



CITY OF
PORTLAND, OREGON

OFFICIAL
 MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **29TH DAY OF OCTOBER, 2003** AT 9:30 A.M.

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

Commissioner Saltzman arrived at 9:33 a.m.
 Commissioner Leonard arrived at 9:34 a.m.

At 10:17 a.m., Council recessed.
 At 10:30 a.m., Council reconvened.

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

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

COMMUNICATIONS	Disposition:
<p>1254 Request of Stephen Edlefsen to address Council regarding a police incident (Communication)</p>	PLACED ON FILE
<p>1255 Request of Jada Mae Langloss to address Council regarding health problems from super toxic fumes (Communication)</p>	PLACED ON FILE
<p>1256 Request of Laurene Jennings to address Council regarding BatBoy a musical at Portland Center Stage (Communication)</p>	PLACED ON FILE
TIME CERTAINS	
<p>1257 TIME CERTAIN: 9:30 AM – Create a local improvement district to construct street improvements in the NW 13th Avenue Phase II Local Improvement District (Hearing introduced by Commissioner Francesconi; Ordinance; C-10003)</p> <p>Motion to overrule the remonstrances: Moved by Commissioner Francesconi and seconded by Commissioner Leonard and gavelled down by Mayor Katz after no objections.</p>	<p>PASSED TO SECOND READING NOVEMBER 5, 2003 AT 9:30 AM</p>

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<p>1258 TIME CERTAIN: 10:00 AM – Accept report from the Portland Parks Board (Report introduced by Commissioner Francesconi)</p> <p>Motion to accept the report: Moved by Commissioner Francesconi and seconded by Commissioner Saltzman and gaveled down by Mayor Katz after no objections.</p> <p>(Y-5)</p>	<p align="center">ACCEPTED</p>
<p>1259 TIME CERTAIN: 10:30 AM – Portland Public School recognition of Council and overview of achievement and accountability plans (Presentation introduced by Mayor Katz)</p> <p>Motion to accept the report: Moved by Commissioner Francesconi and seconded by Commissioner Leonard.</p> <p>(Y-5)</p>	<p align="center">PLACED ON FILE</p>
<p>1260 TIME CERTAIN: 10:45 AM – Accept the South Waterfront District Street Plan, Criteria and Standards document and direct its implementation (Resolution introduced by Commissioner Francesconi)</p> <p>Motion to amend page eight and the fourth sentence to read “Because the agreement was in place before adoption of these proposed standards, PDOT shall continue to honor these design commitments reflected in the development agreement: Moved by Commissioner Francesconi and seconded by Commissioner Leonard and gaveled down by Mayor Katz after no objections.</p> <p>(Y-5)</p>	<p align="center">36178 AS AMENDED</p>
<p>*1261 TIME CERTAIN: 11:15 AM – Authorize the temporary use of the existing laundry facility at SE 60th and Belmont to provide laundry service for Adventist Health at an offsite location (Ordinance introduced by Commissioner Leonard; waive Title 33)</p> <p>(Y-5)</p>	<p align="center">178010</p>
<p>1262 Appeal of Portland Adventist Hospital, applicant, against the Hearings Officer’s decision for failing to recognize the existing laundry facility as a legal nonconforming use when approving the conditional use with adjustments at 932 SE 60th Avenue and 6040 SE Belmont (Previous Agenda 1224; LU 03-116866 CU AD)</p> <p>Motion to uphold the Hearings Officer's recommendations: Moved by Commissioner Leonard and seconded by Commissioner Saltzman.</p> <p>(Y-5)</p>	<p align="center">DENY APPEAL AND UPHOLD HEARINGS OFFICER’S DECISION</p>
<p align="center">CONSENT AGENDA – NO DISCUSSION</p> <p align="center">Mayor Vera Katz</p>	
<p>1263 Approve the application of Burnside Station Apartments, LLC for a ten-year property tax exemption for a transit oriented development project (Resolution)</p> <p>(Y-5)</p>	<p align="center">36177</p>

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<p>*1264 Pay claim of Anne Laubernds (Ordinance) (Y-5)</p>	<p align="center">177995</p>
<p>*1265 Accept a \$28,050 grant to the Police Bureau for the Lents/Brentwood Darlington Weed and Seed Program (Ordinance) (Y-5)</p>	<p align="center">177996</p>
<p>*1266 Authorize acceptance of a Historic Preservation Fund grant of \$3,000 to supplement the City historic resources program for the federal FY October 1, 2003-August 31, 2004 (Ordinance) (Y-5)</p>	<p align="center">177997</p>
<p>*1267 Authorize addendum to contract with Mike Metroke for outside counsel assistance (Ordinance; amend Contract No. 34972) (Y-5)</p>	<p align="center">177998</p>
<p align="center">Commissioner Jim Francesconi</p>	
<p>1268 Set hearing date, 9:30 a.m., Wednesday, November 19, 2003, to vacate the Plat of Columbia Villa and all public streets within the Plat of Columbia Villa (Report; VAC-10014) (Y-5)</p>	<p align="center">ADOPTED</p>
<p>*1269 Amend contract with Links Analytical, Inc. to continue water quality monitoring of Portland parks until October 31, 2004 (Ordinance; amend Contract No. 33937) (Y-5)</p>	<p align="center">177999</p>
<p>*1270 Authorize an Intergovernmental Agreement with Metro to secure land and trail easements from willing sellers for Portland Parks along the Columbia Slough and Columbia South Shore (Ordinance) (Y-5)</p>	<p align="center">178000</p>
<p align="center">Commissioner Randy Leonard</p>	
<p>*1271 Issue a revocable permit for K. West Enterprises, LLC to install, maintain and operate public telephones on City streets (Ordinance) (Y-5)</p>	<p align="center">178001</p>
<p>*1272 Amend ordinance granting franchise to Williams Communications, Inc. (Ordinance; amend Ordinance No. 175063) (Y-5)</p>	<p align="center">178002</p>
<p>1273 Consent to franchise transfer from Broadwing Communications Services Inc. to Broadwing Communications, LLC (Second Reading Agenda 1244) (Y-5)</p>	<p align="center">178003</p>

Commissioner Dan Saltzman	
<p>*1274 Authorize Intergovernmental Agreement with Portland Community College to partner on a Community Watershed Stewardship Grant Program (Ordinance) (Y-5)</p>	178004
<p>*1275 Authorize Intergovernmental Agreement with Portland State University to partner on a Community Watershed Stewardship Grant Program (Ordinance) (Y-5)</p>	178005
<p>1276 Amend contract with David Evans and Associates, Inc. for final design review, update and construction phase services for the Columbia Slough and Simmons pump stations Project Nos. 7048 and 7250 (Second Reading Agenda 1247; amend Contract No. 33551) (Y-5)</p>	178006
Commissioner Erik Sten	
<p>*1277 Authorize Intergovernmental Agreement with Clark County Fire District 6 for Truck Company Operations training (Ordinance) (Y-5)</p>	178007
<p>*1278 Authorize subrecipient agreement with City of Gresham for \$701,877 for the HOME Investment Partnership Program and provide for payment (Ordinance) (Y-5)</p>	178008
REGULAR AGENDA	
Commissioner Jim Francesconi	
<p>*1279 Authorize Intergovernmental Agreements and an Indemnity Agreement between Portland Department of Transportation, Bureau of Environmental Services, Bureau of Water Works and the Housing Authority of Portland for services for the HOPE VI Redevelopment of Columbia Villa (Ordinance) (Y-5)</p>	178011
<p>*1280 Authorize agreements with the American Jewish Committee and the Oregon Holocaust Resource Center, Ltd. to construct, operate and maintain a permanent public memorial in Washington Park to victims of the Nazi Holocaust (Ordinance) (Y-5)</p>	178012

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Commissioner Dan Saltzman

1281 Require connection to the City sanitary sewer system within three years of sewer availability, establish equitable methods to calculate connection charges and authorize the Environmental Services Director to adopt administrative rules, procedures and forms (Second Reading Agenda 1231; amend Code Chapter 17.33 and Section 17.36.020)

(Y-5)

178009

At 12:30 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **29TH DAY OF OCTOBER, 2003** AT 2:00 P.M.

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

Commissioner Saltzman arrived at 2:03 p.m.

Commissioner Leonard arrived at 2:04 p.m.

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

<p>*1282 TIME CERTAIN: 2:00 PM – Authorize Memorandum of Understanding and Reimbursement Agreement with the Portland Office of the Federal Bureau of Investigation to participate in the Portland Joint Terrorism Task Force (Ordinance introduced by Mayor Katz)</p> <p>(Y-5)</p>	<p>Disposition:</p> <p>178013</p>
<p>1283 TIME CERTAIN: 3:00 PM – Express concern about certain provisions of the U.S.A. P.A.T.R.I.O.T Act (Resolution introduced by Commissioner Saltzman)</p> <p>(Y-5)</p>	<p>36179</p>

At 5:26 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 30TH DAY OF OCTOBER, 2003 AT 2:00 P.M.

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

Commissioner Leonard arrived at 2:03 p.m.

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

S-1284 TIME CERTAIN: 2:00 PM – Amend the Northwest Plan District Plan to add a Parking Policy and Regulations (Previous Agenda 1019; Ordinance introduced by Mayor Katz; amend Code Chapter 33.562, 33.815, 33.910)

Motion to accept the substitute ordinance as amended by the October 28 memo and include minor changes to commentary in exhibit “a” and findings in exhibit “b”: Moved by Commissioner Francesconi and seconded by Commissioner Saltzman.
(Y-4; N-1, Katz)

Motion to make Papa Haydn and Multnomah Learning Center Type B sites, with a maximum allowed number of commercial parking spaces at 110: Moved by Commissioner Leonard and seconded by Commissioner Francesconi.
(Y-4; N-1, Katz)

Motion to clarify the intent to include the MLC surface lot as part of the motion that legalizes the existing surface parking for commercial parking on both Elizabeth Street and MLC sites and to include perimeter landscaping requirement: Moved by Commissioner Leonard and seconded by Commissioner Francesconi. (Motion was withdrawn by Commissioner Leonard)

Motion to clarify the intent to include the MLC surface lot as part of the motion that legalizes the existing surface parking for commercial parking on both Elizabeth Street and MLC sites and exempt these sites from perimeter landscaping requirements: Moved by Commissioner Leonard and seconded by Commissioner Francesconi.
(Y-2; N-3, Saltzman, Sten and Katz) Motion Fails.

Motion to clarify the intent to include the MLC surface lot as part of the motion that legalizes the existing surface parking for commercial parking on both Elizabeth Street and MLC sites and to include perimeter landscaping requirement: Moved by Commissioner Leonard and seconded by Commissioner Saltzman and gavelled down by Mayor Katz after hearing no objections.

Motion to rescind a motion on structured commercial parking setbacks and accept revised code language in 562.130.D: Moved by Commissioner Leonard and seconded by Commissioner Saltzman.
(Y-4; N-1, Katz)

Disposition:

**SUBSTITUTE
PASSED TO
SECOND READING
AS AMENDED
NOVEMBER 5, 2003
AT 9:30 AM**

At 4:56 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.

October 29, 2003
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.

October 29, 2003 9:30am [roll call]

Katz: Could you tell me the condition of the -- our two missing members?

Moore: They just be late.

Katz: All right. Let's start with communications. 1254.

Item 1254. Not present.

Katz: 1255.

Item 1255. Not present.

Katz: 1256.

Item 1256.

Katz: Go ahead, you've got three minutes. Welcome. Come over here.

Wade McCollum: It's a pleasure to be here.

Katz: Come closer so the public can see you on television. Come closer. A little closer. That's right. There are two mikes over there.

*******:** All right. This is a song we sing.

Katz: Would you identify yourself for the record?

McCollum: Wade mcollum. I am an actor. This is "let me walk among you" from "bat boy".
[sings song]

Katz: Come over here.

McCollum: This is at p.c.s. Through november 23.

Katz: Why don't you tell everybody that's here where and when.

McCollum: "bat boy" at Portland center stage, eight shows a week until november 23. We open this friday.

Katz: Thank you. [applause] what a nice way to start a morning. All right. Let's do consent calendar. Any items to be removed? By either the council or members of the public? If not, roll call on consent.

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

Katz: Mayor votes aye. [gavel pounded] all right. 1257, time certain.

Item 1257.

Andrew Aebi, Local Improvement District Administrator: Good morning, mayor and commissioners, that's going to be a tough act to follow, but i'll do my best. Andrew abei, local improvement district administrator. With me is kathryn. We have received two letters in support from property owners as well as two remonstrances from owners of the 23 properties in the district. These remonstrances represent 9% of the assessable foot footage of the district. The ordinance before you today directs these remonstrances be overruled. I believe we have these property owners with us today. Kathryn?

Kathryn Levine, Portland Office of Transportation: Thank you. I'm kathryn levine, Portland transportation. Just a brief description of the project area, northwest 13th avenue between johnson and raleigh is in the pearl district, of course, part of the river district urban renewal area. As it exists today, it's a public right of way, marked by rail tracks, and distinguished in many places by potholes and gravel. The project area is bracketed by the pacific northwest college of art at the south end, at 13th and johnson, and hoyt street properties phase v development area at the north end. Andrew and I first met with property owners and the pnca president in april 2002. We met

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again in april 2003, then with the assistance of bruce allen, Portland development commission, the pearl district neighborhood association, and property owners acting as their own advocates. The project received a funding commitment from the development commission in budgeted urban renewal funds. Approximately one-third the estimated cost of the project construction. Property owners will remain responsible for two-thirds of the total project cost, which is estimated to be \$2.6 million. Construction of this project will complete northwest 13th avenue and allow the city to realize one of the objectives of the pearl district development plan, which council approved in 2001.

We do have some power point slides if they're necessary. We can save those for after testimony.

Katz: Let me ask the council, the council pretty much knows the geography of this area? Yes? Did you want to add anything? Let's hear from the public on this.

Moore: Come up three at a time.

Katz: Just don't sing.

*******:** No, that won't be happening. You'll leave pretty quickly if I tried to do that.

Katz: Grab the mike and go ahead.

David Petersen, Attorney, Tonkin Tork: My name is david petersen, i'm an attorney here in Portland, I represent john rosenfeld and lynn Stafford who own the property on the west side of 13th between northwest pettygrove and quimby. We're one of the two landowners to submit remonstrances in writing, and I will take the opportunity to briefly summarize the two grounds of our objection. The first ground is the inclusion of the properties north of pettygrove in the district. You all said you're familiar with the geography, if you'll note the street continues north up to pettygrove in a dilapidated condition. Consequence of that, my clients and the other property owners on those two blocks have developed their property in a manner that utilizes access from other points. So the consequence of that is, redevelopment of this street is not going to benefit their properties or burden the street any time in the foreseeable future. For example, my clients' property has a grocery warehouse on it that the rear of the warehouse backs up to the entire frontage of northwest 13th. There's no loading dock entrances or anything. The relatively recent construction of that property means there's not much incentive to redevelop the property to take advantage of northwest 13th, whereas south of pettygrove, they're all developed with access, pedestrian or vehicle access to that street. So there's a fundamental difference between the properties north and south of pettygrove. That may make it inequitable for the properties north of pettygrove to contribute at this time. The second point of objection is the assessment methodology that's been chosen based on linear street frontage. It's a related point because it doesn't take into account the variety of uses that are currently on northwest 13th. Some of those uses may have much smaller frontage, but place much more of a burden upon the street or will place much more after burden upon the street in terms of vehicle traffic, pedestrian traffic and parking. Whereas my client will be paying an assessment based on an entire city block but basically we'll be making no use of the street either burdening it or benefiting from it. Those are our two grounds. I'm happy to answer any questions if you like.

Katz: I think we will have to take a look at the power point on north of pettygrove and see how it - - what we just heard, how it relates, and ask you a couple of questions. Thank you. Al, why don't you go ahead.

Al Solheim: My name is al solheim. It was 1993 you approved the first phase --

Katz: Grab the mike so you can be heard.

Solheim: It was 1993 that you approved the first phase of 13th street l.i.d., from davis to johnson. Today 10 years later, we're seeking your approval to complete that project. The first phase I can set the stage for redevelopment of the brewery blocks through the widen and kennedy project, which is on davis to everett, following down 13th street, paragon, the lofts, pmca. I think the first phase l.i.d. Also gave the cohesiveness to that early pearl district development. From johnson to raleigh as we're talking about right now, it is basically a waste land. The streets are characterized by potholes,

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rail, they bisect the streetcar lines, it is now a logical extension of the initial effort to set the stage and support the properties north of Johnson in their already move forward in the redevelopment of the Pearl District. So I would strongly encourage your development -- supporting this project. The I.I.D. is really important because it will give us some continue -- a continuous street. A hop scotch approach just doesn't work, and it's a real important -- it's important that we continue that circulation pattern and support everything that's happened. Hoyt Street properties, when they -- the new housing is now at Northrup and it's only two blocks away. So this street between 12th and 14th is really critical to address the overall circulation pattern of that part of the neighborhood. And let alone also PNCA, which is brackets 13th at Johnson and Kearny. So I strongly urge your support of this proposal. Thank you.

Katz: Go ahead.

David August, Pearl District Neighborhood Association: Good morning. My name is David, I live at 300 Northwest Eighth Avenue in Portland. I am currently president of the Pearl District Neighborhood Association. I am here this morning to let the commissioners and the mayor know the Pearl District Neighborhood Association strongly supports the formation of the 13th Avenue I.I.D. Phase II. In fact, the Pearl District Development Plan approved by City Council in October 2001, specifically states as part of its transportation and parking goal is the following, and I quote, number 4, extend Northwest 13th Avenue street improvements north of Johnson Street, it goes on to say, Northwest 13th Avenue, as it runs through the historic district from Davis to Johnson, is like no other in Portland. This mix of narrow travel lanes, on-street parking, loading docks, and pedestrians does not function like a typical street. This character should be maintained and extended north of Johnson through the industrial transition area. End of quote. Although the street does not function like a typical street, it does function and does it quite well. Rarely if ever do cars speed down this street, and it is not the street of choice for drivers in a hurry. With the increased residential buildings and the ever-larger traffic volume, the time has come to pave the last unpaved section of this existing street in the River District. The fact the property owners along this avenue are willing to assess themselves to pay for two-thirds of the cost of paving is a testament to their commitment to the neighborhood and should not be ignored. As the Pearl District continues to fill with new residential buildings, the original character and flavor of this warehouse and light industrial area is being diluted to the point where in time it may become only a memory. I -- by approving the formation of an I.I.D. And supporting our neighborhood goal to maintain the character of the street north of Johnson, allowing for all of the design elements that currently exist to the south will be more than a symbolic gesture on your part this. Will show your commitment to visually help preserve an important part of Portland's past as the new Pearl District continues to evolve. Thank you.

Tom Manley, President, Pacific Northwest College of Art: Good morning. I'm the president of Pacific Northwest College of Art. We are the residents of two buildings that border on 13th Street between Johnson and Kearny, and --

Katz: Do you want to introduce yourself again? I don't think the council knows who you are.

Manley: Tom Manley, the new president of Pacific Northwest College of Art, PNCA. I'm here in support of the improvement. Our college occupies two buildings that border 13th Street between Kearny and Johnson, and the unpaved nature of the street in between presents a problem of articulation of traffic flow between the two buildings. The dust, the potholes are a constant problem in terms of -- especially in wet weather, which I understand Portland has some. Create problems for the environment inside the buildings. So we support this improvement.

Katz: Thank you. Welcome to the city.

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

Moore: That's all who signed up.

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Katz: All right. Come on up and talk a little bit, since we had one remonstrance, mr. McCloskey remonstrated as well, but he's not here. We had one with regard to the property north of pettygrove. You don't need to show us the entire power point.

Aebi: This is a map of the proposed l.i.d. And where the remonstrances came. The red property there towards the south of the project is from mr. McClaskey, the red property to the north is mr. Rosenfeld and ms. stafford and those two areas represent 9% of the district. As you can see, on the north end that was the only property north of pettygrove to remonstrate against formation of the local improvement district. And on the south end, I have spoken to the purchaser of mr. McClaskey's property, and he has indicated he's in full support of the project. Once that property turns over, we would have full support from all of the property owners on that block.

Levine: I'll move just quickly through the other photos. This is obviously johnson and 13th, pacific northwest college of art is on the right side, and they occupy part of the left. This is in front of the bridgeport brew pub at marshall and 13th. That's just giving you an idea of the dock usage. This is moving towards the north and on the far left northern end the yellow building is the rosenfeld property north of pettygrove. You're looking at the street area between overton and pettygrove leading up to that area. This is 13th north of pettygrove. Mr. Rosenfeld and the stafford property is on the left. The tree is actually in the intersection where 13th and quimby should be. This is looking at 13th and quimby, and you can see the property in question to the right, and parking -- people parking alongside the building and the main line tracks in the middle of the road. This is the intersection of 13th and quimby this. Is looking from 14th down to where it should connect to 13th, but you can see the tree in the background there. This is from 14th looking down pettygrove. The property in question is on the left. And this is coming around the building, this is from 13th again looking north from pettygrove to quimby.

Katz: Thank you. Council have any questions? If not, we'll move this to second.

Harry Auerbach, Sr. City Attorney: We need a motion to overrule the remonstrances.

Aebi: Actually, mayor, the overruling of the remonstrances is included in the ordinance.

Katz: Is it in the ordinance?

Aebi: It's in the ordinance. I did want --

Katz: Do you want to just make sure?

Harry Auerbach, Sr. City Attorney: Maybe you could direct us to where in the ordinance it is.

Aebi: I wanted to briefly outline some options for council. As I mentioned earlier, the property -- mr. McClaskey's property is turning over, so because the future property owner supports the project, we are recommending that we continue to include the kearney to lovejoy block in the project. With respect to the property north of pettygrove, one option for council is to amend the ordinance between now and the second reading next week to terminate the project at pettygrove if council feels that's the appropriate course of action. I would, however, point out that the p.d.c. Funding was predicated on the entire eight blocks being constructed, so if that's the direction council would like to pursue, I would suggest that between now and next week we consult with p.d.c. And see if they still want to support a smaller project than what's proposed.

Katz: Did you find it, harry?

Auerbach: In the findings section you refer to the summary remonstrances as set forth in exhibit e. And I notice there's a new exhibit e, so I don't know --

Katz: I'm going to have --

Auerbach: You might want a motion to overrule the remonstrances.

Francesconi: I'm going to move that we not do the second option, that we just overrule the remonstrances. Northwest 13th avenue, this is one of the last unpaved streets. By paving this street it does benefit, I believe, all the property owners. And it also is a terrific opportunity to continue momentum of housing and jobs in the area. Not to mention that -- the potholes that currently exist

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that I hit this past weekend when I was showing my roman friend, but it was just -- it just makes sense it be paved. So i'm going to move to overrule the remonstrances.

Katz: Second?

Leonard: Second?

Katz: Hearing no objections, so ordered. [gavel pounded] it passes to second. All right. It is 9:53, and I have -- is the Portland parks board folks here? Are they here? Let's do -- do you mind if we start seven minutes early?

Francesconi: That's fine, but i'd like -- joe angel is here on the holocaust memorial. What i'd like, if joe could just testify so he can leave, and we can take it a little out of order. I know it's a little unusual, but this is an important issue, and it's plagued the neighborhood.

Katz: Where do you have to go? What's the council --

Leonard: I'd support letting him testify.

Katz: It is unusual, I usually don't permit this, because it's not fair to everybody else, but a request was made, i'm going to ask please don't continue making these requests to any member of the council, because there are people waiting.

Francesconi: I wouldn't have done it except it's not 10:00 yet.

Katz: Well, all right. Your board is here. Go ahead.

Moore: 1258.

Francesconi: No, not --

Katz: We're way out of order. It's 1280.

Item 1280.

Joe Angel, Acting President, Arlington Heights Neighborhood Association: I wrote a letter on october 21 outlining a vote that was taken on september 15 at the neighborhood association meeting. And i'm here to comment on the final design. Some of these things have been addressed since my letter, but there were three major areas. The first one was handicap drop-off, and how handicap parking would be handled. The second one was bus drop-off when institutions or schools are bringing large parties to this memorial and how that whole system would be handled. And number 3 was a general, what we called and have been talking about for several years as a good neighbor plan, and the fact that that hasn't been agreed to and signed and put in place before the issuance of the permit. There was a fourth item that the association voted on, and I didn't put in the letter because after my investigation I felt that it was something that had been -- the factual evidence at the meeting was not presented correctly. And mr. Butler may be here later to testify, but he came to the association saying that the holocaust memorial itself, the paving and the bricks and that when outside of the area you approved. After I checked with the parks bureau and investigated that, I chose not to put that in the letter, but you need to know that the association voted that that was an issue based upon the information we were given that night. So these major areas are all areas that we've talked about for several years. We, in a mediation that was paid for by the city, I thought had come to agreement with the holocaust memorial association on all these issues, and we are now down to issuing a permit with several of them still being unresolved. I think that it does not serve the city well or the neighborhood or the holocaust well to not have these issues dealt with before the permit is issued. Thank you.

Katz: All right. These issues will be raised at the regular hour. Thank you, joe. Ok. We'll come back to that item. Let's go back to 1258.

Item 1258.

Mary Ruble, Chair, Portland Parks Board: Good morning. I'm mary ruble, chair of the Portland parks board, 2839 southwest montgomery drive, Portland. Thank you very much for taking the time to hear the first report of your parks board. We're the advisory board for your parks bureau and we're very pleased to be here today to talk to you about the work we've done over the last two years and to give you a picture of what we see for the future. The first thing i'd like to do is talk

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about who makes up your parks board and the people who are involved in it. The -- i'm just going in alphabetical order. We have great diversity, geographic, cultural and in terms of focus and interest areas related to parks. Reverend Bethel is a member, he's the minister and leader of the church of God. He's a strong leader in the African-American community. He was a 2020 vision committee member, he's the chair of our dog off-leash advisory committee, which is a big job as many of you know, and he's a northeast Portland resident. Rich Brown, who's with the Bank of America, is a senior vice-president there, is a new member of our board. He brings a wealth of business and community experience to the board. He has worked hard on partnerships with the city and nonprofits and he's been a key focus area for our group to look at -- look at parks issues. He's a southeast Portland resident. Tom Brown is a local small businessman and property developer and owner in southeast Portland. He's been very active in parks issues and active in the parks levy campaign and he's an ardent community activist. Mike Houck, one of the leads of the Audubon Society, has been an active advocate for parks and open spaces. He's been instrumental in the Metro Open Spaces initiative, he's an environmental conscious for the city, a 2020 vision member and currently a Lobe Fellow at Harvard. Holden Young is a director of the Chinese Cultural Community Center. He's a resident of the United States, moved here in 1990. He's an advocate for the Asian community related to access to services and a strong supporter of the importance of green spaces in our community. The principal of Duniway Elementary School has been on our board for one year. She's been a great link for parks with the school system. She also is a link to the Southeast Asian community and we're looking at many ways to work with the schools through to. Stephanie Mendoza Gray is another new member of our board. She's the executive director of the Oregon Council for Hispanic Advancement. She has a planning and architecture background, a business background, and a passion for parks. She also brings a focus on the Latino communications and insight into the needs of that community. Scott Montgomery is the vice chair of our board. He was a member of the 2020 vision committee, he's a local developer and very involved in community issues. He's been a passionate advocate for youth sports which is a critical part of our recreation program. A strong levy advocate and very strong board member in terms of all the committees that he sits on, he's worked on the budget committee, strategic planning, sports user group, he's a member of the Mt. Tabor Project Advisory Committee, and a tireless worker for parks and recreation. Chet Orloff is a local historian, a former director of the Oregon Historical Society. He's a parks advocate and chair of the Mt. Tabor Policy Advisory Committee, also a Pioneer Square Board member. He brings perspective and focus to our board and our role as advocates for parks and recreation issues in the future. Joey Pope is the original chair of the parks board. She's also the current chair of the Parks Foundation and was chair of the 2020 vision planning process. As many of you know, she's active in many local issues and is a tireless parks advocate. She serves on the budget strategic planning and many other committees for our board and is also the Hoyt Arboretum past chair and is still active on that board. Bashrah Walker is a passionate community and parks advocate. She served on several committees including the North Macadam Planning Committee and is an invaluable member of our team. Jim is a local attorney with Stoel Rives. He was on the parks 2020 vision committee, he's a strong advocate for parks and open spaces from both the city and a regional perspective, with a focus on creating a regional parks system which we think is critically important. He will be leaving the board later this year to spend more time through Metro on parks and recreation.

Katz: He's coming back? Good. We miss him.

Ruble: Yes, we do. I'm as you know Mary, I work with U.S. Bank, I'm a senior vice-president there. I'm chair of the parks board, also very involved in the budgeting committee on the board. I'm a former chair of the regional arts and culture council, and an avid parks user and advocate. We also have two prior members who have left us since the beginning of our board. Jess Carryon, president of Portland Community College, felt he didn't have the time to focus on parks, but is a

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strong parks advocate. And Tony Palermini, the retired superintendent of David Douglas School District and a 2020 committee member left the board early due to an illness in his family. But we've had a strong board and that's a key thing we want to point out. You have some strong community advocates, very involved in the community who are interested in parks and spending our time and efforts there. We believe that the importance of parks and recreation is vital to the city. Portland parks is a jewel in our crown and something that we need to protect and nourish now and for the future. We believe parks are vital to the health of the city and that they are as essential as many of the other services that the city provides. We believe our time is worth spending, and the insights we bring help the bureau and the city make good decisions about the future of our great parks and recreation system. We are city and community advocates and we feel strongly that the role we're playing is an important one. I also want to say we feel very strongly that Zari is the right leader for the times. We were proud to see you put her in the position of director of parks bureau. We enjoy working with her, and we have high hopes for Portland parks and recreation under her leadership. Parks board is beginning to add value we think to the city and to the parks bureau, and we think the report that we presented you which you should have, really tells the story. So what I'd like to do is briefly go through this. I won't read it, but I want to talk to you first of all about what the purpose of the board is and that was stated in the city ordinance for parks. We act as a keeper of the vision. To ensure the vision -- forefront of discussions about parks and recreation issues and trends over time in all areas of the city. We advocate for parks on a city and regional basis to ensure parks, natural areas, open spaces, and recreation facilities are advanced in city and regional planning and design. We provide continuity when transitions occur, which occurred this year, in the leadership of Portland parks and recreation and on the council. And we provide a forum for public discussion and decision making about parks issues. Bringing a city wide and long-term perspective to neighborhood-based issues. We take our role very seriously. During the formative stages, which have occurred over the last two years, we've done quite a bit of work advocating for appropriate funding, providing advice and counsel to the bureau and commissioner, and becoming more extensively educated related to parks issues. During the reporting period, we've worked on several key projects. The board was formed in October of 2001. We had -- have had extensive board education. We helped develop a board strategic plan and are working on the strategic plan for the parks bureau. We participated in various issues including budgeting, campaigning for the levy, issues related to sports field users, Portland public schools, surplus lands, Mt. Tabor and so forth. Key issues for the board that we have been looking at are budget advocacy, which is something that we will be doing with you over time as you look at the budget for the parks bureau, we feel strongly that the budget is important to stay intact in the back row, because we have issues we think need to be taken care of. The Bordonaro advocacy and community communication related to parks levy was a key time consumer for us. And we also developed a position on an advocacy for parks, recreation, and open spaces related to the surplus lands from the Portland public schools system. We supported Zari in her transition and Charles as he left. We gave input on support of the development of bureau strategic planning, and advice and review on other key topics. As we look at what we're doing for next year, or this year and next year, we're focusing on promotion of the value and image of parks and recreation. We're focusing on advocacy related on the -- to the development of adequate budgets to manage and maintain our current system as well as future growth initiatives. We believe in stewardship and advocacy for the parks levies themselves and we'll be working to make sure the levy promises are kept. The advocacy related to increasing our focus on issues related to deferred maintenance of the system is critical in our opinion. And we are working on creating key partnerships with Portland public schools, other city bureaus, metro, and other parks and recreation providers and other nonprofit organizations as well as business and community leaders. We're very pleased with our progress, but we know we have a lot to do and we know we need your support. We're looking to the city council for support in helping us make sure

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that the value of parks and recreation is recognized in our community. That the importance of parks and recreation as a key resource that supports the success of other city bureaus, including fire and police, is understood, and that you understand the critical need for stable and secure funding for parks and recreation. I'd be happy to take any questions.

Katz: Thank you. Questions? Ok. Do you have anybody else on the board that wants to say a few words? Anybody signed up?

Katz: No? Why don't you all introduce yourselves on the board. I know mary did, but you didn't raise your hand and i'm not sure everybody knows who you are. So go ahead.

*****: Scott montgomery, vice chair of the board.

*****: Joey.

*****: Tom brown.

*****: [inaudible]

*****: Stephanie mendoza gray.

*****: [inaudible]

*****: Anybody else? Thank you, everybody. Ok. Take a motion. Motion to accept the record.

Francesconi: So moved.

Saltzman: Second.

Katz: Roll call.

Francesconi: Just a couple things. I really appreciated that you introduced -- first I was wondering, i'm glad you went through the depth of each person's experience. It's easy to forget how much talent and expertise and caring we have for the city. So I guess first I want to thank all these people that's made the first parks board -- is houck still on it?

Ruble: He is still on. He is on a leave of absence while he's at harvard. But he still sends lots of email.

Francesconi: Well, you've made successful, the reason I was thinking of him, it's the first parks board in 100 years, so it took a lot of talent on your part to do that. I hope we get to the point -- I was really, really thrilled that the -- we reviewed the small business council and we had a consultant go around and talk to all the commissioners and -- internal and external stakeholders. And I was really pleased to see the council was feeling that the small business council was their council. It was a city council. And I know under a bureau system it's different, but the reason i'm glad you went through details is because it's the parks board for the whole city. Not just for one commissioner. And there's a rot of -- a lot of talent as we seek to do this. As we seek to move forward. So the overall challenge, one of the most serious for ever from my standpoint, is how do we keep families in the city. So as you are looking forward, the combination of schools and parks and how they work together to keep families, the issues of the value of parks and open space to attracting workers, to help our economy and keep businesses here, and that's already on your list, that's really terrific. The issue of efficiency and government and how we're going to do that. So I think you're really dealing with the very, very big issues. The only one I might add to consider, and I think you're doing this, is, how do you integrate more with the other bureaus? And you said it. How do you integrate with transportation on sustainability and storm water, and those kinds of issues? And we're talking to best -- transportation, how we work more on long-range planning with the bureau of planning, p.d.c., and where we're going. So if you could just -- you didn't emphasize it, but add that to how we can relate, because then it will also help the parks board understand how the rest of the city operates, and we can kind of move forward together. But thank you for all you're doing. Aye.

Leonard: Well, as we have seen of late, the parks evoke huge emotional responses from some of our citizens. And they're joust -- they're snot just an amenity on the city. It's not lost on me that chet is also a part of that project and doing magnificent work trying to bring the community together with our parks. As a person who grew up one house away from a Portland park, urban

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park, it was just part of my growing up. And I thought everybody enjoyed summer programs and a swimming pool, and baseball, and all of that. But not all Portlanders really have the advantages that I did growing up next to a park. And the work that you all do is really important, particularly for young people. And focusing them, and getting them involved in very constructive things. And I certainly appreciate the work and it has left an impression on me in my formative years that I think was a good one, and I thank you for all your good work. Aye.

Saltzman: I think you've done a great job, and I wanted to thank all of you, and I wanted to single out two members in particular, and that's scott montgomery and chet orloff for their tireless dedication to the open reservoir replacement project and helping envision and develop the guiding principles for what's going to go on top of the reservoirs, and we recently concluded that design competition and we'll be moving into a subsequent phase, and I know scott has once again stepped up to serve on the public advisory committee that will work with the design team to bring city council a final design. So I want to thank both of they'll for their efforts there. I also last week we had a presentation from our food policy council, a city, county organization, and they've been in business about the same amount of time you have. But they actually presented recommendations last week, one of their key findings was that during the summertime only 25% of students who normally receive meals through the schools receive those meals, lunches, and they cited -- they mentioned access to parks programs during the summer is a key access point to not only have something to do, but to really get sometimes maybe the only good meal a day. Some kids will get. So -- and parks is well aware of this, and parks wants to work to expand programs to all of its appropriate parks this summer, but I think the price tag was something like \$8,500 per summer per park to get a program and the meal site, so I would hope you can advocate for that in your budget as well. We'd like to see that happen as well. And if like to look at that report, please contact my office, or I believe it's on our website as well. Aye.

Sten: I think you're doing an excellent job, and it's a pleasure working with all of you. Your passion comes through, and I think it's been said. Keep up the good work, and I look forward to working with you. Aye.

Katz: Thank you, all. Mayor votes aye. All right. It is 10:14, our next item is at 10:30. They are not here, is jim here? Ok. Let's jump to item 1281. Second reading.

Item 1281.

Katz: Roll call.

Francesconi: This is very necessary step to protect our environment. The groundwater pollution that can result from this, and I really appreciate the work of the bureau to provide realistic payment options over time to some citizens who can't afford it economically. Aye.

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

Katz: Mayor votes aye. [gavel pounded] all right. I hate to go and jump to other items, especially when we have two, three other time certain, because the public probably would be anticipating that the regular agenda would come after the time certain. So what I think we'll do is we'll take a -- I don't see the school district here. We'll take a 15-minute recess and then we'll be back promptly at 10:30. [gavel pounded] [recess]

Katz: Let's hear item 1259.

Item 1259.

Katz: We have very honored to have the leadership of the Portland school district with us. Jim, why don't you come up and bring your colleagues. We have our chief academic officer, nice to see you here. My life must be very dull, because i've been watching all of you on television lately.

*******:** It has been a little boring lately, hasn't it?

Katz: It's all yours, jim. We're here to listen and hopefully maybe there will be some questions for all of you to answer.

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Lorenzo Poe, Co-chair, Board of Education: Good morning. I'm cochair of Portland public school board. We want to thank you for this opportunity to meet with you today. With the passage of ballot 26-48, the board recognizes the taxpayers, parents, and citizens of Multnomah county have place add high level of trust in the board of education with the leaders, and the employees of the Portland public school district. We're here today for two reasons. First and foremost, I was prepared to spend 30 minutes thanking you, telling each of you who wonderful you are, but since my time is cut short, let me say we're here to thank you for your courage, your leadership, and all your efforts and support in helping secure stable funding for the district. And we do have a small token of our appreciation to give to you, and our second reason is to provide you with a brief summary of the initial report to the community on achievement and accountability. We created this in september to provide to our community with -- our first report, following the passage of ballot measure 26. So if we might, for a few minutes, again, we say this in all sincerity, we want to thank you for your commitment, your leadership, and all the things you do on behalf of the Portland school district in helping secure stable funding and a full school year for all our children. So with that, cochair brim-edwards and I would like to give each one of you a small token of our appreciation.

Julia Brim-Edwards, Co-chair, Board of Education: I want to say we don't have one for commissioner Francesconi because he came to our board meeting earlier and we presented it to him there.

Jim Scherzinger, Superintendent: We do have a handout this, is the handout that was presented at the september meeting. What this handout does, is it walks through the way that we would like to be held accountable as a school district to the community. It begins with an expression of our vision and values. What it is we're trying to do, and then walks through what the plan is for that and how we want to be held accountable. I think if you want to go through and look at some of the pages, i'll refer to them as I go. It begins with vision and value. If you recall, in 1999, two, three years ago, the -- we had a core team of parents, community leaders, business leaders, teachers, and other district leaders who developed a estrogenic plan with the help of over 700 people in this community. And it came up with a strategic plan for the district. That strategic plan consisted of a mission and core values that are summarized on page 12 of this report. The notion of a mission and core values, these are permanent solid unchanging things that we involve stakeholders in what we do is a permanent value this district has. In order to get a compelling vision for a school district, you need one additional thing that is in addition to what our permanent long-term goal is. It's something that compels people in the sort of medium to short-term to take action. Some specific goal. Something like, if you remember getting a man to the moon was a few years ago for the national government. And that compelling vision is summarized very succinctly in raising the bar, raising the level of the challenge to every student in the district, and eliminate the gap. Eliminate the differences in achievement that occur with people from different cultures, or from low-income backgrounds. And that's the compelling vision for the Portland school district over the next few years. That, as I said, is summarized on page 12. As part of that compelling vision, the board of education last year developed a series of districtwide, again, I say districtwide goals and measurements. You'll see later that we have specific goals and measurements for specific departments of the district as well as schools themselves, but the districtwide ones are listed on page 13 of the -- of this report. And just as an example, of the many goals of the specific goals that are there, we show specific goals for all students, for students that are below standards currently, for students that currently meet and exceed standards, and then goals around the achievement gap itself. For example, one of the goals on the achievement gap is to double the rate that we are currently closing the gap between european-american students and other ethnic groups on their average test scores. So those are district wide goals. We also show the goals that have been set for us under the federal no child left behind act. One thing that is interesting about that, is that the district already

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meets these goals as a district. We have some individual schools who have not met adequate yearly progress under those, but the district meets these goals right now. So the goals that we have set for ourselves as a district are higher than the federal goals are. So that's a very quick summary from a districtwide perspective of the vision and the goals that have been set. We have, when I -- when dr. Pickles came to the district almost a year ago, have developed an education action plan to try to implement the strategic plan, and she's going to describe that now.

Katz: Why don't you folks move over so she can get to a mike.

*****: Why don't we just switch seats?

*****: You're the educator.

Katz: That's why you're the chief educational officer and we're on the city council.

Patricia Pickles, Ph.D., Chief Academic Officer: Good morning. It is truly an honor and a pleasure to be here, and as jim said, we're already reaching some of those goals. For the past four years, we've been moving in the right direction. We've been increasing. And in Portland public schools, there are some of the most passionate, cutting edge, educators that i've had an opportunity to experience in my life, and I truly mean that. So hats off to them. However, if there's one student that is not achieving, we are not doing our job. Because what if that was our child? Or our grandchild? Until we reach 100% meeting or exceeding standards, then we have more work to do. And in Portland public schools, we don't hold jobs or positions. We have a mission. And that mission is to make certain that each and every child reaches their potential. And in the process, we will eliminate the gap. We do have a plan in place, how that will happen. And number 1, we have five major focus areas. Number 1 is literacy. And I think we can all agree how important literacy is. In terms of reading at or above grade level by third great -- grade, it will determine not only where you are in terms of being successful in other subject areas, but it will also determine your income and your quality of life in the future so literacy in everything we do, whether it's math, ongoing assessment, where are we in terms of performing in literacy? And then we want to focus on high priority schools and high priority students, because we're only as strong as our weakest link, and until we have each and every school off of the a.y.p., academic yearly progress list, we're not doing all that we can do. So what are we doing in terms of equity and putting resources where they belong? Looking at how we're using resources and then how do we realign them so we're really supporting each and every child? And how do we identify those students by name? And then what are we going to do about it? The administrators in Portland public schools have stepped up to the challenge. They have identified each and every student by name and they sit down with them, one-on-one, with conferences, or they've handed in a plan how they're going to do it so no one falls through the cracks. So there's a serious attempt there in terms of not just educating, but understand that we're dealing with human beings and human potential. The next category, category number 3, deals with high school reform. But we understand that you can't deal with high school reform and then leave out the middle. We're doing pretty good at the elementary level. We know that our high schools are in need of intensive care. But it has to be high school reform and mid-level redesign, otherwise we don't have that connectivity that we need throughout the system. The fourth category deals with communication and accountability. We understand that we are accountable to the community. We want to be accountable. However, regardless of all the fantastic cutting edge things we're doing, if the public doesn't know it, it's for naught. So just like we got all the publicity, all the attention when we're going through a financial crisis, how do we get that attention now? Because we are on the move. And finally, continuing to seek high-quality teachers. Highly qualified teachers. And then in everything we do, how do we connect that with professional development? And cultivating learning communities? Those are the five goals and areas that we are focusing on in order to be a high-performing school district. Thank you.

