



CITY OF
PORTLAND, OREGON

OFFICIAL
 MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **8TH DAY OF DECEMBER, 2004** AT 9:30 A.M.

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

Commissioner Francesconi arrived at 9:35 a.m.

Commissioner Francesconi left at 10:54 a.m. and returned at 11:00 a.m., missing the roll call on Item 1390.

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

On a Y-4 roll call, the Consent Agenda was adopted.

TIME CERTAINS	Disposition:
1387 TIME CERTAIN: 9:30 AM – Assess benefited property for street improvements in the SE 128 th Avenue Local Improvement District (Hearing introduced by Commissioner Francesconi; Ordinance; C-10007)	PASSED TO SECOND READING DECEMBER 15, 2004 AT 9:30 AM
1388 Assess benefited property for street improvements in the SW 19th Avenue Local Improvement District (Hearing introduced by Commissioner Francesconi; Ordinance; C-10004)	PASSED TO SECOND READING DECEMBER 15, 2004 AT 9:30 AM
1389 TIME CERTAIN: 9:45 AM – Accept the South Waterfront Greenway Development Plan – Phase I, Design Component as a concept for a unified greenway design option for development in the South Waterfront District within the North Macadam Urban Renewal Area (Resolution introduced by Commissioner Francesconi) (Y-5)	36273
*1390 TIME CERTAIN: 10:45 AM – Adopt the Fall FY 2004-05 supplemental budget in the amount of \$17,499,607 and make budget amendments in various funds (Ordinance introduced by Mayor Katz) (Y-4)	178943
CONSENT AGENDA – NO DISCUSSION	

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<p>1391 Accept a contract for \$1,485,600 with Gresham Ford for the purchase of 70 Crown Victoria sedans via State of Oregon Price Agreement No. 3196 (Purchasing Report) (Y-4)</p>	<p align="center">ACCEPTED</p>
<p>1392 Accept bid of Pierce Manufacturing, Inc. to furnish CBRNE Structural Collapse Apparatus for an estimated amount of \$694,537 (Purchasing Report - Bid No. 103330) (Y-4)</p>	<p align="center">ACCEPTED PREPARE CONTRACT</p>
<p>1393 Accept bid of Pierce Manufacturing, Inc. to furnish CBRNE Command and Control Apparatus for an estimated amount of \$1,626,155 (Purchasing Report - Bid 103332) (Y-4)</p>	<p align="center">ACCEPTED PREPARE CONTRACT</p>
<p align="center">Mayor Vera Katz</p>	
<p>*1394 Pay claim of Hanh La (Ordinance) (Y-4)</p>	<p align="center">178930</p>
<p>*1395 Create a new classification of Senior Electrician and establish an interim compensation rate for this classification (Ordinance) (Y-4)</p>	<p align="center">178931</p>
<p>*1396 Amend contract with Spectrum Systems Design to provide AV design services for an upgrade to the City Hall AV System (Ordinance; amend Contract No. 35358) (Y-4)</p>	<p align="center">178932</p>
<p>*1397 Amend contract with Daniel C. Smith and Associates to provide Facilities Master Planning services for completion of the Portland Police Bureau Facilities Master Plan (Ordinance; amend Contract No. 35028) (Y-4)</p>	<p align="center">178933</p>
<p>*1398 Authorize a U.S. Department of Housing and Urban Development grant application of \$99,410 to assist in architectural and engineering design for the Portland Public Market (Ordinance) (Y-4)</p>	<p align="center">178934</p>
<p align="center">Commissioner Jim Francesconi</p>	
<p>*1399 Revise number of Golf Advisory Committee members (Ordinance; amend Code Section 3.86.010) (Y-4)</p>	<p align="center">178935</p>
<p>*1400 Authorize agreement for donation and acceptance of property for park purposes from Waybo Partners (Ordinance) (Y-4)</p>	<p align="center">178936</p>
<p align="center">Commissioner Randy Leonard</p>	

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<p>*1401 Consent to transfer of Enron Broadband Services, Inc. franchise assets to Time Warner Telecom of Oregon, LLC (Ordinance) (Y-4)</p>	<p>178937</p>
<p>*1402 Extend term of Chevron Pipeline Company franchise (Ordinance; amend Ordinance No. 164747) (Y-4)</p>	<p>178938</p>
<p>*1403 Extend term of Chevron USA franchise (Ordinance; amend Ordinance No. 164748) (Y-4)</p>	<p>178939</p>
<p>Commissioner Dan Saltzman</p>	
<p>1404 Amend contract with Hennebery Eddy Architects, Inc. to authorize additional work for the Interstate Facilities Master Plan Project (Ordinance; amend Contract No. 34218)</p>	<p>PASSED TO SECOND READING DECEMBER 15, 2004 AT 9:30 AM</p>
<p>*1405 Amend contract with EnviroIssues to assist with Public Information and Involvement Services associated with the Watershed Management Process (Ordinance; amend Contract No. 34200) (Y-4)</p>	<p>178940</p>
<p>*1406 Authorize an agreement with the City of Albany to provide laboratory analytical services (Ordinance) (Y-4)</p>	<p>178941</p>
<p>Commissioner Erik Sten</p>	
<p>*1407 Accept donation from Farmers Group, Inc. of \$500 to benefit fire and life safety efforts (Ordinance) (Y-4)</p>	<p>178942</p>
<p>REGULAR AGENDA</p>	
<p>1408 Amend City Parks exclusion provisions to improve public safety by defining more specifically the offenses for which no warning is necessary prior to an exclusion (Second Reading Agenda 1378; Ordinance introduced by Mayor Katz and Commissioner Francesconi; amend Code Section 20.12.265) Motion to accept amendment to delete four lines in PCC 20.12.265D and delete k. PCC 20.12.265J: Moved by Commissioner Sten and seconded by Commissioner Francesconi and gavelled down by Mayor Katz after no objections.</p>	<p>PASSED TO SECOND READING AS AMENDED DECEMBER 15, 2004 AT 9:30 AM</p>
<p>Mayor Vera Katz</p>	

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<p>1409 Declare intent to restructure the funding model for the City health benefits plans (Resolution)</p> <p>Motion to accept amendment to ask that the City formally as part of its review of health care costs, that the Bureau of Human Resources undertake a review of the cost benefits and feasibility of a Canadian drug importation program for the City, and those findings and recommendations will come back to Council no later than June 30, 2006: Moved by Commissioner Saltzman and seconded by Commissioner Leonard and gaveled down by Mayor Katz after no objections.</p> <p>(Y-5)</p>	<p align="center">36274 AS AMENDED</p>
<p>1410 Pay claim of Loraine Fischer (Ordinance)</p> <p>Motion to return this item to the Commissioner of Finance and Administration: Moved by Commissioner Leonard and gaveled down by Mayor Katz after no objections.</p>	<p align="center">REFERRED TO COMMISSIONER OF FINANCE AND ADMINISTRATION</p>
<p>1411 Authorize lines of credit to finance local improvements for South Waterfront Central District Project (Ordinance)</p>	<p align="center">PASSED TO SECOND READING DECEMBER 15, 2004 AT 9:30 AM</p>
<p>*1412 Accept \$1,775,147 from the FY 2004 Office of Domestic Preparedness Homeland Security Grant to equip and train first responders and citizens to prepare for a terrorist attack (Ordinance)</p> <p>(Y-5)</p>	<p align="center">178944</p>
<p>*1413 Amend grant award 03-191 by \$600,000 from Oregon Criminal Justice Services Division for Critical Infrastructure Protection and Site Hardening (Ordinance)</p> <p>(Y-5)</p>	<p align="center">178945</p>
<p>1414 Authorize expansion of the City public art program to include the Public Art Murals program (Second Reading Agenda 1356; amend Titles 5, 32 and 33)</p> <p>(Y-4; N-1, Leonard)</p>	<p align="center">178946</p>
<p>1415 Authorize revenue bonds to finance the Enterprise Business Systems Project (Second Reading Agenda 1364)</p> <p>(Y-5)</p>	<p align="center">178947</p>
<p align="center">Commissioner Jim Francesconi</p>	
<p>*1416 Create a local improvement district to assist in the capital financing to construct an extension of the Portland Streetcar from RiverPlace to SW Gibbs (Hearing; Ordinance)</p> <p>Motion to overrule the remonstrances and accept Exhibit B: Moved by Commissioner Leonard and seconded by Commissioner Francesconi.</p> <p>(Y-5)</p>	<p align="center">178948 AS AMENDED</p>
<p>*1417 Amend contract with Tri-County Metropolitan Transportation District of Oregon for funding assistance for the operation and maintenance of the Portland Streetcar system (Ordinance; amend Contract No. 51529)</p> <p>(Y-5)</p>	<p align="center">178949</p>

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<p>*1418 Amend contract with the Tri-County Metropolitan Transportation District of Oregon for their personnel to work under the City for the operation and maintenance of the Portland Streetcar system (Ordinance; amend Contract No. 51530)</p> <p>(Y-5)</p>	<p>178950</p>
<p>*1419 Amend contract with Tri-County Metropolitan Transportation District of Oregon for other services as needed for the operation and maintenance of the Portland Streetcar system (Ordinance; amend Contract No. 51545)</p> <p>(Y-5)</p>	<p>178951</p>
<p>*1420 Amend contract with Portland Streetcar, Inc. for services related to the operations and maintenance of the Portland Streetcar system, as service is extended to RiverPlace and SW Gibbs Street (Ordinance; amend Contract No. 33325)</p> <p>(Y-5)</p>	<p>178952</p>
<p>Commissioner Randy Leonard</p>	
<p>1421 Urge Trillium Family Services to resolve the labor dispute with the Parry Center employees represented by SEIU Local 503 through binding arbitration (Resolution)</p> <p>(Y-5)</p>	<p>36275</p>
<p>*1422 Direct Bureau of Development Services to establish a Development Services Fee to cover costs and improve service and adjust permit fee schedules to minimize the impact of the new fee (Ordinance)</p> <p>(Y-5)</p>	<p>178953</p>
<p>1423 Establish Development Review Advisory Committee membership, scope and Council reporting relationship (Second Reading Agenda 1382; amend Code Section 3.30.030)</p> <p>(Y-5)</p>	<p>178954</p>

At 12:08 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **8TH DAY OF DECEMBER, 2004** AT 2:00 P.M.

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

Commissioners Francesconi and Saltzman arrived at 2:01 p.m.

At 2:45 p.m., Council recessed.

At 4:00 p.m., Council reconvened.

THOSE PRESENT AT 4:00 P.M. WERE: Commissioner Saltzman, Presiding, Commissioners Leonard and Sten, 3.

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

<p>S-1424 TIME CERTAIN: 2:00 PM – Adopt the River Renaissance Strategy as a guide for advancing and integrating City projects, plans and activities (Previous Agenda 1331; Resolution introduced by Mayor Katz)</p> <p>Motion to accept amendment to acknowledge and support the important role that existing floating homes, moorages, water-related businesses and recreation play in the vitality of Portland's landscape: Moved by Commissioner Sten and seconded by Commissioner Leonard and gavelled down by Mayor Katz after no objections.</p> <p>Motion to accept amendment on trail language: Moved by Commissioner Francesconi and seconded by Commissioner Leonard and gavelled down by Mayor Katz after no objections.</p> <p>Motion to accept amendment on the central city freeway language: Moved by Commissioner Sten and seconded by Commissioner Saltzman and gavelled down by Mayor Katz after no objections.</p> <p>Motion to accept amendment on the floating homes: Moved by Commissioner Saltzman and seconded by Commissioner Leonard and gavelled down by Mayor Katz after no objections.</p> <p>Motion to adopt the consent amendments part two pages 4 through page 11 of attachment b: Moved by Commissioner Saltzman and seconded by Commissioner Leonard and gavelled down by Mayor Katz after no objections.</p> <p>(Y-5)</p>	<p>Disposition:</p> <p>SUBSTITUTE 36276 AS AMENDED</p>
<p>S-1425 Establish a bureau directors' group to advance River Renaissance (Previous Agenda 1332; Ordinance introduced by Mayor Katz)</p> <p>Motion to adopt the Substitute: Moved by Commissioner Saltzman and seconded by Commissioner Leonard and gavelled down by Mayor Katz after no objections.</p>	<p>SUBSTITUTE PASSED TO SECOND READING DECEMBER 15, 2004 AT 9:30 AM</p>

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<p>1426 TIME CERTAIN: 3:00 PM – Amend Chapter 7.14 Public Utilities to establish a consistent utility license fee structure for all utilities operating in the City (Ordinance introduced by Commissioner Leonard; amend City Code Chapter 7.14)</p> <p>Motion to return this item to the Commissioner of Public Safety: Moved by Commissioner Leonard and seconded by Commissioner Francesconi and gaveled down by Mayor Katz after no objections.</p>	<p>REFERRED TO COMMISSIONER OF PUBLIC SAFETY</p>
<p>1427 TIME CERTAIN: 4:00 PM – Adopt and implement the Pleasant Valley Plan District (Ordinance introduced by Mayor Katz; amend Comprehensive Plan and Title 33)</p> <p>Motion to accept amendment to change the effective date from 30 days out to 180 days out in the rest of section 2: Moved by Commissioner Sten and seconded by Commissioner Leonard.</p> <p>(Y-5)</p>	<p>PASSED TO SECOND READING AS AMENDED DECEMBER 15, 2004 AT 9:30 AM</p>
<p>REGULAR AGENDA</p> <p>1428 Tentatively uphold original Council decision with supplemental findings in the matter of Land Use Board of Appeals remand of the application by Michael and Suzanne Lehne for a 21-lot subdivision with adjustments to address the safety for bicycle and pedestrian traffic at 7915 SE 162nd Avenue (Previous Agenda 1385; Findings; LU 03-142811 LDS AD)</p> <p>Motion to adopt the findings: Moved by Commissioner Sten and seconded by Commissioner Leonard.</p> <p>(Y-3) (Francesconi and Katz abstained)</p>	

At 4:36 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 9TH DAY OF DECEMBER, 2004 AT 3:00 P.M.

THOSE PRESENT WERE: Commissioner Saltzman, Presiding, Commissioners Francesconi, Leonard and Sten, 4.

Commissioner Francesconi arrived at 3:03 p.m.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Kathryn Beaumont, Senior, Deputy City Attorney; and there was no Sergeant at Arms.

<p>1429 TIME CERTAIN: 3:00 PM – Approve and submit for review to the State of Oregon Office of Emergency Management and the Federal Emergency Management Agency, Portland’s Natural Hazard Mitigation Plan (Resolution introduced by Mayor Katz)</p> <p>Motion to take out the words "draft plan" and take out the last Whereas in the Resolution: Moved by Commissioner Saltzman and seconded by Commissioner Francesconi and gaveled down by President Saltzman after no objections.</p> <p>(Y-4)</p>	<p>Disposition:</p> <p>36277 AS AMENDED</p>
<p>1430 TIME CERTAIN: 4:00 PM - Tentatively approve revised proposal of Waybo Partners and the recommendation from the Hearings Officer for approval of a Comprehensive Plan Map Amendment and Zoning Map Amendment for an area located between NE 74th and NE 78th Avenues and between NE Roselawn and NE Alberta Streets contingent upon conditions of approval (Previous Agenda 1275; Hearing; LU 03-177121 CP ZC)</p> <p>Motion to adopt Revised Findings: Moved by Commissioner Francesconi and seconded by Commissioner Leonard.</p> <p>(Y-4)</p>	<p>REVISED FINDINGS ADOPTED</p>
<p>*1431 Amend the Comprehensive Plan Map designations and change zoning between NE 74th and NE 78th Avenues and between NE Roselawn and NE Alberta Streets at the request of Waybo Partners (Previous Agenda 1276; Ordinance; LU 03-177121 CP ZC)</p> <p>(Y-4)</p>	<p>SUBSTITUTE 178955</p>

At 4:40 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 File.

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Closed Caption File of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

DECEMBER 8, 2004 **9:30 AM**

Katz: Can somebody let them know we are starting? Let's take the consent agenda. There is an item -- is it a regular -- It is a regular agenda, ok. Any other items to be removed off the consent agenda? None? Roll call on consent.

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

Katz: Mayor votes aye. 1387.

Item 1387.

Andrew Aebi, Local Improvement District Administrator: Good morning, mayor, and commissioners. I am Andrew Aebi, improvement district administrator. With me is Tom Walsh, who will speak in a moment. First we had our couple of quick photos of this project. Karla, could we switch to the presentation?

Aebi: Here's a picture of the project on Southeast 128th before we started construction. Here's a picture of the same street today after completion of construction. You can see the new streetscape with, with Tom Walsh's development, Springwater Commons on the right. Thank you. We received no objections to final assessment. The Bureau of Housing and Community Development provided funding to make this project affordable for property owners, and in closing, I wanted to recognize Powell Valley Road Water District for the waterline upgrades that they did. They not only paid for them, but they got them done very quickly so that we were able to keep to our ambitious schedule to get the street improved. Thank you. City Council, briefly, this was an interesting and overlooked -- excuse me?

Katz: Please identify yourself.

Tom Walsh: On or about, I forgot to. My name is Tom Walsh, 100 Northwest, Glisan, Portland. This is an interesting project and interesting site. It was a long overlooked site, as Commissioner Leonard knows. We are finding increasingly, I think all of us, that sites that have been overlooked for a long time are not only useful and usable, but can be substantial additions to neighborhoods. It takes kind of a creative cooperation, and I limit my comments this morning to say what we did for, for a nonprofit housing and developer in creating affordable, large-family rentals, townhomes in the three, four, and five-bedroom configuration wouldn't have been possible had it not been both for the leadership and cooperation of Andrew, Aebi, and the Department of Transportation and Charles Andersen and BHCD that said the site can be made to work. We have all the housing programs, but there's an infrastructure piece of improvement for this, that's long been anticipated. They approached us here so we could put the I.I.D. Together, and here's how property owners could both share in the cost of the improvement but gain some assistance, and also from BHCD, it was two things, which we all should learn lessons from. A, just an outstanding example of cooperation. And B, it happened very quickly. Time is never our friend, in these kinds of things, and I think from, from the first time that we met through completion, we probably had, had 10 or 11 months. It was a real delight, so my hat's off to Andrew.

Katz: Were you involved in that process that happened so quickly?

Walsh: I sort of got out of the way so it couldn't happen quickly, Madam Mayor.

Katz: Now, seriously, were you at the table when that happened?

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Walsh: Yes, and I think the only thing, we brought to the table was we had a signature piece of the ownership along the frontage. Not a controlling interest, but we wanted to see it happen. We had five other neighbors -- I think that we had two or three meetings with the neighbors. There were lots of questions and, and those quickly got worked out, and I don't think that we ever had, had a negative note from that point on.

Katz: Good work. Thank you. Do you want to add anything, anyone? Nope? Anybody else want to testify? All right. Passes on to second. Thank you.

*****: Thank you.

Katz: 1388.

Sten: I just wanted to say this is a terrific development that tom walsh did, so that everybody has a chance to see it. This is really the way that we should do affordable housing for families. It's fantastic.

*****: Ok.

Katz: The reason I asked whether he was at the table, is because i've been fortunate enough to be, other than the texas pacific issue, i've been fortunate enough to be at the table with tom, and I know how focused he is and how upbeat and positive he is, and that may have been a very good reason why things got done very quickly. 1388.

Item 1388.

Katz: Ok.

Andrew Aebi, Local Improvement District Administrator: We have a couple more. Andrew aebi, Local Improvement District administrator again. We have a couple of photos of this project, as well.

Katz: Go ahead. Why don't you start talking.

Aebi: Ok. I'll go ahead and get to the video when it comes up. I just wanted to thank the bureau of environmental services for, for funding the stormwater cost for this project and to defraying the cost of the project for property owners. The financial participation in the project made it possible to deal with prolonged standing drainage problems in the neighborhood, and it looks like we don't have the video today so I will skip that. We did receive one objection from barbara boulevard rentals, and I believe that they have a representative for them here today so, why don't we hear from them --

*****: Ok.

*****: Thank you.

Katz: Come on up.

Jeff Evans, Davis Wright Tremaine: Good morning. My name is jeff evans, i'm an attorney with the law firm of davis wright tremaine. 1,300 south 5th avenue, 2,300 here in Portland. I represent scott and cora, the owners of barbara boulevard rentals. The city code states that, that the assessment shall not exceed the special benefit occurring to the property from the improvement. Based on the notice of the proposed assessment that the edwards received, the amount, which is in excess of 45,000, far exceeds any special benefit that they received from this improvement because they have no access to southwest 19th avenue. They don't have any access now. They don't plan on having any access, and without any access, there cannot be any special benefit. The edwards simply request that the assessment be carried out in accordance with the code, and that, that because they received no benefit, that the, the assessment that they received, or the proposed assessment that they received be withdrawn, or at the very least, if the council does find that there is a special benefit, as opposed to, to the edwards' opinion, that, that the assessment would be reduced so that there is some proportionality between the assessment and the benefit, special benefits that they received. I'd be happy to answer any questions.

Katz: Questions for council? Thank you.

Evans: Thank you.

Katz: Anybody else want to testify?

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Evans: I have one other thing. I would just like to incorporate into the record all of the, of the, of the proceedings up, up until this point, just in case the edwards find it necessary to, to file a rate of review with a certain court. Just a formality. Thank you.

Leonard: Thank you. I don't know if it's a question for you or, or, or pete. There was an attempt to have some discussions with the property owners, and, and can you update us on the results of those? I believe at my request, will you let us know? Will you let us know what the status of that is?

Aebi: We had outreach with all of the property owners prior to l.i.d. formation. What I want to know is that all of the assessments, including for barbara reynolds, are below the original estimate, and barbara reynolds' assessment, in particular, is significantly below the original estimate. 43% below the original estimate when the first l.i.d. proposal was brought forward in 1998. The issues that barbara reynolds has raised have been addressed through the assessment methodology. You did want to note that during the survey, we found it encroaches 1.2 feet into the right-of-way of southwest 19th avenue, and we found during construction, we found that it partially was connected to the stormwater drainage system on southwest 19th avenue, so they already benefit from this street, and this street improvement also provides additional stormwater disposal capacity for barbara reynolds. Barbara reynolds' right to object to the final assessment has been waived, and a copy is attached in exhibit c, so they cannot submit an objection final assessment. The ordinance before you includes the directive to overrule the objections and approve the final assessment.

Katz: Further questions? Thank you. I need a motion on overruling the objection

Leonard: I move to overrule the objection.

Katz: Do I hear a second?

Saltzman: Second.

