for hours is adjacent to a playground, it is currently an area used widely for the dog owners, and we're in communication with the neighborhood and the association of people with dogs, and we plan to work with them on it. At wallace, we have delineated an area that is well away from all other activities. It's on a corner site. The dog owners will need to choose to not use the area behind at chapman school, because we've now provided a legitimate park area for their use. So we have taken this very seriously, and worked out what we hope is a preliminary solution on a case-by-case basis. But it is the issue that we feel we are going to have to work most closely with people on.

Santner: I'd like to add that council probably is aware of the fact that many of our parks are adjacent to schools. And our parks are used for schools -- school activities. So we do have -- it's been very difficult to identify sites. That's why we don't have more sites. A lot of people have asked, why haven't you extended this program throughout the city? Well, there are three primary reasons. There are -- there aren't really areas that we were confident that we could prevent conflict, and work toward public safety. Second, the more areas we have, the more it would cost. And we were mindful of, you know, what it would take to do a good job. And how much money we needed. And also, we wanted to really start with the smaller group so that we could prove that with collaborations, with dog owners, with -- and people who don't own dogs, and by creating trust, mutual trust that we could deliver, and if we're successful, we could expand in areas that are appropriate. Again, this is a trial plan. If we are wildly successful and we can do it reasonably, and we can do it with partnership, partnership in terms of funding, partnership in terms of enforcement, partnership in terms of monitoring of activities, we will expand it. But let's try and let's see if we can pull it off.

Bebb: I forgot to mention sewallcrest. That's a park that's linear and rectangular in shape with the school and the community garden at one end. The area that we've delineated for hours does not include the primary circulation path through that, and this is characteristic of all our delineations. We omitted and used as a boundary the path to get to the school, the path to get to the children's playground. And this is the case with sewallcrest, that we have the -- you can circulate through the park without going across the off-leash hours area.

Francesconi: The other conflict in addition to -- the one with children was the issue about our natural areas. And I think there was some testimony which frankly surprised me about oaks bottom and powell butte, but I thought they weren't on the list. Can you talk about how are parks trying to separate out from the natural areas?

Santner: Yes, commissioner.

Francesconi: And wildlife.

Santner: I neglected to mention in my presentation that one aspect of the citizens task force recommendation that we haven't addressed yet is the issue of parks in natural areas. That's

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something that we will be working on this coming year. That recommendation is for no parks -- no dogs in those parks. Right now we're dealing with dogs on leash or off leash. That was a recommendation that requires more work on our part in identifying within our natural areas where is appropriate to exclude dogs, and where we can have dogs on leash and where we could identify dogs, trails that they could go on off leash. So we need to work on it, and we plan to work on it this coming year.

Francesconi: But -- so then it goes without saying that there's no off-leash dogs allowed in our natural areas.

Santner: Correct.

Francesconi: That was one of the criteria you used.

Bebb: That's correct.

Francesconi: But you have further work to do with the issue of on leash. The issue of master planning, in general, but also in particular regarding hillsdale, I think that has to be addressed.

Santner: Commissioner, again, it's the matter of staff time availability of staff time, funding, and then once you develop a master plan, what do you do with it? Do you have to -- you have to come up with money to proceed and do something with the plan. So we want to be -- we'd like to do our master plans when we know we have the potential of implementing part of the master plan.

Because when we don't do that, master plans are created, staff time is spent and the plans sit for 10 years, and then when you have the money you have to redo it. We have many parks in different neighborhoods that deserve to have a master plan. And we're trying to do one or two plan a year.

And we will get to hillsdale and holladay east and others which the staff time becomes available.

Francesconi: My final question is, regarding the monitoring that's going to go on, especially some of the potential conflicts, you know, I personally believe it would be nice to have more fences, for example, in the off-leash hour areas. I agree, frankly, with some of the testimony we've heard here.

But is there going to be some kind of monitoring to see where fences are needed to avoid conflicts with children and with wildlife?

Santner: This is not in your packet, but I want to show you we have created a survey form for each one of these parks with various questions. These forms will be available for people, the public, the neighborhood to use and to get back to us for our own staff, for the committees that will work with us, and definitely, absolutely. The point is, commissioner, we could have come up with more substantial plan, but again, for us, we wanted to come up with something that was practical and was practical to fund. That was the issue.

Francesconi: Ok.

Katz: Anybody -- go ahead.

Saltzman: I guess i'm supportive of this plan, but one of the things I do find, and i've talked to you about this before, there's no off-leash area in northwest Portland. And i've talked to you, and I hope -- I continue to think we need to look at areas in Washington park and perhaps other areas in northwest, but I guess going back to the testimony, the woman from wallace park, what about the notion of making that an off-leash area? It is rather -- at least from the map it looks like it's in the corner, so is it possible that could become an off-leash area? It doesn't necessarily have to happen now, but are you giving consideration to it?

Bebb: Wallace park?

Saltzman: Wallace.

Bebb: It is on the list, and we've delineated an area.

Francesconi: He means i.r.a.

*****: Oh, area.

Saltzman: Making an off-leash area, not hours. Because there's no off-leash area proposed in northwest Portland at all.

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Katz: The densest neighborhood.

Santner: I know. And the reason -- the way we have defined it, I think this is a matter of semantics, we have three parks, I -- north which are two in delta and one in chimney that is accessible. When you look at the maps, from northwest area. But you have to cross the river.

Saltzman: Nobody in northwest Portland is going to identify with those parks in north Portland.

Santner: I agree.

Katz: And zari, most of them or a lot of them don't have cars. Because they live in northwest Portland.

Santner: I agree. Let's put it this way, commissioner. Why don't we -- we haven't had, as you heard from the testimony, we could not really engage the neighborhoods and the community on every single one of these parks and these issues. This one in fact i'm meeting with the northwest coalition this afternoon. I will discuss that and I will show them to plan to see whether they agree to identify that as an area. And we'll look into it.

Bebb: When we were looking at it, my suggestion is I believe in northwest we need a new creative approach. The existing parks are small and few and highly used, so to dedicate those areas I think is a tough move to make. However, there are remnants -- remnant spaces, areas under highways that we could look at creatively to see if we can find a new approach in that area. I think that's going to be the more fruitful direction.

Saltzman: I would encourage that line of thinking too. And I know that talking to commissioner Francesconi and zari, I know there's an aversion at looking at Washington park, but I do believe there are areas in Washington park, particularly in the winter time, like the archery field, that would be appropriate, and would serve many of the people in northwest very well. So I hope you'll overcome some -- some of your reservations about that area.

Santner: As I mentioned, this is a plan that's not going to be cast in stone. It will be tweaked, it will be changed, and if we're successful, it will be added to, absolutely. I'm hoping i'll come back a year from now and say, we're doubling the size.

Saltzman: Two other issues, my daughter does go to robert gray and that was my daughter's principal, so I understand the traffic movement and things to that park, and I do think that has to be looked at over this next year. But finally, the hours. I am supportive of having -- i'm glad we moved the hours in the evening up to 8:00 p.m., and actually in thinking 5:00 p.m., I know we talked about this 5:00 p.m. In the winter sounded good, about the more I realize -- the more I think about it, it's pretty dark by 5:00 p.m., and I hope we can look at perhaps a 4:00 evening for our off-leash hour areas. Because I do think particularly for women, it's going to be a lot more safer and it's going to be light.

Santner: Commissioner, also, one of the reasons we had it at 5:00 is many of our parks, as you heard today, during winter time, soccer season. And many of the kids are playing after school soccer until it gets dark. So there is -- we're trying to avoid that conflict. Again, we'll start with this and we'll see on case-by-case basis how we can --

Saltzman: I apologize, one more issue. We've got an email from somebody who lives on oak street and laurelhurst and they were saying the off-leash hours are going to go until midnight. Is that correct?

Santner: No. Well -- what we are saying is the off-leash -- in the evening ass from 8:00 until closing. And code says closing is midnight. And in some cases, in some parks, closing is actually earlier.

Katz: It's 10:00.

*****: But not many people really --

Saltzman: Is laurelhurst a midnight --

*****: I'm not sure.

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Santner: It is.

Saltzman: I was sympathetic to that email, because they mentioned they don't want people with barking dogs pulling up at 11:00 at night in front of their house and --

Santner: Right.

Saltzman: So I think that's something we have to maybe visit in this interim year as well.

Bebb: I think time will tell whether that's a problem. Right now it seems counter intuitive that someone would really go at 11:30 in any numbers. Maybe the unusual person might.

Saltzman: If it's a barking dog with one person --

Bebb: Yes. So I think time will tell on that issue.

Santner: We have this other issue in terms of early morning dogs would bark, and we said, could we change it to 6:00 or 7:00, but then there was the issue of enforcement. We need to, in order to make it effective, to have the ability to enforce it, we're not going to get an enforcement officer at 5:30 in the morning, as commissioner Sten told me, to enforce that. So -- and he's right. So we had to come up with a plan that really worked.

Katz: All right. Any more questions? Any more issues? Roll call.

Francesconi: Briefly, I'd like to again thank staff -- thank staff, all three of you and all the parks staff for their work. But I'd also like to thank the council for their help in shaping this ahead of time and for their support on this. And I'd actually like to thank the audience here and the people that have testified. I have no doubt that if just us, we would make this work. This is shared community space, and it's going to take all of us to make it work. So we led with the enforcement. We're even putting money into another government to try to help with the enforcement. And we need the enforcement. Without this, it will fall apart, and it won't work. I'm especially right now asking for the dog owners' help on the enforcement side. Because frankly, the other people using the park to play soccer, they're there with their kids, the burden shouldn't be on them, it should be on us dog owners. So please, please, especially those people that drive to parks and just open their car doors and let dogs run, because I'm telling you, that's the group we're going to target immediately, with no warnings, and immediate fines. But we need your help in -- in the responsible dog owners that you are, in telling others to be responsible or this one-year pilot will disappear. The second is the options, which we're presenting here. You do have a right to use the parks, dog owners, so we're trying to give you these options, because you pay taxes. And you use these places. And we want to give you these options. The final piece is the education side. It is going to take all of us to educate our citizens that we all have these responsibilities. So we can set an example of being a community that can actually use shared space where other communities have not been able to figure it out. So thanks for your help. Aye.

Leonard: I've had quite a few discussions in the community, including up through last evening, at a community meeting, on this issue. And it's unfortunate that some of the community are connecting the deaths of the dogs at laurelhurst park and what we're doing today. I want to remind people that commissioner Francesconi at the June hearing we had, before any of those atrocious crimes occurred, promised that by September we would have this plan. So for the person who is responsible for those acts that in some way feels they might have caused this to happen, that is another grievous error on your part. I might also add parenthetically that I would support the mayor's request for any resources to track that person down and put them in prison where they belong. For the maximum amount of time for the crimes they committed. But my point being, do not connect what we do here today, what those crimes -- with those crimes. They are not connected. I would also echo what I said earlier in June, that I think that a lot of this problem is caused by irresponsible dog owners. People -- I have been tempted to begin crafting an ordinance that would require dog owners of which I am one, to be required to have their dogs obedience trained in order to have them licensed in this city, as we have increased density and more people

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moving in with more dog owners, I don't think that's an unnecessary expectation of dog owners, that you be able to have a dog that heels, come, sit, stay. Most dog owners don't require that of their animals, and that's unfair to the animal. And to the people that are trying to use the parks. So as this goes forward, and I work with commissioner Francesconi on this problem, that is something I am intrigued by. And I do appreciate the hard work -- this was -- for those of us that weren't directly involved in this, this was tremendously difficult. So commissioner Francesconi and zari and the entire staff, I commend you on the hard work that you did and the solution you came up with. Aye.

Saltzman: As one who was perhaps the most critical in the June 18 meeting about the lack of progress on this issue, let me be the one that would be the most effusive to my praise to commissioner Francesconi, to the parks bureau for coming forward with a plan that respond to the issues in an initial setting. This is probably -- we're going to change this plan, hopefully we're going to expand it. I want to see more off-leash areas and off-leash hours. But you've made a good solid first step. We're simply catching the wave, and it's a big wave. People as a city -- as the city ages, as people are having fewer children, pets become more and more important in the lives, and therefore they become more and more of an issue in the city of Portland. And how we make people -- how we help people to live together and enjoy this community, and minimize conflicts and certainly pet, children, pet people conflicts are something that's going to be with us for a long time. So we're really catching the wave and we're going to have to make sure we fine tune this plan and expand this plan over time and to truly be crow 8tive, because the issue is not going to go away. But we've got -- made a good first start and I look forward to all of the information, everything we're going to learn, and I do agree that it's going to take a lot more effort on pet owners to step up.

There are a lot of responsible pet owners, but there are many who are not, and those who are not can drag down the success of this whole effort here. And I know that many pet owners are not hesitant to talk to other pet owners about stepping up and being responsible, and I think a lot of those conversations are going to have to be occurring over this time to make this plan a success. And -- but I believe it will, because most pet owners I know are very responsible citizens. Aye.

Sten: I want to echo commissioner Saltzman's comments. I was frustrated with the discussion in June, and very uncomfortable with trying to move forward on enforcement without options, but I think commissioner Francesconi and the parks have brought back a good plan, and I've listened carefully to what everyone is saying, and some of the things you can't reconcile, some people want hours that other people don't. I think this plan is a good enough starting point that it could be turned into through some very community work, the advisory process, people working with each other, into a plan that actually works. I think on paper we're not going to write any plan that's going to solve the problem. I suspect the hours need to be changed a little bit, I suspect some of the places could be improved in terms of where we put folks, but I think it's a good framework to start from and it will allow us if we're working together to I think hopefully make it even more accessible to dog owners, but I think the idea is to show the other side that actually having some predictability will work, and get people comfortable with it, so we can share the parks. We're not really making -- we may be making running dogs legal in some places, but dogs are running in every park in every part of the city right now, so if you have an inadequate approach to an issue which this council has had for years and years and years, and people will take the -- take it into their own hands. I've been running my dog illegally for a decade. So I think people are going to do things if there's no place to run your dog. I do it early in the morning, nobody is there. So I think this kind of thing will get there. I think from a dog owner's standpoint, it's important to recognize you can walk your dog any time in any park on a leash. Period. There's no shortage of places to walk your dog, and I think the right to always run the dog at any time, anywhere off leash doesn't make any sense. So you can run -- walk your dog any time you want, but we need to keep working -- I think we'll need more place

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and more choices, but I think the ability to get there is going to be by showing these work, and I think you have to -- I do agree that I look for the dog owners to help police themselves, but people who don't speed can't police speeders, and so I think we need to have enforcement out there and have people get a ticket if they're doing things that are outrageous in order for this to work. I think the -- it's not exactly an analogy, but I think -- because the balance of power is different, but it feels like the bike lanes-car issue in the sense I think we have to create some predictability, and bikes and cars generally always are in conflict to some extent, and I think to some extent people who don't want dogs in the park and people who want to run their dog, both of which are understandable positions, are going to be in conflict. If you want to come to the park when there's not dogs running, come at this time. If you want to run your dog, come at this time. I think getting that balance right will take more work, but this is a good place to start, test the ideas. I hope people will -- from my perspective, you can't sit up here and listen to all of the testimony and come to a clear conclusion, if you move this hour this way or that way it would work are, because everybody is in different positions. So let's test it and be flexible and try to make this thing work. So thank you, and I vote aye.

Katz: Enough said. This has been long time coming. It should have happened a long time ago. Zoari, you deserve a lot of credit, even though I was critical about the funding scheme, and you and I were -- will continue working on it. I do agree with commissioner Sten, you can run your dog on the streets, you can run your dog in the park, you can walk your dog in the park, and you can walk your dog on the streets. And if you're lucky, you'll live near a park that will allow you to actually get the dog off the leash. But there are a lot of other options, and there are a lot of users to the park. I hope we can make this work. It will have to be tweaked, but it's a good start. Aye. All right. 929.

Item 929.

Katz: Come on up. Let's make this quick.

Jane Forman, Executive Director, Friends of Trees: I'm Jane Forman, executive director, friends of trees. I would like to start by thanking the city for past supporter friends of trees -- for past support of friends of trees, most especially commissioner Francesconi for support from Portland parks and recreation, and commissioner Saltzman, for support from Portland environmental services. I've been asked to read this request letter, which was dated May 13, 2003, and addressed to Brian McNerny, our city's forrester. Dear Brian, Friends of Trees requests \$25,000 from Portland parks and recreations division of urban forestry to sponsor street tree planting in the city of Portland during our 2003-2004 planting season. Friends of Trees is the only nonprofit in the Portland-Vancouver area dedicated exclusively to planting, caring for, and educating about city trees and to inspiring public stewardship of the urban forest. Trees provide the best value, dollar for dollar, in addressing a multitude of environmental, social, and human health concerns. [gavel pounded] a recent study by the center for urban forest research in Davis, California, concluded that every 1,000 new trees we plant in the Pacific Northwest today will deliver \$1 million in net benefits over their lifetime. Trees remove carbon dioxide from the air, slowing global warming and climate change, produce oxygen needed for respiration, reduce the amount of rain water entering our storm water system, decreasing C.S.O.'s, filter and clean our water, reduce soil erosion and flooding, filter pollutants from and clean our air, provide habitat for urban wildlife, reduce aggressive behavior, calm traffic, reduce stress and promote healing. Friends of Trees' mission is not just about planting trees. It's just as much about community building. We engage about 4,000 volunteers each year to plant 30,000 trees. Our community building surveys confirm that neighbors often meet each other for the first time while planting and -- planning and organizing events or meet each other on the day of the event, they often stay in touch after the event and sometimes go on to perform other community improvement projects together. Friends of Trees has involved over 31,000 members of

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the public in urban forestry, and has planted over 260,000 trees since we were founded in 1989. Friends much trees considers Portland parks and recreation division of urban forestry its most important partner in terms of day-to-day operations, coordination, and technical expertise. We hope you will be able to continue your financial commitment that is also critical to our success.

Katz: Thank you.

Brian McNerney, City Forester: My name is brian, city forester. I wanted to reiterate how important it is for friends of trees for the city of Portland, recent studies have shown that we're actually hitting a stride here of maintaining the canopy in the city of Portland. That's unlike many other cities in the united states. So we really couldn't do that without friends of trees, and I encourage the council to keep that partnership going. Thank you.

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

Francesconi: The only thing you missed in terms of at least I didn't hear in terms of the value of trees is just the beauty that they add to our neighborhoods. I'd like to add that my thanks to commissioner Saltzman and b.e.s. who's been a terrific partner of parks not only on protect the urban canopy, but a lot of other environmental efforts. Our best partner when it comes to trees is friends of trees. So at time when we actually close two community centers, we never even thought about cutting the general fund constitution to friends of trees. For all the reasons you listed. So thanks. Aye.

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

Katz: Mayor votes aye. [gavel pounded] 930. Thank you.

Item 930.

Katz: Before I turn this over to commissioner Saltzman, let me say that we took both of us the responsibility, commissioner Saltzman the lead, to go through and really truly analyze the next computer system that we're going to turn to. So I want to thank commissioner Saltzman and the team you're going to hear from in a few minutes. Commissioner Saltzman.

Saltzman: Thank you, madam mayor. Today we're bringing to you basically the next decision point in the replacement of the computer information system for the city of Portland. That decision point is -- which has been led by tim grewe and the office of management and finance, and is recommended to me and the mayor, and we're recommending in turn to the city council, that we narrow the process down to two finalists. With one being sort of the preferred finalist, and that's cayenta, that will be our preferred vendor. And the second preferred vendor will be s.a.p. From germany, and this is not the final selection. We will now begin a basically a second extensive due diligence process to ensure that the preferred vendor and its software system are the right fit and will fulfill the city's need. At the completion of this process, which we anticipate will take six to eight weeks, a contract with the preferred vendor or alternate, depending on the results of the next phase of due diligence, will be negotiated and then brought to city council for its approval. This next phase of due diligence will include site visits to other cities that have actually recently implemented cayenta software, and we've also perhaps if need be begin site visits to places where s.a.p. Is also in place, depending on how we feel we're going with our progress and due diligence with cayenta. The team, as I said, led by tim grewe, has spent considerable time conducting a careful review of the city's billing system, and while it's too early to say whether these two solutions under consideration will meet the city's needs, the work on the project team has been extensive, and applying the lessons from the previous billing system experience has been exceptional. And I believe the project team is working with extreme care, expert assistance and outside quality assurance. In fact there are two separate processes in place to provide outside oversight of this process. Including involvement from the auditor's office. So while we're still a long way from fixing completely and replacing the utility billing system, the good news is the replacement system

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is making progress and viable solutions appear to be available. And the project team's work in the weeks ahead will confirm or correct this perspective. Now i'd like to turn it over to tim grewe.

Katz: Go ahead, tim.

Tim Grewe, Chief Administrative Officer: Tim grewe, chief administrative officer for the city. Commissioner Saltzman did a pretty good job of covering the contents of the report before you today. I'd just like to fill in more detail on some of the efforts that's been put into place in the past. I should point out we are entering the fourth of a five-phase procurement process on the selection of a new system. In the first phase of our process, we received 12 proposals for consideration. Those 12 proposals were subjected to a review of 44 minimum requirements. As a result of that review by the evaluation team, five proposals came forward as meeting the minimum requirements. Those five proposals were then subjected to a review of over 970 business functions that we require those systems to successfully meet in the city. Things like do they have a meter management system, customer account management, fund accounting, auditing, and a whole variety of other things were reviewed. As a result of that depth review, four firms came forward as still meeting closely matching the business requirements. Those four firms were then subjected to a full day of interview by the project team, including outside expertise, they were then asked to come back for another two days to demonstrate actually show us how their software met city requirements. That particular round, there were over 500 scenario, we required them to demonstrate to us in running their software that they could meet in terms of real city business requirements. We also during this period of time did extensive checks on their references, and will continue to do so. As a result of that phase of the project, we settled on cayenta and s.a.p. As best able to meet the city's business requirements, and our reports will indicate that right out of the box, they can meet we believe at least 80% of our business requirements right now, and quite likely after our secondary review, will be able to meet much higher levels than that. So why did we pick cayenta? First of all, we're very fortunate at this point to really have these two companies that can meet our business requirements. Both could do a very good job, we believe. But the reason we picked cayenta came down to price. Their proposal to us was \$3.5 million. The current s.a.p. proposal, which was originally submitted \$8.5 million, is now \$7.5 million. We found nothing in our review of cayenta that would cause us to believe they can't meet the city's requirements right now, and therefore, it would be difficult for me to recommend taking a course of action other than going with the least cost option at this point. Nevertheless, I want to make clear that we are continuing our deliberations with s.a.p. As recently as last friday, they submitted a revised financial proposal to us that we're reviewing at this point. And we will continue to keep the door open to discussions with that particular company. But over the next six to eight weeks, as the commissioner mentioned, we're going to focus very closely on cayenta. The team will be visiting cities where cayenta is in operation, we'll talk to their customers, rather than relying on the consulting firm to give us information in total. We'll actually talk to their customers and see what their experiences have been in implementation and in the operation of the system. Assuming that over that eight-week period we find no fatal flaws, we'll quickly move toward presenting to you a contract for having cayenta install the system. If a fatal flaw is discovered, we'll fall back on the s.a.p. Proposal and begin the due diligence process with them as well. I do want to point out two things I think are important for the public record. Once we get a contract, we are estimating that installation of the system will take 15, 18 months. Until we get done with the next phase, until we get done with our contractual relationships with cayenta, we won't have a specific schedule. But let me also be clear once we have that schedule, I want to assure you that we're not going to sacrifice the quality and completeness of the installation to meet dead lines, and I will return to you at junctures during the installation process to keep you advised on the status of the schedule and any issues we might be encountering. The other thing I want to advise you of, even though they have made an offer to us of \$3.5 million, we would expect that

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figure to change during our final deliberations. Some things will go up, some things will go down. It's a process of discovery. They'll learn more about our business requirements, and we many learn more about their proposal to us and we'll continue to negotiate the final price. I would be extremely surprised if the price came in excessively more than the \$3.5 million. Our goal would be to keep it as close to 3.5 million as possible. I'll stop and there -- stop there and respond to your questions. Members of our team are here as well to respond to des.

Katz: You've briefed every commissioner ease office on this. All right. Does anybody want to ask questions of the advisory committee or the management team? All right. If not, is there anybody else that wants to testify? If not, i'll take a motion to accept the report.

Leonard: So moved.

Francesconi: Second.

Katz: All right. Thank you. Roll call.

Francesconi: This is just very thorough, careful, and terrific work. On behalf of everybody involved, especially commissioner Saltzman and tim grewe, so thanks. Aye.

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

Sten: I want to thank commissioner Saltzman and the team. I have a lot of experience with where things can go wrong on a billing system, and I think they are taking steps to take everything possible and minimize the chance of things going wrong. I want -- once gave a speech to a convention of water managers, and it was entitled, what not to do with your billing system. And I looked at all the things that happened and I think they really -- what got us in this position was three categories of things. Why the company paid \$7 million back to the city, they misrepresented what they were going to do and what their software could do. It was a very reputable company and I think we were reasonable in thinking they could do what they said they could, but this process is checking a lot closer and making sure. And I think that's critical. The second piece was some things went wrong that were outside of both sides' control, and finally we made one major mistake that I think was ours, and ours alone, which was the decision to turn it on at the time we did, and work out the problems later. And clearly what happened this time is that process is designed so that cannot happen. So I believe this process should end up in the result that we need, and I appreciate all the work that people have done to keep trying to get us through this difficult situation. And I also appreciate the way that it's been done, which is out in the open and showing people what's going on with press briefings in each step of the way, and I want to commend you for that. Aye.

Katz: Two things I want to mention. I'm insisting that they actually go see the sites and so they've -- they have done some of that, they will continue to do that. The other one is, that they will be running our billing system through the new computer system. I don't know if I described it accurately, but it will be a test to see if the new system can accept our data and the way we want to manipulate and handle the data. And finally, having said all that, we may or we may not be able to do all the things everybody wants to do with the billing system. One of the things that I think both commissioner Saltzman and I are concerned about, and I think we feel comfortable that the discount system would be able to be accepted, probably by either one of them, but those are the kinds of things that are now going to be reviewed by the team. So it's been an interesting experience. Aye. [gavel pounded] all right. We're on the regular agenda. 949.

Item 949.

Katz: I need a substitute motion. It's the sole source contract and you'll hear why in a minute.

Leonard: I'd move substitution.

Saltzman: Second.

Katz: Hearing no objections, so ordered. [gavel pounded] all right. Come on up.

Mark Kroeker, Portland Police Chief: Good afternoon, mayor and members of the city council. I'm mark kroeker, Portland's police chief. We have the opportunity with the ordinance that you

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have in front of you to bring to the Portland police bureau a remote wireless fingerprint capture system. This system will be the first in its kind for the northwest. There are very few cities in -- or counties in the nation that have such a device. Hennepin county, minnesota, ontario, jefferson county sheriff's office, and that is all. Portland will be lead can the way in applying technology in a way that will keep police officers out on the street where they belong, prevent the inappropriate identification of a person and then as a result, reduce the false arrest level, enhance the high-risk situation by giving the officers on the spot person identification and in the field, and reducing by hours the time it takes to identify a person that they encounter in the course of their duties. It will reduce the likelihood of identity theft by identifying a person who is in possession of documents and identity out in the field. It allows our mobile data system to become more portable in that our bicycle officers, motor officers, mounted patrol officers now will have a device with them that is part of the integrated device that will be able to help them to inquire as to suspect wanted information, and make their requests in that way. In case you haven't seen this, perhaps I could -- I don't have a copy of the actual device, a model of the actual device with me, but in essence, it will provide for the officers a tool in the street where under the legal prerogatives that they have for identifying a person with fingerprints, they will be able to have the person put their thumb and forefinger in the device, snap a little picture, then cellular technology takes over, transmits that picture to a server, identifies the person, sends it back to the ipac, the i.b.m. Device that's made an integral part of the little wand that you have there, and the officer will know in three or four minutes who the person is that is right there in front of him or her. What this will do, by your decision today, should you approve this ordinance, it will begin the pilot process of allowing eight to 12 of the devices to be deployed in a test basis on the streets, and then it opens the door to additional funding of 250,000 dollars for an expansion, and ultimately a \$6.5 million regional expansion with the partners that have been meeting with us over a period of months in the local area. All the law enforcement community is ready to accept this technology. The other police agencies, federal, state, local, they've all been in discussion with us, having to do with the implementation of this expansion, and all are very excited about it, because in -- in a time when our fiscal condition has resulted in fewer police officers actually on the street, the ones that we have there with this kind of a -- an applied technology will be able to stay out there and continue on with their community policing activities, their problem-solving, their visible patrol, the things we want our police officers to do, instead of taking the long drive to the police precincts, spending the two or three hours with a person before that person is identified. It also will reduce the complaints against police officers for falsely arrested someone when the officers don't quite know who they have before them, and will make that decision in the field, reduce the -- that possibility and allow for a reduction of the inconvenience to the person, for example, who is taken into custody and then their vehicle is towed, and all the things that have to do with inconveniencing the people that are out in the field. I'm going to ask captain greg hendricks, the captain of our identification division, to discuss, because I think you'll want to know the funding stream, and the sole source arrangement out of this so you can understand how this evolved and why it is that the identix corporation is the actual vendor, as a sole source arrangement, and any other questions you might have for him or for me.

Katz: Go ahead.

Captain Greg Hendricks, Portland Police Bureau: Good morning, mayor, council, Portland police bureau, identification division. This project has been in the works now for about 18 months. This is the first of a proposed three-phase implementation of this new technology. The identix corporation was selected for this particular project because we currently have a long-term relationship with them, and they're the only company in america that provides this particular type of technology in the method that is packaged. The identix corporation has a contractual arrangement with the western identification network. That's a 501 c three nonprofit corporation, which i'm one

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of the seven directors of the board. That's an organization that came together in 1998 between seven western states to form a corporation to have a common database where we store fingerprints that we can access by computer, and it's located in sacramento, california, and managed by the n.e.c. corporation. The capture devices that we have in all of our facilities in the seven western states are -- were designed, constructed and installed and are currently maintained by identix. What we've been able to do now with joint project between our agency, their company and other police agencies across the country is now bring this down to a handheld device that is -- that as the chief explained, has many opportunities for us over the next couple years. This initial funding of \$250,000 is a result of an appropriation that was -- an appropriation that was proved in the 2002 budget. In january of this year, the state bill on the senate side, an additional \$650,000 was appropriated for the police bureau. A \$6.5 million bill just made it through the house before the recess, and the senate will take up that bill on their return in september. That will be for regional implementation, where it is proposed the police bureau be the project manager that will bring together over 26 city, county, state, and federal agencies that will allow us from the field to do a couple of things, take fingerprints as the chief just described and get people identified, but also allow a police officer, for instance, in tigrard, with a handheld device, to access our database, our p. Ppds system, and allow us to do the same. So it has multiple uses, multiple functions and is an excellent example of how technology can support your police officers in the field, and reduce risk to them, to citizens, and to approve our ability to manage their time.

Katz: Greg, what's the accuracy rate?

Hendricks: There's still human intervention. It works the same way we work the system in the jail. If you come in and you've been arrested, we capture all 10 fingerprints downstairs. It goes through the system in sacramento, and comes back with what we call a candidate list. And then our identification technicians, who have decades of experience and training, sit down and look at the candidate list up against the prints that we initially submitted to the system, and they and they alone make the final match. This system will work the same way. The prints will go to sacramento, come back up in the computer screen on -- an i.d. Check will make the identification. And the 60 years, the last 60 years our identification division has been in existence, there's never been a false identification of an individual either in the latent print side or on the 10 prints side. That is a reputation that's unheard of in the fingerprint business.

Katz: Ok. Questions?

Saltzman: I just want to make sure the protocol, this can only be used after somebody is placed under arrest?

Hendricks: Two situations. An excellent question. A concern that people had initially when they read an article in the newspaper, I believe it was published in february or march, if I get stopped for a traffic violation, are you going to fingerprint me? The answer is no. When somebody -- when we have probable cause to arrest somebody, then we have the legal right to obtain their identification through fingerprints. The law allows that, but requires that situation and that situation alone to exist before we can compel an individual to provide their fingerprints. Number 2, on occasion we'll ask someone to come with us to the identification division to be fingerprinted to confirm their identity, but it's only if they understand it's a request and they don't have to do it. I'm sure officers will try to take that situation out into the field, but we'll have very strict policy and training in place for officers to understand that the same policies that we have now when we bring down -- down people to i.d. To have that done will exist in the field.

Saltzman: When people come down to be i.d.'d voluntarily, if the idea to be placed under arrest and have it done?

Hendricks: No. Just like we engage in conversation in the street, the individual has the right to engage us in that conversation, or walk away. Same situation, if it's a voluntary request and they

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don't want to come down, there's no way to compel them because probable cause does not exist to arrest them and place them into custody.

Saltzman: If you have probable cause to arrest, you can fingerprint somebody.

Hendricks: Correct.

Saltzman: Or bring them down to the station.

Hendricks: One of the two.

Saltzman: Do you have protocols or guidelines in place for the officers? Because this is a new technology, it seems like it could be easily overstep the bounds of when it's proper to use this and when it's not. I can see a traffic stop information where an officer would say, i've seen your license, it doesn't look like you. Put your thumb on this thing. Do we have the training guidelines in place now?

Hendricks: It hasn't been deployed yet. The draft guidelines have already been developed, and it's -- if the council agrees to approve the ordinance today, what will happen simultaneously is that the equipment that is part of the pilot project will be delivered and installed, but part of the pilot project is making sure that our people are appropriately trained. So we'll have guidelines in place, there will be training bulletins distributed, there will be roll call training that will be given by my division in person, and also via video. And --

Saltzman: And that will happen before the first nine or 10 are --

Hendricks: That's correct. The officers who will use those devices will be specifically selected jointly by myself and the commanding officers of the divisions in which they work.