Katz: Thank you.

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Brim-Edwards: This is a report on achievement and accountability. I'm going to focus on the accountability portion. If you look on page 8 and 9, there's three levels of accountability that the school board is responsible for. The first is to parents and students. We are accountable for the highest possible level of student achievement. To taxpayers we're accountable for the effective and efficient use of resources and to the community we're accountable for frequent communications of our goals and achievement levels and for creating a stronger bond with our community. Starting with accountability for student achievement, I think you'll find there's a new energy focus and intensity to the work of the school board, and it's centered on our desire to support schools and improve student achievement, and we're actively working to support the education action plan that dr. Pickles just spoke about. As part of our accountability on student achievement, we're going to be setting and have set clear, ambitious, academic goals and measurements. We're going to communicate those goals and measurements to the community and I think the report that you have was our first attempt to do that. We're going to be constantly as a board analyzing, assessing the educational strategies designed by Portland public schools educational leaders and we're going to align our policy development and our budget allocations around our priorities, so we'll be looking at the education action plan and how we can support that both with staff resources and financial resources. Our accountability to the community, we're going to strive to make our work open and transparent and strengthen our relationship with our community members. We're going to do that by this year ensuring that every school in the -- in Portland public schools receives a visit by a board member. We're taking our board meetings out into the community. Last week we were at roosevelt high school. I think commissioner Sten, your brother presented to us. So we're going to do that on a quarterly basis so we're not just in the administrative building. We're also going to be offering opportunities to teachers, principals, students, and parents to participate in our policy making, and we're going to be providing more information to the staff and community about achievement and accountability and we're going to do that through -- we have an upcoming community report on achievement that's going to be coming out that's new this year, we're also going to be doing a citizens budget report, another new report, that will say where our money comes from and how we spend it. And then the other major reporting piece for the community will be our school choice catalog, which outlines the various programs we have available here in the city. Our last accountability piece is financial accountability to the taxpayers. We want to ensure we're spending the money wisely. We worked really hard with all of you to get it, and we want to spend that in a way that focuses our resources in the classroom. You should know in our accountability to the taxpayers that we intend to keep our promise to voters. That when they approved ballot measure 26-48, there were some very clear ways outlined in the measure of how we could spend that money, and we intend to comply with the measure. We also as a long-term goal are going to be building a sustainable budget and financial reserve. We've spent the reserves down over the last five years and essentially have none, and as a goal for our school district to provide stability by building reserves. We also are going to be providing timely information about our local revenue expenditures to the school efficiency and quality advisory council and be working closely with them so that they are aware of how we're spending our money and can help us in that process. We also will be building our audit capacity. We'll be hiring an internal auditor next month, they'll report directly to the board. That will build our internal capacity and the external capacity, we are appreciative of the fact that as part of 26-48, the city and county auditors will be helping us by providing performance audits of key areas of our operations. So in closing, we embrace accountability as a school board and as a school district. As a school board, we are going to be strengthening our accountability by creating a different model of school board governance. We have a cochair as model and we also are relying on all our board members to shoulder and in -- an increased workload if we're going to push a broad reform agenda and be accountable, we feel like we have to have all board members really carrying a portion of the load, and I think the cochair's

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model is helping us also move a broad agenda. We are -- as we move forward, we view our work in the accountability community, we can't do it without strong community partners, and we view the city as one of our key partners, and you want -- I want to thank you just from a personal note as a parent and a board cochair, and as a founder of hope for everything that you all did to make this school year a much better year for our students, our staff, and the broader community. Thank you.

Katz: Thank you.

Scherzinger: You've heard about the goal and vision, you've heard about the action plan. You've heard about our notions of how we can be held accountable. There's one piece that is missing here that is represented by that rather thick and will be soon much thicker document that we passed out. And what that document represents, what's called the alignment plan, is that what's really important in a school district is what happens in the classroom with students and teachers. The school district exists for its students, it has no other reason to exist. And so the missing piece is, how is -- given we have this action plan, how is every office, every central department, how is the superintendent, how is everyone aligned to this action plan, and how can we see that that alignment supports the work that is happening in classrooms? And what this document represents is that we have asked each central -- we didn't ask, we told every central department that they needed to express their alignment with the action plan, with specific strategies, specific key initiatives that they were following to support the action plan, with specific performance measurements as to how well they were doing in that support. And that -- that's what this document represents. As it says on the front, it's a draft as of a specific date. This is a growing, living document. Something that we want to use to express our alignment. All the way through the organization. The school, through its school improvement plan, central academic departments, through their alignment plan, and other central support departments, through their alignment plan. Specifically how they're supporting the plan for the district. So we wanted to present that to you to say that this is the ongoing work of the district to express that missing piece.

Katz: Thank you. Let's open it up for a couple questions. Let me start by saying, dr. Pickles, I don't envy your job. You and I talked before you made a decision I think to come to Portland. Where are you finding the resistance in the changes that you wanted to make and still want to make, and how are you overcoming that resistance?

Pickles: At what level?

Katz: I don't care. At any level. Just -- I think it's important -- why don't you get closer to the mike. I think it's important for us and others to understand the struggle, and I believe it is a struggle, that any change, especially in educational institutions, and this goes to the board as well, because they are I feel very strongly that the board now are change agents, and that if you can identify for the public where the struggles are, and for us as well, maybe we can help.

Pickles: I will identify three, if I can remember them. In terms of the community, we have to be better communicators from the district. Because as we talk about raising the bar, and every student meeting their potential, that means there's going to be more rigor, that we're going to be giving students access to a relevant and rigorous curriculum. Trying to get rid of low-level courses. I'm going to need communication and support from parents to say, yes, this is a good thing. Not that this is too hard for -- ok. So that's one. Number 2, in terms of the education level, particularly with the teachers, I think we all want the same thing, but before coming over, we're in training. And the training is called walk-through. We can change the name, we can call them learning walks, we can call them whatever you want to call them, but how can we talk about accountability if we aren't taking time to be in those schools and in those classrooms where the rubber really maurice the road? So I don't want it to be intimidating. It needs to be a positive experience, but that's where we belong if we're serious, truly serious about observing what's going on with the teaching and learning process, and providing positive feedback so it's a community of learners and we're all getting better.

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And the third one, at another level, is accountability. We can put together documents, and they are good documents. And as we sat around as a team, we continued to talk about what's going to make the difference. It was a very powerful process. Now it's time to implement. And with that implementation, I take my position very serious. You can't just do what you've always done. As I monitor, I want to know, every time something comes across my desk to sign off on, I want to know, how is this going to make a difference for improving student performance and eliminating the gap? And initially I would get the response, we've already done that. It doesn't work like that.

Katz: Thank you. That was -- my second one is, a little bit more of a big picture, and looking beyond today that I think is also everybody's responsibility, but especially all of you here. If you look at the demographics and the change in the demographics, I know jim and I have struggled with that on -- at the progress board, where the population is getting older, the young, younger age cohorts are not growing quite as large as they were previously, and the fact that one out of four students aren't entering college, so you you end up with less educated, well-educated, and a smaller work force. And the focus of the question really is on the skills of a future work force. Less people for the work force, less educated, when -- especially when we're knowledge based. When you talk about high school reform, are you thinking about the certificate, the notion of the certificate of advance mastery for not only the ability to go to a university or a college, but also to have the skills if one wants to begin to join a work force? Which I think is a responsibility of our school system as well. Who wants to take that one on?

Pickles: Well, I will give the first part. I agree with you. However, for the first two years, I strongly believe that students should take the same courses. And after that, then they can make that decision, and we should have things in place for them. But we shouldn't make that decision for them.

Katz: I don't disagree with you. I just hope -- as you think about high school reform, that you're thinking about your benson high school models, where not only are they doing fairly well in the academic worlds, but they're also developing some very high skills, or --

Pickles: And even leaving the high school with skills, with certificates. So I definitely think that's a good alternative. We have to have both.

Poe: I think you're right. I think our major responsibility is to prepare our students for their movement in life. Part of that, while it would be great to think all of our children will go off to college, substantial numbers will not. So therefore, we have an affirmative responsibility to prepare them and equip them with the skills it takes to move into the workplace. That means we have to work with the business community to talk about what are those skills, what are those knowledge, so they're comfortable when we send our graduates out with a certificate, that they're getting someone who is capable of going to work. Because again, I often say, we miss significant opportunities when we move away from the notion of having some level of vocational training, because there's a lot of money to be made in the trade, and we miss a lot of that. So clearly that's part of the vision, that's part of what we have to do to equip our students to be prepared for the future.

Katz: Ok. I just didn't want you to ignore the professional -- vocational has kind of -- professional and technical work in -- and you're right, the second and third -- the third and fourth years of high school especially combined. So I didn't -- I know that you're focused on the early years, and you've done an incredible job on that, but as your challenges get greater and high school reform is also on your plate, that's why I raised that question. Jim, did you want to respond?

Scherzinger: Just very quickly. The three standards of high school reform are regular, relevance and relationship. Rigor is challenging every student, and that's the -- that's something that we have to be sure happens. But the notion of relevance, recognize that's as a student gets closer and closer to their adult years, that our -- in order to engage that student, and in order to properly prepare them for the work force, we have to do things that are more relevant to what's happening in the real world. And that is where I think the piece that you're talking about comes in. And it's particularly

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true as you get into your -- to keep the student engaged through junior and senior years in a serious way, you need greater rigor and more relevance to where they're going after that. Relationships is the notion that somebody has to be keeping track of these kids as they go through the process. Not every student at the high school age can flourish without somebody really having -- knowing where that student is, what their strength and weaknesses are and helping them overcome their weaknesses. That is the real struggle in high schools, to build those relationships to be sure we catch every student before they fall too far behind.

Katz: Ok.

Francesconi: I have one question. What's the city's role in terms of how can we help you in terms of student achievement, fiscal accountabilities. It's my view that you're the ones that are accountable for educational excellence for all students, you're accountable in terms of making sure the money is spent wisely. What's our role in how we can help you, especially on all kids succeeding?

Poe: I think there's a number of levels, commissioner Francesconi, and of course i'll start off by talking about the wonderful work that the city and the county does around s.u.n. And after school activities and making sure that we support the district. The other part is being that critical friend with us. We're accountable for it, but we're in fact -- where in fact are you able to bring not just resources, but the human resources of the city to aid us and assist us, and maintaining fields is one example, but there are a number of ways that you're able to participate with us. And of course, again, the leadership has continued to talk about educating the public of the importance of public education. Because as demographics change and we have fewer people in our city with children, it becomes harder for us to maintain the tax base and other issues. So there's that leadership role the city can play.

Pickles: I'd also like to add that the school age policy framework really allows us an opportunity to look at the whole child. And we know we can't really educate any child to their capacity or a student to their capacity unless we're looking at them holistically. So in addition to that, I think there should be a seamless curricula in terms of during school for those students who need extended help. So we want the same bar, whether it's extended days, saturday school work, or extended career. And I think the city and county can help with that aspect.

Scherzinger: This may be the same thing that dr. Pickles is saying, but just a different way of thinking of it. Every child -- we can offer the best curriculum that we can, and we can have great teachers. But many children have barriers to learning, and one of the strong roles of the city and the county is to help us remove those barriers to learning. With many children, certain types of activities are the hook that get them interested and involved in school, whether it's sports, or whether it's art or whether it's some of the kinds of things we're doing in s.u.n. Schools that are integrated with our curriculum. Sometimes it's social issues they have that health issues, parenting issues, all sorts of different kinds of issues that people have. So integrating those kinds of services and being sure that we can get as many of those services into classrooms, because as soon as you have a child out of a classroom, they're not learning. If they're getting their social service somewhere else, not in a classroom, they're out of the classroom, not learning during that time. So the way we can integrate our work to remove those barriers to learning, yet keep education going on in the meantime is important. And I think the city and county have very strong roles in helping us do that.

Brim-Edwards: I have a couple of items. I will say you've already helped tremendously, and certainly I think we need to have a much stronger communication between the city and the county and the school district now that 14% of our budget is coming from local funding. I also think two general things, tell the good stories about Portland public schools, I know i'm proud of our school system and too often we dwell on the challenges or the weaknesses in the system, but it's also important for our community to hear about the good things that are happening, and I think all of you

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probably know what some of the good things that are happening in our schools, and can also have a role within the community of supporting our public school system that way. Also, as you move forward with your plans for the city, I would hope that you would continue to keep schools as a sort of central building block for our community infrastructure, because i've lived in this city where the schools weren't very strong, and it really changed the complexion of the city. I would hope you would view us as a central piece of what makes Portland livable and a great place for families to live, because if we can get that message out, we can continue to track families to live here. The last thing I would say, and this is again sort of a general comment, but as you do work on education issues, or school-related issues, to work closely with us so that your work is aligned with our work, and so that we have -- we're working toward a common future and we have common goals and a common vision so that we're not going in two different directions.

Poe: There is one last one, a personal point of reference. While we're all committed, your leadership in helping us take -- keep focus on closing this chronically persistent achievement gap, while we have good intention and really will close it, often times without outside influence, and assistance, and prodding, we get caught up in the difficulty of it and lose sight of it. So I ask that you finance to look at, ask us how we're doing, what is our progress toward it, and offer some assistance to get there. Because I -- one thing that struck me, they said, if you really want to end poverty in this country, if you did nothing else but close the achievement gap in america, you could eliminate poverty. It is just that important, and that elusive, but we -- I continue to say it as one board member, by '07, we will have closed the achievement gap as it relates to the testing that takes place in Portland public schools.

Katz: Don't worry. We'll push.

Poe: Thank you.

Katz: I promise you.

Poe: I know you will.

Katz: Ok. Thank you. Thank you very much, and thank you for all your hard work.

Francesconi: Are we going to vote?

Katz: No, it's just a report.

Francesconi: I thought we were voting on it. I'm going to make a brief comment. You don't have to respond. The voters really have --

Katz: Actually, we have a report, so we ought to make a motion to accept the report. All right. Motion to accept the report.

Francesconi: So moved.

Leonard: Second.

Katz: Rocky mountain call.

Francesconi: I'll be brief. I was with a woman last night who's -- whose daughter is in hillsboro closed that closed early. The voters gave us a gift, and it's important that we be wise stewards. Your report and your efforts have been terrific for a lot of times. It was the highlight of us coming together fought only as a council, but between the council, the county, the school boards, the citizens, in one united effort. Now we need that same effort to make sure there's quality schools for all of our children and all of our neighborhoods, and that's what you're asking for. On the issue of test scores and saying good things, on page 11, you hand out the test scores in reading grades three through 10 and math, three through 10. There's been enormous progress that's been made that we haven't maybe helped you communicate enough. And that was julia's point. I don't think you even mentioned in your presentation. But those scores have gone up as high as 32% in math, 24% in reading, and this is under tough times as we are becoming more segregated as a society, you're still raising those scores. So you are to be commended for that. Lorenzo's asking for help on the achievement gap was very appropriate. I've been spending more time in these high schools, marshall, roosevelt, and jefferson. Patricia, the only thing I disagreed with what you said, you said

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some need intensive care. Some of them need emergency room help. I mean, the drop-out rates in some of those tests scores and some -- so this is -- this is -- I can't even describe some of those test scores. So you have to be clear with us as to what our role is in helping. I think your idea about the middle schools and concentrating there as we try to redesign high schools, but there has to be more urgency from my standpoint, maybe i'm not close enough to it. To the redesign of high schools. These things are broken. They're flat-out broken, and there's other models that are working much better, and if they don't change, there isn't going to be anybody left in the public schools as charter schools come in. So this needs some dramatic rethinking from my perspective. The other -- I really also appreciate the attitude of kind of open and up and asking -- opening up and asking for help. I was part of the strategic core team, and it was a privilege for me to do that, but there was a sense a few years ago that the schools didn't really want help. And now that's all changed. And you're reaching out for help from the whole community. So you are really to be commended. I've asked zari to ramp up the efforts with parks to be your partner. I've talked to julia about this, scott montgomery's position to do that. So on the question of fields, facilities extending the school day, it's among our parks's highest priorities, and I still don't think we're quite where we need to be, especially the relationship between superintendent and the parks director. And so if there's more we can do in that regard. So thanks for the leadership you're providing. You're keeping us together as a city. Aye.

Leonard: I definitely agree with julia's observation that we focus a lot on the negative and not the positive, and I think the thing that has struck me here on the council, as I approach my first year anniversary, is how much we emphasize our differences amongst each other rather than what we have in common. I came from a political body that had a major philosophical divide that went something like this -- the majority thinking schools are an expense, and the minority believing schools are an investment. That's a gulf that is a universe wide this. Council, the county commission, the Portland school board and the majority of Portland and Multnomah county taxpayers believe schools are an investment. And that's a thing that we should cherish amongst ourselves. That's a huge philosophical advantage in helping achieve the highest quality we can for education. As I said here as we debated this earlier in the year, there are students that I representative of larger class sizes and the challenges that the current education system presents, that will always achieve. There are no obstacles that are too high for some students to excel and do well. And having said that, I support doing everything we can to make it as easy as possible on them. But I would be less than honest if I didn't say that my focus was on those groups of students who sometimes walk into school shell shocked from the home they just left and no amount of teacher achievement or collaboration, cooperation, can get through to those students. We need to have a network of resources that understands that all -- not all students come from ward cleaver's home. They come from some very dysfunctional backgrounds, alcoholism, drug abuse, and sometimes worse. And the issue for me is how do we use our resources as a city, and a county, to address those issues, because if it hasn't become clear to anybody else, it's become clear to me, we're on our own. This current composition of a legislature has made it clear, we are on our own to fix these problems. And I will do whatever I can, whatever is requested of me to help the school district identify who those kids are and get them the help they need, because those are the ones that we're really talking about, that really are the marginal kids who are future offenders or future contributors. And the time to catch them is when they're in school, and that's when we make that difference. So I have not always been able to say this, but I can at the time you the current composition of the school board has my 100% support and confidence, and I am very pleased with some of the initiatives i've seen of late that julia has shared with me, and in one of her post midnight emails she sends out after she puts her own kids to bed and deals with the state treasurer and his issues, then she goes to work on her issues. And i'm just really impressed with the work of this school board. Aye.

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Saltzman: I also want to add my accolades to the school board and to the administration. I think there is definitely a new zest in the district, and it's reflected in the school board, and its commitment. I've been serving on the health benefits advisory committee with David Wine, who -- somebody I didn't really know before, I'm so impressed with how much time and energy he finds to put into this issue of health benefits, plus just all the other issues of the school board. And he's got a full-time job with U.S. Bank too. So just I think he's just one microcosm of the energy and attention that you all have. The renewed sense of commitment that you all bring to this job, and I certainly want to echo the remarks Commissioner Leonard just said about, we need to make sure children who don't come from a privileged background as some do have that equal shot at succeeding in school, and I know we all believe that, and one of the reasons I'm so proud the city council referred to the voters and the voters approved the children's initiative, it is designed to do exactly that, invest in early childhood development programs to make sure that kids do arrive at school ready to learn, to invest in child prevention and intervention, so kids have a shot at having a decent family or if not, getting out of that family and finally, we have after-school and mentoring programs as pervasive as we possibly can throughout not only Portland public schools, but David Douglas and the other districts within the city of Portland. And we are working hard to make those investments as we move along, and I know the district has been very supportive and just want to say we're going to do our best to make sure those investments are strategic and helping kids get to school and succeed in school. Aye.

Sten: I also want to thank you, it's a pleasure working with each of you. It's -- we have a lot of things we have to take on, and I appreciate the plaque, I'm not sure we have stable school funding yet. It's our leadership and getting stable funding for a couple years. We still have a lot of work to do. I think if there's any good thing about these very tough times, it's that they do give you an opportunity to change things, and I think it was harder to change things, in my opinion, when things were going better, so what I admire about your efforts is that you're taking the turmoil and turning it into an opportunity to try and get things better. The report is clear, you've got clear goals, and you're making progress, and I should say we're all making progress, so my hat's off to you. It's -- I wish we had some of these things taken care of, but I think you are giving us a path that we have a shot to achieve these things. From my point of view, it's important and something that we need to do from the city council to try and help get funding and other political messages in place, but the real work is in the schools, trying to get that done. So keep it up. Aye.

Katz: You know that I will be watching you, and I will be supportive. One of the things that I heard from all of you in this short period of time is no excuses. And that's been the problem that we've been facing over the years. People were making a variety of excuses for a variety of reasons. And those excuses held people back from helping those youngsters to achieve the goals and the standards that we've set. And it's created the achievement gap. So as long as we continue the mantra, there are no excuses. We will be working together. You know hi a vision in the 1980's that we would be the best educated, have students the best educated in Oregon, and in the world, and the best skilled work force. Yeah, we moved the year, so it's not 2000. So maybe it's 2005. But as long as you maintain a vision, which you have, and you don't make any excuses, and you push back and push back, even if it means pushing back on parents who maybe are a little nervous their youngsters are up doing homework instead of watching television, or that they have a little bit more reading to do, we need to continually push back. Because if you don't, we're not -- those youngsters aren't going to be able to achieve, and we're not going to have the society that we all hope for them. I promise you, even though the report does say that when mayors appoint school board members the school district does better. I promise you that I won't push that issue anymore. But I do want you to think about, as you think about high school reform, about middle school reform, and I've always felt that you need to review and maybe rethink middle schools, and maybe abolish middle schools. There are good reasons for it, and I don't quite remember the good reasons for establishing

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middle schools. So that would -- that's a difficult task, because it is truly a change. But think about that as you go ahead and do your work, and a final recommendation, as i've met with agencies and school districts and vice-presidents, and the Portland police -- vice principals, and the Portland police bureau and the county, my antigang meetings every other friday, the one mantra that comes through is that you need to think of two things, one closed campuses, and two, clothing codes. Some of your high schools have achieved that, and your vice principals are reporting incredible achievement when that has been enacted. Something to think about. You know I will continually push. But I will also be there to help you. And I hope that you'll accept that. Aye. [gavel pounded] ok. We're way behind, but thank you very much. That was good. All right. 1260.

Item 1260.

Katz: All right. Come on up.

Francesconi: This is the follow-up from us adopting the plan, the overall plan. Pdot was charged to come back with a street plan. It's important that we keep moving, because it's tied to the timing of the development agreement. And so we appreciate the work of both planning and pdot coming together in a common effort here. Thanks.

Katz: Let me just also kind of remind you that we had a couple of issues that came up during the planning of the south waterfront, and the alignment issue was, what are we ready to do today and what are we ready to do tomorrow. If you keep that in mind, I think we'll be able to get there and resolve some of the issues that have come up in the recent I guess months, but highlighting in the recent days.

Francesconi: As part of the testimony, pdot will go through this, but there's amendments sections that specifically allow it with pretty broad criteria that allow amending the street plan.

Katz: Ok.

Stacy Bluhm, Portland Office of Transportation: Good morning. My name is stacy, i'm a project manager with Portland office of transportation. Our primary purpose in being here this morning is to ask the city council pass the resolution that accepts the south waterfront district street plan criteria and standards document. Some of you may recall, in 1996 city council accepted the city engineer's report titled, the north macadam district street plan, which identified and classified a street system for the north macadam district. Meanwhile, on january 20 of 2003, city council adopted the south waterfront plan. Zoning code and design guidelines and renamed the district to south waterfront. When city council adopted that south waterfront plan, pdot was directed to update their street plan and design criteria to ensure its consistency with the south waterfront plan. We believe we have succeeded in this effort and are here to present this revised street plan. Before I have lloyd lindley present the concept street plan, I want to hit upon several issues that are of interest to those involved. And the first one would be that this street plan represents the moody bond streetcar alignment as adopted in the south waterfront plan. However, pdot has been requested to further consider a river parkway alignment. It is expected that pdot will determine the final alignment of the streetcar by april of 2004. This design alignment and refinement may call for modifications to the street standards. It is expected that pdot would come back to council upon completing the streetcar alignment study and of course make the necessary changes to the street plan if needed at that time, depending on the outcome of that study. Secondly, a study has been under way whereby we have been working with odot to identify transportation improvements to macadam avenue to provide safe and efficient access to the district. The outcome of that study may call for changes to the street design of the streets that connect to macadam. The street plan acknowledges this issue with a statement that actual right of way and curb-to-curb dimensions could vary based on traffic study justification. It is expected that pdot would return to council at a later date to provide a briefing on that transportation improvement study when we are further near completion of being able to recommend an alignment. Thirdly, as some of you may know, there are a couple of property owners that do not support the street configuration that was adopted with the

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south waterfront plan. These property owners will want reassurances that there will be a process in place to modify the street plan in the future if needed, and as commissioner Francesconi mentioned, a process to modify this street plan is included in this document. We feel that once a property owner has a specific development proposal and can demonstrate it better addresses the development opportunities of their site as well as addressing our transportation needs and street plan principles, the opportunity is there to modify the street plan. That said, I would like to go ahead and turn this over to Lloyd Lindley, so he can give you a brief review of the concept street plan.

Lloyd Lindley: Thank you, Stacy. As you may recall, last century we started this in 1996, and we've come a long way. And this is a great day for south waterfront in that we'll have most all of our planning documents adopted and in place. I just wanted to start out by -- with the central city plan, the division for -- the vision for south waterfront at that time. It said, develop the district as a mixed use neighborhood with significant residential development along the riverbank and commercial development along macadam. Those simple words have led us to a very dynamic and amazing vision for this district that's starting to unfold for us now. Two paragraphs out of the vision from the south waterfront plan, it's about two pages, I didn't want to go through all that, but I think these are important, because these were in part the basis for the street plan amendment that's we made to conform with south waterfront district plan. And it goes, the south waterfront district is a vibrant urban neighborhood. The area derives its character, identity, and attractiveness from its exemplary riverfront and high-quality open space system. Its impact mixed use development and significant employment opportunities. The willamette river and greenway are the focus of the district and support a variety of users and activities and a diverse range of experiences throughout south waterfront. The greenway is a showcase blending nature into the urban setting. I think this is at the heart of our street plan amendment. We have 19 guiding principles. They're in the documents. I'm not going to go over those because of time. But if there are any that we need to address, we'd be happy to do that. Why standards? One is to provide certainty for future development. The second is to promote the district vision. Third is to refine capital improvement budgets. And lastly, guide design solutions within the right of way over the life of the district's development. The street plan is about creating a basis for neighborhoods, and to create a framework for all of the great work that's in the south of waterfront district plan. There are challenges, of course as you know, it's a roadless area, 140 acres of riverfront property. In are few remnants of its historic past, and relatively no one lives there, though there are several businesses these go on and probably consider themselves as residents. I just want to go over, since we've been before you before with this, to explain some of the amendments that we've done to the plan. One is, you'll notice that from the old plan, the grid in the northern properties has shifted to be perpendicular to the river. And river parkway has been adjusted a bit, but continues to follow its same arcing alignment through the district that parallels the river's edge. Moody bond is now a cuplet, and will be providing access for all of our major multimodal functions, including streetcar, and that cuplet runs in this diagram from grover to bancroft. Moody would run two-way north of grover. We have four special design areas, and there were areas that were so important as we went through the process that we can didn't feel that the team as it was was able to really design those because of the way the designs in the district were unfolding, so we created areas with flexibility for design, and those are river parkway in the northern end of the district, ross island park, they're the areas in pink on your map, and there's 110-foot right of way now in gibbs, and then there will be another two-acre park somewhere in the south central area, but that would also have an important special design area between the two blocks. Another innovation that has been introduced into this plan are the green access ways and in response to widening the access ways that go between river parkway and the river, and they also extend back up into the neighborhood. There have been some right of way adjustments and these have been worked through. You can see them here, and they're also reflected in the right of way plan. I won't go through each of them. But if you have any

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questions about those, we'll be happy to discuss that. Portal and gateways are important part of the identity. It will be the first hit that people will get as they enter the district, and as they leave. And it's important to address those, and we've provided some flexibility in the street plan to address the portals and gateways. Local streets provide service and we have on-street parking for service vehicles, loading -- for loading, as well as our curb cuts will be focused on certain streets for building access and service. Enhanced pedestrian streets are special streets that run east and west to the river and they have enhancements at the intersections for more active use and storm water management and green spaces. River parkway continues to arc and will be a signature street in the district, and serve the neighborhoods and the businesses that are along the river. And I have no idea why that little drawing went upside down. Bond is one-way, and it will be our multimodal street, providing bike, pedestrian, bus, and streetcar access through the district. That will be coupled with moody in the southbound direction, and creating a distinct character. North of grover, moody would potentially have medians to continue the green practices that we talked about. And streetcar stops. There are 11 green access ways in the beginning, in 1996. We started with three in the greenway plan, and we've continued to be able to hold a much greater amount of connectivity to the riverbank. This illustration shows you the streetcar, the current proposed streetcar alignment for this document is. Moody south, bond north, turning back on lowell or bancroft, and turning back on grover. Last of all, there are opportunities for public art throughout, and we support that, and one in particular that I like are the big columns as we go from riverplace into the district. I think there's a great opportunity there for identity and emulating the quality and history of life on the south waterfront district. Thank you.

Katz: Ok. Let's continue the testimony and then we'll open it up to questions by the council.

Bluhm: Ok. We'd like to call joe zehnder of the planning bureau would like to make a few comments, as well as jane with the Portland development commission and then janet of the parks bureau would like to say a few words as well.

Katz: Ok. Joe, let me give you a hint about which question i'm going to ask you, which goes for everybody including parks, transportation and parks. The landing of the tram needs vision-type work so that it isn't just stuck there and forgotten about it. I don't see it here. I want you to address that.

Joe Zehnder, Bureau of Planning: Great. I'm joe zehnder with the bureau of planning. We support the plan and standards as proposed to city council. The plan is consistent with the goals and principles of your already adopted south waterfront plan. Specifically it encourages and promotes the use of public transit, including streetcar, the tram, and bus. It incorporates pedestrian and bicycle circulation throughout the district. It strengthens or creates the opportunity to strengthen the relationship between the new community that we're building down there and the willamette through access points to the greenway and through, as lloyd described, bringing some greenway elements into the district. It includes sustainable development techniques through integration of innovative stormwater treatment and other elements. It promotes successful streets and successful places within the district through some of the standards, the public art, the lighting, the specific design standards that you heard described. And lastly, it provides a framework for redevelopment of the district by establishing the hierarchy of streets, the different type of streets that lloyd referred to, and through establishing a form, a pattern of blocks that matches the urban design called for in the south waterfront plan. The streets of different character, critical to creating a diverse and sort of economically successful place. All the lots we believe through the street plan can be efficiently served and accessed, so the development viability of the lots is preserved. And it also incorporates a principle in the south waterfront plan, flexibility, through the amendment or modification process as specific plans develop, the street plan can absorb and be modified to work with those specific proposals, with only the finding necessary that the modification is consistent with the purpose of the plan. So with that, we think that it is an important piece, an essential piece for implementation,

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successful implementation of south waterfront, and we encourage your adoption. In response to your question, mayor, the -- that -- the design of gibbs street, that whole process, is a separate process from this, but the collaboration that was reflected in the preparation of the street plan, the document that's in front of you today, I think it's representative of our ability to get all the players together, collectively across the bureaus, and to accomplish that coordinated design. This plan that's in front of you today is an example of where we've done that elsewhere.

Katz: Yeah, thank you. Since all the players are sitting here, I just want to kind of send a clear message, we were able to improve the design up at the health sciences center because of everybody's cooperation and we need to do the same thing. It's not only a transportation issue, it's tying it to the parks and the greenway and the streets. It's a public place and needs to be designed a public place. Just heads-up.

Francesconi: Has somebody made a presentation? You got a bunch of folks sitting around trying to figure this out. It's important they be included.

Bluhm: We can have matt brown come up. I believe he's --

Francesconi: No, that's all right. It's not related to this.

Katz: No, it's not related, but it's important.

Francesconi: But it is related -- i'm sorry, it's not directly connected, but it's important.

Lindley: We have a description on the process for the special design areas, which names the participants, bureau of planning, parks and so forth.

Katz: I just want a guarantee that we don't ignore the district as a whole as we design a very important landing place and beginning place for a new transportation system. And it isn't only a transportation system is the point i'm trying to make. Ok?

*****: Thanks.

Katz: Thank you.

Leonard: I do have one question, a very mundane question.

Katz: Let her finish testifying.

Leonard: I'm sorry.

Jane Blackstone, Portland Development Commission: Good morning. My name is jane blackstone, a development manager with the Portland development commission. I have a couple of points to add to those already made this morning. The adoption of the street plan, in addition to serving the functions already noted, is a basic contingency of the central district, south waterfront, central district waterfront agreement, so we do look forward to having this plan in place during the basic contingency period of that agreement. We also look forward to continuing to work with property owners and city bureaus, as development plans for both public and private projects evolve over time. We certainly expect that some modifications of the plan may be in order as those corresponding development plans become more mature and there is a process in the street plan for addressing such modifications over time. With that, does janet -- do you have a comment?

Katz: Janet, and then we'll open up to questions.

Janet Bebb, Portland Parks: I'm janet bebb. Thank you for this opportunity. We're supportive of the street plan in front of you today. We're collaboratively on it with pdot and with the other bureaus involved. In many cases the streets define open spaces, so they are setting parameters for open spaces. Our analysis shows that the open spaces, as indicated in the south waterfront plan, and reflected in this street plan, are minimal and not excessive. We feel that any reduction in subsequent adjustments to this would result in a substandard amount of open space for the projected population. I wanted to call that to your attention. We commend the special design idea that came out of this plan, which says, when it touches the area of a park, we need to work through that design process in collaboration with the park design. We're ready to do that. We think it's a grated idea and we're happy to join pdot and other partners in that effort. Thank you.

Katz: Ok, two clear messages. All right, questions.

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Leonard: And you may not be able to answer this, but it has to do with the addresses. Is anybody here familiar with the addressing system that's going to occur? Basically because in every other area of the city there's some logic in addresses. So burnside separates northeast, southeast, northwest, southwest, and 100 blocks suggest how many blocks you are from burnside going north and south. And north and northeast, williams avenue, 100 blocks, east of there denote how many blocks you are from williams. And west of there, how many blocks you are in north Portland west of williams. Front avenue basically is steer row, and we go east. If you understand that, and i'm saying this as a perspective from a person who gets a 9-1-1 call and trying to figure out how to go very quick, you understand that you virtually can be dropped anywhere and go as quick as you can. In this neighborhood, these are subzero addresses as far as I can tell. One starts out west of there. How do you address buildings so they all make sense to people if they have to -- understanding that some day a lot of people are going to be living here, we'll have ambulance responses, fire responses, police responses. How do you address a system like that so that it is consistent with the system that the city has so that it makes some sense?

Katz: I'm not laughing at you. It would be only you that would think of that. And is it's a good question.

Bluhm: I'm not obviously in charge of evaluating the likely addresses for folks, but recall that there are existing businesses down here today that have addresses. And so that system should be in place here so that we can then go from there and establish the addresses. Obviously some of them are fairly simple. If you're talking about a -- a business on moody between gaines and lane, then, yeah, I would expect that same opportunity to be there, as to how many blocks south of burnside is that.

Leonard: That can't happen, because front avenue is zero, and it goes east from there. There's nothing west of there. So my question is, do you go negative first avenue, negative second avenue? I mean, the system was established so long ago they didn't envision occupancies like this. I'm just curious how you -- what you do about that.

*****: Yeah.

Leonard: Do you readdress everything else so that it makes sense from the river east or do you create some other system?

Bluhm: I know we have a couple of property owners here today to testify. Maybe they can tell us what their address is and we'll see what --

Katz: Well, it's an issue that -- that commissioner leonard has raised only because he has -- he had to find addresses, and it's one you probably need to give a little bit of thought to. All right. Commissioner Saltzman?

Saltzman: That is a good point, because I happen to live north -- or west of barber boulevard, and people are always up there asking me, "you know, is this like the 0100 block of something, and I always have to tell them, no, it's down on johns landing. I guess my questions really relate to green stormwater management, green infrastructure. I hear a lot of good statements about how we're going to do that, but then when I look under the principles I always see those little caveats that get me concerned that say "where appropriate, if possible" type something which always makes me dubious that these things will somehow fall in the final design. These things won't happen given that we care so much about the river and the stormwater is the largest source of pollution in the river, I guess what assurance can you give me that these "where appropriates" and "if possibles" will really happen in this plan.

Bluhm: There's no doubt that the intent is to move forward with concepts of that nature. When we write language we know that at some point there is always going to be down the road a possibility why we can't do this rather than that. And we tend to write in language that allows for that possibility of the reality of the situation as we go into design. And, you know, that same statement applies to design criteria related to the streets. You know, if we say that manhole lids should be in

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the -- in the outside of the sidewalk, pedestrian walking -- sorry -- pedestrian throughfare, then that's our intent, is to have it outside of there, but at the same time we're acknowledging that sometimes we are very constrained and can't conform to that intent.

Saltzman: Well, we know we're working in a pretty constrained environment. We just heard from parks about how important certain constraints are. I guess i'm still looking for a little bit more comfort level here.

Katz: Give him a comfort level.

Saltzman: That we're going to do innovative stormwater management, not the traditional means that have resulted in us spending a billion dollars to clean up the river right now.

Matt Brown, Portland Office of Transportation: Sure. Matt brown with the Portland office of transportation. Just a couple things I would say in response to that. One, we've already tried to start, you know, especially on a lot of the green access ways and the green streets from the assumption that these streets will be designed to incorporate green stormwater practices. That's our starting assumption. That's where we're always going to look to do first. I think the language that's in there is related to -- I mean, as you know, we have varying environmental conditions down there. And so we'd like to infiltrate water everywhere, but it's probably not likely that we will be able to do that. We'll have to look at other kinds of treatment. May still be a green treatment, but it may be surface treatment only versus surface and infiltration. I think not knowing enough about the conditions from north to south, we felt like we needed to give ourselves enough flexibility to be able to respond to what we find. That's really -- that's the flexibility that we tried to write in there, so we're not running back on every last decision that's made, asking you, you know, are we making the right decision?

Saltzman: Then the fundamental assumption is these streets will have the green infrastructure elements.

Brown: Correct.

Saltzman: Subject only to site dictations -- dictating otherwise, not subject to budgetary constraints dictating otherwise.

Brown: Right. It's the green accessways and green streets noted on the map, is where we're really trying to aim those.

Saltzman: Ok. Thank you.

Francesconi: Then why don't we -- it's something that we can keep you briefed on, as we're proceeding as well.

Katz: All right, thank you. Let's open it up for public testimony.

Moore: Rick saito.

Katz: Karla, who else?

Moore: That's all. She's going to sign up.

Katz: We still have a full agenda, and I don't want to carry anything over till 2:00.

Rick Saito: Good morning. My name is rick saito. My address is 0690 southwest bancroft. I'm here today representing both the group mckenzie, who are employers in the district and another property owner in the district. As many of you know, i've personally had a long history with the planning efforts in the area. Before I begin, i'd like to just address a couple things that were brought up in the questioning, commissioner leonard brought up the issue of street address. And coming from a resident of -- since 1969, with the issue of the street address, I take it that a zero in front of your street address is a negative. So when our address was 0234, we were two blocks negative of first avenue, or front avenue. At 0690 we're six blocks negative. That's easy to justify. It's hard to keep and maintain, because a lot of times the zero's dropped off of addresses naturally by a lot of people. It's also difficult for our receptionist to describe exactly how to get to our facility to people that are new to the area. If it wasn't for the old spaghetti factory we would be coming to you for flagpoles or something else. I'm hoping with the development of south waterfront a lot of that

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problem goes away, but it is an issue. That's our take on it as a resident with a zero starting our address.

Katz: And you responded to commissioner Leonard. I'm going to give you more time for your own testimony.

Saito: Ok. I have one other comment, and this has to do with a comment that you had raised, mayor. This had to do with the tram and its landing point and the coordination of that in an overall perspective with the street plan and what not. I think it goes beyond the tram and the roadways, because along with that is the potential for a transportation hub that would include tram, streetcar and buses. And I speak from the standpoint of buses, because for many of the property owners in this area, the plan for the improved transit with bus systems through the area is the most important. Streetcar certainly is important, but a bus system which has the flexibility of reaching a much broader region will give access to people to the district and from the district outside. And so the coordination of that hub, if you will, is very important to the district. And we would like to make sure that that's kept in the forefront. And with that I'll -- I have some comments about the street plan. The street plan and its initial efforts were, in my opinion, the initial efforts for planning in the district, and they started before 1996. So it's been a long, long time coming. I recognize the fact that the street plan had had to be tabled for other areas -- for other efforts. And there are many issues yet to be resolved. Some of them have been identified and some of them you'll hear more about. I'm encouraged that the pdot and the council encouraged pdot to maintain an opening for issues still to come, such as the streetcar alignment, such as the issues of odot and macadam itself in terms of access and other issues that will come up. And to maintain the flexibility and reasonableness that I believe is reflected in the street plan as it has been developed. Lastly I would encourage the council to accept this plan. It's been a long time coming. We need it. It's time to move on.

Katz: Thank you.

*****: Thank you.

Katz: Go ahead.

Debbie Collard, Ball Janik: Hi. My name is Debbie Collard, a representative of Ball Janik. I'm here today on behalf of r.c.i. and m.i. and ohsu. Ball Janik agreed to the south waterfront central district project, August 22, 2003, between the Portland Development Commission and the developer parties that have approved street improvement design concepts not entirely consistent with these new standards. It is our expectation that because the agreement was in place before the adoption of these proposed standards, pdot would continue to honor these design commitments reflected in the development agreement. **We propose an amendment. We propose the second sentence, that it is our expectation, that be struck, the because capitalized, and the word would changed to shall, so the sentence would read "because the agreement was in place before adoption of these proposed standards, pdot shall continue to honor these design commitments reflected in the development agreement" some of these standards that vary between -- include the -- moody to bond.** The second comment is on page 26. There is a drawing -- there's an error indicating that the two-foot vacation is within the public right-of-way. In fact, the two-foot vacation should be excluded. And lastly, on page 39, the street plan indicates that all vaultlets for public utilities should be located in the furnishing zone, and we just understand this language is a guideline and goal rather than a mandatory requirement.