Katz: Any objections? Hearing none, so ordered. Pass onto second. 1389. Urban renewal.

Item 1389.

Katz: All right, come on up. I saw gill here. Great. You wore your button and I didn't. I love it good for you. All right. The critical component of the alleged team. One plans, one designs, one implements, right?

Zari Santner: Absolutely. Good morning. Zari Santner Parks and recreation. We have before you, we're before you this morning to present the first component of the greenway plan. You may remember members of the council that in march of 2003, when you adopted the district plan and the zoning code for, for the south waterfront, you directed parks and recreation, the Portland development commission and planning bureau to collaborate on development of that unified plan for the greenway. And at your direction to us was, was to come up with a plan that would be executives larry in design, while integrating and balancing the economic, the recreational and environmental goals that you set out for the district. This morning, we will present to you the first part of the plan. The plan consists of three components. The first is a schematic plan, which you see today. The second component is a strategy for implementation and operation led by the Portland development commission, and cheryl from the development commission will briefly explain the status of that process. And the third component is the, is the codification of the greenway plan, which would be, be an alternative to the existing zoning code, and gill will describe that. Our presentation this morning will consist of, of henry, who is the project manager, the project manager, to describe the plan to you, and that his presentation would be followed by brief reports from the Portland development commission and troy dots, who will explain the, the zoning aspects of the plan. Before I turn this over to cheryl, I want to take this opportunity to brag about the outstanding collaboration, inner bureau staff on this process. In addition to henry, ika and troy, the department of health services, transportation bureau, development services, work very, very hard the past year to come up with a plan that I am sure you will be very proud of. Most importantly, I would like to thank the member of the project advisory team, which included a representative from

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property owners, neighborhood representatives. A representative from the environmental community, and city agencies who work for 12 months to guide this process. I would like to thank them for their willingness to think outside of the box, and could envision and believe that, that it cannot make recreation an environmental aspiration for this trick, and particularly, this plan would not, was not mutually exclusive, so I want to thank them all.

Cheryl Twete, Portland Development Commission: Good morning. Cheryl Twete, Portland development commission. We're very pleased to be here today, and be a part of the team that's been bringing this plan to you. We think that I was an excellent example of how we can I want great the various public goals that she was just describing. I am here to talk to you about what the next steps are and how we can begin to turn this beautiful plan into reality. P.d.c. staff are taking the lead in putting together an implementation strategy for the greenway development plan, and this implementation strategy will address how to finance the capital costs associated with the development of the greenway, how to address ownership of the greenway, and how to address long-term operations and management of the greenway. As you know, the greenway today is privately controlled property, so one of our key steps will be, will be to come up with, with a business implementation plan that is workable from the public sector's standpoint, as well as the private property owner's standpoint, as well as all the key stakeholders for this district. We have begun these efforts, and we have created a, a partnership group, a citizen committee that is working with p.d.c. Staff to help us on all these key factors, and we hope very much to be back to you late spring, early summer with an implementation strategy for your review and approval. So, thank you, everyone.

*****: Thank you.

*****: I guess I'll talk about our, our, the planning bureau's --

Katz: Identify yourself.

Gill Kelley, Director, Bureau of Planning: Excuse me, Gill Kelley, planning director. I'll talk about our piece of the implement but I wanted to make a couple of general comments first. I think it's important to acknowledge my colleague's leadership on this. I think what we have is concept here for a world class piece of waterfront, riverfront in Portland, and that serves a lot of, of applause and recognition for, for her efforts and Henry's to really deliver something. That, of course, has she alluded to, has a lot of, of effort involved in actually making it real. And you may hear a bit about a reference by some of the speakers to, to the study of the p.d.c. commission from economic and planning systems. They are in the bay area, and I think they outlined a good structure for the discussion to come on how we actually get the financial side of this to happen. I happen to know the author of that study extremely well. We worked on a couple of economic feasibility studies together in the bay area, and he's very conservative. I tended to be the one who pushed him. He pulled back, so I can, I can swear to you that he's outlined exactly was the right questions and steps are in looking at that. I guess what I would offer is the perspective is that, is that we are collectively, publicly and privately collecting something, creating something of great and enduring value there for both the public and the private property of value. We, we, we, we are beginning, at the beginning of a creation of a district, so everybody is understandably nervous, but we're creating a real economic engine there that will, that will throw out a lot of resources in the future. So, I think that we need to keep our aspirations high, even as we are going -- we need to keep our aspirations high even as we are going through that feasibility process, and I am sure all the parties are intent on doing that because we may end up with something that's world class there. I would also like to say that, that the development plan that you have embodies the river renaissance in many ways. This is really, really symbolized by the fact that, that the district here gets both more urban value and more natural and recreational value, and the greenway design that you have in front of you really emphasizes that. It also emphasizes the part of the river renaissance which really gets the private partnerships as the way to do business, and I think you will hear from the testimony that

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that's really, really the hallmark of this process, and will need, we'll need to be going forward. In terms of the implementation on the coat side, we're cycling back now with the planning bureau from the highest level planning down into the code. Really, the work ahead of us here is to make sure that, that the zoning code contains a third option for, for greenway development when you come in as a private applicant. The two offices you already adopted and alongside when your planned adoption, you adopted a zoning code, amendments of, at that time in 2003, the first two options allow you to either, either follow the objective standards in the code for, for planting and for, for greenway trail and so forth, easement dedication. A second option was sort of in a microscale of what you have in front of you, a discretionary process in front of it, the design review commission, but again, really looking at one parcel at a time or one application at a time. This is distinguished from that in the sense that we have now stepped back and taken a collective look at the entire greenway and set up a public/private process, which is the result of which may be far more robust and beneficial to all the properties. So the code will simply indicate that going to the greenway master development plan is the third option, and we felt it's the preferred option, and I think that it's likely to be the preferred option of almost all of the, of the parties there.

Katz: Who else did you want to have?

*******:** Henry will come here to present the plan.

Francesconi: Just one question for mayor and the group, I don't know if it's mainly for you, cheryl, you know, because it's an economic engine, like you said, gill, and because it's an opportunity to, to deal with habitat and integrate us with the river, it's really important, but on the capital -- the funding side, which is my question, both on the capital side and on the maintenance side, right now, parks is in a position that we are building things that we can't maintain because there isn't an adequate maintenance set aside, so when we get to actually, actually doing the funding, it's like 10 years away. When are we going to build this thing? When is the funding going to be in place for the infrastructure? Of the greenway that will allow the economic engine because I am very aware of the transportation issues in south waterfront that we are trying to figure out how to fund, so when are we going to be able to build this greenway?

Twete: Hopefully sooner rather than later but building on what gill said a few minutes ago, this is, this is a new emerging neighborhood, and, and we need to be phasing our capital investments so that we can, we can insure that all our public goals are met over time, and in the first phase, much of the focus is on basic infrastructure streets, utilities, and transit. But there is some good news to report on the greenway side, and that is the phase one forcing of the greenway will be dedicated to the city from the central district property owners in late 2006, and initial improvements will occur shortly thereafter, so a stretch of the greenway will be open for the public to enjoy at that point in time. We will not have final improvements in place. We'll have initial improvements in place. We thought it was important to, to, to, to make a mark on the greenway and to see the beginnings of this happening as soon as we possibly could. But to more specifically address the question about financing for capital and long-term goals, we know it's a challenge. We understand the park's bureau fiscal situation, and we will continue to work very closely to come up with new creative solutions, as well as pursue other funding sources beyond the traditional sources of tax increments and parks funding sources. There are also potentially private funding sources to be utilized long-term for the operations and management of the district. One of the ideas that is floating around would be, would be the concept of, of creating a, a, a, a -- a business district for the property owners to help them contribute to this wonderful feature, so we're going to look at all options and come up with a plan that, that we hope will, will meet both the private as well as the public sector objectives.

Francesconi: So, I mean, there, obviously, there is this financial challenge, but the philosophical shift that we've been making that we have to continue to make is the greenway needs to be viewed

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as infrastructure that allows the economic expansion and other things to happen. If we view it with that mentality, it helps, and the money will follow.

Santner: Commissioner, to build on your remarks, I think -- I understand that we have an obligation as part of the development agreement with the central district to, to develop the greenway by 2011 --

*****: 2012.

Santner: 2012, and we have been approached by the developers of that area, that they would like to do it sooner than that because as you know, one building is under construction, and people are, are viewing these condos -- the first question they ask, when is the greenway going to be developed? So they realize that, that the sooner that that's done, that the better it is for, for the sale of the property. So, we will work with them and hopefully, they can come up with the funding.

Katz: It's like the streetcars.

*****: Yes. [laughter]

Katz: Do you want to add anything? There are a lot of future condominium owners down there, and we need to look at that resource, as well. I think -- I think commissioner, Francesconi, you are asking the right question. I think today what we are seeing, what we are saying is we have an idea of where we want to go. The question you ask is really how do we get there, and soon, and that's the big question that we are asking ourselves in the next phase of the work.

Katz: Thank you. Let's open it up to public testimony. Do you have any more invited guests? All right. Ok.

Henry Kunowski, Portland Parks and Recreation: Good morning, mayor, council. My name is henry kunowski, and I am the project manager for the south waterfront greenway development plan.

Regrettably, the electronic gods are not with us this morning, but we did provide a paper copy for you, and -- here we go. If we can't get up the visual of the screen. Briefly, to introduce the subject, and then we may try to get a camera to read the power point, so we'll work as best we can, and i'll try to keep the presentation abbreviated so we can, we can get into more discussion. The greenway plan being presented to you today is a result of council directives to bureaus developing a unified greenway plan as a property owner discretionary option as part of the zoning code. The unified greenway in south waterfront would not be possible at this time without the current and planned future public/private development within the south waterfront district. An interdisciplinary team of city bureaus, property owners, stakeholders and consultants form to create the south waterfront greenway development plan that meets both the urban and the habitat development needs for the community. This diverse effort of what initially appeared to be conflicting values and points of view have been held together by many factors. Primary among these is the possibility of a win-win for all concerned. The fact that if successful, the sum of the greenway parks will be greater than the whole. Something not possible without the partnership that was formed and one that should be sustained as part of the upcoming efforts toward the implementation strategy and codification of the greenway plan into a unified master plan that we brought back to council in mid 2005 for adoption.

I see we did mash something up on the screen. I am not sure how well it reads for council. Ok. The idea, as they mentioned, thinking out of the box, I guess the first question we asked is what box, and then we, we began to look at the issues of development in south waterfront from both an environmental and from a cultural development perspective. From the environmental perspective, we, basically, looked back about 10,000 years to the missoula floods when the site was under water, to more recent times, and, and how the south waterfront area is, is interfaces with the marquam and woods subwatershed basin, which would drain through the waterfront area. We also looked at the habitat of the greenway in the context of what I am referring to as the ross island reach, and we have identified 17 sites within that reach. That are currently, or have been the subject of habitat restoration efforts. On the cultural component, we looked at, at the earliest history of this, of this particular component of the city and realized that it was, was a marsh, wetlands' area that, that had,

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had a small lake in it that, that received water from the marquam hill, and it also became a foot path and native american path going north and south between the columbia and willamette falls. Over time, the sites did develop and it became a community in and of itself which is not -- it is not elucidated in the history. It did become an industrial area and create housing for a transient community, a stopover community of labor for the ship building and lumber industry in the community. But, by the early 1950's, it was identified as a slum. Yet during that period of time, it was also a very, very vibrant and diverse neighborhood containing up to 67 language groups and a dozen different cultural and ethnographic communes. Laura is standing there in the fish market is an example of community that live there. Over time it developed into heavy industrial site, which peaked between 1950 and 1980, 30-year period. Finally resulting in large, large industrial manufacturing, ship building, liberty ship construction, and then ship dismantling. The photograph up on your right shows the schnitzer site under operation just as i-5 and the marquam bridge were completed in 1967. There are no cars on the freeway at that point. We look at the context of the site today as basically one of light manufacturing and industry with the proposed greenway of 100-foot setback average going along the banks, and in the center photograph, you can see a model image from the discovery center for the central district development and the merry weather photograph to the left. The site contains remnants of the industrial past in the form of, of liberty ships, the rampway for barge construction and the barge actually being launched last, last month. One of two barge building operations on the west coast. Also a lot of other debris and miscellaneous artifacts from its industrial past. We did look closely and worked with the river renaissance objectives, and we believe that we've, we've aspired to and we believe that we have met all of those. We have also worked to, to achieve the, the six goals that were identified by council in march of 2002, and we started in with doing a very detailed site engineering analysis. Our consulting team, led by walker, macey and tom baldwin from new york and other consultants in the community, a very thorough research of the possibilities along this site. What could be done to enhance the environmental conditions, as well as an overlay of the programmatic objectives of the community for open space, overlooks, green streets, docks, public access to the beach, and we, we looked at historic images of the industrial past as a cue and interpretive basis for, for what could be part of the future. We also looked at urban context of what could be there, including moon lounge chairs, which are very popular. We also developed an art plan working with rack in which we retain the services of buster simpson to come up with some, some concepts, thinking really outside the box, of how, how art could be ungrated into the greenway design, and that report is in your packets. We also looked at management objectives, getting to some of the issues that commissioner Francesconi brought up, and, and we then had an understanding, we broke the greenway into three, three areas in the north, south, and three areas in the east-west. The north, central, and the south, three areas of understanding. In that regard we start with infrastructure in which the greenway, itself, is self-sustaining. In other words, all water generated or coming to the greenway, rainwater coming to the greenway is cleansed, retained and released into the willamette. We have also set up parameters in which we could receive future water from the district to cleanse and again, provide clean, cool water into the willamette. The small island that you see, that I am circling now is something new that's being created just south of what will be the abandoned sheridan outfall, in which we are creating a code of shallow water for, for the salmon habitat, as well as a vegetation plan, plus the plant for the greenway, itself, with this dual trail system and a cross-section down below showing how we are using the remnants of an old dock system for dismantling ships as the foundation for creating offshore islands and habitat conditions. Other cross-sections through that site, as well as the view through the meadow walkway area, the bifurcated trail system. With the built-in interpretation. Part of the plan also calls for a northern section, a community park off of, of, of border street, which would have a water feature that, that could be used to, to, to exhibit how water is treated from the remainder of the district before it's released into the willamette plus, plus a

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pier overlook so you can look into the habitat area. And this is, this is conceivably what that habitat and cove area could look like in the future. We are looking at, at rebuilding the, the abandoned cove outfalls as part of the c.s.o. project and working closely with d.e.f. to design those and have actually submitted an application for a grant to noa to construct the woods outfall. In the central district we have taken the same approach with fire filters and bioswales for dealing with site stormwater. Again, looking at habitat planting scenarios that is supported by the regional habitat as well as habitat pallet for plant materials that is sustainable. And here's, here's some cross-sections showing what we call the civic beach. In the area that is now, now the barge launch-way for the zidell in which we would sculpt that back with seating terraces, lawn plazas and children's water featured play area so the site is more self-sustaining programatically. We are also looking to tie that park development into a proposed 3.4-acre park that would be underneath the ross island bridge. Another view looking back towards the reconstruction of the liberty ship bow as the promenade or the end of gig street connecting the, the gib street to the tramway creating a new civic plaza, gateway to the greenway. Again, looking at some of the habitat construction, as well as some of the, some of the lawn area just south of the, of the street. Again, more details on the central district showing the light water craft access points, the bird blinds and overlooks and using the existing dolphins for habitat construction. We've also, as part of our efforts with walker macy and the development community, enhanced the detailing of the central district plan to get into more subtleties in the design that will be used as an indicator of how we could develop the rest of the district, and so we have, we have that higher level of design development, in which the concept is, is this could literally be brought to, to construction document phase because one of the goals throughout is that all the designs are both constructable and permitable, so we have a solid foundation for future development. In that regard, we look at a more closely refined detail of the, of the central, or civic lawn area and civic beach area. The lips using the image of the bow of the ship, and rusting metal for seating platforms overlooking the waterway, using the timber industry and logs to support overlooks. Opportunities for shallow water beaches. Trails through areas, and looking at the south area, again, the same type of infrastructure considerations, habitat considerations, and, and because of the developments, particularly around the old spaghetti factory where we have a pinch point, we would build up that shoreline to, to, to allow us to provide trail access, and some images of what that would look like, including a, a remnant or some interpretation of an old, old timber industry wigwam as one of the pieces of the district. Third one, plaza, the ships for sheltered areas, etc., are part of the art concept, and then looking at some of the trail conditions through a meadow type landscape and different images of landscapes in the district. Again, the final district is basically 1.2 miles long, approximately 900,000 square feet, and goes from, from the southern end of the marquam bridge to, to southwest hampton place adjacent to the riverfront building. This is the typical view people would see during the fall of ross island, and in the future, if you squint and our grandchildren are around to enjoy it, we hope that the vision of the south waterfront in the buildout scenario really does embrace that concept that, that Portland can achieve a high density urban environment adjacent to a functional habitat environment. That concludes my presentation. I'd like to, to turn it over to kea with p.d.c. So talk, to talk about the next two components of the plan which deal with the implementation strategy that was referred to by, by cheryl, and then troy to talk about the codefication aspect.

Kia Selley, Portland Development Commission: Thank you, henry. Good morning. My name is k e a, I am a project manager with the Portland development commission. I am with the greenway implementation strategy project. The greenway implementation strategy project is one of three projects, which has been mentioned to you, which comprises the greenway master plan, and the two other projects, of course be are the greenway development plan, which has been completed and troy will speak about the greenway codefication project. In your council information packets, there's a memo from me to henry that fully details the project and some of the challenges that we expect to

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address for the coming months. P.d.c. working closely with staff from parks, the bureau of planning, environmental services, the office of, of sustainable development, office of transportation, and the development services on the project. We also have a broad-based advisory committee called the partnership group, which represents the interests of private property owners, natural resource advocates, neighborhood representatives, Portland parks and metro. The committee meetings are on the p.d.c. website, and they are there. The purpose of the greenway implementation strategy is to prepare a plan for several different elements that are needed for greenway implementation. First of all, as Cheryl mentioned the greenway property is currently privately owned. Seven owners have ownership of that property. And the advisory committee has recommended a singular ownership to the greenway. It is for nonprofit. Second element is funding and financing of greenway capital improvements, as well as operations and maintenance. Which will likely include a phasing plan for implementation. Third major piece is, is developing a greenway governance structure based on private, public partnership. The greenway on south waterfront is a unique project, as you know, and it will require a significant amount of private property owner investment, involvement, and support. The project is just beginning. Our initial funding for the project has identified challenges to greenway implementation, which, as I mentioned, we will address over the coming months. Greenway buildout is estimated currently at 33 million. So that in phase dollars, and operations and maintenance costs at \$500,000 per year. For this reason, a broad range of complex and private funding will be required to construct and manage the greenway, including urban renewal area funds and other resources, private sources, and federal, state, and local grants made. Urban renewal area funding will be allocated for the p.d.c. Budgeting process to achieve multiple district goals, including the affordable housing, economic development, and other greenway and park developments. Private investment in the greenway and the generation of urban renewal funding from private redevelopment may be affected by market conditions, and constraints to the development. Transportation access and circulation. If this happens additional city resources will be needed to make this project a reality. Based on the projected availability of resources, the greenway implementation strategy may recommend modification to the greenway development plan, basically, the greenway design. It will be good to take a holistic view of the implementation in the context of other public and private projects that support private redevelopment. City resources may also be needed to acquire easements or other forms of tenure that allow for trail connectivity and other key facts of the greenway such as habitat. [inaudible] developing a strategic, equitable and coordinated approach to phasing must be carefully considered. [inaudible] vent issues, such as transportation, access, and circulation may ultimately affect the redevelopment, and therefore, the timing of the expense of the greenway improvements. The strategy will seek the phase greenway improvements to optimize the benefits of the greenway with limited financial resources such as trail connectivity, habitat, as well as buildout of key players that are most needed to serve the neighborhood and city users. In closing, we will work very hard to achieve a strategy that allows for buildout and management of this critical featured neighborhood amenity and environmental resource, and it will be a resource that, that we know that further enhances livability and the visibility of our city. We will keep you informed as the greenway strategy progresses and will provide opportunities for your feedback throughout the process. Today, p.d.c. requests your support in moving forward with the completion of the greenway implementation strategy, and we will return to council in the summer of 2005 with our recommendation on the greenway recommendations. Thank you.

Francesconi: Who is the main contact at p.d.c. property owners, whose job it is to keep them informed as to what's going on and how they are going to participate and what help we need from them and what we can do to help them? What's the strategy there and who is the point of contact?

Selley: I am the main point of contact.

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Francesconi: Do you make a practice of regularly talking to the property owner and keeping them advised?

Selley: I do, and actually, several property owners, property owners here today are on our advisory committee, called the partnership group. Some of those property owners include bob dorgan as well as nicolle peterson and nod gnaw williams.

Francesconi: Who do you report to? Excuse my ignorance.

Selley: That's fine. I report to cheryl twete.

Francesconi: And she reports to?

Selley: Cheryl is our interim development director. [laughter]

Francesconi: She's gone to the other side. [laughter]

Selley: So, so my understanding is that, is that cheryl will remain our senior development manager, and p.d.c. is looking for a new development director, and that development director reports, of course, to mr. [inaudible].

Saltzman: Who is the partnership group?

Selley: That is our advisory committee, and it has sort of a broad range of stakeholders that, that sit on that committee. We have a neighborhood representative, actually, I can go ahead and just name a few thank you. Henry is giving me a cheat sheet here. We have cheryl is going to sit on that, so we have a new development director. Vince sheridan, the equity office, with the equity office group, and barbara walker. She's actually here today to speak to you. Janet from the Portland parks' department, ken love from the [inaudible] neighborhood. And rick, as I mentioned, and bob from the audubon society of Portland, mark williams from ohsu, bob dergan and nicolle peterson and [inaudible] williams.

*****: Ok.

Troy Doss, Bureau of Planning: Troy. I'll make this brief. I think it lot of it has been set. One of the questions is why are we having additional codification process because this is referenced in the code currently. The problem is that there's not a procedural way to really implement it, it just refers you to the greenway development plan as a third option to making the greenway improvements. What we are proposing is the development of a master plan, which would help expedite review when people choose this as their option, and also address, address some of the issues that we can't perceive, such as financial conditions, did we make the plan difficult to implement as shown? Is we want to provide flexibility. That would be happening through the discretionary design preview process, the design commission taking the lead on that. As we develop this master plan, we want to continue to work with our partners at p.d.c. and parks, as well as partnership groups that's been mentioned. We'll work closely with, with the design commission, planning commission, and the parks' board, and we're anticipating putting together a technical advisory group to make sure that we covered all our bases on this. We are hoping this master plan will give clear guidance in terms of how we can implement this thing and how we can phase it in over time because that's different than how we typically approach the greenway improvements. And provide enough flexibility to address for the unknowns, and one last point is, we're going to look at, at better addressing the interface with the greenway with the emerging district because we don't have a lot of guidance on that right now, and development services has asked for a bit more in that direction. So, that sums up everything.