Saltzman: Thank you.

Katz: Further questions? Thank you, commissioner Saltzman. I asked all those questions, in fact delayed this for a while because I wanted to make sure that we had all the protections in place. Ok. Anybody else want to testify? Roll call.

Francesconi: Just two quick points. One is, this is an ordinance to use technology. It doesn't change the law. The law is existing regarding when you can fingerprint and when you can't. So there's no weakening of existing law. It is important that we train our officers, but we're not changing law. And the second thing we're doing is really using technology so that we can free up officers so they can be on the street, which is a very good thing and very necessary. So thank you. Aye.

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

Katz: Mayor votes aye. [gavel pounded] thank you. 950.

Items 950, 951, 952.

Katz: Why don't we -- why don't we read 950, 51, 52. Is that all right with you?

Francesconi: --

Leonard: That's fine.

Katz: Terry, treat them separately.

Terri Williams, Bureau of Licenses: Yes. Terri Williams, operation and policy manager with the bureau of licenses. The first ordinance before you regarding the clarification of the intent of the temporary surcharge. You may remember in March it was very busy and a lot was going on. We were looking at both proposal for the business license reform and moving that forward, and also the school funding. That included both the measure that went to the voters, and the business license surcharge that council adopted. As a part of that, when we did that ordinance, we concentrated very much on the rate itself and making sure it was separate, that we raise the correct dollars, that we provided authority to set the rates properly. One of the things that we neglected to do was make sure that the fact that the surcharge was supposed to be absolutely separate from our regular rate and subject to our minimums and any maximums that came out of the form, we didn't involve that because it included another section of the code this. Ordinance is clarifying that the surcharge rate

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that we've assessed to provide that bridge funding for schools is separate from our regular rate, is not subject to the minimum of \$100, or any potentially maximum that we might put as -- on the business license fee as a result of any reform that will be coming forward to you in the fall. So I would be happy to answer any questions.

Katz: Anybody have questions to 950? Keep going.

Williams: Ok. The next one before you I believe is the intergovernmental agreement with Multnomah county regarding the Multnomah county business income tax and the administration by this bureau of licenses on that contract. This is a renewal of an agreement that has been in existence for the last 10 years. That partnership and Dave Boyer is here to answer any questions, I believe he has been very successful, both parties are happy with the joint administration, and the code conformity that was a result of that effort 10 years ago. And so the only two minor changes to this intergovernmental agreement is a clause in there to renegotiate compensation should the business license and business income tax reform go forward and include calculations other than a net income tax, and then a slight adjustment in the annual increase for fees that used to be greater of c.p.i. or 3%, because c.p.i. has been so low, we moved that to greater of c.p.i. or 2.5%.

Katz: Let me ask a question. I know Chair Lynn had said that she would lower both of the taxes depending on what happens at the legislature. Do you want to respond to that before I ask you the second part of the question? Identify yourself for the record.

Dave Boyer, Chief Financial Officer, Multnomah County: Dave Boyer, chief financial officer for Multnomah county. Mayor, Council, the Chair Lynn has said, this is relating to the personal income tax, that if state funding is -- if the state funds here -- the higher than \$4.8 billion, the income tax would be -- the personal income tax would be reduced. And it relates to the personal income tax, the decision is not -- has not been made to reduce the rate this year or have a refund. One of the things we want to hold back on is the uncertainty of the collections. This is a new tax, the rates, the uncollectibles have not been determined, and the compliance in the first year as we have been told is not as good as it could be. So we want to just hold back and see what happens to make sure that we honor the intent of the voters when they pass this tax.

Katz: The reason I asked that question, because I wasn't sure exactly what those decisions were going to be made, because we're dealing with two governments and wanted to make sure that the Council is aware that we have the authority to lower our share of the business license tax if we feel that in fact enough state dollars have come in to deal with the problem certainly of the financing of schools. I just wanted to put that on record. I've said it personally and I wanted the Council -- the Council would have to respond to that, but I don't want the Council to think that it's only a Multnomah county decision.

Williams: That would be on the surcharge?

Katz: Exactly. Ok.

Williams: And the third item before you that you read is the authorization to sign an intergovernmental agreement with Multnomah county to authorize the bureau of licenses to administer Multnomah county's personal income tax. This would be a new agreement. That's the tax that was passed by the voters on May 20. It includes compensation for both ongoing for the three-year tax, and start-up costs that the bureau would incur in this year. It's got a very tight line -- tight time line, and but I think that we're -- we can be very successful and provide customer service and both to the county and to the taxpayers of Multnomah county. And again, Dave is here to talk about that tax for you and from the county's point of view.

Katz: Questions?

Saltzman: As Terri knows, I had some concerns, and -- about the creation of full-time permanent positions to administer a three-year temporary tax. And I thought maybe it would be useful to hear I guess I understand the county actually imposed a not-to-exceed costs for this agreement upon us,

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but I think maybe Terri if you could real quickly walk through the discussion you and I had about where the bureau sees these full-time permanent staff, what their role would be perhaps after a three-year temporary tax expires.

Williams: Sure, I would be happy to do that. Initially not all of the positions are we anticipating to be full-time permanent. We're looking at seasonal for some of them, because the majority of the work flow on processing, the returns is going to be from about february through june or july and will go away. In -- we do want to balance permanent full-time with seasonal work. Additionally, we've got work force planning to do in the bureau of licenses. We have, and I apologize if I get the wrong percentage, approximately 50% of our staff, they're going to be eligible now or in the future, next five years for retirement. So one of the things we're going to be looking to do is with those full-time staff as folks retire to move them into other programs that are not short-term. You may not be aware, but there are two other counties in the state of Oregon that do have personal income tax measures on the ballot in september. Both of those counties have --

Katz: Who?

Williams: Benton county and harney county are the two counties.

Katz: Harney?

Williams: Harney. Both of those jurisdictions have approached us regarding possibly administrating their taxes as well. Benton county, they're very confident of that passing, and that is a seven-year income tax. So there's that. And there are other jurisdiction that's are very much, that have been talking to us about providing other services, audit services. So we are looking forward into the future as well to incorporate and work with staff, even though the county's personal income tax will potentially go away after about four years, because there will be an additional year for collection that we'll work that into work force planning and other opportunities.

Saltzman: The county has imposed a not-to-exceed cost for the administration of the personal income tax?

Boyer: Dave boyer, yes, that -- we'll work closely to contain the costs, but we -- in consultation with the bureau of license, we have I think come to a number that we're both comfortable with, but it does have a not-to-exceed clause. But we feel that the actuals will be lower.

Saltzman: Ok. Thanks.

Leonard: I might add, i've had my office express some concern about us getting involved in collecting another entity's tax, specifically benton and harney. Not that we won't do it, I want to make sure we're doing our job first rate first, and then in there's any excess capacity, we would consider it. But only under those conditions. And I would be very careful in approaching that.

Katz: Good idea. Ok. Further questions? Anybody else want to testify? Let me just, before we take a vote, flag to the office of finance and administration that -- and to dave as well, to keep an eye on the resources coming in from the state, also to keep an eye on the revenues coming into the county, and provide us on a regular basis an accounting so we can make a decision whether we need to lower our business license surcharge for those years, since we don't have the authority to lower the income tax, we can at least lower our piece. Ok. Roll call.

Francesconi: Is this --

Katz: 950. Sorry.

Francesconi: Aye.

Leonard: I'll make a comment now that will apply to the entire package. Terri williams is working exceedingly hard putting this program together under difficult circumstances, which reminds me, mayor, I need to talk to you about more space. On the floor. That we need for these additional employees.

Katz: We can deal with that at another time.

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Leonard: Ok. I just thought i'd remind you that i'd like to talk about that. Those are just part of the challenge that the bureau is facing in putting this program together just mechanically being able to collect the taxes. It's very complicated, and I want to express my appreciation to Terri and her staff for -- by all accounts the excellent work they're doing putting this together. Aye.

Saltzman: Aye.

Sten: Thank you. Good work. Aye.

Katz: I'm -- i've said what I wanted to say with regard to the tax. With regard to the space, we've been working on space issues and I will be brief, and then we'll have a conversation. Aye. [gavel pounded] 951.

Item 951.

Francesconi: Briefly, we -- as the mayor indicated, we have the power to reduce the business license fee on our own, but it is important we work with the county on this. And so as -- if revenues come in that exceed the 4.8, we really have to reduce this tax, period. We can't be the only county in the region with a business income tax and a high personal income tax. That's a recipe for disaster. Further, we have to redouble our efforts to have a statewide solution for the schools, and it cannot wait until '05. It has to be in '04, so we don't have to renew this. Because that is just a recipe for disaster. Aye.

Leonard: Aye.

Saltzman: Well, it's hard to believe it was 10 years ago, when I was a county commissioner and Charlie Hales was city commissioner, we brought forward this idea to have the city of Portland administer the county's business income tax, and i'm glad to sigh the arrangement is successful and successful enough they want to renew this for another five years. So it's a good mini-consolidation. Aye.

Sten: Aye.

Katz: Mayor votes aye. [gavel pounded] 952.

Item 952.

Francesconi: The sense I had at the bureau, I want to add to what -- echo what commissioner Leonard said on the terrific work done by the bureau, and county, I picked the right one to work with. These are terrific people that really do a lot with not that much resources. So thanks for all your work. Aye.

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

Katz: Mayor votes aye. [gavel pounded] ok. Thank you. 953.

Item 953.

Francesconi: This will make our taxi drivers safer. And commissioner Leonard is to be thanked for that. And it will also be done with a minimum of intrusion, because of the safeguards that were added at the insistence of commissioner Saltzman. Aye.

Leonard: Aye.

Saltzman: No.

Sten: Aye.

Katz: Mayor votes aye. [gavel pounded] all right.

Item 953-1.

Katz: My apologies on the four-fifths. It seems I can't leave for vacation, so I need to suspend the rules to bring this forward.

Leonard: So moved.

Katz: I do hear a second?

Sten: We don't do four-fifths.

Katz: That's exactly the point.

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Francesconi: Second.

Katz: Any objections? Hearing none, the reason I said that, I don't like four-fifths. There are reasons for it. I spoke to sue and she said there is a reason we need to do it today. So I do apologize, and sue is very embarrassed by this, and i'll let her start the conversation with us.

Sue Klobertanz, Director of Purchases: Mayor and council, sue klobertanz, director of purchases for the city of Portland. The item before you is a procedural issue related to the marquam hill tram. This ordinance authorizes a procurement process using an r.f.p. rather than the low bid for both the tram equipment supplier and the construction manager general contractor portion of the work. We believe that this r.f.p. is the proper way to go because it allows for further input for the -- from the neighborhood and other stakeholders that a typical low bid process does not allow. This ordinance is required by state law to take an exception or an exemption from the low bid process. With regard to the supplemental agenda item, both my staff and I are painfully aware that the council prefers and desires to not have supplemental agenda items such as this. The situation occurred due to a staff oversight which is no excuse. However, I chose to bring it forward as a four-fifth items because number 1, we had done a rather lengthy public notice two weeks ago as required by the state law. If we did not hear this item today, we would be required to redo that public notice at a cost of both cost to the city, but also adding confusion to the situation. Number 2, if we did not hear it today there would be a three-week delay because of council absences, and it would delay the project unnecessarily. But most of all, I believe it was appropriate to bring this item forward because what this ordinance does is just allow the r.f.p. process to go forward. The council will have an additional opportunity to approve the contract after proposals are received, so balancing the desire to not have supplemental agenda items with the cost of redoing the public notice and the delay in the process, it was my decision to bring that forward. So I don't believe that other than my personal embarrassment that any damage is being done to the public good.

Matt Brown, Portland Office of Transportation: Matt brown, project manager with Portland office of transportation. I want to thank sue and jeff baer for helping bring this forward. It is pretty critical, we're on a tight time frame, as I think you're all aware on the tram. We really need to get specially one piece of this that's included in this going. Just to briefly touch on why we're asking for an alternative process on this, I think there's a couple things as they relate to the tram project. First, obviously the highest quality product is one of our primary goals. I think it's even been reinforced in the community goals we've established in our work with the c.a.c. and the neighborhoods on this, where we talk about the fact that the tram will be designed and operated and -- to meet the highest standards of safety and security and reliability, and the tram will be constructed and operated in a manner sensitive to the community. And in really the alternative processes allow us to judge supplier or a contractor by standards like that and not just by who comes in with the lowest price. We've outlined for you, and you have two different sets of findings attached to the ordinance, they reflect the fact we'll be going out through two different processes on this to construct the tram. The first is for what we call a tram equipment supplier, just to let you know, there -- what we know of there are two tram equipment manufacturers worldwide. Both located in the europe. We thought it was important to -- that we identify and select that supplier early on in the process, and it's critical because they are prescription drug proprietary equipment to the table to be included in the design of the program, and it drives a lot of our design efforts. To making a choice of manufacturing a, manufacturer b will influence the overall design of this project. And we need to consider that as we incorporate the tram in there. I think the second piece of that is that it's incredibly important that we get a supplier out here who has past experience in working on complicated projects and is able to deliver. The second piece is a construction manager general contractor contract. That will come a little bit later in terms of issuing the r.f.p. and getting them on board. For the most part, as compared to the tram equipment supplier, who will be

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responsible for just the tram equipment, designing, manufacturing and installing that equipment, the c.m.g.c. will be responsible for the construction of the various building sites, we essentially have three very complex building sites here on the hill that -- the intermediate tower and the south waterfront station. And it's going to require a lot of experience and skill in handling those. Again, to be able to select a contractor based on qualifications and experience, and to have that participation in the design process is extremely important to us. So just comparison and contrast, the low bid process would not allow us -- we'd have to go through a design process and essentially with a generic tram, and at the end of the day, it wouldn't fit really anything that the tram manufacturer would have out there. We have to select that now. It won't allow us to consider qualifications, the proposed approach to the project, or really anything about their proposed approach for incorporating minority, women, and emerging small businesses in the project. This does allow us actually to capitalize on the one unique aspect of this project, that we believe that there's a -- an emerging market in this country for aerial transportation as part of a public transportation infrastructure. This is a potential kind of open door, and I think we want to make sure we're asking the right questions of the manufacturers to encourage them to think a little bit about this as a foot in the door for an emerging market. Briefly the criteria to be used, and then I'll step back, we'll be looking at experience and qualifications of the firms, personnel and organizations, their management plan, proposed approach to the project, minority women, emerging small business participation, and a fee proposal. Various weights, but that will be the criteria used.

Katz: Thank you. Questions?

Saltzman: So we're doing an r.f.p. for the material supplier? Of which there's just two companies?

Brown: Exactly.

Saltzman: Ok. And that will have a minority women criteria in there?

Brown: We're asking them to identify opportunities. In reality, we have talked to a couple other engineers and installers around the country that's likely that there probably won't be any opportunities, but we want to make sure. We have the point in there and the criteria there in the event -- if they can identify those opportunities, it would be great, but how many opportunities are there to manufacture an electric motor and bolt it down? I think the opportunities are going to come through the cmgc contract is where we'll see a lot of that work coming.

Saltzman: The suppliers will be doing some installation, if I understood it right? They'll make the materials but they'll also come here and do some installation. Which does to me create opportunities, I would think.

Brown: There may be.

Saltzman: I don't know this business that well.

Brown: We're asking them to think about that and to identify those. But it may be that if they say the opportunity is to provide electric power to that, the question is is that something we want them to do or the cmgc doing? And it's just a matter of where we put the subcontract.

Saltzman: On the selection of the cmgc, is it the same criterion?

Brown: We haven't developed the rfp to the same level, but I would imagine it would be similar. We may weight things differently.

Saltzman: I'd like to suggest, for the r.f.p. For the big pipe we put a criterion in there about demonstrated record.

Klobertanz: That's a standard.

Saltzman: As opposed to telling us what you will do, show us what you've done. Which can often be a better barometer of what they will do than what they say they will do.

Brown: That's an excellent point. We'll include that.

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Saltzman: Ok.

Katz: Ok. Anybody else want to testify? Does anybody have questions? Ok. Thank you, everybody, for the substitution. Roll call.

Francesconi: If there's ever a project by which to use this process, this would be it for the tram. Mistakes happen, we appreciate it, sue, what you said. Transportation, we're sensitive on this one because of the issue of the tram, but because of notices gone out and because we have active members of -- on the tram board and we also have a very active c.a.c., and there's opportunities in the future to weigh in on that, this is the right -- and there's scheduling problems, this is the right thing to do. Aye.

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

Katz: Mayor votes aye. [gavel pounded] all right. If it's all right with the council, i'd like to ask for suspension of the rules to bring 926 and 927 before us.

Items 926 and 927.

Leonard: So moved.

Katz: Any objections? Hearing none, so ordered. [gavel pounded] all right. 926.

Todd Kurylowicz: Todd kurylowicz, veteran u.s. Military, four years, honorable discharge, 1998. Current apparently person who continues to be arrested for expressing first amendment rights and not being heard by much of any of you in front of me pretty much speak to the people that are watching more than anything. Changing ordinance guidelines to suppress our first amendment rights, to come in, sweep the camp, sweep is an interesting term, it's always used in rhetoric regarding sweeping up people that you don't like to look at. I got arrested this morning again, and it's pretty absurd toting this as the freest country in the on the face of the planet, and we're going to spread to other place, yet we have a hard time holding a 24-hour vigil without police intervention at your orders, what you do. I don't know what much to say now. We can -- obviously mediation is completely out of the question, but we can turn this into a media fiasco. I don't know how many people you're willing to arrest, but for holding signs or sitting down or giving the dignity of being able to have a seat during a vigil. But we can try this out. And we can see how far we can go with it, and I don't know, do you have anything to say about this? Anything?

Katz: Thank you.

Kurylowicz: I'm not done. I was just wondering.

Katz: Then go ahead.

Kurylowicz: Ok. Well, i'd maybe like to spend the rest of my time in silence, a moment of silence for the loss of civil liberties. We just had today as you look across the street and see the barricades, does it look prettier now? I don't know. After the police have taken everything, signs, literature, medical supplies, art supplies, what not, does it look prettier to you? I don't know. That's -- let's all think about that for a minute.

Kurylowicz: I hope all your papers are straight. Thank you very much. No. Let me take -- I don't have thanks.

Katz: 927.

Item 927.

*******:** Good morning. I should say good afternoon by now. I am tired, and --

Katz: Identify yourself.

Andy Seaton: My name is andy seaton, Portland peace encampment. I'm quite tired and quite sick, quite literally. I was in bed this morning with a cold when I got on phone call from todd saying that the police were standing in this council chamber looking out this window taking videotape of them across the street. And with the revised guidelines that were -- I wouldn't even say published, they were sort of leaked to a few folks over at crossroads, and one attorney in town who works with the homeless issue, that were -- it was declared an event can no longer last more

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than eight hours. The city council meeting this morning may be violating that. I just find it sad, really, that this has come down to this. We've tried to work with the city, our crime perhaps is being primarily being visible from your window, mayor, and I talked to david worboril this morning and he was saying our crime was having the sidewalk dirty, and with such rude things as peace signs and that was the reason the police came through, was to clean the sidewalk. And then people who were -- there were three people this morning arrested because they didn't move fast enough, and todd kurylowicz was arrested when he moved his stuff and came back to pick up things like art supplies, and he was arrested for crossing the police line. And two other people were arrested because they didn't get out of the way fast enough. And compared to the other side walks around this part of town, it's actually -- we sweep it, we keep it as clean as possible, because quite frankly, we're over there a lot. But you folks keep changing the rules quite literally, and with some of the good news is we now have alan graph and the aclu interested in filing a civil case against you folks. That's perhaps the only thing, the bottom line is what would -- is what would make a difference here. But we have been working with you folks, I have been working with you folks, we've been working with resolutions northwest to try to reach some sort of solution through dialogue, and it's getting stone walled on that and we're going to be meeting with resolutions northwest this afternoon. And i'm going to pursue that, but it's -- it's kind of sad. You know, in the last 10 seconds here it may be because george bush is coming to town that you want to clean things up a little bit, but I think the liberal tradition of this city is going down in flames here.

Katz: Thank you. All right, everybody. We stand adjourned until 2:00. [gavel pounded]

At 12:56 p.m., Council recessed.

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AUGUST 13, 2003 2:00 PM

Katz: Good afternoon. Council will come to order. [roll call]

Katz: We're sort of short. But before we go ahead, commissioner Sten wants to introduce somebody.

Sten: Thanks, mayor Katz. I want to take a quick point of personal privilege and introduce a new person to the Portland community who will be I think a major influence in our community. I'm glad to welcome him, that's father jerry, a new priest at holy trinity, which does happen to be my family's church, which is why he's here seeing city hall, and he's accompanied by the senior priest, father james. I want to introduce father jerry to Portland and officially say hi to father james and thanks again for all of your hard work.

Katz: Would you stand up so everybody sees both of you? [applause] welcome to our city and take good care of your parishioners and everybody else in the city. Say good prayers for all of us. All right. Let's read the item before us.

Item 954.

Katz: Why don't you come on up. This is the first time that we're doing an appeal based on the new ordinance. You know how I feel about the council making these decisions, especially if we're not familiar with the case, so I hope everybody has studied and read the case. Second of all, I just want to remind everybody that when we're here at appeal now, this truly has an impact on an officer's record and so we need to take this even more seriously than we've taken it before. And I know we've taken those seriously before. Having said that, let me turn it over to you.

Richard Rosenthal, Director, Independent Police Review Division: Thank you, good afternoon. I'm richard rosenthal, director of the independent police review division. This is appeal number 2002 x-17, and these proceedings we normally do not use names, however, the appellant and the involved officers have all agreed their names may be used during this hearing.

Katz: I'm sorry, what did you say?

Rosenthal: We do not normally use names, but in this case the appellant and the two involved officers have all agreed their names may be used.

Katz: Excellent.

Rosenthal: It is the responsibility of the city council to determine whether the Portland police bureau finds at issue in this appeal are supported by the evidence. The finding is supported by the evidence, and i'm quoting from the ordinance, when a reasonable person could make the finding in light of the evidence whether or not the reviewing body agrees with the finding. The issues to be resolved at today's hearing are as follows. Issue number 1 is, is the police bureau's finding of insufficient evidence with a debriefing supported by the evidence, -- is it reasonable with respect to the allegation that officers clifton and dakin unreasonably took merrick bonneau into custody instead of his brother. Is the evidence sufficient reasonable with the allegation that the officers failed to include and identify information or the statements much any witnesses in the reports relating to the arrest of merrick bonneau. The citizen review committee has recommended the council make a sustained findings as to both of the above noted allegations. At the conclusion of the hearing the city council must decide what the findings are for the above-noticed allegations and the chief of police will be directed to make those findings. This is different than the previous piac ordinance where council only made recommendations to the chief. I should note although there are 10 allegations, there -- that were originally made, eight of those have been resolved as of this time because the c.r.c. and the police bureau have agreed on the findings and they are reflected in the report that i've previously provided to you. City council does not have any jurisdiction to change

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those findings. It's just these two allegations that we're here to deal with. The council has previously agreed to conduct the hearing in the following manner.

Katz: Before you get to that, I want everybody to understand that the council did not have to take this issue because of a timing rule that wasn't followed by the c.r.c. themselves. It was a matter of I think two days. And we made a decision for a variety of reasons to hold this hearing. But the -- you're going to report to us how the votes went on the c.r.c.?

Rosenthal: If you'd like. I provided to council and the public a six-page memorandum which outlines the procedural history of the case, and the way the votes went. And I am more than happy to either if the council wants to direct me to a particular portion you want me to read into the record or discuss with you, i'm more than able to do so.

Katz: Just this one point, that there was no majority in favor of overturning either of the two findings.

Rosenthal: Let me explain.

Katz: You're going to do that. Ok.

Rosenthal: Let me explain that right now. From a procedural -- since you mentioned the first one, let me go through, there were two issues. One related to in this case there was a protocol, the c.r.c. adopted protocol which allowed the i.p.r. Director to decline an appeal if the two assigned committee members also agreed. That happened in this case and in fact, the appeal was initially declined. 62 days after the appeal was declined, the c.r.c. voted to reopen the appeal. So they suspended their rule because there was no rule which allowed for an appeal to be reconsidered or reopened, particularly any time after the 60-day period occurred and deputy city attorney could explain that further. But 62 days after they decided to reopen. So that was one procedural issue that the council was advised of. The second one was that initially as indicated on -- in my memo on page 5, the vote on allegation one was 5-2 for sustained, and the vote on allegation eight was 7-0 for sustained. Now, that occurred during a hearing that took place on march 4. According to the protocols that existed at that point, once we had these recommendations to change the findings, I went back to the police bureau, discussed the findings with them, and they agreed to make and -- to change a number of the findings, but these two they did not agree to change. We then held on april 15 a conference committee hearing, at which point the bureau commanders or the decision-makers were able to come and discussion why -- discuss were they did not want to go along with the sustained findings, and at that point in their discussions, the committee -- the committee was split 4-4 on whether or not to agree with the findings, but then unanimously decided to send it to council. Now, the manner in which this hearing has been agreed to be conducted is that my presentation will be followed by presentation from the appointed representative of the citizen review committee, who I have been told is denise stone. There's a 10-minute time limited related to that presentation. The appellant will have five minutes to make his comments to council, then the police bureau and I understand it will be internal affairs division will have 10 minutes to make a presentation to council, the involved police officers will have five to 10 minutes to make their presentation, it's five minutes each, but they're both going to be represented by Portland police association president robert king. Then council can ask questions and discuss the appeal for as long as council needs to do so, and then finally, there will be a motion and vote on what the police bureau's findings should be. Both myself and deputy city attorney are available during the course of this hearing to answer any questions or resolve any issues as council may direct.

Katz: Ok. I understand we have two of the officers who are here. They're not sure yet whether they themselves want to say anything, they'll make that decision, and i'll take my clues from robert

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king. Is that all right? Ok. Citizens review committee, 10-minute presentation. Who's making the presentation here?

*****: I am.

Katz: And you are here --

*****: Moral support.

*****: They are the two c.r.c. members who actually reviewed the i.a.d. investigation with the tapes. They're only available for questions if you --

Katz: Go ahead.

Denise Stone, Vice Chair, Citizen Review Committee: My name is Denise Stone. I am the vice chair of the citizen review committee. Thank you for allowing us to -- me to appear before you to present a summary of the rationale for the c.r.c. recommendations in this case. I hope you all had an opportunity to read the c.r.c. report found in the back of your packet of materials. The report provides a comprehensive account of the c.r.c.'s decisions based on our developed expertise in reviewing the quality of Portland police bureau investigations. To reach these decisions, the committee members evaluated the bureau's internal affairs division investigative files, listened to the taped interviews, and held multiple levels of hearings that engaged all of the involved parties. Issue number 1, as laid out by the i.p.r. director, is the appellant's allegations that officers a and b unreasonably took him the appellant into custody instead of his half brother. That is at the moment that officers a and b told the appellant that he was under arrest, the appellant alleges that it was unreasonable for them to conclude that he was his half brother. After evaluating all the relevant data and separating this allegation from the previously resolved resisting arrest allegation, the c.r.c. agreed that yes, it was unreasonable for the officers to take the appellant into custody instead of his half brother. Therefore, our recommendation to the bureau on this issue and to council is to sustain this allegation. The c.r.c. considered the following factors in making this determination. One, according to the dispatch records, the officers had a detailed description of the suspect's appearance provided by his step mother and girlfriend. The appellant did not match that description in any way. The suspect was described as white, 6'1", 180 pounds with a goatee, the appellant is black, 5'9", 150 pounds and was clean-shaven. Also, the dispatch provided a description of the suspect's vehicle and advised the officers that the suspect would be with his vehicle. However, that vehicle was not at the residence when officers arrived. Also, the officers were advised by dispatch that the suspect was expected to be at the residence with his father and his two brothers. Knowing there were multiple related men at the residence, officers should have taken more time to assess the arrest, especially in light of the appellant and others at the scene insisting that he was not the suspect. Also, the amount of light on the porch did not impact the officers' ability to judge whether the appellant fit the subject description because the officers reported that upon arriving at the scene, they saw movement inside the residence of someone they determined to fit the general description of the suspect. And the appellant had no reason to misidentify himself to the officers in order to -- as his half brother in order to delay arrest. Not only had he taken affirmative steps to assist the alleged victim, he was also told the police were going to pick up the suspect at the suspect's work, not at his residence. These uncontested facts weighed heavily in our conclusion that there was no way a trained Portland police bureau officer could reasonably have mistaken the appellant for his half brother. After -- issue number 2 is the appellant's allegation that officers a and b failed to include identifying information or the statements of any civilian witnesses in their reports relating to the arrest of the appellant. After evaluating all the relevant data, including the police bureau's written directive on report writing and witnesses' statements, the c.r.c. agreed, that, yes, it was unreasonable for officers a and b to fail to

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include identifying information or the statements of any civilian witnesses in their reports relating to the arrest of the appellant. Therefore, our recommendation to the bureau and to council is to sustain this allegation. The c.r.c. considered the following factors in making this determination. Portland police bureau directive 910.010 states officer's report must contain reference to witness statements. It also requires officers to contact as many neighbors and/or potential witnesses as necessary that -- and that each entry be made in the officers' duty notebook include name, address, home and business phone. The directive is precise and leaves no room for officer discretion. In this incident, officers a, b, c, d, and e all stated that they heard and/or saw people standing and yelling near the scene, yet neither of the officers who submitted reports made note of any witness information. The c.r.c. was not persuaded by the bureau's statement that it is the practice for the officers to take note of witnesses' names only at crime scenes. This practice under cuts the ability to evaluate officers in terms of the bureau's written policies. It also inhibits the officers' ability to lay the ground work for a defense to a possible citizen claim, and it denies the citizens and the bureau the benefit of witness testimony. The c.r.c. hopes that you gave thoughtful consideration to the more detailed accounts of these factors as stated in our report, and will agree and support the c.r.c.'s recommendation of sustaining these two allegations. Thank you.

Katz: Let's have comments by the appellant or representative of the appellant.

Merrick Bonneau: Good afternoon, city council. I'm the defendant, merrick bonneau.

Katz: You have five minutes.

Bonneau: First I would like to ask you if I could have a witness speak, my mother.

Katz: No. You have five minutes. So if you want to take some of your time that would be all right.

Bonneau: Ok. First i'll give you a brief description of what happened. On september 4, 1999, I heard my dogs go off at my door. So I went to the door, pulled my dogs back and stepped outside. There were two officers, they asked me if my mark was mark, I said, no, my name is merrick. They said, you're under arrest and grabbed me. I said, under arrest, what are you talking about? They said you're under arrest, and I was like, under arrest, what for? They said resisting arrest. So that's what I was under arrest for, was resisting arrest. Could I approach council and give some documents?

Katz: You can approach the clerk.

Bonneau: The first page is my arrest ticket. The second page is when I went through -- went to -- in the police precinct I went to the corrections health place to note what my injuries were. First I would like to say that -- third i'd like to say this obviously I don't feel is a very fair, only giving me five minutes and not allowing me to have all the paperwork necessary to review and to challenge the p.p.d.'s findings. First i'd like to -- on page 5 of the report, the c.r.c. report of 2-24-03, this is I believe what -- i'm not sure, but it states on page 5, he told them at the booking facility that he wanted his injuries documented and pictures taken because the police had brutalized him. They told him they couldn't do that there and they would not take pictures of his injuries. Now, page 2 substantiates what I say, that I was actually not taken to the booking facility, but to a place where I could actually document my injuries, and they did document them. If you go off what it says right here, I would not be able to document my injuries. So obviously that is incorrect. I will speak about the p.p.d.'s memorandum, which was july 15, 2003. It states that I was arrested for resisting arrest -- states that I was arrested for resist arrest and for domestic violence, assault. This is incorrect. I was only arrested for resist arrest. The third piece of paper in my --

Katz: Excuse me. Let's stop the clock, because I need clarification. Richard? These allegations -- these issues that mr. Merrick is referencing aren't before us. Correct?

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Bonneau: They are before you. They're right here.

Katz: Just a minute.

Rosenthal: I'm having a hard time following.

Katz: What mr. --

Rosenthal: You're right. There are only two allegations before the council. And that is the ones I previously mentioned. The rest of the allegations are not in the jurisdiction of the council.

Katz: Ok. Did mr. Bonneau know that?

Rosenthal: Yes. He was provided with a copy of all of the documentation, including my memorandum that was provided to council except for the confidential i.d. report --

Katz: So mr. Bonneau, if I were you, I would take time addressing the issue number 1, and the issue number 8 on page 5 of the report. Which is officer a and b unreasonably took the appellant into custody instead of his brother, and officers a and b failed to include identifying information on the statements of any civilian witnesses in their reports related to the arrest of the appellant. The other issues are not even before us.

Bonneau: I understand what you're saying. I was just refuting them because they put in here as evidence to go over, so for you guys to go over. So if they're not correct, I should be able to have the opportunity to correct them. But I understand what you're saying. Ok. Right here, bureau's position in regards to both allegations is that objective view of the -- conclusion that the officer's actions were legal, complied with bureau policy and procedure, and were reasonable under the totality of circumstances. In my criminal trial, when I was prosecuted for resist arrest, the officers admitted on the stand they did not follow bureau policy and procedure, so I don't see how they could be found innocent of their wrongdoing. It goes against their own testimony. When I -- ok. Only the arresting officers wrote reports out of all six or seven that were there. Including the sergeant on scene. He did not write a report. All officers who were involved, and this is bureau policy and procedure, all officers who are involved in a use of force are to document that use of force in a report. Only two of the officers documented that. Although there were at least four officers that were involved in the use of force against me. So two officers did not write reports. That's not officer dakin or clifton, I believe that's officer fah and -- i'm not sure of the other officer's name offhand, i'm sorry. As I earlier stated, the sergeant on duty did not write a report, though he was supposed to as per city -- as per city procedure. When my brother travis tried to present my identification to mr. -- to sergeant harry jackson, he refused to look at my i.d. Mr. Harry jackson, sergeant harry jackson also spoke to a witness for about a half hour after my incident and failed to -- failed to write a report, but failed to also note that he spoke to a witness. The officers, the arresting officers, clifton and dakin, were -- basically they had addressed the witnesses when the witnesses were addressing them, you know, wondering -- wanting to find out what was going on. They did not note any witness names, so that's again policy and procedure. -- that's against policy and procedure. Officers clifton and dakin also stated that I had a knife. When I came outside. I did not have a knife. There was no knife that was ever found.