Katz: All right. Could somebody come up and respond to these issues? What's the intent of transportation and then supposedly errors? So let's respond and move on.

Francesconi: I think this new map corrects it.

Katz: I'm just doing this for the record. We may not even have to make any changes as long as we have it on the record.

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Bluhm: Sure. Stacy bluhm with pdot. I don't have a problem with the proposed language change to say that pdot is expected that --

Katz: You would have done that anyway?

Bluhm: Yeah, it's semantics basically. I don't have a problem making that. The --

Katz: It's more than semantics.

*******:** That's fine.

Katz: I wish it was that easy. Go ahead.

Bluhm: Two-foot vacation, absolutely. Actually, I talked with kristi white about that earlier today, and it's an error. By the way, I should mention that in the street plan, not only do we have a process for modifying the street plan, but if we find little errors like this, we've included language in here that says --

Katz: So we don't need to act on that one?

Bluhm: Yeah.

Katz: Ok, it's an error. What was the last thing?

Bluhm: The last one was vaults. Actually that's the very one I talked about myself, and that is we would expect that vault manhole lids should be outside of the pedestrian throughfare. And that is our intent, is to have them outside. We would only allow them in them if you cannot find the room to put them.

Katz: I leave it up to commissioner Francesconi if he wants to move the "shall" into the resolution, or at least we have it on the record that it is their intent to follow the document that was accepted prior to our action on this resolution. Ok.

Bluhm: Thank you.

Francesconi: I don't want to have to reprint the whole thing.

Katz: Do I need a motion, though?

Francesconi: Can we do it -- i'll so move.

Katz: Ok. Do I hear a second? All right. Any objections? Hearing none, i've lost track of where it goes. Would you identify where it goes again quickly.

Collard: It's on page eight. It's the fourth sentence. The strike is, is our expectation that.

Katz: Ok.

Collard: And then the because is capitalized, and the "would" is changed to "shall."

Katz: Let's do this. So we don't have an extra expense, the council supported it, just do an addendum, don't reprint the whole thing. Thank you very much. Anybody else want to testify? If not, roll call.

Francesconi: Zidell didn't want to testify. Then I have a question in light of a letter.

Katz: Ok, go ahead.

Francesconi: It's on this uneconomic slice issue. Are you listening?

*******:** Uh-huh.

Francesconi: Can you explain how we cover it in the document?

Katz: What is it?

Francesconi: It's a letter from zidell saying what about this uneconomic slice, a portion of the property.

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

Francesconi: Yeah, remainders, thanks. Slice isn't quite right. Remainders. And I think we have it covered in the --

Bluhm: Well, I still felt that the street plan principles that we have in our document get at the intent that -- that steve shane discusses in his letter to you, and that is if you were to refer to page nine of the street plan principles, we -- we saw in the land use paragraph that slivers of bonus provision areas, for area ratio and building height designations, should be avoided. That is getting at the notion that, you know, if -- if there is a proposal later on that does a better job of not

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providing for uneconomic remainders, i.e. Slivers of property, then, you know, we would be happy to consider it, and modify the street plan as needed. Meanwhile, also if we go down to the block size paragraph, we say that the second -- no. Third sentence in says "consider the implications of creating small or irregular remnants of land or irregular block patterns." again, that's aimed at the notion that we'd love to have a plan that better addresses their needs if it saves them additional developmentable site.

Katz: Ok.

Francesconi: I agree with that. I just wanted that out on the record. That's all.

Katz: All right. Roll call.

Francesconi: This is very good work. Pdot is a terrific bureau at making sure the system fits together and work. Pushing it as we should with commissioner -- as commissioner Saltzman's questions indicated on the issue of green streets, but we're also to see what works, both economically and from a transportation and land use standpoint. Moody could work, for example, as a streetcar, and if we live with that, we'll live with it. And we can make it work. I personally believe, though, that river parkway is a better location for the streetcar. And we have more additional work being done to see if we can actually make that happen. On the issue of flexibility, the amendments allow us -- see, the property owners, you know, we actually need to see what they're going to do, and then we can work with them to make it work. So I appreciate the terrific staff work done by pdot and making sure this moves forward in a timely way so we can have the construction begin. Aye.

Moore: Leonard.

Leonard: This is a very good plan. I support it. I have one suggestion. It's just a suggestion. Possible solution to the confusion of the addresses. By designating that area as south, just as we do north, and you determine what front avenue is there, so in other words where zero is, so areas west of there would then be, like in mr. Saito's case, drop the zero, it would whatever your address is, 115 south water or whatever. It would immediately signal people where that was in their mind. It's just a suggestion. But if you're ever -- if we're ever going to do that is a city, this is the time do it. At some point it could save some important seconds or minutes in an emergency. Aye.

Saltzman: Very good plan. Aye.

Sten: Nice work. Aye.

Katz: Thank you. Remember the collaboration and that a lot of eyes on a project will sometimes improve it, and it is my hope that it will make it better, especially in difficult public spaces. Aye. [gavel pounding] all right, 1261, 1262. Let's read those together.

Items 1261.

Katz: Remember, when we had 1262, we delayed it to get 1261 on the agenda to solve the problem that was created. Go ahead.

Kathleen Stokes, Bureau of Development Services: Kathleen stokes, bureau of development services. Our staff for this case, we found that there was not a way to meet the needs of Portland adventist hospital to continue to use the laundry facility at the site to service their offsite medical center, and couldn't find a way within the zoning code to allow that to happen for them to be able to have the time to transition. So we're recommending that council adopt an ordinance that would wave title 33 planning and zoning in order to authorize the temporary use for this laundry facility at 60th and belmont, and that would be for a period of 10 years with some conditions attached that would limit the number of truck trips to seven roundtrips per day and to reinforce the fact that all offsite impact standards would still apply, including the title 18 noise ordinance. This was acceptable to the applicant's representatives and the representatives and so we're asking council today to adopt the ordinance as an emergency ordinance to allow this use to continue on the site and that would then clear the way to -- for council to uphold had the hearings officer's decision as it was written.

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Katz: Thank you. All right, let's open it up for public testimony.

Moore: I didn't have anybody sign up.

Katz: All right. Anybody want to testify who didn't sign up? If not, roll call on 1261.

Francesconi: I just want the record or the public to know, I wasn't here, but i've reviewed the record. Aye.

Leonard: Aye.

Saltzman: I also wasn't here, but I did review the record as well. Aye.

Sten: Aye.

Katz: Mayor votes aye. [gavel pounding] thank you you both for reviewing the record on this one. Roll call on 1262 -- oh, I need a motion on this.

Item 1262.

Auerbach: You either need a motion to uphold the hearings officer or dismiss it as --

Leonard: I move to uphold the hearings officer's recommendations.

Katz: Do I hear a second?

Saltzman: Second.

Katz: Roll call.

Moore: Francesconi.

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

Katz: Mayor votes aye. [gavel pounding] all right, let's get to 1279.

Item 1279.

Steve Townsen: Good morning. I'm the supervising construction engineer for pdot, also the project leader to coordinate the design review and construction for the public infrastructure for both, b.e.s. And water bureau for hope vi or new columbia. The agreement is to cover construction and inspection within the rightaway. Second agreement is water bureau's financial commitment to the project. The third one is b.e.s.'s financial commitment to the project. At this point i'm going to turn it over to tuck. He can walk through you the handout and give you a brief update on the status of the project.

Tuck Wilson: Good morning, mayor, council. Tuck wilson, director, Portland's new columbia project. Before you is a chart that displays the multiple agreements between the city of Portland and the housing authority for the construction of infrastructure at new columbia. It shows the various sources of funding and the activities of pdot in the inspection of the construction. The green bordered depicts the area in which the infrastructure work will occur. As the council considers these resolutions, the residents of new columbia have been relocated. 40 buildings have been removed. The design of the infrastructure has been completed. And the infrastructure work is out to bid. Bids are due on the 18th of november. All in support of the start of construction at our groundbreaking december 1 of this year. Appreciate particularly the cooperation of pdot, b.e.s. And the water bureau in bringing us to this point. The completion of all the funding pieces necessary to build the streets and utilities at new columbia. Thank you.

Katz: Ok. Questions? I hope you all have the money to do this.

Sten: Of course.

Katz: Anybody else sign up?

Moore: No.

Katz: All right. Roll call.

Francesconi: We do -- speaking on behalf of pdot, we do have the resources and we're willing to do this because it's the right thing to do, and it's also an example of where the bureaus can come together with a common purpose, taking care of our most vulnerable citizens and redeveloping a part of the city that needs it. And thank you for your efficiency and your leadership. Aye.

Leonard: There's an absolute connection between this and the discussion we had earlier on schools. And giving kids the best chance possible to succeed. We're replacing some of the most

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challenging housing in the city with a neighborhood that kids will be proud of. And I think will help them achieve better in school. So i've grown to really appreciate this project and the tremendous amount of benefits it will accord all of our citizens of all ages. Aye.

Saltzman: Aye.

Sten: I'm glad to be at this point. We've got everything in line. Tuck, you've got to go build it. Aye.

Katz: Mayor votes aye. [gavel pounding]

Katz: Go ahead.

Item 1280.

Susan Hathaway-Marxer: Good morning. My name is susan hathaway marxser, the property manager for Portland parks and recreation. The clerk has already read the title of this ordinance. Several years ago holocaust survivors and family members of holocaust victims approached the city seeking dedication of a site for a memorial garden to be known as the holocaust memorial. The purpose of this memorial is to be a continuing reminder of the need to steadfastly oppose hatred and intolerance. Portland parks and recreation -- and the city council at the time, I think it was 1995 -- determined that an open meadow in Washington park, east of wright avenue, west of southwest Washington way, was an appropriate site for the memorial. And after much effort the Oregon holocaust memorial coalition, which is an ad hoc local committee, working with partners, the Oregon chapter of the american jewish committee and the Oregon holocaust resource center, has met. Park bureau memorial siting and criteria, secured necessary approvals and raised funds to construction -- for the construction and maintenance of a permanent public memorial to commemorate victims of the holocaust and honor their family members who live in the northwest. Park staff has reviewed the plans and specs of the proposed construction, determined that the memorial will meet park standards, and conditions that have been adopted in previous decisions by city council. It's expected that the memorial will provide a peaceful environment for quiet reflection and not interfere with historic or proposed circulation and use patterns of the park. The director of Portland parks and recreation recommends approval of the agreements with the american jewish committee and the Oregon holocaust resource center for construction and maintenance of the holocaust memorial at Washington park. With me are -- is my colleague, marianne casson, who can answer any questions you may about the design. Also with me is paul schlesinger who has been involved with parks on this, representing both the american jewish committee.

Mary Anne Cassin: Mary anne cassin. The design has come a long way. The groups have worked very hard to mitigate impacts to the neighborhood, both in the design and in the construction schedule. The reference letter that joe angel talked about this morning. There were three points tight. Two of which we've already addressed. It's a wait and see. They're waiting for a bus pullout. The groups have agreed to a good neighbor agreement to decide if the perceived impacts traffic-wise are -- are a perception or reality. At that point this have agreed to work with us. The third request is for a bus pullout and we'll see if it's a problem. If it's needed, they've agreed to work with us.

Katz: Thank you.

Saltzman: Good neighbor agreement is delayed for a year? Is that what you said?

Cassin: Yes. It was purposeful to see --

Saltzman: A year from completion?

Cassin: Correct.

Paul Schlesinger: Paul schlesinger, 610 southwest alder, 97205. I don't come here with a planning commission hat on or design review hat on or even my developer hat on. I come here as a citizen of the city and having spent a lot of time on this memorial would hope that this commission does finally put the I and the t to past commissions that have looked at this memorial. This is basically the last -- hopefully the last time we do come in front of you with this. We are at bureau of

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development services with our actual construction permit in hopes to have that issue to us very shortly. I want to thank you all. I want to thank past commissioners that have dealt with this memorial, I want to thank the park bureau that have spent an awful a lot of time making the memorial a better memorial for the community and also we're working on these important documents for the city, for a.j.c., american jewish committee, and ohrc, Oregon holocaust resource center. This is getting to be somewhat of a late hour, but for a few more minutes we can deal with it. And as I said, I do hope that you all find this in accordance and can be positive for that. I want to thank people that are no longer in the audience that were here showing their support for the memorial and for passage of these resolutions. Again, thank you in advance in hopes of having these two ordinances passed to pave the way for continued design, actual construction, and for a memorial that all of this community can be proud of. Thank you.

Katz: Thank you, paul. All right, thank you. Questions? All right, let's open it up to public testimony.

Moore: We have jacob abshalomov and robert butler.

Katz: Go ahead.

*******:** Good morning.

Katz: Good morning.

*******:** This is possibly the --

Katz: Do you want to identify yourself, please?

Jacob Avshalomov: I'm jacob avshalomov. And someone who's served the city for some 40 years. You may never have heard of me.

Katz: I've heard of you. I didn't know whether everybody else has heard of you.

Avshalomov: This is possibly the fourth time that i've addressed the gathering on this topic. And in most of those meetings the discussion has resolved around three or four points, such as the procedure by which the decision to site the memorial where it is, such as the nuisance to the proximate neighbors, such as the nature of the memorial itself, and such as a missed deadline in appealing it. I prefer to set all those issues aside and draw your attention for the last time to what seems to me the one single overriding issue, and I speak as one who's lived in the neighborhood, not as a proximate neighbor, but a half a mile or so from there, and driven through the given area, perhaps for 45 years, maybe daily, to tell you that the course through that area, by car or by foot, is so constricted and so convoluted, that it is absolutely an impossible place to place a memorial for which there would be increased traffic. Two or three years ago I invited members of the council to drive through it, following a school bus or a tour bus, and watching them as they back out, and they would see how ridiculous it is. And I come not so much to protest, but to protect the council from making a move that will embarrass them for a long time to come. Thanks.

Katz: Thank you.

Robert Butler: Thank you. Thank you, mayor. Good morning, fellow councilmen. I'm robert butler. I'm at 824 southwest 18th avenue. I'm speaking on behalf of the arlington heights neighborhood association. I'm co-chair of the parks committee. I've handed to the clerk a very brief statement. Essentially it's the minutes of our september 15 meeting. And the cover sheet says that in essence there were two issues to -- two issues in those minutes. One is that the new location of the site is no better than the former location of the site. And that it's really still the same reasons why we have said in the past we oppose the new site. Same as for the old site. And for the same reasons that when we were denied the opportunity to give other reasons why they should be denied. And the second issue is a safety issue. I'll just remind you that last july we -- mary anne cassin came out to our neighborhood and we told her even in july that since this is the most -- this will be the first memorial of its kind built in the united states on public land since 9/11, and there are other memorials with security issues in the united states that, we expect that the city should prepare the finest safety plan in the united states ever provided for a memorial of this type, holocaust memorial

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on public lands. And from the reports I have and the questions asked and the questions -- answers we've received, there's no safety plan, except for covering the reservoir. I'll acknowledge that as a safety plan. Other than that, there is none. So that -- that concludes my testimony as to the arlington heights neighborhood association. And then my personal testimony, if I may, is that acceptable to the mayor?

Katz: Well, go ahead. Make it short.

Butler: Ok. As I go back, there's three things that stand out the most. The first thing is on may 24, most of us feel, including land use, specialists, that this city council intentionally adopted a lie. And the lie was that the holocaust memorial justified the location of the proposed holocaust memorial, the vietnam memorial justified the location of the holocaust memorial, and then at that meeting had the public was denied the opportunity to refute that, we feel, lie. That is a very unique circumstance in my knowledge in 60 years living in Portland of the lie and the denial to refute. The second issue has to do with safety. And that is the fact that we've asked -- we take into consideration the safety as a result of 9/11. And essentially you had think there was never a -- a 9/11. And we ask that the memorial be moved further away from the reservoir rather than cover it, or at least move it away, whether you cover it or not, and there was never a response, you know, to moving it to next to the forestry center, up by the zoo. It's almost a denial that 9/11 occurred. When I called up the state of Oregon, I said "i have problems with the city," they won't work with homeland security." and the security officer at Oregon state police department said -- this is a quote. I'm not going to get into it. "the jews would not like it, having to move to safer location." my third comment has to do with campaign contributions. And i've looked at commissioner Francesconi's campaign contributions. And I think it's easy to find special interest money in there, like all of us have. I'm not saying you shouldn't get special interest money. I am appalled by the amount of the special interest money that you are receiving, and concerned about what that is paying.

Katz: All right, let's stay on to the issue before this council.

Leonard: Well, and mr. Butler you're making the case for the memorial, you're not making a case against it. And I would ask you to think about what you're saying.

Butler: Ok.

Katz: We can discuss campaign financing at some other time. And we may even end up doing that at some other time, but right now we'll focus on the holocaust memorial.

Butler: Ok, that's fine. So in sum, Portland is probably the least likely city to have this kind of controversy for a holocaust memorial. I can't think of -- other than maybe one other city would have as much -- you know, would have -- I can't imagine why we have this difficulty. This -- we've been very, very cooperative in emotional issues like this, and we should have been able to handle this with dignity. And I think we have to concern ourselves as to why -- why the new location was not considered. Why the public was denied the opportunity to refute the facts. And how we can make a better memorial in an appropriate location as soon as we can.

Katz: Thank you.

Moore: Irwin mandell.

Irwin Mandel: Good afternoon, not good morning. Irwin mandel, 1511 southwest park avenue. I'm not sure whether it's even worth my getting up here to respond to what was said. This is the same foolishness that has been going on for I don't know how many years. Mr. Avshalomov, he's right. Once it was a nuisance. Second it interfered with the nature aspect. Now he's up about accessibility. If it ain't one thing, it's going to be another very quickly. Mr. Butler, with 9/11, I think probably takes the cake. It's time for this memorial to be built. It is to the benefit of every single citizen in this city. It is not limited to any one group or any number of groups. The city itself will benefit from having a holocaust memorial. To memorize one of the worst, most horrific episodes in human history and in the 20th century. It's time. Thank you.

Katz: Thank you.

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Moore: That's all who signed up.

Katz: Anybody else want to testify? Lili, come on up.

*******:** There was one thing.

Katz: Come on up. Identify yourself for the record.

Lili Mandel: Lilly mandel. I heard, I think it was mr. Avshalomov that he would be embarrassed for a long -- you would be embarrassed for a long time to come if you voted for this. My answer is to him is you would be embarrassed for a very, very long time if we didn't vote for it. Enough is enough. Thank you.

Katz: Thank you. Ok. Roll call.

Francesconi: It's actually pastime for this memorial to be built. It's past time. And I really believe that the power of this project and its valuable message about how bad we can be is a statement for the whole city and for the future, for our kids, so that they remember the worst, so they can also remember the best, who we are as a people. I once said that we needed the memorial to be built for the healing to begin. I actually think contrary to this -- some of this testimony we just heard, that I was wrong. I actually think some healing is happening. And I really credit some of the work of mayor -- marianne casson and credit some leadership in the neighborhood and leadership of the coalition. There were some legitimate reasons that neighbors were concerned about this. In terms of screening ad, in terms of traffic, and some other things that we have to watch as developed. And we have to acknowledge that. And let's not lose site of that in light of some of this testimony we heard here today. We're dealing with that in terms of screening this memorial, and we're going to look at the transportation impacts and I really appreciate the leadership of the coalition to agree to a good neighbor agreement, because through the process of that good neighbor agreement I think that there will be even more healing happening here. So the time has come. I appreciate the work that the staff has done. But let's build this thing. And we will be a better city, not only for having built it, but by reestablishing some relationships through the process that we need to happen. Aye.

Leonard: Well, I am a person who very much believes in the value of real-life experiences. Students, young people, can visit -- or go to school and have taught to them the horrors of what mankind is capable of doing to mankind, but it remains kind of an academic issue until sometimes you approach the real thing that represents that. I grew up in the vietnam war era. I had a lot of friends who went to vietnam and never came back. I don't know that I actually ever was fully struck with the impact of what all that meant until I stood in front of the vietnam memory in Washington, d.c. I think it's important for particularly young people to recognize that mankind is capable of horrific acts against fellow man. And often times done in the name of religion. And often times forgets that what unites us all is our humanity. So I think it's vitally important projects like this happen. I think projects -- and i'm thinking of a number of other things, I won't even raise them here, because of the emotion just focused on this, but other like kinds of acknowledgments of the injustice that's occurred to groups of people, whether it be because of their religion or their race, or whatever, needs to be not just read about and taught, but felt. Aye.

Saltzman: Well, I wasn't a member of the council when this proposed memorial really started, and -- but i've voted many times since i've been here on this, always thinking that was the final vote, but apparently this hopefully is the final vote. And I have to say -- I mean, I don't think anybody can, you know, argue with the need for a memorial of this nature, and in fact mr. Butler, you know, I find your statements somewhat as evidence of why we need these reminders, because the type of statements you just made about the jews wouldn't like it, holding up a campaign report saying special interest, which to me is code name for views, is precisely the same sort of prejudices that swept the nazi regime into power and resulted in the horrific holocaust. And those statements must be understood for what they are for all of us, including our children. And the holocaust memorial is one place where they will have a chance to contemplate the horrors that came from those types of

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prejudices that are still perpetuated today. So regardless of the location, I mean this has to happen and this has to happen now.

*****: I've always --

Katz: You're out of order.

Sten: It's time to build it. Aye.

Katz: Sadly we still have elements in our country, in this community, that has claimed that a holocaust never occurred. We still have elements in this community that will perpetuate anti-semitism as a jew and as your mayor and as your speaker of the Oregon house of representatives, trust me, it has come to me directly. So it is important that not only do we honor the victims and honor the survivors, but it is important that we educate our young children and tell them the history of one of the most horrific, ugly periods in the world history. And so thank you, all of you, who have been so patient. Thank you for the parks bureau for making this happen. Aye. [gavel pounding] all right, folks, we voted on 1281. We will adjourn until 2:00 p.m. And be prepared for a long afternoon. [gavel pounding]

At 12:30 p.m., Council recessed.

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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.**

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2:00 PM

Item 1282.

Katz: All right. Let's read item 1282.

Katz: Ok. Come on up. Who wants to make a presentation? On behalf of the task force? Come on up. I'm going to let you all organize yourself, because I don't have an organizational list of who's to speak first, second or third. Who's going to start?

*******:** I'm going to start.

Katz: Ok.

Derrick Foxworth, Chief of Police: Good afternoon, mayor Katz, commissioner Leonard, commissioner Francesconi, commissioner Saltzman, commissioner Sten. My name is Derrick Foxworth, chief of the Portland police bureau. Before we get started, what I would like I say for the rest of the folks who have come up here, who you will be hearing from later on, to also identify themselves and introduce themselves.

Randy Kane, Police Bureau: Lieutenant Randy Kane, Portland police bureau.

Bob Jordan, Special Agent, FBI: Bob Jordan, the special agent in charge of the f.b.i. Here in Oregon.

Katz: Thank you for joining us. Does everybody know Mr. Jordan? Ok.

Karen Immergut, U.S. District Attorney: I'm Karen Immergut, the new U.S. Attorney for the district of Oregon.

Katz: Ok, thank you.

Jim Ferraris, Assistant Chief of Police: I'm Jim Ferraris, assistant to the chief of police, investigations branch.

Foxworth: I'm here today to ask city council to renew the memorandum of understanding between the Portland police bureau and the f.b.i. Which formalizes the agreement of Portland's joint terrorism task force or commonly re-referred to as the JTTF. I'd like to thank you f.b.i. Special Agent Robert Jordan and Karen Immergut for being here today, as well as assistant chief Jim Ferraris, who didn't have much of a choice not to be here, and lieutenant Kane. The joint terrorism task force is a partnership between the Portland police bureau and federal bureau of investigations. The joint terrorism task force is a cost effective, efficient way for major law enforcement agency to work in a coordinated fashion with the federal investigative unit. It began in 1997 around the time of the planning for the Nike World Games. Portland, Oregon, joins at least 56 other major cities in the United States in having this kind of partnership. The joint terrorism task force's mission is to prevent, investigate, and prosecute those responsible for criminal acts of terrorism. I would like to emphasize the word "prevent." Prevention is a big part of this task force, and we'll be talking about that in a few minutes. The police bureau members who are involved in the JTTF are essentially the members of the criminal intelligence unit. Let me discuss some of the particulars. The police bureau staff assigned to the JTTF include five officers, one sergeant, one lieutenant, and one police administrative support specialist. The budget for the criminal intelligence unit is \$447,000. The partnership includes saving the police bureau more than \$30,000 each year by providing 1,000 square feet of office space and seven workstations in the f.b.i. Office. In addition, the f.b.i. reimburses the police bureau overtime for their expenses related to the joint terrorism task force.

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activities. The amount of overtime that was reimbursed from July 2001 through June of 2003 was \$32,000. Finally, police bureau members receive additional training when they are assigned to jttf and criminal investigations as well. In order to accomplish the mission, the jttf strategy is to share information, locally, regionally, and nationally. They investigate criminal activity, as well as serve as a resource to people and agencies targeted for terrorism. This ensures that local law enforcement officials are well informed regarding terrorist threats. Portland hasn't seen any significant large scale terrorism threats since the west coast bridge threats in 2001, which we refer to as operation pontoon and the threats regarding easter weekend of 2002. But the word "terrorism" should not be confined to the global view following 9/11. The definition of terrorism is unlawful use of force or violence against persons or property to intimidate or coerce a government, a civilian population, or any segment thereof in furtherance of political or social objectives. That's a very legal way of saying that terrorism can reach any of us through anyone at any time. Terrorism can be as broad as 9/11 or as narrow as actions against various faith communities or local companies involved in local acts. These companies include abortion clinics, the timber industry, and medical research centers. The Portland police bureau's here before city council asking for a renewal because there is still a need for the joint terrorism task force. I would like to describe to you one recent case that the jttf was involved in. In the early morning hours of April 15, 2001, a passing motorist reported a fire at Ross Island sand and gravel on Southeast McLoughlin Boulevard. Arson investigators determined the cause to be the detonation of several incendiary devices. Damage included the damage of three cement mixing trucks totaling over \$310,000 in losses. Eight days later an anonymous claim of responsibility was made on behalf of the earth liberation front or e.l.f. Soon afterwards another fire was reported on June 1, 2001, at logging located near Sandy, Oregon. Again, it was discovered that incendiary devices were detonated early in the morning, causing the heavy damage and destruction of two logging trucks and their front loader. The attack caused over \$150,000 in damage. The employees of the small family-owned business suffered irreparable losses due to the loss of the equipment and also loss of work. The jttf immediately assumed both cases and as a result of the investigation more people were indicted. In June of this year, the first person pled guilty to both arsons and soon two more joint in plea agreements. The fourth indicted subject is currently a federal fugitive with a reward of \$25,000 being posted by the f.b.i. There have also been other high-profile cases including the Portland seven, that the jttf has assisted with. But more importantly, as I stated before, it is the jttf's work in regards to prevention that is important. That is the value of the jttf. The members of the jttf work with local companies to help them ensure that they have adequate security measures in place to prevent acts of violence. These kind of behind-the-scenes prevention and security intervention did not usually show up in the media or receive any kind of attention by the community, however they are important and valuable. They are imperative to not only possibly stopping violence, but also lessening the fear of that violence by community members, local business owners, and their employees. In the event of threats of actual violent acts, the joint terrorism task force provides a seamless transition between the Portland police bureau and the federal government at a time where efficiency and attention to detail is critical. The issues regarding the safeguards and oversight have been discussed. The jttf works to ensure that all people's rights are protected and that the United States constitution remains intact. Oregon revised statute laws also indicate that no law enforcement agency may collect or maintain information about the political, religious, or social views, or associations' activities unless such information relates to investigation of criminal activities. We will continue to commit to the mayor and to the council and to the public that the criminal investigative unit officers assigned to jttf will follow Oregon revised statutes. The federal statutes and the U.S. Attorney general guidelines also remain extremely restrictive on all counts. Task force members who violate the law or violate this policy are subject to sanctions. This is taken very, very seriously by us. America's foundation remains our basic rights, such as freedom of expression. But when terrorists threaten, injure, or commit acts of

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violence, in the name of a cause, then it cannot be tolerated. These criminals are creating terror of a different kind and their message is lost in their violence. By no means can the joint terrorism task force do it all. The members of the Portland police bureau will continue to build partnerships with community members and businesses in the hope of fighting all acts of violence. We will continue to seek input from our various advisory councils, as well as feedback from the community for the bureau's strategic plan. But we must continue the partnerships on the federal level in order to prevent, as well as be prepared, for any violence of any kind. I'd like to ask for your support this afternoon and thank you for your time in listening. And i'm going to turn it over to u.s. Attorney karen immergut.

Katz: Thank you, chief.

Immergut: Thank you. Good afternoon. Good afternoon, mayor, commissioner Leonard, commissioner Francesconi, commissioner Saltzman and commissioner Sten. Thank you very much for affording me the opportunity to be here. As you know, i'm the united states attorney for the district of Oregon, which covers the entire state of Oregon. I welcome this opportunity to address this council, to express my support of -- for Portland police bureau's continued participation on the joint terrorism task force, which we refer to as the jtff. As united states attorney for this district, i'm charged with responsibility -- the responsibility of keeping Oregonians safe from all federal crimes, but particularly from terrorism. At the same time, i'm charged with the responsibility of protecting the constitutional rights of all Oregonians. When I took my oath as united states attorney just a few weeks ago, I swore to do just that. I live in this community, I raise a child in this community, so you can be sure that I take that oath extremely seriously. As you're well aware, the jtff's were created around the country shortly after september 11th. They were created because we learned some very important lessons from that tragic event. Among the lessons that we learned, which are pertinent to the decision that the council is making today are the following -- first, that international terrorism can be committed on united states soil. Second, we were lacking in a system which -- in which information could be shared among those charged with keeping us safe from that sort of harm. And third, that the prevention of future terrorism depends upon the coordination on the part of local, state and federal law enforcement, as well as the intelligence community. It also depends on the coordination between national and international intelligence communities and our law enforcement. Terrorism is clearly an act that is played out on the international level, as well as the domestic arena, and we need to address it on those levels. The jtff's were set up so that we would have such coordination on the local level between local, state and federal agencies. And that so we in Oregon would have an opportunity to collaborate nationally with the other jtff's and share information. So that we could prevent future terrorist activities. Jtff's are prohibited from investigating citizens based solely on their political or religious views. Or affiliations. In order for our law enforcement community here in Portland and here in the state of Oregon to prevent terrorism in our state, we need to participate participation from local law enforcement. It's a critical component of that coordinated effort. The Portland seven case is a good example of the work of the jtff. As i'm sure all of you know, in that case the defendants pled guilty and have admitted to being -- agreeing to be martyrs in the war against the united states and to fighting united states forces. And that case was a direct result of the work of the jtff. The jtff or Portland's involvement on the jtff is the police bureau's involvement is particularly important, because should terrorism strike in the state of Oregon, it is probably most likely that it would strike in the most populated area, which is right here in Portland. The police are our first line of defense. They're the people out in the streets who can most easily spot and monitor potential terrorist activity. In order to effectively prevent terrorism, before it strikes our community, it is critical that they be involved. Many decisions in the terrorism prevention realm must be made instantaneously. Our largest police agency and our largest city needs to be able to collaborate on anti-terrorism efforts and to receive and act on information immediately when it comes to the attention of the jtff. The purpose of the

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jtff is to prevent and disrupt acts of terrorism in Oregon and to prosecute terrorist activity where we find it. Lawyers from my office are assigned to work closely with the jtff. We have a team of anti-terrorism lawyers who are long-time career prosecutors, and I can assure you that they take their obligations under the constitution and of their positions very seriously. It is their jobs to make sure that all of the work of the jtff, with which they're involved, complies with constitutional standards. In addition, the attorney general's guidelines for terrorism investigations require evidence that the individuals whom we investigate -- or that there's evidence of crimes being committed by individuals whom we investigate. I thank you for affording me this time to address you on this issue, and i'm here because I feel that the security of our community depends upon the Portland police bureau's involvement on the jtff to effectively combat -- or prevent terrorism in this area. Thank you.

Katz: Thank you.

Jordan: Again, my name is bob jordan. I'm the special agent in charge of the f.b.i. Here in Oregon. And I thank the mayor and the council for giving me an opportunity to speak about the jtff. I'd like to start by saying that as the main supervisor of the jtff and the person responsibility here in Oregon to the f.b.i. For the conduct of the jtff, I can tell you that they are an invaluable tool in countering terrorism, not only here in Oregon, but as an integral part of the overall counter-terrorism efforts across the united states. And as such an important tool, I simply cannot do my job, the number one priority of which is to counter-terrorism here in Oregon, I cannot do that job effectively without a joint terrorism task force. And I cannot have an effective joint terrorism task force without the participation of the Portland police bureau. I'd like to give the council a -- an example -- a he hypothetical of something that I -- a hypothetical relatively close to a real event in which the jtff was an integral part of our investigation. And i'm going to muddy the facts a little bit, because of the security nature of the information. We received information from a federal agency here -- located here in Oregon that a ship had docked locally, and that some crew members had jumped overboard. And they were missing. And we went about the business of trying to locate them right at the same time we received some sensitive information that these crew members may have had a darker purpose. So in the business of going out and trying to locate them, we relied on the members of the jtff, who with security clearances were able to be briefed into not only the public nature of that information, but also the sensitive and classified nature of that information. And the Portland police bureau members who participated, of course, know the streets and neighborhoods of Portland better than any f.b.i. Agents that I can supervise who have been kind of imported into Portland from other locations, such as myself. So it's invaluable for me to be able to rely on the native expertise of your own officers than trying to do as something as simple, but at times as complicated as locate somebody. So I would ask the council to approve an extension of the memorandum of understanding, allowing the Portland police bureau to continue to participate in the jtff. Thank you.

Katz: Thank you.

Ferraris: We're here for questions should there be --

Katz: Chief, you didn't --

Katz: That's it. We're ready to answer any questions that you may have.

Katz: Questions by the council?

Sten: Special agent jordan, thank you for coming. I appreciate you coming to me a couple weeks ago to talk about these issues. I guess this is a question for you and for chief foxworth. I've been convinced that we're better off cooperating, but i've been bothered, and continue to be bothered by, by the inability too there to be civilian oversight of the task force. Locally we try to work on community policing strategies, meaning you get the community working with you. And understanding that much of this information has to remain classified for obvious reasons, there seems to be a lot of middle ground between having no civilian oversight whatsoever in the local

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community and putting everything on the internet to say here's where it is. I'm interested in whether there's any more evolution of the discussion of the it would make -- I think what you're going to hear today in all likelihood is a lot of citizens who -- they're going to say a lot of things, i'm not speaking for them, they have their time to speak, but you'll hear a general concern that we coordinate and cooperate so that we are as safe as possible, but a sense it doesn't have to be done in a way that there's nobody from the local community, other than our seven officers, who really I think are in a tough position, if they're trying to oversee themselves, that's not usually how things work. So do you have any further thoughts on ways we could have civilian oversight in this process?

Foxworth: Commissioner Sten, I can tell you this, is that myself and assistant chief jim ferrars are in the process of applying for national security compliance so we can be apprised of joint terrorism activities. We're accountable to and we work for you, as well as the citizens of Portland. But this is something that historically we haven't had been able to receive, but at this time mr. Jordan has offered that to us, and we are in the process of filling out the necessary paperwork, which is very exhaustive and they'll do a thorough background and, you know, if they find out something that someone else hasn't already found out about us, then we would expect that within the very near future that we'll have that clearance as well, and be able to be kept apprised of the investigation activities.

Sten: That's encouraging. Does that give you a chance to see what the officers are doing? Could you elaborate on what your role is in that?

*****: They don't have a civilian --

Katz: Excuse me, sir. You're not arbitrating here. All right? We'll cut off testimony and take a vote on if we're going to be interrupted.

*****: You might as well.

Katz: That's enough. That's enough. There are other people here who want to testify. You're not the only one.

Foxworth: You know, in terms of the civilian component oversight, I don't know if there's anything beyond our --

Sten: Chief, not to interrupt you, but I -- I actually understand the distinction. Didn't need the prod. I just want to ask first, may not be my last question, how you see your role in that, if you do get the security clearance.

Foxworth: It's our intent we'll receive regular briefings from our lieutenant that's assigned, as well as having regular contact with mr. Jordan. We'll be kept apprised of all the activities of our officers assigned to jttf.

Sten: Ok.

Katz: Let me just add that mr. Jordan was kind enough to give me the application for total clearance, and I looked at it and it will take me awhile to fill it out, but my intent is to begin filling that application. I think I could be classified as a -- as a citizen.

Sten: Ok. So that's -- I mean, that's a change this year, mr. Jordan?

Katz: Yes.

Sten: I'm just trying to get you to elaborate, that you've offered the mayor the chance that --

Jordan: Yes, that's correct. When the mayor brought this matter to my attention, I offered her, in her role as police commissioner, the opportunity to apply for a security clearance, which would enable her to see that information that the joint terrorism task force operates out of.

Sten: Ok. Thank you. Chief, one more question. A separate concern that continues to come up, and i'm curious about your thoughts on it, is the staffing level. You know, is seven officers too much to have assigned to this? Is it too little? And is that something -- I continue to hear questions, and I don't have anyway of judging whether or not that's an excessive number or the opposite. Can you give me some sense of how you look at the staffing issue?

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Foxworth: I can tell you that s.a.c. and Jordan and I talked about this recently the, that we will need to look at the caseload, the number of work being done there, as well as officers, and the clerical people assigned. There's been no decision to scale back the number of officers assigned to jtff, that is something we'll have further discussion about, probably within the next month or so. I've also talked to the assistant chief about the staffing issue, and looking at the workload and seeing, you know, do we have too many people assigned there or is that the right number of people assigned. But it is something we're looking at.

Katz: Do you want to elaborate on the c.i.u., because it's a joint effort between the officers on what they do.

Ferraris: Mayor and council, in terms of the criminal intelligence unit, you've heard the staffing numbers and who's assigned. The entire criminal intelligence unit of the police bureau is assigned to the jtff. And what we're doing now is -- let me just back up for a moment and talk about the structure of it. We have a lieutenant in charge of that unit because we feel it's important to have a commanding officer who models values of the organization and the directives and policies of our organization and the directive from both the chief and myself to ensure that -- that all of our policies and practices are followed precisely. We have a sergeant who's the line supervisor who does the day-to-day operational supervision of the officers in place to ensure that that accountability takes place. That's critical because of the -- of the issues that are involved with intelligence work as it relates to criminal activity. Then we have five officers, of course, who do the work, and then a staff person who help with the clerical support. So what we're doing now, since chief foxworth and I both are still fairly new in tenure in our assignments, is we're examining the roles and responsibilities of those personnel assigned from the criminal intelligence unit to the jtff to determine exactly what their workload is on jtff matters and on local criminal intelligence matters. And once we identify what those workloads are like and study that a little further, then we'll make some decisions in terms of what type of resource to keep in place at the jtff.

Sten: Let me just ask you one more question on that issue of -- I think you've discussed this one, but I also sense this is your first time in this role. The other concern I continue to have would be -- i'm trying to think of the right way to say that -- if our local officers were to gather information that turned out -- because sometimes you're gathering information to -- and you don't know what's going on -- that the fear is that if they gather information that turns out to not meet the standards of the state law, but then it goes into an f.b.i. File, how does it -- you know, does that -- whereas we would get rid of that information or not go into that investigation. So the concern is that our officers do things that under state law they can't do or shouldn't do, but it's cloaked under the federal law. Could you talk more about how you go about making sure that doesn't happen?

Ferraris: Well, just a preamble to what mr. Jordan will say, is that -- is that our officers operate within the state law, even though they're assigned to the jtff. They have to operate -- they have to honor our state law, first and foremost. Turn that over to mr. Jordan to follow up on.

Jordan: The f.b.i.'s receipt of or inclusion of information into an f.b.i. File is only going be pursuant to an appropriately predicated federal investigation. So we have no interest in taking information that's not related to a -- an appropriately predicated criminal or intelligence investigation. So we wouldn't accept something like that. And we wouldn't have any place to put it. So that's not likely to happen.

Sten: Ok, thanks.

Katz: Further questions? Ok, thank you.

*****: Thank you.

*****: Thank you.

Katz: I would recommend that you might want to stick around. There may be other questions. So I know you're busy, but appreciate your time on this issue. All right.

Katz: Four, ok. You can do it within your time limit?

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Andrea Meyer, Legislative Director, ACLU of Oregon: We don't have any time limit, other than the three minutes.

Katz: Three, that's what I meant.

Meyer: We're trying. And while people get organized, i'm going to bring up not only our aclu/f.b.i. Files, but various Portland police files collected over the years. That's f.b.i. And these are our Portland ones. Ok. Mayor Katz, members of the council, my name is andrea meyer, the legislative director for the aclu of Oregon. At the conclusion of last year's jtff renewal hearing, the mayor and now the former f.b.i. Special agent charles matthews engaged in an exchange about the need for oversight. Matthews stated that ron wyden had full access to the records and could provide this oversight. Now only does that not address the concerns we have, it also isn't true. I wrote to each one of you immediately after the hearing advising you of such but received no response. No steps have been taken to address our underlying objections to Portland's participation in the jtff. Now that we all agree and recognize that there needs to be oversight, let's do it. And put real and meaningful oversight that assures us that our police officers are complying with a letter and the spirit of Oregon law. We continue to maintain that as implemented the jtff does not comply with ors 181.575. Because the jtff allows for files to be maintained when they should be purged it does not provide any oversight to ensure that information on innocent people's political, religious or associational activity is not being collected. It is clear that the f.b.i. Has subsumed the police bureau's criminal intelligence unit, the officers who serve on the jtff are the same ones who formerly made up the c.i.u. Let me repeat what we said and have said every year. We do not oppose the communication and cooperation among local, state and federal law enforcement. You do not need to sign a jtff contractual agreement to allow that. You do not need to pay for and then turn over seven Portland police officers to the federal government, deputizing them as federal agents in full-time federal work to make sure that our officers assist the federal government on case-by-case situations, but that's what we've done. In other words, we've turned over Portland's intelligence unit to the f.b.i. In compliance with the court order, and ors 181.575, the city attorney is required to review every three months the files collected and maintained by the c.i.u. And purge those files that contain information that should not be permanently collected. And there was a reason for that review. As we brought to your attention last year, the intelligence unit was exposed for keeping files on people's lawful, political and associational activities, including the aclu of Oregon over many years, not only in -- excuse me. The worst of uses occurred more than 10 years ago, but violations of the Oregon law have occurred as recently as 1998, when files tracked the lawful political activity of dan handleman and peace and justice works. We know that in other parts of the country this type of activity has not stopped and this past month it was revealed that anti-terrorism officer and sheriff's department in fresno, california, infiltrated peace fresno. How do we know? The officer decide in an off-duty motorcycle accident and his picture ran with his name and it was aaron stokes, the only problem was -- excuse me. His name in reality was aaron killmer. The peace movement people knew him as aaron stokes because he attended in their meetings as an undercover agent. He infiltrated those groups, but when confronted the sheriff's department conceded that peace fresno was and is not suspected of criminal activities. We should not wait for another scandal in Portland to learn that law enforcement is violating the law. And we think you can do the necessary checks and balances now. This should go one step further than what's already been talked about. It should include the city attorney or the city auditor's office to be reviewing the actual files, not simply the oversight that chief foxworth will provide as to what they're doing, but someone looking and have the authority to review and purge those files. In conclusion, we urge council finally this year to do the right thing. Truly address the concerns and objections raised by many in the Portland community, provide meaningful oversight to the actions and activities of our police officers when deputizing them as federal agents, and turning them over to the f.b.i. Thank you.