*****: Thank you.

*****: Questions?

*****: Yes.

*****: Ok.

Kunowski: I would like to, to -- well, introduce scott montgomery, who is the chair of the parks' board.

Katz: Yes, we know scott. Come on, scott.

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Scott Montgomery: Good morning, mayor and commissioners. I am here to represent the -- well, I am Scott Montgomery, 1531 Southwest Upper Hall. Excuse me. I am the chair of the Portland Parks Board. And we're here representing the board to offer our strongest support for adoption of the South Waterfront Greenway Development Plan. For more than a year and a half, a diverse group of interests and many more from, from previous parts from Greenway Advisory Groups have worked hard to produce a comprehensive Willamette River Greenway Plan that we believe successfully integrates the urban design, parks and recreation, ecology, and the, and economic development objectives. This plan is, is an excellent example of the city's commitment to integrate the natural environment of the Willamette River as envisioned in the River Renaissance Strategy. The South Waterfront Greenway Development Plan meets numerous parks and recreation planning and environmental restoration goals. It provides a unified plan to allow for the development of a continuous Willamette River Greenway on the west side of the Willamette River from, from Willamette Park to downtown Portland. It also provides a model for the restoration of more than a mile of currently degraded habitat along the river's edge. The plan envisions dramatically improved in-water repair and upland fish and wildlife habitat, and will create a new standard for, for Greenway Development, and I think that Henry just showed some excellent examples of that. The South Waterfront Willamette River Greenway, when completed will add, also, tremendous economic value to the entire South Waterfront District. The Parks Board is especially proud of the work that Portland Parks and Recreation staff have done and collaboration with numerous city staff from planning, transportation, P.D.C., Bureau of Environmental Services, Developmental Services, and the Office of, of, of Sustainable Development. And with property owners and the general public, quite a list, to create a visionary plan for a dramatically improved Willamette River Greenway Design. Our Parks Board strongly urges the City Council to adopt the South Waterfront Greenway Development Plan. It's our belief if the Willamette River Greenway is developed as envisioned it will stand out as a visionary and creative response to integrating the built and natural environments, one that truly embraces the Willamette River. Thank you.

Katz: Questions?

*****: Thank you.

Katz: Ok. Let's go. Who wants to start?

*****: I will. Sorry. Go ahead.

Dike Dame: My name is Dike Dame of Williams and Dame Development, and I am representing North Macadam investors. These two entities comprise the central district of South Waterfront and own and control 1,000 feet of the South Waterfront Greenway under discussion. 1,300 feet of Greenway under discussion. When I got up, I thought this is not really my style. My style is short and sweet. So, I will limit my comments. First I'd like to commend Henry and Walker Macy for their work. Williams and Dame appreciates their collaboration with Carol Reed, who is on the Williams and Dame team, which was spearheaded by Nicole Peterson of our office. A lot of people have put a lot of quality time into this process. We had three goals when the design work began. The first was safety. Because the Greenway and the central district is an integral part of the residential and commercial neighborhood. It has to be perceived as absolutely safe. We believe that the design accomplishes that objective. The second goal that we had needed to be people friendly. It's important that people want to be there, and they feel that they can have some interaction with the river. To me, it's as simple as being able to take my grandkids to the river and skipping a few routes. I believe that the design accomplishes that objective. The third goal was to create habitat. The current plan has many helpful, environmental components that will enhance the river and help the wildlife. We have heard much talk about how this great design gets implemented and paid for. My feeling is money follows good ideas. It will get figured out. I encourage you to approve the Greenway Design Concept and encourage staff to retain the three important elements that I have cited. Thank you.

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*****: Go ahead.

Bob Sallinger: Good morning, mayor and city council. I am bob, representing the audubon society of Portland. The audubon came first through mike houck, dennis served on the waterfront advisory team, and I am participating in the partnership group. We want to offer our strong support for this plan. We believe this plan achieves a river renaissance vision, including insuring a clean and healthy river for fish, wildlife and people. We commend city staff for bringing together some very, very complex perspectives and aspirations to create a unified vision. This is no small challenge. Some suggested that, that restoring the nature of the city is a nostalgic objective. We would organize the opposite. This is an something to look forward to [inaudible]. The greenway report accurately notes that few examples can be found of rivers that retain their edge either in Portland or in city's nation-wide. We are not going backwards but trying to do something that's not been done before. Why is this important? Urban and suburbanization are the leading causes of biodiversity. In order to protect it, we need to develop models that preserve the livability of the urban core, prevent sprawl and provide safe passage for fish and wildlife species. The implementation of the greenway will provide benefits to fish and wildlife. Restoration of 1.2 miles of riverside riparian habitat will provide refuge for species, as well as 209 avian species that utilize the urban landscape. Restoration habitat will provide an important [inaudible]. Finally, this area will act as a nature for the visitors to the district. Perhaps most signature will be the south waterfront will provide a template for future restoration and redevelopment efforts in Portland and across the nation. The significance of south waterfront will be magnified many times over if we can build on success and build viable urban landscapes. Challenges do remain. I want to highlight two this morning. Funding, river renaissance highlights the importance of attempting to achieve goals done simultaneously. It's imperative in the next stage of the project that the city bureaus continue to work together to insure the differing elements of the project of the house target, transportation plan and the greenway compliment one another. The second, the one gap that we would note in this process and the city staff did an amazing job of bringing together a lot of different objectives, but the one gap that we would like to note was ross island. Loss island wasn't considered in the development of the greenway. It will provide some amazing view sheds for people. Recreational opportunities, but it's a fragile environment with bald eagles, herons and a variety of other wildlife and needs to be protected and needs to be considered as we develop the greenway because access to ross island will probably increase when you think about what that looks like. So, in conclusion, we give strong support for this process and look forward to continuing to participate.

Corinne Paulson: I am corinne paulson and representing the league of women voters of Portland today. And the league is pleased to offer its support for the south waterfront greenway design. The design reflects the aspirations for the exemplary riverfront model. River and upland happen tat, opportunities for connecting with the river, and recreational opportunities are all included in this beautiful package. We would like to commend the parks' bureau, the other participating bureaus, and particularly, henry kenowsky for the process they followed in developing the designs. It was a complex undertaking and they worked effectively with multiple stakeholders and the public at large. We were essentially pleased to see the level of public outreach, incorporated into the efforts. There are many challenges ahead as has been noted. From the beginning, north macadam has been like a jigsaw puzzle and ripe with uncertainties. The public and the private sector have come together throughout the planning, through the planning and the initial implementation stages to put together the pieces that we hope will make this district a success. The public has stepped up to the plate by creating an urban renewal district and committing ongoing financial resources over a 20-year period. The zoning code was adjusted to allow for buildings with greater height and bulk in order to insure that 100-foot greenway setbacks would not reduce the development potential. The greenway will enhance property values, provide an incredible amenity for district residents and workers in the broader public. We encourage the city's continued efforts to put the pieces of this

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puzzle together through the work of p.d.c.'s partnership group. And other bureaus. As has been the case all along in this district, the challenges are many, but the potential is enormous. We urge you to endorse this design. It will provide the direction needed for further discussion of implementation strategies and may inspire new funding sources. And on a personal note, about 20 years ago, there was the south waterfront district taskforce, and the biggest things we were talking about there was where we could have, have canoe places, so we have come a long way and maybe over the next 20, we'll be equally amazed at what's happened. Thank you very much.

Katz: Thank you. You were thinking small 20 years ago. [laughter]

Mark Williams: Good morning, mayor Katz and members of the council. I am mark williams with Oregon health and science university, south waterfront project. We are here today to --

Katz: I'm at a loss. What are you doing --

Williams: House waterfront project director, ma'am.

Katz: I missed that.

Williams: I managed to sneak one in on you. We are here to strongly support the plan before you for consideration today. Ohsu, obviously, has a very, very big stake in the future of the waterfront downtown there and we think this is a strong plan and we are happy to support it. We also, we also, like many other speakers, want to comment the city staff who have worked on this project. There have been a number of different bureaus and p.d.c. Working together extremely productively with the property owners, with the other stakeholders to produce what we think is a very good plan that's before you today. We appreciate having been a part of that team and having had the opportunity to offer input along with the other stakeholders. We look forward to working with you in the future on this.

*****: Thank you.

Stephen Leflar: I'm steven leflar, 3404 southwest. I'm on a committee called "citizens at large" which is a group not to be taken lightly. I am sending you a postcard now of the new hawthorne bridge in 1911. In the distance, you can see south waterfront's industry there chugging ahead with my new house behind lost in the smoke. That Portland is in many ways very far away. The times have changed. We no longer pollute. We have more responsible planning. My house is within a national historic district, and we have learned to love the river. This greenway is more than just a trail. It's the necessary path to our future. At this moment, the trail is mostly just, just a nod on your part, but one of resounding significance. With your approval today we do several things. First, we demonstrate our storage ship in the natural environment is porn. We are leaders in reversing environmental degradation, and that in concert with the urban growth boundary, the big dig of our old sewers, the restoration of water, air, and land quality, and even the urban canopy, we are working to demonstrate a big, that a big city can be more livable and even wealthier by interfacing with nature. Simply put, the greenway plan represents, represents our reintegration with, with it. The trail reminds us that as property owners may develop land, we can help nature thrive, and in turn, restoring us. So mother nature has no property [inaudible]. I asked myself, where will we get the money for the greenway? Who knows. But we owe it to both the past and to the future for what we do as our legacy. And although most are invisible, here before us is, is a consent that's driven, deeply thought out nuance vision by a great team giving us a world class vision that encourages urban livability in the face of intense property development. It's a vision that will create countless moments of happiness and restoration in every sense. I ask not only you, the council, to endorse this vision, but also all of us, especially property owners and developers. Our committee first met in extreme contention, everyone guarding their turf of we ended our last meeting in consensus with spontaneous applause. Financing is our main concern. Let's inspire. I believe somehow we can do it and will all profit from this. My grandmother said, willful wants makes willful ways. If we go for it today, if we don't go for it today, we will soon wish that we had. Thanks.

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Barbara Walker: Good morning. I'm Barbara Walker, 1891 Southwest Hawthorne. I want to be brief. I want to tell you that I commend the plans, and I commend their going forward with it. All of it. It is evolved over more than a decade, and morphed and become something that at each step is bigger and better than before. We only need to fund it. I could echo more firmly what Jim Francesconi said. As we do these things and we put the burden of a deferred maintenance for our park system bigger and bigger and bigger, it is not realistic. We have to bite that bullet. Not now, but at budget time. I urge every one of you and the people who are replacing you to recognize that if we do not fund the, the backlog of parks maintenance, these visions will have been very short-lived. \$3 they are not going to be, I don't believe. I want to commend, as everyone else has, everyone in the public sector and everyone in the private sector who has worked on this. Above all, I want to commend two people, two groups of people. One is, is the city council that had the vision that this could be done and said let's reach, let's stretch, and my, have they stretched. We will be all thrilled with this. The second one is someone -- people who, who -- an element that rarely gets recognized here. I want to commend the developers, Williams and Dame and OHSU and the people who supported the tram for making this an economic real. It is the people who put -- 10 years ago when we were working on this, we knew what we needed was someone who would be the first developer, who would, who would epitomize the vision that we had. And if you get somebody doing something before it happens, it doesn't work. The work of Williams and Dame and OHSU will, will set the stage that you envisioned, so that the other things will follow, but it won't happen without a brain waive. People don't move in to look across the room. So, I urge you to endorse this and to give the, the funding, the opportunity to develop and be flexible enough to happen.

Rick Saito: I am Rick Saito. 0690 Southwest Bancroft Street, Portland. I've been active in the planning, the planning and redevelopment of the district for several years, as have many of the people that you have listened to today. I participated in almost, almost all the public planning processes that have occurred to date, and I have represented both, both the North Macadam Development Council, both property owners and business owners within the district. McKenzie, [inaudible] and a property owner in the district. The phase one greenway design that was presented to you is a tremendous effort, and I whole-heartedly support it. As you have heard, the consultants and the staff have done a tremendous job, particularly Zari and Henry. Henry has, has gone way beyond the call of duty to make sure that, that all interested parties have been informed and have been listened to. As a member of the project advisory team that is represented by a very broad range of interests, I feel that the staff and consultants listened to us and responded to us. The phase one design is not as you have heard the greenway master plan, but it is a critical element within that plan. P.D.C. and the Bureau of Planning, as you have also heard, while working on the other two critical elements, implementation and codification. No part of the master plan is valid without, without any of the three elements, so if you live this design, support the rest of the work that's going to be done and necessary. I urge this, this and next year's council to direct and support staff to coordinate and complete all three elements. It said completion, we and you will be able to review and approve a complete master plan. That plan will hopefully live up to, to the expectations of the phase one design that you have seen today creates. In directing and supporting the staff, to coordinate and complete these elements, care should be taken to consider the impacts and the deficiencies that have and may be discovered in the present district development plans. Any changes or shortcomings to critical elements such as infrastructure will have a ripple effect that will impact all the development, including the greenway master plan. Don't let the efforts of housing be impacted by, by lack of funding from the urban renewal district because of unforeseen costs. Don't let the environmental aspects that, that Bob spoke to be jeopardized by, by the feasibility of the implementation or don't let the planning -- lack of a planning effort to address access issues created, flawed not anticipated in the plan and the needed redevelopment of the entire district. Including the greenway.

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Katz: Thank you, rick. All right. I need to know, how many more people are testifying?

Moore: That's all who signed up.

Katz: We have a very long agenda this morning. Anybody else want to testify that didn't sign up? All right. Council, do you have any questions? If not, we will take a vote on the resolution.

Francesconi: Well, this is very exciting. I guess I want to thank just a few people, but i'll be very brief. I want to start with the mayor because, you know, when we were talking about how this was going to be designed, there was a debate as to whether parks was actually going to be in the lead on this with the partners, and I think that the end product that we're having here is, is that parks needs to be in the lead on the project, and that it can be done inclusively with planning and p.d.c. as partners, but the expertise to do this in addition to the ability to outreach to the community, it needs to happen with parks taking the lead. With partners as we have had here, but I think that that's very, very important, and parks has demonstrated that they have the ability to do this. Now, p.d.c. has to be there. Planning has to be there, and it has to be a team approach, and that's also been demonstrated. Which is the second point on the process. We demonstrated that we can cut across silos, and that's where the river renaissance has really, really made its park, and so we need to continue to do that. Thirdly, money does follow good ideas, as he said, but the good ideas have to be integrated good ideas so it has to take into account habitat. It has to take into account access, but it also has to be economically feasible and work for the good of, you know, the whole city, not just the subdistrict, and that's what we have here. So, this is very, very exciting for the future of our kids and grandkids will participate in. So, this is a legacy that we have all participated in. It's a privilege to play a small part in it. It shows that we can all do this by having the public, private partnerships. Barbara walker, you deserve special recognition because you have been the heart and soul of parks for a long time. You took heat from park's people that you were too close to the developers about five years ago, and, and then you have taken some heat from the developers that you are too aggressive on parks issues as you were here today, which I have always appreciated. And it's not that you've been worried about one interest group or the other. You have been worried about that issue of legacy, so you have been there, and this is a tribute to you, that the fact that, that we have done this, and so it's great to hear you be here to help close the loop. On a personal basis, I want to thank you for the education you have given me in the past years. I do think that there's one other developer, and it's good that, that ohsu is recognized, but we also have to reach out to jay zidell. I know that there is tense issues that we have here, and I know that there are legal issues that we have to sort through but we also have to realize that he owns a lot portion of this greenway. So how we reach out there to make this thing happen, I think, would be important that we can, we can realize the legacy that we have. And finally I want to thank janet, as well, as henry, who is the one who, who -- for all the work you have done for the greenway and for me, permanently, and you are delivering year to year creating legacies for the future, and it's just been a privilege to work with you. Aye.

Leonard: Aye.

Saltzman: Well, it's an inspirational design plan, and it's just great to imagine all this happening, and I want to thank mayor Katz, first of all, and commissioner Francesconi, p.d.c. for working really well together on the river renaissance to bring us a naturally inspiring plan, and dr. Dick, the excitement and the catalytic development going on there already between ohsu, dames and more is going to, to jump-start this greenway completion in less than half the time we predicted. I predict we'll finish this green labor day, 1.9 mile stretch in four or five years. The interest is sky rocking not only for people who want to live there but again, from other developers who are looking and seeing, you know, and they are seeing groundwork and the good precedent that's been laid by ohsu and dames and moore as to how to do it right and connect it with the natural environment and emphasize that environment, so I think that there's going to be a ground swell of interest in this

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area, and this green area will be developed in three or four years. I predict. Good work, everybody. Aye.

Sten: I want to thank mayor Katz and commissioner Francesconi, who has been terrific as parks' commissioner on this issue and I think this, that this is really a legacy. A couple of quick thoughts. First, there's been a constant discussion about, about how it's -- how the development and environmental restoration are in conflict with each other, and I think I believe as most people in this room have, that not only is that not the case, and not only can you balance these, it's more than that. In an urban area where everything is redeveloped, environmental restoration rides on the back of many revery, the way you get money to do the environmental restoration as you create value, and put a chunk of that into putting something back that the first round took away. So I think that this is really a situation where, where the development is making this habitat and other issues possible, not just in conflict with it. Weave to argue about the length and space, but I think that we are there. This is very inspirational, and I think that ultimately that, that this area will be good for the city economically. Research that will be, will be done by ohsu and others will hopefully be good for the world in terms of, of medical break-throughs. It will be a terrific place to live, and an expensive place because it's so terrific. We'll have some affordable housing, and then we are going to keep pushing on that. But ultimately for the average, average Portlander who doesn't live there and on a given year isn't using the medical services, the greenway is what makes this everybody's place and this is what makes the greenway, the greenway makes this words doing, otherwise it really is a good thing but really only for a select group of people but ultimately, although we benefit, we won't all live there or have much to do with the medical research. But, the greenway is really, we all will walk there, and it will become something spectacular, and I think that we'll be able to show the showplace of environmental restoration right below all of this great research, so I really think that it's terrific, and great work. Again, thanks, commissioner Francesconi. Aye.

Katz: If you recall it was 10 years ago that we all stood and talked about developing the south waterfront. 10 years ago: That's why it's so critical to begin the planning long before you even have a vision about what, what is actually going to occur. Don't let anybody make fun of you, when you think about these big thoughts, only to know that it's going to take about 10 to 15 to 20 years to make it a reality. I want to thank commissioner Francesconi for being a partner with all of us on this venture, and for the team to present this incredible design, not a master plan but conceptual design for us to consider today. Life is full of, of uncertainties, as I found out, and life is full, but you can't miss the opportunities for the future. This is an opportunity for the future, and with citizens like those who testified today, especially, like barbara walker, who committed her life to parks and development of the big ideas, I have no fears how this will be, three years or five years, we'll have a gift to this community that you all will be terribly proud of. Aye. Ok. 1390.

*****: Everybody. Could you --

Item 1390.

Katz:, could you move out of the council chambers so we can continue. Hello. Cheryl, Gil, Larry. I know this is a wonderful moment, but hug each other outside. [laughter] exemplary.

Katz: Introduce yourself.

Jennifer Simms, Financial Planning: Jennifer simms, financial planning manager and I am here with nancy hartline, our major supplemental coordinator from financial planning. We have the minor supplemental last week, and i'd like nancy to just very quickly tell you about, about the, the -- rather straightforward action or the major supplement.

Nancy Hartline: The full budget increases the appropriation in five funds by 17.5 million. The conservation commission held a public hearing on december 2, and certified the supplemental budget. Three funds are recognizing additional beginning balance. The children's investment fund, the parking facilities' fund and the parks endowment fund, children's investment fund is, is

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appropriating the revenue for contracts. Parking facilities, primarily for capital projects. Some of them carry over and some new projects. And the park endowment fund is appropriating revenue for, for repair and maintenance services. The parks' construction fund is, is recognizing the additional fund balance and also additional revenue from p.d.c. and debt financing, park is appropriating \$9 million in capital, the largest is 3.4 million for the Washington monroe acquisition. Finally the public safety fund is taking 543,000 out of contingency. Most of that is for their mobile communications trailer. Any questions on the major supplemental budgets?

Katz: Does anybody want to testify? Roll call.

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

Katz: Mayor votes aye.

Item 1408.

Katz: I am going to turn it -- I am going to turn this over to commissioner Sten in a moment, but part of the process that, that we went through was a very collaborative process with, with a variety of stakeholders that were sitting at the table, and there was one issue that they had difficulty coming to consensus, and after some thought and deliberations, and, thinking through what the legal implications are of this, commissioner Sten's office, with the help of, of mr durston came up with an amendment that I think will service well. He'll explain it. I don't think it does any damage to our ability to do what we need to do out on the street or in the parks, but we'll respect the wishes of a variety of people at the table who rarely get, get to be represented here at the council.

Sten: Thanks mayor Katz, I passed out a copy, and if people like that, it's next to the attorney. Essentially, I think that we have got a good mix, and this has been heavily debated for quite some time with the right mix of excludable offenses is in the parks. Last spring the council did not quite pass something as smoothly. This is, also, the parks' exclusion is one piece and a bigger effort to bring harmony difficult harmony between the business interests, citizens, and people representing homeless and other folks who were in the parks as to, as to what the right balance is for enforcing the laws and also getting services and all the other piece, it's going well. One of the issues was there's a - - essentially just deleting about four lines of this amendment, and what the lines do is allow somebody to be excluded because they are in the park and they have an exclusion, and there's been some issues around sort of the question, it's not exactly legally double jeopardy but you're not doing another offense and could add another 60 days to it. I am suggesting we pull this out because it was not processed at the livability committee that we talked about. This was language added later. I think that there are some issues that the homeless advocates have brought up that are reasonable in terms of legal pieces and consulting with the other side other side of the parks they don't think this material affects the ordinance, so in terms of teamwork and strategy were trying to build and the legal defensibility it would be wise to strike these four lines and that's the amendment.

Katz: Let me add something. Is it also that the state law would not preclude --

Sten: Right. You could still exclude somebody if there was the appropriate decision by parks or trespass under state law. You could just not do it under this piece because simply they had a exclusion in the past or they had a current exclusion.