Katz: Let me -- since I interrupted you and probably threw you off, i'm going to give you another minute on your testimony.

Bonneau: Thank you. The p.p.d. states they had ample probable cause, but I am unclear because they have not stated what their probable cause was. What I believe the probable cause was a phone call that was made to the Portland police department by my step mother, which she told driving by our house, noted that my brother's vehicle was in the driveway, so she called 9-1-1 and informed them that my brother's vehicle was in the driveway, so he was at the house, and they probably could pick him up there. I found this out later. My brother's vehicle was not there when the police

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called, so I do not believe the police had probable cause to arrest me. Like the c.r.c. members stated earlier, the police had already noted what I looked like before they'd even knock on my door. So they -- from any intelligent person who wants to see the truth's point of view, they could not have mistaken me for my brother. I believe it was intentional.

Katz: Thank you. Police bureau presentation? 10 minutes. Council will have an opportunity to ask anybody and everybody a question if they so choose.

Katz: You have 10 minutes. Who's going to do the presentation? Darryl, are you going to do all of it.

Captain Darrel Schenck: Yes, your honor. Good afternoon, my name is captain darrel schenck, internal affairs division. To my left is assistant chief foxworth and to my right is lieutenant babnick. Chief foxworth made the original findings on this case. I'd like to provide you a brief overview of the facts of this investigation as gotten from the taped interviews of the persons involved and from the computer dispatch reports regarding the suspect descriptions.

Katz: Stick to those two items too, because that's the only thing that's before us.

Schenck: Yes, ma'am regarding to -- in regards to the first allegation that officers unreasonably took the appellant, mr. Bonneau into custody, instead of his brother, police radio broadcast probable cause for the arrest of his brother mitch bonneau for domestic violence felony that occurred about 8:15 that evening. And they also broadcast that the suspect was a martial arts expert and a specialty with knives. This is the information the officers had when they responded. At 9:42 that evening, police radio broadcast the suspect, mitch bonneau, was now at the location where this incident occurred. And the description -- the printouts provide -- could you give this to the clerk? -- list the suspect as a white male, 32, 6'1", medium build, dark tee shirt, blue jeans, heavy work boots, very short dark hair, a small mustache, and goatee. A physical description is only a guide and the officers know it's often given under stressful conditions and they take that into consideration when they use that to make a stop on a person or to make an arrest. Additionally, bonneau's features, even though the suspect is listed as a white male and mr. Bonneau is listed as a black male, his features make it difficult to determine whether he may be black or white, and even if his interview, he listed himself, or told the investigators that he is of mixed race. So it is easy in a darkened situation, which was the case that night, to make an error in determining if he is white or black. This is one of the factors that we used in considering our findings in this case. The description also indicated that the suspect had a small mustache and a goatee. At the time of this incident, mr. Bonneau had a short beard and a mustache, which is similar to the description. The broadcast information described the suspect is being 6'1", and merrick bonneau says he's 5'9". The officers estimated his height at 6 foot at the time. And the only weight description given was that he was of medium build. This is the information that the officers had when they responded to his house. Additionally, mr. Bonneau had arrived prior to the officers and had been over at the assault address earlier, and knew that the police were out looking for his brother. If he was inclined to protect his brother, which some brothers do, are inclined to do, this would have indeed have been a motive for him to tell the police officers when they responded that hi was his brother to slow down the officers' ability to find his brother or locate him. So it would be a motive. Both officers said the appellant identified himself as mitch bonneau. And both officers on the front porch wrote in their police reports at the time separate police reports, and in their separate interviews that officer dakin asked merrick, are you mitch, to which he replied yes. And he said, are you bonneau, to which merrick replied yes. At that point, the officer dakin placed him in custody, told him, you're under arrest, and began to take him into custody. Once merrick said he was mitch bonneau, that gave the officers a reasonable belief, and a lawful right to arrest him, and -- or at least take him into

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custody in order to investigate further, which is exactly what they did. The officers had absolutely no motive to purposely arrest someone that was not the person they were looking for. They have no knowledge of this person and they didn't know him. At this point where they began to affect the arrest, they were conversing calmly with him, trying to get more information about his identity. It was a very reasonable step for the officers based on the information they had at the time, to ask merrick bonneau, are you mitch bonneau. Are you the suspect. When the officer arrested the appellant, he immediately began twisting and resisting and struggling. All of the officers recounted a resisting arrest type of action. Except mr. Bonneau. And at the time, no one disputes the fact that merrick began yelling at officers that he had the wrong guy. But at that point, the officers were committed in containing and securing mr. Bonneau for safety reasons. Before they proceeded any further with making any further identification. This is standard procedure for police officers in a situation like this. And that will even include removing him from the address to a location where they can have -- they can exert better control over the arrested person and ascertain his identity. On the second allegation, the officers failed to include any identifying information or the statements of any civilian witnesses in their reports. Our policy states that members taking any official police action will write appropriate reports to cover the incident. The report will contain accounts of the accident and will include a reference to witness statements, that is true. It further states members will contact as many neighbors and/or potential witnesses as necessary. And that is also true. The true witnesses in this incident, the ones that are necessary are the persons that were up on the porch that heard the conversations that led up to the arrest, and the ensuing struggle immediately at that time. And those were the officers and mr. Bonneau. Those persons were included in the report. Others who were named by the appellant as witnesses or other folks that saw something from across the street, and this was at night with their view blocked by participants and persons who were not able to hear conversations on the porch, are not really considered witnesses for purposes of writing a police report. They are officers -- our officers responded to this call to affect a probable cause arrestment their primary purpose was not there to investigate a crime such as a burglary or a neighborhood theft, where you would tend to look around and ask for witnesses. In this case, they articulate and lied those witnesses that were on the porch. And it's not expected by the police bureau, it's not expected by the d.a.'s office that they canvas the neighborhood for a misdemeanor arrest in this case, the resist arrest, and they did not. In this case the district attorney's office believed that there was sufficient information in the police reports to charge mr. Bonneau with the crime of arrest -- resist arrest. The police bureau believes the actions of the officers described in both of these allegations are justified and consistent with bureau policies and training. However, it would be beneficial to debrief the officers about this incident to help them in their approach to similar situations in the future. For this reason, the bureau has agreed to a mod -- to modify its original finding of exonerated in these two cases to insufficient evidence with a debriefing. The officers involved in this incident did not engage in misconduct. Their actions are consistent with police bureau training and policy, and a debriefing with the officers is recommended. That concludes my presentation.

Katz: Thank you. You've got about a minute, anybody else want to say anything? Ok. We'll probably get back for questions. All right. Voluntary statement by involved officers or representative. Five-minute time minute per officers.

Robert King, President, Portland Police Association: I am robert king, president of the Portland police association. This incident occurred almost four years ago, and since, it occurred, one of the officers, officer dakin has been promoted to sergeant. But he's not here with us. The Portland police association has been actively involved in the development of and the transition to i.p.r.

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We've attended meetings and provided information that we generally believe -- we generally believe we've been a partner in a process that matters both to the officers, to the community and obviously to the council. I think what lies at the foundation of i.p.r. is accountability. The city, the police association and the citizens have worked together to create a process that's fair and accomplishes a goal question have in common, which is to raise the level of confidence and trust among the stakeholders, and I think it's happened through the citizens review committee. However, the incident that brings us before you today is unfortunate and disappointing. The c.r.c. promised to us by the auditor was an objective committee that would fairly consider facts and make recommendations to the bureau or to you, the council, but instead we have in this case citizens advisors ignoring the ordinance to affirm a reasonable decision from the police bureau and instead substituting their own judgment. They've told us, and as i've attended the various meetings, that we need to follow rules, yet they have failed to follow their own. Two of the examples are that they initially declined taking this case, and then later overturned that decision I believe as a result of pressure they felt from a "willamette week" article that was published, and there was under their rules, there was no majority to refer this matter to you, the city council. So we think that both of those things are unfortunate. But the real issue that's before us is really the reasonableness. And it has to do specifically with the two allegations. When I heard Mrs. Stone speak and say that they have a developed expertise, it occurred to me that the officers who were present there that night have a developed expertise as well. They have both training and experience in doing this job, and I think that the police bureau command staff also has a depth and a developed expertise that they have a training and an experience that lends them an understanding of what the work is that I think helps them judge objectively what reasonableness is, what reasonable actions are on the part of an officer. I think that the officers acted appropriately and reasonably on the occasion when they came in contact with Mr. Bonneau. In particular, Mrs. Stone talks about the differences of the discrepancies and the description that is provided. In the memorandum that's prepared by the c.r.c. under -- on page 2 under the section, the appellant cso not -- does not match the suspect description in any way, the last sentence I think is telling. The officers have told -- have been told the suspect was a martial arts expert, but such information does not give license to ignore all physical characteristics and arrest the first person to cross their path. I don't think that the officers that night ignored the physical characteristics that they observed. I think that descriptions in our experience are general in nature. The individual that they contacted affirmatively indicated that he was the person which led to probable cause. I believe that the officers acted reasonably, and the police bureau, through its review process, found that that was true, that the officers acted reasonably. On the second item, with respect to, did they act reasonably in not gathering witness statements, when they made an arrest of Mr. Bonneau, they were in the midst of a hostile environment of citizens who were angry and upset. And they left. There was a point at which they left. And no, they didn't get the names of all of the people that were present, and what their police bureau, what their command staff has told them is that they aren't expected to do that. That the actions they took that night were reasonable. And what's concerning or what's troubling is the citizens review committee supplanting their view of what it is that's reasonable from that of the officers that night and the bureau command staff. So we would ask you to affirm the bureau's decision that in fact the actions of the officers were reasonable that night, and maintain the insufficient with debriefing finding.

*****: Good afternoon.

Katz: Identify yourself.

Officer Clifton, Portland Police Bureau: Officer Clifton, one of the involved officers, Officer A, I guess, in the reports. I was reluctant to speak, but I felt it was necessary. Nearly four years ago I

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was assigned to northeast precinct and was involved in this incident. I received a call along with my partner, there was probable cause to arrest mr. Mitch bonneau that was at the listed address. My partner and I arrived, we believed he was there. And we acted in good faith, and we, contrary to what other people are saying, we did act reasonably. It's nice to be in a sterile, calm environment and to go over this a thousand times, but that night I believe we took the necessary steps and believed we did have the correct person in custody. I remember once we were at jail, I tried -- mr. Bonneau was extremely upset and officer fall, who was the officer from east precinct that put the probable cause out for mitch bonneau, until we got down to jail we still believed we had mitch bonneau in custody and we had officer fall drive from east precinct to make an identification. I remember after that identification had been made, that we did have merrick in custody, I tried to talk with mr. Bonneau, and say, you know, explain to him, given the situation, we believed you were your brother. And had you been calm and just gone with us and said, you're making a mistake, you know, but find out who I am peacefully, calmly, all that would have occurred was mr. Bonneau would have been taken to our car off of the porch, searched for weapons, made sure everything was safe, we would have determined that we did not have the right person and he would have been released. However, the action that's mr. Bonneau took -- actions he took resulted in us struggling with him, resulted in a fight. We ended up calling for code 3 cover and mr. Bonneau had to be hobbled and detained, sustained, which is the highest level of restraint we use. To address another concern, I have the benefit that I was there that night. I know what happened. I was a part of it. And i've dealt with this through the criminal trial, depositions, internal affairs interviews, and the civilian review complaint, and this whole process. I was there. I know we acted reasonably. Afterwards, when they were saying we didn't contact witnesses, I don't know what level of expectation there is when it is a hostile environment and people are yelling things like, f the police, and things of that nature. I don't know how me going over there and trying to get someone's name, address, phone number, when they're already extremely angry and acting in a hostile manner towards police, that people are actually going to want to talk to me and to give information to me who they've obviously feel I was part of some action that wasn't a wrong action. I guess that's all I really have to say.

Katz: Ok. That's it?

Clifton: Yes.

Katz: Thank you. Thank you, officer.

Clifton: You're welcome.

Katz: Council, we now have the opportunity to ask some questions. We can ask them in the order that we heard presentations, or however you want to do it. So i'm going to open it now for questions on the part of the council. Let me ask a question if nobody's got one. Mrs. Huxford assist was interviewed, and she was interviewed and stated she visited mr. Bonneau a few days following the incident and he told her the police had come to his door and asked him if he was mitch bonneau. So can somebody tell me -- what this information, how this information had been interpreted by the c.r.c.? Let me move on. Let me move on. Hank, you and who else reviewed this and both of you declined to take -- that was earlier.

Rosenthal: The members who were initially assigned were mr. Miggins and mr. Eric terrell. Since then mr. Terrell left the committee and was replaced by someone else. So it was eric terrell and hank miggins who initially agreed to the decline.

Katz: And hank, why don't you come up and share with us why you made a decision at that time to do a decline.

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Hank Miggins, CRC Member: Hank miggins, c.r.c. member. Based on our review of the records and listening to the tapes, we concluded the case, there was no reason to take us to a full hearing. At a later date the c.r.c. decided to have a full hearing, so the two issues that are before you today, the first one, my vote was that there was not -- was that we should not sustain it because the individual was not arrested for his brother, he was arrested for resisting arrest. The second item I voted in favor of having that item sustained because as the policy is written out, it does say that. We all agree some action needs to be taken to correct the way that's stated in police policy. So those are the reasons I have.

Katz: Thank you. The issue really, the main issue was what the officers asked mr. Merrick, what his first name was. Correct? And we have a discrepancy there in terms -- the officers thought they had the appellant -- that they had the individual that was being looked for. And was the person this may have perpetrated domestic violence. And the officers asked mr. Merrick if he was mitch, not mark. -- the officers asked mitch and he was mitch, not mark. Richard, could you come up and address that for us for a second? How is the conversation between the c.r.c. Committee on that particular score? We've got two officers with written statements saying that they had asked the gentleman if he was mitch, and his response was yes.

Rosenthal: So I understand, are you going to complaint number 1? Is that --

*****: Allegation number 1.

Leonard: Ok.

*****: Your question is --

Katz: The conversation among the c.r.c. Members, how did they view this situation?

Rosenthal: Actually, what I would suggest is I think that should be answered by ms. Stone, but the discussion as I --

Katz: I'm asking you right now.

Rosenthal: As I perceived it, you had -- you could not decide between the two contrary allegations, the two contrary statements, and what i've -- from the discussions I heard, it's -- there's insufficient evidence to determine what actually happened on the patio. You've got two officers that say one thing and mr. Bonneau that says another thing. The committee -- that was the discussion that occurred initially at our first hearing. At the next hearing where the sustained was made, the committee seemed to move, at least a portion of the committee moved over to the idea that the two officers, even if you accepted what they said, they were acting unreasonably because the two descriptions did match. So that was the perception --

Katz: Did they or did they not believe the officers' story about how mr. Merrick responded to the name?

Rosenthal: I don't believe any of the members specifically said we find this version to be more credible than the other.

Katz: It was basically the description of how the individual looked standing on the porch.

Rosenthal: Exactly. I also want to point out, mayor, that you mentioned the statement of ms.

Huxford, contained in the internal affairs report on page 17, provided to council. Actually when I looked at that I noticed that was not included in the c.r.c., the i.p.r.-c.r.c. Report, and it should have been, because it's an issue of concern. But that the members who were assigned to this did read the entire report, and would have had this information at their disposal.

Francesconi: I have a question of i.a.d.. This is regarding the second allegation. Thank you for coming forwards.

Katz: Let me clarify, when I asked denise, that's the reason she didn't know what I was talking about? Ok. She's nodding affirmatively.

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Francesconi: Thanks for coming back. On the second allegation about getting witnesses' names, the policy at the time that this happened, you said it, i'm just reaffirming it, was that the arresting officers, in this case a and b, the policy of the police bureau at the time was not that you had to write down all the witnesses, it was just the material ones that are right on the porch. Explain -- say that again.

Schenck: The policy actually said, let me just read it here, that members will contact as many neighbors and/or potential witnesses as necessary. So there is some discretion allotted to the officer there to make a cut-off point on where he's going to canvas and collect names or -- of potential or possible witnesses in an incident -- in an incident or an event. That's going to be determined very often by the level or the scope of the crime, or the investigation obviously. In this case, there was a small circle of persons who had a direct view and were able to hear conversations that led to the arrest, and those persons were those that were just right on the porch. And then there were people across the street, in second-story window of an apartment building, folks in the house, coming from the basement and the upstairs that didn't see any of the events that led up to the arrest, but did see some struggling going on afterwards.

Francesconi: Ok. You made reference to it I think, do you want to add something? You made reference to it, but then there's a bulletin that was issued afterwards as part of the subsequent legal action. Why was it necessary to clarify this policy with a bulletin afterwards? Do you know what i'm talking about?

Schenck: No.

Francesconi: Apparently a bulletin was drafted, sent to all officers outlining the details of how a report is to be written. It was part of the tort claim settlement. Why was it felt necessary to do that? Do you know?

Schenck: Part of the -- I do know. I did speak with our risk management folks about that, and as part of the liability agreement, the bureau agreed to ensure that specific training on identifying persons, detaining and handcuffing and documenting and collecting information was adequate and was done in a complete manner. And these points were -- have been presented as promised, as part of the agreement in this case, have been presented to our basic academy, our advanced economy, our reserve officers academy, and in service. And I talked to roger haven in our risk management.

Francesconi: The way i'm approaching this, there's two separate issues here, and i'm blurring it, and I know. But one is how did we interpret rules at the time, because that's what you have to hold officers to, but another is, what's the best procedure as you go forward? And in these kind of cases, I think it is the idea of trying to find all the witnesses, is important. So as we train when we're moving forward, I think that's something we need to look at, I guess. It's separate from the issues in this case. But I was wondering if that's the direction the police bureau was going in light of this bulletin. But maybe that's for another forum. I just think there has to be a way where we try to document these things as we move forward. That's all.

Leonard: I do need to understand better some of the facts. As I heard the officer testify, there was a crowd, and i'm speaking to allegation number 2, that was hostile. In your investigation did you confirm that that was in fact the case?

Schenck: Other than there was nothing that I recall in the investigation other than angry words and shouts from people in the area and across the street and folks coming across the street after this happened.

Leonard: Is that the crowd that is --

Schenck: Yes, sir, I think that's what they're referring to.

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Leonard: And the policy that you read that would suggest you would speak to as many witnesses as to -- as possible, is there something that balances that against the, if the officer perceives a threat to his or her safety, are they required by that policy to wade into a crowd and ask for witness names anyway?

Schenck: Rather than a policy, it is part of the training that officers receive in maintaining a level of safety for themselves and their prisoners, and they're trained to remove a person in a hostile environment that they do arrest, remove him from the area so they can operate safely and identify the person and begin to talk to that person. So they did exactly what they were trained to do in this case.

Leonard: Thanks. And mayor Katz, who would I ask of the c.r.c. committee based on their July 29 memorandum, relative to this issue? They wrote a report, and the allegations --

Katz: Which --

Leonard: Allegation two, who is it that could speak to that?

Katz: I --

Leonard: I'm at -- I don't know how far back I am. Memorandum dated July 29, 2003, to the city council from the citizen review committee. It is the allegation and why they're bringing them to us.

Katz: July 29?

Leonard: M-hmm.

Katz: Who would it be, Denise?

Leonard: Who could speak to that?

Katz: Denise, come on up.

Saltzman: Captain Schenck, I wanted to ask you, on the -- getting back to the directive about interviewing witnesses, who should -- they should have been interviewing witnesses for what? For the arrest itself? Is that what --

Schenck: Well, possible --

Saltzman: That's what they would have been looking for witnesses to?

Schenck: The officers did two actions, they arrested a person on what they believed to be probable cause, and then they also arrested a person for resist arrest, a misdemeanor crime. The resist arrest happened at that moment. And so people in the area are potential witnesses. And so the officers had an opportunity to collect any number of names from potential witnesses that they thought were prudent or practical or necessary at the time given the circumstances.

Saltzman: You're saying under training protocols, that there's basically going to be an exception if it's perceived the crowd pose as threat to officer safety?

Schenck: That was a contributing factor, as well as the fact the bureau does not expect officers to canvas a neighborhood to begin collecting names from potential witnesses that were not actually right there and had firsthand knowledge and observance of what took place. And that is --

Saltzman: So nobody was actually on scene at the point of the resist arrest, witnesses.

Schenck: No, sir.

Saltzman: They came out after --

Schenck: They came out after the struggle ensued. A couple of family members came out after the struggle ensued. The witnesses were across the street, and when we interviewed them in i.a., they told us they were watching the incident from their second-story window or from across the street, and their view of the incident was it was difficult to ascertain exactly what was going on, they had difficulty seeing what happened, they just saw people struggling and the officers trying to arrest.

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Saltzman: These were people you spoke to as part of your investigation?

Schenck: Yes, sir. The sergeant did respond after the officers left and remained on scene for well over an hour, and talked to neighbors and family, answered their question and tried to mollify their concerns about this incident for over an hour. So that was sergeant jackson.

Saltzman: What about the point that mr. Bonneau made that at some point his father showed his driver's license to sergeant jackson. Did you corroborate that in your investigation?

Schenck: As I recall, he said that he was willing to get a driver's license or mr. Bonneau said that you can check my driver's license, something to that effect. But any actions at that point would have been after the fighting and struggling stopped, and the officers had secured and removed mr. Bonneau from the scene. And then taking -- the steps would have been taken to find out who he is and the difference would have been discovered between the real suspect and merrick.

Saltzman: Ok. Thanks.

Sten: One question.

Katz: Go ahead.

Sten: Captain, on the initial investigation of the complaint before it went to the citizens' committee, the i.a.d. Found exoneration on all of the pieces, and the findings were changed to insufficient evidence. Can you talk about what changed your mind on those issues in terms of the finding?

Schenck: Yes. We modified the changing -- the finding for several reason. One, we recognized that in personnel investigations, when you're trying to determine right and wrong, it's not an exact science, and we recognized that reasonable people are going to differ. And two years ago we committed, i.a.d. and the police bureau, to working in partnership with the c.r.c. to evaluate officer conduct issues. And that was our charge. And so in this case, we essentially gave them the benefit of the doubt on this, because of their efforts and their position on this case, and we modified our finding of exonerated to insufficient evidence with a debriefing. And that was the reason.

Sten: And could you maybe just without making the whole case, kind of speak in general to what - - what was the key points to leading you to the original exonerated finding?

Schenck: We exonerated the officers on making the arrest, the -- that was arresting the wrong person. We exonerated them because of the general information they had that actually did fit bonneau. He did have a mustache and he did have a scraggly beard that could be a goatee. He's general size fit him, though he's smaller than his brother. The porch was very dark, five officers testified that the porch was -- there was no light on the porch, it was dark. One officer said he had to use his flashlight on the porch. Bonneau said the porch light was out and it was dimly lit, and his -- other witnesses also. So the porch was dark. Merrick came out. The two officers testified, at least in their interviews said that the -- that merrick had appeared what appeared to be a butter knife in his hand. This information that he was a martial arts expert and was a specialty in knives. All this information gave them reason to think, is this the guy we were looking for. Mitch bonneau had been at the house a short while prior. We know that because the victim and merrick's mother had called police radio a short time earlier and said, mitch is there now. And he left from the time of the few minutes it took the officers to arrive. So with this information, the officers had a reason to believe that mitch was there, and that when merrick came out, they had a good reason to stop merrick and say, are you mitch. That would have been the first thing out of their mouth. And they said that merrick said, yes, I am mitch, and then they effected an arrest based on probable cause. So that's an exxon ration of wrongdoing in our opinion. And on the second allegation in regards to not collecting all the witnesses, we base that on an interpretation of the policy, based on the circumstances at the time. Identified there was a risk factor involved and the officers took mr.

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Bonneau out of the area, that they identified those witnesses that were up on the porch at the time that actually saw what took place, heard the conversations leading up to the arrest, and those folks that were from across the street that may have seen something, they were not -- those names were not collected. A sergeant stayed behind and talked to all persons who were available, answered their questions, tried to explain to them what had happened and why. And it's essentially the reason that we used to exonerate the officers.

Katz: Any further questions? Did you want to add anything, derrick? Identify yourself for the record.

Foxworth: My name is derrick foxworth, assistant chief to the Portland police bureau. When this incident first occurred, I was assigned at the northeast precinct as commander, and the case came to me for review, and I made the original recommendations, and the recommended findings on this. As regards to the allegation number 1, I think it's been mentioned here before and I won't belabor the point, but the issue is reasonableness. And did the officers act in a reasonable manner, given information that they had, given the fact they were investigating a domestic violence investigation, and many officers know that often times they are given information regarding suspects, regarding events, regarding crimes, and that that information is not always accurate, that the situations are dynamic, they're not stable, and that things change very quickly. And as has been described already, it was my recommendation and my conclusion that given all these facts and circumstances, that the officers did not act with any malice in her heart or acted maliciously or acted in any serious -- engage in any serious misconduct, but they acted reasonably in what they did. And if they were given the opportunity by mr. Bonneau, the appellant, to merely sort this incident out and if he would have cooperated, this probably would have been taken care of right there at the scene.

Katz: Further questions?

Saltzman: One last question. Looking at this in retrospect, it seems, and I think captain shank alluded to the fact that what would have been mr. Bonneau's motive to misidentify himself other than to somehow buy time for maybe his brother to get away? I guess how often -- you've been on the force a number of years, chief, you can answer this too, is this something that is taught? Is this something you've experienced a lot in your experiences on the force? This type of situation?

Foxworth: I think if you talk to any police officer who has done this job for any limited period of time, they have encountered situations, encountered individuals who on a fairly routine basis provide false information. And keeping that in mind, officers, you know, usually take steps to corroborate information, verify what they're given. But in this particular instant, they didn't have that opportunity. They were -- they didn't have the chance to engage in any further conversation because it quickly deteriorated to a fizz cam confrontation. -- to a physical confrontation.

Katz: Let me ask a final question. I didn't realize that I was referencing confidential information in the internal affairs report of 01-177 when I mentioned mrs. Huxford, but was she under oath when she testified?

Schenck: No. We don't place someone under oath when we interview them.

Rosenthal: Actually, it was a deposition. It was not an i.a.d. Interview, so she would have been under oath.

Katz: It is under the i.a.d. Memo, the heading of it is, so she was under oath when she testified that mr. Bonneau came to her and told her that the police had come to his door and asked him if he was mitch bonneau.

Rosenthal: The question was -- it was a deposition, i've confirmed that.

Katz: Ok. What's the council's pleasure?

Leonard: I wanted to talk to somebody from c.r.c. About their --

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Katz: Denise -- that's right. Denise, come on up.

Leonard: I guess I just need in allegation number 2, to know if you discussed the atmosphere that existed at the time of the arrest, and if so, what did you conclude that was? With respect to the witnesses.

Stone: I guess I can't really speak to our discussion at the time back when we talked about the initial -- this initial incident and what the atmosphere in the neighborhood was at the time of the arrest. And I would ask hank or -- if you have any recollection beyond --

Mia Butzbaugh, Member CRC: I guess -- mia, a member of the c.r.c. I would say a couple of things. One is that we did discuss it to the extent there was a reference in an interview that in certain areas of the city you'd need to remove yourselves quickly. I understand that's part of a de-escalation effort, but there was some concern raised in the course of our discussion about the idea that certain neighborhood would be deprived of an opportunity to have potential witnesses if they are automatically perceived as hostile when in fact they're interested.

Leonard: Actually, that's not my question. My question is notwithstanding whatever neighborhood they were in, what I heard the officer say was in fact the people that were in were hostile. Did you receive that kind of testimony?

Butzbaugh: No. We read it in the materials. That was in the evidence.

Leonard: It was in evidence?

Butzbaugh: Different officers accounted that there were antipolice statements and some police officer apparently referred to them as anarchists. There were different accounts in terms of what was said of the --

Leonard: But the c.r.c. felt notwithstanding that, that --

Butzbaugh: That leads to my second point, is that often in the c.r.c. We look to the letter of policy to sustain or exonerate or find insufficient evidence. Our findings are based on the letter of - - that we find in the directives and I think in this case the emphasis was on -- it's often we'll refer to the policy to say, maybe it wasn't the best judgment, but they operated within the letter of the policy, so the officers exonerated. In this case, the argument was, the policy is pretty clear, and if the practice is different then the policy should be changed, but we can only go on what the written policy is, and in three spots, the policy says take down witnesses' names. Not only people who someone deems to be witnesses at the moment, but potential witnesses.

Leonard: So the position the c.r.c. would be, so that I understand, even if you agreed that the officers felt unsafe, you would have sustained a complaint against them because the policy said they should have talked to the witnesses?

Butzbaugh: I can't speak for the whole c.r.c., but my understanding in the discussion at the time was that part of the argument was we often are through policy, following the letter of the policy able to exonerate an officer or see how conduct fits within it, and in this case the policy was clear. I can't say that if there were counter veiling policy that or particular lated unless they feel threat for their live -- life, i'm sure that would have been taken into account. But our attention wasn't drawn to policy like that. We were told that may be the policy, but in actual practice, we do this. And what we said was, it's not ok to have the practice be contrary to the policy when all we can judge by is the written policy.

Leonard: Ok.

Butzbaugh: Does that answer your question?

Leonard: It does.

Katz: Thank you.

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Sten: I have a question. One more question. On page 2 of your July 29 memo from the c.r.c. to the council, under the first issue, I'm trying to see on the second, you say you talked with disinterested witnesses who -- or heard from disinterested witnesses that contradicted the testimony. Could you give me a little more meat on the bones of what that was? I'm on page 2 of the July 29 memo to the council, final bulleted paragraph. It says several disinterested witnesses said they had a view of the porch and viewed the aggressions, and said they came forward three years later to testify. I just want information on how you -- what you heard and how that factored into what you thought.

Stone: What we had heard is that when the internal affairs division conducted their investigation, that -- and we know it was two years and six months or so after the incident, the -- some of the business were still willing to come forth because they still felt concerned about this, this incident that they had said they witnessed. And they did appear before the c.r.c. and did speak before the c.r.c. and they -- we have deemed them disinterested witnesses because they were just neighbors. I do want to add to that --

*****: Is --

Sten: I was trying to get a feel --

*****: Content --

Sten: A little bit of the content.

Butzbaugh: There were a couple of accounts of individuals who watched from the window and who -- whose children got very upset who saw the appellant being carried away in what they thought was an improper manner, what they refer to as hogtied. So there were conflicting stories, but they argued that the porch was in fact well-lit because the street light was on, the neighbor's porch light was on, garage light was on, and the porch light was apparently on, and the foyer light was on. They argued that in fact they did have a clear enough view, and as I think assistant chief Foxworth mentioned, the father came on the porch, the sergeant said that he did not have a view of the struggle because his back was turned to the struggle and he was facing the father. So the father was apparently present during the struggle itself, at least according to certain accounts, the sergeant's account. The disinterested witnesses were the three or four individuals who came to the c.r.c. Hearing and gave accounts of what they observed on the porch and argued they did have sufficient light to make that observation, and that they were told to leave and disperse.

Saltzman: Were these the people across the street upstairs?

*****: I don't remember exactly which --

Miggins: Some were and some were not.

Butzbaugh: There were people also in the street at the time.

Saltzman: But they all were witnesses to the commotion, not the actual arrest.

Butzbaugh: I don't know at what point they started observing.

Leonard: Mayor, do we hear any of those witnesses here?

Katz: You can if you want to.

Leonard: Are there any of those witnesses here?

*****: I don't believe so.

*****: [inaudible]

*****: I'd like to --

Katz: Wait --

Miggins: I'd like to add a comment to your question regarding the item number 8 relative to the recording of records. Initially my investigation, my review, my vote was to sustain the police on that issue, but in studying the policy where it says that you will do this, I changed my vote from no

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to yes to support -- to go along with the c.r.c., and there is a policy problem that needs to be corrected and it needs to be consistent with the action on the ground.

Leonard: Having worked with you over the years, I know how you approach issues, in a very balanced fashion. Let me ask you, if a police officer, and you agree that a police officer feels that an environment is threatening, are you saying that because the policy says what it says, you would sustain a complaint against that police officer notwithstanding your agreement that it was a volatile, threatening environment to go interview witnesses?

Miggins: Let me further state that there's note a finding relative to this one that was not included in what you have before you, because the officers as I recall the testimony, was instructed by the sergeant to leave the scene. And he would stay and deal with the issues. That sergeant failed to write any of that information down. The absence of any information noted to the witnesses -- perspective witnesses also helped me come to the conclusion that the policies, as you will, and that's why I voted that way. If you'll note, on the previous finding the bureau changed to that one to a debriefing with exoneration with debriefing, and that there are some -- supposed to be some actions to change that. So it was based on those two, not just the one.

Leonard: I see. Thank you.

Katz: The -- there will be changes that are being reviewed currently on some of these issues, but I just -- I think I want to follow commissioner Leonard in terms of some flexibility in the analysis of what actually is happening at a site. This is the struggle that I know the c.r.c. has all the time, and it's a struggle that we have all the time, and -- in all discipline issues, what the policy says, and what the officer actually does. And the interpretation of that sometimes is different. It's a tough call.