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Katz: Thanks.

Dave Fidanque, Executive Director, ACLU of Oregon: Thank you, madame mayor, members of the council, David Fadenky, executive director, ACLU of Oregon. I want to start by acknowledging the agreement that I think those of us at the table have with you, madame mayor, and the council. We agree there should be cooperation between the Portland police bureau, the f.b.i., and the u.s. Attorney and other agencies in investigating acts of terrorism and in doing what can be done within the bounds of Oregon law and the constitution to prevent future acts of terrorism. I think what we're down to arguing about is what level of supervision is necessary in order to both prevent the abuses of the past and to assure the community that no such abuses are taking place. Because when investigations are carried out under the current guidelines of attorney general Ashcroft, which greatly expanded the authority of the f.b.i. and other federal agents to engage in surveillance and monitoring and infiltration of political and religious organizations, even when there is no suspicion of criminal activity, given the federal guidelines that federal agents operating under and the clear conflict with Oregon law, we believe that having the Portland police officers working side by side with those federal agents, who are working under a different set of rules, creates a legal and constitutional mine field for our Portland officers on that task force. Now we believe that the city officials, that the supervision needs to come from at least two places, in addition to the chief, and we -- that is a big improvement to have the chief directly involved in oversight. It would also be a big improvement to have you, madame mayor, also involved, but we believe it's critical to add the city attorney to that -- to that team, to that oversight team, if this direct link between the city of Portland and the JTTF is going to continue. Thank you.

Katz: Thank you.

Francesconi: So you're ok with sharing classified information, then, between the f.b.i. and the police? It's the question of oversight? Right? You said -- I don't want to put words in your mouth, but --

Fidanque: As you will hear on the next agenda item, we have major problems with the current rules that the federal government is operating under in terms of the constitution and the checks and balances in the federal system.

Francesconi: You're not the only one in that regard, but --

Fidanque: But if the city is going to be directly involved, we would rather they not be directly involved, that the city be at arm's length, but if that direct involvement is going to happen, we believe that independent and meaningful oversight by the city attorney and civilian authorities, in this case the mayor, who's the commissioner in charge, is critical.

Francesconi: I got that point, but I think you said that -- you were saying that we could cooperate, the police could cooperate, and I was trying to -- you started your testimony with that, and I was trying to understand if that included sharing privileged confidential information.

Fidanque: Yes, I think that would be -- I agree. I understand the usefulness of being able to have city officials have access to that information. We now know, at least with the new special agent in charge, there has been a change, that there is a willingness to -- to grant security clearance to other city officials, besides those that are assigned to the task force.

Francesconi: I guess I'm not sure that was a change or not. I was assuming the police chief had clearance before. I was really surprised to hear the police chief didn't have clearance before. I was assuming they did. So I don't know if that's a change or not a change, but that's academic, I guess.

Henry Sakamoto, Japanese American Citizens League: Thank you. Mayor Katz, councilmembers, my name is Henry Sakamoto, a member of the Portland chapter of the Japanese American Citizens League. I'm testifying here because of the proposed renewal of the agreement for the joint terrorism task force. Once again, I say that political leaders and law enforcement officials must ensure that the constitution and civil rights of American citizens are not violated. The protection of these rights is best assured by the oversight and audit of enforcement activities,

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whether at local or national levels. A case in point is the detention, evacuation, and internment of 120,000 persons of Japanese ancestry from the west coast of the United States in the 1940s. I was born and raised in Portland, Oregon, and I was one of those put behind barbed wire and under military guard, literally put in jail, without being charged a crime, without due process. My internment began at what is now called the Expo Center. The internment was the result of the government of Japan's attack on Pearl Harbor, Hawaii, on December 7, 1941. Executive Order 9066 signed by President Roosevelt on February 19, 1942, authorized the military to restrict any person from designated areas. Beginning in March 1942, the United States Army issued proclamations that described areas on the west coast from which persons of Japanese ancestry only were excluded. And so the internment began, and so began the United States government's denial of the constitutional and civil rights of 120,000 persons, both citizens and legal residents -- legal resident aliens of the United States. It could have been different if there had been government oversight during that unfortunate period. 38 years after the start of the internment, Congress established in 1980 the Commission on Wartime Relocation and Internment of Civilians. Its charge was to analyze the government's contention that the 1942 internment decision was one of military necessity. The commission issued its report on February 24, 1983. Its conclusion was that the issuance of Executive Order 9066 was not justified by military necessity and the decisions that followed from it were shaped by race prejudice or hysteria and failure of political leadership. Since the tragedies of September 11th, 2001, many Arab Americans and persons of Middle Eastern origins have been objects of race prejudice and hatred. Many have been detained and jailed without due process. Are there constitutional and civil rights being violated? Why do we not have oversight of law enforcement activities? Thank you.

Katz: Thank you.

*****: Mayor Katz, councilmembers, good afternoon.

Katz: Good afternoon.

*****: I need to leap into this?

Katz: Why doesn't everybody scoot over or change chairs. All right, go ahead.

Scott Sakamoto, Japanese American Citizens League: My name is Scott Sakamoto with the Japanese American Citizens League. Today I'm representing the Portland chapter of the Japanese American Citizens League founded in 1929. Our organization is one of the oldest Asian civil rights organizations in the country. As I have testified in the past, we are still very concerned community. As you've just heard from my father's testimony, we have good reason to be apprehensive as the core objective of the Portland Joint Terrorism Task Force introduces a situation that is once again ripe for abuse. As we understand it, the Joint Terrorism Task Force ordinance makes no provisions for accountability for its actions to the city or to its residents. There is no city review board to oversee its conduct. At this time, not our mayor, city councilmembers, or city attorney's office, currently charged with overseeing the Criminal Intelligence Unit, aren't ensuring that our civil liberties aren't violated. This is, to our community, a real concern. Ours is a nation of checks and balances. It is vital to our security that we strengthen our ability track and apprehend those that would destroy it. We need to provide safeguards against having innocent people spied upon, harassed by our government. We realize that these home run modern times and with a new era of vigilance toward the protection of our great country's heritage and history of protecting our rights and liberties as American citizens are even more paramount today. As you know, last year General -- Attorney General John Ashcroft swept away protections that have been in place since the 1970's. They were adopted to prevent political spying and other abuses carried out extensively by the F.B.I., C.I.A., and other federal agencies in the 1940's through the 1970's. These revised guidelines from the Attorney General John Ashcroft will allow the government to spy on domestic, political and religious groups, even when there is no suspicion of wrongdoing. Portland police officers should have no connection to such overbroad investigative techniques, such as -- but the members of the Joint Terrorism Task

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force very likely will. If Portland is to participate in the joint terrorism task force there must be meaningful oversight of the actions of the Portland members of the joint terrorism task force. The Japanese American Citizens League stands in opposition to the passing of this ordinance. At the very least we implore you to create a level of oversight so that maybe even you, members of the city council, will be aware of the activities of the joint terrorism task force. We must establish a forum that allows us to hold the Portland police and the joint terrorism task force accountable for its deeds and methods. We must -- we must have the means to ensure that our basic civil rights, the rights on which this country was founded, are not attacked in the name of protecting citizens from harm. I have great expectations that you, members of the city council, will do the right thing by creating a meaningful oversight system for the members of the joint terrorism task force. Thank you.

Katz: Thank you.

Sten: I've got one question.

Katz: Yeah. Go ahead.

Sten: For either Andrea or David. I think there's some -- there is agreement on the need for civilian oversight. I'm interested -- you made an argument that we could share information without being part of the JTTF. Could you elaborate a bit on that argument? I didn't quite understand it.

Fidanque: Well, Commissioner Sten, we believe that the critical link is for those officers who have security clearances so that they can have classified information shared with them. We do not believe that it is absolutely necessary that they be sitting side by side with F.B.I. Agents and other federal agents who are engaged in investigations that they cannot participate in or are using techniques that are permissible under the Attorney General's guidelines, but which they are prohibited from using. Having them side by side, in the same office, makes it much more likely in our view that the Portland officers are going to get swept up in prohibitive activities that violate Oregon law.

Katz: Thank you.

Jan Wolf, League of Women Voters: I'm Jan Wolf, representing the League of Women Voters of Portland. The League encourages the active participation of citizens in the political process and works to promote openness in government. The focus of our testimony today was to ask city council for meaningful oversight of the JTTF. A few minutes ago we were assured in the process of questions from Mr. Sten that not only will there be security clearance for the police staff, but also for civilian staff, i.e. Mayor Katz. We applaud that news. We hope that this security clearance will also include the city attorney. And additionally we hope that oversight includes monitoring of files that are kept so that -- I'm sorry -- so that files are not kept in violation of Oregon law 181.575. Thank you.

Katz: Go ahead.

Sandy Polishuk, Portland State University Faculty Association: Mayor and councilmembers, thank you for the opportunity to speak to you. I'm Sandy Polishuk, vice president for political affairs of the Portland State University Faculty Association, local 3571 of the American Federation of Teachers. Our mission as teachers is to educate students, not only to make a living, but to be active citizens and full participants in the democratic processes of civil life. The joint terrorism task force has moved the city of Portland into very dangerous territory. Made more dangerous by the increased disregard for civil liberties, shown by our federal government since the events of September 11th 2001. And compromising our mission as teachers in a variety of ways. When the Portland police force joins the F.B.I. in surveillance of political activists and uses the T-word to justify any and all suspensions of civil liberties, it becomes next to impossible to convince students to become politically engaged in their community. The situation is exacerbated by instances of official intimidation and harassment of foreign students and faculty in Portland. And elsewhere. In one such incident, a student's apartment was entered and a computer containing homework was confiscated, making it impossible to turn in assignments on time. The student did not file a

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complaint, fearing speaking out might cause further problems with authorities. Such incidents have a chilling effect on learning and on academic freedom. The necessary condition for free and open expression of ideas and opinions within the university as well as throughout the community at large.

Our concern for maintaining a healthy learning climate has led p.s.u.f.a. To protect the constitutional freedoms and democratic rights of faculty, staff and students on the p.s.u. campus. One of our members drafted a resolution, subsequently adopted last november in a 46-9 vote by the faculty senate of Portland state university. The resolution affirmed that "active political participation is not only the right, but the responsibility of all citizens of a democratic country and recognizes that the statements and actions of public officials that explicitly or implicitly question the legitimacy of political dissent or which link activism to terrorism have a chilling effect on the willingness of faculty, staff, students and all residents of Portland to exercise their democratic and constitutional rights." as teachers committed to principles of academic freedom and to fostering the democratic participation of all citizens in public life, we urge the Portland city council disengage our city from its association with the Portland joint terrorism task force. Thank you.

Katz: Dan?

*******:** Good afternoon, mayor Katz, city council.

Katz: Good afternoon.

Dan Handleman, Peace and Justice Works, Portland Copwatch: I'm dan handleman from peace and justice works and Portland cop watch. This is the fourth year that we've come to express concerns about the Portland joint terrorism task force, which continues to be an unnecessary use of city resources and danger to civil liberties. We've related to you that our organization has been improperly spied on at least twice by undercover agents of the Portland police bureau's criminal intelligence unit. In the 1996 lawsuit based on a such incident, they were ordered to adhere to gathering and collection of information on individuals and organizations to those who engage in criminal activity. Also the judge ordered regular review of these files for compliance with state law. Since eight members of the c.i.u. Are deputized as f.b.i. Agents, we wonder how they have time to conduct any legitimate local law enforcement activity. We've been told that such local activity, but not the joint activity with the f.b.i., is subject to judge marcus' ruling and review by city attorney. We do applaud the addition this year of the possibility and apparently that's moving forward with additional oversight by the Portland police up to and including the chief and we're glad to hear that mayor Katz is complying as well. We hope that also the city attorney and anybody else who's going to have the time to actually examine those files will be allowed to review them for compliance with state law. As a free and democratic society we deserve answers to the questions that have come up in these chambers year after year. What about c.i.a. Agents who joined the task forces around the nation or the -- is the c.i.a. Involved in Portland? We don't know. Couldn't effective law enforcement work be done by federal agencies without losing local control of our own officers? How can we assign seven full-time officers and one desk clerk to this task when so many in the community are complaining there aren't enough police on patrol. This year we'd like to ask the question, which is why the anti-defamation league described the jtff's activities on its website like this -- "information is collected to build an intelligence base which helps to prevent terrorist acts and aids in the prosecution of unlawful activities." that was updated in march of this year. The pjttf is not simply here to prosecute those for criminal acts of terrorism, but the jtff is building an intelligence base, presumably on american citizens and immigrants in this country who have not committed crimes. We understand the impulse to arrest people for unthinkable violence, but we should not do so at the expense of basic freedoms that disagree with our government. We appreciate the city council will be considering a resolution urging congress to scale back the excesses of the hatred act later this afternoon. We ask city council in that same spirit not to renew the p jtff memorandum. Thank you.

Moore: We three followed by three more.

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Katz: Thank you.

Mary Rose, Organization of Women's International League for Peace and Freedom: My name is mary rose. I'm here representing the organization of women's international league for peace and freedom. Portland has a branch of several hundred members here in Portland. And southern Washington. We're also -- we also feel that it would be preferable not to rely the pjttf memorandum without considering the toll it will take on the very freedoms they seek to protect. Our organizations, women's international league for peace and freedom, has spent over 80 years in activist, progressive work against these undermining of civil liberties. Thank you.

Katz: Thank you.

Valerie Chapman, Pastoral Administrator, St. Francis Catholic Church: Good afternoon, mayor Katz, commissioners. My name is valerie chapman. I'm the pastoral administrator of st. Francis catholic church in southeast. I'm here once again today as a member of faith community to express concern about the merging of federal and local agencies and the enormous potential for abuse by the continuation of the joint terrorism task force. Too often in recent history the faith communities have set by as civil liberties have been taken away or as the rights of a few have been curtailed during seasons of fear. Always after these experiences we lament the fact that we did not stand up for safeguards to protect all citizens, and we tell ourselves that we will do better next time. This is one of those next times. I want to add on a personal note, that this is part of family story. My sister-in-law was a -- is a japanese american who was a rose festival princess. Her mother had the dubious honor of being a princess in an internment camp in idaho. The attorney general has given the government the power to spy on domestic, political and religious groups, even when there is no evidence that something wrong has been done. And people are being targeted by race and ethnicity. This should be alarming to all of us. With the merging of local and federal authorities, the potential for a return to our past, those domestic spying and stories that we know of in the 1940's and 1950's and 1960's can really become a terrible reality. And there is no strength in the oversight or a way to purge those files. So I ask you, mayor Katz, and commissioners, to rethink the Portland joint terrorism task force. We must not allow fear to undermine the freedoms that are so much part of our democratic way of life. I believe our law enforcement agencies really have already the tools that they need to combat crime, including terrorism. So I thank you for your careful consideration.

Katz: Thank you.

Robert Bjerre, Multnomah Monthly Meeting of Society of Friends, Quakers: I'm Robert bjerre, from the Multnomah monthly meeting of Society Friends, Quakers. The Quakers have participated in among other things, the abolition movement, the movement for women's suffrage, prison reform, civil rights movement and resistance to every war. Through our participation in these movements we have often been placed at odds with federal government. The principles of social change which quakers worked are now seen as fundamental to our civil society. Despite our long history of commitment to nonviolence, social change, members of our community have, in the last decade, been subjugated -- to unwarranted and politically motivated investigations, and harassment by the f.b.i. We understand the need for the Portland police bureau to communicate and cooperate with the f.b.i.. In investigating both threats of violence and crimes that have been committed. However, we believe that a standing taskforce is a different matter all together. We believe that members of the Portland police bureau should not be deputized as f.b.i. Agents, and invested with the authority to investigate the political activities of Portland's citizens. We, additionally, are concerned that the taskforce is not subject to civilian review. This city federal agreement compromises ability of Portland police officers to perform their most fundamental functions as peacekeepers and officers of the law. When the city entrust police officers with the responsibility for investigating and documenting activities of local activists, it placed these officers in an adversarial relationship with the citizens engaged in their exercise of their first amendment

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rights. The city, therefore, places additional stress on the relationship between our citizens, the police department, and the city government. It is critical to remind ourselves, moreover, that our system of government is founded on the distinction between state and federal law. In entrusting Portland police with enforcing both the taskforce risk blurring the boundary between the to. In doing so you risk the underlying function of the Portland police. To enforce state law. We are opposed to the broad definition of terrorism that has been stated today. It includes international terrorism. It includes terrorism against any entity and any person that the definition could include investigation of anybody at any time with, with the cover that this is terrorism.

*****: Thank you. Your time is up.

*****: My time is up?

Katz: Your time is up. Thank you.

*****: Hi, i'm obviously not ron. Ron was called to jury duty. He was hoping to be here in time, and I don't have his statement. But, I would like to --

Katz: Do you want to identify yourself?

Lisa Devaney, Bridge City Preparation Meeting of Friends: I am lisa. That would help. I am, actually, a clerk of the peace and social concern's committee of bridge city preparation meeting of the religious society of friends, also quakers. In listening to the testimony given, I guess as background for you, you should know that i've been a civil rights paralegal and have worked off and on for many years. I'm not right now, in the aspect of civil rights and monitoring civil rights on both sides, both protecting citizens and protecting the police officers that protect us. The pjttf is something that really needs careful consideration n listening to the testimony, I had a couple of questions. How can you alleviate or lessen fear? When alleged acts have no, no grounding of being known by the citizens of our community? How, without oversight, can we accurately look and protect our citizens when that oversight, itself, is being undertaken by those people that worked on the taskforce. It creates a conflict of interest. The Portland seven were brought up. My concern with this is, is because of the patriot act, which we'll get into later, plea agreements were forced upon those citizens without a lot of knowledge being learned about what actually happened, and many of the citizens that will be put in these positions may plead to lesser crimes to avoid the death penalty. Which, in itself, is something that is unconscionable. And so finally, I would just ask mayor Katz and all the commissioners and urge you to set a standard for the country, for our nation by setting forth oversight by the citizens, by our city, or what is being done by this taskforce.

Katz: Thank you. Go ahead. Grab the mike.

Carl Leonard Roberts: Madam mayor, commissioners, my name is carl roberts. I'm on the board of directors, the sisters of the road, inc., and I am on the board of commissions, commissioners of old town china radios association and the old town people's organization. I recently became a block captain in our old town of chinatown

Moore: Good for you.

Roberts: First, i'd like to say, dissension is a constitutional right of all americans. Without that we would be under british rule. To be able to find out what's going on in an organization I see you have to have experience to understand. Being in the military before and having a security clearance of top secret, I realize that once you are under federal guidelines, you have to follow those federal guidelines. That means that there are certain rules and laws and constitutional rights that you will not have in the military, I was under the uniform code of justice. I didn't have those constitutional rights to speak out because I knew of some things that were classified. I would have been in prison if that occurred. This is an education piece. When you are a Portland police officer, you serve the community. You are there to protect and serve. In the federal government, they have different guidelines. If you do, if you do not have the understanding, you have fear. If you have fear, sometimes leads to anger and a lot of times it leads to hate and hate leads to violence. There's a lot of things that are happening around this world right now, and it's breeding terrorism. Breeding

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terrorism. By the actions of the united states. There are certain things that are being done by people in the united states within our federal government that are trying to clean that up and be able to resolve problems that we have in other parts of the country. The money that is put over there at this time could be used at home. You have homelessness. You have multiple types of crime of child abuse. You have got women that have mental illness. You have drug abuse. You have criminal activity that occurs in a domestic environment. Those police officers aware of these people can do their job. Once they get federally marshalled, let's say, they have to go by the guidelines of the federal government. That means no oversight.

Katz: Thank you. Thank you. Let me just, for those, we'll go back and ask mr. Jordan, push back a little bit more to the oversight issue.

*****: Good afternoon. It's been three years --

Katz: Do you want to identify yourself?

Fred Smith: Fred smith, live at 3728 northeast 18th avenue. Portland. Good afternoon. It has been three years since george w. Bush has been become president of the united states thanks to a fraudulent process overseen by his brother in the state of florida. President bush-like likened himself to the c.e.o. Of the country until his close friend and political supporter, kenny lay, saw his ebb ron empire implode in a scandal of fraud and accounting manipulation. As more candles emerged involving america's biggest corporations, bush distanced himself from his former friends. His popularity married the decline of an enron stock. That was until 9/11. The country's budget surplus has since become a \$5 trillion deficit and two-thirds of the country's cities, states, cities and states have become impoverished lacking funds for schools, health care, social services, and police protection a jobless recovery has seen the largest number of unemployed since the great depression with no end in sight. In two years since the attack on the royal trade center, the investigation into who sent the anthrax letters to the prominent democratic politicians has come to a standstill as has the search for osama bin laden. More importantly, the investigation into the security lapses that led to 9/11 have been stonewalled. Questions such as why norad failed to launch jets to intercept the airliners remains unanswered, as well as other pertinent questions suggesting a political decision to not take appropriate action to prevent the attacks. Two wars have since been launched on the basis of providing american security. Citizens of neither of these countries are known to have been amongst the hijackers of the four airliners, and neither country posed a serious threat to the united states. 200 plus years of democratic tradition and law have been overturned in favor of a wall on terrorism that fails to address such fundamental issues such as the war between israel and palestine, the role of the energy corporations and the drive towards war, or the relationship between the bin laden family and the bush family. Where are the politicians and journalists willing to ask probing questions to the contradiction, evasion, half truths and fraud. Will the city council continue to support the Portland joint terrorism taskforce and perpetuate the dismantling of our democratic system? Is the city council part of the problem or part of the solution in preserving the american ideals of democracy?

Katz: Thank you.

Steve Royal: I am steve royal from Portland. I want to talk about the f.b.i. And the dates that, that, in the past three meetings, in the past three -- this is the third year, that there have been hearings. About the jtff. Chief kroeker says the jtff started in 1996. Today I heard chief foxworth say it was 1997. It points up that, that this was, this was a, a tolerance counter intelligence f.b.i. Unit. It's always been counter intelligence. I feel this is still counter intelligence. Still a counter intense unit. They had the terrorism word affixed to the unit before, before, long before, before 9/11, long before, years before 9/11. Whether, you know, 1996 under kroeker or 1997 under foxworth, and it just points out to what's going on, and I am wonders fig the guy that had all the problems out here in north Portland who, you know, trumped up all this stuff, the let's go, let's take these, these black muslims over to afghanistan and go fight over there, I mean, he's dead. Is he? Is

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he really dead? Who does he work for? Is he c.i.a.? C.i.a. Does -- they don't need to -- they don't -- see, they don't need to write reports of the stuff. That's why they said a c.i.a. Agent was the one that executed resolve, resolve hampton in chicago because the f.b.i. Writes reports. To me, this is still a counter intelligence unit, and it's cloaking itself in the word "terrorism" which is so overbroad, I mean, any of us could be terrorists. We kick a car tire, if we dent the, the -- if we dent somebody's, somebody's, somebody's lugnut, you know. I mean none of this is making any sense to me. The only thing -- the only things that make sense is power absolutely corrupts and makes absolute corruption. That's the only thing that makes sense to me. They spied on you, mayor. They spied on me. They did -- it's a waste of money. We all know it's a waste of money, but what are they really doing? How long is it going to take to us find out? Huey newton found out by going to all the senate records from the f.b.i. Reports. He found out. He found out what happened to the black panthers, who was a legal political party that the f.b.i. Completely tore apart. Thank you for listening.

Edith Casterline: Good afternoon. I'm edith from southeast Portland. Thanks for hearing us out today.

> this is my third year here for this so I will try not to sound like a broken record. I have optimism that the Portland police bureau will be able to make large strides in healing the rift with the community. To support them in this task, I asked the city council to end the taskforce, which only serves as a wedge between the police and the community. I'm here as a normal, nonextremist citizen who simply wants to hold onto civil liberties. While bush and his cohorts are dismantling civil liberties as fast as they can on the national level we need to keep as much local autonomy as we can. Under state laws they give us greater degrees of civil liberty than the federal laws. We need to show our local concern about what is happening on a national level. When the council later revisits their response to the misleading patriot act, i'm sure people will speak eloquently about Guantanamo Bay and the lies and distortion about the bush administration. Let us not allow what's happening on a national level to happen locally. Even if the taskforce were somehow to guarantee compliance with state law, which it can't, it still adds to the dangerous mistrust that we have in our police force. I don't want to hesitate to pick up the phone and ask for help from the police when I need it. I have appreciated their quick responses in my neighborhood and workplaces. When I worked at the Jewish Community Storm Trackers the Portland police helped us assess the building security and responded when there was anti-semitic vandalism. At my current workplace, when I called about a somewhat threatening letter we received and a subsequent letter from the same writer mentioning weirdly a website about anthrax, the officer I spoke to on the phone phoned me if the writer was muslim. If our police don't know better than to ask such an irrelevant, bigoted question, we have some serious internal work to do. Mixing up our local with federal law enforcement can only worsen the problems and is simply unnecessary. Thank you.

Katz: Thank you.

Jeremy David Stolen: My name is Jeremy David Stolen. I'm a resident of Portland, Oregon. People often wonder how it happened in Nazi Germany. How did the country get to such a terrible state. How could so many people be killed? How did the people go along with it? It didn't start top down only. It also happened bylaws passed at the local level in various cities and in various provinces across Germany. That is what we are seeing now with this atrocity called "the joint terrorism taskforce." Ironically enough we have a black police officer who was now in charge of the police talking about, about unlawful use of force or violence against persons or property while he wears a gun into this room. He was part of a force that is, that has killed several black people recently. And this is being overseen by a woman whose grandparents suffered in Germany. Who were in the concentration camps and managed to get out. How these two people are able to support this without feeling great, deep, personal shame is beyond me.

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Paul Maresh: Good afternoon, mayor, council members. I am Paul Maresh. I live in north Portland. Well, today you have a wonderful opportunity to show some leadership. Three years ago Charlie Hales is brave enough to vote no against this joint terrorism taskforce citing the bureaucracy's capacity for self-perpetuating growth. Six months later the papers proved him right, and I was shocked by what -- how much the taskforce had grown at that point according to the papers. Today we have heard testimony, and I can only characterize it as disingenuous. Would you have us believe that the f.b.i. and police are incapable of cooperating without each other without the pjttf. They did a real good job of finding people that were bombing abortion clinics and from the anti-choice crowd without the pjttf, before the joint terrorism taskforce was around. They have always been very good at finding spies and bank robbers. We just heard a disingenuous hypothetical fairy tale about terrorists. In contrast to that we have heard a series of histories of illegal activities conducted by the c.i.u., which was rolled into the pjttf. Now, according to the chief, one of the purposes of the pjttf is to work with businesses. Well, in the past council has heard testimony of pjttf officers working with business to interfere with the legal union organizing campaign. Mr. Socomoto's presence and testimony has spoken way better and more eloquently than I can about the dangers of preventing whatever evil it is that they are going to prevent this month or this year. The Oregon constitution under 181 is circumvented under the pjttf. We have heard this testimony over and over again over the years. Allowing the illegally collected records to be rolled into federal custody out of the reach of, of the city officials and out of the reach of the Oregon law. I'd like to know why did it take four years for us to find out that the mayor could be given a security clearance to have oversight? Once again, this testimony has been disingenuous over the years. This isn't the first time. I'm glad to hear, mayor, that now they are going to give you a security clearance, and it just really bothers me that when this, this issue came up four years ago and you were told that you couldn't have oversight over these records as police commissioner, why nobody was, was able to offer you that at that time. It just -- so, once again, everything has been disingenuous, I feel, in the testimony in favor of the pjttf, and once again, the council has an opportunity to show leadership and vote against it as happened before. Thank you.

Eduardo Matinez-Zapata: Hi. I am here with the socialist party in north Portland. The freedom socialist party and our sister organization radical women were here two years ago, and we are back today calling for the abolition of the Portland joint terrorism taskforce. The pjttf is a dangerous collaboration of state and federal law enforcement reminiscent of the red squad and all the other forms of police power used to sabotage and disrupt the legal activities of muslims, the pro-palestinian community, socialists, feminist, unionists, civil rights activists, environmentalists, and anarchists. Since its inception, the pjttf has ravaged said the muslim middle eastern immigrant community of Portland with harassment, arrests, and imprisonment of its leadership and activists. The Portland seven were intimidated and pressured into confessions when they had committed no crime. They were subjected to the new mccartyism, the war on terrorism. Their treatment evokes disturbing memories of the dispicable house committee on unamerican activities, which ruined people's lives if, they had dissenting ideas about the u.s. Government, for they were only accused of these ideas. You must say no to the use of our tax money to hound and jail people based on their skin color, region, national origin and political belief system. Otherwise, you are as responsible for this mockery of justice as bush and his band of right wing pals with their unholy war against all that is not white, christian, and patriarchal. With Oregon's sad state of financial affairs, from the incredible shrinking school year to the growing disappearance of social services for the needy to the, to one of the nations highest unemployment rates, we could surely find better investments for the money being spent on the pjttf, almost a half a million dollars. The pjttf is closely tied to the federal anti-terrorism patriot act. Some of the impacts after patriot act, it undermines labor's right to organize and fight anti-immigrant attacks and other union-busting tactics by expanding the government's ability to detain noncitizens based on mere suspicion to, conduct telephone and

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internet surveillance and secret searches, and to define people engaged in political protest as domestic terrorists. This legislation is not at all in the spirit of life, liberty, and the pursuit of happiness. The very ideals it claims to protect. We urge you to show the bush administration that Portland will not be with the national campaign to roll back civil liberties. Vote yes for the resolution against the patriot act. Thank you.

Katz: Thank you.

Judith Boothby: Mayor, city council members. My name is judith. I am a concerned citizen. I live in southeast Portland, and this is my third year at these hearings. I am also a chiropractor. Many of the founding chiropractors were put in jail for practicing medicine without a license. Our country has a long history of resisting jail -- resisting change by jailing the leaders. I have grown up during the age of the standardization. I don't believe that police or the f.b.i. Know the difference between terrorism and brilliant leadership away from the status quo. This is a problem. We are in a time of world change. A modern industrial society got start when had there was slavery, abundant resources and women didn't have the vote. Our government's resistance of the changes necessary for the times is looking like a lot of energy going into the police, armies, and war. We need to change this. Security of our community depends on people with hope, love, and courage. Showing up in the midst of this current level of fear. Not the joint terrorism taskforce, period. You need to understand that our culture and government needs to evolve. The joint terrorism taskforce is yet another sign of the degeneration of our society. Show me you are leaders who can think for themselves and not just rubber stamping an edict from above. Certainly do not sign onto the joint terrorism taskforce at least without citizen oversight. If you don't say no up front, you are not going to get it, period. We have seen that already over the last two years. Thank you.

Katz: Go ahead.

Laurie King: Hello. My name is laurie king. I'm with jaws with justice, and thank you for giving me the opportunity to speak today. These are really difficult times for workers. Let me just say that jaws for justice is a coalition of labor unions and community groups we fight for workers' rights. These are very difficult times for workers. Real wages are being pushed down. People are being pushed out of health care. Millions of americans don't have any health care. Immigrant workers and other workers of color face a discrimination at work. Employers are fighting tooth and nail. Union organizing drives and collective bargaining. It's very difficult to form a union. Whether or not you agree with my brief assessment, you probably agree that workers and everyone should have the right to organize, to improve conditions for themselves and for their families. Terrorism is the new catchword as communism once was during the mccarthy period that is used to stifle the genuine struggle of workers and others. Let me remind you of one chilling example. The ill defined concept of terrorism and the police terrorism taskforce has already been used to stifle the struggle of people trying to form unions. Who are trying to improve lives for their families. A Portland labor leader at a union picket that was designed to inform workers about the union was called by a member of the Portland terrorism taskforce. He was warned that so-called terrorists were among the unions and the workers supporter at the picket line. Who were the terrorists this particular case they mentioned the group that was supposedly the terrorists. The terrorists are people who build support for union in mexico and central america by doing education in local unions. Those were the terrorists. The terrorists were people who bring labor leaders from mexico and central america to speak to people in the Portland community at universities and at union meetings. I can only imagine other such calls that have had the chilling effect of stifling actual real organizing that people are doing in order to improve their lives. I encourage to you listen to the testimony today, to the testimony you have heard before. And to have the courage to change your vote, to change the position you have taken before, and to stand up for, for the principles that we all learned in school are the basis of our country. Thank you.

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Cherie Holenstein: Cherie, Portland. This is the third year I have testified. I gave this speech two years ago. It still serves its purpose. The east side democratic club continues their opposition to the joint terrorism taskforce. How does one even begin to address his attack on civil rights? Edmond burks, 1780. Bad laws are the worst sort of tyranny, and this is a bad law. So, yeah, the members of the city council who will be investigated. The word "terrorism" has become equated with dissent, and that means unpatriotic. We are in danger of losing our language. Before you again vote, please read "trading with the enemy" and "day of deceit" the truth about pearl harbor. None of these responsible for such evil were investigated, but the folks here may fastball they continue reading such books. Some radio stations were told not to play the song "imagine." can you imagine every imagining that happening? But then 50 years ago the state department removed 40 books from our public libraries. The selected works of thomas jefferson's were removed. Imagine, thomas jefferson's works. Please read "the 50's." between 1947 to 1952, 6.6 million persons were investigated. Imagine. Many more investigations continue through the early 1960's. Read. It tells of the lives they destroyed by mccartyism. They scraped the reign of tyranny that swept over the years for 15 years. Over a decade ago I read a quotation where the governmental bodies were tempting to weaken the initiative. I read from "no ivory tower." this concerns the california ivory oath. "these nonsigners were among the most respected people in the faculty. None were communist. A significant number had fled from fascist europe. These people tried to warn their colleagues about the danger ahead. The germanborne medievalist was most graphic. It is the harmless oath that hooks. It hooks before it has been rendered bit by bit less harmless. In germany and italy, there are examples in connection with politically enforced oaths. Addressing the united states from july 3 of 1988, a u.s. Missile cruiser stationed in the persian gulf shot down the iranian airliner under the impression it was firing at a war plane. They killed 290 civilian passengers. Asked for a comment. Vice president gurgle says I will never apologize for the united states. I do not care what the facts are. March 2001, the article in "time," america is no mere international citizen. It is the most dominant power in the world. More dominant since rome. Accordingly america is in a position to reshape norms, alter expectations, create new realities. How? By unapologetic and implaqueable demonstration of wealth. This was six months before 9/11, I remind you.

Katz: Thank you. Your time is up. I appreciate it.

Holenstein: Just one quick point, depending on one's point of view, the joint terrorism taskforce is very effective. Two years ago this place was overflowing with people. They stood in the halls. Over 70 people testified. Took two days. The room is half filled today. Thank you.

Katz: Anybody else want to testify before we go ahead and do the other item on the agenda? Thank you. All right.

*******:** Good day. Thank you if you want to speak to you.

Katz: Do you want to identify yourself?

Malcolm J. Chaddock: I am malcolm. I am a recent transplant back into Oregon. My place of residence up until a couple of weeks ago is fresno, california. I am a member of, in good standing of fresno, and I sit here to tell you that these oversights need to be here. The oversights all these folks have spoken of need to be in place because even though the california state attorney general had instructed his police chiefs not to exceed the boundaries of the california constitution, this officer that, that was assigned to the jtff in fresno was instructed to monitor those meetings. The m.o.u. In place in fresno has not been available for review to the best of my knowledge, to this date, it's a brand new one down there. This dialogue is not really happened the way it's happening here, and i'm very pleased to see that I don't have anything concrete to add to what all these folks are saying, except to tell you that I know from my personal experience that this kind of oversight that has been spoken of here is absolutely vital. If this agency is to continue in this town. That's all I have to say. Thanks.

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Katz: Thanks. Go ahead.

*****: I think jane doe is next. Are you jane doe?

*****: I could be.

Mike Dee: Ok. Hello. I am mike dee. I'm at 133 northwest 6th avenue, Portland, Oregon, 97209. I am a volunteer with the organization opposing unnecessary emergency ordinances and the citizens against the inappropriate use of the Portland joint terrorism taskforce. I'm concerned, also, about, about, you know, when this, this joint terrorism taskforce started and when the, you know, the criminal intelligence unit, and the, the terrorism squad and all those fun things, when they started because it's kind of unclear. I'm disappointed that, that the exhibits a and b aren't available for everybody to look at here. I don't think that that's appropriate, and I am sure that that will be fixed in the future. We heard some testimony earlier about, about some of the work the Portland joint terrorism taskforce did involving the Portland seven, and yeah, that is a good example of work that they have done and it's a good example of potentially inappropriate work that they have done. If their goal is to prevent and disrupt acts of terrorism in Oregon, this sounds like something that was happening out of Oregon, potentially, out of the country, and so that's -- it looks more like people are being targeted more for their beliefs instead of what they are actually doing. We heard some talks -- we heard some, some mention of terrorism, having to do with, with arson, and some people consider that violence. Some consider it not being violent. That sounds like something that should be opened up for our community discussion.

Francesconi: Arson is violent, period.

Dee: Thank you. Thanks for your opinion. We heard about a ship that docked locally, and I would think that, that the united states coast guard and the agents and other people that are involved in the ship working industry could take care of that without help of the Portland joint terrorism taskforce. I appreciate commissioner erik Sten's questions about civilian oversight and I don't know if you are considered a civilian, mayor Katz, or not but you do hold a position of police commissioner, and so I don't know if that's -- it's, it's -- I appreciate you volunteering to do that. It sounds like we could use somebody else in that position, also. To oversee. Before september 11, i'm wonder what is that criminal intelligence unit did, and is it possible that maybe they are not covering those responsibilities now if they are concerned with this new Portland joint terrorism taskforce and whatever things that the terrorism supervisory special agents of the Portland f.b.i. Oversee that they do. I'm worried about, about -- I would also like to know what happened with our senators being involved, like ron wyden. I'm also concerned about the Oregon revised statutes 181-575 having to do with collecting files on people -- I will finish here. Ok. So, I guess that I would, I would ask at least one of you to pull this consent emergency ordinance off the agenda, open up dialogue and we can solve opportunities together as a community.

Katz: It's not on consent but thank you. Your time is up.

*****: Is it on -- is it emergency --

Katz: It's an emergency.

*****: I would ask you to pull it from the emergency ordinance.

Katz: Thank you.

*****: Mayor Katz, gentlemen, I am adrian martinez, also known as verified by the israeli government, governments of the world as the prophet, david's son. I have the solution to all these problems. As far as I can see, the president of the united states of america is afraid of me flying out that airport to australia, and if any of you taskforce people try to, try to refute this claim, i'm classified as paranoid schizophrenic, I just -- well, I ain't going to give -- I am classified as paranoid schizophrenic because that government, george, is afraid of me flying out that airport to australia. The israeli government, the, the company will verify that's who I am. I am. My jet is in that airport, a rapture happens, george w. Bush, the president of the united states of america is afraid of me flying out that airport to australia because this country will be destroyed. It is babylon

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reincarcerated, stated in the scripture. Try and lock me up, george. This country, this country will be destroyed. Chapter 18, the israeli government will verify I speak the truth. God bless you. I enjoy your recourse and power protecting me against his elements. God bless you, the rapture is imminent.

Katz: Thank you.

*****: More power to the people.

Deva: Hi, my name is dava. I wanted to bring up again the point that was made earlier about the case down in fresno where the jtff officer was infiltrating a peace group and the only reason that was found out was because of a freak accident where the officer was killed and his picture was subsequently seen. Otherwise, no one would know. It would never have been brought out. Here the same thing could be happening, and again, no one would know, and it would not be brought out. Now it's been mentioned today that, that the chief of police and mayor Katz may then have some top secret clearance to view the files. I have a couple questions. One, in obtaining that clearance, have you then relinquished the right to say anything about what you see there? In other words, are you no longer able to have any oversight because of the very clearance you have been given? Two, I honestly would have to say I don't trust you having, having an unbiased opinion about it because you're voting for it and you are also the police commissioner, and the chief of police is the chief of police, therefore, you are not in a position where you're out of the mix. You're already on one side of that team, so to speak, so there needs to be if, there's going to be any kind of meaningful oversight it, needs to be someone who hasn't -- isn't sitting there voting for it and working with it. In the first place. That's what I want to say.

Katz: Ok. Would some of you come on up because there was some issues. Mr. Jordan, come on up. All right. Did anybody hear anything that you need to feel strongly, strongly that needs to be corrected other than my history of my grandparents, which I won't get into now, but I will tell you personally.

*****: The point I raised --

Katz: Yes, thank you, thank you.

Immergut: Yes. Karen, again, from the u.s. Attorney's office. We have heard a lot about the expanded powers of the federal government and how we can investigate anyone we want and that we can investigate political and religious groups when there's absolutely no suspicion of criminal activity and that anyone can be labeled as a terrorist. If these allegations were true, I personally, as a citizen of this state, and citizen of the city would be very concerned. They simply are not true. Without getting into too much of the detail of the statutes that govern us, let me just say that a terrorism investigation cannot be initiated without evidence that a state or federal crime has been or is being committed. The attorney general's guidelines, which dictate both the conduct of the united states attorney's office as well as the f.b.i., does not -- do not allow investigation where there is no evidence of a crime being committed. In addition, the statutes governing the investigations that have been described here expressly prohibit investigating people based solely on their exercise of their first amendment rights. The definition of terrorism is, is statutorily defined, and it is not a broad definition. It is defined as conduct that violates federal and state criminal law or, or state criminal law and is dangerous to human life. That is, that is not the broad definition described. It's not taking hubcaps off cars. It is one that is dangerous to human life as well as committing some kind of a crime on the federal or state level. The law does not allow surveillance or searches of innocent persons. There must be circumstances that, that reasonably indicate that a crime of terrorism is being committed or has been committed. Not only is there supervision of the officers involved on the jtff by career prosecutors who are not politically appointed, but there's also supervision of various tools that are used under the statutes available by, by an independent judiciary as well as by congress. I can assure you my office will not allow the investigation of innocent persons solely based on their national origin, their exercise of religion, or their exercise of

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free speech. Prosecution of hate crimes or violations of federal civil rights is a priority for my office and we will vigorously prosecute those crimes. If there are any specific perceived abuses involved in the jtff, i'm sure that I speak for the, the f.b.i. Special agent in charge, mr. Jordan, chief foxworth, as well as myself that we would welcome any information of any such abuses. Thank you.