Katz: Harry ou look like you are ready to no -- ok. Go ahead.

Sten: I think I got this right.

Saltzman: If you have an exclusion and you return to the park, what's possible? What's the consequence? What is the potential consequence?

Katz: Bob come on up.

Bob Durston: Bob Durston. You could still get excluded again using the state statute, and the only thing that we are doing is taking out this language because it was -- it was inserted for good reasons but done outside of this process, so the issue about the double jeopardy kind of issue about, um, when somebody returned to a park, they have been excluded from, what is the appropriate

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sanction, still needs to be worked out and discussed with this group, which is part of the livability group that we have been working on.

Francesconi: I'm sorry, but did the people understand the homeless advocates, that they would still be excluded anyway?

Durston: Yes. I talked to mark dillon this morning, and he understands it. He will raise his objections but he feels that this is a good faith effort on the part of the city to recognize that there's was a process in place for the content of that.

Saltzman: The process, was there a substantive concern about this or, or simply --

Durston: A substantive concern that they wanted to talk in this group about is what happens when somebody gets excluded on a thursday, comes back into the park on, on the following friday. The officer says, I am going to exclude you again but now you will be excluded for 60 days because, you just came back from the park as opposed to the original one, which is 30 days. The individual hasn't done anything other than violate his exclusions, but he's also subject to a ticket for trespass, which is the other sanction. That's the criminal sanction is the ticket. The civil sanction is exclusion.

Saltzman: So the tickets could be issued by parks officers as well as portland police?

Durston: Exactly.

Saltzman: The Portland police?

Harry Auerbach, Sr. Deputy City Attorney: Criminal citations will be issued on police officers. Park exclusion can be issued by park rangers or park officers.

Durston: The original ordinance you passed approximately nine months ago directed the parks folks and the police to come back in a year and report on how it's working so we still intend to come back in a year and say, this is how it's working again. This will give us a chance in the next three months to work through this particular issue.

Francesconi: Parks is fine with this --

Katz: Ok. I think that everybody is ok. Is there any public testimony? Thank you. Commissioner Sten, you want to make --

Sten: I move that amendment that I just passed out.

Francesconi: Second.

Katz: Ok, any objections? Hearing none. [gavel pounded] We'll bring this back next week for a second reading. 1409

Francesconi: Do you need a second reading when your just pulling something out?

Katz: Yes. Yes.

Item 1409.

Katz: Ok, ladies.

Yvonne Deckard, Director, Bureau of Human Resources: We're back. Good morning, mayor and council, I am Yvonne deckard, the director from the bureau of human resources. The resolution that you have before you is in response to council's request that a resolution be presented to establish council's direction regarding the restructuring of the funding for most of the city's health benefit plan. We did a fairly expensive work session with you last week on this topic, so I am not going to say a whole lot about it this morning. I am going to remind council what the formula really entails for the plan year, the fiscal year of 2005-2006. We are proposing status quo, engaging in a very aggressive and extensive education program with our employees and working with lmbc and our unions to get that done. Status quo for next year, there is a slight premium share increase of \$1 for one party. \$2 for the two parties, and \$3 for the family per month, and we're also under the -

Saltzman: Per month?

Deckard: Per month, right.

Saltzman: Ok.

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Deckard: So we go from 33 to 36. Per month per family. We would also be applying this premium share to our employees represented by kaiser. We are working in 2006-2007 to establish a new cap in that the city pays 95% of that cap and employees will pick up 5% in 2007 - 2008, we will maintain the 95%. Any cost that we have over the cap will be split 50-50 between the employees and the city. And we are also proposing that we, we -- this is one change as a result of the work session, and, and a recommendation that commissioner Saltzman had. We had a medical c.p.i. plus 1% each year starting in 2006-2007. We are now proposing that we have the 1% of the medical c.p.i. plus 1% whenever the actual rate of the plan increase is, is, is -- increase is less than the medical c.p.i., so in other words, it's the medical c.p.i. is equal to or less than the rate increase, then it would be medical c.p.i. If it exceeds medical c.p.i., the cost of the rate exceeds medical c.p.i., it would be medical c.p.i. plus 1%.

Katz: Questions? Anybody want to testify?

Saltzman: I had an amendment.

Katz: You have an amendment?

Saltzman: Yes. That went so fast.

Saltzman: We talked last week about the need to reduce or look at ways to reduce our prescription costs. Other cities across the country and states have worked on Canadian drug importation programs to do exactly that. My amendment and I've talked about this with peggy and Yvonne so this is not a surprise at all, and I believe that they are in support of this, is to ask that the city formally as part of its review of health care costs, that the bureau of human resources shall undertake a review of the cost benefits and feasibility of a canadian drug importation program for the city, and that, that those findings and recommendations will come back to us no later than june 30 of 2006.

Leonard: Second.

Katz: You left the date in. There's a second? Does anybody want to testify on this? Ok. Any objections? You do? Ok. Let's take the motion and amendment.

Katz: Thank you. Further questions of her? Yvonne.

Katz: Come on up. Come on.

Joe Eslend(?): Good morning. I'm joe with the i.b.e.w. 48. I just want to say that health care is, is a huge elephant. As a negotiator, you know that. I just spent a week in new orleans going to school about this, and not only health care, but other things, and meeting people from all across the country. Union people, nonunion people, etc. One of the things that came up, unfortunately dan is the prescription stuff, the imports is going to be stopped, so i'm not too optimistic. This is why I've talked to the professionals back there, so --

Francesconi: It has been stopped. I think that congress already banned it.

Joe: Up north, too, because they are going to send all the prescriptions up there because the people in canada aren't getting it skipped. But I hope you, you all look real hard at this health thing. It's an ugly thing, and it's going -- there's no, no magic wand. I look at stuff with health benefit coalitions statewide and union-wide, and it's, -- it's my opinion that it's going to have to be a single pay system for the whole country like in canada. Thank you for your time.

Katz: Joe before you leave, I want to thank you for your service to this city. I had the pleasure of working with you on the budget. You were there. You understood. It was wonderful to have a union representative at the table. Thank you.

Joe: I will say the same to you. It was fun working with you, and like you said, sometimes life brings unexpected changes.

Katz: I wish you luck.

Joe: I'll be around. [laughter]

Katz: All right.

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James Hester, AFSCME Local 185: James hester. I just had to get up here one more time before, obviously, madam mayor and commissioner Francesconi leave to I could testify, and, and extend my greetings and thank you both for, for, for working with you over the past few years. In terms of the health care, as we said in the work session, it's a national issue, and, and I think that, that what we do here in Portland can be emulated throughout the country, and some jurisdictions are already, already making that good slide and they are trying to set a standard, whether it's in public or private sector. One thing that I would like to encourage the council to continue doing and looking at the bureau director and management throughout the city and the l.m.b.c., and I would like to extend my thanks to, to peggy and the leaders and the management of the lmbc because we worked hard over the last couple years to kind of get an understanding on, on an issue that's going completely out of bowens. But, we need to really study those costs and continue to study those costs, especially in, with the issues related to stress. If we look at some of the figures, stress-related illnesses and absenteeism in the city is, is accelerating at a very rapid pace. We need to look at those costs and see, and see why it's happening. Look at, at the workload demands in the city. The understaffing and the various bureaus that I know that we are under the gun for budget cuts and we'll be addressing that next year. These are very serious causes and effects that we need to look at, and, and hopefully the lmbc will do that. So thank you.

Katz: Thank you. Ok. Anybody else? Roll call.

Katz: Commissioner Saltzman made the amendment, seconded by commissioner leonard. Any objections? No objections. [gavel pounded]

Katz: Roll call.

Francesconi: Well, it's a serious issue but we have good leaders like you to help us work through this, and we have peggy, and it's great you acknowledged peggy, and we have tough challenges ahead but we are part a national problem, needs a national solution. Aye.

Leonard: I do agree with the comments with respect to the committee and I understand the political problems that have occurred in the past, and that's been brought up. Honestly, I don't know of any other way that this country can establish a fair and equitable health care system without, without having, having a model. The measure as it is designed now is unfair to everybody, but particularly the poor. So I will, I will work to what extent I can to help to try to fix our problems locally and understanding it's happening in the context of a larger national, national problem. Aye.

Saltzman: We'll get a pair package worked out between labor and management on how do we try to get the health care costs under control, and it's a challenge that everybody faces everywhere. Whether or not the canadian drug importation program is totally excluded from us, we'll find out. If it is, there is no need to study it. But, the state and cities continue to look at this and continue to find ways, so I think that, that we should do the same, especially when you look at the cost savings to the cities and states are having, and, and finally I think that it's maybe one more message, just one more message in a growing number of cities and counties across the country that send a message to the pharmaceutical manufacturers, why does something cost 50% less if it's sold in canada than it cost in the united states? There's something not right with that picture. And, you know, we can all reach our own conclusions, but I tend to think that we are charged too much in the united states. And we need to bring our cost in line with those of our neighbor to the north. Aye.

Sten: Well, I am curious to find out. I don't know that much about how that works. I would be interested. I do want to thank yvonne and peggy and the team and the management on both sides. This is going to be really, really tough, a tough issue with all of us working together, and I am really pleased that, that our team, under mayor's leadership has really gotten out ahead. We are -- it's not like this is just started or anything, but ahead of the contracts, is what I mean, gives us the ability to work together and do some cost savings, and I think that this is, this is a fair split between labor and management, and thank you for getting this to our head because I think our own chance to come up

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with a creative and thoughtful way it take on this issue is if we are working together on it, and we need this constrict to be able to do that, otherwise we are going to be bargaining on who sits where on a sinking ship, so thank you. Aye.

Katz: Peggy, where is she? And yvonne and the labor management committee, thank you. This is hard, hard work. Your work is to now educate the city employees as to what's coming and why. And make sure that they understand what, what we are doing and why we are doing it. I think what, what really shocked me into a sense of reality was a news story last night on television that identified the cost of the drug and then the, the increase on the cost of the drugs for us as consumers. It was frightening, and it was the pharmaceutical industry putting the price on the drugs, when we go to the pharmacy to purchase it. If we can even solve that problem, it's going to be a long time before we solve the national health problem, but that's one that congress needs to tackle, needs to tackle immediately. Thank you, everybody. Aye. Ok. 1410.

Item 1410.

Katz: Is there anybody here that wants to testify on this issue? Ok. I'll take a motion

Leonard: I move to deny this.

Katz: Are you going to move it back to my office?

Leonard: I'm sorry, I move it back to your office for further consideration.

Katz: Thank you. Any objections? There is more work that needs to be done on this issue.

Leonard: It reminded me of what I am supposed to say. [laughter]

Katz: It's not all-encompassing so we need to go back and review that again. Any objections? Hearing none, so ordered. 1411.

Item 1411.

Eric Johansen: Good morning mayor and commissioners. Erik johansen, debt manager in the office of management finance. The ordinance before you this morning authorizes the city to enter into lines of credit and an amount not to exceed \$24 million. These lines of credit will be used it provide interim finance in the improvement district cost in the south waterfront area primarily relating to the street extension and the [inaudible] project. We will have the special assessment bonds issued upon completion of the projects and the assessment of those costs to the project or to the benefiting properties in the area. I would be happy to answer any questions.

Katz: Anybody else want to testify? 1412.

Item 1412 and 1413.

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

Katz: Make it quick.

Elise Marshall, Portland Office of Emergency Management: Sure. We have a few brief slides. Good morning, mayor and city council. Assistant director for home office of emergency management, and with me is sarah, our grant's coordinator. Our director is just getting off a plane arriving back from a meeting in Washington, d.c. with the, with the department of homeland security. We are bringing forth two ordinances and I will talk about them together today.

Katz: You are taking 1413, as well?

Marshall: Yes.

Katz: Do you want to read that, too?

Marshall: I am here to talk to you briefly, briefly about another bit of good news. Just a brief reminder that the department of homeland security office of domestic preparedness is, is providing opportunities for local governments to, to receive federal grants in order to prevent, respond, and recover from a terrorist attack. These moneys, as you recall, are specifically to prevent and detour what we call burns, chemical, biological or nuclear, explosive attacks, and today we are here to ask you to accept [inaudible]. One of the grants is a grant that, that will provide the city with, with funding for, for critical infrastructure. As you know, we submitted critical infrastructure to the state two years ago, and it's money, as money becomes available, they provided us with that. We have

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received money for, for the police bureau, the water bureau, and also the office of emergency management to side hardening, and we are bringing you a request for \$600,000 for that. The second grant we are bringing forward for you today to approve is a 1.7 million grant from the department of homeland security. Again, this is all [inaudible] and we were grateful to have this opportunity to, to direct some of the funding to bureaus that have not received funding in the past. As you know, most of the money has gone to our first responders and fire and police. This time money will be directed to the bureau of technology services that they will use for, for security. We also have money going to fire and police. You will see money going to [inaudible], however that is not for that budget. That money is, is primarily to, for the e.l.c., which is in need of upgrades as well as defibrillators and things we'll be playing in, placing in city-wide facilities. [inaudible] going to police and parks. [inaudible]. Those are the two grants that we're asking you to approve today. Just want to remind council briefly that Portland is in a unique position to be one of the a few around the country and one of only a few on the west coast. When we first began this process, you will recall that we were one of 30 cities. The department of homeland security has now increased that to 51 cities. [inaudible] our tri-met agency is included in the federal grant process. Again, as you will recall, the urban area of security grants that we want our regional to cover a variety of different ones, fire, law enforcement, 9-1-1 communication centers, public works, and emergency management, and we do share those funds, urban area security initiative funds with Multnomah county, Washington county, clatsop county, clatsop county, clatsop county, and, and, and Washington county. So, we do take a regional approach to, to our efforts to, to prevent terrorism. Just a brief reminder, you had already approved the grant for \$6 million that provides you with the details of how that money was spent. In fact we are still spending that money on the grant. That was a regional grant that went to the partners for 2003. We also exceed money in 2004, total over \$8 million. And that money was dispersed throughout the region, and just a final chart to show you our total so far. As you can see so far, we've been very successful. Our total now is \$17,355,000. We've just received our new grant award for 2005 for our urban area security initiative. We will be receiving 10,000 -- 10,490. So we will be back to permission for those funds and the state homeland security funds executive, we don't know how much the city of Portland will get, but the state received 3 million, will apply for some of those funds last year, we got over 1 million, but the total coming into our region with the 2005 money coming in will be, will be \$30,852,000.

Katz: Thank you. Questions? Anybody else want to testify? Good work.

Marshall: Thank you.

Francesconi: Thanks for your work on this and for everyone else you have done over the years.

Marshall: Thank you, commissioner, and same to you.

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

Katz: Mayor votes aye. 1413.

Item 1413.

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

Katz: Mayor votes aye. 1414.

Item 1414.

Katz: Roll call.

Francesconi: Well, we obviously need public art and public murals. The only question that I had in my mind is whether this would survive a constitutional challenge, and I don't know for sure if it will. I have read the memos from the city attorney, and it's my, my hope that it will and my belief it probably will. If not, there is a chance the city's liability, unlike mistakes we have made, we have made in the past shouldn't cost the taxpayers any money, so, so I vote aye

Leonard: In my remarks before on this proposal, I questioned the constitutionality of it, but whether it is constitutional or not is not going to be decided here. So I am going to confine my remarks only to the merits of the proposal as it is before us, and assuming for the discussion that it

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is constitutional. Under the proposal, a requirement, one of the requirements is that a property owner actually made an easement to the city before a mural can be painted. I cannot imagine that, that will be taken advantage of by the building owners. I found it quite a challenge just to get businesses in Portland to pay their taxes. Actually, have, have [inaudible] I hope that I'm wrong, but I can't imagine that it will be something that will happen a lot, if at all. The second requirement, a mural that is painted, must be approved by the rack, a mural must be approved by the rack. [inaudible] currently, a building owner has absolutely, absolute discretion as to what kind of a mural is painted on their building. It's their building. They get to decide what's painted there -- what's painted there. This proposal, actually having that as a property, and the mural being approved by the rack, such a mural occurs, that I would expect at some point to happen, but the building owner that has an offensive mural, could that be approved by the rack to be placed on the side of the building. I have learned in public service that something like that can happen and will happen. If not now, at some point in the future. And finally, I would say this -- that when a public body for good purposes develops a strategy to circumvent the free speech provision of our state's constitution, the majority of the people, we have paved the way for others to do the same thing for goals that wouldn't be supported by the public. So for those reasons, and others, I find myself in a position of not being able to support this proposal regrettably. And vote no.

Saltzman: I think I have had some concerns about the constitutionality and reviewed the memo from the city attorney last week, and as commissioner Francesconi said, nothing is for sure, especially when it comes to issues around our Oregon constitution. Nevertheless I will support this. I think that it's a product of, of a long, a long, labor I couldn't say, intensive process with our mayor, and I think that we, we deserve, our community deserves to give it a shot. Aye.

Sten: It's a poor topic. It's about the type of city that we're in. Art, the urban environment, and as I think that people can see, there's a split on the council in terms of how to approach it. I did not support the original ban on painted signs and not because I loved the signs but I would rather have the murals and advertisements and council went for nothing, and I think that there was logic there. I also think you have seen the industry pretty grossly evade that law by putting up banners that look like painted signs, so yeah, this is a much trickier thing that it looks. I actually want to make two points. One, I think this is a vast improvement and if we had this proposal when the last vote was there, I had have clearly supported it. It's a voluntary decision that's made by a property owner that then it goes to, to public art process that is well used to determine almost every public art that we have put into the city of Portland, so I am, you know, I am less worried about it being approved. I think it will stand up. I think it's thoughtful. I also want to say that we are in this position because the sign industry has put itself in a position to dominate city councils nation-wide. That's their approach. A no submission deal. It's a no negotiation kind of approach. You either submit to a point of view that any amount of, of their stuff is great or you are going to have litigation. There's no reason for this to be litigated at all. We're all talking about the constitutionality of this. The only reason this would be litigated is if the industry makes a decision that litigating and trying to stop us from allowing murals -- if that's the decision they make, I will take great note of that in terms of my willingness to work on the other issues that they care about. Aye.

Katz: I made my point last week. I want to thank the muralists and our team, certainly. My office and the city attorney's office for working through the years, really thinking through the constitutional issues and then how to implement it. It's a quirky idea, and it has some risks. We have got people who will be watching, reporting, and, and they made a commitment that they will be letting me know if there are any changes that need to be made, and, and as I said to you last week, I'll be back to make sure that we improve it if we need to. Thank you, everybody. Aye.
1415.

Item 1415.

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

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Katz: Mayor votes aye. 1416.

Katz: Let's read 1417, 1418, 1419, 1420. River place.

Items 1416- 1420.

Vicky Diede: Good morning. I am with the city of Portland office of transportation. I'm the project manager for Portland streetcar. The actions before council today will do a couple of things.

It will create the Portland streetcar gibbs' extension, local improvement district and it will put into place the agreements needed on the operations and maintenance fund of the project. The actions related to construction and the purchase of additional vehicles would be to, will be to council in a couple of weeks. First of all, on the creation ordinance, gibbs extension, there is an amendment that I submitted that we will need to consider, and that is to [inaudible], which is a summary of the one we received.

Katz: 1416.

Diede: I am on 1416.

*******:** Let me make sure I have the right number.

Diede: It is. The findings in the ordinance describe the various steps that the auditor's office and the office of transportation have taken since the resolution of intent was adopted by council on october 27, and that includes the mailing of the notices to the property owners, with a proposed assessment amount and with information regarding the services about when and how to file them and about the hearing. There was a public, a publication of the notice of intent in the daily journal of commerce for two days and posting of the notice in the district [inaudible]. We received two remotes in the mail. And pdot is recommending that council -- that two -- that they both be overruled. The first one is from the Oregon department of transportation, and odot indicated that the property is operating right-of-way and due to location and access problems, and, and the presence of structural columns, that the property has not and will not be leased to another party. The county classifies the property as a tax lot with vacant land use designation. Further as part of the gibbs' streetcar extension project, pdot -- i'm sorry, odot is requiring us to operate the access to that property so they can continue to use it as part of the maintenance facilities. The structural column supports the marquam bridge but do not render the property as usable. The second one is from the donors of the public storage property. Currently under condemnation proceedings, which is the basis for the I want to remind council that the final assessment cannot legally be done until the project is substantially complete, and that the, the final will be the responsibility of the vanker property owner. The development agreement indicates the city is to have possession of that land by december 31 of 2004 and that the public financing on the neighbor park, which is what that land is used for, assumes the liability of the streetcar l.i.d. So, based on those two, two remonstrances and my response, I would ask that the council overrule them and I would be happy to answer any other questions you have about this.

Katz: Questions?

Leonard: On the public storage site --

Saltzman: On the public storage site, that ownership will transfer to?

Diede: To the city. I'm not sure which particular bureau will end you with the actual ownership, but their finance plan says that they would be responsible to the l.i.d. Assessment.

Saltzman: Ok. Two, three weeks, before the end of the year?

Diede: I think that's just a legal term. Eventually they will go to court and figure out how much money will change hands before someone else owns the property.

Katz: Anybody want to testify?

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

Sue-Del McCulloch: Good morning. I am sue. I am here representing p.s. Partners limited on the public [inaudible] down on the property. I want to reiterate the remonstrance because we are under condemnation, although despite the fact that we are under condemnation, we are hopeful that

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[inaudible] we would like to find a way not to leave that property with the parks bureau if there is, if there is any way that we can stay there. We registered our objections before. We would love to stay there, pay our assessment, be good neighbors and be part of this development project.

Katz: I need a motion to overrule the remonstrances and to accept this.

Leonard: So moved.

Francesconi: Second.

Katz: Any objections? No objections. So ordered. And exhibit b?

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

Katz: Any objections to b? Seeing none. [gavel pounded] we'll have roll call on 1416.

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

Katz: Mayor votes aye.

Diede: 17, 18, 19 are contracts that the city has with tri-met. The first one is to amend the funding assistance agreement, and what this amendment does is it sets out tri-met's funding participation for both the riverplace extension and for the gibbs' extension and extends the term of the agreement to september 30 of 2009. In addition to increasing tri-met's maximum participation from 1.6 million to 2.0 million when riverplace goes into service, and then, and then it goes up to 2.4 million when the service comes online. The amendment also for the first time has an annual inflation adjustment to their maximum contribution, and by the time that the gibbs' service starts, tri-met will be again participating in about 67% -- 66% of the total requirements, and this will compare to 57% in the current fiscal year, so they have recognized the inflationary impressions that have happened over the year are for real and they are participating in that now and in the future. Do you want me to go through all those together? Ok. The next amendment is the city tri-met personnel agreement, and then the city tri-met other services agreement. The amendments to these two agreements extend the term again to september 30, 2009, so we keep all the operation and maintenance stuff in the same time frame. When service to riverplace starts, we will add another technician and three operators to our operating and maintenance facility for the streetcar, and it's during the regular year, with the budgeting process that we account for the cost for the people as well as for any of the other services that we get for tri-met, such as maintenance of our switches, maintenance of our overhead wire and just some of those things that come up, and they are the best person to do it, such as the ground taskforce a while back. Those are the three agreements.