Miggins: And my vote is not against a person, it was against a procedure.

Katz: Ok. Anybody -- any other questions? Thank you. All right. Richard, why don't you come up and remind the council what their role is right now. It's when a reasonable person could make the finding in light of the evidence --

Rosenthal: I'll go ahead and repeat it. It's the responsibility of the city council to determine whether the Portland police bureau findings at issue are supported by the evidence. A finding supported by the evidence when a reasonable person could make the finding in light of the evidence whether or not the reviewing body agrees with the finding. And so it would be now the time for a motion and vote as to separately as to each allegation as to whether or not the findings by the bureau are reasonable.

Katz: Ok. I'll take a motion.

Leonard: I would move that the police bureau's finding and allegation -- in allegation one is reasonable.

Katz: So you are supporting the bureau's modified finding in item number 1 as insufficient evidence with a debriefing issue.

Leonard: Correct.

Katz: I do hear a second?

Sten: I'll second.

Katz: Roll call.

Francesconi: I support this motion. If we'd have just re -- physical descriptions are tough to rely on. The reason I think insufficient is the right one, because the officers said they asked him his name, and that justified him. The complainant denies it, but that's why the insufficient finding is the appropriate one, and I vote aye.

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Leonard: It is difficult for an -- and understandably so, citizens watching an incident, any emergency incident to sometimes understand why things are happening, and what is happening. It is because it is -- looks quite different when you're right in the middle of it, as an emergency responder as the police are. I believe they operated in good faith with the information they had from what i've reviewed, and it is -- from my perspective, it is, in a stressful situation, understandable to have variances between what people review later and know to be the fact and what the facts are in the middle of an emergency incident. And I think that the explanations heard here today make sense. Aye.

Saltzman: I can find no reason why officers would deliberately arrest the wrong person. Nor can I find any reason why mr. Bonneau would deliberately agree that -- to the wrong name. I can only think maybe mitch and merrick do sound a lot alike, so I just have to conclude there is insufficient evidence and i'll vote aye as well.

Sten: I guess I was asking questions because I wasn't quite clear how the original investigation got to an exonerated, because I think it's very cloudy what happened. But to me it's -- insufficient evidence is the right finding. Aye.

Katz: The allegation is officers a and b unreasonably took the appellant into custody instead of his brother. And I would agree that the bureau modified finding is the correct one. Aye. [gavel pounded] all right. Second.

Leonard: I would move to sustain the police bureau's finding of insufficient evidence with debriefing in allegation two.

Katz: Do I hear a second?

Saltzman: Second.

Katz: Roll call.

Francesconi: It would be unreasonable to, in a hostile situation, ask officers to go back and try to do this. The point I was trying to make, it doesn't matter, because the sergeant isn't here, but I do think I felt a lot better when I know the sergeant went back to the scene. At that point, it would be nice, and I hope the sergeant would identify as many witnesses as possible, so that in subsequent acts we know who those people are. Clearly in this case against officer a and b, you can't ask them to do more. Aye.

Leonard: I was actually troubled by this allegation, that it was made until I heard hank's explanation, which helped me feel a lot better about the work. The work of the c.r.c. I think it's unreasonable to expect police officers to stay in a situation they deem to be a threat, and it doesn't sound like you did expect that, but that that's what the rule said. But I think -- I would hope the c.r.c. in the future could allow the rules to be applied to actual emergency situations and apply them in a balanced way. Aye.

Saltzman: Aye.

Sten: I'm not going to support this motion. I think understand as best I can years later what happened that night, sort of, but -- and I don't take this vote of mine to say I think the officers were completely unreasonable, but I think I agree with the unanimous c.r.c., the 7-0 vote that if you have a situation where you're going to try and charge somebody, I don't know how you could charge somebody without getting the names of any witnesses, because otherwise you're going to court with a he said, she said kind of deal, and so -- and I haven't been completely -- I understand the argument it was a hostile situation, but there hasn't been a lot of evidence presented to even back that claim up. Not that you weren't feeling that way, but I think the burden of showing that you -- we didn't have any witnesses to what is a serious crime, resisting arrest, and that either means we weren't planning to charge a person, or in fact that it just wasn't something people thought of, so

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from my point of view, the idea that we should get names of witnesses makes sense. Again, I think this is something that debriefing and clearing the rules and making sure makes sense, I don't think it's something that you would say in this situation the officers made a grave mistake and -- in not collecting witnesses, but it seems to me we should have had witnesses' names and having some witnesses' names would have made this a lot easier and may have made it gone away, so i'm going to vote no.

Katz: Mayor votes aye. Thank you. The hearing is closed. [gavel pounded]

Katz: Let's clear the courtroom. We have another item. [gavel pounded]

Katz: All righty. Karla, why don't you go ahead and read the item, 955.

Item 955.

Katz: Let me, before I pass this -- by the way, you won't see sam adams here in his current role anymore.

Leonard: We won't have sam to kick around anymore?

Katz: Right. This is his last performance.

Francesconi: The mayor won't have sam to kick around:

Katz: I'll miss him terribly. But notwithstanding the criticism of Portland not being business friendly or the worst yet, that the city council is not business friendly, there has been a tremendous amount of work not only on behalf of the neighborhoods and the issues that the neighborhoods have been concerned about, but also the issues that businesses have been concerned about, and some of them we acted on, and acted on quickly because they were issues that needed to be resolved. This is my hand-off after the presentation to commissioner leonard, actually, a formal handoff, though our office will still be involved in sdot, which is the -- you have a problem, there is a place for everybody to come to try to solve that problem of bureaus being represented from every commissioner's office. So congratulations, commissioner leonard. It's going to be yours. But before, formally handing it over, I want to turn it back to both margaret and sam to tell us what we did just recently, just to remind the council and the public, and what's before us, and all of the accomplishments of the first package that we acted on. Ok?

Sam Adams, Office of the Mayor: Thank you, mayor, my name is sam adams, I work in the office of the mayor for the next three days. I want to recap what we've accomplished in the past year. The list is familiar to members of the city council because your bureaus have been involved, you personally have been involved in making a lot of this happen, and it's been about, what are we up to, 13 months since we started the regulatory improvement work plan progress -- process and a lot has been accomplished. As we know, we did an outside stakeholder assessment from innovation partnership, and we also worked with the city auditor to conduct an independent assessment of our development review systems. Some of their recommendations have already been addressed by the bureau and some are incorporated in what you're going to hear about for the regulatory improvement work plan for the next fiscal year, which is the current fiscal year we're in now. Margaret will go over the highlights of those. We also developed an enhanced services to small businesses, a guide to development review, expanded business hours, we also instituted money back guarantees for certain kinds of permits, trade permits, commercial alterations, additions for residentials, certain kinds of permits, and a whole variety of other things. I'm going to focus on some numbers that we've just gotten back today to give you a sense of the proper guess that we're making. There's still work to do. A lot of work to do, but we're making progress. Until terms of the -- one of the criticisms we received and rightfully so in the past is that we were not reliable in terms of our turnaround times. In part because we did not have citywide turnaround standards. About seven months ago, you the city council passed turnaround standards for all kinds

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of permits, some permits are eligible for money back guarantees, but all permits in the city of Portland applications fall under turnaround time lines. Let me give you a sense of the improvement on residential projects. Residential permits. In the auditor's report they said that we were meeting 63% of our stated turnaround times during the auditor's report. That is now up to 82%. When it comes to commercial projects, the auditor's report said that we were meeting our turnaround times only 55% in terms of commercial permit applications. We're now meeting them 85% of the time. Those are significant improvements. In terms of the money back guarantee on permits, there have been 18,000 permits that have been eligible for money back guarantees. We have had to refund 13 for a total value of 5,000. And that's again trade permits, and building permits for certain commercial and residential additions and alterations. We're the only city that we know of in the country that's offering these kinds of money back guarantees on these kinds of permits. So we're trying to put our money where our mouth is. Another issue that was raised by neighborhoods and businesses alike and others was access to information. The old process was you would call the o.p.d.r. At that time and you would try to get someone on the phone if they weren't helping someone at the desk or at the counter. You'd often times have to leave a message and they would get back to you as soon as possible to find out about a status or permit. About in february of 2003, we went live with our web access for our permit tracking program. We're averaging about 24,000 hits a month for that. That's 24,000 times people -- 24,000 inquiries that are getting the information they want instantly. As opposed to a certain percentage of those 24,000 that would have called the bureau, would have had to come down to the bureau to look on their computers. That saves staff time, that provides much better customer service, and it gets the information that they -- that the customer wants when they want it, any time during the day. I could go on, but I won't. Suffice to say that the additional work since the bureau development services was handed over to commissioner leonard in terms of customer service and a whole host of other improvements has continued at full force. And progress is being made. Again, we've got a ways to go. This is a complex system, but we're making progress. Margaret's going to go over the proposed work plan for -- one other thing I wanted to share with you in terms of the strategic development opportunity team was established in august of 2002 by -- under your approval, and we've helped about 25 businesses with all kinds of different tasks, all kinds of different requests from the city of Portland. Everyone from fred meyer, to double tree, the river queen is now docking at the city of Portland on the columbia because of the work of the sdot group, the banfield veterinarian clinic is looking to move into the old votec site because of the work of the sdot.

Katz: That's the doggie park.

Adams We've got working with the zydell company in terms of their future needs for plant and equipment, we've got a variety of other companies that wish to remain at this point confidential that we've helped either locate here, companies like familian northwest that have been helped by this group that meets every week and includes representatives from all of your bureaus in getting through the process as quickly as we can. Soon you'll be hearing a proposal as part of this that actually takes it to the next level and has the city doing development ready certifications on properties around the city that will be managed by sdot. To talk about what's next in a little more detail, margaret is going to take that.

Margaret Mahoney, Mayor's Office: Margaret mahoney. I think as all of you recall, we made some changes in our process this year based on lessons we learned last year, and you've already participated in a couple of those. We did have an advisory team of business, neighborhood and representatives and city staff that did the screening of all the issues that came forward from our outreach. Their recommendation went to the planning commission, planning commission held a

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work session, and the recommendations in your report today are the recommendations from the planning commission. So i'm going to walk through those. They're on pages 3 and 4 of your report. And there are three pieces to the recommendations. Two of them are part of the regulatory code improvement list. The code side of the work plan. The third piece is the regulatory process and service improvement list, which is the process side. On the regulatory side, we have 11 items recommended for the top 10. Last year we had 15 for the top 10. The 11 items are three first items 1-3 are three multiyear projects that are carryover from '02-03. There's still substantial work to do on those, and those are streamlining environmental zoning enforcement, the tree and landscape standards, which is a multibureau effort, and improved compliance tools, which is also multibureau trying to improve how we actually enforce items. Code requirements, rather. Items 7-10 are new items that came from the advisory -- the public outreach, the advisory team and through the planning commission. Number 4, the land division monitoring package is actually a package of 53 code items that came from monitoring done by the bureau of development services staff on our relatively new land division code, and were identified as high priority by both the advisory team and the planning commission. So that's a multiple package there. Items 5-10 are more specific code items. One is the -- i'm sorry, number 5 is a group one as well, actually enforcing our impact report that the council adopted in march. 6 is coming up with some new standards for paving that allow more non -- allow more pervious options. The zoning code actually requires full paving in a number of areas and is contradictory to our storm water goals. Seven is an item that came up during the process from the columbia southshore I think in june you approved the wellfield protection requirements from the water bureau, and one of the concerns raised as a part of that is not subjecting businesses who are doing those upgrades to further upgrades under the zoning code. So this would be a request to exempt the well head protection value from our threshold there. Number eight is to really look across all the bureaus and standardize and update our trail standards, that's actually an item that parks would take the lead on, but would come back with zoning code changes later. Number nine is kenton plan district, to correct an issue that came up in the kenton plan which restricts business there, one of those unintended consequences that comes forward from time to time. This was a quick way to get at it. And the bed and breakfast item also came up at the planning commission, and it's for those small businesses that are a part of the bed and breakfast community, it's a way to allow -- or to reduce the restrictions on their doing gatherings, but in a way that's consistent with their neighborhood concerns. At the planning commission, the planning commission itself added number 11 to the list, and they addressed that in their letter of transmittal to you, which is part of your report. The second group of code items are actually existing planning and policy projects that are going on in the bureau of planning, and in b.d.s. And were a number of code items that came to us from the public that were reviewed that really should be addressed in those planning projects. So we've identified in the white papers in the reports specific issues and the recommendation from the advisory team and from the planning commission is to send these on to the bureau and have them incorporate those issues in these six planning projects. The third part of the work plan is the regulatory --

Adams: If I could just interrupt, the -- i'm going to thank the committee that worked on this later, but I don't think there were any priority complaints or suggestions brought forward by the business or the development community that have not been addressed in either last year or this year's items. There are longer lists, but there was -- it was unanimous support on the screening committee that included folks from the business, folks from neighborhoods, folks from a variety of other stakeholders and there was unanimous agreement on the priority items that have been included on this list. I think that's accurate, right? Ok. Go ahead.

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Mahoney: The 3rd and -- third and final piece of the work plan is the list of process and service improvements where the bureau of development services is the lead, but involves all the other development review bureaus. There are 12 items there, some of them are actually underway already, and a number of them are reflecting recommendations that came out as sam mentioned earlier, from the i.p. Assessment and the auditor's report. Getting a way to resolve disagreements was something that came out of both of those assessments. Utilizing the survey results from customers to really hone in on additional improvements was something the auditor recommended. Increasing the number of project teams like the facilities permit program was an i.p. Recommendation. So they reflect pretty strongly recommendation that's came out of both of those assessments.

Adams: And before we turn it over to gil and ray, I want to make a couple of thank yous. First i'd like to thank the advisory team that included as I said, both business and neighborhood representatives, and city staff that gave us invaluable help in sorting through the suggestions. It includes david allred, beverly, chris, lana, susan, peter, and don, alyssa, judith, leonard, douglas, bonnie, greg, carrie, jerry, kim, tom. I'd also like to thank the planning commission and the development review advisory team for taking the reins to continue to provide the leadership on the regulatory improvement work plan process, the planning staff, including gil, betsy, carrie, new team member sandra and phil, and development services, ray, susan, also tom, laurie, susan, and jim, and i'd like to reserve a special thanks for margaret, who in the second year has taken 0 a lot more of the work specific to this project in addition to hanna, on the mayor's staff have really worked very hard on making the second year work, and as you've read in the plan, we're now institutionalizing it, so from here on out the work will be coming from the bureau of development services in terms of lead work, and the bureau of planning.

Katz: Ok. Thank you. Bureau of planning. Gil kelley. Come on up. And who else was -- and ray.

Gill Kelley, Director, Bureau of Planning: I'll lead off. Good afternoon mayor, council. Gil kelley, planning director. I wanted to first of all thank sam. I've long been a supporter of reexamining the regulatory context in Portland, and I think sam has done a very admirable job in kicking this process off that now needs to live in the institution here, and he's done a great job of getting the attention of all the bureaus, and there are more than just these two bureaus involved, obviously, in this whole process. I wanted to just let you know, ray and I have had conversations about how we see this living on in the institution. Obviously you have in front of you a recommendation from the advisory committee and planning commission about a consensus list of top 10 items to look through for the next year, and an 11th item recommended by the planning commission. Beyond that I wanted to remind you of the diagram that's on page 8 of your report, which really lays out a more holistic report to regulatory improvement, and this was discussed and endorsed by you at your joint work session with the planning commission on regulatory improvement, the planning commission has in turn affirmed their endorsement of that as they work through the list and work through the various issues. They wanted to make sure we had adequate funding to sustain this over time. We think we can do that with your help, we have two positions in our budget that are new to this that are dedicated here. They did not add to our overall staffing table, but they were reallocation of priorities from previous years. And so with the addition of sandra wood and phil, we can compliment the one existing staff we already have. And really address the sort of top and bottom boxes if you will on this diagram, which are really about taking a bigger picture look at our regulatory context on the one hand, and also engage in regular -- regular monitoring and evaluation of zoning legislation and other legislation that is just been

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adopted in recent times. So we don't find ourselves so far down the line picking apart the zoning code, but looking at sort of whole chunks of regulation that you've adopted. That was very important to the planning commission as well, and to have endorse that, so I wanted to say we're moving in that direction and that seems to be quite successful. And you'll see more products coming forth in that line in the near future. In fact the planning commission just received their first two reports yesterday on evaluation and monitoring on the accessory dwelling unit, legislation, and on the land division changes that were adopted by you about a year ago. So that's already working its way into the system. The planning commission also did want to respond to your request and deliver a top 10 package, and they did that. And they also wanted to note particularly for you that a number of the items on that list, which is a consensus list, do not involve title 33 code changes. And so it may not require a public hearing in front of the planning commission in the way that title 33 changes do. So part of the work effort they've asked us to look at with the other bureaus, and I think both b.e.s. And pdot are involved here, as to what the process will be for public involvement in those particular kinds of amendments. So that's an issue that we'll need to look at. And a minimum documenting of what that process has been, so when you receive it you're confident there's been adequate input on those recommendations. The planning commission also recommended that we continue work on the impact assessment so that we standardize that kind of rigorous questioning of ourselves as we're proposing legislation, and this is for all bureaus, again. And that's an item on the top 10 list and something that we'll be working on in this year. And again, ray carriage and I have had a number of conversations about this, we feel we have a good breakdown of roles on this program, and are confident about carrying it forward. So with that, let me turn it over to ray.

Katz: Ok, ray.

Ray Kerridge, Director, Bureau of Development Services: Ok. Ray kerridge. I just want to make a couple points. Gil said, w.d.s. Has been supported of this for some time, and we, along with our committee, just want to let you know we are committed to fulfilling our role, future role in the development review process. We have already implemented a number of the items in the '03-04 program, and we feel we can carry out our obligations under that. One more point, i'd like to say, to show you our commitment to the regulatory improvement process, i'd like you to -- we have put together a special team under the direction of susan feldman to carry out our responsibilities on these issues, and through that team we believe that we can exercise some leadership hopefully in regulatory improvement in the future. That's all I have to say.

Thomasina Gabriella, Chair, Advisory Committee: Ray asked me to come up with him today as the chair of the development review advisory committee. We're pretty new in terms of the --

Katz: Identify yourself.

*******:** But we want to --

Katz: Identify yourself for the record.

Gabriella: Sorry. Thomasina gabriel. 2424 northwest northrup, and chair of the advisory committee. We wanted to say that we are very interested in really carrying on and maybe even completing some of the work that is included in the rip sip and resill lists, recommendation that's came from the auditor and the blueprint. And we are really looking forward to taking on the lead role on the rip sip list, but I believe it's going to be quite a bit of interaction I hope with the bureau of planning and the planning commission on things like the impact assessment process.

Katz: Thank you. Amanda, why don't you come up, representing the commission. Are you representing the -- yeah. All right. Come on up. We always welcome her, whether she welcomes the commission or totally or partially or not at all.

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Amanda Fritz, Planning Commission: Thank you, i'm amanda fritz and I only wear a dress when i'm representing the commission. For very special occasions.

Fritz: The planning commission is pleased to recommend this package for further work. And it's been a very good process. We're very glad there has been a good public process with advisory committees, and input from the neighborhood associations as well as input from the bureaus and from the council. The process will be that there will be more work done on this package, and it's a list of items to be considered rather than asking you're being asked to deliberate on today. I'm here primarily to answer questions, particularly about items that may not be on the list. You may hear testimony today from people who submitted a request that didn't make the top 10, and then the top 11. In which case i'd ask you to have me back so I can explain to you why the planning commission didn't recommend that. One of the things yes particularly careful about was staff time.

We were concerned in the past year that some of the big picture work that the planning bureau is doing had some staff taken away to work on some of these other items. While they're important, these -- we're very interested in seeing some of the bigger projects that enable us to look at regulations holistically, move forward. I do want to add my commendations to the staff in the mayor's office and in the bureau of planning and bureau of development services, as well as the other bureaus. There's also the parks bureau and to stress again that there will need to be a citizen input process developed, as was promised in blueprint 2000 for the other bureaus to consider some of the recommendations in this package. So we look forward to seeing those citizen advisory processes develop, and also appeals processes developed in those other bureaus. This is a unanimous recommendation of the planning commission. And the commission did add item number 11 without any staff input, because we do want to stress to you that while we recognize the decision that the council made on regulatory reform package one, our role and the state law and the comprehensive plan and in the zoning code is to give you advice on the comprehensive plan and its implementation. And in the unanimous opinion of the planning commission, the zoning code doesn't at this time, implement the comp plan in the r-5 zone. So we recommend you reconsider that issue as soon as possible.

Leonard: Can we conclude if we don't agree with your advice you'll bring it back every year until we do?

Fritz: It's certainly a possibility. That's one of the responsibilities of an advisory group, is to give you our advice and to provide you with information.

Leonard: Thank you.

Katz: Ok. Thank you. Let's open it up to public hearing.

Leonard: Ray or gil or margaret, keep track of all of the issues that are identified so we can respond to them. Somebody take care of that. All right. Who wants to start. Go ahead, sir.

Dave Hilts: I'm dave hilts, i'm here to speak directly about the r-5 lack of compliance with the comp plan. I think it's important that the council reconsider the little loophole that's -- .

Francesconi: I apologize.

*******:** It's ok.

Francesconi: I apologize.

Hilts: I'm dave. I'm here to speak about the comp plan and its loophole with the r-5 issue. I think it's really important that the council reconsider implementing 3,000 square foot minimum lot size to the r-5 zone to remove the loophole, because as land use chair of the mt. Tabor neighborhood association, land development in our neighborhood is a huge issue. It probably one of the biggest issues kind of vacillates between that and traffic. And by increasing density without some sort of thoughtful -- thoughtful approach, I think we're going down the wrong path. In 1980, we

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developed the comprehensive plan, the blanket rezoning, the southeast Portland. We have yet to revisit that, and we have a lot of issues in our neighborhood which deal with infill housing and the degradation of the neighborhood. Along -- a long time ago in the late 1970's, early 1980's, our neighborhood was highly weighted towards rental housing, and run down properties. Those have been increased in value, tax dollars for the city, people have raised families in those houses, and they have revitalized the neighborhood. Now once the neighborhood has been upgraded to come in and start further development, which is really based on an antiquated map of the neighborhood, or decisions that were made back in 1980, is a really bad idea. And I am -- I was involved in the beginning of the rezoning back in -- it's probably been five years ago, and because of funding that was cancelled. And I think that was a missed opportunity, because right now we're really faced with a serious issue of seeing our neighborhoods kind of go down the tubes. I think increasing the density is important, and I think it's irresponsible not to look at increase in the density of the neighborhoods, but development is important. Good development is important, and I think that appropriate good development is the goal. So that's what I hope by closing this loophole in the zoning code, we can get back to appropriate good development. Thank you.

Katz: Go ahead.

Francesconi: I don't know if I should say this. Listen, I think this loophole should be closed. I'll always think this loophole should be closed. I thought it was a mistake then, I think it's a mistake now, and I'll even work to close the loophole. Because it has to be closed, because it hurts the neighborhoods. That's my belief. But I also know that the council voted 3-2, and we have other issues that we have to address. So I hope that this gets -- there's a way we can figure out how to bring this back sooner than later, but I'm concerned if other regulatory improvements that we have to make, you know, to help the neighborhoods and help development get swallowed up in this process. So I don't know, I'm talking out loud, I'm thinking out loud here, I don't know if there's a mediated approach, or if there's a special proposal, but I'm not particularly interested in at testimony focused on this issue that we've heard twice already, but having said that, I don't want people to misunderstand. This loophole has to be changed, we made a wrong decision, and I'll work to change it. But the council's decided it contrary to what I think, and I'm not particularly interested all afternoon on hearing this. I don't know if I'm making sense here, folks.

Katz: We have a public process, and I appreciate that, but we're going to have a hearing on each of these items if the public wants to talk about them. Sorry.

*******:** My name is George --

Katz: But, let me say that -- having said that and voting to close that loophole, I hope that you can be brief, because we've heard this testimony before.

George M. Bruender: Once between, my name is George, from Concordia neighborhood. I do realize that you've covered the territory, and -- but it's still having a great impact on our neighborhood. Where we live, period. In Portland we still do not have a minimum lot size for zones R-5 and 2.5 this. Seems to be a violation of the state comprehensive plan, which is the law. For many of us in the Concordia neighborhood, this has resulted in defacto zone change without any public input. I support revisiting issue 11.

Katz: Thank you.

Allan Harwood: My name is Allen Harwood, I'm sorry I didn't write it very clearly on my sign-up sheet. I'm talking on the same issue and I'll make it very brief, because you have heard this many times. With regard to the standalone houses on 25-foot lots, Portland prides itself in livability, particularly of the older neighborhoods. Elements include landscaping, street trees, on-site areas for outdoor recreation, between the typical entry stairs on these narrow houses, some of them up to

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three stories high, which is one I was looking at today, between the entry stairs, driveways, there's virtually no room for canopy-producing trees or landscaping in front of the house facing the street or visible from the street. Allowing construction of five- -- 25-foot lots sacrifices all those elements Portlanders value. Allowing construction of 25-foot lots will increase street parking and traffic congestion. Both features important in considering livability in the neighborhood. Declining livability result the in declining property values and degree rah education of the neighborhood. I've heard arguments that allow construction on 25-foot lots will provide lower cost housing. I question tall skinny houses suitable for families with young children since the property allows for little or no outside play area, at least not play area that's easily visible from inside the house. Multiple level means much up and downstairs, not ideal for children. It certainly is not suitable for the elderly or physically challenged. In fact, construction of tall skinny houses on narrow lots will recuse the availability of affordable housing suitable for those people. Thank you.

Katz: Thank you.

Sten: Mayor, can I ask a --

Katz: You can ask anything you want.

Sten: I was in the majority that everybody is mad at, and i'm willing to talk about some things. Do you want to do that now or take all the testimony --

Katz: We're going to take testimony. This is an item on the council, and whether it makes feel -- people feel comfortable, or uncomfortable, it's an item. It was presented by citizens, whether you agree with them or not. So the second gentlemen was very brief on what he testified, and my hope is that if you're going to testify on lot segregation, that you be very brief and to the point. And then we can have a discussion afterwards.

Sten: In that case i'll just make a suggestion.

Katz: Go ahead.

Sten: I would be interest the in the item, and i'm not looking, mayor, despite what you people testify. I'm delighted to get lots and lots of emails which i've received, and i've had quite a few conversations. What i'm interested in is trying to hear from you who are here, because this is clearly an issue that people are very passionate about, what possibilities people see to work through this. And I made that at the second vote on this, said I would be interested in some sort of compromise. So far the message i've got is there is no compromise f that's the view, that's one view and i'll have to take that into account. I expect some of the people who made the case are here, three neighborhoods formally appealed this issue to luba, my understanding is correct, and if it's also correct, and people can help me on this, there was a request in there that luba remand the issue to the city for mediation. And i'm very interested in what people are after with that remand. If that is in fact what you'd like to do, I would be very interested in the idea of voluntarily entering some mediation and trying to figure out some way to look at these issues. Whether there is or not in a different fashion, and certainly would be open to some sort of moratorium or -- that's what I said at the last hearing, but I don't know really what's being proposed with that. So if whoever is leading that approach does have a more specific proposal, would I be interested. I'm certainly not uncomfortable taking testimony, i've done it many times.

Katz: Fair enough. My apologies, commissioner Sten. Let me just say I don't know about the mediation and this issue, I just read the email when I got back from vacation. So i'd like to hear what people -- and agree with commissioner Sten, i'd like to hear what people are thinking about it there. Are some things that can be done, remember, I offered the suggestion of not ripping any homes down. Whether that goes far enough or not in terms of the mediation, I don't know if it does

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or not, so I -- i'm glad you raised it. I need to hear that too. If the folks here in the audience want us to mediate, or luba is actually recommending that we mediate, somebody please tell us what you're thinking of. If anything on this. Did you want to add something? When did luba -- refresh our memories on this one.

Linly Rees, Deputy City Attorney: At this point luba has done nothing. At this point a luba appeal of policy package one has been filed with luba, at this point we're preparing the record as we would in the normal course.

Katz: So the issue of mediation came from --

Rees: We received a letter from legal counsel representing three neighborhood associations.

Katz: Gotcha.

Rees: Three individuals suggesting a possible approach. It is not clear from the letter what issues they wish to discuss.

Katz: Ok. Then commissioner Sten's request is very legitimate, that if a representative of the three neighborhoods has made that as a possibility --

Rees: It certainly is within the rights of people to testify. However, those folks are represented by legal council and the proposal was made by legal counsel. The next probably isn't the appropriate place --

Katz: Correct. They don't have to, but they -- it would be nice if they had ideas to share. This is not a legal hearing.

Leonard: My better judgment says to be quiet. But -- but i'd listened to commissioner Francesconi and Sten, and now you, mayor, and what this is helping me to understand is the dysfunction that occurs in this city. It's helping me focus on where we're having problems in getting things done, and where those lie. Since I have first become involved in this issue, to this moment, the certain parts of the city have geared up full-time to fight this, even through after making a decision. And I think that it is not good for the city that we continue hashing this out, allowing people to keep getting angry and more frustrated, and I think that we need to make decisions in the city, and then move on. I think that's a very important thing for the city to do, and to listen to people and be respectful. But the sense that some people in the community are getting is that this issue will not go away until a certain segment of the city gets its way. And I think we've spoken. I think it's time to move on. We have a lot of important work to do. This isn't the only thing we should be focused on.

Katz: Ok. Let's continue with the public testimony.

Bonnie McKnight: Bonnie mcknight, 1617 northeast 140th. Before the clock starts, which is --

Katz: Ok. Stop the clock.

McKnight: Please. I just want to say how nice it has been to work with sam adams of your office on this sort of stuff. Sam is unique since i've been dealing with the city, in that he seeks out differing points of view, he opens the door to neighbor neighbors to participate, and he is trying to find common ground. And I think that's an appropriate way to do business in this city, and i'd encourage you to follow his example. I hope he can do that when he runs for congress.

Katz: Whoa, whoa, whoa.

McKnight: Sorry. If he were to run for another office, I hope he can continue that.

Francesconi: If he can find common ground in this congress --

McKnight: Well, yes. Mayor Katz, members of the council, my name is bonnie mcknight. I am cochair and land use chair of the russell neighborhood association coordinator for the 60wide land use group and a member of the regulatory improvement advisory committee, which helped develop the proposal before you today. The foundation for committee review and the decisions made was

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the comprehensive plan for the city of Portland. If a proposed item was a change to existing comp plan policy, we recognize that a formally adopted process already existed for that type of change and should be used. Our touch stone was integrity of the comprehensive plan as the structure which code was written to implement. And I ask you today to confirm that dedication to this single simple premise. The city of Portland comprehensive plan is the land use law for this city. The code writes the rules for following the law. Clarifying the code language is simply intended to more exactly state the comprehensive plan element and how they can be followed to reach the vision for this city. This work plan reminds the council that there are new ways to get business done. The work plan establishes full implementation of the impact assessment process, and we have great hopes for this process. We need to feel that our time and tax money are not wasted by lack of public discussion of council ideas, until they surface just before a vote. We need to feel that we will have open government decision-making in the city of Portland. Item 11 has been returned to this work plan package as a reflection of the council ignoring more than nine months of public process, extensive investment in staff resources and the unanimous recommendation from its own planning commission to bring this item into compliance with the comprehensive plan.

Neighborhoods and individuals throughout the city are not raising private money to support the appeal of this decision to luba. It's a waste of public and private resources, but more importantly, a waste of public trust to continue doing business this way. Public trust comes from public discussion and public process. It comes from obvious respect for differing opinions. It comes from this council recognizing that if two must show personal restraint in knowing the difference between an individual idea and an idea that is informed and tested by the opinions of people who matter. I hope this council will fully recognize the public trust should not be given away cheaply. I hope this council will fullery recognize that how decisions are being made has become more important than the decisions themselves. We ask you to fully support the regulatory improvement process by following the guidance and direction it offers as you work to reach the city vision defined by the comprehensive plan and its implementing code.

Katz: Let me ask, are you part of the group that's looking at the possibility of mediation on this?

McKnight: We have always been open to find common ground. We thought we had until we got to the first hearing.

Katz: All right.

McKnight: If I have anything to say, personally, I am absolutely supportive of finding a mediated solution.

Katz: Ok.

Frank Dixon: Good afternoon, mayor, council. Frank dixon, representing northwest district association here in support of the planning commission's recommendation to add number 11 to the list. And to express our concern about a pattern of -- that seems to be developing concerning the decision-making processes of the council. This is reverberating down to the citizen level in the neighborhood, like I haven't seen since the days of mayor ivansy. And I think it's -- we all need to reflect on that, and i'm sure our neighborhood would support mediation efforts. Thank you.

Katz: Thank you.

Tracy Ballew: My name is tracy ballew, i'm here as an individual, a homeowner, roseway board member, and a member of the citywide group friends of the neighborhood zoning. I understand -- my address is 3216 northeast 73rd avenue in Portland. I'm here again to say I support number 11, the minimum lot size in r-25 zones.

Lily Witham: Mayor and commissioners, my name is lily, i'm a board member and acting secretary for the buckman community association and i'm here today in an official capacity to pass

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on the message that we would like the comp plan observed. Our neighborhood has suffered for over three decades from poor zoning and regulatory practices. We currently have a 16.9 owner occupancy rate, a large proportion of our neighborhood is owned by nonprofit community development corporation, and we're especially concerned that minimizing these lot standards would really bring a lot of problems into our community, and negatively impact our community. Thank you.

Katz: I apologize for not getting back to you, but I was on vacation.