Katz: Let me just clear the deck for a second. Chief, did you hear anything that, that you needed to clarify?

Foxworth: I just had two things, mayor.

Katz: Ok. Grab the mike.

Foxworth: Derek foxworth, police chief, Portland police bureau. There have been a number of concerns raised this afternoon but there were two that I just really want to speak to, and that was to the oversight and to the resource allocation of the Portland police bureau officers and lieutenants and sergeants to the joint terrorism taskforce. Number one, in terms of the oversight, this additional step of having myself, the assistant chief and even you, mayor, will provide an extra set of eyes and ears that have not been there before in terms of being aware of the activities that our officers are involved in, the joint terrorism taskforce. I think that number two, it's also important that, that we are going to be looking at the resource allocation, the workload and reviewing that, especially in light of the other critical positions that need to be staffed and performed in a Portland police bureau.

We're going to be looking at that. And thirdly, if this is approved, it is our intent to have regular meetings with the members of the jtff, as well as you, mayor, if this is approved to have the ongoing discussion and be briefed on the activities that take place, and that we hope that these reviews and these actions that are planned will, to some degree, adequately address the concerns that citizens have expressed as well as those by the city council.

Katz: Ok.

Francesconi: Following up on your first point, chief, and I know that we have three new players here from when we were here before, but is this, and this question was asked by one of the citizens.

Is this a change in policy to allow the, the Portland police chief clearance or the mayor to have clearance, or is this just an, a different execution of the policy that we have always had?

Foxworth: It's my understanding that the security clearance was previously offered to, to the previous chief and, and the decision was made not to go forth at that time. It has since been offered to me and it is my intent to, to apply for the security clearance as well as that of the assistant chief.

Francesconi: You don't know because you weren't here, but if it -- could it have been offered to the mayor before, as well?

Jordan: Commissioner, i'm unaware as to if, if it had been offered to the mayor in the past, I wouldn't know that.

Francesconi: No, could it have been. Was there any policy? Mayors across the country, have other mayors had security clearance and have they had it a year ago or two years ago?

Jordan: Other officials in the role of a police commissioner.

Francesconi: Ok, that's better question.

Jordan: Yes.

Katz: But not necessarily mayors.

Francesconi: And that's been the standing policy?

Jordan: That's correct.

Francesconi: Ok.

Francesconi: I'm disappointed. I am not sure you were all here, but we did have the articles coming out. There was concern about oversight. I'm not blaming you folks, but I just am disappointed that, that it hadn't happened sooner, that's all.

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Leonard: Just to follow up on that. I am curious why that didn't happen. Does anybody here know why the mayor, does the mayor -- can the mayor speak to why you weren't given that clearance? That's news to me, as well.

Katz: I'm not sure that, that it was even, you know, available to me. Let me just clarify that when there is a suspicious activity going on, I am notified and the chief is notified. We know what we need to do with regard to the public safety and with regard to, to the use and the deployment of our officers. That was, itself, was a sensitive issue. Whether the mayor of the city has that information. If you recall, probably about a year to two years ago, most mayors didn't have that information, weren't even given that information. I was able to get that information. On cases that, that, that were occurring here in the city of Portland. The issue of, of total clearance was, was never even raised.

Leonard: Maybe i'm just a little confused here, but why wouldn't our involvement be contingent upon that? If the mayor oversees the police bureau, why wouldn't our involvement be contingent upon the mayor having the same access to information that Portland police officers are, are engaged in that would be no different from any other activity? Were there other activities, chief, that the mayor doesn't know about that the Portland police are involved in? [laughter]

Leonard: Now is the time. Lay it out.

Katz: Yeah, now is the time. [laughter]

Foxworth: Mr. Leonard you know, I don't know, I don't have the answer as to why or what took place in the past

Leonard: I am just asking, would it be inappropriate to have our, our relationship with the joint terrorism taskforce approved contingent upon the oversight of the mayor? Of the activities of the Portland police officers on that taskforce.

Foxworth: Well, I will --

Katz: Let's get to this. This is really the issue that I think has been testified and the questions that have come up. A, whether, whether the history of allowing -- it's not mayors but police commissioners. That's the reason that you were willing to offer that to me.

Jordan: I can tell you that there are police commissioners across the country who have been ordered the opportunity to apply for security clearance and have gotten it. There are occasions when, when police commissioners have been offered the same opportunity and declined to pursue it. When we had our discussion, it came up. I offered it.

Katz: No, you did. Now, let me push on the question with regard to our own city attorney. Is that that an offer that you can make? Is that something that you are able to make?

Jordan: No. I'm not able to make that offer.

Katz: Because?

Jordan: Because the distinction between the police commissioner, perhaps, and the city attorney might have to do with one's role as a sworn officer or, or a recognized law enforcement officer. I don't approve clearances. I don't want to mislead you on that. I don't approve them. It will be submitted back to our own office of general council who confers with the department of justice on that point. It's not just the passing, the passing of an application. It's the, the approval of the clearance and then it follows up with the need to know, so I don't want to mislead the council on that point, either. I don't issue those.

Leonard: So if -- just so I understand better because I have never had any exposure to this issue. Is an activity that the Portland police are involved in, implicitly a need-to-know for the mayor?

Jordan: Well, much of the activity of the joint terrorism taskforce is based, predicated on, on investigations that the foundation is information coming from classified sources. So you know, in order to be conversant in those cases, one must have security clearance.

Leonard: I am assuming that the mayor isn't privy or necessarily wants to know every activity that the Portland police bureau is involved in, obviously, for a number of reasons. That's not practical. I

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guess what i'm trying to get my arms around is if we had a system where the mayor had the right to be informed or asked questions of any activity that the Portland police bureau was involved in.

Jordan: Absolutely.

Leonard: As part of the taskforce. I guess that I am increasingly interested in insuring that there is a process that doesn't allow any activity that a Portland police officer involved in to be shielded from the mayor. Or whoever the commissioner in charge of the police bureau from knowing what are the employees are doing. Is that unreasonable?

Jordan: There's a percentage of the activity of the joint terrorism taskforce that lends itself to the briefing after public official with oversight over that, absolutely. That's happened in the past

Leonard: The next question is, how long does that clearance take to get once the mayor finally gets around to filling out her application?

Katz: Assuming it is accepted, commissioner Leonard. [laughter]

Leonard: Is it like a 30-day thing?

Jordan: I wouldn't want to offer an opinion on that. I don't know.

Katz: Let me say to the council there are a lot of issues that now all of you know about. That I happen to have been briefed on. It was classified. I don't know whether it was classified or not but I had to know because the officers were involved in that and the public safety was an issue.

Jordan: Mayor, I appreciate you saying that, because I know that to be so, but I have the authority and the discretion to brief you on things, you know, as they come up, and I don't want there to be any surprises.

Leonard: And I want to be clear. I appreciate that, and I have a lot of faith that the current team will always do the right thing, having said that. I'm also hearing that it is possible at some point to make a decision for whatever reason not to inform the mayor about something that may go on for a variety of reasons, and I think that that's where the angst is. Not that the activities that the cooperation is important. Obviously, it is, but I do think a point is made, for me anyway, that there should be the oversight by whoever the civilian commissioner in charge of the police bureau is of those activities of the Portland police bureau. Just as there is in your at this times to the president of the united states, at no time would it be appropriate for the president to say to you, what are you doing, and for you to say, I can't tell you. In our little world, if, if chief foxworth, whatever time, said to the mayor, you know in a similar question, I can't tell you, that's a breakdown, I think, of our system.

Jordan: If I can respond to that, i've heard some comments about, about no oversight by political leadership, but I can tell you, myself, as a veteran of having testified up on the hill, that, in fact, much of what the f.b.i. Does in this area is brief up to the senate intelligence committee of which we have an Oregon senator is a member of that committee. Our operations are briefed up and our, they are subject to review by the senate intelligence committee. The senate judiciary committee, the house appropriations committee, and a variety of other subcommittees, and not only are they briefed up but i, myself, have been in that role.

Leonard: Which is exactly my point. That is my point that you do have that oversight, and so my point being that at the local level, that same kind of oversight, although a different chain of command I think is appropriate, as well.

Katz: Let me add that when I have asked the question that you refer to, to either the chief of police or, or the head of the f.b.i., I received answers. There was never an answer I can't tell you.

Leonard: You have to have the question to ask.

Katz: I know the question to ask. It was the detail attached to that question

Leonard: I understand that. But I think that I am making a slightly different point related to what you are saying, but just a little different.

Sten: Commissioner, can I follow up on that? I want to, to preface these comments really in the vein of council discussion by saying that, that I want to compliment special agent Jordan. He's been

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completely different approach. He came and met with me, walked me through this. This is not something the past f.b.i. Was saying, and i'm not -- this is not your issue but it's my issue. The answer and maybe my recollection is wrong, but there are many people in the room from the f.b.i. Officials last year was that it was not possible to swear the mayor in because I asked that question directly on many different approaches, and I was not aware that chief kroeker declined the opportunity to be sworn in, so this to, me -- you know, my point doesn't to bang on this year but to says that step forward. I want to, part of what I think is a clear line that is getting a little murky in this discussion. There are two different issues in my mind that are both critical of civilian oversight. One is do the appropriate officials who don't have security clearance, because that's what we are talking about, get briefed when they need to be. And I think, and this is going to be one of the topics, it's not the patriot act but all has to do with the same approaches from the federal government. I believe that there's a pattern of holding things back, which makes the community less safe. I'm the fire commissioner under appointment from the mayor, and I never get any information on why it is that the fire bureau is supposed to swing into action. Not that I am the person to save it but it's just a pattern of not doing community policing from a federal level. I think it's reasonable and I do believe that special agent jordan has been taking that approach and making sure that the mayor, who is the appropriate person, knows when things are happening, and so for that, it's commensurable on its part. The other piece, which I think is getting swept into this but is a very different matter is that the f.b.i.'s work is appropriately overseen by the intelligence committees. The f.b.i.'s rules are different than the state of Oregon rules in which our police have testified today and have year after year. They work and under which they are, by law, have to work, so the concern on the ongoing civilian oversight, which I was worried about and have been worried about for years, is that there isn't anybody in a position to look at what our police officers are doing other than those officers who I do trust but we all know when you are right in the middle of something, it gets hard -- you need somebody to overlook what you are doing, and so I think that that's the role that i'm expecting chief foxworth to play, and that's what I think is the right role for the mayor to play once she has security clearance. I thought I heard commissioner leonard, and I would be interested in exploring it, a sense from you that maybe we should condition our -- at some date, because it will take a while, condition our continued involvement in that reasonable expectation that the police commissioner have that day-to-day ability to look at it from an Oregon law oversight point of view as opposed to a public safety point of view, which I think are the functions that are appropriate for the mayor to play in this case.

Leonard: You heard me correct.

Katz: Anybody to want comment?

Leonard: That's why I asked for the time frame, so that we did it in a way that allowed for a reasonable amount of time for that to occur, but that at some point it would occur. That the mayor, whoever that person was, had the-- I was going to say the ability but I guess I want to use the word the right to be on, again, I want to emphasize the activities of the Portland police on the taskforce, not necessarily the federal side, but the Portland police of which she is accountable, of which we are all accountable for their activities.

Foxworth: Commissioner leonard I can assure you that, the mayor is briefed on activities of all Portland police officers, and receives a regular briefing on various investigation. Oftentimes without her asking about, about what type of investigations --

Leonard: Let me ask you a question about that -- would that include some -- could that possibly -- is there an example of when a Portland police officer would be involved in an activity with a drug terrorism taskforce where the mayor had not had security clearance where he would not be throughout share with her some of those at this times? Is there a potential for that to occur?

Foxworth: I can't think of any. I think that we can always, and we have in the past, always, always been able to brief the mayor on the subject of the investigations, and provide a summary of what

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was taking place, but in terms of, such as sources of information, that, that detail level of information, it never got to, to the point where we needed to do that, but she's been briefed always on the investigation, itself. Been provided a summary and asked questions, and we have been able to answer those questions.

Leonard: Special agent jordan, can you envision a potential for that to exist?

Jordan: I agree with the chief's comments. I can't imagine that there's, you know, substantive activity on the part of a Portland person assigned to the jttf that, that the chief would not be in a position to brief the mayor.

Leonard: Would it be concern then to have our involvement contingent upon the mayor receiving those briefings? I guess the security clearance part might not be necessary. I'm not -- i'm getting that -- some mixed messages on that.

Francesconi: I think commissioner Sten is right. I think that the security clearance is important, and what i'd like to see, given the fact that public safety, and we have got the head of the f.b.i. Saying that I can't do my job without being part of this, I can't protect the citizens. You have the police chief saying we can't protect the citizens unless we participate in the joint terrorism taskforce. On the other hand, there should be oversights. What i'd like us to do is continue this. We can always sever it at any point any councilmember wants to bring it back. But in three months I hope the mayor and the police chief have their security clearance and you give us a briefing, specifically tell us, do you have it in three months. Meantime we continue to protect our citizens by participating. That's what I would propose.

Katz: Further questions? Ok. That will be on the stand

Leonard: So what her going to do what in three months?

Katz: It all depends how long it takes to fill out the form and how long it takes, maybe you could expedite it once the chiefs and my forms are filled out. Ok. But, I want all of you to understand that if there is something happening or if our officers are doing something that I need to know, I am told. And I have never been told we can't tell you. I would not tolerate that. For the very reasons all of you have made. Ok. Roll call.

Francesconi: You know, one of our, one of the witnesses here testified that, you know, unlike, I think it was sacramento or somewhere in california, a good dialogue was happening here. That was good because I don't think there is much. We need to protect our citizens. The reason the mayor -- the question was asked, why is the mayor and the police chief in favor of this. The reason is they understand as does the council and our citizens that public safety is essential and the way that, that you keep our citizens safe is you share information, but it's also true that there needs to be civilian oversight because that's one of the principles upon which our country was founded and I am surprised that, that it didn't happen sooner, but we can, we can do it now. Aye.

Leonard: Well, again, today I get to use my history degree again. The u.s. Constitution and its first 10 amendments, commonly known as the bill of rights, are not based on some esoteric theoretical concept, not based in reality. They were written and drafted based on real-life human experiences in western civilization, and, and so I think that it's -- you know, I am sensitive to the balance between protecting the rights of individuals to express themselves, to, to do the things that makes us uniquely americans but having said that, as mr. Socomoto pointed out, with all our safeguards, our system has failed and so we have to recognize that, and I do recognize that we're one horrific attack away from subrogating rights again with all the good intentions of protecting citizens. I understand all of that, but, but it's a balance that we really have to be vigilant about and try to care about, and I hope that, and I know that the police bureau, and I hope the, the f.b.i. And the federal government understands that, that for those of us that are up here, it's a struggle to try to maintain that balance, to do the things that we need to protect citizens from senseless ax of violence on the one hand, but on the other make that -- walk that tight rope that allows people to congregate, to protest, to have freedom of speech, and to feel secure in their homes while they are doing that

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without having, having somebody watching over their shoulder. It's a tough thing to find. I am assured by, you know, what we are talking about here today, and i, too, really appreciated special agent jordan coming in and talking with me at length about not only this issue but both of our experiences on, on september 11, 2001. That was very helpful for me to get that insight from him and his reaction, as well. I am comfortable -- I am comforted that, that this, this issue of civilian oversight will be addressed and worked out. I have a lot of faith in the police bureau that, that they are going to do the right thing, and, but as has been said before, trust by verify. We'll be back in three months and take a look and see where we are at then. Aye.

Saltzman: I think the, the discussion has been very good, and I think that special agent jordan's news about, about chief foxworth and the mayor being able to get security clearances and having -- fulfilling an important role, a civilian oversight wasn't present in the previous discussions of this agreement, and i'm -- I think, you know, there's always a balancing act that has to occur, but i'm comfortable with, with this discussion, and, and, you know, i'm not sure about, about making anything contingent upon anything. I don't want to envision scenarios where, you know, we may or may not get a security clearance, and I don't want to have to revisit that situation in council chambers, frankly, so i'm supporting this. [laughter]

Katz: Neither do i.

Saltzman: I am supporting this agreement for the next year. Aye.

Leonard: There is that possibility, I suppose.

Saltzman: Yeah, there is.

Sten: Well, special agent jordan, thanks. This, this continues to be difficult, I know for me. There's quite a few things that are true, and in my mind, that's all I can speak, for and they continue to be contradictory. I think we need as a community to work with the federal agents. I do believe that there are terrorist issues that are there, and I know that all of the misuses of that word out there, so I almost hesitate to use it, but that is, that is what we are talking about. I also think that it's absolutely crystal clear to anyone who is willing to look at it that both our police bureau and the f.b.i. Have a long record of abusing surveillance tactics and that we have both locally and nationally done surveillance on people who, for strictly political beliefs with devastating consequences, sometimes as much as the life of the people involved. I don't think -- i'm not in disagreement with commissioner leonard because I don't think he meant to say this in the way that I am turning it, but I don't think a there is a tight rope at all. I think it's a crystal clear line that ought to be built in absolute cement, steel, whatever you want to be. We should have no law enforcement agencies surveilling people for political beliefs, for their race or any of the other issues. It should only be with proper oversight of judges, prosecutors, and we're going to talk about this on the patriot act. I think there has been a systemic effort by, by attorney general ashcroft and the bush administration to use our legitimate fear of terrorist acts on the soil, which I think, you know, if people, it's, it's hard for me to see how people, and I am not saying that everybody here is doing this, but that's an issue that people should be worried about. That legitimate fear has been used to erode civil rights in my opinion. I find myself looking at this thing and saying, gosh, this is a tough situation, because I think that Portland is less safe if we do not work with the f.b.i.. I also believe, and this, I know i'm not in agreement with some of my friends on, but I have enough history in talking and work with some of the key members that are taking part in these issues that I actually, in my heart, believe that, that the chance of abuse is somewhat, i'm not saying it's safe, and that's why this makes me so uncomfortable, smaller with the police in the room than with the police out of the room because the f.b.i. Is going to be in Portland doing this kind of work, whether the city of Portland participates or not, and that's a key piece that i've always been very uncomfortable with and lost quite a few nights of sleep over, felt that I would rather our people were there. I feel better this year, although I don't feel quite good, I think that this lacks, and I will get to that in a second, one key piece that I don't see any substantive reason couldn't be there. I don't believe that special

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agent Jordan can do it because he doesn't write the laws. Congress writes the laws. I'll get back to that, but the reason that I feel better this year is two reasons -- one, we have a new police chief, who I think is paying better attention to these issues. It shocked me to find out that Chief Kroeker decided not to go for the security clearance. That's a factual matter, and it really gives me some pause in the way that, that we were approaching it last year versus the way the new chief is approaching this. I think it is very heartening, and I want to say to people who are activists and have done good work, in my opinion, important work to try and hold the police accountable, to try and build new types of system. Chief-of-chief who is taking a proactive approach, and I want you to work with him in this next year. He may not be able to do all the things. May not want to do the things you want, but you have a very different approach coming from our new chief, and I want to recognize that and urge people to try and build what was a different flat form that the chief put forward today. Also, of course, a huge difference to me is the ability to get the mayors, not, not briefed on issues of imminent danger because I think that happened. I would never say the f.b.i. Hasn't come to the mayor. It's being able to understand what the day-to-day workings of the taskforce are. We do have a mayor who does have a history of lots of issues that would make her sensitive to these things, and I believe very strongly and have faith in our mayor that if she has access to the files, I am confident that she will not stand for political spying, which is the issue that people are talking about. That being said, I don't see any rational reason, and this is one of the things that I think we will be talking about in the next vote, why the system would be set up from the top down that the city couldn't have a city attorney who is there to look out for Oregon law, review the files once a year. Our criminal investigative units files, and this took a lot of work on the council's files, are reviewed yearly by a city attorney who is sworn to secrecy, and the notion that we can't have -- I'm not talking about even having me in it. Forget me. [laughter]

Sten: I'm talking about having a couple of small, you know, an attorney, a mayor, a chief of police able to overlook these things on a systemic way will ultimately make us more safe, and it's an area that I think that we have to keep pushing and demanding from the federal government because the flaw in the federal government strategy right now, although I do support and continue to work with the f.b.i. For the reasons I laid out because I think that we are better off doing it than not doing it, not because I think it's a perfect situation, is the notion is that we will all be safer if we don't have -- if we just trust these, these approaches and if we don't have the civil rights, and in fact, I think we will all be safer if we are confident that there's proper oversight going and that there are checks and balances in the systems whether we are the individuals seeing them or not, and we can spend our time on things that are more constructive and possibly helping to keep the country safer rather than worrying about what's going on, so I think that the federal government's approach is far too secretive, and I think it's counterproductive to making this country safe. That being said, and I apologize for being long-winded, but this is something I thought a lot about and continue to be troubled about and I am going to vote aye

Moore: Katz.

Katz: Thank you. This has been a good discussion on the issue. I wish that our city attorney would be able to be cleared for the information, and we'll push. I know that you can't say anything right now, and maybe the rules don't allow it, but I need to tell you the day that I was told about the bridge threats, the suspension bridge threats, the mayor, one of those cities, had no clue what was going on, and nobody warned them. There was a hue and outcry among mayors around this country, is that the department of justice was not telling the mayors what was happening around the country and what threats each of those communities might have had. That has changed because when I found that out, we pushed very hard in my office to have Charlie come and share that kind of information with me, and he did. I don't know if other mayors around the country, even mayors who are not police commissioners are getting access to the information. Chief Kroeker, Chief Moose, and now Chief Foxworth have never held anything back that I know of, and so we'll keep

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pushing. We have the city attorney is able to look at the criminal intelligence files. It's several times a year. You wanted it more often rather than less often, and he's doing that on a regular basis, and we'll push the department of justice to allow at least the city attorneys to do that, as well, and you have my commitment on, on that score. So, thank you, everybody, that was good discussion. I vote aye. All right. Item 1283.

Item 1283.

Katz: Before I turn it to commissioner Saltzman, he has a presentation, a brief one. This issue was floating around the city hall, and I know a lot of organizations and a lot of citizens had written to commissioner Sten and to commissioner Saltzman and to myself and everybody here about the patriot act. I went and did a little research and realized that, that the, the senate in the Oregon legislature with, with sponsors that, that were from both sides of the political parties and both sides of the political spectrum identified themselves as sponsors and voted for, for the senate resolution on the patriot act. At that point, commissioner Saltzman said that he would like to craft a resolution and he did so, and that's before us, and I will turn it over to him.

Saltzman: Thank you, madam mayor and members of the council. I am proud to bring forth a resolution that calls congress to fix the u.s.a. Patriot act and I will start by, as the mayor just said, i'm not somebody who is not an expert on these issues. I count myself as an average person who has become increasingly aware of many of the concerns around the patriot act. I know that the a.c.l.U, I will not put words in their mouth. They will be up here, but I think that they believe that the patriot act threatens our most basic civil liberties. On the other hand, the u.s. Attorney's office certainly the attorney general ashcroft has been crisscrossing the country claiming that the act is modest and incremental changes to existing laws. I think the truth lies somewhere in between. It's in that spirit that this resolution is not a blanket condemnation of the patriot act. As challenge to congress to fix the act. As the previous discussion on the terrorism taskforce has shown, we're taking this action to continue Portland's long history of supporting civil liberties, diversity and fairness in the application of the laws. There is no doubt that the war on terrorism is critical to our survival and federal, state, and local governments must have the tools at their disposal to combat terrorism. I am a strong advocate for security planning efforts and law enforcement. However, we cannot compromise our freedoms in the name of fighting terrorism. We need to strike a balance that protects both our security and our freedom. I personally support certain elements of the patriot act, especially those that do allow law enforcement and intelligence agencies to more easily share information. And coordinate their efforts, and nothing in our resolution takes away from the previous support we just suppressed for the joint -- express for the joint terrorism taskforce. But, it has become clear to me and many others that there are provisions of the patriot act that clearly go too far. Some of those provisions include indefinite attentions of noncitizens, the sneak and peek provisions which allow search warrants to be issued and searches to take place with no notice to the person being searched until afterwards. Potentially much, much after the fact. Allowing government searches of information held by third parties, such as libraries, bookstores, video stores, without the knowledge of the person whose records are being searched, reducing judicial oversight of searches to really rubber stamps. And finally, defining domestic terrorism so broadly it can be used against domestic political protesters. I think it's also become clear that people all around the country, as I said, I approached this as an average person, are becoming increasingly concerned that the patriot act provides the government with too much power. This growing climate of fear, itself, I believe, undermines our national unity and resolve in the fight against terrorism. We can be safe without being afraid of our government. By passing this resolution we are calling on our leaders in Washington to revise the patriot act by narrowly tayloring it so that it provides law enforcement with the tools it actually needs to fight international terrorism about protecting the rights that are the heart of our democracy. Now, some may say that this is not the city's business. Clearly, I disagree in bringing this resolution forward. The activities authorized by the patriot act occur in every

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Portland neighborhood and is rightly the concern of every citizen in the city and of the city council.

This is the right time to be discussing this. I think that the future of the patriot act is very much in play right now. As I said, the attorney general has concluded a three or four week publicity tour to promote the patriot act. Congress, both parties, conservative liberals alike are considering a number of changes to the patriot act. The president is reportedly considering watching an expanded second patriot act. , so the time is right now for all concerned citizens to make their voices heard, and that's what we are doing today. Before we begin the public testimony, I want to take a note to thank the Portland bill of rights' defense committee for working long and hard to bring this information and bring this issue to our attention. I know this resolution does not contain everything the bill of rights' defense committee was hoping for but I want to thank them and appearing their hard work.

Katz: Thank you, commissioner Saltzman. All right, let's begin.

Moore: Come up three at a time.

Katz: Rabbi, why don't you come and take the chair and testify first.

*******:** Mayor, commissioners I have always considered myself --

Katz: Identify yourself for the record.

Rabbi Emanuel Rose, Congregation Beth Israel: Rabbi emanuel rose, Portland. I've always considered myself to be a nonflag waving nationalist or patriot. Those who know me and my work through the years have heard me say that many times. Because I do believe that this country is unique in the history of nations. There's never been anything like this country. I laugh at people who hold up some european as models for us there's no nation in the world that can be a model for us. In light of that when things have happened through the years, that I have felt have endangered us, I have felt free to speak out because that's the kind of country that we live in that's the country I want to, to continue to see it to be. Unfortunately, there have been times in our history which have been alluded to before in both political parties. Whether it was the roosevelt administration with the camps and ironically, there were, there were time limits on jews came from. They couldn't leave their homes here after 5:00 p.m. There have been the alien eviction acts, there's been mccarthyism, there have been all kinds of excesses, and we just, in order to maintain the greatness of our country, have to keep these things in mind. Keep us on track. Unfortunately we're living in a dangerous time. Terrorism is real. I think that, that it is, it is, it is as supreme to ignore the reality of terrorism as it is to, to destroy the civil rights in this country. That's the problem that there is so much polarization today, that there's hardly ever any intelligent discussion any more. I understand in the united states senate, there isn't that sense of collegiality any more where people can disagree on the floor of the senate and then go out and have dinner together. That has been diminishing that you these last years. How many, I don't know. But, that sense of being able to work together and come to common conclusions because of these, the, the ideal, and perhaps it's on both sides, and this is a tremendous danger for our country. The patriot act is one of the worst examples that I can give you of that because even the name "patriot act" was a very calculated thing. If you don't support the patriot act, what's the result? That means you are not a patriot. And the intimidation went through both parties.

Katz: Excuse me. Will council allow a little extra time? I will make it fast now.

Katz: Ok.

Rose: And there are things in that act that, that must be changed, despite the reality of terrorism. And I think that that's statement that, that says the prudent keeps silent at such a time for it is an evil time. And I think that if our city council points out to our community, this is why it's relevant for you to vote on it, when our, our city council votes on, on the problems that exist with this law, it is saying to an entire city that, that already feels intimidated on -- on the mass level, yeah, there are problems with this act, and it's ok to talk about them and it's ok to, to see to it that we eliminate those abuses of civil liberties. So, I would strongly urge you in the most balanced way to give our citizens a sense of their right to object to certain of the civil liberties abuses that take place today

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and now when I have to be afraid that my words are going to end up in an attorney general's office, and i'm sure they are, because that's what's going on, we've got to indicate that we, as a city, reject these kinds of abuses of our civil liberties, and thank you for the extra time.

Katz: Thank you, rabbi. All right.

Kaelin Bowers, Portland Bill of Rights Defense Committee: Good afternoon. Mayor Katz and commissioners. My name is kaylin bowers, and i'm testifying on behalf of the Portland bill of rights' defense committee. The Portland bill of rights' defense committee has pressed for passage of a resolution for somewhere around a year. We are delighted you are considering it today. We thank commissioner Saltzman for working with our draft and making it a council draft. That's great. As of yesterday, approximately 200 communities across the country have passed such a resolution, and they passed about one per day. Despite ashcroft's trip. This has been the result of a grassroots effort that has national recognition. Hundreds of, of jurisdictions including new york city are working to pass resolutions. New york city should happen to. By passing this resolution, Portland would be taking a stand for civil liberties, guaranteed by the bill of rights. It is the place, right, and patriotic duty of both local and state governments to defend the constitution. The Portland bill of rights' defense committee collected over 4,700 signatures from people who are asking you to do just this, and here they are.

Katz: Thank you. Why don't you hand it over to the clerk. We'll keep it in the file in the archives. Thank you.

Bowers: Many groups, both conservative and liberal agree that, that the immutable and defining characteristic of our nation is freedom. We cannot allow our anger, our fear, our hunger for safety to blind us to the consequences of our nation's response to attacks. If we allow the interests of national security to take away our privacy, our freedom of speech and our right to dissent, we surrender the very essence of what makes the united states special and free. People in this country are afraid. They are not afraid of the tax. Rather, of the federal government. People's lives are disrupted. They are detained without charges and judicial review. They are detained in horrible conditions, and in some cases people are deported because they don't have the right paperwork. People are afraid to speak out. I could spend a lot of time talking about what has already happened with the patriot act and executive orders. On behalf of the Portland bill of rights' defense committee I attended the national bill of rights' committee conference in Washington, d.c., and the plane on my return trip I had the opportunity to sit next to an arab american woman and her son. She had been a citizen for 20 years. I watched people stare at her with disgust as she approached the gate at the airport. During our three-hour discussion on the plane she told me that is people in her arab-american community disappeared. Some had minor problems with paperwork from years ago. They went to the government to straighten out the paperwork and they disappeared. She told me how fearful that she is of the government and how this has impacted her and her children's life in just about every way on a daily basis. I urge you to be part of this effort and to pass the resolution, thank you.

David Fidanque, ACLU Oregon: Thank you. Madam mayor and members of the council. We greatly appreciate commissioner Saltzman's leadership in bringing this resolution to you today. We strongly urge you to, to join other --

Katz: Identify yourself.

Fidanque: David, executive director of a.c.l.u Oregon. We urge you to approve this unanimously and being, being passed out to you now are, are a clu, "keep america safe and free" buttons and envelopes if you care to take the plunge after speaking out so eloquently this afternoon in search of greater oversight of counter terrorism activities. I wanted to just briefly share a couple of facts with you about, about the u.s.a. Patriot act. As rabbi rose mentioned, it is the patriot act is anachronism, and what it stance for is uniting and strenthening america by providing appropriate tools required to intercept and obstruct terrorism acts of 2001. Now, somebody very creative in the justice

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department came up with that acronym but I think you all know why they spent the time doing that. It was so that it would be more difficult for any member of congress to question the details of what was in that 34 it-page bill when it reached the floor of the senate and the house. I think we in Oregon can be proud that, that three members of our house delegation were among the 66 who stood up at the time and said that this was being rushed through congress and needed more, more review before action was taken, and that, that senator wyden, who voted for the act, when it was put before him in the senate, is now among the leaders calling for, for making changes to the act. As the resolution before you notes, is a chief sponsor along with republican senator lisa mercowsk of 1652. Or others to reform the patriot act in the excesses of attorney general john ashcroft and other members of the bush administration. We want to, to emphasize to you that, that the passage of this resolution is part of a nation-wide effort that is having a tremendous impact in congress. When the first resolutions were passed, a little more than a year ago, there was no -- very few in congress who were even willing to ask tough questions of the justice department. Now the judiciary committees are holding regular oversight hearings and we believe the chance for above she goes much better. Thank you.

Katz: Ok. Let's start. Go ahead.

George Katagiri, Japanese-American Citizens' League: Mayor Katz, and members of the council. My name is george, and I am representing the Portland chapter of the japanese-american citizens' league. 61 years ago, about 3,000 persons of the japanese ancestry were uprooted and removed from the city of Portland and incarcerated into camps. During this process, many homes were invaded and searched without warrants, and individuals were, were arrested and taken away with no explanation and without due process of law. In the final analysis, all persons of japanese ancestry were, were required to close businesses and homes and report to crude detention facilities simply because they were of japanese ancestry. The episode in Portland's history was brought about by law enforcement agencies and executive order 90066. It is arbitrarily designated the entire west coast as a military zone and ordered all persons of japanese ancestry to be evacuated. At that time, no one in a leadership role came forth to question or protest the, the injustices that were being imposed on our ethnic group. In 1980, congress authorized a commission to study the treatment of japanese americans during world war ii. After an exhaustive study, the commission identified the reasons for the mass to be war hysteria, racial prejudice and the lack of political leadership. The conclusions and recommendations of this report were incorporated into the civil liberties' act of 1988. It is alarming to the japanese-american community to find that in 2003, the federal government's response, once again, seems to be based on the premise our constitution and bill of rights can be suspended in the name of, of providing greater security. That path did not work during world war ii, and it will not work in the 21st century. In contrast in 1942, when almost no one objected to our treatment, we are pleased to see the political leadership of this city stand up and question those portions of the recent legislation that may infringe on the constitution, constitutional and civil rights of the citizens. The japanese-american community of Portland applauds and hardly supports the efforts of the city of Portland to amend those portions of the patriot act that can infringe on the constitutional and civil rights of the citizens as guaranteed by the united states and state constitutions.

Katz: Thank you.

Lyn-Marie Crider, Oregon AFL-CIO and NW Oregon Labor Council: Mayor Katz, members of the council, my name is lynn marie crider, I am a research director for the Oregon afl-cio. I come before you this afternoon on behalf of both the Oregon afl-cio and the northwest Oregon labor council. To ask that, that the council adopt the proposed resolution. On the u.s.a. Patriot act. Over the last several years union members and our leaders have become increasingly concerned as laws protecting individual rights of citizens and residents of this country. Are infringed in the name of public safety and wore on terrorism. We believe that conscious skilled law enforcement officers

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can and will deal with the threat of terrorism without engaging in activities that threaten individual freedom, and that put at risk political groups and trade unions who engage in public activities. We are dealing with national leaders who are willing to use terror in the world to justify a set of powers that are themselves terrifying in the extent to which they give unchecked authority to federal law enforcement and particularly to the attorney general. As labor unions, we are particularly sensitive to the federal governments overreaching because we are victims of the administration's insistence that to protect the public from terrorism, they must deny the right to organize unions. And bargain collectively to a host of federal workers and must, in addition, junk the civil service system as applied to hundreds of thousands of employees. Of the department of homeland security. And the department of defense, so yes, we are sensitive. To government overreaching in the name of national security. We believe that the u.s.a. Patriot act must be allowed to sunset in accordance with the terms for a number of reasons. Including that it defines domestic terrorists, and we have outlined that in written testimony and in a resolution that was adopted unanimously by our convention two months ago. I have given that to you, but a couple of the key concerns that we have relate to the definition of domestic terrorist organizations. A definition that is so broad as to sweep in unions that engage in acts of civil disobedience in connection with strike activity. And hence, subjects our noncitizen members to deportation and to the exclusion of their families from this country. We are concerned that the act allows the attorney general to designate terrorist organizations and puts the burden on the individual to prove otherwise the 48th annual convention of the Oregon afl-cio unanimously adopted a resolution calling on our congressional delegation to do much the same as the resolution before you today does. Thank you. I'm sorry. I didn't realize that I was being asked to stop.

Katz: Thank you.

Jon Scop, American Immigration Lawyer's Association: Mayor Katz, members of the council, my name is jonathan scop. I'm a resident of north Portland. After spending seven years as the program manager and attorney at catholic charities immigration services, i'm an immigration attorney in private practice. Today I speak on behalf of the Oregon chapter of the american immigration lawyers' association. I'd like to commend the council for considering this resolution expressing our concerns for the erosion of civil liberties under the u.s.a. Patriot act and strongly urge the resolutions unanimous passage. I'd like to address some of the special ways the patriot act affects the lives of one group of residents, in particular. Our tens of thousands of immigrants and refugees. Some of these people would be addressing you personally today, but they are frightened, too frightened to speak their minds publicly in today's climate of fear. Over the years, I represented many seekers who sought refuge when, in what they believed to be the land of the free. Many fled brutal regimes where the ideological whims of a dictator or those of a powerful group of leaders could mean arbitrary imprisonment without trial, torture and death where the rule of lament nothing. What have they found here? They have found, among other things, the u.s.a. Patriot act. An act which tells an immigrant, go ahead. You can give a little of your hard earned identify a charitable or religious organization, to build a clinic to, build a day care center, but if later the attorney general decides that you should have known that your money was supporting what he decides is terrorism, even if he decides the group, itself, is not a terrorist organization, you can be deported. An act, which says the attorney general can certify you, an immigrant, to be a terrorist despite any evidence that you are and can lock you up. Even after a fair presentation of the evidence, immigration judge and a federal court grant you relief from deportation, which, of course, is not available to terrorists, the attorney general may decide that you need to be locked up indefinitely. An act which allows the state department to share sensitive, confidential information regarding its mere suspicions that you are a terrorist with any foreign government, including your own. A government to which you can then be deported to let it have its way with you. Recently, i've had more than one client after being granted lawful permanent residence and even u.s. Citizenship shyly asking about what it would

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take to immigrate to canada. They are beginning to wonder if this was the country they put their life on the line to come to, the country in which they heard they could speak freely. I urge you to join the growing number of voices throughout our nation speaking up and saying the erosion of the bill of rights has gone too far. Thank you.

Katz: Thank you.

Katz: Go ahead.

Chris Gates: Good afternoon commissioners and mayor Katz. I appreciate the opportunity to be here, to be, to speak before you right now. My name is chris gates. I live here in Portland, and I am with the first unitarian church peace action group. I support the proposed resolution because I care about my rights as an american and the future of my children. I am aware of the sacrifices made by members of my family as I sit up for the homeland and I thank them for what they have done in the name of their loved ones. I believe that certain provisions of the u.s.a. Patriot act are needlessly curtailing natural rights that I have as an american citizen. I understand that the upa intends to protect my family and i, but I believe that these provisions and disputes today do not bring an increase in national security. In fact, they undermine the national treasure of an open society that we all hold. I don't think that something like the u.p.a. Section 8 it is what my relatives had in mind when they were being shipped overseas. -- 80 it. Section 218 will leave my descendants cold and wondering where the justice system is heading. And then section 215 giving dangerous power to the f.b.i. To obtain just about any record of just about anybody for just about any reason. I sincerely doubt those in my family who suffered life in him in defense of my country would allow this to come to pass. They may ask where were you when this was happening? Are we going to stand by where radicals within our own government act on their own extreme agenda are, or are we going to stand up as other heroic citizens have before us and let these individuals know, loud and clear, that, that they are not doing their duty. It's clear to me that we owe it to our forefathers and mothers that these radical elements be struck out of the u.p.a. Now. We need to act now and let our fellow citizens know that Portland, Oregon, does not stand by when its citizens' rights are threatened. We owe it to this great nation, to the justice and democracy, so that we can, we can continue making america the best that it can be. We owe it to ourselves and our children. Thank you.

Katz: Go ahead.

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

Katz: Grab the mike?

Carl Roberts: Again, my name is carl roberts. There's a term said when the constitution was being thought up, give me liberty or give me death. There's a limit to what a corrupt government will do for all its citizens. It's generally got constituents that, that pay for the power that an individual does govern. I'm talking about the homeless. I'm talking about the immigrants that come over from overseas, whether it be religious, ethnic, cultural, or if it's somebody that, that is evading a country because of their persecution. People of the united states were allowed to evade that persecution because of the constitution of the united states being mandated, and we have, we have a job as individual citizens of the united states to not sit back and sip on a fine wine or sit in your backyard or take care of nonimportant things to your communities. I'm not trying to pick any individuals at this time. I'm just using examples. Just happen to be there, i'm sorry.

Francesconi: Just happened to be looking at me, too? [laughter]

Roberts: What it is, is crossing class lines. Understanding each other. This new guideline that our administration tops put forward in a new patriot act is unjust, it's unconstitutional, and it's in the agenda of these said administration. It should not be there. And I feel myself as a veteran of the united states and a citizen of the united states, which I consider myself a patriot. If it's not broken, don't fix it. Just keep our existing rights. Thank you. All right. Grab the mike.

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Jeff Cawley (speaking for Ron Braithwaite): Mayor Katz, members of the council, my name is jeff cawley. Ron apparently is not back from jury duty yet. I am on the peace and social concerns committee along with him, of the bridge city quaker meeting. We are, obviously, in support of the proposal you have. I would like to read into the record the minute we have from the sense of meeting of our group. The members and attenders of bridge city preparative meeting of the religious society of friends as quakers, affirm our belief in the testimony of the community, equality, simplicity, integrity and peace. These testimonies enable all people to open their minds, their hearts and minds to recognize that of god within he have other and to thereby bear witness on the human rights of all individuals. This country was founded by individuals who sought a country in which to live, that protected the civil liberties of its citizens and provided for their protection in the pursuit of life, liberty, and religious freedom. Congressional representatives under pressure hastily passed the uniting and strengthening america by providing appropriate tools required to intercept and obstruct terrorism act of 2001. The u.s.a. Patriot act. We believe this act has eroded the civil liberties of our citizens. Destabilizing the balance of powers between the branches of our government and remove much of the constitutional oversight mandated for the protection of our citizens. Some representatives are now taking steps to further curtail the rights of american citizens with the domestic security enhancement act of 2003, commonly known as the patriot act, too, in addressing these concerns we looked to the advice of our elders in the words of robert barkley, that no man by virtue of any power or principality he had from the government of this world, have power over the consciousness of men. The words of william penn, the temperance I plead for is not only religiously but politically good. We cannot but loudly call upon the generality of the times and testify both our life and doctrine against abuses if possibly any maybe weaned from their folly. And finally, in the words of thomas murton, we do not have to create a conscience for ourselves. We are born with one. No matter how much we may ignore it, we cannot silence its insistent demand we do as good avoid evil. With the passage of the u.s.a. Patriot act, a climate of fear and distrust has swept through our government putting it at odds with the citizens it is here to represent. We must look past the hysteria that has enabled the u.s.a. Patriot act and move forward with wisdom and a spirit of peace. We feel at all levels of our government must now take steps to restore fully the first amendment rights afforded by our constitution and to protect the rights of all individuals throughout our country. We cannot redress violence with injustice. I'd like to close to say that we urge our elected officials at all levels to repeal the u.s. Patriot act and to fully investigate, question, and explore alternatives to any subsequent acts proposed. Thank you.