Katz: Anybody want to testify? Roll call on 1417.

Item 1417.

Leonard: Can I clarify one point?

Katz: Sure.

Leonard: My recollection is this l.i.d. assesses all property owners?

Diede: Yes.

Katz: Go ahead.

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

Katz: Mayor votes aye.

Item 1418.

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

Katz: Mayor votes aye.

Item 1419.

Diede: I have one more -- oh, one more.

Francesconi: Did you want it talk about 1419?

Diede: I did. Its the same kind of thing for both the personnel and other services. Merely to extend the time frame.

Katz: Roll call.

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

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Katz: Mayor votes aye. 1420.

Item 1420.

Diede: The last amendment is to the city streetcar inc. agreement for operations assistance. The current p.s.i. agreement expires on June 30, 2006. This amendment does several things. One it recognizes that there will be additional costs for the start-up associated with the start-up of riverplace service that adds 60,000 to the current contract. And again, it extends the term of that contract to September 30, 2009, which is in line with the other operating, operations amendments, and then it sets maximum annual contract amounts for future years, which will be negotiated during the annual budget process. The services to be provided in the future years are consistent with the services they have been providing us to date, and it includes the provision of a chief operating officer, community relations manager, and an office manager to assist the city with such things as the administration of agreements with other public agencies, with vendors and suppliers, and with review and recommendation for changes to the schedule, fare collection, promotional programs, organizational juspence needed to achieve adopted goals. And the management of the citizen's advisory committee. And that is the last of the amendments.

Katz: Questions? Anybody want to testify?

Moore: We have some written testimony that was just submitted.

Katz: Ok why don't you hand it out. Ok. Roll call.

Francesconi: I want to say something here. As was evidenced by the prior items we just had, there's many good things happening with the streetcar which is the closer relationship with tri-met is willing to fund more of this. The recognition that is has to happen in order for south waterfront to develop and how important it is to help with jobs as well as housing. There's some challenges that have to be met, and one of them is the price of the euro and what effect that's having. To meet these challenges, as well as the continued desire for the east side to have this, as well, we need good management in place, and I wasn't sure before I was on the streetcar board, before I was transportation commissioner, exactly how this is working but I have to tell you over the last couple of years, the administrative costs are less. I think it's 7%. It may be -- it's in that range, and so we have an efficient operation here and dedicated folks at pdot who sits on the board, as well as, as well as rick and roger and the streetcar board that's functioning very well. So, it's been -- i've learned a lot through this. It has been a privilege to sit on it. It's something that we have to keep a close relationship with the city as we move forward in order to meet some of the challenges, but this is a good contract and a big, a good deal for the taxpayers. Aye.

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

Katz: Mayor votes aye. All right. 1421. Parry center.

Item 1421.

Katz:

Leonard: I think that we had some representatives here to come on the floor. I don't know how familiar everyone is with what the parry center does. I have the opportunity to work with them for a number of years beginning when I was serving on the legislature. It performs the most violation services to this community with the children, it help some of the most troubled children who deal with severe emotional issues. Unfortunately, this isn't the first time that I have [inaudible] myself in the bargaining issue with the parry center, and there have been some historic riffs between labor and management that are regrettable given the mission that they performed. This resolution, if adopted, would simply ask that, that the parry center do what the nlrw often does in cases to a void a strike, and that is to, to have the differences resolved through binding arbitration where a third party neutral considers the arguments of both sides and makes a decision based on the facts. Go ahead. Introduce yourself.

Colleen Sullivan: I am colleen sullivan, I am a treatment counselor at the parry center for children. I'd like to thank you all for giving me this opportunity to speak to you and to thank you,

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commissioner Leonard, for bringing this forward and understanding the seriousness of this situation, as well as the history. As well as the history of the situation. I'm here today because I want to tell you a bit about working at the parry center and why I believe this resolution is so important. Not too long after I began my employment with the family services, I watched as many of the people who trained me who, who were my role models, who I looked to for direction and to gain experience and understanding with the children. I saw the devastating impact it had on the children, and our team and our ability to serve together and to meet the needs of the children. We needed to rebuild our structure as well as our relationships before we were again able to be effective with the kids. In our jobs, we are many things to our clients. We teach them daily living skills, to do schoolwork, counsel them on expressing themselves. Nurse someone if they are ill or injured, and we are there when they are angry or aggressive. Our roles may be varied but for us to be successful in any of them, we must first build trusting relationships with these children. Each time that we break a relationship with one of our clients, we make it more difficult for the next person to be successful. You feel, with a bachelor's degree and wages between \$8.86 an hour and capping at \$9.28 an hour, most people can't afford to stay at the parry center. Turnover has become disruptive, disruptive to provide quality care for our clients. My co-workers and I believe that quality care as well as the safety of children and workers is in jeopardy, and that is why we made this difficult decision to go on strike. We would like to see this dispute settled as quickly as possible so that we can get back to serving our clients. We have agreed to binding arbitration and believe that it is a fair process for which neither party should have any reason not to submit to. It is because of this that I urge you to accept this resolution and I am here because I believe that children should be the priority at the parry center, and I believe that this resolution has the best interest of the children at heart.

Chris Garrison: Good morning, I am Chris Garrison, a treatment specialist at the parry center for children and I've been working there since May, about 7.5 months. When I first came to the parry center, I came with the understanding that this was an agency involving itself in quality treatment of children. When I surveyed the work from the outside through the internet through talking with people working there, everything seemed to be kind of above the table, if you would say, everything was in order, but when I started working on the unit and talking with my co-workers, I learned that that wasn't really the case. The parry center has had a history of treating its employees unfairly, and unfortunately this is continuing to go on today. I'd like to take a moment to bring you up to speed as to what has brought us to this point of being on strike since November 29. We may be negotiating for a new contract with the parry center. We came into contract negotiations with the understanding that, that the parry center had taken the last year during which we had had a wage freeze to, to look at their funding and figure out how they could distribute funds to, to be able to better compensate staff and address the issues such as staff turnover and safety. Unfortunately, it seems that they haven't done that. They came to the table with the offer of a wage freeze and ending union security which in my opinion and the opinions of my co-workers would further hack away at the root of the safety and staff longevity at the parry center. We have only asked for, for a cost of living increase and union security. Unfortunately, they have been unable to meet that. And for the past six months have been basically stalling in these negotiation processes. Which, unfortunately, brings us to this point. I am in support of this resolution. I too as Colleen agree that binding arbitration is a good step for us here, and that it can bring a closure to a battle that's getting, for lack of a better term, ugly as we stand on the street and watch business as usual not go on at the parry center. Children are receiving sub standard care as we speak, but because we are on strike, because we are the workers that know how to treat these children best and bring the therapy to them.

Katz: Thank you. Good morning.

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Alicia Crosier: I am also a treatment specialist at the parry center. I've been there just under two years, and I work on the unit with children who have higher acute issues. While I agree being on strike is detrimental to their short-term care, at this time I chose to go on strike because I feel like in the long-term, we can create a better work environment. I would like to be safe in my work environment. I would like to have staffing that allows, that allows workers to not be injured. I would like children to receive the care that they need. The best example that I can give you is that we are trained when children need to be removed from the environment to be transported by two workers. And my observation is that we have become so used to not having two workers available to transport, the children are transported by one worker and often that becomes, in my opinion and my observations, somewhat violent for the children. Traumatizing their histories and I think that, that if the parry center would choose to staff appropriately, that would be the case. I would like resolutions. I think that having the experience, the experience works out on the sidewalk is not the best thing for the children. I think that everyone out there agrees that we want to be with the kids and do the best that we can for them. I appreciate your time.

Katz: Thank you. Anybody else? Roll call.

Francesconi: Aye

Leonard: I know that i, there are many things I would say and I speak for the whole council and mayor on but this is one of them that we deep the appreciate the work you do with these children. I've been there and seen what it is you do, and there is no higher calling in my opinion than, than the service you perform, so thank you, and, and I wish you the best in resolving this dispute. Aye.

Saltzman: Aye.

Sten: I really admire what you do and I don't know quite how to resolve this but I hope that this is the way. Aye.

Katz: Mayor votes aye. 1422.

Item 1422.

Katz: What do we do --

Leonard: If I could briefly introduce this. Mayor, as you know, the issue of finding stable, permanent funding for the land use section of the bureau of development services has been a vexing problem for a long time. And it is a piece that we have been grappling with, and I think now successfully with the leadership of ray and those that are joining him that will allow us finally to come up with a stable funding system that will allow us to hire a number of land use and the viewers that we need, and, and has the support for, for the industry which, which I am very proud of and I want to pass out these, these letters of support to you, the council. That endorse us moving ahead. This is not an actual adoption of the new fee system but rather a direction to the bureau of development services to develop a fee structure that will finally provide this missing link that we have grappled with to completely and stably use with the land use section. Ray?

Ray Kerridge, Director, Bureau of Development Services: I am with denise Kleim my finance manager and Rebecca esau at land use services manager. Just a follow-up from what commissioner leonard said, at the budget hearing earlier before council we talked a lot about the need to resolve the budgeting balance for some time in our land use services division. At that time we had three options open to us. The first one was to increase fees over a number of years, and, and quite horrendously. The second option was to increase the general fund support for the program. And the third option was to reduce the program. None of those options were viable or acceptable at that point. Now we have a new option, and this, this new option is based upon the reallocation of the revenue stream within the bureau. The way it works, something like this, that we would create the development services fee at a percentage a small percentage of the valuation of building permit applications going through the process. And we would use that to bridge the gap in our land use services division. At the same time and to counter balance this, we would reduce our building permit fees, so from the outside, from the customer's side they would see no change, no increase, no

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decrease in the fees they paid but the effect of this would be to support our land use services division as commissioner Leonard mentioned. The concept is pretty simple. What we found getting into the details the more you get into it the more complicated it becomes. There are a lot of variables out there that you have to balance, and it's a little difficult. What we felt is that we really needed to involve our stakeholders more in the process and as the commissioner mentioned, they are very supportive of the concept but we need to get to the details. So what this ordinance does is, it gives us a little time and directs the bureau to pull together a group of our stakeholders and to actually work out the nuts and bolts of how this is going to work and come back to council with, with a fee structure that's acceptable to, pretty much everybody. Denise is here if you have any questions about the complications and she's in a far better position to talk about that than I am. And Rebecca is here to talk about some of the impacts on workload if you want to hear that. So that's where I am.

Katz: You'll be back with --

Francesconi: I'm reading the letter from Robin White, "it's clear that the intent is to offset the new fee as much as possible with reductions in building permit fees" How do you -- does that mean that you'll be more efficient even than you are? I mean how do you reduce the building permit fee portion of it?

Kerridge: I will leave that to Denise. It's complicated.

Leonard: Try not to make it complicated.

Francesconi: Don't make it complicated. I am at 30,000 feet.

Leonard: We're using as the mayor likes to say different colored money to support the land use division that currently is not allowed to use. Go ahead.

Denise Kleim, Bureau of Development Services: Basically, what you do is you reduce the building permit fees and you are reducing the building permit revenue and increasing the land use services revenue. And part of the reason we want to work with the committee is that there's a lot of issues and implications of that. So your question I think is going to be better answered after we have a proposal all put together.

Francesconi: Ok.

Leonard: The part that's been difficult for people to get their arms around in the past has been whether or not we can use building permit revenue to fund land use services. I don't necessarily agree with that. But this initiative allows us to raise fees exclusively for the land use division use that removes that question, thereby allowing us to reduce the permit fees. But in any event this will all be balanced and discussed with the industry. We have a very functional collaborative industry group that we work with to vet these proposals with. And we will not bring it back until everybody understands it is on your board and it's addressed, this slack of funding piece, that we have tried to resolve.

Kerridge: Commissioner Leonard, I would just add one thing that when this is fully operational, it's not going to reduce the effectiveness or the efficiency of the building permit process at all.

Saltzman: What does it do our cost per recovery level? We have a 65% cost recovery right now for land use 65% the applicant, 35% us. And that was I believe adopted by council as part of a cost recovery process, cost service plan. How does this change that or how will the impending changes change that cost recovery level?

Kerridge: Right now we are operating about 65% cost recovery through fees. And we had counted on the passage of the general fund to bridge the 35%. The fact is that, you know, the general fund is under some stress. So there's a gap. What this does is it bridges the gap between the money we take in on the fees and the money we get from the council on the general fund, and it bridges that gap between the two. So it gets us to, you can say, three funds, it gets us to hopefully to 100% cost recovery, a condition we haven't had the last four or five years.

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Saltzman: Is that the goal of the council? I guess I thought we had adopted a 65% goal because we recognize there is some public role in land use reviews and things like that, some public goals achieved by the various land use.

Leonard: What's happened as a result of that, because of our general fund, we have not hired the staff needed to process, as efficiently as in other sections at b.d.s., process these claims. So while that's a a laudable rule, it's resulted in who are reason tuesday workload on the folks at land use and it's been our weak link in processing permits because of the kind of limited places on us hiring enough staff. And the, our clients understand that. And they completely understand that. Which is why this proposal because for them, time is money. And they would rather pay a little bit more and expedite a permit than they would to save a little bit and have to wait longer to get their permit.

Kleim: Commissioner Saltzman, that 65% goal only works if you fund the other side of the equation with general fund. And right now the program we are projecting a deficit this year in the programs so I think we are getting to relook at that 65% goal and raise it.

Katz: And this will be part --

Saltzman: How do you do that?

Kleim: That's what we are going to be talking about.

Leonard: That's when this direct --

Katz: Hopefully come in during the budget. Which is where this needs to be.

Leonard: And that the industry is not here, I hope does not go unnoticed.

Katz: Ok. The industry is not here and I don't think ty wants to testify. And, ray, sacramento?

*******:** Yeah, that's correct.

Leonard: Well, wait a second. I was going to say something about that when we voted but let me just say now that as you all are probably aware ray is leaving to be the assistant city manager in sacramento. And this started when ray and I accepted an invitation a year ago.

Kerridge: Let me correct that. The commissioner accepted an invitation and told me I needed to be there.

Leonard: We went to --

Sten: You can correct him now.

Leonard: Yeah, yeah, right. We went to a conference here in Portland that was comprised of officials from sacramento including the mayor. And they asked us to talk about the changes that we were making at the bureau of development services. And afterwards, the mayor came up and said, you know, I just would like to know how you guys are doing that and find a road map for us. And so I introduced her to ray. And little did I know that led to further conversations that culminated in ray being offered a position down there. So as ty and I are enjoying saying we are now becoming a farm team for the bureau of development services to provide leadership for the rest of the country and our own bureau of buildings. In fact, we have a small amount of pride in. Ray, as you all I am sure are aware, has led nothing less than an overhaul of the bureau and done it in a way that kept everybody on board. And it's just been a remarkable thing to participate in with him. I am going to miss him terribly. There are no folks out there that I am aware that can fill his shoes. So I mean it's our definitely our loss but it is a testament to us, mayor, that there are other cities now coming to Portland and not just looking at how we are doing things, but stealing our people. So that they can emulate us. Thank you, ray, for your 27 years of service --

Kerridge: 25.

Leonard: How many?

Kerridge: 25.

Leonard: 25 years of service to the city starting out as a building inspectors and culminating as a very successful director of the bureau of development services. Thank you.

Kerridge: I would just like to say that no one person does it all. I have had a great team of people around me and any success that the bureau has had is because of the people working in the bureau.

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25 years with the city, it's a long time. It was a big decision for me to make. I think in retrospect it was probably a good decision for me to make personally. But I am going to miss everybody here. I am going to miss council and I am going to miss talking to all of you and I am going to miss commissioner leonard. I just like to say thank you for giving me the opportunities that you have given me. Portland's a great place. I still consider this to be my home.

And i'm just -- it's a big time. So I will say thank you very much.

Katz: Roll call.

Francesconi: Ray, you made it a better place. The question is, who's going to keep commissioner leonard on board with you gone?

*******:** Does anybody keep commissioner leonard on board?

Francesconi: This is a good process. And this is a tribute to you, commissioner leonard and your leadership. You needed ray to be there but the improvements generated, you needed a commissioner who was willing to shake things up and make the improvements. And so but you are a good team. Ray was very kind of you to immediately say what is true. It took the work, takes the workers in the bureau who do the

Work. So this is a good process. And the fact that you have people on board who are immediately affected by the process shows that it is. Aye.

Leonard: Aye.

Saltzman: I thought you were going to slam the gavel on me. Good work. Good work and thanks, ray, for 25 years of service. And you and commissioner leonard have a done a remarkable job with your whole team and have really improved our reputation and our ability to deliver. So thank you, and good luck in sacramento. Aye.

Sten: Good work to the team and commissioner leonard. It's terrific and, ray, it's been a pleasure working with you. Congratulations on your job but I am going to miss you. Aye.

Katz: I had wished for your sake that it would be like san diego. [laughter]

Saltzman: He'll work his way down there.

Katz: But they need you in sacramento. And I think you are going to provide them with an incredible service. Thank you for all the years that you spent here. And commissioner leonard, thank you for working with the team to make the bureau an even better bureau, more customer service centered. Thank you. Aye. 1423.

Item 1423.

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

Katz: Mayor votes aye. We stand adjourned until 2:00.

At 12:08 p.m., Council recessed.

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Closed Caption File of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

DECEMBER 8, 2004 2:00 PM

[Roll call]

Item 1428.

Katz: We're going to do 1428 first, so I need commissioner Saltzman.

Katz: Let's take item 1428.

Saltzman: I believe we just need to adopt the final -- .

Stephanie Beckman, Bureau of Development Services: I'm stephanie beckman with the bureau of development services, planner on this case. You held a public hearing on this last week and made a tentative decision, and you should have the final decision and findings before you for your consideration today. I went through the points of the supplemental findings last week, so I wasn't going to do that unless you have specific questions. Those are on pages 15 and 16 of the final decision.

Saltzman: Any questions? All we need to do is adopt the final decision.

Beckman: I believe so. And they have been reviewed by the city attorney, and she was ok with those as well.

Sten: I move we adopt the findings.

Leonard: Second.

Saltzman: Please call the roll.

Leonard: Aye. **Saltzman:** Aye. **Sten:** Aye. [gavel pounded]

Katz: Ok. Thank you. 1424 and 1425.

Items 1424 and 1425.

Katz: We've got a lot of paper here, but there were only I think three issues that were left, and remember how we got there, we went around the council and you identified what you wanted to deal with. Because there are amendments, we'll have public testimony, but I want to flag to everybody, if those are not the issues, i'm going to cut you off, because we have a -- we had a long and lengthy hearing on this. So come on up and walk us through how you want us to manage this.

Gil Kelley: Good afternoon, gil kelley from planning bureau. To my left is sallie edmonds, also of planning. We have provided you as the mayor said a complete package of the amendments that reflect our response to the testimony you received at your last meeting, as well as previous written and oral testimony before that date, and they've been published since last friday. You asked us to pay particular attention to three issues. To trails through industrial areas, the language for the central city freeway, and finally, response to the number of issues raised by the floating home community. I want to describe very generally how we've responded to those, and Sallie can point you to the proper pages in detail.

Katz: It was just a technical set of amendments.

Kelley: Correct. So we really want to focus your discussion on those three today. At your direction I did convenient a small discussion group on the trail issue with zari, the parks director, and that group consisted of a representative of the 40-mile loop interest, and also ann gardner, representing schnitzer and also speaking on behalf of a number of industrial interests if not actual entities. And steve able, who was also there representing, and who has also served as a planning commissioner and has been part of the river renaissance advisory committee as well. It was a very

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productive conversation. The language is contained here. We pretty much decided on goal wording and follow-up action plan that I think has made everybody happy with where we are, and really positive as a major issue going forward. The specific location and design parameters for the river trail without having in this document to say exactly where that will be and how it will happen, that's really -- we've all agreed that's really an item for the next phase. Nonetheless, we did struggle to get exactly the right language in this document that pushed us in that direction and held all the interests at the table. Constructively. With the central city freeway, we had the advantage since publication of the document of having two more meetings of the mayor's freeway loop advisory committee and have taken the conclusion they reached at their final meeting and drafted a summary of that recommendation which would be inserted in the river renaissance strategy report that again sorts of points the way to the general direction and reflects the work that that group has done. That may or may not be done forward to the council as a separate report shortly. But in essence that group which consisted of freight interests, state transportation interests, urban development interests from around the central city and around the region in fact even representatives from across the state concluded that the freeway loop system is indeed a critical freight movement device and transportation circulation device generally, but that it's nearing very soon the end of its useful life as it exists currently and that to really make it useful it needs a major fix or set of fixes, and because we're motivating that that occur, we ought to take the opportunity to essentially remove it from the shoreline from the bank on the central eastside and to both reclaim that valuable real estate for other purposes and to reconnect the central east side and east side neighborhoods generally with the river.

We've reflected their thinking as well with all the proper caveats of how we move forward with that process. It does have a corresponding action item which anticipates the second phase of that work on the freeway system going forward. And finally with the floating homes, we heard a lot of testimony from that group, and we've made some changes here to knowledge the existing contribution the floating home communities are making to the river and the vitality that really the only neighborhood that's are right out on the river that behave, and I think we've beefed up language that acknowledges them in both the background and the policy, and we've sharpened up the action step with regard to them, which says we really need to study, understand more about their needs and the opportunities that revolve around them before we pause or change city policy about whether they ought to be expanded and so forth and so on. So we think we've reached a pretty good accommodation. They are with -- there with the interests without overstating what the current policy might change to. So those were the basic changes. I did want to note we also are requesting a change today that i've consulted the other bureau directors on, which is having to delegate the bureau director's group to keep the strategy fresh, to update it from time to time with new budget items, new examples, best practices, images and so forth and that of course with any major policy change we would be coming back to the council on. So that's the summary of what's in front of you today. Sallie will point out the rest of what is here and the detail. Thank you.