Alexandra Schilf: My name is alexandra schilf. Yes, we won't let this issue lie. We are very passionate about item number 11, that the planning commission has recommending. We are happy to know that you are open to mediation. I can't speak for the mediation, but I am part of the friends of neighborhood zoning group, and I was going to read a quote from the comprehensive plan, but we are very passionate about it. The zoning implements the plan, and it's not being done right now, and we just want to see that rectified.

Katz: And when you mentioned mediation, what -- have you given some thought about what you think needs to be done? If you're not, say you haven't. I just wanted to know if you've given it a little bit of thought.

Schilf: I have probably not to the extent that the people who are more involved have to be quite honest. Speaking for myself, I did read your recommendation which I thought was a nice compromise there. Might be some things in there that are -- would I have questions about, but -- that's just purely my --

Katz: Ok. Go ahead, sir.

Scott Rosenlund: I'm scott rosenlund, forest park neighborhood association development chair. I'm here to show our support with the rest of the neighborhood associations for the discussions on the comprehensive plan and how we wish to support it in its current state. I do have a difference of opinion with commissioner leonard saying that this type of concerns and going back to the r-.25 change is dysfunctional. I believe healthy discussions among all the city residents is good for the city, and it doesn't -- I believe -- don't believe it shows any form of dysfunction. Personally, the -- our neighborhood development committee sent me here, like I said, to give support for the rest of the neighborhoods on this issue. Personally, I can see that there is a lot of chance for mitigation. We didn't discuss any mitigation plans, but personally I think there r-2.5 stuff, if it's a lot that's undeveloped, maybe we can look at that, but the neighborhood plans especially need to be incorporated in that decision-making process. Thank you.

Katz: Thank you.

Dixie Johnston: I'm dixie johnston, collinsview neighborhood, land use code chair. I'm speaking for myself. I would like to quote from the comp plan. It is the law. Goal 10, plan review and administration. The plan will be implemented in accordance with state law and the goals, policies, and comp plan map contained in the adopted comp plan poll. Policy four. The designations state the type of area each is intended for. General use and development uses desired and the corresponding zone or zones which implement the designation. The current rules do not implement the designation, therefore the minimum lot size must be added to implement the comp plan. State law, Oregon revised statute 197.175, cities and counties planning responsibilities rules on incorporations compliance with goals, so on and so forth. We're asking, please to follow the law. There's another issue, it has to do with equity. Why is the city pursuing a policy on the east side of the river that has been found by the court system to be improper on the west side of the city? Thank you.

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Pedro Ferbel-Azcarate: Hello. High name is pedro, I live at 8512 southeast 8th avenue in sellwood. I work in who's forward abernethy and Portland state university. I'm on the board of directors of southeast uplift where I serve on the land use and transportation committee. That committee has issued a statement on this issue, and I speak here on my own behalf. Briefly, the broadest concern has to do with public process and abiding by the city's comprehensive plan. Our city is well known for its informed and active citizenry, and it's in our city's best interests to follow our vision and support the planning commission's proposal. I also want to mention that our land use and transportation committee and southeast uplift is putting together a development summit for this fall in order to bring together a plan -- bring together planner, developers, architects, city officials and citizens to try to find some of this much-needed common ground. We all look forward to using this summit as an opportunity, and we have yet to finalize the agenda. So perhaps this is a place where we can really get some work done. And I also would, if you're looking for suggestions, I personally would suggest a moratorium on building in some of these lots.

Katz: Thank you.

Gale Jordan: My name is gail, i'm a homeowner in the concordia neighborhood. I live at 382 five northeast summer street. I have three of the 15 foot-wide buildings next door to me. Four more on the street in the back of me, two more to the left of me, and another house is just been demolished on the corner to have four more. It's our lives and our homes that are being affected, and so I support relooking at this issue as part of the 2003-2004 work plan package, and I just want everybody to know that we aren't going to go away. We aren't going -- we are going to fight and hopefully with some of your support. Thank you.

Ross Mown: Keeping with the mayor's request, i'm ross man, chair of wilks community group. I'll just make a brief statement. I would ask you to uphold the existing zoning. The zone changes need to be made respect for the public process, and recognition of the comprehensive plan and the extra burden placed on neighborhood associations when they have to go to luba at their own cost in order to get the council to follow the rules. Thank you.

Linda Bauer: Linda bauer. I support the entire planning commission's recommendation. Thank you.

Diane Redd: Diane redd from mt. Tabor neighborhood association. Thank you so much for hearing me.

Katz: You've been here all day:

Redd: Actually I took a break. But thank you. You've went here all day. Thank you all. I'm just here because I actually only am speaking for myself. Our neighborhood association has not acted on this issue except that we have been galvanized by the removal of existing family homes that are very nice, and we -- I think I would speak for the people on our neighborhood association that we would support your efforts toward mediation and finding a win-win and common ground between the people who are testifying here today for a minimum lot size, and the issue of density in the city. Thank you so much.

Katz: Thank you.

Linda Nettekoven: I'm linda, I live at 2018 southeast ladd avenue in the hosford abernethy avenue. I'm here to let you know that although our neighborhood has not taken an official position on item 11 in your packet today, we've had numerous discussions and have shared a great deal of concern about the way events have unfolded to date. I guess i'd like to add our voice to those of others saying we need to find another way of resolving this issue, exploring mediation seems like a good place to start. If we create -- we all lost because i've got all this great citizen volunteer energy that's being directed in ways of -- that are oppositional as opposed to finding a vision that we can

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all work toward together. The thing that concerns me a lot is i'm watching people that believe in land use planning, and i'm hearing them being frightened of things like affordable housing and increased density, which these are values they shared until recently, and i'm beginning to feel the land use planning process is making it so density equals destruction of their neighborhoods, and that's not the way the plan was meant to work. So i'm hoping we can find an alternative way to implement things. Thank you.

Teresa Hanbey: I live on north mobile avenue in Portland. I've lived there for three years and I am in love with my new city. I belong to no task force, I have never testified before a city council in my life before, and the inspiration that I have for doing this is the senior citizens in my community that are being aggressively pursued to sell their lots for less than 15,000, so they can then be replaced by these houses. They are not affordable housing, and -- in the relationship to what you see in north Portland. They are not in keeping with the kind of effort, the kind of investment, and not monetary, but family and heart that people are putting into rehabbing these houses, and remodeling them, and making them places their children can live in. We have lots of babies in north Portland, and I think that's really functional. And I think i'll see this process through for as long as I can. I have brought two senior citizens with me because I think you need to understand that this is a pedal to the metal time, and mr. Leonard, with all due respect, you're probably going to get to know me a lot better and you're going to find i'm not going to sit down and shut up, because i'm a long-time social worker, and when I see people around me being cut off at the niece and disadvantaged by this kind of a policy, i'm going to speak up, as crazy and as frightened as I am to do this, you're going to hear a lot more from me. I've e-mailed all of you people. I e-mailed you with digital photos of what's happening to my neighborhood. No a single person let me know about this meeting. Not one of you. I had to dig and dig and dig and find and dig some more to find out that there was still a place to have a voice on this issue. And i'm going to be voicing my opinion. Are you going to be hearing from me. I am going to be galvanizing my neighbors, because I went and spoke to 75 households this morning, and there wasn't a single one that didn't care about this issue. I thank you for your time and I thank you for letting me speak. [applause] [gavel pounded]

Gregory Hanbey: I'm greg hanbey, I live at 7316 north mobile water ease a. We're being impacted already. We have two homes in the alley behind us that overshadow this lady's house, she'll tell you about that. They're building one over in a lot the other direction, and there are stakes in the lawn next to our house indicating they're probably going to put one right next to us within touching distance of our house, practically. So we're greatly impacted. We would prefer not to have 25-foot-size lots because they're almost unimprovable. The gentleman indicated earlier you could -- you can't even fit a tree or any kind of landscaping on it, which is certainly not the style or tenor of the neighborhood if you drive around, you'll see a lot of landscaping. And in virtually any neighborhood you wouldn't see that. That's a developed neighborhood. So they're like plopping a mobile home down on a parking lot.

Katz: Thank you.

Deolores Holler: Dolores hall, I am not -- I have not heard much of what's been said because -- but I want to just add, i've been here 38 years, and it's a very special place to -- about 90% of the people I know of my vintage, and I still think it's very special today. So in the word of development, I hope that those of you who have age in your favor, health in your favor, will do what your conscience says, and not always the dollar. Please care for us in the best -- if you did want me to go on --

*****: We just want to see you:

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Katz: Thank you.

Alice Dinsmore: My name is alic, I live at 7319 north lancaster in the arbor lodge neighborhood.

I had two row houses built immediately south of my house on lancaster. These houses are on lots 25 by 100. They run from the sidewalk almost to the alley. They tower over my house. So what was taken from me? The right to see a sunrise. The right to see sunshine. The right to see daylight.

The right to have solar heat. The right to have privacy, and the right to park. And this is supposed to be good for my neighborhood? I can tell you my three main rooms, the kitchen, dining room, living room, and one bedroom, face south. With this building running from the sidewalk to the alley, it completely towers over my building. The only time I see sun is when it's directly up overhead, and last winter while this place was being built, I had absolutely no solar heat. I run electric heaters day and night, and even now I have the overhead lights on morning, noon, and night, because I can't see to read, I can't see to make a meal, I can't see to do anything without having lights on on that side, because otherwise they're completely dark. I have a few pictures, I would like to leave them with you that I wrote on the back. I have lived there for 44 years paying taxes, and I don't even have parking sometimes in front of my home. I have to park a block away. This is unfair. I shouldn't even have to pay taxes when I have the sunlight taken from me.

Katz: Thank you. Give karla the pictures, and she'll pass them on to us. Commissioner Sten will return them to you as we --

Dinsmore: I don't need them back.

Katz: Oh, ok.

Mike Paul: My name is mike paul, i'm actually here on behalf of the small business advisory council. I appreciate the opportunity to testify today. I live at 2900 northeast court in the irvington area of Portland. As i'm sure you're aware, the sbac was formed as a body to the city of Portland in march and we are an advisory group. One of our three working groups at the moment is taking up the topic of regulatory reform. We've gone along with the pace of sam adams and other two that have given us information, and we're impressed with what's occurring. The improvement work plan has been a focal point of our organization since we formed the three different working groups.

The sbac supports the entire work plan, believes if implemented, these improvements would prove mutually beneficial to small business as well as the city. Some of the key points that other work plan we'd like to encourage further support are as follows. The continuation of the ongoing top three items, streamlining of the environmental zone enforcement, trees and landscape standards, and improved compliance tools. And one in particular, the well field improvement exemption, we encourage that particular exemption to be upheld. The land division monitoring package, while it's large, would I have a positive impact on the large population of residents, small business, and the city's processing of land division applications. The impact assessment recommendations has another -- have another positive impact for residents, small business and the city as well. We'd like to encourage further development of multiple channels for information distribution. Not only the net -- internet, but using neighborhood associations, business boosting organizations, if you will, any form of communication to get two property owners so they understand before they take on projects what might be involved in the way of planning and land use, etc. Sometimes the small business community is the last informed, and I think the outreach, we just need to continue to be creative about how we get information out to these folks. The nonconforming use issue, it will always remain a priority or our group. We've uncovered a lot of topics in that area. We'll continue to monitor -- we would like to continue to monitor the progress of these items, and offer resources, you're resources to assist in their implementation if available and where applicable. Finally, the small business advisory council intends to be actively engaged as a participant in the process of

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improving regulations within the city of Portland. And I thank you much for the invitation to be here.

Katz: Thank you.

Steve Unger: Thank you. My name is Steve Unger, and I live at 1810 Northeast 15th Avenue, where the line -- Lion and the Rose Bed and Breakfast is. We're a block north of Broadway and four blocks from the Lloyd Center. I've given Karla some supporting documents for you to have to review. I'm addressing you today as a small business owner, and the owner of an historic property.

I'm also speaking for Steven Holden, the owner of the Portland White House, which is a bed and breakfast at Hancock and 22nd in Irvington. And collectively, bed and breakfasts, historic homes in Portland, serve over 10,000 guests a year, many of them visiting family and friends in Portland, other guests being tourists. And we're here to ask you to approve the ordinance review work plan, which includes item 10, a review of the bed and breakfast ordinance, and in doing so, and including the bed and breakfast ordinance, we believe you will be creating an environment supportive of small business and also help preserve some of the great historic homes in Portland. About the ordinance, since I'm sure you wouldn't really know this, I don't think the current law requires us to live at our property, which we think is great, however, it also specifically prohibits commercial meetings and social gatherings. There can be no commercial meetings, and gatherings are limited to four a year with more than four nonresident guests, so if I have a Thanksgiving dinner, Christmas party, a New Year's party and my birthday, I've used up my four events. Always prohibited are banquets, receptions, dinner parties, weddings, wedding and baby showers, community meetings, and even charitable and fund-raising events. And in part, this is due to concern for parking noise and traffic issues, however, even when those issues can be addressed, there's no prohibit, no alternative. So the issues that we see is first, that the limitation on social gatherings is more restrictive than you would find on any of your own private homes. And this is my private home. Second, we're unable to meet the needs of our guests in our community. For example, when Paula Prince, head of the Irvington Home Tour Committee asked to have their meetings at our home, technically I should say no. Or when the head of the Portland Rebels asked to have a reception for the national leader of that noted singing group, the law says we can't do that. Or when the Presbyterian Church suggests we could host small weddings because they don't have a room, I could only say no.

Katz: Your time is up. Sir, your time is up. We got the idea.

*******:** Just --

Francesconi: Just say yes if the Italian sister city wants to meet there, ok? [laughter]

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

Steven Eggleston: My name is Steven, I live at 3425 Northeast 75th Avenue in Portland in the Roseway neighborhood. I'd like to thank the Mayor and the City Commissioners for listening to our testimony today in support of the '03-on you fore regulatory perform package with regard -- with the special regard to minimum lot size issue. It's important that the state law requires zoning code implement the comp plan, and that changing the zoning of neighborhoods without the proper process we are in danger of destroying the voice of the neighborhoods and the role they play. I am in support of the mediation that is moving forward, and in response to Mayor Vera's earlier request that our input, this is on behalf of myself, that a compromise possibly in the form of a suggested one that the Mayor put on the table was something maybe that question could work with, you know, with other input.

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Katz: I need to tell you, i'm not crazy about my own suggestion, but -- [laughter] if there's something that can work, I need to think through this. Is the legal representative here at all? No. Ok. Thank you. Let's continue.

Terry Griffiths: My name is terry griffiths, cochair of the woodstock neighborhood land use committee. I live at 4128 southeast reedway. Allowing detached single family housing to be built on historically platted 25 by 100 lots in r-5 residential zones seriously undermines the conceptual framework of planning and zoning as it has been practiced in Portland since the adoption of the comprehensive plan in 1981. Perhaps prior than that, I don't go back prior to that -- prior than that, I don't go back farther than that. The Portland zoning map which implements the plan, high density residential zones are invariably located close to transit corridors and areas of commercial activity. There's a reason for this. Placing higher density zoning close to transit corridors and commercial centers allows more people to live where they can be less dependent on driving, where they can walk to public transit, where they can walk to a bank and grocery store and get the goods and sevens they need without getting into a car. Placing high err densities in these locations, close to major transit corridors and commercial centers, allows those parts of the neighborhood more distance from these main streets and town centers to be preserved for zoning that allows mayor employer breathing room and for, quote, amenities such as yards, gardens, and large canopy trees. And in the case of woodstock, that more spacious zoning is r-5. The rendition to allow detached single housing on 25 by 100 lots amounts to changing the zoning in a substantial portion of eastside Portland neighborhoods without going through the required public involvement process for a zone change. Allowing higher density development to be randomly dispersed on no other basis than historic planning has no relationship to the comprehensive plan. It has no relationship to the ideas about rationale approach -- about the -- ideas and the rational approach zoning has -- that has been practiced for decades. I was out of town for the hearings that took place this summer. I was stunned to learn that a majority of this council had voted counter to the recommendations of both the planning bureau and the planning commission. Planning bureau staff are conscientious, knowledgeable public employees. The planning commission is a well informed body of volunteer expertise that listened long and hard to the debates surrounding this proposal to preserve the integrity of r-5 zoning. This decisions toes -- tosses aside the efforts of some of Portland's most valuable human resources. Not to mention the disregard for neighborhoods such as ours which has our neighborhood has been working for over three years to have this loophole in the zoning code corrected. Thank you.

Catherine Wilson: Catherine wilson, 3116 northeast 67th in the roseway neighborhood. I think you've heard a lot of testimony today, but the about the tomorrow line is that we're all here for the same reason, or big majority here. We want you to please reconsider item 11 for this plan package. Thank you.

Mark Reynolds: I'm mark reynolds from the woodstock neighborhood land use association -- land use committee. I live at 5019 southeast 47th. About a third of the woodstock neighborhood is platted in 25 by 100-foot lots of record. Most of the lots of this type are found in areas that are zoned r-5. Until recently, these 25 -- 2500 square foot parcels were not a cause for concern. They functioned as they were intended when they were platted. They were components of 5,000 square foot lots. Or in some rare cases, as parts of 7500 square foot oversized lots. Lately, however, due to the current zoning codes lack of a minimum lot size in the r-5 zone, these underlying half lots have functioned as kind of an arbitrary overlay zone, allowing construction at twice the normal density of the surrounding neighborhood without having to go through any kind of subdivision process. Meanwhile, only a very small portion of the part of woodstock which is zoned r-2.5 has

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the underlying 25-foot-wide lots. For these areas to be developed to the density specified in the comprehensive plan, it would be necessary for builders to go through the process of having their land subdivided in 2500 square foot parcels. Hence, it's easier to develop at 25 -- an r-2.5 density in the r-5 zone than it is in the r-2.5 zone. Understandably, builders are going to follow the path of least resistance, seeking out the low-priced homes on the 25-foot-wide lots of records in the r-5 zone. Rather than going to the trouble of subdividing larger lots in the r-2.5 zone. By failing to include a minimum lot size in the r-5 zone, the current code makes less likely the 2500-square-foot density will be achieved where it is appropriate and desirable in areas when which are zoned r-2.5, which have the appropriate infrastructure and are near transit, employment, and commercial centers. Rather than promoting the kind of well-placed density that can be a positive feature of urban life, the failure to apply a minimum lot size in the r-5 zone will result in the displacement of relatively affordable housing of a popular tried and true standard. Once these 5,000 square-foot lots are gone, they're never coming back. Increasing housing density where it's appropriate will have a positive effect on our neighborhoods, both by providing more housing and by helping to keep our neighborhood centers vital, allowing increased density to follow the path of least resistance will exacerbate neighborhood anxieties about increasing densities anywhere, making it less likely that residents will be supportive of future efforts to build more housing in our neighborhoods. Please reinstate a minimum lot size in the r-5 zone so we can use zoning as a tool for positive change in Portland's neighborhoods. Thank you.

Katz: Thank you. People were very shocked at the degree to which there had been a disconnect between what was being proposed and seriously discussed in the city, and the comprehensive plan.

And so we have a very strong position in support of using the comprehensive plan, which is part of the basic legal structure, both in the city, and based on state land use law. And so I just wanted to reiterate that because I really believe that that should be really studied and seen as the base for all of this decision-making, and I would also wanted to again bring up the fact that in a senate bill which is the basis of all land use planning in the state, and the basis of Portland's comprehensive plan, that citizen involvement is actually number 1. And the whole land use law is based on citizen involvement and input and having that be a part of every decision-making process. And over time in the over a decade i've been involved in land use issues, I have seen this being diminished in all kinds of ways. And I just want to emphasize again that how important that is that Portland comp plan unfortunately has an even weaker citizen involvement rule than the state one. Historically it's because they wanted Portland to buy on to the land use planning law to begin with, but even with Portland's citizen involvement in the comp plan, that has to be taken into consideration very seriously in the decision-making here. And there has been a lot -- there has been discussion of some of these issues in irvington, but i'll just say my personal opinion at this point, which is that I do grow that number 11 should be further included, and I really think there should be serious consideration of tree canopy, pervious surfaces, a lot of -- there are a lot of issues here that we have to keep looking bigger picture, not just one little thing at a time, but keep the bigger picture in mind.

Katz: Thank you.

Bob Ueland: Bob ueland, representing hollywood neighborhood association, the hollywood development corporation, i'm also a board member of central northeast neighbors, and on their land use committee, and i'd say today i'm speaking for them also. And we would all ask that you would ask issue number 11 to the list. I know hollywood is that high density area where town center and sandy is a main street high density. And so there the zoning follows the comp plan, and it seems as though in some of these other neighborhoods, we do have a couple of lots in our area too. That's

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not working. The cart got before the horse or something. I would at least recommend an open process, which is what we had when our -- r-5's became r-2's, or people with houses on r-5 lots became commercial storefront zoned, it was after an open process, and everybody was aware of what was going on. Now, wearing a different hat as a member of the development review advisory committee, and sort of coming from the neighborhood again area, I would like to reinforce thomasina's statement, she's our chair, regarding asking the council keep an eye and help us focus on some of the undone tasks that are on that list, in talking to people out in the neighborhoods and business people too, it just seems to make sense to them that before new regulations are proposed to council, that some sort of an impact assessment be done. That's pretty fancy term, but I think it makes sense to business people. When you tell them about it and talk to them about it. Also, they do think the idea of continuing to review the regulations that are on the books, every year and getting rid of those that are duplicative or conflictive makes good business sense. And then we've got project-based programs like the permit program. It doesn't apply to the small people in hollywood that have businesses, but it makes a lot of sense to them as business people. So I would recommend and hope that we can continue to focus on those things. Thank you.

Gwen E. Reed Thrasher: Mayor Katz and all commissioners, my name is gwen thrasher, my address is 3555 northeast lombard court, Portland, Oregon. I live in the concordia neighborhood, and I really was going to say something else, but I want to make it quick. My take on this is to stop tearing down the historical homes in our neighborhoods. Effective today, august 13, do not allow the developers to continue to build in our neighborhoods. I'm asking that the city no longer give permits. Finally, i'm asking, why can't we just let the developers build these newer homes like in a multifamily environment? This way they would have something in common, and all homeowners I feel would be happy. And we could call this the new addition. They've done it in other cities. To stop this -- this is just tearing everybody up. So, you know, I thought about what you said, commissioner erik, you know, it's like, why don't we call in a new addition? Why can't it just be a new addition? That way all of this, all these what they're doing, it's all in one area, everybody is -- they're going to go to that area, they're going to want to buy that home, because everybody is all alike. So i'm done.

Katz: Thank you.

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

Katz: How many more people are going to testify? All right.

Cindy Catto: Mayor and commissioners, i'm cindy from associated general contractors, 9450 southwest commerce circle, wilsonville, Oregon, and i'm not from a neighborhood association. I want to thank you for the opportunity to come before you today to talk about the entire plan that's in front of you. I'm representing my 1100 or so members from throughout the state, 80% of which are here in the greater Portland area. We want to reiterate that a lot of great work has already happened on regulatory improvement, but the long list of rip sip and resill items that are in front of you only goes to show there's a lot of work left to be done. My members have requested that I draw your attention to three items that are of utmost important to them. First, establishing the impact assessment process for policies, regulations and administrative requirements. We see in the resolution before you today that that's been assigned to the planning department to -- the planning bureau to implement. We would recommend that that be added to the bureau of development services as we see that more as a process rather than a code improvement type of activity. Two, empowering one entity to resolve policy disagreements among bureau was a role in development review. We believe that's appropriately placed with b.d.s., and would ask you to give that high priority in their activities. Three, increase the number of project-type permit teams with team

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leaders who are empowered to achieve internal consensus among bureaus. As I said before, much has been done with regulatory improvement, but we don't believe that until all three of these new process ideas are implemented in the city as, quote, unquote, business as usual, we're not going to really achieve streamlining, regulatory improvement that a.g.c. Has been asking for. I've been there 10 years, probably before then. We encourage you to find the necessary resources to make these items the top priority for b.d.s. We also believe that the development review advisory committee, known as dra, or some newly constituted group shall oversee these things happily -- actually happen and they become an ongoing process within the city walls. A.g.c. Wants to be part of implementing these recommendation and we look forward to working with the bureau of development services, and the planning staff to implement the entire plan. Thank you.

Nancy Hand: My name is nancy hand, I live at 3250 southwest rakara. I'd like you to consider the lack of -- it is so important that we all follow the current codes and laws we have. These narrow high density houses do not reflect the city's views of focusing on the environment instead of density, and that's what we were told during the southwest community plan. It also doesn't provide a good family environment with yards for children to play in, which I envision the city to be. I live on the west side, but after the last city council hearing on this issue, I saw that this was not going to just be a problem on the east side, that it was going to end up on our side too. And it's -- to me it's just a beginning of a snowball effect that this issue was going to have. It's only going to get bigger.

Katz: Thank you. Go ahead.

Mark Hefal: I'm mark hefal, 8317 southwest 35th avenue. Hello, everyone. I'm here to support amanda fritz's position and that of the planning commission, actually in the southwest community plan deliberations, I was a strong supporter of small detached houses on small lots. And I still am. But in 1996, volunteers from our neighborhood, led by an architect, surveyed every dwelling in our neighborhood. We looked at the affected area. We even discussed the minimum lot size issue in our r-5 zone. We also drew green dots on this map where in that area where we thought there should be new development. We found the rules and thought about the issues, and debated them over several years. Commissioner leonard a few minutes ago you said you might regret speaking your mind on this issue, and I hope you will. This issue for me isn't r-5 and small lots, many people spent years in a carefully considered process underground rules mayor Katz and the council put in place to reestablish trust. And as you said earlier, this is practically the first thing you've heard of the whole thing, and you're declaring that debate and discussion is going on too long here.

Guess what? It's that attitude, not our dysfunction that will ensure this issue won't go away. We settled the issue of the harms of destroying viable affordable small homes years ago. Next time like the council wish to refresh their memories, maybe even read up a bit before they vote. Either that or listen carefully to the people who care enough to come today. Thank you.

Katz: If there are any more after that i'm going to limit it to a minute. Go ahead. Somebody grab the mike.

Patti McCoy: Good afternoon. My name is patty mcco, as you know, I represent the columbia corridor association. Today i'll also be presenting highlights of the port of Portland's letter, which you have a copy of. And i'm very sorry.

Katz: Go ahead. I think we have it.

McCoy: You have the port's, but this is a summary from the columbia corridor association on the particular issue we're calling out. Both c.c.a. And the port appreciate the opportunity to be a participant in the city's regulatory reform activities. We participated in sam adams' regulatory analysis phase last year, and in the innovation partnership independent assessment as well. We're

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very pleased that some of the recommendations from these efforts are embedded in the plan before you today. As were many in the '02-03 plan. Both c.c.a. And the port support the regulatory improvement work plan as recommended by the community advisory team and the city staff, and recommend the top 10 that were recommended by the planning commission. Planning and b.d.s. Are to be complimented for embracing the very large regulatory improvement code list with its 11 projects that would be completed this coming year, the regulatory -- and the regulatory process and service improvement plan which includes 12 process and service projects to improve customer service. While a number of these amendments will not affect either c.c.a. Members or port facilities and properties, those that do impact us will result in more efficient land use reviews and permitting, which is a premium for our members. In particular, we'd like to call attention today to the importance of incorporating the well field protection program compliance projects into the list of projects that are not contributing to the threshold for upgrades to nonconforming uses. You'll find these under title 33. All of you except mayor Katz, who was on vacation when this was adopted, will recall the issue was raised when the council approved the wellfield protection provisions in early July. At that time, commissioners Saltzman and Francesconi both supported or suggested their support of the addition of these projects to the list of projects not contributing to the threshold. And suggested the appropriate place to deal with them was here in this regulatory reform process, which is why we're here supporting them today. We'd like to take a moment to just especially recognize efforts of those who have been helpful in providing information to us, keeping us abreast of the process. Certainly hanna in the mayor's office, margaret, susan and betsy, most especially sam adams. This project was the first opportunity that c.c.a. Had had to work with sam, and it's been a true joy, and on behalf of the association we'd like to wish him luck in whatever path he walks. Thank you.

Dave Nadal: My name is dave nadal, southwest florida court in Multnomah neighborhood. Also the hillsdale town center. I am here to testify to support the position of the -- regarding the skinny lots throughout the city and I support number 11. I also want to mention i'm amazed and very disappointed that -- of the comments of both commissioners Francesconi and leonard at the beginning of this hearing to the effect that they don't want to hear any more on this, despite the fact there are 30 or more people here to traveled here, we're not getting paid, I sat there and was -- had to scribble out this little talk before right in the process, and I found out just unbelievable. Anyway, i'd like to also -- I do have specific new ideas for solutions that i'll mention in a minute. I'd like to point out that there's dozens of these skinny lots in the Multnomah neighborhood in the general vicinity of where Multnomah, hayhurst and the hillsdale neighborhoods come together, right in the heart of residential areas where citizens opposed r-2.5 row house zoning and participated in the legislation of the southwest community plan. This is not opposition to affordable housing. It's not about opposition to the diversity of housing types and prices. It's about lack of planning and lack of creative planning. Nearly 100 years ago, we did better and more creative planning for higher density than we have done recently. At that time, in southeast Portland, we built two and three-story tier homes with two to six separate residences that fit into neighborhood design and not only don't detract from neighborhood character, but add to it. They have yards, decks, and are virtually indistinguishable from other homes in the southwest -- southeast neighborhoods. The ones I see are primarily in the hawthorne and belmont area.

Katz: We'd love to hear your ideas.

Nadal: Whether it's skinny houses or row houses or townhouses, we've had a creativity problem regarding row style development. Row style housing tends to do everything to negate the colorful quality housing stock. It tends to exclude the handicap, the elderly and families with children,

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especially when there's autos on the first floor, and they are very auto oriented dwellings, primarily. So I don't -- would like to submit the idea for tier-style housing for possible inclusion in the mediation process on the skinny lot issue. If there are ways that the neighborhoods can accommodate that.

Katz: Thank you.

Denis Norstrom: Dennis nordstrom, 8100 southwest 9th. My remarks are general. I am dennis nordstrom, a south burlingame neighborhood resident for 50 years. Although i'm not representing the neighborhood association today, I was chairman board member for 10 years. During that time the neighborhood association was enabled to influence and provide input into the replacement of the bridge, install a traffic signal on terwilliger boulevard at the congested corner and unsafe corner of southwest sixth as well as providing safe pedestrian crossing on the heavily trafficked boulevard, plus numerous other smaller things. Fortunately this area is very stable and desire rabble, and not dealing with some of the major issues represented by other associations here today.

Although the agenda items submit bide margaret mahoney's notice seem confusing, the primary enforcement of the adopted comprehensive plan -- not only to density but a lacks attitude to property zoning. The secondary issue seems to be the city's change in attitude say in 20 years, towards neighborhood associations and as to their relevance and importance. Truly, citizens are -- as is described on mr. Skidmore's fountain, then citizen involvement through some channel must be maintained if we are to secure a future city that the john -- the corbett, bensons envisioned in the beginning of the 1900's. My the decisions have you elected officials make today and in the tomorrows be tempered with an introspective question that asks what legacy does my life here leave. Thank you.

*****: There's a lot of work here, I think --

Katz: Identify yourself for the record.

Dick Cooley: Dick cooley, 141 southwest bright avenue, Portland. I'm a former member of the planning commission, a member of the drac, a member of blueprint are there's a lot of work here, I think sam adams deserves high praise for the way he's tackled a tough problem. I think margaret mahoney also deserves high praise here. The tough part of this package I think is number 5 under resell, which is assessment, impasse assessment, and number 7, under the resip, which is a conflict resolution. I think these are going to be very tough things to do. I say that from a experience, because 13 years ago when I as on the planning commission and we completed the rewrite of the code 33, we asked to monitor the code and nothing happened. I sat as a chair of a committee that just didn't go anywhere. And five years ago I know the blueprint began talking about these same issues, among many others, and nothing has happened on them until now. So it's no surprise to me that the auditor's office, as stepped -- has stepped in on this and has the same opinion, and that innovation partnership has the same opinion about those two issues. I think to do this will require dedicated resources and a broader perspective than historically has been applied to it. In other words, you're going to have to suspend -- prioritize resources in order to do impact assessment properly, and to do conflict resolution. And in that respect, I would reinforce what thomasina said about both those items and what cindy cato has said about both those items.

Katz: Thank you. All right. Anybody else want to testify? I'm sorry. I'm looking at his points and I want to review them again. Go ahead.

Jamie Koenig: My name is jamie, I live at 7331 north mobile, which is in the arbor lodge neighborhood. I've never testified in front of city council before, but I came today to ask you to fix the problem of allowing development that doesn't belong in a neighborhood and is destroying its character. I bought my home in north Portland a year and a half ago. My home was built in 1930.

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I appreciate the character of the neighborhood with these older homes. There are a lot of younger people moving into our neighborhood, and they're spending a lot of money to improve the existing homes there. And take care of the homes. They enjoy the look and the feel of our arbor lodge. These tall narrow homes that are being build throughout our neighborhood are inconsistent with the look and feel of our historic area. They're built quickly and cheaply, and without regard to the people who have to live among them. Please fix this problem. Thanks.

Linda Robinson: I'm linda robinson from the hazelwood neighborhood association. My second time here today. I'm also an active member of the columbia slough watershed council, and I want to speak to two of the lists on the resill lists. First, number 11, the minimum lot sizes, and as a member of the hazelewood neighborhood association, this is not just limited to the three neighborhoods that appealed, this is an issue that has concerned many neighborhoods and we've talked about it a lot at the hazelewood neighborhood association, and I would like to see this item dealt with further. The other item is number 7, the nonconforming upgrades, the wellfield improvement exemption. I have concerns about that, and one of my main concerns is that on page 19, where they identify the stakeholders who should be involved in that process, they have not included the columbia slough watershed council. Which I think is an important stakeholder in things that happen out in that area. You've got the water bureau, columbia southshore property owners and businesses, columbia corridor association, and there are a number of folks on the watershed council who would also be interested in that issue, and would like to have input on it.