Paul Maresh: My name is paul. I live in the city of Portland. I want to thank you all for considering this resolution today. I would like to express a couple concerns about the resolution, however. Especially in light of the testimony we heard on the previous matter before you. I would feel much better about this resolution if under thereafter 2, affirming that, that the, the fight against terrorism must not be waged at the expense of essential rights, etc. If there was language in there that said direct Portland police bureau, not to expand any funds, it would compromise citizens, Oregon citizens rights under o.r.s.-181, and then point whatever is appropriate. By the same tone, number four, paragraph four, strong the support the first amendment right of public demonstrations, vigils, protests, etc. I would, I would -- to my mind it would be much better if there was language in there directing the police bureau not to expand any funds. It would be violating people's rights under the Oregon state constitution. I think it would be totally appropriate since the police bureau supposedly is operating under an injunction against doing that presently. It would reaffirm to people the people's rights under our constitution, which was, which was brought forth 100 years after, after the united states constitution and those, those provisions were put in there specifically because people saw what had happened before and did not want to see it happen again. Thank you.

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Lili Mandel: Lili mandel, hi. Ashcroft's patriot act is designed to erode liberty for which we are supposedly fighting. Anyone not agreeing with his definition of patriotism can be called upon to appear in fund another coffee-type hearing. My voicing these beliefs right here will assure me by being dragged, kicking and screaming in front of a witch-hunting committee. Ashcroft must be reined in, not allowed to reign us. Thank you.

Irwin Mandel: Good afternoon or almost good evening. Irwin mandel, I live in southwest park avenue. A lot of very intelligent, and other things said today, are con -- I will confine my words to 18 words. They are not my own words. They are a quote from benjamin franklin. They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety. Thank you.

Katz: Ok.

Marcus Thomas: My name is marcus thomas, and i'm representing amnesty international. I need to identify the organization. Amnesty international is the international human rights' organization has approximately 1916 paying households in the city limits. Has hundreds of thousands of members in the united states, and it has won the nobel peace prize for its work in human rights. Embassy international -- amnesty international fully supports commissioner Saltzman's resolution. It is an excellent resolution, consists of a moderate resolution. When -- I sent a draft copy to the amnesty office in Washington, d.c., it has been mentioned before that over 200 communities have, have already voted on this resolution. They consider it one of the best written resolutions that they had seen. I think that one of the reasons that they -- besides the compliments with, with -- I want to say that, that I think one of the, one of the reasons they thought it was one of the best resolutions because there's a whole larger message that's going out across the country, and I think that this resolution fits very well into it. The attorney ashcroft has said that americans cared more about security than they do about civil liberties. Everybody cares about security but I think a majority of the american population really cares about civil liberties, and I think if we get a broad cross-section of the united states, I mean, we had quite a few places. Somebody mentioned Oregon senate, lane county, the alaska state legislature, if you get a broad consensus across the united states, all geographical, social, political areas, I think that this will be a message that john ashcroft and congress and president bush will have to listen to, and again, we think it's a very excellent resolution. Few other things I say, you know, amnesty international rarely involves itself in local issues. It had to be a very compelling issue for me to come down here and talk about this. We really think that there's been a radical loss of human rights in the united states after september 11, 2001, and the patriot resolution -- patriot act. Anyway, I will give a quick, just a quick example is, is the laws of habeas corpus. Whatever criticism amnesty had about the human rights and civil rights in the united states, prior to september 11 and the patriot act, we always believed every american citizen or noncitizen would have the right of habeas corpus. This is one of the most fundamental rights. It dates back a thousand years in the english, legal system. You really can't have a democratic legal system without having it. With the passage of the u.s.a. Patriot act, a claim of fear and distrust has swept through the government putting us, it at odds with many of the citizens here. We feel that all levels of our government must now take steps to restore full first amendment rights afforded by our constitution to protect the rights of all individuals throughout our country. Justice cannot stop violence. Congress hastily passed the patriot act. We believe that, that this act has eroded civil liberties, our citizens, destabilized balancing powers between the branches of our government, removed the, the constitutional oversight mandated for the protection of our citizens. Since this act -- since, since 9-11 and the patriot act, what happened? We have targeted a whole group based on ethnicity and religious belief. We have arrested people without warrant. We have held without charge habeas corpus. We have kept the arrests secret. Relatives have not been able to find them. We have moved people secretly from one place to another so nobody even knows where they are. They have no access to lawyers at many times. When everybody from,

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from an ethnic group is questioned and there is some minor infractions, they are reported where no other group or general population is treated the same way. We have libraries that can be searched and financial records. We have surveillance of peace and other dissident groups. We have to trust in our laws that we have used and been well honed although not perfect. The separation of powers is very important, and we must be especially aware of judicial review. Arrest the person by racial, religious profiling has been brought down with arrests of blacks on highways, but has, has been, has been allowed under the patriot act. Habeas corpus has been consistently denied. They can be arrested with no charges whatsoever. Unlawful detainment. Judicial approval for searches, wire taps and records have, has not been -- this is one of, one of our, our genuine rights that we have always observed. The right to, for due process with lawyers.

Katz: Thank you. Your time is up.

Katz: There is a sign that says three minutes.

Kathleen Jeurgens: \m\m\m all the boys in blue \m and the men in black \m working overtime trying to roll it all back \m are we going to let them get away with that \m are we going to let them get away with that \m hell, no \m we won't go \m back to the days of senator joe \m hell no, we won't go \m back to the days of our old gym \m\m \m on september 11 the twin towers blew \m we cried and we mourned and we wondered what to do \m but president george, he had a plan \m said we're going to take it out on afghanistan \m so shut up and wave the red, white, and blue \m if you disagree you are a terrorist, too \m are we going to let this guy speak for us \m are we going to let this guy speak for us \m hell no, we won't go \m back to the days of senator joe \m hell no, we won't go, back to the days of our old jim grow \m\m \m congress passed a new law, quick as can be \m you must give up your freedom for the sake of liberty \m now tapping your phone \m or eating your e-mail \m if you look like an arab, they will throw new jail \m if you think this is idiotic \m you are unpatriotic \m the system they are using is really quite methodic \m are we going to take this lying down \m are we going to take this lying down \m hell no, we won't go \m back to the days of that \m hell, no, we won't go \m back to the days of our old jim grow \m\m

Katz: Thank you. [applause]

Bjerre: Thank you. Vote yes on the proposition.

Katz: Keep going.

Bjerre: Just one thing. I had noticed that the clock, when it counts down, it actually skips numbers, and it was disconcerting to see that. It appears to only give you two minutes and 33 seconds for three minutes, but I did check it according to the clock up there, and it actually is three minutes.

Katz: I'll watch. You did check it.

Dava: Just disconcerting to see it go 52, 50, 49, 48, 46. It makes you feel like something is getting taken away.

Leonard: Now you only have 2:30. [laughter]

Dava: My name is dava and people have said some good things about, about this, you know, this proposal, and, and, and what i'd like to say is something about the overall trend I see with this nation, which is very disturbing to me. At this point in history, I do not consider this country to be a force for positive and good in the world. We export more weapons than any other nation. We have the biggest military by far, and we want to continue to make it bigger. We use that military around the world to intimidate and coerce, the u.s. Government was involved in the attempted overthrow of the democratically elected government of venezuela. More than a year ago. I could go on with a lot of the things that, that are pointing out to me, very, what would be a very dangerous trend, the abolition of treaties like the a.b.m. Treaty, now the u.s. Is wanting to put weapons in space, which has been prohibited previously, so to me, cutting down something on the patriot act is just one very small step in a direction I believe concerned citizens need to address and that i'm happy to see this proposal here, and I really hope that it passes, and I would like to see more

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thought and effort go into taking further steps because, because I don't think that, in and of itself, would be enough to change the direction of which I see we are headed, which I feel is wrong. Thank you.

Katz: Thank you. Go ahead.

Cherie Holenstein: cherie holenstein, Portland. Two years ago last month the united states congress voted to give george w. Bush the right to use all necessary and appropriate force against those nations, organizations or persons he determines planned, authorized, committed or aided the terrorist attacks. There was a senate in complete accord with this resolution. In the house one representative, barbara lee voted no. She eloquently stated a warning to all that military could not assure our safety. Quote, as we act, let us not become the evil we deplore," end quote, she warned. The war on terrorism had begun. To question our foreign policy became questionable, unpatriotic. A moral certitude swept the land. The people were spokesperson of as virtuous, creative and patriotic. In his book "war is a force that gives us meaning" chris hedges writes, "patriotism often is a thinly veiled form of collective self-worship, celebrates our goodness, our ideals, our mercy. Never mind the murder and repression done in our name. As a battle against terrorism continues, the acceptance of all methods to lash out at all perceived enemies will distort and deform our democracy. Will distort and deform our democracy. Let us not become the evil we deplore.

Mike Dee: Howdy. Mike dee, 133 northwest 6th avenue, Portland, Oregon, 87209. I wanted to thank for you entertaining this proposal and it looks good. It's nice to see that there's not a lot of opposition here, or at least nobody signed up, and so I would hope you all wouldn't be opposing it, that you would be for that, also. I wanted to encourage you that next time maybe, maybe the president, george w. Bush, or our u.s. Attorney john ashcroft come over maybe to open up a dialogue and ask them what's going on here with this, this u.s.a. Patriot act, and, and to continue to, to do positive work, such as this. Thank you.

*****: Thank you.

Moore: That's all who signed up.

Katz: Anybody else want to testify? Come on up.

*****: Good afternoon.

Katz: Good afternoon.

*****: Mayor Katz, commissioners, thank you for holding this hearing, and i've changed about 17 times what I want to say, so it says that I have a lot of trouble squeezing this into three minutes.

Katz: You need to identify yourself.

Kathleen Sadat: I am kathleen. I am a Portland, Oregon citizen, resident. In 1956, I believe, I asked my teacher, high school teacher for something to read on communism, and she told me that she couldn't give me anything because she would lose her job. I told her then that I couldn't discuss it because I didn't know what it meant, and that was a time when everybody was talking about communism. I remember that time. I remember when the 1960's were happening and the 1970's were happening. All that feels like it's come together right now. In the patriot act and the other things that are happening in our country. I came to talk not so much about the ideas of the patriot act but the impact on human beings. When you have in law things that, that forbid you to communicate with people that you care about or people with whom you interact, there are consequences to the human beings. Fear, suspicion, intimidation, patriot isolation, those are the things that undermine those big principle things we talk about. When we become so suspicious of one another because we are forbidden from talking with one another about particular things. After 9/11 was the first time in my adult life that I can be -- that I remember being afraid to say what I thought. Didn't stop me from saying it, but I was terrified. I come here and I am terrified and I know that there is something wrong with me being terrified about, about the war on terror. And watch how that's said. It's said as the war on terror, not the war on terrorism. The war on terrorist. It's supposed to be a war about a feeling, and that's what's being exploited here. Fear, a fear of

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being unsafe. I would say I don't feel any safer, as a matter of fact, I feel less safe with, with elements of the patriot act than I did before it came about. I don't feel any safer having to take my shoes off at the airport than I did before. This is an illusion of safety that is trying to be created. It takes away -- it distracts us from, from what we are losing. I believe that, that continued efforts on the part of this administration will lead us to lose the democracy that we have, and I include myself in that, in that -- I fought so hard to preserve and to advance. Thank you.

Katz: All right, everybody. Roll call.

Francesconi: Well, it's important that the government be able to fight terror, but it's equally important that the government not use the war on terror to undermine the first amendment. In my opinion, the patriot act does undermine the, the first amendment in that it allows warrantless searches on financial records, libraries, etc. Under section 215, and it allows the detention of aliens with no judicial review, no, no legal rights under section 411 and 412.

Francesconi: It's clearly a local interest. It's clear al local issue because this is our police, and exercising their police power, they have to, to follow the first amendment. I think that it just goes too far. Aye.

Leonard: You know, after, after the events of two years ago, september, many of us were frightened and scared about, about what it was to live in this dangerous world, and some of us, and I think appropriately so, gave the benefit of the doubt to this administration, and what and who it was that they had argued were responsible for those acts. I think at this point there are a lot of americans who now question the basis for a lot of those acts. Some of us now consider to be, to be baseless, and, and there are a number of us who, who, I think, are collectively thinking, fool me once, shame on you, fool me twice, shame on me, and i'm one of those americans, and I don't think that I need to, to prove my patriotism to anybody. I have keeper -- deeper and deeper misgivings about not just this patriot act or this, this war on terrorism and where it is taking us but also the, the ability of this administration to leave people with confidence. This vote today reflects as much my angst about that as it does, does the actual patriot act. I am feeling like there are a number of americans who, who are fed up with, with the, the waving of the flag, and if you don't, you are not a patriot. If you don't put something on the back of the car that says you are a patriot, you are not a patriot. If you opposed the patriot act, you are not a patriot. It is reaching the point of being disgusting for me. I would, I would hope that, that our action today reinforces the actions of our good senator, ron wyden, in making the necessary changes that I think need to be made, that I think the entire council agrees need to be made to, to get this country back on track to where, to where it belongs, and that is not just providing security to americans, but providing the environment for freedom that makes america what it is. Aye.

Saltzman: Well, i'm not going to repeat what I have said before, but, but I do, especially after the compliment from amnesty international, this is one of the best written resolutions, in the interest of full disclosure, I want to certainly thank my, my key staff person, jeff, for his co-writing and working not only with the bill of rights defense committee but with all the members of the city council and the mayor's office in the final wording of this resolution, so, so we, we appreciate that extreme compliment. Aye. Sten.

Sten: Well, i'm very pleased this is before us, and I want to thank the bill of rights committee and his team for, for keeping the pressure on because I think that they have been lost in this hearing that, that this resolution is in front of this council, and I appreciate commissioner Saltzman doing the work to get this in front of us, and jeff, because citizens have used freedom to organize. There are some very basic issues about what's wrong with the patriot act and what goes too far. It's no surprise that when, when something gets pushed through with this kind of speed, based, I think, as kathleen correctly said on the emotion of terror that we were all feeling, it has huge problems. > I think even more than that, and I think why I feel so strongly about this, is that it's not just a matter of fixing the flaws in this, in this patriot act, it's a fundamental approach to governing that

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this administration has brought, and I believe, and I wish this wasn't the case, but as I watch it, I believe that much of this agenda was shaped before september 11, and, and that, that attorney general ashcroft had designs on these types of moves and this was used to justify it. It came too fast and too hard, and it's, it's far too clear. If it wasn't so sad, I would find it ironic, although there is some real truth to some pieces, and I don't profess to know what's in everyone's mind but our president continues to say that, that the struggles that we are in are because people don't like our freedoms. I think that that's a very simplistic analysis of what's going on in this world but it's the height of, of hypocrisy to then use that as a justification to curtail those freedoms. I think that that's what's going on here, and if we are not able to speak out as citizens, and again, I want to thank the folks who have organized in terms of the committee and you have been relentless and appropriately so, so we can do these kinds of things in a city council level, then not only is it appropriate who is going to, it's clear it's not going to happen at the national level, and when you have a situation where, where it kind of forced -- you are either with us or against us, types of votes are, are coming at a speed at which, you know, the hundred most powerful people in the world, the u.s. Senate, feel pressured to take part without fully understanding the consequences of that vote, you are talking about an incredible juggernaut and an incredible misuse of a moment when this country needs to come together. We are never going to be safe unless we are able to work together and be free, and the patriot act is really, I think, spitting in the face of all that we stand for. Aye.

Katz: I recommended to commissioner Saltzman that we deal with the jtff in the patriot act on the same day. There was a reason for it. Let me read the reason for it. In the resolution it affirms that the fight against terrorism requires city, county, state, and federal law enforcement agencies to cooperate in efforts to investigate, prosecute and prevent acts of terrorism such as those that occurred on september 11. It affirms the fight against terrorism may not be waged against the rights and civil liberties and not to trample the constitution of the united states. Aye. Thank you, everybody. We stand adjourned until 2:00 tomorrow.

At 5:26 p.m., Council recessed.

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(Roll call)

Katz: Here. This is a continuation of a continuation of a continuation and there will be another continuation for another week but we have some issues that we need to address. Did you read --

Moore: I didn't.

Katz: Everybody, if you turn to -- this document, and turn to page 2 and try to follow with, with joe who's going to come up here in a minute. That would really be very helpful. Joe, why don't you come on up. The first order of business that isn't what we need to do and then we are going to get to some of the details, is to move to substitute the ordinance as amended by all of the work that you had done in the previous session that we had. You want to address that joe for us?

Zehnder: Yes. The motion that we would need is to move the sub--

Katz: I'm sorry. One second.

Joe Zehnder, Bureau of Planning: I'm sorry. I'm joe with the bureau of planning. Excuse me. Today the first order of business is to move a substitute ordinance as amended by the october 28 memo, which all of the city council has received. That memo includes some minor changes to commentary in exhibit a and findings in exhibit b. And the substitute ordinance itself is in the package that the mayor referred to dated october 22.

Katz: Just so everybody's clear, that includes all of the work that was done at the previous meeting.

Zehnder: Right. The substitute ordinance incorporates all the previous motions that the city council approved and has text to implement those.

Katz: Ok. Then we will go through the ones that are identified on page 2, page 3, 4, and 5.

Zehnder: Right.

Katz: This document, october 22 document, exhibit a, all right. Do I hear a motion? Somebody just trust me on this. Make a motion.

Francesconi: So moved.

Katz: Is there a second?

Saltzman: Second.

Katz: Roll call.

Francesconi: Aye.

Leonard: And what am I trusting you on on this one what are we doing?

Katz: You want to vote aye.

Francesconi: Aye.

Leonard: All right. Aye.

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

Katz: No. Now, let's go through all of the technical work.

Zehnder: Right. Referring to page 2 of that october 27 staff report, I just to lead you briefly through each of the approved motions --

Katz: You wanted to vote no?

Sten: Is this the one I voted no on the last time?

Katz: We didn't vote on it last time. You voted on individual pieces. This is the whole thing. All right.

Zehnder: Starting on page 2 is a record of all the previous motions and there's a couple of points of clarification that I will touch on as I go through the list so starting at the top of the list, at a previous session the council approved delaying the implementation of the permit and meter parking programs, basically separating the on street parking part of the street from the offstreet parking part of the strategy and that's incorporated in the substitute ordinance. Second, the city council approved a motion to have p-dot staff beginning to organize a transportation management

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association in the northwest district. And that is incorporated in the substitute ordinance. These first two pieces were essential parts of the parking strategy that, by these two actions have been separated from the on street part of the strategy and that's what follows next. The offstreet. Excuse me. Three, the city council approved a motion to take two sites that, off the map of sites that would be permitted for structured parking within residential zones. We have called those two sites the pizzacato site and the legacy good sam site so that leaves at the end of today six sites that would be approved for structured parking. Those six sites are elizabeth street and restaurant row, papa haydn's and mlc, trader joe's and flanders medical. Those are the six sites that stayed on the map.

Leonard: Is that captured in the october 30 city council northwest parking revised language proposal? Where is that captured?

Zehnder: That's captured on the map.

Leonard: Where is that referenced in what we will pass?

Debbie Bischoff, Planning: It's in exhibit a on page --

Leonard: Three?

Katz: Two.

Bischoff: Page 37.

Katz: What am I looking at? I have the summary.

Bischoff: Exhibit a.

Katz: He's looking at the map. Ok.

Bischoff: That's what we're talking about.

Zehnder: Is that clear?

Leonard: How is that referenced in the motion that we will adopt?

Zehnder: Oh, the motion, the motion, the map shows the six sites that the city council approved so that's the map is the record of that motion, commissioner. Ok? Motion number 4, item number 4, the city council approved a motion to change the status of a surface parking lot, the existing surface parking lot on elizabeth street to allow commercial parking. And to set the maximum number of parking spaces that can be built on the papa haydn site to 110 with height limitations of 30 feet in the residential zone and 45 feet in the commercial zone. There's a couple clarification we need here.

Katz: Go ahead.

Zehnder: First, the intent we believe of city council was to, and the request from the testifiers that raised this amendment, was to legalize both the elizabeth street lot, which is a surface lot, and the mlc lot, which is a lot that was being used, is being used for commercial parking as a surface lot. So the text in the ordinance that is in front of the city council today does that. It legalizes the commercial use of both of those surface lots although the motion that was actually on record only referred to elizabeth street so we are asking for clarification that indeed it was the intent to do both lots.

Katz: Ok. And your review of the testimony shows that we did not have testimony on the status of the surface parking lot on elizabeth street.

Zehnder: The status--

Katz: The answer is yes. I'm following your script. All right.

Zehnder: Oh, yes. Sorry. [laughter] right. So that item is still open for testimony. We did not have testimony.

Katz: And the m.l.c. site, that item is not open for testimony anymore? It's just a clarification?

Zehnder: They both would be open for testimony. This whole action of legalizing lots was not testified to at the last hearing.

Katz: I don't want to take a motion on those right now because I want to flag to the audience for people who want to testify, I want them to testify before we vote on it but we will take motions on these, I guarantee the council, if they want to make motions they can.

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Zehnder: Right. Clarification number 2 on this topic of the surface lots, as staff wrote the code to legalize or establish commercial surface parking lots on elizabeth street and m.l.c., we discovered that the standards that would be applied to those lots would require landscaping. That was not something that was discussed with the previous motion from city council. Every other commercial lot that would be newly established like these would have some sort of landscaping requirement. The code that the staff has put in front of the city council today includes a provision that, for those lots would require perimeter surface, perimeter landscaping to be established with the legalization of those offstreet surface parking lots. The current landscape standards for those lots would require both interior and perimeter landscaping. In the code we reduced it to just the perimeter in acknowledgment of the unusual circumstance that, that those both of those lots are under. But the landscaping requirement is part of the proposed ordinance to city council today. And also, the other language that commissioner leonard referred to, which is provided, would clarify section g on surface parking to make clear that commercial parking may be added, so to these sites if you turn it into a parking structure. There was some concern that there was, it was unclear in our provisions that by, through the surface parking language we were somehow prohibiting the structures from being built. We are clarified that language. That's what that paragraph is about. They are surface park lots now. They would be legalized under this action. There would be a landscaping requirement for the perimeter and if proposals come in for structure parking that would be allowed to be considered. The third clarification on this motion has to do with the setting of the type b category of sites. The motion that was approved by city council only made papa haydn a type b site and a type b refers to how many spaces maximum would be allowed in the structure. Type b allows 110. The discussion and we believe the intent and the previous, of the city council's consideration was also to include m.l.c. as a type b site. It was a type b site before so we have clarified in this replacement, substitute ordinance that both papa haydn and m.l.c. will be type b sites with the maximum parking allowed of 110 spaces. And as the mayor pointed out, this, these motions were not, there was no testimony allowed on them at the previous hearings.

Katz: Say that again. You mumbled it.

Zehnder: The previous, the previous hearing on these motions did not have public testimony.

Katz: So public testimony will be permitted.

Zehnder: Is appropriate today. Number 5 the city council approved a motion to eliminate two tiered parking cap on commercial parking spaces. The result of that would be is that there would be a cap on the number of conditional use parking structure spaces at 450. So of all the different commercial, conditional use parking sites that could be built, only 450 spaces maximum across all those sites could be built and that's what the current ordinance includes. Number 6, the council approved a motion to lower the overall parking cap for offstreet commercial parking on residential zones to 650 spaces. It was previously 800 spaces with the removal of the pizzacato lot the city council moved to lower that overall cap accordingly to 650 spaces. Number 7, the city council approved a motion that shared parking on an interim basis in the period between the effective date of the zoning ordinance and the creation of a t.m.a. would be allowed on mapped sites. Just for a clarification, this means that for a two-year period from the effective date of this ordinance to, two years from the effective date of this ordinance that shared parking would be allowed. When a t.m.a., a transportation management association, is established and operative, that transportation management association takes over the responsibility and the authority to license shared parking. So it shifts over to something that isn't just blanket allowed but something that's licensed by the t.m.a. So we wanted to clarify that it's a two-year limit on the ordinance that is in there now. If there's no t.m.a. if there is a t.m.a. It moves to a licensing provision. Number 8, council approved a motion that limits shared parking to district residents and businesses only on sites and residential zones so this clarifies that the shared parking that we're talking about in the northwest district parking plan is only for residents, for employees of businesses, and for valet parking. That's what

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shared parking in this ordinance means and that's what's reflected in your substitute ordinance. Number 9, on page 4, the city council approved a motion to, with the specific language that's quoted here in the staff report, to allow the waving of required setbacks for parking structures on small lots. Staff believes that there's a more straightforward way to do this and we have proposed substitute language that looks at the six approved sites for structured parking and residential zones and on a case by case sbasis, waives the setbacks that would be triggered if structured parking was to be developed on those sites. So we have taken away whatever perceived impediment that having to get a discretionary review of the setback would be for construction of those structured parking structures.

Katz: You are ask --

Zehnder: That would be the intent.

Katz: You're asking us to rescind that motion or change the motion.

Zehnder: Correct.

Katz: Make another motion to simplify the language? Is that correct?

Zehnder: That is correct.

Katz: That's the language that -- ok. It does the same thing?

Leonard: We have been working with staff on that.

Katz: You are all right on that?

Leonard: Right.

Zehnder: This language does the same thing as commissioner leonard's language. There's one exception that you will hear testimony on today which was the original language, could also have been interpreted to allow the removal of setbacks on c.s. or commercially zoned properties. So for instance the lot at 23rd and flanders, which is a surface lot next to the pottery barn building, the interpretation of this language that was approved previously by city council could have been to also waive the required setbacks on a parking structure that would be built on that lot.

Katz: I want testimony on that one because I have some questions on that one.

Zehnder: The language that staff has proposed does not make the waiver for parking structures in commercially zoned properties. It only deals with the six sites that are on the map, and staff's recommendation to city council is that in the c.s. zoned properties, parking structures are permitted use, the design review that would be required for the structure is the proper place to get that modification and we would like to see the sort of standard process for handling those type of modifications used. And as --

Katz: Let me clarify. The council removed design review for the setbacks but we still allow for the design review for the garages themselves?

Zehnder: Correct. Absolutely. Again, this is testimony is appropriate on motion number 9. 10, city council approved a motion to change the maximum height on the residentially zoned portion of the offstreet parking sites that are permitted from 25 feet to 30 feet. So the maximum height in the residentially zoned portion of those sites would be 30 feet. And motion no. 11 does the same thing for the conditional use structure parking sites.

Katz: And testimony will be permitted on that as well.

Zehnder: Correct. 12, motion 12 is to amend language in the conditional use approval criteria for structured parking and the language that is included in the substitute ordinance is exactly as recommended or approved by city council. Next is the timing and the effective date. With the separation of the t.m.a. and the offstreet parking from the on street -- or on street parking from the offstreet parking, the effective date provisions were changed to be that upon second reading of the ordinance, 45 days after second reading, these parking provisions would go into effect. So based on those previous motions and clarifications, staff is recommending that city council, is asking city council to make motions to, that the three motions that are shown on page 5 to clarify that papa haydn, m.l.c. are type b or 110 space structures. To add m.l.c. to the approved surface lots, the

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levelized surface lots under provision 4 b, to clarify whether or not landscaping requirements should be made perimeter landscaping requirements should be kept for those new surface lots, and to rescind motion number 9 on setbacks and use staff substitute language.

Katz: Why are we clarifying the landscape ones? Why are we clarifying? Isn't that in the code?

Zehnder: It is in the code already.

Katz: Has there been a request from nob hill to clarify that?

Zehnder: It was in the not in your motion.

Katz: It was not in the motion.

Zehnder: It's not something you discussed. So you need to raise it.

Katz: All right. Does everybody understand what we are going to be doing?

Leonard: What about the issue of the pottery barn?

Zehnder: The staff, the substitute ordinance does not include language that would waive the setbacks on pottery barn. It does not.

Leonard: And what would need to be done to deal with that?

Zehnder: The, we would have to craft new language that would --

Katz: That's on flanders?

Zehnder: That's the 23rd and flanders. If what we are talking about is the 23rd and flanders site we would have to craft new language to especially identify that site and waive --

Katz: This is the site they weren't going to build any parking because it was going to be a retail site. Correct?

Zehnder: This is that surface lot next to the pottery barn.

Leonard: But I think other sites were removed.

Katz: No. We will ask them when they come up. We have them on the record. Thank you. All right. Let's open it up for testimony.

Katz: I'm sorry. This is an inside joke. Go ahead. Go ahead, karla.

Katz: Go ahead.

Joshua Cohen: I'm joshua cohen. I live at 2004 n.w. Glisan street. I love living in northwest Portland. And I love it because it's the best bread and the best chocolate and the best coffee all within three blocks of my house. And I can go for half price martinis half a block away. And I can do five markets in 45 minutes, 15 would be pushing it. To get ingredients for my sunday brunch. And I can do it all without a car and that's great but like a majority of northwest residents, I own a car. I live in a rented apartment so I park the car on the street. And sometimes it's kind of tough. Now, I agree, and I think most of us agree that parking is a very important issue for northwest Portland. And judging from what I have seen in the paper and the number of people here I would say it's an issue that there's a lot of disagreement on how to deal with it. After speaking with two people that had very passionate yet very different views on this subject I decided to do a little research to make up my own mind and looking through documents, including planning documents, I noticed that it's been a problem, quoted by residents since at least 2000. And with additional residential and commercial development in the neighborhood, there's been more pressure on the parking shortage. And yet there's no shortage of good ideas for how to deal with that problem. So I am going to propose three of these that I think do a good job of solving the problem. The first is shared parking. I think we can follow the lead of theaters and numerous restaurants that have implemented their own plans on that. The second is adding new commercial capacity. And I think that should be design reviewed structured parking to conserve land. And the third would be a combination of smart meters and a permit system that will encourage shoppers and restaurant patrons to use the offstreet lots. My inspiration for this plan is right here in downtown Portland. We have got a balanced system that works very well. I'm not suggesting that we turn northwest Portland into downtown. But I do think if we take what works and use it on a smaller scale, we will have good results. I want to envision a few reasons to act and one is the safety will improve in the

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neighborhood. Currently we have a lot of pedestrians in crosswalks, and we have bicycles on the streets that are currently not a good mix for drivers hunting for parking and circling the blocks looking for the one spot. They are going to be able to fit in. Secondly, I believe it is civic responsibility of the council to implement a fair and balanced solution that respects the work of the staff and the citizens that have spent over three years drafting a plan for parking. And I think it's also a plan, a plan that would allow for sustainable growth of the neighborhood. It's in the best interests of the residents. I will close by asking each of you as my representative in city government to vote yes on a plan or perhaps more than one plan as it sounds like it may be that implements shared parking, new capacity, and a meter and permit system and move quickly to implement these systems.

Katz: Thank you. Go ahead.

Nick Snell: My name is nick snell. I live at 823 n.w. Albermarle terrace.

Katz: Grab the mike closer to you.

N. Snell: Thank you. I have been a representative of northwest Portland for over 30 years. I have been witness to and part of the dramatic changes that have overtaken our district in these years. I feel that most of these changes have been positive. I enjoy the vibrancy of life and a neighborhood that combines the beauty of old Portland with the excitement of an ever-changing business landscape that offers the best in food, services, and goods. My wife and I enjoy walking through the streets of northwest Portland and have seen the growing problems faced by more traffic and less parking availability. I am aware of the increased hostility between some neighbors and business interests. It's a difficult situation but there are solutions. I feel that one part of the solution is parking structures with some limits, of course, that will ease the crowding problems from cars while at the same time easing problems for businesses that depend on customers being able to access their stores. I think the benefits to our northwest neighborhood from these parking structures outweigh the negatives. I urge the city council to make this part of their plan. Thank you.

Katz: Let me be a little stickler here. We are not opening up testimony on the every issue that we addressed. We are now focusing in on testimony on the issues that we just covered a few minutes ago. So I would probably -- well, I am not going to rule on it but it's not really relevant to the issues of setback and the issues of including m.l.c. and the issues that we needed clarification on. Ok? So grab the mic and with that --

*****: I'm not --

Katz: Identify yourself.

Joe Snell: My name is joe snell. I have spent most of my life living to northwest Portland and currently operate Ziva Salon Store on northwest 23rd avenue. Per what you just said I am not quite sure if I am following along the guidelines of what you mentioned or not. But I do feel it's, I feel it's important I voice my opinion. In listening to many of the comments made by members of the nwda and attending one of their meetings there are certainly many who strongly feel change must and should be made for the benefit solely of the residents, regardless of negative implications they may have on businesses or visitors to the area. Couple of specific comments have been made to me on multiple occasion that truly have frightened me. First, I have been told that if I or any business suffer or go out of business because our employees or customers will not be able to park in the area, it will be our fault for not being able to get them to take mass transit or if we don't cater better to those in the community. Unfortunately, I am convinced most of my customers and employees will choose to shop and work elsewhere if forced to use mass transit regardless of my persuasion. In regards to catering to those in the neighborhood, please, I am doing that and I think all businesses are doing that already. I have also been told to expect a boycott if I support the tentatively approved plan by members of the nwda. My response to that is simple. I am forced to choose between a potential boycott by members of the nwda or go out of business. I would prefer to try to fight to stay in business. And direct regard to the offstreet parking issues, we need those structures

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as small local businesses in the neighborhood. The likelihood of parking changes occurring in the near future these structures will be absolutely vital for the survival of many of the neighborhoods' local small businesses and jobs they provide. Also there's been a lot of misinformation regarding the design, height, and layout of these structures. They are small structures with a cap on the number of cars that can be in each lot and must go before design review. In addition, these structures will absolutely pull some existing vehicles off the street, decrease the frequency in which visitors continually drive around the block on residential streets. Unfortunately many would rather assume the worst and participate in the reality that's being discussed. These structures are in the best interests of the district unless the business and the community, or the businesses in the community are not part of the district's future. In conclusion, please consider and support the community as a whole. This plan makes absolute sense in this regard. This plan will allow the neighborhood to evolve into the future. Please do not permit the alteration of this, alteration of this plan in a way that will mark the beginning of the end for many jobs and small businesses in the community. Showing your support for the northwest district plan that is based on commitment to the community as a whole will greatly be appreciated.

Katz: Ok. You were off message but it's ok. We will let it go. All right.

Katz: I guess we will open it up. I don't think I can contain the testimony. It's on the points, because the council already made those decisions.

Irwin Mandel: Fine. Irwin mandel, 1511 s.w. Park avenue. My testimony deals with motion 9, setbacks and heights.

Katz: Thank you.

Mandel: I have more than 18 words to say to you today. Its an novel thing for the past 8 odd years my wife ask and I have been civilian members a.i.a.'s urban design committee and independently of that we have frequently testified before Portland's design review commission. This is the first instance that I know of that city council a priori has ham strung the design commission's prerogative to determine heights and setbacks. It's not at all unknown for a developer to come in and request alterations or modifications of the design guidelines. The city planner will work with them on that.

And in general, the city design review commission often grants these modifications and adjustments. What's happened here today we have one developer coming in with apparently great access, and convincing the members of the city council that he should not have to go through the same process that every other developer in this city comes in and goes through when he has something to build in the city. Frankly, from my point of view this decision of the council to short circuit and hamstring design review commission has a bad odor. It is to me extraordinary. I know of no other time. Of course, I only go back here about 10 1/2 years. Perhaps prior to that something has happened. But I know of no other time that the council has ever done this. And I can find no rational basis for them doing it except, well, things I would rather not think about and certainly not say right here. You have no right, or you have a legal right to do whatever you want, but you have no moral or ethical right to do what you have done here. The developer asks for a 2 1/2 foot increase in the 25-foot height on the papa haydn's site in the nonpublic access. Very generously not only did you grant that, but you threw another 2 1/2 feet into the mix and said, well he only wants 27 1/2 feet, let's make it 30. What are you giving out here, poker chips for a game? This is extraordinary. I think you are absolutely morally, ethically incorrect in making this decision. Thank you.

Katz: Thank you. All right, sir.

James Dix: First of all, mayor, commissioners, thank you very much for allowing me the opportunity to sit here and express my opinions about this northwest parking plan. I have been a resident of Oregon since 1995. And I own a -- excuse me. James dix, 1323 n.w. Abernethy. I have been a resident in Oregon since 1995. And I own a home in the west hills. I am here today to openly support the increase in offstreet parking in the northwest 23rd nob hill area. I am absolutely

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100% in favor of a program such as this. I have shopped northwest 23rd for almost 10 years. And the parking chaos has always been there for me. Yet it remains my number one choice for shopping. With increased congestion in the northwest area combined with the success of the street, and now being a father of two beautiful daughters, eight and three, which I take with them on my shopping expeditions, I find it increasingly more difficult to go to northwest 23rd. I usually find myself driving in circles looking for a parking spot that I most likely don't find. And becoming ultimately frustrated as do my children. It's to the point where I can't -- I rarely find a parking space or when I do, it's so far out, that it's not convenient to the central core of the shopping to where I want to patronize. And anyone with young children, particularly three-year-old, knows how difficult this experience can be. At this point, I find myself most of the time going to other places that have that convenient ample parking. Shopping in and of itself means many things to many people. To some, it's become an american pastime like baseball. To my family, it's intended to be a fun, enjoyable day out. But that's rarely the case when I go to northwest 23rd hunting for parking. For me, and me only, the single most determining factor for where I go shopping is very simple. It's accessible and convenient parking. I know that I don't stand alone in this thinking. And that these feelings are shared by many people. With all the things that change, the one thing that has remained constant as it's discussed with this northwest parking plan, is the lack of parking. Despite the city growth that we have experienced over the last decade, with less time that we have, precious, more precious time and the pressure is increasing in our daily lives, the last thing we need is more pressure and to waste that precious time. When there's a common sense approach to solving this parking problem. If our city truly wants to serve the shopping public, then we are going to have to grow with the times and set the infrastructure to deal with this growth responsibly. The parking issues --

Katz: Your time is up. Do you want to comment on the setback or not?

Dix: No, ma'am, I don't.

Katz: Thank you. All right.

Fred Chomowicz: My name is fred chomowicz. I live ate 2029 n.w. Lovejoy street. I would like to thank mayor Katz and the commissioners for allowing me to appear. I would like to address simply the setbacks. Setback is somewhat of a misleading terminology. The intention in zoning is to separate structures from each other. Not just from the lot line. And the precedent goes back to ancient rome when had a very good firefighting department in nero's time but could not handle the fire and after it was over they passed what I know to be the first setback regulations. For the prevention of the spread of fire and for the access for fire department, or firefighters to handle the fire. That was repeated in the london fire and again in the chicago fire in the 19th century. So the idea of setbacks separating one structure from another has a long precedent in zoning. But the principle behind it is that it's cumulative. You don't just set back your own property. You expect that your neighbor is setting back. So by allowing some structures zero setback you are robbing the setback entitlement from your, from your neighbors. In other words, if you are required to setback 15 feet so is your neighbor. You have a 30-foot separation. By allowing zero, the person who is the adjacent property still has to abide by their setback but the applicant in this case, the garage, has none. So they have effectively stolen the setback in the light and air from the adjacent property. Thank you.

Katz: Thank you.

Katz: Again, let me kind of let you know we are only focusing in on those issues, though I can't stop you, I just, we are interested on hearing the issues that we, we spoke about a few minutes ago.

John Bradley: I will do that. John bradley, 2890 n.w. Arial terrace, I have lived there for 15 years and it's a mile from northwest 23rd so I am often forced to use my car to access 23rd. I am here to talk about the setbacks. The geometry of sites and cars and drive aisles and how to get around them

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is critical and with some flexibility in the code, these parking spaces can be effectively delivered, get the parking problem closer to in balance, and get things solved. So I encourage you to maintain flexibility in the code so that you can deliver the stalls in an effective manner and we can move on with the city's other problems, get the businesses working, get some taxes in the coffers. Thank you very much.

Katz: Thank you.

Dan Volkmer: Dan volkmon 22 n.w. Johnson. I would like to begin by quoting from the page c-17 of the proposed district plan that talks about urban character. Quote "throughout the nob hill residential area's new development should use design elements that distinguish the residential side streets from the more intensely hard scaped main streets. Development should acknowledge the scale, proportions, and street orientation of existing pre-world war ii structures, so we are talking about setbacks" unquote. We support this concept and this is one reason so many of us who love this neighborhood cannot support demolition of pre-war historic housing on a residential side street to put up a three-story parking garage. Nor can we support parking structures that would butt up against residential housing in the historic district with no setbacks or public design review. Six three-story and higher parking garages in one little 10-block square neighborhood is overkill. Many business savy people feel it is economically unwise for the future health of this neighborhood to compete with other more commercially oriented neighborhoods in this manner such as the pearl. There are hundreds of tax paying citizens who have already expressed the fact that parking is not the main issue for them. Since the late 1960's northwest Portlanders have been avid neighborhood preservationists. Our new bright blue street sign toppers recently mounted on top of the street signs say the district was platted in 1865 and put on the register in 2000. There is a picture on the sign of a middle class craftsman style home. That serves as an icon to the alphabet district. That icon represents people like the hoffman family who immigrated here, set up businesses here, built beautiful structures, became successful, and contributed to making Portland a special city it is today. Julia hoffman and her son lee holly hoffman are clearly associated with the 2323 irving house. I have already testified about julia's contributions to the art world, and her founding of the Oregon school of arts and crafts. Her son, lee holly, lee holly hoffman, while he was living at 2323 irving, founded hoffman construction. Built the 705 davis building, the paramount theater, meier and frank, the Portland art museum. We now have evidence of a kindergarten that was started on that premises during the same period. The story of the hoffmans and all the other families that settled here brought their businesses here, made a contribution, is honored by that old house icon on our street sign toppers. Losing the hoffman house, mucked up as it is, not only tears a hole along the irving street landscape but reverberates throughout the entire neighborhood fabric.

Katz: Thank you.