Sallie Edmonds: Thanks very much, mayor, commissioners. In your packet today you have a substitute ordinance and a substitute resolution and the attachment a to the resolution is the river renaissance strategy, attachment b is a set of amendments. And those are organized in two parts, the first part are the amendments for discussion and those touch on the three topics that gil just mentioned, trails, the central city freeway system and floating homes. Part two of that packet are a set of consent amendments. And then there are some attachments to that which provide you more information should you want to refer to attachments b-1 and b-2.

Katz: And the execute on the -- substitute on the resolution, what is --

Edmonds: Both the ordinance and the resolution have substitute language that adds the authority for the bureau directors to keep the river renaissance strategy fresh.

Katz: All right. Council, do you have any questions on those issues? Did you have anything to add? Let's open it up to public testimony.

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Katz: Mr. Anderson? He comes first. He's an honored guest.

*****: Mary first.

*****: Thank you.

Katz: We try, you know?

*****: Could you restart my two minutes?

Katz: You have three minutes. The only reason I wanted to give him the opportunity, because he used to certain here.

Mary Schutten: Thank you. Mary schutten, southeast oaks park way. Oregon yacht club, number 31, Portland, Oregon. Thank you very much for allowing us to speak. We worked very, very hard with the river renaissance team and came to consensus on a lot of things except one. We have one point that we feel deserves stronger and more supportive languages about woo, which is not just floating homes, it's into thing -- floating homes, moorages and water-related businesses. So we request that you approve w.o.o. policy language versus the other language that's being proposed by the river renaissance team. Our language is the city of Portland recognizes and encourage existing floating homes, moorages and marinas and businesses as an essential defining characteristic of Portland's waterscape, and we feel this is stronger and reflects more accurately what we are to the city, which is an asset. For over 100 years Oregonians have been living and working on the water. Our organization is an asset, it's an asset because we are committed stewards of the river because we play a vital part in the economy, hundreds of jobs with regard to small water-related businesses, and are a part of the historic legacy of this city. And we would like a policy that states that more strongly, and we believe what we have proposed is that policy. So that is what we're asking, is for you to adopt the policy that we wrote. Thank you.

Katz: Do you have this in your written form?

*****: I gave it to her.

Moore: I'm sorry.

Katz: Ok, who wants to go next?

Jean McNulty: My name is jean mcnulty, the secretary of the waterfront organizations of Oregon. My address is 50776 -- I just warned to -- I made a little thing about floating homes then and now, and then is the 1800's to 1971 when the clean water act was adopted. And now is from 1971 to now. Then they built homes for very low cost and banded together in shantytown. Now they build homes in the 100,000 to \$1.4 million range and band together in floating home communities. Then they hung off old wood piling or rope to land, now they hang off wide walkways and attach to steel pipe piling. Then we fish to live, now we live to fish. Then we row boats, now we have jet boats. Then we looked out for each other and now we look out for the environment and each other. Then we paid no taxes. Now we pay personal property taxes on our homes commensurate with land homes. We pay real property taxes on the upland property and structures, garages, etc. Then we had no sewage. Now each home has a lift pump to city sewer or to sewage treatment plants. We page large fees to the d.e.q. to monitor the plants as well as to monitor and record daily. Then we got water from the river or wells. Now we're hooked up to city water or in outlying communities have wells monitored and regulated and tested frequently for cully, etc. At a large cost to the floating home community. My point is, floating home communities add many dollars to the economy of the city and state. And provide an interesting and colorful look to the city and willamette and columbia rivers, and we are encouraged and acknowledged. Visitors to my home say, it's lovely here with all the wildlife, but I wouldn't want to live here. That's the same way I feel about the west hills. The views beautiful from up there, the city and the river system, but I wouldn't want to live there. Thank you for your time.

Katz: Thank you.

Lloyd Anderson: I think if you have the two policies suggested, the one recommended by the staff and the one we have recommended, I think that the aim is not to see an expansion of houseboat

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moorages, though I think it would be acknowledged, when you look at the businesses that are developing along the south waterfront from the marquam bridge on south, we're going -- you're going to see some water activity going in there that are related to those recreation and housing units as opposed to industrial. This is not to say the industrial is not important, because it is. I spent a better part of my adult life working on seeing the industrial uses are protected and enhanced. But I think at the same time what this policy suggestion by w.o.o. Is one of saying we acknowledge that those activities are important, they should be recognized as something where the people are involved in supporting clean water, positive economic impact, and want to see a good livable river.

And this I think makes it clear that's what we're after. There's nothing in there that say they should be expanded, but with what we've got, do as good a job as we can and support other uses.

Katz: Ok. Questions? Thank you.

*******:** I just want to recognize the hard work --

Katz: Identify yourself.

Susie Lahsene, Port of Portland: Susie, port of Portland. I just want to recognize the hard work of the bureau of planning in developing a comprehensive strategy direction for the river. We appreciate the efforts made to address the concerns raised by the port. We are pleased with the outcome, thank you.

Katz: Good job: From the port? That's excellent:

Francesconi: It's the holiday season.

Katz: Anne?

Ann Gardner, Schnitzer: Thank you, mayor. I'm anne gardner. I too am here to express my most sincere appreciation to you, mayor Katz, for creating this program, and to the council for supporting it throughout. It's been at times a challenging process, but we are really very pleased with the outcome and are looking forward to continue to work on this program as it goes forward, so we encourage your adoption of the amendment package, and again, sincere thank you.

Katz: Whoa. [laughter] we've just set a record here:

Francesconi: Now you've made her suspicious.

Gardner: The staff have really done yeoman's work to bring to you a really credible product, so thanks to them as well.

Katz: Thanks for working on it. Ok.

Marian Haynes: Good afternoon, mayor and commissioners. My name is marian haynes, i'm representing the Portland business alliance. The alliance is pleased to offer its support of the river renaissance strategy with the proposed amendments regarding the trail. We appreciate the outreach by city staff whose cooperative efforts have felt realize add balance approach and look forward to continuing in partnership with the city and stakeholders to achieve the river renaissance vision.

Bill Montgomery: Bill montgomery, I live at Portland rowing club, the foot of southeast harney street, 100 southeast harney street, houseboat 12, Portland, 97202. I've lived at that address for 30 years, and several houseboats. I have before that I lived in -- on the willamette in wilsonville. So i'm a river rat. I urge you to take this waterfront organization of Oregon statement which is more friendly and inclusive. We are a 300-pound gorilla in the parlor. Other places have fewer houseboats and they're much more revered. Florida, the stilt homes, have national historical value. Portland is the largest and more vibrant. I am concerned that the current language is a little too condescending and does not give us proper status that we should have.

Katz: Thank you.

Moore: That's all who signed up.

Katz: Anybody else? All right, staff, come and tell us the difference between the two.

Kelley: I think we have a proposal with the difference, to bring the two perspectives together. If you look at the w.o.o. language, the handout from today that has the side by side, the two versions, I would like to offer a proposal on the floor here that would amend the language, but i'd prefer to

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work off the existing strategy languages, because the construction of it is more in line with the other policies in the document. But at --

Katz: Direct us where --

Kelley: If you look at the two boxes here, the one they handed out, the right box that says r.r.s. Policy language, I think if we amend that to say acknowledge and support the important role that existing floating homes marine as, play in the vitality of Portland's water escape, you can say important or essential, the point being that when we use encourage in policy language it got it what they -- one testifier said what he didn't mean, that we're necessarily saying here that we support -- that we encourage expansion of the supply and location of those. That's the policy we haven't reached yet and where we need more study. When we say encourage, that's what we -- you don't need to encourage existing. We use it as generally to go beyond existing. So for that reason we sort of had some heartburn around the word "encouragement".

Leonard: It does say encourage existing.

Kelley: And i'm not sure what that means exactly. So we could do their version as long as -- existing is a new word that we hadn't seen from their proposal before, so that helps clarify.

Saltzman: Could you read what you were suggesting again?

Kelley: I was suggesting using the right box, acknowledge and supreme court, which I think is what they are talking about when they're talking about existing. The important role that existing or we could take out existing in that phraseology, floating home, moorages, marine as, water-related businesses that they play in the vitality of Portland's waterscape.

Leonard: I guess I don't read their proposed language with the word "existing" in it as encouraged new moorages as much as it does encourage them as an essential defining characteristic of Portland's waterscape.

Kelley: I don't think we have any problem with the last part of the sentence, it's only encourage and existing confused us a little bit, but that's up to you. Or you could substitute "support" for "encourage" and you'd end up with the same result.

Francesconi: Is everybody a lawyer around here today? I don't think we're splitting this awful fine, folks.

Katz: People go to war for less than this.

Francesconi: I think the proposal that gil just made is essentially than the same. I'd be surprised, as long as you have "earn courage" in here, are you opposed to what he just -- I think it's fine.

Saltzman: I'm ok.

Katz: Read what you --

Kelley: I said acknowledge and support the important role that existing floating home, moorages, water-related businesses and recreation play in the vitality of Portland's landscape. That adds up to an important policy that was not in the document before and they were right to bring it to our attention.

Francesconi: Good.

Katz: Ok?

Leonard: Are you ok with that?

Katz: I need motions.

Sten: I would move gil's amendment.

Katz: For the floating home issue? Do I hear a second?

Leonard: Second.

Katz: Any objections? Hearing none, so ordered. [gavel pounded] trail language?

Francesconi: I'll move that.

Leonard: Second.

Katz: Any objections? Hearing none, so ordered. [gavel pounded] central city freeway language.

Sten: So moved.

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Saltzman: Second.

Katz: So ordered. I think we made a decision though the group is going to be one more time to bring the report to you. So that you're aware of what the freeway group had worked on and get your sense of that work and the support of that work.

Edmonds: The rest one is -- The rest of the floating home amendments.

Katz: All right. Do I hear a motion?

Saltzman: So moved.

Leonard: Second.

Katz: Objections? Seeing none, so ordered. [gavel pounded] prioritizing actions and investments.

Edmonds: The next group would be the consent amendments, part two, which is on page 4 through page 11 of attachment b.

Saltzman: Move the adoption of the consent amendments.

Leonard: Second.

Katz: Any objections? Hearing none. [gavel pounded] we've amended the original, we need to come in with a substitute or not? We amended the original document, do we need to come in with a substitute, or not?

Rees: No.

Katz: Ok.

Rees: And this is a resolution, so it doesn't -- .

Katz: You're absolutely correct. Roll call. On 1424.

Francesconi: Just briefly, this is great. This is wonderful. And the testimony from -- I guess the way this has come together shows a couple things. One is that the economy and the environment are not in conflict, number 1. And they work to support one another. But number 2, to get there, it's important how you get there. And people need to work through this because the details are important, or else they could be in conflict. So it takes a process by which we work together to advance the common good. Sounds corny, but it's the -- the river is important to all of us, whether we're making a liver, whether we're recreating, whether we're concerned about urban design, whether we live on the river, and it's important for our city as we move forward that we be able to earn a living, but that we also enjoy the wonderful quality of life that we have. And when we have the kind of process that ended up here, i'm confident that that will continue. But we have to keep fighting for it, because there are enormous challenges to meet. Aye.

Leonard: Aye.

Saltzman: The river renaissance, that term I think has finally got some meat around the bones. And I want to thank mayor Katz for coming up with this whole idea in the first place, but it really has united all the concerns people have about the river amongst all the bureaus in the city, the deal with the aspects -- that deal with aspects of the river, and it's given us a unifying vision, and I think you can tell the concept has taken hold, because the fact that people care about what the language says, it lets you know this document will be read and heeded by all those who follow us as the unifying vision for a river, and we have more work to do, but this is great. I want to thank gil kelley and the whole river renaissance team for working so hard to work together, because I know that's always been one of the struggles in city government, is working across bureaus and this is not been without its struggles, but it's a very good document here. I'm pleased to vote aye.

Sten: I wanted to join the audience today in thanking the staff for terrific work. This has not been easy to say the obvious. It's a big concept with a lot of small details and implications, and it means a lot to people. You've really done a terrific job. I want to thank the stake holders who have hung in there and come through with something I think you should not only be proud of, but I believe firmly will help on the economic side of things in the years to come. We've done a lot of things right historically in Portland, if you go back to the early days on, literally, this is the way we treated

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the river is not one of those things. The assumption in urban planning has been the river is a place to convey sewage and other things, but not to enjoy and honor and make part of the city, and I think this will be good on all fronts. I was very pleased when mayor Katz brought forward this vision I would say a few years ago, and was glad to help. I honestly didn't think it could get this far. I thought it would be a good concept, but this is a real aggressive thoughtful, long and short-term action plan. It's not just a concept. And so I think the renaissance is happening, and that's thanks to mayor Katz. Aye.

Katz: Thank you. I want to thank the two of you for educating me on a lot of the aspects of the river. The importance of the habitat, the importance of bringing back the runs, whether we can make that happen or not. The research, the financial commitment on watersheds improvement, and all of those little pieces really brought the notion of the river renaissance. And what was eye-opening to me, I should have realized it from the very beginning, is the love is the river -- the love of the river that the community has, especially people who live on the river and the east side, who can't get to the river. And the obstacles that we have to get to the river. And so with all of your help and Gil's imagination on how we bring all of this together, was the creation of the river renaissance strategy. Now it's up to all of you to continue to keeping an eye on the river and making sure that all of the work that's going to continue in the next five, 10 years focuses on the river and doesn't do damage to the goals and to the vision. Gil, thank you, and thank you for your team. Aye. [gavel pounded] ok. 1425, we'll move that to second. Did you want to talk a little bit about that.

Item 1425.

Kelley: That's simply institutionalizes the river renaissance bureau director's group and tells us to keep going.

Katz: Anybody want to testify to that? If not, we'll vote on it next week. All right. 1426, did you want to --

Item 1426.

Leonard: I'd like to move this back to my office.

Katz: All right. City attorney, we have a time certain at 3:00. There will be people maybe here, maybe not. Commissioner wants to move it back to the office. What would your counsel be?

Linly Rees, Deputy City Attorney: I think karla and I think it would be fine to recess [inaudible]

Katz: I would tend to agree.

*******:** We can hang out and inform anybody that shows up for the 3 p.m.

Katz: We'll recess until --

Leonard: We're going to wait until 4:00?

Katz: Until 3:00.

*******:** Say that again?

Katz: We'll recess until 3:00.

Leonard: I thought you said 4:00.

*******:** I'm giving you the option. I'm not certain you have -- if you want to be here at 3:00, because there's items you want to --

Leonard: Why don't we just move it now.

Katz: We can do that. I didn't understand. Ok.

Leonard: Move it back to my office.

Francesconi: Second.

Katz: Any objections? Hearing none, so order. [gavel pounded] we'll have to wait until 4:00. There will be people from pleasant valley. [recess]

[Meeting recessed at 2:35 p.m. and reconvened at 4:00 p.m.]

Item 1427.

Saltzman: Gil, bob, jay.

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*****: A little help from my friends.

Gill Kelley: Gil Kelley, planning director and with me are Bob Clay and Jay Sublet of the planning bureau. I will be very brief and I think Bob will as well and Jay would like to give you a short presentation on this project. This is the Pleasant Valley Plan District which has been recommended to you by the planning commission who deliberated on this between June and September of this year. It's an effort that's been coordinated with the city of Gresham and Metro. I am really -- it's a substantially new way of thinking how we plan for what might be described as greenfield communities, those communities which are at the periphery of the current urban development in the region. And I think this approach as you heard before in your earlier action to adopt the concept planning and the intergovernmental agreements, really breaks some new ground in terms of how we think of incorporating nature and green spaces into our philosophy of compact walkable and transit-oriented communities. It's great work here and we are very happy that the city of Gresham has adopted a program very similar to the one you are presented with tonight, which carries through on that conceptual planning to the implementation level. And you have a letter of support from both the mayor of Gresham, Charles Becker, and Jonathan Harper, who worked as Bob and Jay's counter part on this problem from the city of Gresham.

Saltzman: The Gresham city council adopted this?

*****: They adopted it on November 16, I believe.

*****: Right, correct.

Kelley: November 16. So it's in place. And so we are presenting you with our side of the bargain today. I just wanted to take a moment to thank you Bob and Jay and to thank some others on staff who worked on this. Shannon Bonneau from the planning bureau, Alley Young from B.E.S. And Dan from B.E.S., Dina and Rebecca and Eric Engstrom from B.D.S., great city staff team. And we are really complemented by people on the Gresham side including Jonathan Harker, Terry Van Denver Coy who is here and is available for questions if you have those about Gresham's action, Jeff Hugh Bell from the Johnson Creek Watershed Council, Linda and Paul who represented the community as well on the working group. And the mayor has represented us on the intergovernmental aspects of this. So thank you all for that. And I will turn it over.

Bob Clay, Planning Bureau: Thanks, Gil. Bob Clay, city of Portland planning bureau. I will be brief and turn it over to Jay. I wanted to acknowledge we have representatives here today from the bureau of Environmental Services and the Portland office of transportation, Dina Platman is here from transportation. And Dan and Alley Young are here from the bureau of environmental services so if you have any questions about specific aspects related to their work, they are here to help answer any questions. And unfortunately, Jonathan Harker wasn't able to be here today. Terry Vander Coy is and I wanted to add my thanks to the Jonathan and the city of Gresham and in particular the planning commission also and Mayor Becker and the Gresham Council for their work over actually several years now. So thanks very much.

Jay Sugnet, Planning Bureau: Jay with the bureau of planning. For the record, the whole project file is in the room for consideration. I just wanted to quickly go through and describe sort of the process and describe the major elements of the plan for council. Just for those who aren't familiar, Pleasant Valley is 1500 acres that was added to the urban growth boundary in 1998. It was six years ago this month that that happened. This shows Pleasant Valley in relation to the other regional and town centers. As you can see from the aerial photo, it has an extensive creek system running through it. It has mostly rural uses, a lot of agriculture. There is no urban infrastructure in the valley at this time. And very early on, even before it was brought into the urban growth boundary, the community had sort of a vision for this area and this is one of the statements from that. This also gives you a view of the valley looking east. So as I mentioned, it was brought into the urban growth boundary in 1998 and that's when the city of Portland and the city of Gresham first signed an intergovernmental agreement deciding governance and also agreeing to do joint planning

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for the area. In 2000, metro received a federal grant in which significant portion of the planning was done. I will talk more about the concept plan. It was adopted and accepted by the jurisdictions in the summer of 2002. So the implementation sort of that bridge from the concept to actual adoption and that was a state grant. And that was completed in 2003 and that led into planning commission hearings in July and September, and today you are considering plan commission's recommendation. So the concept plan, who was involved. It was all of our jurisdictional partners. There was a 24-member steering committee. And there was very extensive community involvement. And this process and the subsequent processes. There was community residents were involved. There were a number of community forums out in the valley. As well as, it was considerable amount of the work was done by a consultant team. It was a traditional 18-month planning process. We did significant inventory work. We set goals with the community. We created, we came up with four different alternatives. Those alternatives were evaluated. We selected a preferred alternative which was again evaluated, and part of the concept plan was developing implementation strategies, how do we take this plan and bring it to fruition? And here's the plan. I will take you through it very quickly. It started with the environmentally sensitive restoration areas. These were all of the resource areas that have important functions for natural resources. It was the basis for all of the alternatives that were created. We, the concept plan has a street system of arterials collectors, and neighborhood collectors. They have each, it has a community and neighborhood park. It has two new schools and regional trail system that connects with many of the buttes, surrounding buttes and springwater corridor. It has neighborhoods a quarter mile radius, distinct neighborhoods with attached and detached housing often with a neighborhood park in the center. Often close proximity to amenities such as open space, schools, and retail. There is a town center in the middle of the valley. There are also two employment areas to provide a balance of housing and jobs. There are neighborhood commercial centers. And here it is all together.

Leonard: Where is the town center located?

Sugnet: Town center is right up here at the intersection of 172nd and Glisan. So it would be in the future Gresham. And I will show you the boundaries in a few minutes. So as part of the concept plan, there were a number of implementation strategies. I want to go through these necessarily but keep in mind there were goals, policies, and action measures that are proposed today that came from this community process. A lot of the work had to do with figuring out costs and funding. And what we gathered from the beginning is that transportation was probably the most expensive item. \$88 million for the entire 1500 acres. And the implementation phase, this was provide that bridge between the concept and the actual implementation. And we began that in 2002. And that was kind of the concept plan lite is the plan we described it. The same people, it was primarily Portland and Gresham developing, we had to develop some development code so a lot more of the specifics. There was participation by our regional partners. There was also an advisory committee made up of a lot of the original steering committee members. And again, more community involvement. These are the sections of the plan. I have both of these here. Each planning process produced a stack of paper about two inches thick. So a lot of background material went into the plan that you are considering today.