Katz: Ok. We'll add -- we'll ask that question, but we'll add you on to the -- all right. Anybody else? We'll -- will our staff people please come up and respond, gil if you want to say anything in terms of the lot segregation, I know this -- please don't yell at him, this was a planning commission recommendation. But I know that in our conversations before this issue came to the council, gil and I had some conversations about if the council isn't supportive of the recommendation of the planning commission on lot segregation, are there any things that can be done. In other words, in terms of other ideas. Maybe you can address some of those right now, and then margaret, if you want to come up and who else, who are you pointing to? Sam? All right, come on up on anything else you heard. Didn't hear very much about anything else.

Kelley: Did I hear a couple of speakers support items that are not issue 11 and are on the list and are not contentious at all. They are -- they conform to what the list is in front of you. And there were two more speakers who raised the importance of the impact assessment process and the single point of conflict resolution, and I think the only concern we have about the first of those comments was that assignment as to which bureau, in taking on the assignment in the planning bureau for the impact assessment, which I think is logical, because we're sort of a coordinating bureau amongst a whole number, not just b.d.s. And planning. I think that makes sense, b.d.s. Will clearly be a major stakeholder involved in that process, and I think that works in the conversations i've had with ray carriage.

Katz: Ray, bring your chair forward.

Kelley: Ray is taking the lead on the other hand on the single point of decision making with his commissioner, so I don't think there's an internal conflict, and I appreciate both dick and cindy have been a little outside of some of the conversations around the assessment, which has largely been being developed inside the planning bureau, and this will be coming forward in the future. So we'll be glad to include them as well, and certainly both the planning commission and drac need and deserve terry barton a prized of the progress of a will of -- all of this along the way. The remainder of the testimony I heard and maybe margaret caught others, was really on this issue 11. Frankly staff, we considered that issue closed since your earlier vote. So we haven't developed any new

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proposals, nor advocated any proposals, nor really been aware of any mediation other than our contact with linley, who noticed us there was a written request, and I think frankly we're sort of -- sort of waiting to see what -- how luba sort of handles this and whether there's a referral or not. So we have not been preparing any sort of other track along those lines. But should the council decide to change direction and give us some new direction, we would be -- we're here to serve you, so --

Francesconi: I have one question on something else.

Katz: Let me pursue this for a second. I need to talk to lindly about whether we should intervene now, or go through the luba process and -- that is part of state law, and it is the neighborhood's right to appeal these decisions to luba. And that's why I kept asking, is the legal representative here, because I need to understand what they have in mind on something like that. So before we get into the mediation conversation, I need a little bit more preparation -- legal preparation on that score.

Leonard: On that subject, just so everybody understands, my earlier comments, we had the hearing before, we did develop what I understood, by majority of the council, was a compromise, and that was to recognize that the houses that were being built weren't reflective of the character of the neighborhoods. That was acknowledged. And what we agreed to do and have been working on at the bureau of development services I believe was some people from planning, is developing not just design standards, but actually a design book. And we've been working with architects in the community, and have staff associated with that, so that houses actually from the day that we adopted what we did from that point forward, that were built on these narrower lots, had to meet design standards that are re -- were reflective of each neighborhood, and its architecture. So if somebody heard some frustration being expressed by me, it was because we had exhaustively gone through that subject to try to come up with what we thought was a compromise, so that houses that are built first of all reflect the character of the neighborhood that aren't -- that isn't happening now, I think what's also important to acknowledge is there, yes, a lot of people here that have a certain perspective, but there are a number of people here that aren't here that are first-time home buyers that rook to this kind of housing as their first house they can buy. And speaking for myself, i'm very mindful on them not being here as well, and speaking to their ability to purchase a home in a city whose property values are increasingly outstripping our income levels for first-time home buyers. So i'm very, very sensitive to that group as well.

Katz: Thanks. Did you want to say something?

Francesconi: I just had a question before we vote on this whole thing. The question, it didn't come out much, but -- I understand the logic, and the terrific work and picking the kind of 10 minor regulations, and then picking some more minor regulations, in order to build momentum for taking on some tougher things. There's another approach that -- where you pick the 10 toughest regulations that are having an impact on the neighborhoods, and on development, and causing a delay. Maybe i'm missing it, but -- I wanted to just throw it out as to how would we get at the -- not the 10 toughest, when --

Adams: For two years now, which is basically if you look at it -- not two years, for the past 12 months, I should say, we basically have been -- we've had two waves of asking folks, what about a regulatory process, it isn't working, it's pissing you off, it's too expensive, all those things. We didn't tell them only come back to us with minor complaints. Only come back to us with big complaints. Only talk to us about downtown, only talk to us about what's wrong with business, what's wrong -- what are the complaints from the neighborhood association. We just asked open questions. The first go-around we sort of sifted the regulations according to what impacted small businesses most arduously. We did that because we're hearing more complaints from small

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business that anybody else, because they couldn't pay for professional permit wranglers, and we felt if we got it right for small business, it probably would be right for all sizes of business. And we also knew that there is a lot of support in the neighborhoods for small business, especially small business in the neighborhoods. The second time around the assessment committee came up with their sort of screening criteria and they agreed unanimously on that criteria, and again, businesses represented there, both the pba were represented there, and they unanimously agreed on the -- on their 10. So what you have in front of you is not the result of us saying, we only want the minor stuff, that's this first response. The second response is streamlining environmental zones, trees and landscapes and improve compliance tools, they might seem minor, land division -- they might seem minor, but they actually are a heck of a lot of work, and that's why it's going to take us the two years to get them done. I think it's -- your question is good because I want to underscore an important point, we have made this process to be very large net, and we try to be responsive to all the concerns that we've received about the regulatory process. Both systems and customer service, costs, turnaround times, everything. So it's not what made it on the list are really those things that we heard the most about, the most complaints about.

Francesconi: I appreciate that response. I hear a lot about nonconforming uses, and where -- is that on here? Did I miss it?

Adams: We did it -- we did nonconforming uses the first time in two ways, and then margaret, do you want to talk more about --

Mahoney: Gil should probably talk about it. Nonconforming use study was one of the items in the '02-03 work program that you adopted in the planning bureau has been working on that. I believe it's going to be bringing forward their report in september or a little farther. And they have existing planning projects ongoing like the main streets that would provide the opportunity to take the findings of that report and take some action.

Katz: Since that was raised, do you want to clarify exactly what you're doing on this so that we respond?

Kelley: We did a quick assessment of where nonconformities exist in commercial zones around the city, so that's the report that's coming forward as sort of an assessment of how bad is this situation. So that report is coming forward very soon. I don't remember the exact date that's coming out, september sometime. And then as margaret alluded to, there are a couple of planning processes that will feed directly into. One is the division of work that's going to be going on in this fiscal year, and the second is in the main streets program where we're actually sort of examining the toolbox there. It's also quite possible that we'll find its way into work on 122nd avenue. Where we have another process following on the gateway process to look specifically at some conflicts there.

Adams: One other item that's been -- people don't describe it as nonconforming problems, it isn't legally nonconforming problems, but people often describe it as nonconforming problems related to industrial land, and as you're aware, the bureau of planning and the Portland development commission completed an industrial land study that will identify all the kinds of constraints or zoning issues that prevent them from being developed.

Francesconi: My last follow-up question, it's just to you, sam, since you're leaving, and i'll have a chance to ask the other folks here, so if you -- given the input that you've received as you look really closely at this, have you, you yourself now, identified some conflicts in our land use code because we've passed competing regulations with different intent that really are slowing down the process that we should address? And if so, can you tell us what maybe three, give us three sessions we should look at, if they come to mind?

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Adams: Put me on the spot here. I definitely think that the whole issue of nonconform assisting definitely one of them. When the city rezoned in the 1980's for a variety of different reasons, I understand, the city -- it didn't turn out the way they intended, so I think the nonconform assisting really important. I also think the way the city goes about trying to enforce or not enforce the environmental regulations is to be kind, is a mess. And it's a mess in terms of if you're an advocate for a good environment and it's a mess in terms of if you're someone trying to develop or develop well. Those are two that I think are incredibly frustrating to people, and --

Francesconi: That's enough.

Adams: I'll think of a third one.

Francesconi: I just wanted ones that came off the top of your head.

Kelley: Fortunately some of both of those are being addressed in the first set of projects we mentioned. There's also the work already here reflected in the package in front of you on some of the environmental code enforcement of the tree and landscape standards, there are additional streamlining efforts in the healthy streams project that will be coming out of the first phase of that project.

Katz: By the way, did I remember if you recall, I asked folks to share with me why we're not as successful on main streets as we could be. And a group of citizens did get together and responded to that, and I will, when I have a few minute, share that with everybody on the council. There was very thoughtful discussion that they had among themselves, and actually identified why some main streets are successful and others are not. And that's something we ought to fold into our work. Ok. Thank you. Did you hear anything else that you wanted margaret and ray, you wanted to add on to

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Mahoney: Gil's notes were similar to mine, the only other two things I picked up were the columbia watershed council, and I made a note of that, and hanna was attempting to get contact information from the one person who said she didn't get notice.

Katz: Do we need to amend the -- and include the watershed council? No? Ok. Then i'll take a motion to accept the fy 2003-2004, and thank in that same motion, thank sam adams for all the work that he's done on this project of ours, and all the people that worked with him and worked with each other, so that's the motion. Do I hear a second?

Francesconi: Second.

Katz: Roll call.

Francesconi: Let me address the two issues here. First let me start with the regulatory reform effort. Let me start with -- let me do the thank yous first. Sam, margaret, hanna, but also commissioner leonard and commissioner leonard's office for following up on this, and ray. This is really important stuff. Not just for the business community and the whole issue of how we're going to improve our economic vitality, but also for the neighborhoods. I have heard here lately that banks actually put a higher -- require higher amount of money, some banks do, because our development process on loans, that's a problem, if it's true. It may be just a rumor. But it's something we have to seriously address. I think -- and we've really gotten -- we have to communicate to the business community how much has already been done, and using the internet sites is terrific, I thought the small business council recommendation I appreciated them being here, using other avs to get the word out is something that we really have to do. I still think -- we've got to do the tough work, continue to do the tough work on the issues of the impact assessment, the issue of an entity to resolve conflicts and the issue of project teams. As well as through whatever the appropriate process, the issue of nonconforming use. And the environmental regulations and how we're going to enforce them. And to do this, and I know the frustration on the impact

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assessment, I know -- don't go back as far as dick, but I passed an ordinance with most of the members of the council supporting it requiring this, but just us requiring it and actually happening are two different things. It's -- as I discovered. So I think the key is money and resources put into it. So that there is adequate staffing to make this thing happen. But then we do have to hold, once we've given adequate tools to the bureaus, which I did not do in the first attempt, we then have to hold them to it, folks, and there has to be -- you gotta do it, or there's going to be consequences. But I think that that one is really important. There does have to be an entity to resolve conflict, and we have to do that in a speedy way, and make sure that it's the right entity. And we do have to have more project teams, which means more money in order to do this. So this part is very important. I'm glad that we're doing the well fields and the landscaping, and it's obviously the right thing to do to include the watershed council. So it took a lot of work to do this. This is really -- and this is actually, this work is going to always be there. It's up to us to always pay attention to this. And I think in the past we've passed regulations and then just kind of moved on to the other thing. And so this is kind of a culture change is what we're talking about here. And sam deserves a lot of credit for institutionalizing it. The guy -- there's been a lot of people before them that have worked hard on it, so it's incumbent upon us to really do this. On this other issue of the item number 11, because of -- this is not the way that we need to be doing business as a community, and i'll say more about this in a minute, but because of the sanctity of the comprehensive plan, because of the rupture in the neighborhoods that I think we actually need our neighborhoods to accept more density, and because this is not going away, I think that we should include 11 in this, and that's why I seconded the motion. I think that because this is so important to how we do business as a city, I mean, the comprehensive plan, long-range planning, land use is kind of what defines us as a region compared to others, atlanta, phoenix, and others, and because of our bond with the neighborhoods, we do have to have an opportunity to revisit this. But this is -- and that's why i'm supporting this. But it's not the way that we normally do business. The neighborhoods, if I were you, i'd be doing exactly what you're doing. It's the planning commission that we've got to have a conversation about, and I know the planning commission feels very strongly about this, but the council has ruled, and I was in the minority on this, and I think it was a terrible decision. And I still think it was a terrible decision. But we also have to have a conversation with the planning commission about how we're going to do business in the future. Because we need you. The majority of the council has ruled one way, the planning commission, so i'm not -- the neighborhoods, you've done the right thing. This is your neighborhoods. You live there and you need to keep pressuring us on this. We have to have a conversation with the planning commission about how we're going to do business here. Because we need each other in order to be successful, and there's a lot more challenges coming in the future. But again, because of the sanctity of the comprehensive plan, because of the ruptures in the neighborhood, because it's not going away, and because there may be an opportunity to try to mediate this thing, I think we need to keep it on the table. Aye.

Leonard: I appreciated commissioner Francesconi's remarks, particularly at the last, and in the interest of conciliation i'm going to support this motion. And I would agree that the neighborhoods' position and remarks here were appropriate. But I think that for those that are involved in the city government, I expect more, and as those that know that I worked with, I think would tell you I don't expect any more from others than I give myself. It has to be fair and balanced in their approach to their jobs. And I would only say this issue in the comprehensive plan has come up a number of times, I made sure that I felt like my position was consistent with the comprehensive plan, and I will just tell you that a fair reading of that also includes the goals of affordable housing and increased density in this city. And I realize when people are in a room and I -- i've been here

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nine months now, and it feels like sometimes nine years, but in nine months i've been at a number of these hearings where people in the room think that they are representative of everybody in the city. And I understand that dynamic, but there are a lot of people that aren't rear height now, and those are people that are struggling to buy houses that are struggling to live in a -- in one of the best cities if not the best city in the united states. And if it's not the best city, everybody up here is working to make it the best city. That's why people want to live here, and that's why it's so expensive to buy a house in our neighborhoods. As i've told people countless times, the house I grew up in in irvington, my parents ran from in 1972 and sold it for \$16,000. Two years ago it sold as a fixer upper with the same roof my parents had on it for \$425,000. My dad could not have afforded to buy the house he raised us in. It's not fair. So people in neighborhoods have to understand when they look at somebody that's running for office and say, what are you going to do about gentrification, affordability? The answer may be it may impact you in your neighborhood, and it may mean we have to do things to the neighborhoods, but certainly you have to do things different than what we are doing if you're really serious about density, affordable housing. And I am serious about it. That aside, I want to -- I don't want to just acknowledge sam, I want to say that the things that have happened at the bureau of development services would not have occurred at the point in time they have. Where is sam? I can't see him. He needs to be where I can see him. They would not have happened without his work. And I know that. And I want to acknowledge that. The customer service training program that you initiated, frankly, I am not a guy that normally warms up to ideas like that. It was a fabulous idea. So fabulous i've asked to schedule a training session for the council with the group that did the bureau of development services, because even those at b.d.s. that felt skeptical about that program were completely won over by how effective that was that had the employees understand, you know what? Taxpayers are customers, when people come in, they're customers, and we need to treat them like that. Sam, that was your idea, and I have greatly appreciated that idea. Because I wouldn't have come up with it. So thank you very much. From this point forward, ray carriage is a man of change. We are instituting soon, I can't remember how soon, a program that will take the amount of time it took six weeks to get a permit for a single family dwelling construction permit in the city, we're starting a pilot program so we'll turn out a permit in 10 days. That wouldn't have happened without ray and his innovation and his staff. Everybody at the bureau of development services is focused on improving service, improving customer service, and improving the way we do business. And so this kind of work, notwithstanding my angst about this proposition, this work is exciting to me, it's the waive of the -- wave of the future, and i'm looking forward to the next year in making the kinds of changes that we're talking about that are contained in this plan. Aye.

Saltzman: This is a good package and this is a great process that we've embarked upon over the last year. And certainly sam adams deserves a lot of credit for making a very complicated thing work. And really have some tangible results to show for it. The results he showed from the auditor's office are very impressive and certainly give a lot of hope to dispelling some of the mythology that exists about Portland's permitting process and getting things done. So all the people that worked on it, b.d.s., planning, but sam's leadership, I think really helped gel. And making things gel is difficult to do in government, and I guess that's a good segue into the issue number 11. This is too good of a package to not let it go forward, but I do feel that council made the decision, and to sort of keep a decision that was made on the platter, only to my mind makes us look sort of like giving in bodies that I don't have a lot of respect for, because they do exact it will same thing. They never make a decision, and the one body that comes to mind is the u.s. Congress. I mean, they have battles every year about the same old issues, there's legislative battles going on

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that we're going on back in the mid-1980's when I worked there for congressman wyden. And I think the great thing about Portland city government about this city council in particular, is that we've been decisive, and it's not always -- doesn't make ever happy. You make enemies, you make friends, but decisiveness is something that counts. It's very important to me. And I think -- take great pride in that. I've made controversial decisions, and will continue to make them, but I do believe something is to be said for listening to the testimony, listening to all points of view, but you make a decision. We're running the risk now of I think undercutting the credibility of this city council on this matter. However, I do think that given the fact that we're going to deal with this issue probably one way or the other, whether it's a luba remand or the current discussions about mediation, it's not worth voting against this package because of my concerns about this issue not being resolved with finality, which I thought it was. Aye.

Sten: Let me start by thanking the team that's been working on this, particularly sam adams, margaret mahoney, without these two folks here, and they're both leaving, sam tomorrow, and margaret basically is gone at this point, doing consulting work, I think we have enormous shoes to fill. If we want to -- ray's got big feet, but they're big shoes to fill, and I think they've been doing work for -- symbolically, I mean. They've been doing really hard work, and to some extent work that I think people are recognizing, but it's very hard to win at. It seems like no matter how we push it, there's going to be saying -- right now my sense is it's what we need to do, but one side of the community is saying the council is antibusiness, and you've got another side saying we're doing anything developers want. So that doesn't mean we're in the right spot, it means we've still got work to do to get it right. Who knows, maybe both are true. I'd like to think that we're trying to find the right balance, and I think sam and margaret's work has been terrific. I wish you both the best in your next endeavors, and i'll stop there. Let me speak to issue 11. Listening to my colleagues, i'm probably in a slightly unique position and wish it was one that I was not in, but i'm in it, and I want to be honest with the crowd. I am not satisfied with what's happened after this vote. And i'm not critical of any of the sides, I understand my colleagues want to move on past this, and I understand my colleagues think it was a bad vote. I continue to believe, as did I and shared with you honestly, that -- and this isn't just about this, and all this package does is puts this pack on -- back on the table in some form yet to be determined, and I guess i'm comfortable in that happening. I don't think it unravels us making a decision, because in my however many years on the council i've only seen this happening a very small number of times. So I think when it does happen, that a vote engenders this many ongoing discussion, I feel compelled, and -- to continue that discussion and try and find ways through it. In terms of my personal view on this, I continue to believe 2500 square foot lots are a viable form. We have much smaller families in most of our neighborhoods, less people live there when I was a kid because of family size. I believe smaller lots can be designed in a way that's complimentary to the neighborhood, and when I voted nor package before, I felt like as commissioner leonard said, there was compromise going on about some significant limitations on what kind of homes could be built. The design standards did not exist, so when it came through and finished the council, in my mind, what was happening in our council meetings is that the standards were stricter for a rule that had been in place for 12 years. It's not something we cooked up and voted through, it's something that's been in place and we might it tighter. Since then there's two things that concern me, and to -- the point -- there was a loot of testimony and some I agree with some I didn't. Everybody one was saying, this isn't about this this isn't about that. Sometimes those get hard to follow, and for my point of view, I am concerned about the process issues that have been raised, and how people feel like this system isn't working in terms of this decision. I also continue to believe that it's not quite fair that the historic

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call plat is what's driving this policy and that only certain neighborhoods who have this historical plat are subject to this type of development. Whether I can agree or disagree with some of you as individuals about whether these are good or bad, it is only happening in a somewhat from a neighborhood perspectives, random fashion. The piece i've said in terms of mediation, I think this will be coming back to council at some point. At this point i'm trying to get ready today, I don't have a proposal, but I would be open to -- if planning does some work with the neighborhood leaders, to some sort of approach to both mediate this and look at the issue on a citywide basis. I think the issue of how we approach smaller units on smaller lots citywide is critical to me, and I would echo commissioner leonard's comments, I think there is a significant portion of people out in who over -- who are looking for a place to live in the neighborhood, and I think new homes serve that purpose, and I think that you can live just fine on the smaller lot, I think given smaller size, it's appropriate. I do, however, this is -- i'm being long-winded, I do however share a lot of the concerns neighborhoods have raised today about the process and about is it square and is this the right planning approach to get to that result. So I am willing to open my mind, reconsider how I approach this vote base orders your testimony today, which again, I don't see very often, so I don't take any offense if people feel passionate fluff to come back in, and would be looking for constructive approaches to do that and have more conversations in the future. For that reason I think it works just fine to put this back into the planning package in this fashion, but it will get at I think gil has work to do to figure out how and when and why, but it will get at -- it back into debate as long as it gets through this process, and we do make decisions, and we're an odd number of people and odd number of people always have to vote a certain decision, and sometimes apparently in the middle on this, I think my willingness to look at this some more makes it appropriate to look at it some more, because that's the way the 3-2 vote works. Aye.

Katz: This item 11, I think the council was wrong, though the issue that commissioner leonard raised with regard to this design standards and the brochure, that we should have done that a long time ago, and we'll continue working on that. You know, we do make mistakes as a council. And the citizens are in front of us, many times, where we don't agree with them. And they have the legal right to go and appeal this. And I hope they do that. And we'll see what happens. However, this probably is the most heated conversation that we've had with neighborhoods -- I was going to say since i've become mayor, but seeing charlotte here reminds me of accessory dwellings. And I think I was the only one on council at that time, though commissioner Sten -- .

Sten: I was here.

Katz: Ok. If you remember that, that was highly, highly controversial, so that may be -- may have been the first time this is the second time. And I think we need to respect the neighborhood associations and the land use chairs and the neighbors who worked through a lot of these issues and probably know the comprehensive plan a lot better than any of us sitting here. And what it really means or its history. I carry a part of senate bill 100, I carried the citizens' participation. And I promised on the floor that day, because I didn't know whether we had the votes or not, that citizens' participation was going to be critical. And that I would uphold that particular criteria and that particular part of the law very, very seriously. And so I thank the neighborhood associations, and hope that you continue being very vigilant about your perspective and your views, and come and talk to us and tell us we're either right or we're wrong. This council will have the ability to make some changes, maybe through mediation, maybe through new ideas, or through a legal solution, which citizens have the right to seek. Now, having said all that, I just want to let everybody know that the mayor's office will still continue to convene, and that group will be looking, and continue to look at land use and building regulations that are create -- that have created problems for either

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neighborhoods or small business in this community. And some of them will be able to resolve through creative thinking out of the box thinking, as we have in the last couple of months, and some may be a little more difficult, and when they're more difficult, then we have other ways of resolving that, whether it's rezoning or changing the code on particular items. But we're going to be doing it thoughtfully, and I hope that we can continue to come up with solutions that really hamper, especially small business with some of the issues that they're facing, and have been facing over the years. 10 years is plenty of time now to understand the code, to live with it, and to go back review it and make the adjustments where appropriate. And I underline "where appropriate." so thank you, everybody. Sam, you know how much I'm going to miss you. And I -- and the work -- I know the work that you put in with your team on regulatory improvement, and it was a response to a lot of people pointing fingers at this city council that were not concerned with the business of the business community here. It wasn't fair, it isn't fair today, and it is one of the urban myths that I'm going to talk about for the next months to come, and what this council, what this council has done to make this community not only a community of first class community for the citizens who live here, we are the best place in America to live, but it's also a community that's concerned about its business environment. And we have rules, and there are reasons for those rules, and if those rules don't work, then we have responsibility to come back and review them. And that's in fact what this council has done, and we will continue to do it. So let's stop this urban myth about this city council and this city not being concerned about its business community. We can't survive without each other. Aye. [gavel pounded] all right. Thank you. [applause]

At 5:56 p.m., Council recessed.

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AUGUST 14, 2003 2:00 PM

Katz: Good afternoon, everybody, the council will come to order. [roll call]

Katz: We'll sit here until we have a quorum.

Katz: Let's read the item, item 956.

Item 956.

Katz: I've got some comments that I need to read, and then -- I had your comments. All right. On July 10, 2002, the Portland city council approved an ordinance that adopted the marquam hill plan through two documents, volume 1, the city council revised marquam hill plan, and volume 2, the city council revised marquam hill design guidelines. The city council action adopting the marquam hill plan was appealed to the Oregon land use board of appeals, luba. Luba's rendition on the appeal rejected all substantive challenges to the marquam hill plan, but remanded the city's decision based on a notification error that occurred during the public review process for the design guidelines. Specifically luba found that the notice to the department of land conservation and development of the first evidentiary hearing on the marquam hill design guidelines was inadequate.

The only element of the marquam hill plan affected by the luba remand is volume 2, the design guidelines. However, because luba remanded the entire ordinance, the city council readopted volume 1 on July 30, 2003. Volume 1 contains the marquam hill plan elements that were upheld by luba. The luba decision required further proceedings on the marquam hill design guidelines, and today we will only consider only one element of the marquam hill plan. It's the marquam hill design guidelines. Testimony that relates to the design guidelines is relevant and will be considered by the city council. Any testimony directed at other elements of the marquam hill plan that have already been readopted by council is not relevant to today's proceedings, and may be rejected by council. So if you testify about something other than the design guidelines, we may interrupt you to remind you of the subject of this hearing, because we limit the time of each person's testimony and don't want you to use all of your time on matters that aren't related to the issue I just addressed. So before we take public testimony, let me turn to planning director gil kelley, and then project manager susan hartnett.

Gil Kelley, Bureau of Planning: Thank you, madam mayor, gil kelley, bureau of planning, I want to make a couple of remarks and then turn it over to susan, the marquam hill plan project manager for some details. The marquam hill design guidelines that you have in front of you today are the same ones that you adopted just over a year ago. They've not been changed. Susan will give you a summary of the guidelines and the changes that the council made from the recommendations you received from the design commission. I wanted to remind everyone we created a new design district for marquam hill, and these guidelines will guide the development of the buildings and open spaces on the hill as well as conservation of natural areas. There were two common themes throughout the marquam hill planning process that prompted the planning bureau to propose a new design district and a new set of design guidelines that were tailor made for that district. One was the visibility of marquam hill from so many parts of the city. Many people perceive marquam hill's institutional development as an extension of downtown some some -- in some ways, and believe the design quality of development could be improved through the design review process. This notion of addressing the view of the development it seemed from far away was a new one to tackle, frankly, through the design guidelines, and we felt the marquam hill area and this project was the right candidate for that kind of new approach. Another theme was the significant difference between the scale and intense I -- intensity of development between the institutionally developed portions on the hill and the surrounding residential and forested areas. While there are numerous

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other policies, actions and regulations in the marquam hill plan that also address these concerns, it was particularly clear that the creation of a new design district applies to -- which applied to the institutionally developed areas would also assist in providing a more cohesive and compatible design and development pattern throughout the hill. Both the planning commission and the design commission endorsed the design district and the need for specific design guidelines for that district. The guidelines that are in front of you today respond to that concern and that opportunity. And they have actually been put to the test twice now since their adoption for new buildings on the hill proposed by ohsu. The second of those buildings is in process now in front of the design commission. So with that context, let me turn it over to susan.

Susan Hartnett: Thank you. Good afternoon. I am going to do a power point presentation, and I think you all have copies of it in front of you if you're not able to see what's on your monitors. I want to give you just a brief overview of the design guidelines that were recommended by the design commission and the changes that council made after taking testimony in july of 2002. And I thought it would be helpful to sort of do a quick rendition of the sequence of events. July 10, 2002, city council approved the marquam hill plan and marquam hill design guidelines. June of 2003, so just a couple months ago, the luba decision did remand due to the notice error that the mayor mentioned, july 30 the council readopted volume 1, which is the document that actually creates the design district, and today you're holding a hearing on the design guidelines commonly called volume 2. The city council action on july 30, 2003, established the marquam hill design district and directed the bureau of planning to present through an emergency ordinance, the design guidelines that you had previously seen a year ago. The major change that council made a year ago in 2002 had to do with the planning commission's recommendation to create a new land use review which they called marquam hill site review. That was actually something that the council eliminated, and in the process of doing that, took the approval criteria from site review and rolled it into design review as a new design guideline. And I will describe it in more detail when we get to that. The design district, which is shown on this slide, and it's also shown on the board over here in front of the city attorney sitting there, shows you the area of the design district. It is principally the institutionally developed or institutionally owned land on marquam hill, it's the land that was rezoned to central employment or e.x. Zoning. The other area that's shaded on this map is the terwilliger design district, and you can see that the two design districts overlap one another, and I wanted to remind you all, clarify that there were no changes made to the terwilliger parkway either its regulations or how they're applied, or to the design guidelines that apply within the terwilliger design district. The intention here was that the marquam hill design district where it overlaps the terwilliger design district would augment and enhance, not replace or act instead of. So these two actually layer on top of each other. There were eight design guidelines that the design commission recommended. They were named enhanced views of marquam hill, develop intergreated building rooftops, maintain and enhance existing views from marquam hill, develop successful formal open areas, strengthen the pedestrian network, support the pedestrian network with new development, enhance relationships with adjacent forested areas and terwilliger parkway. And finally, strengthen connections to the village center. And the one that was added by council was called further the implementation of the site development concepts. So what I want to do is just go through these one by one. I'm going to do it fairly quickly. I don't want to take a lot of time, but I do want to remind you what's in the document. Guideline number 1 reads, enhance views of marquam hill in visually prominent new development by deemphasizing vertical, deemphasizing a building's overall mass, and/or articulating building facades. The views of marquam hill that are included in the background speak to both those from downtown in the east side, but also from terwilliger parkway,

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the design commission was concerned about both the afar and the near views of the institutional development and how it affected its visible location in both of these sensitive locations.

*****: I think you meant to say emphasizing verticality. Not deemphasizing verticality.

Hartnett: I think i'm reading too fast. I'll slow down. All right. Some examples of some design options that respond to what design guideline number 1 is seeking to achieve, the notion of articulating facades so that you don't have a solid plain of the building. The notion of exaggerating the vertical components, I think I got it right that time, and the notion of deemphasizing horizontality, which is not a word as far as word is concerned, and building mass. You can see in this building how the sections of the building is clearly divided into smaller portions so it appears to be a smaller overall mass.

Katz: By the way, this is not bad design 1.1 for everybody listening to this. We have an hour.

Hartnett: That's true, we have an hour.

Saltzman: It's spelled wrong, that's why word didn't recognize it.

Katz: Susan, you're slipping: All right, go ahead. We know what you mean, but you spelled it wrong.

Hartnett: All right. Develop integrated building rooftops is design guideline number 2. Size and place -- there's two statements to this design guideline. Size and place rooftop penthouses, mechanical equipment and related screening elements to mitigate their impacts on views of the buildings. And then the second one, consider the incorporation of rooftop gardens and ecoroofs to enhance views of and views onto the rooftops of buildings and parking structures. So some examples of design responses that are consistent with that first statement, an example here using an actual development on marquam hill, this is doernbecher children's hospital, and you can see these rooftop areas where the mechanical equipment and other rooftop facilities are screened into an element that is an integral part of the building. Another example from downtown, the koin tower, where the mechanical equipment is screened by this rooftop development. This is the one that in the winter time you can see plumes of steam, and it really makes it look like a rocket that wants to take off. This is an example of a drawing from actually university of california in san francisco, their development for new research buildings. Research buildings tend to have fairly intensive ventilation needs, so the rooftop characteristics get pretty significant, and this was just a drawing we included as another example. The second statement about rooftop gardens and terraces, on the left some examples from Portland and on the right, an example of an actual ecoroof, which again is a little different than a rooftop garden, but the purpose in the design guideline is to use these as screening and away -- a way to make the top of the roofs -- up on marquam hill where you've got the two ridges and you look across the canyon, you do see a lot of the roofs of the buildings, so the notion was to try and extend that green across the canyon on rooftops as much as possible, as well as address storm water management and environmental sensitivity. Maintain and enhance views from existing designated viewpoints. There are three viewpoints on marquam hill. There's one at ohsu and two on the veterans administration property. And the design commission was concerned about both maintaining what's there that's good and worth maintaining, but also was aware that some of the viewpoints have been eroded over time, and they would like to see consideration of actually moving those. So on the left you have the ohsu viewpoint where the notion of maintaining good public access to the existing designated viewpoints, and on the right is the notion of actually relocating viewpoints that over time have deteriorated and in some cases -- in the one on the bottom, due to actual vegetation growing up, and on the top through development that occurred, and to some degree obliterated the view. Guideline number 4, develop successful formal open areas. The marquam hill plan within the plan district itself actually requires the development of

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formal open areas in conjunction with the development of new buildings. So the design commission wanted to make sure that this formal open area was going to be designed sensitively and paying attention to some specific needs. So the three statements under guideline number 4 are, orient formal open areas to take advantage of available sunlight, existing and potential visual connections, pedestrian movement, building entries, and adjacent activities. Ensure that formal open areas provide visual, spacial, and tactile relief from the density of marquam hill's institutional development. And depending on their desired functions, consider the incorporation of public amenities in formal open areas. So some examples of specific elements that are discussed in the background for guideline number 4, enhancing visual connections, an example from nearby here, by third avenue through the south auditorium area. Organize around landscape features, so the tree that's shown here a actually a tree on the ohsu campus, which has been incorporated into their formal open area plan for the new biomedical research building, which is already under construction. Develop flexible and integrated seating. Orient building entries to the formal open areas so that there's a clear connection between the buildings and these areas. And create good connections to the pedestrian network, and i'll talk a little bit about the pedestrian network in the next couple. Guideline number 5, there's actually two guidelines that speak very directly to pedestrian-related issues. Number 4 is called strengthen the pedestrian network, and number 5 is support the pedestrian network through new development. So number 5 reads, strengthen and enhance the pedestrian network and trail system by developing new segments that are safe, well connected, both visually and physically, and rich in their amenities and material qualities. So some information from the background material, first of all, the background talks to both the internal pedestrian system which is the 9th floor connector i'm hoping you all remember, is the key level that all of the buildings on marquam hill are connected. And then there's also the external network, which includes sidewalks and a variety of forested trails that connect marquam hill to downtown, to the marquam nature park, to the neighborhoods to the west. So all of these portions of the trail of the network, the pedestrian network, are considered in this design guideline. A couple of specifics that are examples of design responses, a consistent set of pedestrian oriented infrastructure such as textured material, colored material, lighting fixtures, all of those that can be readily understood by a pedestrian in their wayfinding efforts. Number 6 is support the pedestrian network through the development -- through new development, and the two statements here are, support the pedestrian environment by developing building facades that offer strong physical and visual connections to the system. And the second one, incorporate building equipment and/or service areas in a manner that does not detract from the pedestrian environment, including trails. And some specifics, again, the idea of incorporating seating and art into buildings in ways that enhance and integrate with the pedestrian system, developing landscaping that again reinforces where the pedestrian network goes and takes people. And creating both physical and visual connections between activity areas is the third one we've got here. Guideline number 7 also has two guidelines. Strengthen the relationships between new institutional development and adjacent forested areas, or terwilliger parkway by working to reduce site impacts and enhance the integration of the built and natural environment,. And incorporate building equipment and/or service areas to strengthen the natural qualities of adjacent forested areas or terwilliger parkway. So there's quite a bit of discussion in the background about being sensitive to both the forested areas as well as terwilliger parkway. Some ways that's specifically discussed in terms of building design are the incorporation of dark or textured materials, particularly at the base of a building, and one example that's given here is again doernbecher children's hospital, which has this very rough rock at the base that has the appearance of the natural basalt hillside around it. And on the right is

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the notion of using less refined materials where buildings come in contact with forested areas, and this I believe is an example from Washington park.