Kim Carlson: My name is kim carlson. I live it 2442 n.w. Thurman street. I have lived and shopped in the neighborhood for 18 years. And I don't have a car. I am here to ask each of you to vote against this plan. And vote against any plan that allows parking garages next to any residence in my neighborhood. And clearly not that allow parking to replace any residence in my neighborhood. Building parking garages encourages automobile use, when my city council should be discouraging automobile use. It's bad for the air we breathe. D.e.q. has determined one-third of our air pollution is a result of vehicle emissions and these garages bring vehicle problems to the lungs of the neighborhood. The character and charm of northwest Portland depends on the pedestrian experience and the public transportation that serves it, currently five bus lines and the Portland streetcar serve northwest Portland. Automobiles are a tolerated nuisance that we should not encourage. I think that the garages are an insult to northwest Portland. And I think that they're bad for business vitality of our neighborhood, too. Northwest 23rd and northwest 21st avenues are commercial corridors that are unique and very successful because they are embedded in the densely populated neighborhood. Lines of people waiting outside papa haydn are a testament to that. And

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they're successful without parking garages now. I think that parking garages are only going to bring -- they are not going to stop the circling of the neighborhoods. They are just going to add more cars. At this point I would like to ask you to require nwda and the nob hill business association work together and as I understand it, the business association has refused the neighborhood's attempts to arrive at a solution. And I think they need the chance to do that. Thanks.

Katz: Thank you.

Katz: Go ahead.

Layne BenBen: My name is layne benben. I am here in support of the parking plan. And I believe that any setbacks and amendments that are essential to make it be a flexible, workable plan will have to be implemented. My husband and I have worked and played in northwest Portland for over the last 20 years. We moved here from california. And have watched everything that's happened in the last 20 years. On behalf of myself, I'm a realtor, and shopper and a diner and a walker. Not necessarily in that order. And all of these things require good, accessible parking. As a realtor, I think one of the biggest assets that we have for northwest Portland and for the inner city is that it is user friendly. And it is so nice to be able to bring people from out of town and say, you can go to a neighborhood restaurant or neighborhood business, five minutes from your house or 10 minutes from your house, and get out and walk there. That has become increasingly difficult. And I have stopped having meetings at the local starbucks or papa haydn's because people will say, I can't find a place to park. So as a realtor I would say that it is a big bonus to business and to making Portland grow, seeing we have areas that we can use. Shoppers, diner or walker, all the same things. Especially as a walker. I think it's very dangerous around there when you are crossing the crosswalks and people are circling. And I believe that people that I work with and know and use would go to a direct parking lot rather than continue to circle. My husband is a dentist. He owns a practice in northwest Portland. Has practiced there for over 20 years. And now owns a building there. And it's hard enough to go to the dentist without having to fight for parking. And he, we see increasingly more difficulty in getting people to use the city. And we provide them passes on the max and on the tram. But they are going to use their cars. And it would be so much safer and easier if they could have a place to park. I think as a live-work community, Portland is probably one of the most dynamic cities in the nation and part of it is is that it is easy to use and a parking plan will keep it that way.

Katz: Thank you.

Walt McMonies: I'm walt mcmonies. My office is at 601 s.w. Second avenue, suite 1800, just moved so I almost forgot what it is and I also live in Portland. I am appearing here as a private citizen. I have some prepared testimony but it's kind of off the mark so I will try and focus it totally on the setback issue. Very supportive of the parking plan. And the substitute ordinance, I am supporting the substitute ordinance. Doing so as the property owner in northwest, I own four apartment buildings. My family owns them. And accessory parking garage which is a historic structure. Two of the apartment buildings are historic structures on the national register and the parking structure is a historic structure on the national register. I want to make the point parking is, has been around for a long time, maybe close to 100 years and parking structures are not in and of themselves alien to a historic environment. In fact, the rose city garage on northwest 20th is one of the more attractive structures in northwest Portland even though it is a parking garage. And that's what its original use was. In terms of setbacks I think as an attorney, and I am not representing anybody who's directly interested in building a parking structure at this point, although my friend mark strom is next to me and he's the flanders street medical center which is a designated site. To impose setbacks on these extremely small sites not necessarily flanders but on the one's behind elizabeth street and several other places would be ridiculous because what you are effectively doing is making it impossible to build a parking structure there. You have a site that's 50 by 100 or 100 by 100 and you impose a 14-foot set back, you have taken one lane of parking out. You may make

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it impossible to put a ramp in that's going to work. It's really an attempt, I think, by some cynical people in the neighborhood to really kill the parking structures by the back door. So I would ask you strenuously to support your own plan which you have all ready voted in by including and continuing to include the flexibility for, to have no setbacks on these smaller structures.

Katz: I'm sorry. I'm sorry. Go ahead.

McMonies: Then in terms of mark's -- I ran into mark basically in the anteroom. And he has not been fully involved in the process but he's got the flanders professional center which is currently an accessory use parking for the commercial but it's one of your designated sites. It's site number 2, flanders medical office. And he's concerned that he would have to go through the conditional use process to accomplish what would happen with these smaller structures automatically for commercial use. Again, this is a site that's perfect for commercial parking in northwest. And I think it's pretty late in the game but if there's a possibility of changing the designations so that didn't have to go through and a lengthy conditional use process I think it would be preferable.

Katz: Just a minute. Do you know that you can get an adjustment on the setback for a garages?

McMonies: Do I know that?

Katz: Yes.

McMonies: I am not a land use expert. But that sounds, that rings true. I am sure you would know that.

Katz: As opposed to not providing any flexibility and having a zero setback in code.

McMonies: Right. Exactly.

Mark Stromme: My name is mark stromme. I am involved with the flanders professional building. One of the owners. First of all I just like to say that I do support the proposal that's before you. But my comments are really related to one specific item, which is, item f in here which has to do with surface parking. Is that an appropriate --

Katz: It isn't appropriate but rules don't matter here. So go ahead.

Stromme: If I may say, this site was before you once before. Obviously, the areas of land that have parking on them currently are resources for parking. You were grateful in adopting a shared use plan for this site so that since I also own an apartment building in the neighborhood I could allow for neighborhood people to park on that site in the off hours. That is working well. It's certainly not filling the lot but what we have there is a site where in the off business hours there are 65 parking spaces on the weekend that go empty other than my monthly parkers. It's a resource that I think we should be utilizing by including it in item f here for surface parking. To be allowed as a commercial so that I could potentially help alleviate the congestion and the need for parking up there adjacent to northwest 23rd that's my request.

Katz: Joe, put that down. We need to talk about that. All right. Thanks. Go ahead.

Katz: Lili, why don't you go first.

Lili Mandel: Oh. Lili mandel. Now, this is -- I am going to be reading this. I just received it from somebody who is not going to be here. So this is not going to be tiger lili. It's going to be very calm. This was written --

Katz: Why don't you start. Go ahead, lily. Use your three minutes.

Mandel: A person who has written this is leslie. Many viable solutions to the northwest parking issue were presented at 9 august 27 meeting. None of which were even briefly considered because the commissioners had made up their minds before listening to residents. Not one member of council had the courtesy to answer my letter. It is for this reason I have decided not to attend today's meeting but rather highlight one question and solution to the issue. We need to know if a study has been made on the amount of traffic the northwest neighborhood can safely manage, considering two-lane streets, number of cars, and pedestrians, and the effects for traffic congestion. For example, currently, it can take up to five minutes to pass through an intersection at 23rd and johnson. Has the possibility of having 23rd avenue as a one-way corridor running north to south

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with 21st avenue also as one-way south to north with angled parking on both sides of these commercial streets between lovejoy and glisan been explored? Several experts in urban transit studies show a 25 increase in spaces when angle parking is installed making better use of existing space. Angle parking is also considered to be a safer option to deal with one-way traffic for pedestrians and cars. Furthermore, this arrangement makes it easier to park as so many have trouble with parallel parking. I didn't know they didn't know how to park. Ok. Plus a car waiting for another car to leave and then parallel park causes much further congestion. One can only imagine the congestion that will be created by cars queue up to enter one of the two garages slated for construction on northwest irving, a residential street. This is only one site out of six locations. What safety precautions have been addressed in this planning for the residents of this community? The northwest neighborhood is already the most densely populated area in Portland. Public transportation, trolley, and bus line are in place at taxpayers's expense to offset the traffic situation. Now for unexplained reasons and against the nwda's wishes, council had approved garages that will attract, only attract more car traffic to the area. The developer has also been allowed to sidestep the Portland design commission, thereby avoiding unbiased input. Council also removed setbacks, easements and height restrictions on these structures setting a dangerous precedent for land use in other parts of the city.

Katz: Thank you, lily.

Mandel: I'm sorry I can't finish.

Katz: We have it in front of us you can blame me. All right. Go ahead.

*******:** Mayor Katz, members of the council, I strongly support all --

Katz: Identify yourself.

Don Singer: I'm sorry. Don singer, 416 nw hermosa boulevard, Portland, 97210. I strongly support all the amendments that will allow a sustainable parking plan for all of northwest Portland stakeholders. The lots the council has voted to accept as part of this plan are small by intent. To better reflect the unique character of northwest Portland. The setback language supported by nob hill achieves the intent of council on august 28 to have both small and operable lots. I also support the other amendments which formalize the surface parking behind elizabeth street and m.l.c. This not only makes these lots legal under their current configuration but also properly sets the stage for their future development as part of small parking structures. And with regard to the elizabeth street site, the addition of the landscaping potentially could wipe out considerable percentage of the existing spaces there as well as choke off the entry point along irving. I think the five-foot set back along irving would make entry problematic and quite tight. The plan the city council is approved today is a workable plan per parking that follows the guide dance given by citizen advisory committee. The group that represented the neighborhood association, business association, social service organizations, faith organizations, and other northwest Portland stakeholders. The parking plan is workable because it includes the following components. Buildable, operable and adequate offstreet parking including 500 net new spaces, 6 sites near northwest 21st and 23rd avenues. Comprehensive neighborhood onstreet parking including pluggable pay stations and permits, for residents and employees. Transportation management association that immediately, that begins immediately to plan for administering parts of the parking program and addresses shared parking issues. Historic and design review requirements that mean the structures will fit into the neighborhood and won't be ugly. Height limits to ensure the structures are small. I recognize that this plan will not be implemented overnight. Nor will all the parking problems be addressed immediately. But this plan lays out the elements for resolving a historic problem in a way that residents, businesses and visitors alike can benefit. I am confident that within a few years, we will see a plan working very well. I appreciate this opportunity to share my support for the northwest district parking plan for council support. Thank you.

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Katz: Don, I don't know if I asked you or dick the question. There was testimony over and over and over again that 23rd and flanders was not appropriate for parking as some of us thought it was, since it is a place that could, in fact, hold parking today. And the answer was, no, we want to do retail up in front. Now you are asking for a setback for a garage? Can somebody explain that to me?

Singer: I was less involved in those discussions, mayor Katz. As I remember from talking to dick a lot of the discussion with flanders revolved around staff looking for an alternative to the papa haydn site. And from what I understand from my feeling with the loss of capacity from pizzicato we need to have that site in reserve obviously for the future because this is --

Katz: That was not -- that was not the answer that we received because it was, it was, in fact, one of the sites that was very appropriate for parking and the, and, in fact, we drew a schematic on how that could occur with retail space and the answer really was, no, we are interested in the retail space up front.

Singer: Well, as I said, I wasn't involved in those discussions and in my personal opinion the papa haydn is more centrally located to the businesses in the crunch zone than the site to the south. But dick could better address that issue.

Katz: Okay. Fair enough. Thank you.

Virgil Ovall: My name is virgil oval my address is 610 s.w. Alder street, Portland. I am an employee of star park. We are a locally owned and managed parking and development company. We presently manage the metropolitan learning center lot on evenings and weekends for the Portland public schools real estate trust. I spent 32 years working in the parking and development business in Portland central city. Also in the past I have served for many years as chair of an inner city neighborhood association and I was a founding member of the lloyd district transportation management association. We support this proposal and we fully support the concept of meeting traffic management rules by providing a limited number of small garages on selected sites that can easily fit into the design, scale, and feel of its surroundings. These small pocket garages would best serve strategic areas of the district. The dimensions of the small are sites do, however, make it difficult for these garages to be economically feasible. Setback standards for these sites would eliminate entire rows of parking and could result in no offstreet parking being built at all on these sites. The smaller limited surface area garages can only be built by taking full advantage of the site. The design review process would also take into account the necessary design features and guarantee the smaller pocket garages would reflect the character of the surrounding buildings and neighborhood. Height limits and design guide lines are a good mechanism to achieve the desired results. Also I am fully supporting the forming of the t.m.a. for the northwest district. It's been my experience as a community association chair and as past chair of the lloyd district transportation management association that a t.m.a. provides both the residential and business community an effective forum to discuss the issues and to find a common ground to achieve solutions and programs that benefit the livability of the community.

Katz: Thank you. Karla?

Nancy Lichtwardt: I'm nancy lichtwardt and I live at 3114 n.e. 36th. And as you can see I live in northwest Portland -- I live in northeast Portland, sorry, but I work in northwest all of the time. I am a photo stylist and I am constantly in and out of stores, picking up and returning props and wardrobe and I am also in and out of restaurants picking up food and catering and going back and forth to my car with armloads of stuff. And there's absolutely no way I can ever use public transportation when I am in northwest Portland. So I have to have easy access to parking and I have to have a lot of parking. And I don't ever want to be forced to take my business out of northwest because I love everything that northwest Portland has to offer for me. So we need as much parking as possible as far as I am concerned. And I would also like to add that I think in order for the parking plan to work, the setback amendments are critical. Pretty simple.

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Katz: What neighborhood do you live in northeast?

Lichtwardt: In northeast by grant high school.

Katz: Thank you. Go ahead.

Debbie Thomas: Hi. I'm debbie thomas 402 n.w. 13th avenue, 97209. Thank you for this opportunity. As the mayor suggested I will not go over all the numerous reasons that I think this plan needs to be enacted desperately for the parking issues in northwest Portland. I think we all know the pros and cons of that and I am 100% in support of the plan that is before us with setback adjustment modifications as proposed. I have been a long-term resident and work in the neighborhood and northwest Portland in general for 20 years. And the specific issue on the setback decision that you make today represents the best way to maximize the huge benefits that this plan will offer to everyone. As the gentleman mentioned earlier, the variances and adjustments to setbacks are granted all of the time within the design review process. I might add that in one of the cases where the spot behind papa haydn's the current height requirement, if it's residential, is 45 feet. I think the variance being suggested is 100% acceptable and totally appropriate. We want these lots to be efficient and used and maximize the plan that we have in place. It's only asking to make the design review process just a little bit shorter and considering the incredible lengthy process over three years, by my counts, all parties, including all of the city officials involved, have been through, I think that that's fair. The time and energy and resources spent to come up with this very, very workable plan have been enormous. And I believe it's worth it, as hard as that seems to admit, but it did produce a very workable plan that I would like to see implemented. The setbacks help insure that the parking structures will work. Do not handicap the plan. Or delay the plan. The irony of some of this back and forth between residential and commercial, in my opinion, is that I believe the residents will benefit as much or more than the commercial neighbors in the area in making the neighborhood a much more accessible and friendly place for everyone. Thank you.

John Whisler: John whisler. 9427 n.w. Fleischmner in Portland. I have lived continuously in various locations in northwest Portland for the last 15 years and I am co-owner of a business with two locations in northwest Portland. And I would agree that not passing these amendments would be a real setback, particularly the setback amendment. I am not an expert on the economics of parking garages, but when you restrict space in any commercial structure you reduce the economic viability of that structure. And without the flexibility in the code, to allow the garages to be built, so that they're economically effective you can kill them by not allowing the setbacks that are needed. So I just urge you to pass these amendments and to move this process along, those of us who do business in northwest Portland would like to see some certainty on this issue after years of back and forth. And the staff recommendations seem reasonable and with everything so close to approval I would urge you to move quickly and adopt these. Thank you.

Robin Johnson: I am robin johnson. I live at 9814 NW Justice Lane, 97229. As I testified in may, I urge you to adopt the amendments in front of you today. I have heard that the setback amendments will destroy the fabric of this neighborhood. I would like to give two examples that might help dispel this motion. The first is shady side neighborhood in pittsburgh, pennsylvania. It's one of the oldest historical neighborhoods in the united states. It also has two primary business streets, ellsworth and walnut street. 10 years ago, this neighborhood had to face the same issues we are facing today. 10 years ago, it culminated in the construction of the walnut street garage. This is a garage that's highly successful. It's a neighborhood that's highly desirable to live in. It's near carnegie melon. It's a neighborhood that has a commercial strip that's unrivaled. Much the same as the northwest 23rd and northwest 21st streets. It did not hurt the neighborhood. It helped the viability, it helped the livability. Second example is in st. Paul, minnesota. Grand and summit avenues. Both constructed in the 19th century. Historical importance, previous owners, amelia earhart, f. Scott fitzgerald, hubert humphrey. The current location of the governor's mansion in minnesota. This neighborhood went into disrepair in the 1960's. It was totally rejuvenated and

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along with it, it was rejuvenated with parking structures. The setback amendments are important today. Both of these examples I have given you are examples of historical neighborhoods that are viable and they are viable because all of the uses were taken into consideration. I urge you to adopt the amendments.

Katz: Thank you.

Pat Welch Schutz: My name is pat welch schutz. I live at 3011 n.w. Luray circus, portland, 97210. Mayor Katz, commissioners I am here in support of the parking plan and I feel that the setback amendments are essential to a workable, flex able plan. I have been a resident of northwest portland for 13 years. I moved from lake Oswego in order to have a more urban experience. I wanted to live, work, shop, eat, see my doctor, vets, cleaners in the same area and I think that northwest Portland is a unique small business area. And over the years, I have had increasing frustration, accessing the places that I frequent. It seems every year I add another trip around the block to find parking. And I find myself sometimes feeling it's faster to head over to lloyd center or elsewhere. I find myself bypassing the street that I moved here to be near. I was very pleased to hear the parking structures were being considered for convenience but I also have a strong esthetic sensibility about my neighborhood. Ugly large parking structures would be anathema more so then driving around the block in futility or going elsewhere. So I was cheered when I saw a rendering of the papa haydn structure and realize they would be developed by some of the same people who've done such a find job of developing 23rd avenue. I also have faith in historic design review process. And I understand that any structures that will be built will be small and fit into the total environment. And I don't pretend to understand all the technical or zoning issues involved in getting them built but I want to say we need parking relief in this area and I ask whatever it takes to get these structures built that you please help get them built. Thank you.

Bill McNally: Hi. I'm bill mcnally. I am at 801 n.w. 23rd avenue. I am operations manager of music millennium. You know, we have been in the neighborhood now for 26 years. It's a little while compared to some of the folks that are either living there or doing business there. It's vital that we have the parking structures. We feel really strongly and happy that they were approved. I know it's been a very contentious issue with the residents in the area. But what I would say is we would really support the flexibility in the setback issue. If you're going to build these structures, let's try to make the best use possible of them.

Katz: A zero setback is not flexibility. Ok.

Tom Brady: I'm tom brady. I am a property manager with kbc management at 5135 n.w. St. Helens road. And I have been with kbc for 10 years now. We specialize in northwest Portland primarily. I have 15 properties I manage. And I guess I don't need to tell anybody here parking is a problem. I have about 400 residents in those 15 properties between couch and raleigh, between 18th and 25th. And I strongly support these reasonable offstreet sites and as far as the setbacks, again, it's a contentious issue and so we agree upon a site, I believe we should make best use of that space. And make the arrangements so we can get as many vehicles as reasonable in those spaces. Thank you.

Elsa Warnick: My name is elsa warnick. 636 n.w. 20th avenue. This is a runaway train. I think everybody has forgotten that there is a very fat document called the historic alphabet district. And in it are all kinds of guidelines. It exists. And people who live in the houses exist. And some of them, if there are zero setback are going to have commercial structures butted up against their homes. This violates the historic alphabet district. That's self-evident. It's sort of like you forgot about it. I think, in fact, it isn't even brought up. All that's brought up is all about the good of the world and growth and stimulation to the economy and all that stuff. But underneath it exists a historic document -- a document which describes a historic residential district. And there should be protection because of it. Zero setbacks violate the livability of those residents who live in that district. It's simply unacceptable. In fact, i'll just close by saying, I recommend that you take all

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those charming little signs on top of the street signs that say historic alphabet district that we have paid for, they have got to be very expensive, and you just melt them down and use the profit from the waste metal for something useful. Because I think you have made a mockery of that designation. Thank you.

Kandis Nunn: Hello. Thanks for having me here today. My name is Kandis nunn. 1121 s.w. Salmon street. I am here today as a representative of a family business whose roots go back 50 years in northwest Portland. Who continues to serve people with what we hope is safe, affordable housing in both that area and the goose hollow area. I want to thank you for the patience and the thoughtfulness that you have shown in deliberating on both the district plan and the parking plan. And in addition to showing our support for the setbacks and the amendments that we have requested today and landscaping that will ensure these lots can be built and be used and viable for the neighborhood, I also wanted to share my thoughts about what I think has colored the process and my hopes for your vote today. Nearly three years ago the city launched the citizens advisory process that led to an endorsed plan by both nob million and nwda that was submitted to the city council in june. That seemed like a grand time. Fast forward to today and you see a regression in the discussion that is nothing short of sad in my estimation. How far we have regressed as a community that people feel comfortable, that somehow it's appropriate for individuals and some members of the media to demonize one person or one family, for what has been really a 30-year evolution of a neighborhood. Or to make sweeping and sometimes inaccurate and inflammatory statements about some elements of the plan that have led to fear and retaliation in the neighborhood. And to impugn sometimes the intentions of people who support that plan. I think we have regressed when we see that the small independent locally owned businesses are now fare game to be threatened by boycotting simply because they want to have a say also in their future and the future of the community. These are the very types of businesses that people say they want to survive because they're community-based. I think it's convenient that for some to cling to a position that the cars that come into the neighborhood are only there to leave. So that they can to go an event at civic stadium. Or to buy, buy, buy, not that they are there to visit family or friends or even that there people who actually live and work in the neighborhood or how convenient it is to believe that somehow if you favor these parking decks you can't be for residents interests. I encourage a yes vote today in favor of the language that helps to implement these few parking structures that may even be feasible over a period of time. But most importantly, in my view, you have a chance today with your vote to express your expectations that I hope will lift the discussions from what I consider to be a fairly acerbic tenor that really doesn't look favorably on our community. That through the process of the t.m.a. we will have some kind of a built-in opportunity for shared and civil exchange over very difficult issues. Because contrary to one person who quoted in the northwest examiner says this is not about one man and what he want, it's not about a handful of greedy people, it's not about monolithic parking structures or a house that's maintained its historic integrity or c.s.c. members who live elsewhere and couldn't possibly care about the people in northwest. I sincerely hope your vote today and I have faith in that, will do the right thing for what will be the future for all of us in our community. Thank you.

Katz: Thank you, Kandis. Ok.

Sarah Griffiths: Mime sarah griffiths. I like at 2066 northwest glisan. First, I want to address the setbacks and height requirements. I feel that they decrease the effectiveness of the design commission. I mean, I am also involved with the uptown tower just marginally and it's the same kind of thing to me in just my layperson's understanding that when city council says, ok, can be this tall and it can have this much setback that doesn't leave openings for the design commission to say, no, this is not ok to have exhaust and, I don't know if that's what the design commission does but I have picked, I live right at the corner, like I share windows with basta's parking lot, which is a very small parking lot. I can hear people all the time revving their engines up and talking and laughing

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as they get done with what they are doing. I'm happy they're happy and i'm glad they are bringing business to the area. But as far as a nice environment, it really kind of stinks. To use a mild word. I'm a student at p.s.u. and I am taking an economics class right now and and we are studying marilyn wearing. She talks about market value versus individual and community well-being. And that when, it has a correlation, I think. You are talking about just money market. Like market value as money only. But what if we talked about, you know, the businesses that we are supporting? What if, if instead of just looking at the dollar signs, if we had community and asking, what do the neighbors next door think about having something 15 feet away from their living room window? I don't know. I'm really frustrated. And that brings me to my third point. I used to be more passive and trusting about government. That's what I was taught to do by my parents that government, that we elected the officials, and we trusted them to have our best interests in mind. And I am really disappointed because I feel like, you know, we have elected you, and -- and I feel like the time I spent last time and this time is wasted because you have already made up your minds. And I want to thank you because it's teaching, one of those cynical like hitting my head up against the wall, it's teaching me that when the next election comes around, i'm going to see it with that much more of a jaded perspective. And I miss that idealistic, yes, they'll always do the best thing for me. But I would ask you guys to kind of revisit and reconsider.

Katz: Thank you.

Vic Wolf: Vic wolf, vic wolf salon. I am located northeast 23rd between kearney and lovejoy. I have been on that block since 1979. Had a lot of parking, a lot of offstreet parking over the years and it's gone. It's all been wiped out. And setbacks for these parking structures will be really help me out especially the location around papa haydn's. It's very centrally located for me, my clients. It's -- it's very nice structure. It's beautiful to look at. Really a joy, that type of thing coming into the neighborhood. Something that does look like it fits in there. I think we can work with it. And I think it would be good for the neighborhood. And it would be good for me. And my clients. Ok. Thank you.

Tom Ranieri: My name is tom ranieri and I operate the cinema 21 at 616 nw 21st ave. I am here today to speak in favor of the parking plan. I have prepared some notes but I might as well save everyone the effort of listening to them. I am kind of sick of saying it myself to tell you the truth. I am kind of sick of a lot of the process that I have been through for the last nine years. However, i'm still here. I'm still in the neighborhood. I'm still trying after three years with the c.a.c. to make something happen. And I think this plan needs to go forward if we are ever to get out of the morass of the status quo and if we ever are to get on with all the challenges that face us in the future, the important things. Parking is the most important thing that I have ever had to deal with. It was with respect to the amendments, I am no expert on the amendments. I know relatively zero about amendments that deal with set backs. However, if there are devices in the language that will make it impossible for these small-scale offstreet parking sites to be built, then, I would oppose them and I would urge city council to make sure that whatever the language is that it makes it practical to build these things economically. That's all I have to say. Thank you.

Katz: Let me put words. You do support m.l.c. being a parking lot in, considered parking, allowed for commercial parking?

Ranieri: Yes, that's part of the plan I support.

Katz: That's right. I just wanted to make sure that was for the record because I know, I know what you are asking for.

Ranieri: Right.

Katz: Thank you.

Frank Pipers: I'm frank pipers, 2353 nw overton street and I have a small business there as well. I will dispense with my remarks because of the mayor's plea and basically spare you a die tribe of woes all of which you have heard about before except perhaps the negative impact of my social life

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created by the parking. I am the treasurer of the overton -- thank you. I am the treasurer of the overton rowhouse association and authorized to speak for eight of my neighbors who all are in favor of the parking plan and as it's been suggested. I would like to say that I am also in favor of the zero setback amendment and finally, for those of my historical neighbors who have referred to morally bankrupt it like to take an opposing view and basically think of you as almost heroes for persevering as long as you have and I would like to ask you to try to, if possible, come to a resolution as soon as possible and I thank you for your efforts.

Katz: Well, it isn't going to be tonight, unfortunately.

Pipers: Well, so be it.

Katz: Go ahead.

Peggy Anderson: Yes. My name is peggy anderson. I live in beaverton but I am a member of, board member of the nob hill business association and the membership outreach coordinator. My job entails going out to the businesses twice a month usually, to notify them of the general meetings and also to notify them of any of the crime prevention tactics that we need to get implemented in the area such as showing flyers of recent purse snatchers and things such as that. I had the opportunity to talk to businesses. It takes me about two and a half days to cover the area and to talk to them about things that concern them. Always comes into the consideration is, what's going on with the parking? I can say honestly that the number of people, about 90% of the businesses, are tired of the parking issue. They want the t.m.a. to be implemented as soon as possible. They do believe that the parking structures will bring some revenue into the area that will help, you know, maintain it and improve it. And they would like you to bring some closure to this and that's all I have to say. Thank you.

Gabriel Dominek: Gabriel dominek, 1633 n.e. Clackamas. Local building designer and planner and one that's very involved in eco-efficient design. I understand the particular dimensions that may need to be implemented to carry out these parking projects. Therefore, I am in support of the setbacks. We heard testimony earlier of some of the history of setbacks. More current history has to do with neighborhood characteristics. And I don't believe that the zero setbacks need to be in detriment of the any adjacent residential properties. In fact, the designs as I've seen presented are very elegant and I think would really add to the character of the neighborhood. Thank you.

Katz: Ok.

Katz: You again.

*******:** How you doing?

Katz: How are you?

*******:** Good.

Katz: Go ahead.

*******:** Anyway, this is --

Katz: Identify yourself for the record.

Phil Geffner: My name is phil geffner. I own escape from new york pizza. I live on 24th and quimby. This is a 20-year plan. 20 years is a long time so we are gearing up for 20 years like 20 years ago when the neighborhood was we were between two bars and now we got some gentrified neighborhood which I wasn't like you know, I wasn't in line for the gentrification. I didn't really like it but all the old houses got saved and the all the other neighborhoods got gentrified and we got gentrified in a nicer way because we saved all the old houses and we have the old Victorians. And now we are another 20 years and that's a long, long, long time and you will be 40 by then. I mean it's going to be -- [laughter] a long time. We got, we're thinking about something 20 years, none of us guys can tell me that you will be here in 20 years on the council. So I mean what you are leaving isn't for you to pick up, whatever it is. It's going to be going on for 20 years. And something's going to happen within the next 20 years and someone's going to decide and I would like it if the residents neighbors and the residents and business if all these people could get together and decide

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and have the power to do what's going to happen to the neighborhood now instead of it being decided later because somebody's going to decide sometime because there's going to be 20 years, 20 years is a long time and I don't know what's going to happen to me in 20 years. It could be anything. Now, i'm not crazy about parking lots. Because I had a store downtown and goodman, city center parking, bad, they knocked down my building and made a parking lot out of it.

Katz: I remember that.

Geffner: And they said to me at that point, that, hey, you know, with we need more parking downtown. They had lots downtown. Plenty of lots, offstreet parking and that quarter block wasn't going to make for any more park and make the city any better. That wasn't necessary. Because they had places to go. But what I got to say here today and now is, people like to drive their cars. I'm not from that culture. I didn't believe in that culture. I ride my bike or walk. I'll even swim to get somewhere. I don't really like driving my car but if I have to go out of town which I like because it's beautiful, Portland and beautiful northwest area, I drive to get out of town so I got a car for that. But they drive. This is the nature what people do. Like people who live where I live on quimby, they go to a movie at cinema 21, they drive there. They don't walk there. They put a library on thurman street. There arguing they want one on lovejoy because they don't want to drive to quimby. I don't know why they can't walk. They just don't. We are left with people driving around and around and around with nowhere to go and somebody's got to cut it somewhere and I think like you know, it's going to not look too bad having a couple lots in the neighborhood. I don't think it's going to look too bad. The people that are right next door they got to be talked to something made right for them because they have a house and now they are going to have a parking lot. I think it's got to be done in good taste and talked to them and be part of the process and I think that's more than fair and I think it's right. Janik took my three minutes last time so I got three more.

Katz: No, your time is up. Finish your sentence.

Geffner: Anyway, the point of the matter is that i'm not a big parking lot fan. But in this case, I think, you know, when all the scales are weighed out, there's something that's needed over the next 20 years something is going to be needed.

Katz: Thank you.

Geffner: With the culture we are in. That's all I got to say.

Katz: Thank you.

Vera Moeller: My name is vera moeller. And I live at 822 --

Katz: You want to grab the mic so we can hear you.

Moeller: My name is vera moeller. I live it 824 n.w. 20th. I manage an apartment -- i'm sorry. Mayor Katz and the commissioners, I am here in support of the parking plan that's before you. I manage an apartment complex on kearney and 20th. And have been there for a number of years. And since i've been there there's always been a parking issue. Managing an apartment building the first question that's asked is, what the parking is like. I try not to be really honest about it because the parking is really horrible there. A lot of times I witness people parking their cars and since we've, since the trolley car has been instituted, they park their cars and use the trolley and leave their cars there all day. Leaving residents of the area without parking. And I believe that -- that, well, with this new parking plan, it will resolve an issue, not only with the residents in the area but also with the businesses. We have a lot of unique shops in the area that we would like to patronize and i, in my building, we have some physically disabled vets that can't walk all the way up to the shops and parking close to the shops would be good for them. And also enable them to patronize all of the businesses there. But they're unable to do so because of the parking and so we, a lot of us go over to the malls. Because of the parking. And I would like to encourage the final adoption of the parking plan as it not only will enhance the livability of the residents in the area but also help with the patronage for all of the businesses. Thank you.

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Katz: Thank you. Grab the mic.

Jeff Reingold: I'm jeff reingold, 721 s.w. Oak. Mayor Katz and commissioners, I am here in supports of the parking plan and its related amendments. At the request of commissioner Hales way back three years ago I have been actively involved in the northwest parking c.a.c. to forge what we believe to be a fair and functional agreement. Our c.a.c. was composed of representatives of all neighborhood stakeholders and worked diligently for these past years with the able and dedicated assistance of the city staff to arrive of the plan which is the subject of today's hearing. The height and setback amendments are quite reasonable and to me, quite necessary to allow the contemplated structures to be fully functional both economically and physically. My appearance here today is a logical extension of the c.a.c. Process which, if it continues will be in its fourth year. And I want to see that the plan which we have all worked so hard to craft so carefully is finally implemented on an economically viable basis. In order to do this these setback amendments are really required. I have to point out as well during the c.a.c. process, very substantial city resources were expended in the public outreach program. Every stakeholder was invited to numerous events, designed to solicit input from the public and, in fact, much of that input was incorporated in the plan which became the final version. A last-minute rejection of this plan or failure to implement necessary adjustments such as the setbacks that are contemplated today will simply make the structures economically unfeasible. As a property owner, property manager, and we handle about 600 units in the area, and I also a daily visitor to the neighborhood, I see first hand the effects of this lack of parking on our residents and on our merchants. It's a serious problem. They and we desperately need the relatively few parking spaces that this plan contemplates. And we need to get on with it. I'm hoping that in the next 20 years, like my friend at the end of the table, that we have been able to move on and accomplish some other things, assuming that the parking plan gets implemented. I want to thank you for your dedication to this issue. I know it's been time consuming but it's important and I hope you will see your way clear to vote in favor of the plan and the related amendments. Thank you.

Katz: Thank you.

Katz: Who wants to start in go ahead.

Ted Thomas: My name is ted thomas. I live the 4605 s.w. Fairview and I have spent most of the last 20 years of my life living in northwest. And I just want to say I think when phil escaped from new york guy he probably didn't figure that little old Portland, Oregon, could gentrify him but I think it has and he hasn't come to terms with it yet. I am here to support the amendments and I want to commend the council for giving so much access to the number of people that have weighed in on this issue. But even though I can sympathize with some of the ideas and opposition that has been expressed, I just feel that there's an enormous amount of work that has been done by all the parties to get us to this point, and that the issue of setbacks seems to be sort of a back doorway of negating what the council has already expressed its support for and I just want to reiterate I am in favor of the amendments and that we go forward with them implementing this plan.

Katz: Ok. Next.

Larry Weiner: Good afternoon my name is larry weiner and I live at 838 n.w. Albemarle terrace and I am here to speak on behalf of the parking plan. I know you have taken testimony many times now and you have heard from many people and up until today I didn't think you had been hearing the voice of people like myself who live near 23rd avenue who rely on it heavily for work, for shopping and for entertainment. We are not an organized group. Nevertheless there are a lot of us and we have seen our ability to access the services we use on 23rd steadily deteriorate over the last five to seven years. I occasionally come down to 23rd avenue to use kinkos and send off federal express. I will use that occasion to shop and frequent some of the stores. But over the course of time I found it increasingly difficult to do so and it's just become easier in many instances to go elsewhere. I can also perhaps offer an alternative perspective as someone who onced lived through a similar situation a few years ago. My wife and I lived in sausalito, california. We purchased a

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home there that was within a block of a commercial district. Shortly after moving there, a movie theater was renovated and the immediate area experienced something of a rebirth. This began a maddening and unceasing flow of traffic around the neighborhood with people circling looking for places to park. Unlike the residents here, though, we begged the city to do something about it. After less than a year of study the city did set aside some areas for parking and implemented a strict permit system which effectively solved the problem for us, for businesses and for patrons. So although I understand and sympathize with the residents who live in the adjacent areas near the parking structures who will be adversely affected, it seems to me that the majority of people will actually benefit by having these parking structures and by ameliorating the difficulties people have parking in the neighborhood. To the extent that the setback amendments are necessary to make these garages economically viable, I urge you to adopt them. Thank you.

Chris Smith: Chris smith, 2343 n.w. Pettygrove street. I am testifying today on my own behalf, not as spokesman for nwda. I support the nwda position that frank dixon will articulate. I spent a very large chunk of the lastly years of my life trying to make this plan happen. Today I am here filled with regret and disappointment. For three years I have been the point person on this project and I have been the leading voice in nwda to try to do this cooperatively with our business neighbors. And now I regret it. I don't regret that I tried, that I chose to try to build a bridge across a 20-year chasm in our neighborhood. I would do that again. I regret by getting our half of the bridge built, by getting our neighborhood to move from no parking structures to no parking structures in the historic district, to being here in june representing our neighborhood supporting six structures at 800 spaces in our neighborhood, I helped get this bridge built just far enough that you could push our neighborhood off the end of it. Back into the chasm. I regret that deeply. I am profoundly disappointed because a very good plan is within our grasp. And we have turned away from it. We had the ability to vastly expand the transportation choices in our neighborhood while at the same time adding 800 parks spaces over the next 10 to 20 years with a minimum impact on the character of the neighborhood, and while overall reducing our dependence on the automobile. But that vision has been abandoned in favor of one that places 110 parking spaces at one specific spot with the most intrusive method that I can imagine, tearing down housing, piercing the integrity of the residential section of our neighborhood and allowing development to the lot line with no review. Commissioner Francesconi, I believe that you and I can and will do some great things with transportation for the city. But I hold you first and foremost responsible for this failure of vision. The commissioner in charge of transportation has been the leading spokesman for Portland's ability to do things differently, to build a vibrant and vital city without totally subjugating our public realm to the automobile. You failed that tradition in this plan. Commissioner Leonard, when you and I were discussing your candidacy for this office you told me how outraged you were when a lapse in regulation allowed a developer to tear down trees on powell boulevard. I respect the values that led to you that outrage. But our values in this neighborhood include defending the established matters between commercial and residential development that were set in our 1977 policy plan. Vital commercial avenues require those not be sacrificed and your insistence that this happen with the ultimate indignity of not even the protection of setbacks is every bit of an outrage to us as the loss of those trees was to you. In this case it's not because of a lapse but because of an active commission by this council. Commissioner Saltzman as far as I can tell you want to get this over with. But this is anything but over. The neighborhood will not simply suffer a blunt force trauma as you called it. We will defend ourselves with all the tools available us to in our state's land use system and whatever the legal outcome may be you have fueled not soothed both lanes of distrust that may burn for another decade.

Katz: Thank you, chris. Your time is up.

Francesconi: Chris, I don't want to get into debate on this and I respect your opinion. And all that you have accomplished in the past and will in the future. But I just have one substantive question.

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I don't quite understand. The plan that you were promoting was 800 parking spaces. The plan that we have approved, because I eliminated two park of the parking, is 625. With only a functional of 300 to 400. So without debating the whole thing all over again, i'm a little surprised.

Smith: I don't know why you should be surprised commissioner. We have been clear. There are opportunities to put in 800 spaces that will not dramatically influence the character of the neighborhood. And don't require moving the line between commercial and residential. But the insistence to do first the one project that moves that line and tears down a house is the lynchpin that makes this not work.

Francesconi: Ok.

Katz: Thank you.

Tim Ramis, 1727 NW Hoyt, Portland, OR, 97210: Mayor Katz, members of the council, tim ramis here today on behalf of nob hill business association. I would like to first thank the staff and the council for all the time and effort you spent dealing with this issue. I know it's been a substantial burden on everyone. My testimony is intended to take our conversation back to the specifics of the text that you will be considering today. And away from the more global issues of the previous testimony. I would like to speak to two issues. First, the question of substitute setback language which relates to item number 9 on page 4 of exhibit a. And second to the landscape provision relating to the m.l.c. and elizabeth street lots. First the setback language. The fundamental issue here is whether to go with the language that was specifically proposed by commissioner leonard and which the council adopted specific text not just a concept, or whether to substitute for that staff language which has now been presented to you which drops a specific substantive provision that would relate to the pottery barn site. You have three options. One to go with the original language which you adopted on the 28th of august. Second, to go with the language that the staff is proposing today or, third, to adopt some language that the staff has written which would amend their language and return the policy back to the language that commissioner leonard proposed and the council adopted on the 28th. We are comfortable with the staff's amendment and it is attached to my letter. The facts are these. On the 28th, the council heard a specific proposal from commissioner leonard and he was asked to read it into the record. It was the only amendment that was read specifically verbatim and it was adopted by the council by majority. That was over a staff objection. The staff asked for the opportunity to write their own language. The council did not go with that approach and instead adopted the specific language of the motion. The staff in the interim took the opportunity to rewrite the language because of a disagreement over format. And they also in a very up front way they are not secretive about this, in a very upfront way they deleted out a specific provision which had been included in mr. Leonard's language. It was language, a provision that we had proposed back in june. We had renewed it in all of our testimony. It's an issue that was debated in all the staff reports and the matrixes we submitted. And that language was included the motion that commissioner Leonard read and was adopted by the council. What we are asking is that the council simply adopt the amendment prepared by staff, add it to the language that's before you now, and return the policy back to the language that you originally adopted on the 28th. The substantive argument is over the setbacks for the pottery barn. And I know that the mayor had some questions about that and if you do I would be happy to - -

Katz: Your time is up. I need to clarify. Just nod yes or no if we need to talk a little bit more later. Did we actually adopt the language with regard to the setback with regard to the pottery barn and landscape issues? We did adopt the pottery barn setback? Excuse me?

Zehnder: It's language that affects the pottery barn but affects every commercial zone on 23rd, 21st so it's much more inclusive than we realized when it was adopted.

Ramis: That is the reason why we worked with the staff to adopt language to narrow the decision just for the pottery barn.

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Katz: So answer the question. We have it on tape. That you were not going to do parking lot on the pottery barn site, that you were going to expand the retail. Now you are asking us, well, just in case we change our mind, you now want no setback there as well?

Ramis: What you have on record is a drawing and a plan submitted by the property owner that shows two uses on the site. And you have a consistent position by nob hill going back over a year that the site should be used for two purposes, retail on the ground level and parking, a limited amount of parking, above that. Sort of on the plan of the old fred meyer sites. That has been the consistent position of the property owner and of nob hill and it has reflected in all of our testimony and all of our submissions. Now, there was a suggestion that perhaps that limited amount that we were planning could be used to substitute for the loss of the pizzacato site and the loss of the papa haydn site. We took the position that that small amount that we can provide on the roof of this building was never going to be enough to be an adequate substituted. That's been our position consistently.

Katz: Well, we have it on the record.

Ramis: Yes. We would be happy to review that record.