Saltzman: Is that outcome measures? [laughter]

Sugnet: We could come up with that. At the end of the day, we have a plan that produces 5,000 houses, dwelling units, 5,000 jobs, and is a consult 2579 like to say 5,000 fish. So we have an average density of 10 dwelling units per net buildable acre and we are going from a population of approximately 850 people to over 12,000. Big part of the work over both planning processes was natural resources, and addressing the requirements of inventory, conflicting use analysis, and also developing the final program. A lot of work was done explaining this to the community and this is consistent with what metro has been working on and also what's the city of Portland has been fine-tuning over the years. It has to do with natural resources inventory for the area. So you take all

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these functions, and you overlay them so you take riparian upland habitat, overlay water quality, organic materials, microclimate and all the others, and that gives you the basis for the environmentally sensitive restoration areas. Keeping in mind that's a lot of properties that are impacted by these resource areas. There was considerable amount of analysis that went into understanding, helping property owners understand how these resource measures would impact their property. We had examples. Here is one property that's almost four acres. And the shaded area is the resource area. So what we did was we tried to help explain currently what their development potential is one unit. The area outside of the resource areas that would be be able to build 15.4 units and then they would be able to transfer or cluster development from the resource areas of one unit per acre to giving them a total of 17 units. So that's increasing their development potential from currently from one unit to 17. And we developed a geographic system policeman that helped us to -- program that helped us calculate all the development potential automatically so if a property owner came in we could say exactly how many acres they had in their resource area, what functions applied, why they were there, and we were even able to show them an area photo that showed how vegetation matches up with those functions. Another big part of the plan had to do with storm water management. That has been a big issue from the beginning. And one of the main reasons why the city of Portland has been involved in this process. Is that managing storm water in the valley is very important for, downstream implications and one of the things that we considered and are proposing is requiring that all storm water be managed on site, which is different than current regulations which allow storm water to be managed for multiple properties offsite. This would be required every site. In addition we are proposal recommendation has green streets. So an open channel conveyance system for all local streets including the neighborhood collectors and arterials. So the water would run off from the roofs into a storm water feature on site and then off in a conveyance system. And all this is documented in the public facilities plan using an example of the map for water. This provides the backbone of the system. Each project, say, along 172nd, there's a number associated with it and the public facilities plan there's a list explains what the project is, what's involved, and how much it costs and also what the logical phasing of that project would be. We have these for storm water, water, sanitary, sewer, and transportation. There's also considerable work done in analyzing the implications of annexation and there is so it's also part of the fiscal analysis to determine what makes the most sense in terms of phasing, from which direction. And we, for each of those areas we estimated what the assessed value at total buildout in 40 years, and for the city of Portland section, it would be \$56 million, \$865 million for the entire acres. We looked at what the is the city's net capital position after we provide all the infrastructure versus all the s.d.c.'s that are collected and that those a big negative number, \$6 million. We also looked at our rate revenue -- utility rate revenue compared to what we would spend in operations and maintenance and that was actually a positive number but still it's a Negative. And that was really, we knew that from the beginning coming in in 1998, when we made the decision, the general boundary was along mitchell creek. So Portland has agreed as part of the 2004 agreement to take in areas b, which is the jenny road area, and 162nd area. Council is considering today are two major things. Amending the comprehensive plan and map. You would be extending the urban services boundary and by doing that you are triggering an agreement with Multnomah county. And that agreement essentially has the city of Portland administering permits for Multnomah county, unincorporated Multnomah county pockets. Also you would be amending the comprehensive plan goal 11-a to clarify annexation is a requirement for receiving urban services. Currently there's enough ambiguity in the comp plan so that we have extended urban services to properties in the past and now those properties have little or no incentive to annex into the city. Also has a provision, there are provisions to amend the zoning code. Principally to adopt plan district that has some fairly minor provisions that are consistent with the concept plan and the implementation plan. Probably most significantly there's the requirement for a 20-acre minimum

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for land division. So that means if a property is not 20 acres in size they would need to come in together with adjoining property owners to sign a land division application. And that is so that the city can provide urban services and a cost efficient manner. And then finally, there's adopting a v overlay. A new overlay in the code, similar to our environmental overlays now. But addresses the unique instances or unique set of circumstances of protecting natural resources in an urban growth expansion area.

Sugnet: The valley. We are running out of letters to be honest. [laughter] next steps, we still need to update the transportation system plan to include the goals and policies and projects that were identified as part of the pleasant valley. That will happen with the next update.

There's also the master street and network plan. That's being funded through another state grant. We are also the challenge grading the swale conveyance system is going to require some work on the part of b.e.s., office of transportation and also planning. And then finally, a recommendation in light of measure 37, is to delay implementation 180 days of this plan and to do essentially what the city attorney has advised us is that we don't have a process, annexation process in place at this time to potentially require a measure 37 waiver. So what is being considered and what will be brought back to council is a provision that would, in exchange for property owners receiving urban zoning and urban services, we would ask that they sign an agreement not, and not make future claim, measure 37 claim against the city. So that is the end of my presentation.

Leonard: Two questions. That last point you made, which would be just for the period covering the annexation and any new regulation at that point. Any future regulations would be treated as any other property?

Sugnet: Correct.

Leonard: Right.

Saltzman: Questions?

Sten: That's good.

Saltzman: When you said there would be a 10 units per acre or 10 houses?

Sugnet: Yes. 10 dwelling units per net buildable acre.

Saltzman: What does that roughly term out.

Sugnet: How many units?

Saltzman: Square footage? Is that equivalent of an r-7?

Sugnet: That's the total area. Portland's portion will be slightly lower because it's all single family residential. City of gresham is going to have the town center with more tense housing and also has an attached housing so they are debt ceiling is going to be high are but it's ball all r-7 zoning.

Saltzman: Any questions? Public testimony. Mt. Tabor come up three at a time.

Saltzman: You each have three minutes and you could state your name for the record.

Terry Vanderkooy, City of Gresham: Certainly. Terry vanderkooy. I am the new communities manager for the city of gresham as was mentioned, john hand harker was a project manager working on this for gresham. He had an unavoidable conflict. You have the two letters from gresham. Supporting adoption of the plan. As gresham took final action, city council took final action on it with the enactment reading so the pleasant valley plan very consistent with what you are looking at will be effective for gresham, in january 6. So that we are done with that part of it and working towards the implementation. I think there are a couple points I would like to make. One of them is beginning all the way from 1998 and going to right now and beyond tonight. Gresham and Portland have collaborated very closely, I think, on the pleasant valley plan, engaged in the community exhaustive public planning process with a lot of community input. And what I was impressed by with the gresham hearings particularly was the strong support from the citizens, the residents and the stakeholders. It was quite remarkable, actually. Nothing I have seen out there quite has been that supported by the stakeholders who have been involved over the four or six years that this has gone on. So I think that's a real credit to Portland and gresham staff. The pleasant

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valley concept plan was an award winning plan. The implementation plan carries out those concept plans. All the elements that jay mentioned including the annexation goals and the funding strategies, the master utility plans are updated and parts of those master utility plans look at the facility and the funding issues which is jay's presentation indicated are substantial but what we had in terms of our council adoption of the pleasant valley plan was also direction to staff to develop a work plan for the first phase annexation master planning, and public facilities, financing strategies to come back with that. So they took the additional step of saying, let's move forward on that. So we will be coming back to our council with that, working with Portland staff at the same time. The other coordination aspect was just 9 timing on the open houses and the planning commissions and other public hearings. It was very critical. From gresham's standpoint we definitely look forward to collaborative lee carrying out the on-ground development of pleasant valley with the city of Portland as anticipated by our intergovernmental agreement. One critical issue is the strategy for the transportation funding. And that intergovernmental agreement anticipated the development of a memorandum of understanding on those funding strategies and how we will get there. So we look forward to working with Portland staff on that. Almost lastly I would like to thank the Portland staff, particularly jay, bob clay and ally, who were very general with us with time in attending some gresham committee meetings to help. So finally, we, gresham, encouraging the city of Portland to approve the pleasant valley plan district and look forward to that coining process.

Saltzman: Thank you.

Jeff Uebel: My name is jeff uebel. I am a stream side homeowner at johnson creek. I am also the chair of the johnson creek watershed council. And I was a steering committee member on the pleasant valley plan development process. I am here today to endorse the plan. And urge adoption of the plan district. The council has been a full partner in the development of the plan. It's been very interested in continuing to be involved and helping with implementation of the plan. Well, we feel it's a very innovative active plan. The creation of the ezra subdistrict and green storm water practice and the extensive green stormwater practices are really going going to do a great job for water quality protection. The staff has done an implement job in helping to put the plan together. I think Portland can be very proud of this plan and I think regionally if not nationally it's going to be recognized as the excellent example of urban planning. Hazard been highlighted and I observed an extremely implement process of public involvement, a very good collaborative approach, saw extensive involvement by landowners, businesses, development interests. And all of the workshops and open houses were very well attended so it had really, really excellent public involvement and I feel as a result the community there supports the process of the planned development and the resulting plan. Saw a lot of discussion of the environmentally significant areas and the transportation, green infrastructure, there were a lot of compromises made in development of that. But I think we have got to really workable plan for habitat protection and it should result in a really viable, high quality community. I wanted to highlight very quickly, as jay did, that kelly creek flows through the middle of this plan district. It has an extremely important role in the johnson creek watershed. The watershed council recently completed a watershed action plan for protection and restoration of the entire johnson creek watershed and kelly creek was really recognized in that plan as one of the forecast areas for protection and restoration. At this point this area is yielding cold, clean water relatively speaking and it serves as a refuge area for our threatened winter steelhead, cut throat. This is really one of the more important refuges we have in the johnson creek watershed. And it's essential to protect those populations and increase their populations as we go about recovering populations in the johnson creek watershed. I think it can really be a foundation for recovery in the rest of the lower willamette. So in conclusion, I just like to urge you to adopt the plan district. Got an implement collaborative process in development of the plan. Good support community. And we should see habitat conditions and water improve improve with water development which is a pretty unusual thing to say.

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Sten: Thank you.

Melinda Wilde: I am melinda wilde. I am a property owner in the pleasant valley area along the mitchell creek tributary and I am speaking on behalf of some neighborhoods as well that have a concern that, and we voiced this concern at the concept plan meetings as well. That there's a huge amount of wildlife in the area and the fear of the neighbors or the city would apply current code to these areas. Such as keeping grass cut down and blackberry bushes cut down which provide habitat for the barn owl that eat the mice that live in the grease and just our concern that 10 years, 20 years from now which we have 12,000 people living in pleasant valley aren't the 800 people who understand the current environmental status that there will be pressure put on the city to change code and apply more urban standards on current property owners in the area who wish to keep the wild line around and understand what kind of habitat these animals need. They will say that will not live anywhere but tall cold hay feeds. They disappear when those fields are cut.

> when hawthorne ridge went in all of the wildlife that lived up on that area moved down to us. We like to see that not occur as an area. Need this city's understanding that that the differences in the code that are to be applied in pleasant valley should remain to keep. That's my comment.

Saltzman: You feel we have done that with the plan in front of us?

Wilde: The plan currently does but I know the tendency of negotiation associations come in later and say we need a change and have forgotten why it was implemented the way it was originally.

Saltzman: Thank you very much.

Moore: Bill mcdonald and that's all who signed up.

Saltzman: Anybody else wants to testify? Citizen, join us?

*****: Sure. [laughter]

Saltzman: I don't mean to encourage you up.

Sten: If you insist.

Saltzman: Ok. Go ahead.

Bill MacDonald: I am bill mcdonald. I live at 7316 s.e. 162nd. I have lived there since 1983. I purchased the property then. At that time, well, I got two of three critics. They are talking about mitchell creek and kelly creek going across my property. The time I bought a lot of my property back then in 1983, I believe the standards were -- you could build no closer to these creeks at that time 75 to 150 feet away. Since then the laws have changed. Now with this implementation plan, they want to make my property eight acres, green space, and then environmentally sensitive. Which means I have nothing left to build on. Develop. And this hasn't been my plan for the last 20 years because I have been self-employed all my life. If we are allowed to be annexed into the city of Portland, myself included, I have 35 or less spots to build on but if these environmentally sensitive tags, green space tags go through on my property they will overlap each other and just leave me a sliver of a piece of my property to build on. Needless to say they mentioned hawthorne ridge. That's directly across the street from me. 200-plus homes across the street. I think I should be able to develop my property if they are on that side of the street, I am on this side of the street. It might not be good enough reason but I just need to express my concerns about my property. Before I could develop it, now what's going on? I can't. Or maybe a very small portion of it. I need this to be about my property and my concerns about my property.

Saltzman: Thank you.

Troy Doss: Troy, johnson creek watershed council. I was on the steering committee for the pleasant valley advisory plan and really quickly I have to say that having worked as a planner for 15 years, I don't think I have ever seen a project that really was able to pull this much support from multijurisdictions as well as different interests together. And I can tell you when we first got together four years ago, there was a wide variety of input and it all came together at the end. I think it's something you had an onerous project leading to what we have here today. I think that in terms of the types of things that are put in there for the easements, one of the things I liked most about it was

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the potential to be able to transfer development out of the ezra to another part of your property or to another location somewhere else in the valley. I got to tell you, from me it wasn't just about fish but about property rights and how we could do the right thing. I think both gresham and Portland have done an implement job. I urge you to vote on the plan.

Sten: I see linda bauer.

Linda Bauer: Linda bauer, citizen. Thank you very much.

Saltzman: That's all?

Bauer: That's it. [laughter]

Saltzman: Anybody else wish to testify? Ok. I guess I did have a question for staff. So if somebody wants to -- a question was, I wanted to make sure the requirement of the plan or the goals of the plan to manage storm water on site and to do green space, that applies for the whole area, not just the Portland section?

Sugnet: Correct. Yeah. The intent was to have consistent standards between Portland and gresham.

Saltzman: And then the testimony we just heard from mr. Mcdonald, are you familiar With his property?

Jugnet: Yes.

Saltzman: Did he go from 35 lots potential to undevelopable?

Sugnet: That was the first time I heard the 35 lots. But he was, he did testify at planning commission, and we actually came back to planning commission september with sort of a development scenario for his property. Planning commission listened to his concerns. Really what the situation is, is that he has a number of lots. He said he has eight acres but they are divided into either four or nine separate lots. And what we have asked him to do is go to the county and determine whether or not he has legal lots of record because the provisions still allow a new house on a vacant lot. If it's illegal. Right now, he has still under county zoning has the ability to build one house per legal lot of record. So we are still giving him the opportunity to build that one house per lot. Or what he can do is transfer that development potential. So as part of upon annexation he automatically receives the r-7 zoning. That coupled with the v overlay gives him one unit per acres. As I mentioned before. So he would be able to actually transfer eight units to a neighboring development or cluster on that, on an adjoining prompt. So he's actually going from however many units he has now which is either four or eight to potentially being able to transfer those or cluster the eight units off his property. And the bureau. Industrial environmental services has been working on exploring opportunities to encourage transfer development rights, and I think a lot of that was prompted by mr. Mcdonald and his unique situation.

Saltzman: Ok. My last question was. Annexation. Does it require a vote?

Sugnet: Property owner, property owners must request annexation. Administrative process? Correct? Or it goes before council. [phone ringing]

Saltzman: Any other questions? Ok. Good job. This moves on to second reading.

Rees: I am sorry. There is an amendment that was requested for you to take a vote on this next week, you would need to move the amendment.

Saltzman: Ok.

Rees: The amend is to change the effective date from 30 days out to 180 days out in the rest of section 2, I think.

Saltzman: So 180 days from the date that we adopt it next week if we adopt it? Ok.

Sten: I would move we change the date.

Leonard: Second.

Saltzman: All in favor say aye? [chorus of ayes]

Sten: Good catch.

Saltzman: Roll call. Ok. Move on? Yeah. Let's move on to second reading next week.

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Moore: Next week in the morning.

Saltzman: So we stand adjourned.

At 4:36 p.m., Council recessed.

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Closed Caption File of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

DECEMBER 9, 2004 3:00 PM

[Roll call]

Item 1429

Saltzman: Could you please read the item?

Saltzman: I'd like to say it's exciting to bring this resolution forward that will submit Portland's natural hazard and mitigation plan to the state of Oregon and to the federal government for their review and i'm told very imminent approval. So that's good news. It's been my pleasure to cochair the steering committee that. This plan is a partnership between Portland, the state of Oregon, and the federal government, and I think we have many other jurisdictions help us with this too. And we have with us today john pennington, the federal emergency management administration's region 10 director, and ken murphy, director of the Oregon department of emergency management. It's a pleasure and honor to have you here with us today. One of the highlights of this process was seeing the collaborative approach that all participants took, and this is a heartening sign of the positive culture within the city and the partnerships of all the bureaus that are excited to be part of this effort. So we'll now have a presentation. My staff and dr. Tammen, and we'll have reports from some of the subcommittees, and then we'll open it up to public testimony. So i'll turn it over to miguel.

Miguel Ascarrunz, Director, Office of Emergency Management: Thanks. Good afternoon. Miguel, director for the office of emergency management. With me today is dr. Ron tammen, director for the mark hatfield school of government and chair of the mitigation plan steering committee. And elise marshall, assistant director. We also have important testimony from key bureau managers and leaders of the community, including business and the Portland neighborhood coalitions. I'd also like to acknowledge again our important federal and state partners who are here today, mr. John pennington, ms. Sharon loper, mitigation officer, mr. Ken murphy, director for the Oregon office of emergency management, and dennis seger as state hazard mitigation officer who has brief comments at the end of our presentation. Before I get started, I want to take this opportunity to publicly thank mayor Katz and council for your leadership and vision in creating the city's first centralized bureau of emergency management. Our presentation to you today is just one example of coordinating roles with bureaus and external stakeholders. I've privileged to have been selected to serve under mayor Katz as ah the bureau's first director. Mayor Katz, thank you for your leadership in making our city safer. Today i'm pleased to bring to council the city's first draft natural hazards mitigation plan in compliance with the federal disaster mitigation act of 2000. And a request your approval to submit the plan to the state and federal emergency management agency for review, although as commissioner Saltzman alluded to, I think we have a little surprise gift at the end of our presentation here. Let's start off with a definition of hazard mitigation. Hazard mitigation refers to long-term or permanent measures to reduce disaster damages -- reducing the vulnerability. By reducing potential damages, communities increase their safety and economic stability. For existing development, examples include retrofitting a school to increase its ability to withstand earthquakes or elevating a home above flood levels. For new development, examples include improving building codes or identifying hazard areas to assist in making site selection decisions. Then there are other Portland specific examples that our subcommittee chairs will be

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presenting to you shortly. The disaster mitigation act of 2000 amended the federal disaster relief act to create new funding for hazard mitigation and mitigation planning to promote and integrate a cost effective -- mitigation. Section 201 created a predisaster program to fund a nationally competitive grant program to support hazard mitigation planning and projects. Section 322 requires a mitigation plan to be developed and approved as a condition for receiving mitigation or post-disaster mitigation fund, the approval process includes city, state, and federal review. I know dr. Tammen joins me in acknowledging this has been a collaborative process involving many disciplines and critical input from community representatives. Bottom line, we all have a role in emergency preparedness and ensuring a safe Portland community. What is a natural hazard mitigation plan? First, it identifies hazards and vulnerabilities to determine and prioritize mitigation actions. Secondly, it suggests specific actions that will reduce loss for community. And these will be introduced shortly by our subcommittee chairs. Thirdly, the plan coordinates activities of the multiple bureaus involved in mitigation. The plan is nonregulatory and as such is adopted by resolutions. Finally, the plan is a working document that meets federal requirements for future funding eligibility. The plan will be updated annually and reviewed by the city's disaster policy council and external review committee. Finally, I might note that we will be seeking input to the draft plan through various methods, including posting the plan to the city's website. Why create a plan? The plan provides hazard identification information to assist Portland residents, homeowners, businesses, and city government to make future building growth and developmental decisions. Thus it complements the city's comprehensive plan. It is the foundation for effective mitigation strategies and community partners partnerships, engaging the community in personal household and business mitigation activities is essentially and we plan on using the newly created citizen core council as a vehicle for public outreach. The plan forms the basis for strong project implementation and grant application development. The plan also allows for coordination among multiple entities, coordination of multiple priorities, and more efficient and effective use of resources. Some of the mitigation planning opportunities include understanding risks and vulnerabilities, staying informed and aware of mitigation opportunities, being ready to take action on mitigation projects. Reducing the impact of hazards in the Portland community. Saving lives and property which supports the council's priority of public safety. Having a mitigation plan supports rapid recovery from disasters by having identified mitigation projects ready to implement with federal and state mitigation funding, and we saw this during last year's winter storm. Finally, it helps to create a more sustainable community. I strongly believe our ongoing preparedness activities, including planning, training, exercises, and, yes, even managing millions of dollars in homeland security grants, to get our first responders properly equipped, coupled with hazard mitigation actions completes the continuum of emergency management function that's makes Portland a more disaster resilient community. Then of course there's always what the plan is not. The mitigation plan is not regulatory. Again, it is proved by resolution. It is not restricted to prioritized implementation or approaches. And it is not a nonfunded mandate. We will have opportunities to apply for future hazard mitigation project funding through the predisaster mitigation, hazard mitigation grant programs. At this point i'd like to turn it over to dr. Tammen, who will provide with you an overview of our planning process.

Dr. Ron Tammen: Thank you. I'm going to be decidedly unacademic. I want to make three conclusions, draw three conclusions and you can take a look at the five slides as I talk, because i'm not going to repeat that. You're more than capable of reading that material on your own. On behalf of the steering committee, would I would like to tell you is the committee itself was privileged to participate in this particular exercise. Privileged because it is an exercise that will ultimately save lives, it will protect property, it will preserve jobs, and it will save money. And these are the core functions of any government anywhere. So thank you for this unusual opportunity to serve. Number 2, the council shut appreciate this was an enormous amount of work. Work done for the

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most part by your employee and volunteers from the community. Examining and coordinating hazard mitigation plans, looking for new mechanisms to make government more efficient. These take individuals with high skill levels and a sophisticated awareness of their city. You should be proud of the contributions to this report by your bureau and office directors and their assistance and by the leadership provided by commissioner dan Saltzman. Number three, our work and your work is not done. With approval by the state of Oregon and fema, it will be possible for the city to move aggressively, and I hope it does move aggressively, to compete for federal grants to put into effect the recommendations of this report. Thus, our final gift to you during this holiday season will be an infusion of new resources to further protect the citizens of this city. I direct your attention to the slides which will take you through one by one the process that we engaged in. Thank you very much for your time.

Ascarrunz: At this point i'd like to have elise marshall describe an overview, provide with you an overview of the plan.

Elise Marshall, Portland Office of Emergency Management: Thank you, miguel. Elise marshall, assistant director, Portland office of emergency management. Before I make my brief comments on the overview, i'd also like to introduce one other person at the table, patty rueter. Today she is helping us do the power point demonstration, but ms. Rueter was -- is a planner in the office who was assigned to champion this project, and she's worked many, many hours, many, many months with the subcommittees and with all of us to keep us on task and produce this plan. So i'd like to acknowledge patty for all the good work she's done. One of the things we learned from both the state and fema when we first started this project that some of us knew and some of us didn't was how fortunate we were in Portland that we really had accomplished a lot as we started this process, and that we really had many, many things on the table, and many, many things already in the works and many, many things already completed that contributed to the success of getting to where we are today. The best example of that was a project called the hazus-mh pilot project. This occurred in 2003, it was a mapping project and a risk assessment, and Portland was fortunate enough to be one of seven cities in the country that was part of this pilot project. One of the big components of this mitigation plan was to do a risk assessment. So we came into the good fortune of having this project in 2003 under our belt. Next thing i'd like to highlight again is this plan has an all-hazards chapter which outlines work that will benefit many, many bureaus and many, many different issues around the city. And I think that's really important that we looked at all hazards and i'm going to give you a little more information about that briefly. Another important component of this plan, and really an unexpected one, was a partnership that really has begun to form between the planning bureau and poem. Often we think of poem mostly collaborating with our over public safety agencies, but we're fortunate that gil kelley, betsy aims and other people in the planning bureau saw this as a very important project and we now have an opportunity to work with the planning bureau and gil has pledged his support to think about our mitigation strategies as the planning bureau goes through their comprehensive land use plan development, and betsy will share more about that later. Also, the hazard-specific chapters consolidate many bureau actions, so you will hear a little bit today that when we talked about mitigations for the fire bureau, not only were there people at the table from the fire bureau, but there were also people from the bureau of environmental services, water bureau, planning bureau, and so we were able to get our arms around these issues with input from a variety of bureaus who had expertise in various areas. And that was very helpful. Just briefly, the -- we're asking the council to adopt a plan that met very specific federal criteria. And that criteria included public involvement, descriptions of the hazards we would address, we had to document previous occurrences, we had-to-adopt -- we had to assess the probability of certain hazards occurring in our region, the vulnerability to assessments, the impact to our assets in the event after catastrophic emergency, and we also had to identify mitigation goals. We also had mitigation objectives, prioritization process, very important one and a very important one to our

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ability to access fema grant funding is cost benefit analysis. They want to make sure and we want to make sure that when we access funding, either federal, city, or state funding, that we're really getting the biggest bang for our buck in terms of addressing hazards. We also have implementation option that's you'll see in the plan. We were also required to monitor, evaluate and update that plan and have a maintenance schedule, and also to continue our ongoing public involvement. You'll hear today briefly from our five subcommittees who developed the hazard specific chapters and again, we had subcommittees that included representatives from all related bureaus, and you're going to hear over and over today how very important it was that the hazards weren't isolated to any specific bureau. We had people represent a variety of bureaus addressing those hazards, and it brought much-needed expertise to the table. Then we had action items based on the risk assessment results. Just briefly, the example of all hazard items that we covered under this plan, one example is the a -- they acquired a light detection and ranging images of the Portland metro area and the bull run watershed. We also will develop a public outreach program to raise awareness of hazard risk. Also, we'll develop citywide vegetation protection, planning goals, policies, plans, and implementing tools. And again, we're coordinating these strategies for wildfires, floods, landslides, and other hazards. Finally, as miguel mentioned earlier, one of the things we continued to stress throughout the plan was this plan is nonregulatory, so action that's we have recommended in this plan for your adoption will be implemented at the bureau's discretion through existing programs or our regulatory process. There are no nonfunded mandate in this plan. We will also be asking the disaster policy council to coordinate implementation.