Katz: Let me just add that I think that this is one of the more difficult and the less successful that we've seen in the city in terms of design elements. Would you agree with me? You don't have to agree with me, but --

Kelley: You're speaking of the Washington park design?

Katz: No, incorporating the dark and textured materials.

Kelley: It's a challenge.

Katz: It is a challenge.

Hartnett: I think where it's been used so far in these -- the two buildings that have already been working through the design process, I think the design commission has been pretty happy with what they've been seeing.

Katz: Good.

Hartnett: And I think it's also indicative of why we wanted to include this. Guideline number 8, strengthen connections to the village center. Just as a reminder, the village center is the area immediately west of the institutional development in the homestead village area. The guideline reads, create an active urban interface with the village center by incorporating pedestrian-level space that's can accommodate a variety of active uses. And just a couple of quick examples, again, of active urban building edges, such as what's going on in the urban plaza at p.s.u., and the notion of articulating building facades as a way of creating those plaza spaces. So the last one, guideline number 9, further the site development concepts, was added by council as an alternative to the planning commission's recommendation to create site review. There are three site development concepts that help guide the reorganization of both activities and the various access networks, pedestrian, vehicle access. Each of the site development concepts is intended to build upon the other, and there are specific text in there that talks to the integration and reinforcement of these three site development concepts. So the guideline reads, further the implementation of the functional areas, pedestrian and vehicular circulation site development concepts. And the functional areas site development concept really speaks to the organization or reorganization of activities, and this is consistent with what ohsu had been promoting through their master planning process. The idea that educational activities would happen closest to the residential area, the opportunity that -- that creates the opportunity for an interface between the institution and add joining residential area, the notion that research activities would take place at both the north and south ends of the institutional area, and that patient care facilities would be focused in the canyon area. This is the overall focus, and it is reinforced again by in particular the vehicular access issues, which i'll talk about in just a minute. The pedestrian circulation site development concept is focused on both, again, the internal and external systems, and it's a lot of the discussion in the background on this one is really focused on an efficient and integrated system, a seamless system inside and outside, 2, from, through, within, all of those words would apply. And you can see the site concept includes both the internal system, which is the dark line on here through the 9th floor level of the buildings, as well as the external system, the sidewalks and trails that come through the institutional area, but also talking about how that links to more distant destinations and locations. So it's a very comprehensive notion of pedestrian linkages. The vehicular circulation site development concept is really trying to get to the strategies that are needed to make sure that the reorganization of campus activities is supported by the reorganization of vehicular access. And if you'll recall, the idea of segregating vehicular traffic so that employees and students were directed to use sam jackson park road, their parking facilities would be accessed from this road, versus

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patients and visitors who would be encouraged and directed to use Terwilliger Parkway to campus drive, and parking facilities for those users would be off of campus drive. Again, that's consistent with the functional areas map that I showed you just a few minutes ago, and again, is a notion of how these reinforce each other. Just a couple of final items. The document presented to you today is exactly the same as the one you saw in July of 2002. It does have today's date on it. You do have an emergency ordinance in front of you. It has an effective date of August 20, 2003, which is the same date as the ordinance you passed on July 30 for volume 1, so if you pass this today, the two pieces go into effect on the same date, August 20. And the last thing I want to tell you is what I always tell you at the end of these public hearings, is that the public record in its entirety is available at this hearing, it's behind the city attorney in boxes and on a truck over there, if you would like to reference it in any way. It consists of all the materials that were -- that constituted the record in July of 2002, and were filed with Luba, plus the materials for today's hearing, the filing for today's hearing, and the notice that was sent, both to Luba and to the public, which includes everyone who is on the Marquam Hill mailing list, as well as everyone who's on the Bureau of Planning Legislative Projects mailing list. And that's all I have.

Katz: Let's have the public hearing and then if there are any questions by staff or if you -- or council to staff, and if you want to respond to any of the testimony we've heard. So let's open it up. Remember, this is only the design guidelines now.

*****: Excuse me for my inability to be a little bit nervous, this is my first time ever speaking --

Katz: Don't be nervous. But you need to give your name, and then there is a monitor with the time, so you've got three minutes.

Mark R. Urban: That's fine. My name is Mark Urban, I live in the Homestead neighborhood. Over the last two years, my neighbors and I have been enraged by how the city council has been acting. When neighbors meet up and they talk of suing the city, of pickets, and of the corruption, the civil fabric of our community has already broken down. I don't live in a poor neighborhood. I don't live in a neighborhood with a bunch of activists, I live in a neighborhood that is upper middle class, and it's just absolutely -- we're livid. A community and the life in general, and life in general is built on trust. This city council has lost the trust of many of its citizens, at least in my -- in my neighborhood, and it's time for you to show how you will act in our best interest to help regain our trust. That's all.

Katz: Let me -- I'm going to put you on the spot.

Urban: That's ok.

Katz: When you use words like "corruption," I bristle. The entire council does. Set that aside at least for now. But with regard to the design guidelines, which is what we're talking about, how does that tie in? Did you want to really -- you really were thinking of other issues.

Urban: I was thinking of other issues, but the whole idea that we're at this point and that we're in a nonreversible pattern with the amount of resistance and neighborhood opposition to the whole idea of what's going on, and now we're talking about the details. And now that we're talking about the details, my neighborhood is getting to say, ok, what's our next option? And that's very frustrating for the rest of our neighborhood.

Katz: Hopefully some day we'll have a conversation about all of that.

Leonard: Frankly, I'm confused. I'm trying to focus on what your specific objection is, and I didn't get that.

Urban: The specific objection, you know, if you want to say what it is, since you're asking me, is the whole idea of the tram. The whole idea that we're going to be building massive tall buildings

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down at the waterfront, which is a whole issue, but we know that the whole idea if the tram doesn't go through, than the whole idea of the waterfront project is going to be changed.

Leonard: Is that tied to this plan?

Urban: Well, the marquam hill design guidelines is part -- the tram is part of that whole idea. The whole idea of expanding ohsu, and the tram is needed to do that. And that's what we're really frustrated about. I mean, it's just -- it just felt really ramrodded through. If the guy that donated the land for terwilliger parkway was alive right now, he would be here, screaming and yelling at you guys for doing what you're doing, sending a tram over his parkway. I mean, wait a minute: Let's -- just common sense. That guy would be rolling over in his grave.

Katz: All right. Further testimony?

Jim Davis, Land Use Chair, Corbett Terwilliger Lair Hill Neighborhood Association: My name is jim davis, i'm land use chair of ctlh association and I hadn't intended to testify at this particular hearing, but actually the next one. However, I was amazed and delighted by the mayor honing in on the one specific thing that is probably key to a lot of discontent in the neighborhood, and that is the design. And I think you, madam mayor, did point out that we have not been terribly successful in design. One of the things that I have on my desk which includes about 21/2 billion dollars worth of development, is a request for an adjustment to a building that is now being constructed on marquam hill. Originally this building was said to have a cladding of stone, very soft, very referential to the surrounding areas. The request for the adjustment now is for precast aggregate. And it will go through for one reason or another, i'm sure. But the point that i'm trying to make, commissioners and madam mayor, is that within this process, we know there are going to be adjustments. But many times we do not even get notification of these adjustments, and as the city has pointed out, there is a box load of information for any of us to look at, but the point i'm trying to make desperately is that I would like to see, if this thing is going to be built, which it will be, that it does have some resemblance to what we originally agreed upon, and not get adjusted out to something that is precast aggregate and the cheapest possible thing to fulfill other things that were never even discussed. So thank you very much.

Katz: Jim, before you go, because I happen to agree with you.

Davis: No:

Katz: Yes: That's why I stopped. I took a design tour over in northeast and southeast with the bureau of planning and the bureau of development services. And I wanted to get a sense of which ones were under our code, and which ones were under our standards, which ones were under design review, and what -- and tell me what happened if there were adjustments to the building. And you were absolutely right, there are adjustments to the building that are made that absolutely are horrifying to the -- in the final product. And that was one of the things that we uncovered. We also uncovered that some of the design review buildings were worse than the ones that weren't. But we found those that didn't have review also not to be terribly aesthetic. So the adjustments bothered me,ing somebody said, they came in for adjustment on this, and on that, and it rue ined the total character of the building. So this is the first time I think i've heard anybody testify on that issue, and I think that's something the adjustment committee and bureau of planning or somebody, commissioner leonard, you as well, since I think that's -- needs to keep an eye on it. Sometimes the adjustments are very valid. And probably very wise. But when it comes to the final finish of the architecture of the building, and the materials, we can make some terrible mistakes. So thank you for bringing that up.

Davis: Thank you.

Katz: Anybody else want to testify? Do the two of you want to come up and respond to that?

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Hartnett: One thing I might comment on is, I do remember the tour that we arranged for the mayor, and I do remember some of the worst circumstances that we uncovered where changes were made were actually made without going back through a design review. And one of the ways that the bureau of development services had addressed that from the time that it occurred until the time you took that tour, was to create a new way that the plans were stamped. So that the inspectors in the field knew that the design elements could not be changed. And that has helped a lot in making sure that there aren't what you might call field fits, because those were the kinds of things that were occurring without development services being aware of it. Now -- and this would have been the case before, but it wasn't always caught, an applicant would have to go back through a land use review, design review, to make changes that affect the building portions of the building that are addressed through the design guidelines. So there's always that question of, is it an aspect of the building that's not covered by the design guidelines, and that does sometimes happen as well. The circumstance I believe that mr. Davis was referring to on marquam hill is a new design review, a modification of the previous approval for the bioscience medical -- biomedical research building, and it -- I believe it will have input from the design commission before it is approved, since they were the body that approved it previously. So the design commission will be looking at that. That's my understanding.

Leonard: Mayor Katz, I think there's somebody outside that wants to testify on narrow lots.
[laughter]

Hartnett: I'd be happy to defer to that.

Leonard: That was yesterday.

Katz: That's good, randy.

Francesconi: Inside joke.

Katz: Forget it.

Hartnett: No pun on "inside," huh?

Kelley: I thought I would add one other thought this, will be coming back in front of the council, it goes to some of the larger issues, not so much the finished material issues, but some of the issues susan alluded to that are in the as inspirations here about circulation and viewpoints and building siting. We have through this process kind of expanded the design commission's authority to look at some of the bigger questions, and that's some new territory for them. One of the things the design commission mentioned to us was the notion of having an early review of some kind where you can get some of these basic ideas. That was very important for them. It's important for design review staff, but it's frankly important for developers who don't want to spend a whole lot of money on detail design until they know they've got the basics right. So we'll be working on that proposal and with b.d.s. To bring forward a proposal that requires some level of early design review for substantial projects. And I think that will be a big help to all parties involved in that. And I think help alleviate some of the frustration that some projects find themselves in when they're very far down the road in terms of design, and then suddenly they're big -- there are big roadblocks put up.

Katz: Further questions? If not, i'll take roll call on 956.

Francesconi: Aye. **Leonard:** Aye. **Saltzman:** Aye.

Katz: Mayor votes aye. [gavel pounded] thank you, everybody. We have a time certain at 3:00. It's an important item for the council and the city, so please come back on that.

Council recessed at 2:46 p.m.

Council reconvened at 3:00 p.m.

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Katz: It's 3:00. Let's come back together. Karla, why -- karla, why don't you read item s-957.
Item 957.

Katz: Let me remind the council that this is the second hearing, that as I said I think several times, this hasn't been an easy project. It's been long time in coming. The magnitude of the project requires a lot of attention to the details, and we have been very patient with all the parties that have issues that they wanted us to hear about, and I want to thank everybody for working out all the details. I'm going to leave my closing remarks until the very end. And before I bring don in and his staff to report to us what happened at the Portland development commission meeting, which occurred yesterday, and our job today was to adopt any -- their job was to adopt our changes, our job was to adopt their changes, act on this today, which we will, and then begin the task of implementation of the south waterfront project. I am going to invite andre baugh to the table, since there were some issues that came up at the p.d.c. Commission. And don, where is don? Do you want me to bring you up first before andre? Would that make more sense? Ok. Let me bring don and his staff, and then as -- is dawn thompson here? She was confused when I had asked the housing advocates, that if we adopted commissioner Sten's motion, he asked the -- we both asked the housing advocates whether they really needed to testify or not, because we had already done what they had worked with commission Sten to do. She thought I was cutting off debate, which I wasn't, and we told her to watch the tape and -- or come down and I would allow her a few minutes to testify. And if she's not here, then I -- maybe she watched the tape and understood that was -- she was slightly in error.

Linly Rees, Deputy City Attorney: Madam mayor, before you begin, we received some testimony, written testimony. It's my understanding that you had indicated there would not be testimony taken today.

Katz: Right.

Rees: And I thought that Karla and I thought you ought to decide whether you wanted to take this into the record or not.

Katz: Absolutely.

Rees: You will take this testimony --

Katz: Just put it in the record.

Rees: Ok.

Katz: We're not going to take verbal testimony. This is -- we're ready to act on this. I think we've had plenty of testimony. Unless the council wants to hear some additional testimony. Wally, did you with a -- did you want to testify, or did you want to put something in the record?

Wally Mehrens: I did.

Rees: He also has something in written as well.

Mehrens: I do have some testimony.

Katz: Is that in response to the p.d.c. Commission discussion yesterday?

Mehrens: To a certain extent it is, yes.

Katz: All right. Since we're -- we'll act as equitably as possible. I just want to ask the council to please, to keep the document as is. We've worked very hard. There will be issues that are going to be raised in a few minutes, and I think we can resolve them without opening up this document. All right. come on up with your staff, mr. Mazziotti. Let us know what went on with the commission.

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Don Mazziotti, Executive Director, PDC: Mayor, members of the commission, i'm the development director at the Portland development commission. I guess i'm the executive director.

Katz: Today you are, yes.

Mazziotti: Joined by abe farkas and Cheryl tweete. I want to report on a number of activities since the july 31 council hearing. A that session council approved amendment language regarding affordable housing and the prevailing wage sections of the development agreement and directed staff to work with andre baugh and others on the minority women and esb issues, which were raised at the hearing. P.d.c. staff as well as the mayors and commissioner leonard's staff have met with representatives on concerns which were raised, prevailing wage impacts on minority contracting firms work force diversity questions and apprenticeship and training programs. We, together with n.m.i., intend to continue to work with andre and other coalition members in the coming months to ensure that p.d.c.'s minority, women, and e.s.b. programs are implemented consistent with the goals which have been adopted by the commission, and furthermore, consistent with the spirit of discussions which were heard yesterday by our commission. Concerns raised initially focused on the south waterfront district, the development agreement, and the like, but we really recognize they have broad amicability to all p.d.c. and city-sponsored projects, and in that spirit are addressing these issues. Yesterday our commission took final action on the development agreement and approved that agreement with all of the amended or recommended amendments by the city council intact without modification. At this meeting, however, as I reported, the commission heard extensive testimony from the minority, women, and e.s.b. coalition, p.d.c. debated modifying the agreement to reflect that commitment to e.s.b. participation, minority and women participation, but due to procedural complications timing, elected to maintain the current program language and committed to work further with that community on the broader policy question that is in fact a citywide concern, which had been articulated, and I won't repeat today. The commission clearly signaled that a modification of some kind might be made at a later date to affirm that commitment, and to work force diversity, but did not commit to any specific language. This morning the -- at the commission's direction, I delivered to your offices a letter which summarized the commission's actions and perspective on this topic as they directed me, and I would be happy to take any questions or comments from the council on that matter. With regard to the development agreement and the discussions which we've had to date with our partners or with n.m.i. and those representatives, we're still supportive of the development agreement as has been negotiated to this point. We are prepared to begin this project as early as october, and we would expect to see immediate hiring to occur shortly thereafter, pending the council's approval.

Katz: Abe and cheryl, do you want to add anything? Nothing? Ok. Questions of don before we invite andre and then wally? Ok. Andre, why don't you come on up.

Andre Baugh: Mayor, council, my name is andre baugh, group a.g.b., live in northeast Portland. Two weeks ago I raised some objections to the prevailing wage amendment that was offered.

Katz: Why don't you take right -- talk right to the mike.

Baugh: Two weeks ago I raised some objections to the prevailing wage amendment, and was directed to go out and work in the community and see if we could find a solution that would diminish those impacts. The outcome of that is that we formed a group called the community coalition, and that is a group that is made up of, and i'm going to go through, the african-american chamber, hispanic chamber, Oregon trades women, african-american contractors federation, filipino chamber, coalition of black men, housing development center, technical assistance experts, and over 30 contractors we've been communicating with that create this coalition. We have met

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with p.d.c., we've met with homer williams, we've met with mac g. We are continued -- we will continue to meet with those groups to work out the issues that we've identified. We've identified five major what we call framework recommendations. Those are work force diversity in setting aspirational goal, the development of a work force fund, we need funds for training, we called for community-based groups that are successful in the training to work with p.d.c., n.m.h. and the selected contractor. We have a commitment to do that from all of those parties, and for the contracting goals for the entire project, and the letter have you from p.d.c., we can check that one off, as there's a commitment to do that in the letter. We have looked at the language, we think this is a great start. It begins to level the playing field between the prevailing wage interest and the minority interest. I think they're the same. Our group supports prevailing wage. There's a clear -- we support them, we support the highest wages we can get for the coalition members, and -- but we're looking for jobs. We're looking for training to fill to get into those jobs, and then to collect that wage. And to that extent, we have worked very hard, we want to continue to work with p.d.c., we have a commitment from the staff to work on the language we'd like to see work force as part of that goal. But we're not asking for a change today. But we've got a commitment to work with p.d.c. In talking to them about that, but we also have a commitment to work with them and homer williams, the developer, to talk about how do we set systems in place to achieve our recommendations. And they're not easy, they're going to be long-term, and we want to start those conversations, and we're committed to continue to work with that group and the south waterfront to do that. I would also say that don raised many of these issues maybe applicable across the city, but I was told to focus on south waterfront, so that's where we're going to stay right now. And we just appreciate the opportunity to start working on this project, we're going to roll up our sleeves and continue to work.

Katz: Thank you. Questions?

Leonard: I just would like to say andre, that I appreciate what i'm hearing you say, and i'm listening very closely. And so that I think this probably has been clear from me, but I want to make it real here from this point out that anything I can do to help secure minority and women contractors more work, I will do, with one caveat. I have no sympathy, no sympathy with any contractor from whatever race, that doesn't pay family wages. And no amount of arguing or screaming or hollering makes me feel any different about that. So that I am entirely focused on trying to fix what problems may exist in getting from where the workers are at with minority and women contractors who are not able to get into apprenticeship programs, as we discussed last time, or other barriers. I will personally devote time to work with the group that you identified to do that, but at the end of the day, there are no excuses as far as i'm concerned for not paying the workers that work for those firms family wages.

Baugh: In our document we've talked about that we're committed to the family wage. We want to -- we want our employees, our families to have good wages so we can have good homes, we can have a good education, we can put our kids in college and have the education system that we believe we deserve.

Leonard: That's right. And the only concern i've had about this subject is that part of the subject has not got enough attention. We've focused about the contractors, the minority and women contractors, but not really talked with -- about the workers. To the extent we're both agreeing what the problems are and getting to the place where that work force is paid, I will work with you.

Baugh: Ok. I appreciate that. Because we're going to need everybody's help. It's clearly not an easy issue to tackle. It's across the country when you do research, it's -- everybody has the issue. So it's not a Portland issue.

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Katz: Thank you, andre. And I told you before the hearing started that I will be chairing the mayor's fair contractor task force that meets quarterly, and we'll continue to -- we'll continue c-3, so to that extent if ewith -- if we can work closely with commissioner leonard and his staff to make sure we address these issues in all the forms that are available to us.

Baugh: And I would just like to add, we support the south waterfront, support you passing this resolution, and let's get to work.

Katz: Thank you. All right. Wally?

Wally Mehrens, Columbia Building Trades Council: I wrote it down. Madam mayor, commissioners, good afternoon, thank you very much for allow me the opportunity. My name is wally merins, the executive secretary of the columbia building trades council, and a member of the metropolitan alliance for common good. I'm here to support the proposed development project and investments in the n.m.i. project. Through mac g, I, along with a number of other mac g leaders were introduced to representatives of a group called the community coalition. I'm also here to respond to the misinformation being disseminate and promoted as fact, the effects of prevailing wage laws on the minority community. All I would say is, don't get caught up in the rhetoric. I've heard the statement made, you can't have prevailing wage and enhanced diversity with contractors on construction projects, it cannot be done. I would say, look at the public construction investments made or being played in this community. Look at the investments that have required the payment of prevailing wage by law, and the participation level of m.w.e.s.b. firms in those projects. Light rail, the big dig, the convention center, the airport, all these projects had or have prevailing wage requirements. They also had goals for mwesb participation. I believe on every one of these projects, there are mwesb participation was met or exceeded. As far as I know, every union contractor on these contractors paid prevailing wage, and most of the nonunion contractors paid prevailing wages. But again, i'll say check the record. Don't assume just because I said it it's so. And there is a record. A record because contractors have to report to that agency. How much was paid and to whom. The building trades have been working with their contractors, training committees, and those genuinely interested in the common good of the community to increase the numbers of union mwesb and women and minorities in the industry. If you check the facts and record, you'll see that. There are still issues to work on. The metropolitan alliance has begun a dialogue with the community coalition to attempt to address these issues, and I believe we have a good common ground to find solutions. Solutions that do not undermine the standard of living of the workers in our industry. Solution that's do not allow workers to be taken advantage of just because of their gender, race, religion, or background. Solutions that are based on facts, not fiction. There is a publication in the construction industry called cockshaw's construction labor news and opinion. I presented that with my testimony. It's not a union sponsored or business sponsored publication. It reports on, as joe friday put it, the facts. Just the facts. I would encourage each of you to become subscribers. It tries to speak to all industry concerns. I also want to share with you a booklet compiled by the Washington state building and construction trades council on apprenticeship statistics. These show that unions train over 10 times as many apprentices as nonunion. It also shows that unions train over 20 times more minorities and well over 10 times as many women. And lastly, it shows that 98% of the women and minorities reaching journey level status are from the union programs. I believe if these same statistics were to be compiled for Oregon, they would show similar results. To that end, i'm going to request the university of Oregon through their labor education and research center, to help us compile the same information. Some would tell you, with so much unemployment, you should be able to pay substandard wages to women and minorities and it's ok because you're really helping these workers

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get into the construction industry. I say bull. Some would say especially now with so much unemployment, and the need for affordable housing, you should be allowed to pay substandard wages and provide substandard benefits because you'll be helping the homeless. I say bull. I stand ready to work with you and anyone, and anyone on the effects of prevailing wage on the whole community, affordable housing, or increasing diversity in our industry. But not at the expense of workers. And like andre and like homer, who's sitting back there, we'd like to get started on this project too. Thank you very much.

Katz: Thank you. We have a rare opportunity, maybe i'm naive, this issue has been with us since the day I entered the legislature, which was in 1973, and it's still with us today, but if we have you, wally, and we have andre, and your colleagues --

Mehrens: You've got it made.

Katz: We got it made. Because I really do believe that all of you are interested in the same results. So my hope is that over the next whatever time frame we need, that we'll begin to do the work that needs to be done. Ok.

Leonard: I just want to add, your sense of timing is laser focused, right on, because that is exactly right. And I hope everybody here recognizes the same thing, that we have an intersection of time and personalities that can cause some historic things to happen for workers and minority and women contractors. And I get that too. And i'm very excited about working on this.

Katz: Ok.

Mehrens: Thank you very much for your time.

Katz: And don thompson -- dawn thompson isn't here? If there are no other issues, I can't believe that i'm saying this, roll call.

Francesconi: Well, we have a tremendous opportunity here that we must seize to create jobs now for our citizens to create jobs in the future that our children will actually be able to access, and to create an exciting urban neighborhood. And it's not without risk. I mean, there is risk, there's some financial risk, although the way this has been structured, the developer bears a lot more than -- that's ever been done in the history of our development agreements if that financial risk comes to pass. There's some risks to the neighborhoods. There's some risk to our city if we have to put resources, if this doesn't pan out. But none of this compares to the risk if we do nothing. Today's paper, by coincidence, is chilling. And it just emphasizes why we have to do this. The cover of the business section, there's two articles. One it says, "shoppers boost u.s. Economy." so we're becoming a country or a nation of shoppers, which means wealth is going somewhere else. Where things are being produced and manufactured. But that's not the chilling part. The chilling part is the top article. One of our real leaders in this community, precision castparts, and bill mccormick, it talks about him leaving the company. But it talks, his last trip, he's going to china. And he's going to china not because he wants to go to china, but because one of his key customers, g.e., is telling him that they're not going to do any more business with precision castparts unless he goes to china and opens his new manufacturing facilities in china. And this is at a time, so as we've been planning south waterfront, we've lost the article says, 30,000 manufacturing jobs in Oregon that pay very good wages since 1998. And this is before china advances with technology, not just labor costs, but with technology. And at the same time, before -- as this excel rates, we've got 40% of our construction workers unemployed. The average wage for african-americans in Portland is \$15,000. For one person. The average wage for latinos is \$10,000. So we can continue to fight over diminishing returns, or we can work together in the spirit of andre and wally and we can get to work and we can retool our economy and try to not be just a nation and a region of consumers, but of innovation and creativity. Where we can survive. And it won't be me, because i'm doing fine.

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It's my three kids. So to do this, we have to take advantage of our anchors, of our resources that are here. And we have ohsu here, and we have Portland state here, and research is being done that we have to try to take advantage of. And we need them expanding in our city, and they need our support in terms of infrastructure and land, and -- the other thing that's depressing, the front page, where we cut all the higher education budgets. But we have an opportunity here today to do this. To have this expansion happen. And we can brand ourselves as a center of innovation and creativity in bioscience and health care, and in high technology and software development. We can do that. And we can have this science and engineering quadrant that will help us immediately with good construction jobs, opportunities for people of color to participate, but to set up a future economy. At the same time, we can also create an exciting urban neighborhood here. By the way, on this issue that was just raised of unions versus people of color, the evidence also shows that unions have done a lot better job than government of actually raising wages, historically, and helping close that gap. On the issue of the exciting new neighborhood, it is true that we now have a tram over the parkway, and i'm the parks commissioner, but it's also true that we have 125-foot greenway that's never going to get developed unless we can get some construction going and take advantage of that. We also have an opportunity for an urban park there. And those amenities are important for the developers in the high -- and the high-end folks, but also important for the workers and the low-income folks. And because of commissioner Sten's work, we can have low-income housing be part of this. Because of commissioner Leonard's work, we can have this be an opportunity for immediate construction jobs. Because of commissioner Saltzman's work, we can have this be a model of sustainability as well. So this is exciting. Are we done? We've got some tough work to do. I'm in charge of pdot, we'll say more about this in a minute, but we do have to have more transportation investments into that neighborhood that has been cut off. That freeway has done a lot more damage than this tram's going to do, and we have to do some things to commit real dollars, we have \$8 million to \$10 million already in additional federal funding, but we've got to take care of that. There's more issues, but we have work to do. We have to connect this exciting urban neighborhood to the neighborhoods. We have to connect it to the city. Randy greg is right, we have to connect it to the river. So we have much work to do. But we can do this. I guess we also need to show some flexibility. I need to show some flexibility in terms of the things that I care about, greenway, parks, the business things. Others need to do too, because we don't have this perfect. We have to show some flexibility as we move forward, especially with changing market conditions. But we can do all this. In conclusion, I would like to thank the mayor for her leadership, for pushing on this, for doing this. This will be one of her legacies. I'd like to thank the council for coming together as a team and perhaps -- in perhaps the best way that we have. I'd like to thank the staff for working together. It was torture along the way, and it did take too long, flat out. But we're here now, and we have to learn from this experience and we have to move our city forward. Aye.

Leonard: I've had people ask me how we could consider doing such a huge public works project, given the state of the economy. And I can kill two birds with one stone. I've had people say, how in the world could you ever think about supporting major league baseball in Portland with the state of the economy this way? And I would say this -- thank god those folks weren't advising franklin delanor roosevelt when he came up with a plan to get out of the depression, and thank god he didn't listen to them, we'd still be in a depression. It is in this kind of economy that you do these kinds of projects to save the economy, to put people back to work, to spur investment, to create jobs, to create an increasing demand for goods and services in the community. And that's precisely why i'm enthusiastic about this project. And precisely why I am finally able to vote aye.

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Saltzman: When I came on this council five years ago, all these conversation and committees were still meeting about what was then called north macadam, and I wondered if anything would come of this, at least in my tenure. So i'm pleased something that's finally gelling here, it really is time for meetings to end and buildings to begin. And this really is an opportunity for Portland. I think Portland certainly in the last year or two has -- there's been a collective loss of confidence, perhaps everybody -- except maybe homer williams. He never loses his confidence. But it takes -- in a bad time when times are bad, it takes a vision, first of all, and the mayor has certainly helped lead this vision of what this area is to become. But it takes some willing partners, to, and ohsu, and north macadam investors, the city, p.s.u., all the other academic institution that's are poised to shift the center of gravity for education in the city of Portland a little south, this is a tremendous opportunity to create a new neighborhood. It's a bold move. It smacks of sort of the urban renewal of the 1960's, but we're doing it in a much more cognizant way, in a much better way. Here we're actually going to think about it, I think we're doing it in a thoughtful way, we're going to create a neighborhood, create jobs, and create the housing and certainly as i'm very pleased to say, we're going to do this as a state of the art environmental model of how you manage storm water, how you protect the river, how you get green buildings built that will really conserve energy and resources. All these things are being woven together in the right time at the right place. It's not without risk, and I think all of us up here are risk-takers, or we probably wouldn't be serving in these jobs to start with. I think we're going to be proven right. Time will tell. But it's time to begin moving some dirt. Aye.

Sten: This is exciting. I'm very glad to be voting here today to support this. I actually may be in the minority, that remains optimistic about this community, and believes we're facing, though it's worse here, we're facing a lot of problems that are facing this whole country, and I think you can't - - actually facing the world to some extent, but you can't get after these things unless you look at the fundamentals and figure out what's a longer term plan. This is, as opposed to a reaction to things, is a long-term plan that makes a ton of sense. It builds on probably our largest undertalked about asset, which is ohsu, the biggest employer in Portland, and soon-to-be I forget the exact number, one of the very top universities in research, and to meet dr. Koehler's goals, and I think it ties that into what's our other strength, which is the high quality of life, smart land use planning, and trying to build a community where people of all incomes, ages, races, and backgrounds can live in a way that's smart. So if you look at this, the design on this thing this took a long time to get right with the tram competition, that's going to attract people to Portland, I think it's risky. Everything is risky, but not as risky as people thinking -- think, because this is a redevelopment of underutilized brownfield land. While i'm very confident that ohsu will succeed in its plans, if it does not, and I think it will, I think there's going to be other people taking this space. I think this is going -- is higher institutions. And they will be benefiting from this. It will be a beautiful place. Touristless walk there, people of all incomes will live there, and we've got a strategy to make that happen. And actually we'll help get the fish back by doing work on the banks. So it's going to be a beautiful place, a notable place, and I think it really underscores what we want to be by building on our strengths. And if we dock one thing in the next stretch of time to change our fortunes, it's for every one of us to quit talking about what we don't like and start focus on what we're strong at and get it done. That's what I think you've done here today. So my thanks to everyone in this room. Aye.