Sten: I am confused on this. I think the discussion that was going on is whether you could put more parking into the pottery barn site in substitute for some of those other pieces as a possible compromise between the two sites. At least that's as I understood it.

Ramis: That's correct.

Sten: I remember what was in the chambers and what was in various community meetings but that was the discussion and I guess, the purpose as I understood it of the council's amendment on the setbacks was, you know, pausing for a second on the debate that we will have in a minute whether that's, you know, there's been a lot of testimony whether it's a good or bad idea the purpose of it was to allow small sites that were pretty tough to work. Help me on how the pottery barn fits that intent if you are not either going to put more parking spots in it and it's not a small site? I mean, I would love dearly to be able to make an agreement. And was even going so far as to talk about trying to find with the neighborhood's help t.m.a. dollars to help make the pottery barn site work for more parking spots as a tradeoff to try and find some peace in this. But I can't figure out what you are actually -- you have been pretty clear to me you don't want to put parking spots on there and it doesn't seem consistent with the intent of the amendment which was to work on the small sites. That's where I am confused.

Ramis: That's, I think that's a very fair question. We examined very carefully how that site could be designed for parking, whether it would be 100% parking to try to make it a substitute, or to try to combine at least some parking with retail. What we found was, if the site was going to be used on the ground floor for retail and parking above, that it would be necessary to construct a ramp up to the top of the building. And in order to make that work, still have enough depth for reasonable amount of retail, you need modifications of setbacks. And so the position has been, we need the modification in order to allow this building to accommodate both some retail and some parking. That's been what we have been trying to do.

Sten: It seems to me that in the absence of a compromise, the need to do this by right is what you are after because you don't believe that there's going to be support. The pottery barn site I can't figure out what compelling argument should be that you shouldn't go through that site on that street that prominent. I can understand more in the smaller sites. Help me with what the rational for that is.

Ramis: Here is the conversation that we have had with the staff. The staff has not been arguing to us that there should be a setback on this site. That's not been, that the building should be built with a setback. We have not made that case. Instead, they have said what he would like to do is put you through the modification process in the design review proceeding. Not that they would oppose but they would like to see us go through the process and, of course, it's clear that if we go through the

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process, it will be opposed, that we will have one more appeal and we will be right back here again to battle over this. And we don't think that's a practical solution for a site that you have had so much testimony in favor of using.

Katz: At least you are honest about it.

Ramis: Well, I hope that's not something new in front of the city council.

Sten: I understand that. I was trying to figure out. I understand your position.

*******:** It's not that much bigger eric.

Katz: Wait a minute. You are not part of the conversation yet.

Sten: That's ok.

Katz: You need to identify yourself.

Sten: That's ok.

*******:** It's only --

Katz: Identify yourself for the record.

Richard Singer: Richard singer, 635 n.w. 23rd avenue. It's only a slightly more than 2,000 square feet larger from the papa haydn site. So what you have here is a very small site with a grade change of eight feet between the flanders site and the pottery barn wall, pottery barn. It's an incredible difficult site to work with because of that. And we want to continue the main street, we want to be able to have the tonight continuity of retail. I think that that's important and I think that's what you as a council would want to see and so there is a balance that was very well studied for a long time on how much retail can you handle on that site to make it pencil out as well as how much parking can you get on that site and how do you work with the grades and how do you ramp it? And what we received back from planning was a last-minute sketch and it was a tremendous effort on their part in such a short amount of time but it did not at all reflect the realities of how much this cost and how do you deal with this and how do you engineer it? We don't have a large site here and we need to have the retail. People would like to see a continuity of retail on a main street that's been successful and we want to continue to have, be successful.

Sten: Good.

Ramis: Commissioner from a policy perspective the argument we would advance to the staff is that once you have decided that zero setbacks will be permitted for these other six sites which actually abut residential uses, it isn't a big leap to allow zero setback on a commercial site that does not have residential --

Sten: I understand the argument. Let's just cut to the chase. I think it's a pretty amazing that you know this is the heart of a site that the mayor and the neighborhood were trying to work to try and get to some peace on this and so to try and kind of come in and say it's just logical we could build on to that one I think is kind of a jump.

Singer: Well, eric --

Katz: Wait a minute. Wait a minute.

Singer: I'm sorry.

Katz: Did you finish?

Sten: Yes.

Katz: Are you finished with the testimony?

Singer: I would like to just counter one thing here. And that is that --

Katz: His time is running.

Singer: 160 spaces with the pottery -- the pizzacato lot being withdrawn. That was central. It was an incredibly central lot. This is way to the south compared to pizzacato and papa haydn. This is a 20-year plan. We had 160 spaces taken away from us. And now we have to get whatever inventory we can included back into the plan because we now have less than 500 net spaces that will really be built in that neighborhood. So we are looking for not to go through, excuse the expression, the hell we have gone through the last many years on this, we will be taken to task on this without question

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by the neighborhood association. And we are adding back not what papa haydn's, the reason why we couldn't swap it for papa haydn's not only the centrality but there are a lot fewer spaces on this site that can be put there. At incredible cost so we are looking for some increase in the capacity here. We are talking about 60 spaces. Now, so we need that for a 20-year plan.

Katz: Thank you. You heard chris's testimony that the neighborhood association was supporting 800 spaces. I guess the irritation that I have, I have a lot of irritation for a lot of these elements but on this one, you didn't need to push that far. There is an adjustment process for setbacks. There isn't any other neighborhood in this city that has that exemption. And I guess that was the irritation that just threw the neighborhood association over the edge.

Ramis: Well, mayor Katz, when you are looking for those 800 spaces to be placed down by besaws and the consolidated freight site, areas so far out of the commercial street, then, they are not usable. Those aren't functional.

Katz: And I understand that. And I support it as others did the garages that we had selected with the exemption of one. But you didn't need -- the point is, you didn't need to push the setback issue and then push, I don't know if tim's coming with another amendment on the landscaping.

Singer: Again, mayor Katz, I would like to say on the setback issue, the neighborhood association was privy to meetings with the experts selected by the city, rick williams specifically, who pointed out to them that any setback whatsoever was going to be a vote against it whether you voted for these parking structures and then allowed not to have the, you then made setbacks that were a requirement. That was a vote against having any parking structures because they're so small, they're so expensive, they're 50% more in cost than a regular parking structure. Those are the reasons.

Katz: Well, we do disagree how we view it. Go ahead.

*****: Go ahead. I was responding to eric's.

Katz: Go ahead.

*****: Do you mind?

Katz: Go ahead.

Singer: Thank you. For the record my name is richard singer, 635 n.w. 23rd avenue. I am here today in support of the action you are considering and in support of clarifying language which is being offered by the nob hill business association. By acting today the council will put in place the framework for a 20-year vision for the northwest district. I know this has been a difficult issue and I appreciated the council's efforts to get the parking plan to the decision point we are at today. I also appreciated the two-year effort by staff and the c.a.c. To address this issue through compromise will. I think you can all appreciate the value of everyone's efforts best by placing today's action in its historical context. Here's the history from p-dot 7 website. 1977, the northwest district plan is adopted and calls for more efficient use of parking to address the parking shortage. 1983, p.s.u. Studies and documents the parking shortage. 1995, a p-dot study confirms the problem and joint working groups seeks a solution abandoning the efforts after two years. 1998, p.s.u. Again documents the problem. This problem is not going away. Finally, almost three years ago, the city convenes the c.a.c. To tackle this long standing problem. Residents, businesses, social services and religious organizations, homeowners and other neighborhood constituents came together to form the committee and worked for over two years to create the the compromise parking plan they all agreed met the area's needs. This plan is a tremendous accomplishment because it moves us beyond a 25-year impasse and will preserve the special mixed use character of northwest. The council should rest assured that the plan before you today is a parking strategy that responds to the glaring need for more parking with the least impact on the neighborhood. Anything less would be of little value to solving the problem. This plan is not a paper plan. We intend to moved for on one of the small parking structures during the next year. As you know, the nob hill business association has proposed two amendments that tim ramus spoke ot. None of these are new. Each was previously accepted by the council and they are necessary to ensure the plan actually produces

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new parking spaces. One of nob hill's amendments addresses language added by planning staff regarding landscaping for surface parking lots. I would like to make the commitment here today that I will land scape the existing surface parking lot at elizabeth street, and accordance with the site plan I have provided to planning even if such an improvement is not required by the code. In closing I know how hard this issue has been for you. Nwda and the business community. I wish it could be easier but after 25 years of impasse, something must be done and I feel this is the best plan possible. And this approach has been used in other historic districts. Charleston, shady side in pittsburgh, new bury and charles streets in boston. We didn't invent this idea. We adapted it to work for northwest. And while I understand that appeals of your decision have been threatened by others, I am sure that once passed that hurdle the northwest business community and the nwda will work together to make the t.m.a. A success and ensure the continued vitality of our neighborhood.

Katz: Thank you.

Singer: I personally committed to do my part.

Katz: Then you will, you are supportive of leaving the land which landscaping must be in compliance with current regulations? You just said --

Singer: I said that there were opportunities to put some landscaping on that site because it's all retaining walls and in that that area which is not landscaped I provided a site plan to the planning bureau and I will landscape to the extent that it's practical and we can.

Katz: Well, we will talk about that.

Leonard: Are you clear about the language, mayor?

Katz: We went there. But somebody will have to make a motion. Tim can't.

Ramis: The language is before you and it's there to keep spaces that exist from being wiped out, essentially.

Katz: We will talk about it with staff when they come back. Sir? I'm sorry that you were caught in that.

Bill Aylward: That's ok. My name is bill, I live at 2335 n.w. Irving. I would like to state that was a remarkably long three minutes for each last of the last two speakers. Remarkably long. [laughter] quite a roundup we have here today. So many people that know so absolutely nothing about architecture encouraging you to do away with all the setbacks because they are so reasonable. I am so impressed with your lineup. What I think you ought to do is have somebody that's qualified to make these judgments make them independently. Like a design commission. I do know that I live at 235 n.w. Irving as stated. I will be one door away from one garage to my east, and I will have another garage directly across the street. So many people have said how much they love garages here. Today. If they love them so much, they can have them. I can assure you I do not love them. My next door neighbor jim ferguson who owns the house that will be immediately adjacent send to that piece of property will be able to reach out his window and touch it. If you think that's improving his livability or mine, maybe you all ought to go see a doctor. In terms of another gentleman who referred to his children, i, too, have a child who is 17, 18 months old. And I have to think that with all the extra traffic these garages are going to incur, I fear for my child's well-being. And I will hope all of you hold all of you responsible if anything ever happens to him because of this parking. Papa haydn will be centrally located to me. I am so thrilled with that. I guess, you know, that's, oh, there's one more thing I would like to say for all the people that always complain about the lack of parking in northwest, the lack of free parking in northwest. Let's qualify this. Because as the 50% filled surface lots exist today and at night throughout the week and weekends, these parking garages, too, will be pay parking lots. So I really don't see what we are fixing here, folks. You want to talk about permits, meters. There's lots to talk about. Building a parking garage that's going to threaten my livability next to my house and across the street, think of the traffic that you are incurring, on irving street. Despicable. That's all I have to say. Thank you.

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Katz: Thank you.

Katz: Frank. And you are the last one? All right.

Katz: Frank asked for five minutes.

Leonard: I think that that's fine. Impartiality is difficult.

Katz: Thank you. Go ahead.

Frank Dixon: Good afternoon, mayor and commissioners. My name is Frank Dixon. And I reside at 2205 N.W. Johnson Street. I am speaking on behalf of the Northwest District Association, the community organization for Northwest Portland, Inc. I want to make it clear that the board took, to remove any confusion, made me the sole spokesman of the organization on September 8. I haven't said the word boycott. The board hasn't said the word boycott. The 100 or so people that attended the special meeting Monday night, most of them who couldn't be here today, didn't utter the word "boycott." I want to thank the planning bureau and the P-dot staff who have mainly feigned excellent communications throughout this process. The NWDA continues to oppose the plan and the package of amendments to it and the parking policy and regulations before you today. Today's amendments include a proposed staff amendment for landscaping on certain surface lots. These lots in the National Historic District have been used in an open and flagrant way for commercial parking in violation of code. Council at the request of Richard Singer and his attorneys proposed redesign of Mr. Singer's lot and one other historic lot without historic design review. Before allowing commercial parking adjacent to residential zones there must be historic design review. Landscaping is one important element to consider in that review. With respect to the setbacks I mean this morning I have seen two or, two versions of it. I prepared my remarks based upon another version of it. Quite frankly, you know, this is a process that's going on between Tim Ramis and Commissioner Leonard's staff. And, you know, I think we've, we feel left out of it. The basic thing I can say is that we are worried that this, whatever language you pass, not impact the historic St. Francis apartment building on the M.I.C. Site if we have a zero setback there. We have a significant problem. If it's wider and can be interpreted to apply to all the commercial sites up and down 23rd, we have serious problems. Frankly I don't know where we are with this. Council's efforts to establish a transportation management association seem likely to produce any constructive result when the T.M.A. has no revenue to allocate under a plan where there is no pay to park program. And if the T.M.A. does not have the license to monitor shared parking, for the larger parking garage sites, the Nob Hill Business Association sponsored amendments have removed critical condition review criteria intended to allow mitigation of traffic impacts on residential streets that surround the larger proposed parking garages and have increased the height of the smaller one-deck garages to three stories and residential zone. Council will today reward Mr. Singer with a special zone change so that the residential lot that he apparently intends to purchase is changed from residential to commercial use as a parking garage with no setbacks. This will be a precedent for future incursions beyond the 100-foot commercial boundary that existed on every other block on the avenue in the historic districts. The parking plan as it relates to the amendments has numerous faults which include residents west of the line between 23rd and 24th streets will not be able to use shared parking like their neighbors east of the line. The zero setback provisions have not been supported by localized parking need analysis. The parking analysis that supports the 3,000-car parking deficit is fundamentally flawed for an accurate model was unavailable. There's no buffering between the parking structures and the residential zones. And the provisions of today's amendments are in conflict with the base zones. I am sad to say that this is the lowest point in the history of the 30-year relationship between the NWDA and city council. This is certainly not the end point of the parking controversy but the beginning of a new and more intense phase of neighborhood conflict that could have been avoided if council had taken the time last June to carefully examine the complexity issues and trusted the broad cross section of informed citizens who as an association have been working on the Northwest District plan since 1989. Point about bill

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aylward, he brought his family here from new york. He brought his successful video production company with him and opened offices in downtown Portland. And now he's bought a house with two garages right nearby next door. I will end this remarks with the question. Are the aylwards part of the beginning of Portland's success story in the 21st century? Or will their story be repeated as a warning who those who will bring new creative energy and business to this state and city?

Katz: And you did it under three minutes. Thank you.

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

Katz: Was it three? Five. Sorry. Thank you. All right. Anybody else want to testify that hasn't signed up? Come on up.

Dan Mendoza: I'm dan. I live at 2415 n.w. Lovejoy and I also own the santa fe restaurant and I am here mostly as a resident. I live at 23th and lovejoy and across the street there's a parking lot that the jewish synagogue has about 50 parking spaces there. And there's the club that adjacent to that and there's about 10 spaces there. And then there's on the back side of my property, there's also the good sam, I think it's the assisted living and there's about 10 spaces there. And I have been living there for about 10, 12 years. And I never thought parking structures, the parking lots were an issue until I started coming to these meetings here. And you know, quite frankly, it's not that big a deal. I have been there for 12 years. And cars come and go. Lots of people come and go. There's noise but it's not that bad. And I think, you know, what they are looking to propose, it's needed in the neighborhood to help the businesses and stuff. But from, you know, from living next to them for, you now, this amount of time, I don't think they're that big of a deal. I think they can be. But, you know, depending how they are designed and built, I think things will work out fine. Thank you.

Katz: Thank you. Anybody else? Come grab the seats. We need to bring this to a close so we can have a work session.

Sandra Stapleton: I am sandra stapleton. I reside at 3425 n.w. Westover road, unit number 204. It is my prediction that the parking structures will reduce the amount of visitors to the area and will significantly hurt businesses and I say that because I am a primarily a walker and bus rider in the area. I rarely drive. I don't like to drive. And I watch the frustration on the faces of the people in the cars trying to get up 21st and 23rd constantly as I walk or wait for the buses. It's very apparent they are very upset already and bringing in a large number of additional cars is only going to increase that frustration and I predict they don't come. And I think the businesses are being very short sighted at thinking this will help their cause. Thank you.

Katz: Thank you. Anybody else? Ok. Joe. Come on up.

Zehnder: If I can redirect our attention to page 5 of the staff report --

Katz: Great.

Zehnder: Here we have listed the three topics that were changes from the previous motion so if we can resolve these, there is the package that would be the northwest district plan. Parking plan.

Katz: Let me just clarify for the council.

Zehnder: I'm sorry. Page 5 of the staff report dated october -- yes.

Katz: I just want to make it very clear. These, these items we are going to vote on now, we have heard testimony. Any additional amendments will require further testimony next time we meet. So I just want to flag that to you. You want to continue that, we can continue it forever. In the table the --

Katz: That's the code. Those those who don't know why I am saying this, the -- you have to allow five days to pass by before you can actually vote on a package when it doesn't have an emergency ordinance attached to it. Go ahead.

Zehnder: So on page 5 I direct your attention to the items labeled remaining specific code amendments. Number one was the motion that would clarify that papa haydn and m.l.c. would be type b sites at 110 sites spaces. We heard no testimony on this. Shall I go?

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Katz: We need a motion to make that change.

Leonard: So move.

Katz: Do I hear a second?

Francesconi: Second.

Katz: Roll call.

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

Katz: No. Item two.

Zehnder: Item 2 is a motion to clarify that the intent was included both m.l.c. and elizabeth street as legalized surface lots and in the staff's recommendation to include a requirement for perimeter landscaping.

Katz: Do I hear a motion?

Leonard: So move.

Katz: Do I hear a second? Do I hear a second?

Francesconi: Second.

Katz: Roll call.

Francesconi: Well, I got to make sure I understand this. This would be the staff's recommendation on landscaping?

Zehnder: Yes. This is the language that staff recommended which would include a landscaping requirement for the perimeter of the lots. Correct.

*******:** The handout.

Zehnder: The handout from staff called "northwest district parking code revision number one."

Francesconi: Ok. But this according to the singers, would make it not developable? So ramis is opposing this?

Zehnder: Yes. In, so if I could characterize.

Katz: Hold it. Let's withdraw my call for roll call. Why don't you clarify what, there was a motion. There was a second. Why don't you clarify what it is that we are voting on.

Zehnder: Great. Thank you. The motion in the second were to adopt staff's language as proposed which include a provision that landscaping for the surface lots, landscaping must be in compliance with current regulation force perimeter landscaping. What that would mean is that it would go through a type 2 review process when you would pull a building permit, type 2 review would apply to landscape standards which in the case of these lots would be typically a five-foot landscape setback in the size and rear yards, and a smaller setback at front yards. That whole process through type 2 is adjustable based on the ability to adequately landscape or meet the purposes of that requirement by other means. So we are requiring landscaping but it is a adjustable process and it's the standard process that we use on the rest. City lots.

Leonard: What is the language that we have in g on this document?

Zehnder: The amendment that was submitted by nob hill business association which strikes the required landscape provision. So I want to clarify, ours has it. The nob hill association's would strike it. The other representation that the nob hill association made was that the singers would make the landscape elizabeth street.

Leonard: This document substitutes for the language on page 5.

Zehnder: Just to clarify the language that was attached to the nob hill memo is not staff's recommendation.

Leonard: I don't understand that. This is the language we worked out, though? My office and yours?

Zehnder: No. That's not correct.

Leonard: The language here is not as a result of discussion was your office?

Zehnder: That last page is not, commissioner.

Saltzman: You want to use this language?

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Zehnder: That was as proposed by staff.

Saltzman: Where did we leave this issue?

Leonard: I think i'm looking at the wrong thing.

Katz: He raised the same page.

Leonard: Did you?

Zehnder: Let me give you the one we're looking at.

Katz: This one is attached to ramis's memo.

*******:** The one we have --

Leonard: It's not. It says "potential new code language for northwest parking 10/29/03."

Zehnder: That's not -- our intent is not to strike the landscaping provision. That is the proposal by the nob hill business association.

Katz: Hold it.

Zehnder: And our proposal would require type 2 review.

Katz: Folks -- this looks the same. Wait a minute. Wait a minute. We have a motion. We have a motion. This looks the same, but it does not strike the landscape -- do you want to withdraw your motion?

Leonard: I did withdraw it.

Katz: No.

Leonard: I withdraw my motion.

Katz: Ok.

Leonard: Would you pass that out, please?

Katz: You realize we will have another hearing next week.

Leonard: That's fine.

Katz: Ok.

Leonard: This is a version that we worked out because these sites are so small that we are requiring the landscape I believe on the perimeter? Is that correct?

Leonard: That we developed that would require landscaping on the perimeter.

Mike Lindberg: Mike lindberg, 023 s.e. Ash. During the past week, you know, there were a number of, he asked a question. That is ok, mayor? And I am actually what I have thought would happen in this hearing is that the owners of the property basically met with planning and presented some landscaping alternatives.

Leonard: Right.

Lindberg: And I thought what would happen is that probably they would, you know, lay out what those alternatives were in terms of sketches.

Leonard: That's what I -- that was the information I had.

Lindberg: That's what I understood was going to happen here.

Zehnder: That is an incorrect understanding. We had discussions around this. Nob hill presented this was an approach that they would prefer to take which would be to voluntarily prepare a plan for elizabeth street but not put it in the code. The position was took was we are going to still request that it be included as a provision but the city council will decide. That's the case, that's the issue that's in front of you right now. We did not commit at any time to support that particular change.

Bischoff: Sketches that would be presented to us are not binding in any way so we would want to see it in regulation form.

Zehnder: We would have no way to enforce any sketch we were given.

Katz: Ok.

Saltzman: My question is, where do we leave this issue last time?

Zehnder: This issue, the vote last time, commissioner, was to come back with language that legalized the surface parking on m.l.c. And elizabeth street. When we did that, we found that when you legalize parking, a landscape requirement is typically applied. So what we have brought back

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was our attempt to resolve that issue, which is to bring it back with a perimeter landscaping requirement which is a lesser requirement than it would face if it was just a regular surface parking lot being built at a situation like this. So it's new issue, that's why we are bringing it to you today. Our recommendation is, what we are doing is acting on your motion to legalize the lots and we are bringing forth the implication or the typical way to treated which is to provide some landscaping. The issue the way we see it is that these legalized lots could be here for a good long time. Like there's no guarantee that the structures that the other provisions in the code would allow will be built any time soon so we could be looking at 10 years or more worth of a surface lot. Typically, we would require landscaping.

Leonard: And I am confused now. Bear with me.

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

Leonard: But you did meet with nob hill and you did look at some drawings they had of perimeter landscaping?

Zehnder: The drawings were not delivered until today but they explain the concept to us. And our response was that we still think that the adjustment process is the way to go to have the issue addressed.

Leonard: But what I am trying to get at is, did you -- what I just heard you say was you would agree to some perimeter landscaping.

Zehnder: We want perimeter landscaping. We would like to put it in as a requirement. And what the way the process would work, commissioner, a building permit would be pulled, you know --

Leonard: I understand the process. I am trying to understand was if we allowed the typical landscaping that the code normally requires, we lose so many parking spaces to make it not feasible. So what I understood had happened was there was discussion about doing perimeter landscaping that was satisfactory to all parties and you are telling me that didn't happen.

Zehnder: I think you are partially correct, commissioner. What we have done is, the typical full load standard for these lots would be perimeter landscaping and interior landscaping.

Leonard: Exactly.

Zehnder: The proposal in the code is we brought it to you is to just require perimeter landscaping. Now, if that is also the kind of landscaping that is causing concern to the owners of the lot, that can be addressed in the adjustment process.

Katz: What they are recommending is no landscaping at all, even the --

Leonard: That's not --

Zehnder: They are offering to do some landscaping but they do not want it as a requirement.

Leonard: I don't care what he says. I'm trying to get to what I understood. Are you saying that the language you prepared would require perimeter landscaping?

Zehnder: It would and it would require it to be reviewed, commissioner.

Leonard: Interior landscaping? No? Your language just requires, it gives an exemption to the typical interior landscaping?

Katz: Yes.

Leonard: My understanding that's what we were doing.

Katz: No. If you look at this, they cross the landscaping --

Leonard: I am saying aside from what they say, my understanding was that was exactly where both parties wanted to go.

Zehnder: I think just if I can, if I am the position to characterize nob hill was requiring they are -- they are willing to do some landscaping but if they go through the adjustment process, that's going to create another opportunity for an appeal and review. It's similar to the argument you heard about the setbacks. They want to avoid those opportunities for review and appeal 37.

Francesconi: It's all right I will make one brief statement on all of these and I am going to say my position on all of them and I will do it right now. Is that ok?

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Katz: No. We need to go, I can save your statements. We will have statements if people want it. I want to get through the motions. This is a work session right now.

Leonard: It will be helpful for me to hear commissioner Francesconi's observations.

Francesconi: Well, see, the whole deal here as I recall it from my perspective and I was active on this part of it, was that we were going to allow a reduced number. I pulled off two parking lots off of this in exchange to my mind this wasn't accepted by anybody. We were going to actually allow six to be built. And so on the landscaping requirement, I actually don't think you met the intent -- I think you have done a terrific job with this document but subsection 2 the idea was to allow these to be built. When we get to the pottery barn site that's a different deal. And on that one, although I understand the singers' point of view that wasn't part of where I was going. I was trying to get the six built and get them built and so that's kind of where I was coming and I thought that's what the spirit of the amendments were, frankly and I was a little surprised at this number 2. Although everything else was very accurate.

Sten: This amendment isn't about new structures.

Francesconi: No. I know. It was part of having those come in.

Sten: We are allowed to debate about the council intent.

Francesconi: No, no.

Sten: You said the intent was not to require any landscaping.

Leonard: I made the motion and the motion I made --

Francesconi: That was my intent on these two sites. Not the on the pottery barn and the other commercials. That was my intent.

Sten: This amendment doesn't have anything to do with your intent.

Francesconi: Because there's another one coming and I wanted people to understand my thought about it.

Zehnder: Commissioner Francesconi is clarifying from the motion that actually he made at the last hearing the idea of landscaping is not part of his intent. That's what this statement was. If that is so and that's the intent of city council, the revised language or the language that's proposed by nob hill would accomplish that and not require landscaping. We in reviewing it didn't know that intent.

Katz: Wait a minute. Was it in the record or not in the record?

Zehnder: There was no discussion about whether or not landscaping --

Katz: Intent and -- it would need to be in the discussion.

Zehnder: There was no discussion.

Katz: Which is the reason you brought it up.

Saltzman: The adjustment process concerning the landscaping?

Zehnder: Yes.

Saltzman: You said that's a type 2 process?

Zehnder: Yes.

Saltzman: That's hearings officer binding decision?

Katz: No.

Saltzman: Type 2?

Douglas Hardy, Bureau of Development Services: Hi. Douglas hardy, bureau of development services. It would be a type 2 process. It's a roughly a six to eight-week review period. It doesn't require public hearing. Unless it's appealed and then it goes to an appeal body.

Saltzman: Who is the appeal body?

Hardy: It's the adjustment committee. Group of seven basically community volunteers.

Saltzman: Is that decision of the adjustment committee appealable?

Hardy: Only to luba once they decide.

Katz: Let me clarify. On the language that staff proposed on the landscaping does that include site 2? And site 4? The trader joe's and the flanders medical office?

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Zehnder: This only applies to the surface lots and only applies to m.l.c. and elizabeth street.

Katz: Ok. That's the clarification. All right. I will take -- I need a motion one way or the other.

Leonard: I would move the revised new language.

Katz: Which one?

Leonard: Proposed by nob hill.

Katz: Okay. So the difference between what we had and -- this is the nob hill amended, they cross out the following sentence, everything else is the same. Correct?

Zehnder: Correct.

Katz: All right. The item is landscaping must be in compliance with current regulations for perimeter landscaping. That is crossed out. Do I hear a second?

Francesconi: Second.

Katz: Ok. Roll call.

Francesconi: Aye. **Leonard:** Aye. **Saltzman:** No. **Sten:** No.

Katz: No. Motion fails. All right. Do I hear another motion?

Zehnder: Just to clarify that last motion, we need to also formally add m.l.c. to the list of permitted sites if we can --

Leonard: I would move as staff language with that.

Katz: Do I hear a second?

Saltzman: Second.

Katz: All right. Any objections? Hearing none so ordered.

Zehnder: Third issue is to rescind motion number 9 which is the original language concerning setbacks. And approve the staff's revised language that provides setbacks for the sixth permitted and conditional offstreet structure sites in residential zones.

Leonard: I so move.

Katz: Ok. Do I hear a second?

Francesconi: I'm sorry. Now i'm lost. I got lost.

Katz: All right.

Francesconi: Where are you? I'm on page 5.

Zehnder : Page 5, motion number three. Item number 3. This has to do with the setbacks. What this motion is asking for is a motion to accept staff's language that was a reinterpretation of commissioner leonard's original language but only applying to the six permitted sites.

Francesconi: Somebody make a motion?

Leonard: I moved.

Katz: There was -- was there a second? There wasn't a second yet.

Saltzman: I'll second it.

Katz: Roll call.

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

Katz: No.

Zehnder: There there were a couple of new items introduced today to recap for council for disposition I suppose, one is the treatment of the language that was introduced relative to setbacks regarding the 23rd and flanders site. Staff's recommendation is that that construction of a parking structure on that site and review of the setbacks go through a standard city process for a c.s. Zone which would be design review. The amended language as proposed by the nob hill correspondence would, identify the 23rd and flanders site on a specific map, and waive the set backs standard. To bring closure to the 23rd and flanders issue. And the amendment has been proposed by nob hill.

Katz: I don't care. It hasn't been proposed here at the table.

Francesconi: Now here's the problem I've got. I think and I have no way of knowing. I think because, I want to say I guess I will make this statement right now, as transportation commissioner, that chris is right. I mean, if it's really pretty sad that we are at this point because all this has

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collapsed over one parking garage. At the papa haydn site. So this statement that we went over a bridge, over one parking site is sad on both parts. But we have had volunteers here trying to bring us together. And you are not accountable for what happens and you shouldn't be. You are volunteers. Elected officials are accountable. Starting with the transportation commissioner so I actually think you are right. But I believe that in a multimodal transportation system, I am not going to defend myself here in terms of the other modes I have actively pursued and sought funding but I also believe we have to make sure that businesses can survive for the sake of the neighborhoods. I actually believe that. And I will stand on that. And I actually believe that the parking plan I thought I was supporting wouldn't hurt the neighborhood, and would help in the long run over 20 years. Now, folks here disagree with me. And I am prepared to stand on that record. And take the consequences. What I now don't know is we have eliminated, we are requiring some landscape requirements on a 3-2 vote on the six that I wanted to have built. And now, on two of these sites and I don't know if they are really now going to get built. I don't know that. Can you tell me -- I will then yield the floor to commissioner Sten. Before I do that, are you confident that we can on the motion that we just made because it influences me on this next one, if I think it needs more parking, that based on the landscaping requirements, that the two sites that we just put, the two sites will actually can be developed for parking?

Zehnder: The two sites are only applies to them as surface lots. It's side yard, front yard, rear yard landscaping. I believe that they will be plenty of space within those lots still to function as surface lots. The specific number of the spaces and how it's actually going to be configured, that's up to the adjustment process. This is a typical adjustment in a typical issue that the parking lot review process deals with. This is in terms of parking lot landscaping this is not that exceptional. So I am not greatly alarmed by the prospects for those lots.

Sten: These are six sites we will build structures. These landscapes don't apply to do structures.

Zehnder: Once it going to being a structure then this whole landscaping discussion doesn't even apply. It goes to design review and that's why we are giving those setback waivers. We have set it up so these can be moved forward through the design review process and be designed adequately.

Katz: I didn't hear any new motions that were offered that we need testimony on, so I think if I am right, this is the last of the hearing. Right?

Linly Rees: If we could make sure that staff is confident we have gone through, we had a pretty long list of little things we needed.

Katz: There is one more. Isn't that on the back in that was in the --

Zehnder: We have done that.

Katz: We did that.

Zehnder: We believe all the amendments that we needed to discuss have been considered.

Katz: So for those who are here, that means that next week --.

Zehnder: November 5 we can do second reading.

Katz: And why november 5? Is that next week? Ok.

Zehnder: Regular meeting.

Katz: Next week we will actually vote on this.

Francesconi: I also want to thank staff, rob, it was particularly nice those sides acknowledged your work. Frank dixon, I want to thank you for something for something you said here that was very important. Which removing the threat of the boycott which is what I appreciate you doing very much here today. And then finally, we are at the lowest point so that means, can only get better here, folks.

Linly Rees: Mayor, before you gavel down, it's linly behind the sign. Would you confirm just on the record whether you will or will not be taking testimony next week? I am anticipating because second reading will not be taking testimony.

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Katz: Correct. I don't think there was any additional issues. Now, does anybody, does anybody want to say anything? We usually when the folks are here want to say something.

Francesconi: Did I misinterpret?

*******:** No, no.

Katz: I would like to say something.

*******:** You wanted to say something?

Katz: No. We are finished. I would like to say something. When we started this, I told you all that this is a neighborhood that I live in and I have lived in the neighborhood since 1964. I have a parking lot that's right across the street from where I live. I don't have a car. I walk. It is a very special neighborhood. And when we first decided to do a northwest plan, we knew that there would be a number of very a lot of contentious issues that would be worked through. As commissioner Francesconi has said and rightfully so the community has invested a lot of time, a lot of energy in developing a vision for this neighborhood. Four neighborhoods have worked together on this. There were important urban design issues. One of them we took care of. Transportation issues. We dealt with those including developing a appropriate parking strategies to be addressed. Countless of staff and community hours went into developing the proposal. I supported the building of some of these garages. I did not support taking a building down in a residential zone because there were other options. Knowing northwest like I do, I didn't expect consensus, but I expected something close to consensus. Northwest residents didn't get everything that they originally proposed and still wanted but acknowledge that the plan balanced the interests of a full community. There's a little history that I want to share with you about this community. It has a long history of defending its unique character and that's why it has been successful. To this day, even with a recession, this place is booming. Northwest Portland fought off -- I didn't know this until I read the plan -- in 1952 vaughn street redevelopment proposal that would have removed 500 buildings providing housing for 1,000 households to make space available for warehousing and light industry. There was a bond issue. The bond issue failed to gain voter support. And the neighborhood fought back again in 1953 to block the revival of the vaughn street proposal. In 1969, and I was involved then, the newly established nwda, one of the first neighborhood associations in Portland, and the first one with a neighborhood plan, and I think some of you have worked on that with me, stood in opposition to the Portland development commission plans to acquire multiple blocks at the request of good samaritan hospital and consolidated freight ways and thanks to the hard work and dedication to preserving our neighborhood, they pushed back that institutional encroachment with good sam and eventually made peace with good sam. In the early 1970's, I worked with many of you to fight a plan to build an i-5-05 freeway connecter through the vaughn-thurman upshur corridor which ultimately failed in the face of neighborhood opposition. And that was the time that the neighborhood convinced mayor goldschmidt that was not the right thing to do and to take the money also from the mt. Hood freeway that was being discussed at the same time and convert it to use for our transit mall. And light rail. The neighborhood has survived many challenges and fought so hard to preserve the best parts of what's so unique about it. It is the densest neighborhood in this community. There are no nimby's in northwest Portland. It is a prosperous community in terms of housing and housing starts as well as businesses. And it has become a destination retail for all of you small businesses, you need to know that when I make a pitch to a convention or to 4,000 people that were here in the city of Portland, I said, come downtown but don't forget the neighborhoods. Go down on 23rd. Go on broadway. Go on hawthorne. Go on belmont. You will see different neighborhoods in this wonderful city of ours. Today the council was considering and has considered a parking plan that it's unanimously opposed by the northwest district association and its board. This is the supposed to be their plan. That's the first in our history of neighborhood plans where the neighborhood that wanted a plan has opposed it. Responsibility I think for this sad state of affairs, honest to goodness, lies with the council and

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certain members of the nob hill business association. I think you pushed a little too hard. And I said to dick and others, you have done wonders for the neighborhood and we thank you. But in this particular case, you were a little greedy. No setbacks, basically saying no to a design review adjustment. And then pleading for just in case we need a garage on the 23rd and flanders site. Community support for this plan has evaporated. We have significantly increased the amount of office space aloud in one of our prime industrial sanctuaries at a time when Portland is fighting to maintain the urban growth boundary and protect industrial lands within that urban growth boundary. We have created incredible complexity in both the transition area north of vaughn by establishing f.a.r. Bonuses and funding mechanisms, for transportation improvements that even in the best case scenarios will be a drop in a a multimillion dollar bucket and in a few years I predicted that council will have to raise fees to finance those transportation improvements. Area planning is supposed to maintain quality of life. I think the traffic impacts that the council supported will have a negative quality of life and hurt the transportation efforts that this council wants to maintain, especially freeway circulation. It threatens -- I believe it will threaten the future of giles lake industrial sanctuary and freight movement we know is so important to the business community and the industrial sanctuary area. Even though there was support on this council, unanimous support for commercial lots to be converted into parking garages, you supported the construction of parking structures on a residentially zoned land. And a house will come down. We have granted zero setbacks and taller parking structures a jay send to residential areas. Even going so far as removing the ability of design review to consider the impacts of a neighborhood. No other neighborhood in the city of Portland has to be subjected or has ever been subjected to these kinds of low standards. I maintain the special interests have won. I hope that we all realize that the message this sends to other neighborhoods is that they all are in peril. I have to smile when I hear people saying, we need garages to reduce traffic. That is not the Portland way. We have invested millions and millions of dollars to keep the cars out of neighborhoods. To keep people out of the cars and give them choices. We invested \$40 million on the streetcar. Right in the heart of northwest. And the best bus system in the city. And yet we argue here on the council and many of you have argued that, well, that's not enough. We need to get the traffic off and the only way we can do that is by building garages. That's absolutely insane and, quite frankly, it is not the Portland way. So next week, with all the good work that everybody has done, our staff, especially the northwest district association members, and chris smith, bless your heart who has spent years and years trying to bring the community together, we failed. We have failed. And next week for those of you who want to know how i'm going to vote I think you know how i'm going to vote. I'm going to vote no. I am not make a speech next week. I have made it today. So thank you. Ok. Everybody, we stand --

Leonard: Excuse me. I think -- no, I think it's important to make a couple of things clear for the record as well. Chris smith rightly quoted something I said when I was running when frank dixon was kind enough to invite me to his house. However, chris also asked me a question in a group of citizens when I was running and the question was, would you support garages built in northwest Portland? And I said, yes, as I reminded chris many times. At that point I had never heard the name dick singer. When you run for office, and I learned this a long time ago I have served in the Oregon house and the Oregon senate and I am now honored to be on this council, you give up certain rights to become indignant when people say things you know aren't accurate. I don't have a right to do that. It doesn't change the fact that I am feeling a little bit like that right now. I am a person who prides myself in making decisions based on what's right and not who's behind the proposal. No special interest has ever influenced how I am going to vote on an issue or what position I take. On an issue and I think for any of us up here who are supporting this plan, I will say that I don't think that was an appropriate thing to say. I am deeply distressed that the conduct of these hearings have in some way contributed to, in my opinion, the division in the neighborhood. This is a

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neighborhood that I also have historic roots in. My grandparents lived in this neighborhood in the 1920's and 1930's. And I care deeply about it. It is my fervent belief or I wouldn't be taking the action that I am, it is my fervent belief the action this council will take by its vote next week will make the neighborhood more liveable by reducing automobiles in front of people's houses and put them where they belong, into a commercial area. If I thought that wasn't going to happen I would not support this plan. I hope we can get to the point where we get beyond this and as I said, I am used to having things said that aren't accurate. That's part of the job. But the folks these good people that we heard testifying that operate these small businesses who, by the way, are also Portland citizens, deserve to be treated with respect, deserve to be at least given the belief that they have a position that's credible and has integrity just as those who live in the neighborhood expect the same. And I will do what he can to help us move beyond this once this passes next week. But I hope all of us ask remember that we all are lovers of this city. None of us would do anything that we intentionally thought would bring harm to this city and the action I think we stay next week furthers that. Thank you.

Katz: Anybody else want to say anything.

Sten: I was going to wait until next week. We are there now. I'm not happy with how this process went. I think that makes me in league with everybody in this room and who ever else is following it. I do believe also that the council missed an opportunity over the summer to push the two sides by refusing to act. I think this council acted too soon in making a decision and I think it created a political dynamic in which one side stopped giving. Because the decision had been made. So I do think the council missed the opportunity and I think I was probably part of helping create that although at one point I didn't vote for it because I felt like we had a plan that was pretty close here and that's why I think i'm disappointed. I heard both sides today and I have listened very carefully and as you will hear from my comments which are different than I thought I would be at, I started thinking about these processes and they do have an effect at least for me and they do lead me to think different ways. I heard both sides today say something which I have heard both sides say throughout the process which is that the makes of a solution and we all know a solution isn't going to be a total solution, is an on street program with meters and pay stations, and off street program with structured garages and a t.m.a. And unfortunately, at the end of this we do not have that. This is not a vote for a package that has those three things and for that simple reason I am not going to vote for this package next week because I don't believe it can work unless all of the pieces are there. I think the council missed the opportunity to push them altogether. I believe that I would have been in a position to probably be in some disagreement with both sides because I think structured parking is part of the answer. Although I have to say I have not heard the northwest district association not ever say that it isn't. I think I have heard all sides say that it is. And I think there's some very much merit to the singers' position about location and place and so I think that makes for a very tough, tough decision over the papa haydn site. I don't think the fact, I don't think that was an unresolvable question. I think the council didn't stick it through and resolved it one way before what should have been, you know, a process could get things done. So I am surprised I am here because I actually think that basic project the c.a.c. Had put together, the scheme the c.a.c. Had put together and I think really to be fair to everyone, the c.a.c. Had a good plan that really moved the decision on where the garages would go to the council. There's been a lot of of accusations agreements were made and this person walked away. As I read that approach it was inevitable the council would get to the decision on the garages but the basic three-legged stool, if you will, had merit and still has merit. I am not going to support this package next week because it's a one-legged stool. And I think all of you on both sides were right it needed to be three-legged. I have no reason these parking meres will come into play. They are not required. All that require the council bring back update on where they are in february 24. And I really it's not my place sew say I don't believe the surface, that the on street -- the off street parking will be successful without the meters for the

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simple reason the pottery barn lot is not full. People say it's full sometimes. But I drive to northwest, too. And it's not full. A lot of the time. And so it's pretty obvious to me people don't pay to park unless there are meters on the street. I think we have a losing package here we will vote no next week.

Katz: Anybody else want to add anything if to not, thank you. Thank you, council members. We are stand adjourned.

At 4:56 p.m. Council adjourned