Katz: This couldn't have happened without all of your support here on the city council. Certainly I want to thank everybody sitting out there. There's been a lot of work done and a lot of commitments to getting it right. But the vision, this is about a vision. This is about a vision for a city. And without you all here, and having patience over eight years, nine years to turn this vision

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for the city into the beginning of an extraordinary, an extraordinary project, we're turning brownfields into greenfields, we're creating jobs, we're providing affordable housing. And while other communities are thinking of pushing the urban growth boundary in farm and forest land, and spreading out and creating sprawl, this city, this city council, this community wants to preserve what's very special about this region. And by doing this particular project, we will be preserving open space, we'll be providing green space, we will add diversity in housing, diversity in employment opportunities, neighborhood parks, and jobs. This south waterfront district is a vastly underutilized, industrial district. And it's the last great development opportunity for our central city. It is the opportunity that makes this the most critical project we can dedicate ourselves to the next decade. It's also about the continued viability and vitality of ohsu, and Portland state university. This development agreement plays a critical roll in the city's newly christened science and technology center. Which includes south waterfront, marquam hill, layered and corbett neighborhood, university districts, parts of the central eastside industrial district and the entire central city of Portland. The expansion of ohsu into the south waterfront will foster the growth of job-intensive incubators and spin-off businesses that will benefit everybody. In addition we'll be able to get federal funding for additional research, and federal funding for transportation priorities that will catalyze additional private and public investment. People have said, well, you're spending too much time, you're spending too much money, what's the return for everybody else in the city? And the return for everybody else in this city is private investment. And for every \$1 that we put in, \$6 will be put in by the private sector. It is an investment that will create jobs, a thousand jobs at the very beginning, and 10,000 hopefully by the next 20 years. The build-out of south waterfront continues this city's tradition of setting a national example for prosperous and sustainable development. Development that is done right. I want to personally thank first the planning bureau, and gil kelley who came in, looked at the plan and said, we need to -- his favorite statement -- we need to step back and take a look at it to make sure that we're using this opportunity to get it right. To make sure that 50 feet setback is not going to stay in the original development, and that our goal is to get the setback to 150 feet. Well, we managed about an average of 125 feet. I think that's pretty damn good. And to rethink the planning for this district. The second group of folks is the Portland development commission. Who, after the planning was done, had the job of implementing it. And I know the time and the energy that this took, and I want to thank them as well. Ohsu, this was a party that knows what its future is about, that took a lot of abuse from the neighborhoods, but kept their eye focused on what was really important. And the importance was to grow the institution, to link arms with Portland state university, and our other institutions, o.s.u., and to really focus in on what's critical for the development of this city, and that's the knowledge-based industries. Yes, the manufacturing jobs, as commissioner Francesconi said, are leaving the shores of the united states. But what's even more frightening is that the intellectual jobs are leaving as well. And we cannot allow that to happen. The innovation and the creative juices of this community needs to be supported. This will assist in making that happen. So thank you the minority community, the unions, the neighborhoods, for making this a reality for all of us, and to begin to set this in motion for completion by 2019. Aye. [gavel pounded] ok. 958.

Item 958.

Katz: I'm going to turn this over to commissioner Francesconi, but as he said a few minutes ago, this is a very important part of what we just spoke about and what we worked on for the last eight years.

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Francesconi: This presentation is also heeding andre and wally's advice about, let's get to work to do this vision. So i've had the privilege of being on the tram board, and I guess let me just, from -- there's three purposes of it, at least from my perspective. One is, we want to make sure that we get a product at the least price for the taxpayers that's also works from a transportation standpoint. Second of all, we want it to be very high quality. So that it's integrated into the life of the city. It's not the eiffel tower, but it's something that we'll be proud of 20, 25 years from now. And then third, we also have brought together folks to do what we can to also improve the neighborhood, who's been scarred through many past transportation decisions. So it's a way of also integrating the neighborhood better into the life of the city. So to do that, we have had terrific people. First it was led by pat lacrosse, now -- I guess it still is technically, but the next chair is going to be mike lindberg, and we have terrific staff and terrific neighborhood representation as part of the board. Let me turn it over to mike lindberg.

Mike Lindburg, Portland Aerial Transportation Inc.: Thank you, commissioner. Mike lindberg, Portland. I'm here representing Portland aerial transportation inc, and i'd also like to recognize that in the audience we have pat lacrosse. We also have vic rhodes, our executive director, and I would also want to mention, in addition to commissioner Francesconi, we really have put together a dynamite pati board. I've been in it from the beginning, we had a lot of the stakeholders, ohsu, jay sidel, we've expanded this board substantially, we have jim gardner, we have barbara walker, a long-time parks and greenway advocate. We have nancy suber, john harry, it's really a comprehensive board that represents the public interests in ensuring that we do an excellent job in terms of developing the tram. We're seeking to make Portland trauma world class transportation tie, and make it a seamless part of the transportation system. I won't spend a lot of time going through the history, but just two minutes to say we've gone to great lengths to make sure that we had a publicly accessible project all the way from the international design competition, we invited the public in to see who the competitors were, we invited the media and members of the public to the press conferences, and angela graham, the arc textures, the one who won this, has been accessible to the public and they will be through the entire design process. Most importantly we proactively formed a citizenry advisory committee, which meets regularly to advise the pati board about the elements that local neighborhood residents deem most important to the overall design. This c.a.c. is also advising in this pati board, and will be then advising the city council in terms of defining the neighborhood priorities for local improvements, including the potential pedestrian bridge and increased public green spaces. We're confident the way this thing is started, and you're going to hear from jim gardner in terms of the work and from matt brown, how we're working with all these neighborhoods that we're really going to use their input to produce the best project. While we've not yet received the final recommendation of the c.a.c., we've discussed the recommendations of the corbett terwilliger lair hill neighborhood, and support their objectives. When the c.a.c. completes their work, supporting those recommendations. This is the contract between the city and pati that you have before you today. We look forward to working with you, and last, a personal comment, I sent a personal note, it's -- I feel i'm here on the day you approve the south waterfront project, I sent a personal note to each council member, presentationing my view that was probably the most significant yes vote that you would have over a decade in terms of doing something to really rebuild our economy. And I would point out what "the Oregonian" article said about whether or not we're going to have a real neighborhood there, and it's hard not to come in having been on the council for all those years, and not reminisce just a little bit to say that in addition to the buildings and the offices and the tram and the park and the river, there are hundreds of ingredients that go into a great neighborhood, and I know 23 years ago I recall forming

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a group in my office water answer o'donnell and kim, and others, and brainstormed one day a month over a brown bag lunch as to how we could make downtown Portland more of a people place. As we look at south waterfront, the only thing I would say is, i'm hopeful in addition to these major elements, that we will do the hundreds of little things that really are the -- bring the soul and the character to that neighborhood. So with that, I would turn it over to jim.

Jim Gardner: Good afternoon. My name is jim gardner, 2930 southwest second avenue. I'm here to talk about the corbett terwilliger lair hill neighborhood's request for some measures to help mitigate the impacts of this major new development that's going to be occurring in a portion of our neighborhood. You notice I said "in our neighborhood." not in a nearby neighborhood, or not in a, quote, unquote, new neighborhood. Because in reality, the area now called south waterfront, is and always has been part of the corbett terwilliger lair hill neighborhood, and before that I was known as south Portland. To give you a little historical context of what brought us to this point, as most of you may know, south Portland was one of the early thriving neighborhoods in Portland that was an early settling place for immigrants to this country. Many italian and jewish immigrants particularly. And it became a very active and thriving neighborhood, with people living and working and shopping within that part of Portland. It remained prosperous really until the latter part of the last century. The depression hit that area hard, just like it hit working people hard everywhere. But the thing that really caused the neighborhood to really decline was after world war ii, and this -- another wave of immigration. The immigration from the cities to the suburbs. And then there was sort of the cruelest blow of all, when in the 1950's, the heart of that neighborhood was ripped out for front avenue. That left a few parcels there, then in the 1960's, we almost delivered the coup de grace by essentially bulldozing the northern part of the neighborhood what was then the south auditorium, still is, urban renewal district. At that point, the neighborhood was described what was left of it, as decaying, decrepid, ripe for further urban renewal. But in the early 1970's, a lot of people, young people especially started moving back into that neighborhood. They sort of recognized early on the benefiting of living in a close-in neighborhood, close to services, close to downtown. They were essentially urban pioneers before that became a trend, before it became cool. And the first thing they wanted to do is stop further urban renewal. Which they did. The next thing they looked at was somehow trying to reverse some of the sins of the past, and the biggest of those, the most obvious, was front avenue. In the late 1970's, the city worked with that neighborhood and came up with something called the south Portland circulation study that actually proposed closing front avenue. That plan did not actually get adopted, primarily because if you close that street, there was no -- nobody came up with a good solution on how to deal with the traffic, and where would it go. So essentially front avenue couldn't be closed, and the south Portland circulation study died at that point. Seven or eight years ago, many of us in the neighborhood revived that. Worked again with the city, with planning bureau, and department of transportation, came up with a new south Portland circulation study that didn't propose closing front avenue, just bringing it back down to a normal neighborhood street, and that was adopted by city council in 2001. That's where we stood for a while. Then along came the proposed development in what we knew as north macadam, now called south waterfront. Once that plan became obvious, the details of it, it was also obvious that was going to have significant impacts on the rest of the lair hill and corbett neighborhood. Many of them negative. It's perhaps good for the city as a whole, but for that immediate neighborhood, some of the first impacts will be pretty negative. You're looking at increased traffic, increased demands for parking, loss of river and mountain views, crowding in parks in general. We started thinking about what could be done to help mitigate those, so sort of be a counter balance, some positive things that would strengthen the

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livability of lair hill and corbett, at the -- to sort of counteract the negative impacts of the development in north macadam. We developed a list of we thought were very reasonable measures. Five. We didn't prioritize them, they're just five on our list. I don't know if you have been provided copies. I have some here.

Katz: Why don't you hand them out.

Gardner: Ok. We sought the support of pati for these measures, and we got it. At pati they said all these seem reasonable, they seem doable, they're things we can support. These have now been put before the patti citizen advisory committee who also seemed very supportive, they're in the process of developing their own recommendations of which we fully expect that our particular projects will be part of it. Very briefly what those are. Implement as soon as possible portions of the south Portland circulation study, particularly those things that focus on restoring front avenue to a normal street, removing that barrier through the center of our neighborhood, increasing the neighborhood connections across it. A program to perhaps address the perception that this tram especially is going to have negative impacts on property values in our neighborhood. Many people say that won't happen. If it doesn't happen, a program like we're proposing would cost the city nothing. Because the property values would not go down, anybody you bought out you could sell the property at the same price or more. A specific proposal to deal with increased traffic on the southern part of macadam, south of macadam, where considerable new traffic will be generated, and this is simply a traffic management proposal to deal with the traffic on there and help it flow better. Another one is a pedestrian bridge. As you've already heard about, across i-5, to allow the corbett and lair hill neighborhood a pedestrian access to the new development area and to the expanded greenway. And the fifth is to preserve a community garden that's already there, and perhaps provide more open space for the neighborhood as we shrink front avenue. We realize that some of these proposals, especially the south Portland circulation study, cost a considerable amount of money. We realize the tram alone, and perhaps not even the south waterfront development, should be expected to pay for all of these. But what we are asking for, and do expect, frankly, is a commitment from the city to provide some measures to help mitigate the impacts of the development in south waterfront area. We want to be part of measure that's cannot only strengthen the economy of the city, but at the same time hope strengthen the livability of the entire corbett terwilliger lair hill neighborhood, not just this newest part of it. Thank you.

Katz: Thank you. Ok.

Matt Brown, Portland Office of Transportation: Matt brown, project manager with the Portland office of transportation. I just have a brief presentation here, and then just to walk you through of what the contract is and how we're approaching the project. As mike mentioned, and I don't know why this keeps coming in upside down, it was fine on my screen at home. As mike mentioned, we've selected an architect to lead the design process through this, and I think they've given us a very exciting vision for this tram, it's something we feel like we can really work with and move forward with. And I think what's really interesting, when I asked them to give me a sentence that describes their vision, they said, the creation of connections linking communities through transportation infrastructure, public space, landscape, and sustainable design. In other words, they didn't say what the tram is going to look like or how it's going to work, what they talked about is that the tram is part after system that helped to link our two neighborhoods together. The process that we've laid out really wants to take advantage of the fact that, yes, we have a tram project. We have a budget for that now through the development agreement of \$15.5 million. But it's very critical to us that we explore that tram within the context of the community. So what this diagram suggests is that, yes, we will look at this tram, we need to design and produce a tram that fits within

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the project budget, but exploring the context of the neighborhood also gives us an opportunity to look at things like the design of the tram that's affected by privacy, or the operations of the tram, views to and from the tram, understanding the context of the neighborhood helps us design a better 15.5 million dollar tram. Understand the context, though, also gets us to a point where we're able to look at things like the south Portland circulation study, pedestrian bridge connections, and other items that really begin to help integrate the tram within the context of the neighborhood. And the point of this process is that we like to look at all these things together. Not only the design of the tram, but also the desired neighborhood improvements, and bring those back to city council next march as one recommendation and one package. Just briefly on the design competition, again, I think we were pretty excited about the quality of the ideas that we have going here. I love the soap bubbles thing. The tram cars could be like soap bubbles, disappearing into the sky. In a way a direct response of the design team to neighborhood concerns that they heard during the competition. But they've laid out a series of goals and criteria, including that this is a minimal intervention, but also an excellent design. But it can be excellent, it can be elegant and light at the same time. It's progressive and sustainable, it has an integral relationship to the landscape, importantly has a low neighborhood impact overall as a project. Going through this, a couple quick shots, the ohsu station they've conceived to be a light structure, in other words, of the air, where the south waterfront structure being part of the earth, an extension of the greenway, literally coming onto the roof of this station in the south waterfront area --

Katz: You're enjoying this.

Brown: I love this. This is great. The tram descending through that into the station. And again, this -- the goals for the tram cars, that they would become minimized, transparent or translucent or reflective based on their design. An issue we've been working as well is talking about the connectivity at both ends, including at the patient care facility and how it will connect through the facility on the north and really integrate with the ohsu campus. One thing I want to point out here, because really a lot of what jim was talking about in terms of what the neighborhood is looking for, we've been listening them for the last five or six months on this idea, and I want to take this idea of mitigation and kind of turn that on its head, and to understand that what we're really talking about here is not mitigation, but really what are the improvements that the neighborhood feels are necessary in this area. I think mitigation, I think of a sound wall along the freeway. It's there because the project is there, but in the end does it really contribute a lot to the neighborhood? No. I think what we're really after are looking for some of those improvements in the neighborhood that begin to reconnect it, that really begin to contribute to the overall health of the neighborhood. So when you look at the tram alignment here along gibb street, and you begin to look and overlay the things that jim is talking about in terms of how the naito parkway and these regional connections have separated these parts of the neighborhood that you can no longer travel between these green circles, even on foot very easily, that we have to begin to reestablish the fabric of this neighborhood and the connections within this neighborhood, and this is the primary opportunity for us to begin to really do that. Then we can begin to look at linking the neighborhood into the south waterfront area and establishing those kind of connection and getting past the i-5 barrier in this case. Just thinking about this design process, we've laid out a number of design goals and criteria with the community, including, for instance, a bridge over i-5, reconnection of the various neighborhood segments, an efficient interface between the transit system and the tram, and implementation of the south Portland circulation study. There's a number of other things as well. Briefly through on the project funding, obviously we have a \$15.5 million, \$2 million from p.d.c., \$9 million from ohsu, \$4.5 million l.i.d. in south waterfront, including \$2 million then of p.d.c.

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funding for neighborhood improvements. We said before we got too far along with this that we would talk to you about the operations budget on this. It's about \$915,000 a year. That dollar figure includes a long-term capital replacement, so for the major items that need to be replaced, say, at 20 years, like the haul ropes, like the tram cabins, that budget includes that. Ohsu would pay based on ridership, somewhere around 85%, leaving 15% for the city, and pdot will own, manage, and operate the tram. The specifics of the contract that are before you, it's worth pointing out this is a -- the fee is based on a percentage of the construction cost. The total percentage is 17%, they started at 25%, and have gone down to this point now. 9% for the architect, 8% for the subconsultants, of that, the fee we're looking at right now for -- is just the schematic design and design development phase, we estimate to be around 1.1 million dollars. We've also included in this a couple of additional sevens for hiring an outside tram designer to basically help us with the technical aspects of this project to be able to look over the shoulders of our design team, make sure we're delivering a safe and reliable project, as well as project management services through pati. The city's share is about 18%, and the -- that money coming from p.d.c., the pati share being about 81% through ohsu. I think it's worth pointing out for these percentage-based fees, there's always hesitation about, how do you control costs. And really, the cost control for us comes through, we control the construction budget for this, and we make the decisions about how much this project costs at the end of the day. And that's how we control the costs of the design fee as well.

Francesconi: So reducing it from 25% to 17%, how much did that save? Do you have any idea roughly?

Brown: It was over a million.

Francesconi: That's good.

Brown: Yeah. The schedule for this, again, very aggressive. Operational by the end of 2005. Schematic design and design development process, this contract would be through the end of march of next year. With construction documents following that through september of next year, and fabrication and construction then, say, from late next year into '05, with a burn-in and testing period in december of '05. So it's a very aggressive schedule. Next steps to let you know what may be coming your way. We will be issuing the tram equipment r.f.p., the item we heard yesterday, that will go out on monday. We'll be issuing a construction general contractor this fall, schematic design should be complete in november, and design development complete in march, wrapping up this contract. And at that point, we would intend on bringing back an item to council basically to review the project at that standpoint, that includes not only the design of the tram, but also community improvements and a funding strategy for making those improvements happen. So with that, I think we'll take the lights back up.

Katz: Questions?

Francesconi: One thing, could you elaborate, you didn't talk about the citizens advisory committee. Could you also talk a little bit about that?

Brown: The citizens advisory committee was something that was set up initially, and the outreach came from pati to the southwest neighborhoods as a way -- there's a lot of kind of interest in joining the pati board and everything else, and I think what we understood was that the pati board was responsible for managing this project along. But they weren't really getting into a lot of the issues that the community cared about. For instance, how are we going to get the south Portland circulation study done, things like that. So we set up a c.a.c., it includes representatives of ctlh, homestead neighborhood, friends of terwilliger, it also includes some of the keep property owners along the route. -- the key property owners. As well --

Katz: Wait. I can work with three, but I can't work with two. We don't have a quorum.

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Francesconi: Sorry, folks.

Gardner: Reminds me of Texas.

Katz: No, no, no. No. There are old legislative habits that don't go away.

Lindburg: As you're taking a break here, since Pat Lacrosse was represented today, did I actually want to personally acknowledge during the past year the literally hundreds of hours of volunteer time, and Pati is a volunteer nonprofit organization that Pat really and this board has death indicated to this, is -- it's kind of an obscure nonprofit that's on the side, and sometime in terms of -- it's nice to have people get acknowledged for all the time they put into it. I wanted to thank him for his leadership.

Katz: Well, absolutely. I made a note that we've never really honored Mr. Lacrosse as a volunteer for this community, and we're going to have to do it soon, because it's absolutely incredible when you look at his resume. Certainly he's worked for a living, and that's honorable, but he's done a lot for the community as a volunteer. And he really -- rarely says no. So you are absolutely right. Ok, we now have enough to continue. Go ahead.

Brown: Ok. So just to summarize, with the C.A.C., we've been working with them since last February. We've gone through a process with them of identifying what they felt the most important issues were that need to be addressed, which were not always related specifically to the tram. And we've done our best really to incorporate those issues and -- into a work plan for the next nine months that they feel comfortable and confident will address a number of those issues. And bring us to some resolution. So we've -- I guess our most recent actions have been trying to get some agreement, I think gain some agreement on the goals and criteria for the project, and they're ready to start working on some of the design issues. It's a good group. It's a very representative group, and I think in the end, they'll be able to come together and make some very strong recommendations. Not only that will help the design of the tram itself, but help further a lot of the neighborhood improvements they've been waiting really for years to see happen.

Francesconi: Which is another -- but the issue of the neighborhood improvements, that's really the responsibility of the city, not the tram board. Beyond the \$2 million, at least as I understand it. Matt, can you talk a little more about what we're trying to do to come up with money to implement some of the things that need to happen?

Brown: Sure. And then I think it would be helpful also to have Mike talk a little bit more about how Pati sees their role as it relates to supporting the C.A.C. as well. We have a couple of irons in the fire, so to speak in terms of trying to gain some funding for this project. One, I think we've talked about here before, is the federal earmark on the next transportation bill of \$8 million. We've targeted that for the South Portland area, and it could go to a pedestrian bridge, it could go to the circulation improvement, a number of different things. In part what we want to hear from the community is what are their priorities within this process, and how might that play out. I think we're hopeful that we'll be able over the next six or seven months to identify a number of other either sources or strategies for implementing beyond just that \$8 million and the 2 million that's in the development agreement for neighborhood improvements. So we feel like we're starting with \$10 million. Hopefully within the next few months we'll be able to expand on that and bring more resources to bear, and have something that really -- that the neighborhood feels good about within the first few years of this project that there are some improvements in place that they feel really begin to address their concerns.

Lindburg: The only thing I wanted to add is that frankly, in addition to my comments about South Waterfront and economic development and jobs, frankly, one of the reasons I got involved in this is that with a 25-year history of working with this entire neighborhood, I felt that it had been chopped

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and diced and abused in so many different ways, that we ought to look at this as an opportunity as not only the tram itself, but to do comprehensive planning. The south Portland circulation plan, for example, goes back into the mid-1970's when I was director of planning and development where we worked on it with ernie munch and thought we were going to be able to implement it with federal funding. So we have sort of I think a moral commitment to this neighborhood, and that's why I have across myself and others have been out personally meeting with people in the neighborhood and that we take very, very seriously these recommendations of the c.a.c. To make the neighborhood not only whole, make them feel good when this entire project is done.

Gardner: I want to plant a little seed of a thought in your mind, because you spend all your time hearing from people who are coming to you asking for things, and the question commissioner Francesconi asked about ways to potentially be able to pay for these neighborhood improvements, there's one unique aspect of this circulation study compared to many other projects, it will in effect be creating new land. It will be creating five or more acres of very close to downtown, right in the heart of a neighborhood land, developable land for new businesses, for new homes, townhouses, apartments, whatever. Land that is now in public ownership, which could -- and probably will be sold and developed. So in a way, it's a revenue source to help pay for some of the things that have to be done up front to build new land, which is a rare opportunity. There's not much that close to the city where we can find new land.

Francesconi: And there's been some changes at 0 don't -- odot, maybe they'll be a little more open to this.

Brown: One last thing I forgot to point out, part of the design contract with the architecture firm includes the design of the pedestrian bridge across i-5. So we're proceeding with that as part of the design package that they're working on. So I want to make that clear.

Katz: Excellent, because in terms of the design, it has to fit and has to compliment each other. So I think that's an excellent --

Brown: Absolutely.

Katz: All right. Good. Thank you. Karla?

Katz: Somebody left their wallet. Jim, go ahead.

Jim Whittenburg: Jim whittenburg, retired pharmacist, residing on northeast 18th, the 18th avenue peace house, if you're familiar with that part of town. A bunch of religious, environmental peace advocates, a bunch of crazies and stuff. But we truck, people in trucking. This is a friend --

Katz: Could you speak into the mike?

Whittenburg: This is a friend I met through that group, jack herbert, he's -- works with the environmental quality, and he's a p.h.d. graduate of stanford university in physics. So one of the fellows with a real -- i'm sorry, Washington. Bachelors. Ok. I have been talking with shelly from the league of women voters, and jerry wood with the neighborhood group out here, and debbie was going to be here today, and i'm not sure if she's made it or not, to represent the league. They said essentially they're just burned out, they're tired of testifying, they're tired of not getting responses from the group. Shelly told me this afternoon that after the last time they were here, they were asked to send an email to the council and she said they did that, and never received anything back until yesterday. And they sent another email yesterday. But they're burned out. They're tired. They're angry. They feel they've not been afforded an opportunity to. I thought I would put in my two cents. I'm not angry about anything, i'm glad you just passed the last thing, i've worked with mac g for the last year, I was their lobbyist in salem for legislative session, and I resigned after that because they were too conservative for me, that group. What I wanted to talk to you about is the two things that have bothered me about this -- is the cost of the aerial tram, and the streetcar. I saw

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figures in the newspapers of us paying, city paying 75% of that tram. That was just shown differently up here now. I'm not sure where I saw, I was looking through the papers again, i've been reading paper after paper about this, and article after article, and that -- those are the things that bother me most about it, in addition to -- as I was a young person living in lake oswego, we were told to be very careful and to drive past by snitser and that area, because of the pollution, and contamination in that area. So I talked to anthony lincoln, in your office, mayor, yesterday, and -- or day before yesterday, and I went up to p.d.c. and actually sat down and read the environmental study that was done in may 22, 2000, the report by the century west engineering corporation. One of the habits I picked up over the years in politics is to read everything. And as a pharmacist, that's very important to read everything also. And in reading that, I was quite concerned about the things that kept coming up in those reports. Things like p.c.p.'s, p.a.h.'s, t.c.e.'s, been seen -- benzene, barium, lead, chromium, acetone, from my chemistry in college and high school, a lot of those things are not good for any type of mankind. I'm suffering --

Katz: Your time is up. Do you want to wind up?

Whittenburg: Sure.

Katz: Thanks.

Whittenburg: I'm suffering with m.s. right now, and one of the things that i've been told recently is that the toxins in the air and water are responsible for a great increase in m.s. in the northwest area. And it's increasing disease, and it's one of the conditions, the system eats up itself, the nerves are dying in my legs and arms. I am real concerned about kids going there, being out playing in the dirt and stuff, and having these types of chemicals which have not been resolved according to d.e.q.

Katz: Thank you. Grab the mike.

Jack Herbert: My name is jack herbert, I work downtown here. I live over in cedar hills. 11935 southwest edgewood. I came because -- first of all, because to encourage you to be good stewards, to do your homework on the environmental stuff, but I gather -- this is supposed to be about the tram. So my concern about the tram, it's for ohsu. I used to do research, and I know the best thing for the researchers is to be located right together. The best place for them is up on the hill, not down here. The reason to put them down here seems to be so they can mingle, they can be close to companies, that's what the companies would want. But I don't think it's going to make that difference whether they're up on the hill and the companies are down at the bottom. Because you don't walk into somebody's lab and bug him if he's a researcher every day. So I don't see the need for it. I think it would be better off putting all that stuff on the hill. There's room to build vertically like they've been doing. If you want to put some private buildings up there, you could do that. But my experience is that the innovators, the start-ups that make the big changes, they can't afford expensive real estate. They're not going to be in these big fancy buildings. The people who started silicon valley, they weren't in the middle of stanford university. But they were spread out around the landscape. So I don't see the reason for this. And I think the -- if you want to be stewards, look at the history of this city, the best thing that I can remember is the olmstead plan. The parks have been -- the thing that's decision continuing about Portland, the natural environment. You can't compete with manhattan. Buildings are not going to do it. What we're going to want in the future, 15 and 100 years from now, is a beautiful waterfront to play in. We're going to want a river our kids can swim in and play in, fish in, that's what's going to make a difference. And your present water -- waterfront along front avenue and the esplanade have create add nice space -- created a nice space, a view of the openness. I think the greenway will be good, but what i'm -- i'm wondering if you couldn't really create something -- if you could restore that creek, the creek that

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comes down that canyon north of the med school. It's probably going through a pipe into the river now, or the treatment, but if you could get some old photos, and you could put in doug firs and put in a little natural environment, that would make a really distinctive downtown, the buildings are never going to compete with that. I think you really should look at that vision. The other thing is the high-rises going in, we're supposed to be speaking of the tram. I just think it's too much looking at -- something fancy looking for an exclusion, whereas a park, in the long run, would support all the neighborhoods throughout the city. I think the people, the city would really appreciate it better. Thank you.

Katz: Let me just -- i'm sure you know that, but I need to say the reason that the esplanade was able to be built, in some of the other improvements to the greenway, was because of the financing system we have with urban renewal areas. And the increment from the increase in the tax base was used to pay for that. And it's our hope that the increase from the value of the property in the south waterfront, will be able to provide the extended greenway and as well as some of the transportation improvements that you heard about.

Herbert: The only thing I would say is that making a more natural environment representative of the northwest would really be striking. The esplanade is aluminum, and stuff along waterfront isn't particularly beautiful in itself, but it opens up views. So it's good to be there because you can see things. This is a place where you can have an opportunity to create landscaping with some native forest.

Katz: Thank you. Anybody else? Anybody after martin?

Martin Slapikas: My name is martin slapikas, I live at 5211 southwest viewpoint terrace in the ctlh negotiation. I am served in the primary function as the transportation chair for ctlh, and am currently serving as the ctlh representative of pati c.a.c. And while I continue to advocate the transportation issues need to be addressed with this district, i'm here primarily on another topic, a topic that I raised as an ancillary and a side comment at the end of my testimony on july 10. So i'm going to ask you to basically please consider our current level of knowledge regarding long-term toxic waste contamination. As a result of the investigation, I started at the conclusion of that testimony i'm finding that along with this gentlemen previously, that there's an awful lot of formalized documentation on the contamination in the area north of gibb street. And the clean-up that was done on a voluntary basis, and also cy tell's voluntary investigation in that area. What has not been done, at least has not been made public, is anything that might be going on in the development -- in the development agreement area. I'm very concerned about that. In the document of the development agreement, there's a statement that says, a contaminant barrier shall be placed between contaminate and uncontaminated fill. What attracted me -- what bothered me about that was when I start talking to the sources Oregon d.e.q., they say such a statement is included only if contamination or suspected potential contamination is a concern in the area of program for development. So my question basically says, what does 0 tech, the engineering firm know that we don't know in regards to that area? Now, those contamination -- contaminated comment concerns the public expenditure along the utility corridors and the streets and stuff, but the point is, you just don't isolate it. What is going on in the residential area. This -- we all know the area along the northern area that project is very contaminated. In all the meetings i've been, to i've never heard very much said about what's being done to address that issue. So in the letter that I sent you dated july 31, I basically asked that the -- I basically asked that the development agreement be postponed until further development and seek an independent joint state federal risk assessment and remedial investigation. And it should concentrate specifically on the development agreement area. The reason i'm doing this is because it's easier to paint an empty room than it is to

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paint one filled with furniture. And that's what i'm concerned about. The expenditure that we're going to have without any of this is \$90 million for the first four years. I had about five concerns, and what's the city's future financial risk exposure should this project continue without any remedies to potential environmental human hazard? Who's responsible for enedward morris identifying a party hurt by an endorsed public policy of living and working in an contaminated area? Who's responsible for ensuring the development agreement project area is clean? And I would like to know why that area is being --

Katz: Martin, your time is up.

Slapikas: I know it is.

Katz: You're supposed to be talking on the tram.

Slapikas: That's not what I -- that's not what I saw in the email you sent our president, dawn thompson. I saw that you would be allowed to testify.

Katz: At 3:00. We're on -- we've actually adopted item s-957.

Slapikas: Which is the development agreement? I do hope that the contamination procedure and remediation affects continue.

Katz: I'm certain that I and other members of the council will keep that issue alive as we begin work on the project. That is a serious issue.

Slapikas: I apologize. Thank you very much.

Katz: Anybody else? If not, roll call.

Francesconi: During this last item on south waterfront we talked about a lot of things that are important to the future. We left out maybe mike's advice about the little things, but the other thing we didn't, at least I didn't talk about was the people. Really, Portland has been blessed with terrific people that have really helped build this place that really care about the community. So when I sit there on that presidentati board, and we've talked about pat lacrosse, but to see these people working for free, trying to make sure this is integrated into the neighborhood, that the neighborhood is served, that it's done cost effectively, and that it's done kind of in the Portland tradition. We're very fortunate. The only other two i'd like to signal out here is barbara walker, who's here with us, and vic rhodes, who's actually staffing this. As good as the volunteers are, you can't do anything without terrific staff. And the staff work that vic provides, and actually that matt provides, is really something to watch. So thank you, everybody. We have a lot more work to do together. Aye.

Leonard: Aye.

Sten: I want to thank you as well, and it's a nice piece of work. It's going the right direction. All the volunteers that are doing such a good job, I think jim had me to his house for a coffee in 1996 to talk about the neighborhood, and this is long before the tram, so my request is that we keep coming back to the council and hopefully give us ideas and choices for ways we can go about trying to find some of these neighborhood improvements. They're very hard to figure out how to get all these done, so I think we have to stay with the big vision and look incrementally, and I asked transportation to keep putting on our plate even the long shot stuff, because I think the key to this thing is going to be getting that plan moving through the momentum that's been created, and I believe there's a way to do it, and just keep us in touch on this so we can make good on promises that started long before us and will probably go on after us. Aye.

Katz: Jim actually said what I wanted to say. Matt, thank god you're not an engineer on this, because that was the first question I asked when you worked on previous projects, were you -- are you an engineer working at pdot, or do you have a heart and soul and view things upside down? No reflections on engineers, it was just that -- we need them. There's no question about it. But on

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some staffing some of those projects, the staff -- the head lead project manager needs to be able to relate to a lot of issues, and matt, you've just done an incredible job. I'm absolutely amazed at the work you've done. Barbara, i'm glad commissioner Francesconi recognized you. I should have done that as we were talking about the south waterfront, because your pressure on all of us to increase the setback, to keep thinking about parks and open spaces, without that, we wouldn't be where we are today. And former commissioner lindberg, what can I say? You've been there all these years, you sat on the council when we first started it, and you were an inspiration to me, and a mentor to me when I came on the council. So thank you for drawing the vision for us, and everybody else who's here, and working on this as volunteers, thank you. Pat lacrosse, you've been singled out today, so you are very fortunate to be here today and hear the accolades, well deserved. So everybody, thanks. Aye. [gavel pounded] we stand adjourned.

At 4:30 p.m., Council adjourned.