Francesconi: [inaudible] [laughter]

Marshall: We'll also be asking our disaster policy council to coordinate implementation and complete a formal review. However, if our plan is adopted today, then we would ask our -- that our disaster policy council be actively participate in our planned update, and we're required to do a plan update every five years, but we have talked with many of you and anticipate updating the plan as necessary and probably more frequently.

Ascarrunz: Thanks, elise. Before we bring up the subcommittee chairs, dr. Tammen joins me in commending city bureaus and community stakeholders for supporting this collaborative process. We had a short time frame and ambitious milestone, but we stayed on task there. Are many of you to thank, and if I don't mention your names, you're duly credited in the draft Portland mitigation plan. First of all, thanks to dr. Ron tammen for your leadership and guidance, commissioner Saltzman, we appreciate your support as a council representative on the steering committee. Key bureau directors represented on the steering committee include fire chief ed wilson, gil kelley, planning director dean marriott from b.e.s., brant williams, jeannie nyquist, maintenance bureau, ray carriage, b.d.s., and mort, water bureau. Community leaders represented on the steering committee include mr. ron burr, siltronic corporation, citywide land use group, wade lang, ashforth pacific property management, merle reddish, audubon society of Portland, dan kaulfield, and christa fisher, insurance information service of Oregon and idaho. Our state leaders represented on the steering committee include dr. Vicky mcconnell, Oregon state geologists, and dennis seger, Oregon state hazard mitigation officer. I might add that thanks to the leadership of these two individuals, as well as beverly vinelle, Oregon homeland security director, and ken murphy, the state's plan was recently completed and approved by fema region 10. Our subcommittee chairs include betsy ames, planning bureau, john norr and richard haney. Daniela cargill, leanne welch, pdot, ann koehler, bill freeman. In a supportive role, at elise alluded to, but very important to the planning process is the poem staff with special thanks on my behalf and dr. Tammens to elise and patty ruder terror guiding the process along. Finally i'd like to acknowledge the wise guidance of our consulting team who is out in the audience today from echo northwest, mr. Bob parker, mr. Andre la duke, ms. Lesley lie. Thanks for keeping us focused and on task. At this point i'd like to bring up the first three.

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Betsy Ames, Planning Bureau: My name is Betsy Ames, assistant planning director. I'm here on behalf of Gil Kelley, who unfortunately couldn't make it today. Planning for natural hazards has been an integral part of Oregon's land use planning program for the past three decades. Land use goal seven, areas subject to natural disasters and hazards, calls for local plans to include inventories, policies, and ordinances to guide development to protect people and property from natural hazards. Goal seven along with other land use planning goals has helped to reduce losses from natural hazards. Portland's comprehensive plan includes an element that responds to goal seven but could be made more robust to provide additional policy guidance and direction. As we work to update the comprehensive plan and coordinate with and respond to strategic planning and visioning work with the community and the council, we'll be considering how to strengthen the ways in which the comprehensive plan addresses natural hazards. The bureau of planning also in our role coordinating cross bureaus for planning and development issues will be working closely in partnership with Poem to oversee the plans, the mitigation plans, implementation and maintenance through the city's existing programs. And we'll work in collaboration with Poem, other city agencies, and the council to get funding for these programs and projects. We look forward to working with Poem to finalize the mitigation plan early next year, and we believe that the work that has been done so far and the work that will continue on will provide not only better means to respond to emergencies, but also better means to prevent potential future harm.

Ascarrunz: Thanks, Betsy. At this point we'll bring up the wildland urban interface fire committee chairs. John Nohr and Dick Haney.

John Nohr, Portland Fire and Rescue: My name is John Nohr, Portland Fire and Rescue. On behalf of Chief Ed Wilson, I'd like to thank all the participants and the work that they've done in putting together this plan. One of the stated missions of Portland Fire and Rescue is the protection of life, property, and the environment. And whenever a natural disaster occurs, often times all three of these things are being threatened. The fire bureau is often called upon to respond to these disasters, and often times because of our big red trucks with lights and loud noises we make, we're the highly visible ones that the media tends to focus on. But truly, we are merely one spoke in a large wheel of public safety, and we cannot do the job alone of responding to public -- natural disasters. This plan was developed and implemented by many bureaus and it's going to help the fire bureau accomplish its mission of protection of life, property, and the environment, and support the citizens of Portland in doing so.

Dick Haney, Portland Fire and Rescue: Good afternoon, Richard Haney, fire inspector, Portland Fire and Rescue. I was the committee chairman for the wildfire piece of this. We cannot protect Portland's vision of a healthy, ecologically diverse culture in a single stroke or action. The theme of natural hazards mitigation effort is helpful for several reasons. First it's asked us to take a look at our current mitigation activities. Through the work of the wildfire committee, it was discovered though the wildfire hazard zone mapping brought stricter fire resistant roofing requirements, the overlay itself is not loaded into the appropriate database. Thus the residential plan reviewers are not keyed to the protection requirements. A second advantage of the FEMA project is how it highlighted the fact that no mitigation activity can be set into place without full interbureau cooperation. There's not a single thing on the 21 action item list from wildfire mitigation that the fire bureau can enact unilaterally. All affected bureaus must be at the table when all changes go into effect. The current rewrite of the environmental overlay portion of Title 33 is a case in point. Title 33 has direct correlation to mitigation activities. In summation, without strong and relevant mitigation, long-term goals of a healthy landscape can be dashed in one fire season. Focused wildfire mitigation work will guarantee that our grandchildren will enjoy that -- the fruits of Portland's admirable, visionary, ecological goals. And I personally would like to thank the members of my committee. It was truly a huge amount of work that had to be done in a very short amount of time. We had members from planning, department services, water, environmental

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services, pdot, fire and rescue, and parks. They came up with terrific mitigation ideas. I'm looking forward to working with them in the future and start get these ideas into reality. Thank you very much.

Dean Marriott, Bureau of Environmental Services: Good afternoon. Dean marriott, environmental services director for Portland. It's been a pleasure to be a part of this. I just came to lend my support and tell you that it's truly an interesting process, and has been wonderfully collaborative. The flooding mitigation subcommittee was chaired by daniela, and she'll tell you about what they recommended. I just want to remind you we got three basic sources of flooding here in Portland. We haven't had a major flood since the 1950's and it's a very regulated system, but it can still impact us in the willamette area by if it is running really full, it can create sort of a hydraulic blocking device there and the willamette backs up into the downtown. The second of course source is the willamette itself, and the willamette valley, and we've noticed that as recently as 1996 of the threat that that can pose to the city. And of course the third major threat to the city is just the urban stream flooding, and the most chronic of which is johnson creek. We've been extremely busy in the johnson creek watershed not just Portland, but all the communities that make up the watershed, and have made significant progress in mitigating the threat, but the threat does still exist. The most recent and substantial flood there was in 2003. So while progress is being made, there's still more to be done.

Daniela Cargill, Bureau of Environmental Services: Greetings. My name is daniela. I coordinated folks from across multiple bureaus as all the other subcommittee chairs did. I'm going to talk a little bit about my perspective and our bureau's perspective in terms of the value of this plan to the bureau, to the citizens of the city of Portland, and give you a little bit of insight about how we intend to use it. We hope it just doesn't sit on the shelf. The value the plan to b.e.s., in the midst of a 1.4 billion dollar capital improvement project called the c.s.o. Project over the -- over 20 years, we're faced with doing not only that project, but meeting other parts of our mission, and if you look at the flood mitigation action items, they really do overlap with a lot of the water quantity and water quality management parts of our mission. And it's reflected in the fact that 14 of the 25 actions, the bureau of environmental services is either one of the lead agencies or a partnering agency. So the way we look at this is that having these action items in the plan poises us for outside funding and may enable us to do projects that we would otherwise not do and/or do at a much later date, be able to do them a lot sooner. The value of the plan for the citizens, the obvious fact we'll potentially be able to bring in nonlocal funding to do these projects, is the fact that if you take a look at the plan, it starts giving you an idea about what we mean by flood mitigation. It's not the classic pipe it, levy it, dam it kind of projects. They include things like everything from land acquisition and restoration projects, but also some paying -- helping other agencies pay for gauging so we can monitor the rivers. So it gives us the citizens an idea about what we mean by flood mitigation and a lot of these projects are multiobjective. They meet objectives other than flood mitigation that many of the citizens might find of interest to them, of interest for reasons other than flood mitigation and we hope that this project -- this plan is something that enables them to advocate for projects that matter to them for reasons other than flood mitigation. So -- and then lastly, what we intend to do with this next -- there are predisaster funds out there, and we'll be looking -- the bureau will be looking at the list and considering application to federal emergency management agency for more outside funding, and one likely candidate because we've been successful in the past with federal funding as the willing seller land acquisition program in johnson creek. Hopefully maybe someday we'll expand that program into other water sheds. So thank you for the opportunity to be part of this process.

Saltzman: Thank you.

Jeanne Nyquist, Office of Transportation: I'm jeannie nyquist, the outgoing transportation maintenance director. I participated on the steering committee, it was a great process. Lots of

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collaboration amongst the bureaus. There was a tremendous amount of work that got done in a short period of time. I want to recognize the subcommittee mechanics who did all of that work for us. Dave harrington is here to talk with us about a severe weather incident. What we're talking about here is the impacts of snow and ice storms, rainstorms, and windstorms. So david and his subcommittee looked at what we can do to mitigate the hazards from those sorts of events so that we can keep the transportation system open and accessible to particularly emergency vehicles during those events. So david?

Dave Harrington, Office of Transportation: I'm dave harrington, Portland transportation maintenance. As you're all aware, the 2003-2004 event that's referred to in the slide here was an event that qualified for presidential disaster declaration and fema's help in recovery from that event. It's an unusual event for us. Severe weather events are clearly the most frequent hazard we experience, but they come in all kinds of degrees from merely heavy rain that puddles the streets for a while, to events like that 2003-2004 storm event. We're looking at a whole range of events that affect the other hazards as well. All the hazards on your list except earthquakes are affected by weather one way or another. Unfortunately it's also the only hazard we can't plain stop in any way, shape, or form, we can't pass an ordinance to make it all go to gresham or put a dome over the city, so we're looking at coordinating response plans, we're looking at a whole lot of network of interacting existing plans that can perhaps be coordinated better to get our citizens better prepared to experience these events and survive them well. To get our city better prepared to main tine commerce during these events and getting us better prepared to respond to them. In this case mitigation preparedness response and recovery all sort of overlap. My committee was mate up -- made up of response agencies. We had bureau maintenance present, we had parks forestry, we had water, we had environmental services, b.d.s., fire, and office of sustainable development also contributed. We all learned some lessons about how to think before the event to put together plans that would lessen the effects of the event in the process. You've got the action items before you in the plan. I think what we noted was a necessity to coordinate better the existing plans and created quite a few tools to coordinate those better with no additional expense for anybody in the process, and a good prospect for accomplishing a great deal to make the city safer through severe weather events.

Ascarrunz: Next we'll have lee ann welsh talk about landslides. Often times when we get these heavy events we get snow and ice, what happens towards the end of the events are landslides. So bill freeman from b.d.s. And lee ann welsh from the maintenance bureau will talk about those plans.

Liane Welch, Maintenance Bureau: I'm lee ann welsh. I work for the bureau of maintenance office of transportation. First i'd like to thank the committee members that I worked with specifically sallie edmonds from bureau of planning, trisha sears and bill freeman, mark braham and barbara george from bureau of environmental services, tim collins from bureau of water works, and patty ruder from poem. Actually exceptional staff that you all have, so I just wanted to congratulate them. Also scott burns from Portland state, a geologist was also key in helping review this work. As you know, landslides during the flood of 1996, we had over 300 landslides in the city of Portland that affected our transportation corridors, our lifeline supports, and affected many citizens' homes and businesses. So we were actually privileged because after the 1996 flood, we had a document to start with that laid out some action items already. So we didn't start from scratch, we worked from the 1996 plan. And I just wanted to go over what some of that areas of highest risk are for the city of Portland. Those are the steep hills, the west hills, mt. Scott areas, where we have steep road cuts, places where we have existing landslides or known historic landslides. We also have areas of failed infrastructure. Broken culverts and broken water pipes are also a cause of landslides. Landslides are typically caused by rapid snow melt. But even earthquakes and excavations trigger them, so there's a variety of mechanisms that cause landslides. What we did is

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we identified 11 action items in the plan that you have before you in addition to a lot of the items that we had identified in the -- that went to the all hazard sections. And just a couple of examples are to develop a comprehensive landslide map for the city to identify hazard areas and improve communication with the public. This is going to include partnering with the dogami to fund -- we also recommend that we continue to convenient the city's landslide coordination committee and evaluate the potential for additional responsibilities such as tips on design and development and hazard sites and the public outreach education. We'd also like to review the effectiveness of the regulations related to development in these identified land -- landslide hazard areas.

*****: Thank you.

Ann Kohler, Bureau of Development Services: I'm ann koehler, I want to echo everyone else's remarks about the amount of cooperation. B.d.s. had nine staff members working on five of the subcommittees. With me is jed sampson, jed is the head of our structural engineering department and he's here to talk to you about earthquakes. But before he talks a little bit about his subcommittee work, I want to say that I think that b.d.s. Wants to echo that we firmly support all of the efforts represented in the mitigation plan report before you today. As the lead agency for several of the multihazard flood and landslide mitigation action items, we look forward to working with other city agencies to implement where we can within existing frame works. Where we need to prioritize issues requiring further resource for implementation we'll be happy to do that with the rest of the city agencies involved in this effort. We really believe that this type of inclusive planning effort has given the city a set of specific activities that focus on disaster prevention that are concrete, collaborative, and creative and will benefit all of our citizens. And with that, i'm going to turn this over to jed to talk to you about the earthquake subcommittee.

Jed Sampson, Bureau of Development Services: Good afternoon. I will keep this quick. I am jed sampson. I'm a structural engineer with b.d.s. I want to point out two things on my slide. First is the first two items down, our -- are the number of people displaced. Around 8,000 people homeless, and the dollar amount which would be a large dollar figure if we had a major earthquake. The mitigation action items we had would help alleviate that problem. So that's kind of the point I wanted to make, just that i'd echo we had a lot of participation from other bureaus. And these action items would help in a major earthquake to alleviate some of those problems. Thank you.

Saltzman: Thank you. So I guess next we have steering committee members? We've got four chairs.

Myron Burr, Siltronic Corporation: Myron burr with siltronic corporation. I want to thank the city for this opportunity to support this important effort. We value this type of planning. It can produce the damaging effects of natural hazards which were unfortunately at risk of so many here in this area. As a responsible member of the Portland committee for over 25 years, siltronic has prepared for hazard mitigation by careful analysis, planning and facility of design. Knowing what potential hazards exist and how to respond to them is essential to a safe operation and a safe community. To achieve this objective, siltronic maintains a fully trained emergency response team as first responders that depend on the reliability of Portland metro area services and infrastructure to continue as a vital operation. This type of planning and partnership is also important for the safety of our 1,000 employees and their families. As a major manufacturing facility, siltronic does business with hundreds of local vendors, contractors, and customers. These businesses also depend on and value the continuity to a vital, local economy. In closing I want to thank all the people who devoted countless hours to the development of this plan. The city of Portland is fortunate to have such a talented team of professionals dedicated to minimizing the effects of natural hazards on the citizens and businesses of our community. Siltronic appreciates the opportunity to support this important project. Thank you very much.

Francesconi: Speaking of vital local economy, do you have any news for us?

Burr: No, I don't. Sorry. I don't know anything.

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Saltzman: We just can't let anybody from siltronic come up here without asking that question.

Burr: They intentionally keep me shielded.

Bonnie McKnight: I'm bonnie mcknight. I coordinate the citywide land use group and was asked to be a member of this committee. Citywide land use group connects all the neighborhoods throughout the city to preserve and improve the livability for residents. And we've truly appreciate this early role for our committee and the planning and to interact with many, many bureau folks. It was an impressive process, and an impressive committee. Our intent in doing this is to connect individual citizens to the plan as danielle said some plans end up on shelves, and we intend this one not do that. The neighborhood coalitions have already accepted that role. We've had an early background meeting by committee staff with the coalition leadership, and a coalition committee has been established led by sylvia bogart of southeast neighborhoods. It intends in january to begin connecting to the bureaus, so we can find ways to assist bureaus in doing what they wish to do. We want to bring the plans or help bring the plans to the coalitions and thus to the neighborhood associations. So they understand what the plans are and the actors. And we want to collect information about the resources at neighborhood levels that may not surface in a broader community, but are still there and still available nor emergencies. Sooner or later all community emergencies become personal, and we hope to be able to help the implementation of this plan reduce negative impacts on residents for city when those emergencies happen.

Wade Lange, Ashforth Pacific: I'm wade lange, senior property manager with ashforth pacific. I'm chair of the lloyd district community association. I want to thank dr. Tammen and the steering committee for creating a place at the table for the business community. The business community relies heavily on city services day in and day out to conduct business, but never more so than in a hazard or a disaster. And having the business community part of the conversation and creating a mitigation plan is critical not only to the city of Portland, but to keep business viable and operating in times of hazard. I want to thank the council members for listening, and looking at the plan and I hope going forward that business community stays involved in the plan going forward. Thank you.

Meryl Redisch, Audubon Society: My name is merle reddish, the executive director for the audubon society of Portland and I also want to thank everyone for giving us an opportunity to participate in the committee and plan. When I was asked to participate, I first thought about fire as wilds as the primary natural disaster that would affect us. Given our location in forest park. I learned quickly, though, that along with fires, landslides, floods, severe weather, and earthquakes can equally impact us. In other words, any natural disaster that happens in this region will impact us. These meetings brought home to us the responsibility we have as a public entity in an area of residents and homeowners. And to that end, what we need to do in order to be responsible to our neighbors. So to that end we'll have a list of city and government personnel and phone numbers at various locations around our facility so if an emergency occurs we can get to the right person and department for further instructions and be able to provide our neighbors with some direction and reassurance. I'm sure there are other systematic changes that we will be looking into and certainly any building improvement that's we do up on bulch creek will have hazard mitigation in mind. Because we need to minimize our vulnerability wherever we can. We'll have an opportunity to convey a lot of this information to the residents along the creek when we convenient a meeting next year. Thank you.

Saltzman: Thank you. Next we have john pennington, fema region 10 director, and ken murphy.

Ken Murphy, Federal Office of Emergency Management: Thank you very much. I wanted to pass on, i've been a native Oregonians all my life and now in my role in state emergency management, I think it's very important that the city of Portland and everybody has made this type of investment in time and resources to work together to mitigate. You've heard many different definitions of mitigation throughout the process, and it's very important. And it's also one of the

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hardest things to do, to spend that dollar before the disaster instead of a couple dollars after the disaster. It's difficult. But I also think the work that this city has done and the people that are mentioned here today, it is an investment and it is very important to the city's future to take care of its citizens, its property, and its environment. And the side benefits of having this plan, opening up different resources to bring in funding to help deal with these issues, no matter what type of disaster, is clearly a benefit. I would be remiss in saying that even in today's world as we are faced with the issues of homeland security and terrorism, I also commend the city and everyone that we still have other disasters to worry about. So it's important that we have taken this view to look at all the disasters. It also teaches your citizens more about your community, it teaches your different bureaus more about your community, their history, what to look out for and what to be prepared for. So it's encouraging, it's something that I would always hope that we keep pushing for to try and mitigate as many things as possible. I do want to especially thank miguel and elise and dr. Tammen for all their effort, and patty ruder. There's always got to be somebody with a big stick pushing to get things done, and those are the kind of people that make it all work. And I would just finally tell you that today's preparations and partnerships that you've created out of this entire process and that you will keep doing will determine the outcomes for Portland in the future. So I thank you very much for your effort and time on this.

John Pennington, FEMA: Commissioner Saltzman, members of the council, good afternoon. For the record, john pennington, i'm the director of federal emergency management agency for region 10, that's Oregon, idaho, Washington, and alaska, encompassing about one-fourth of our geography in the united states and something like 272 of our native tribes and villages, pretty big region. Good to be in the Portland area again. My weekday home is up in the puget sound area now, but I actually feel like i'm a northern-northern Oregonian, and my real home is in the kalama-longview area. So it's nice to be back home. I'm going to eat at my favorite restaurant here in town in a few minutes. It has been an extraordinarily long year for fema. Hurricane, hurricane, hurricane, hurricane, and then the volcano. Surprise. So this comes as really good news to us, and I wouldn't be anywhere else but here today. I'm here to support the efforts of your office of emergency management as well as the various city departments and contributing parties to what I believe is a truly outstanding document. I also need to tell you miguel has -- it's been a delight to work with miguel. He and I got together right after the office was put together and he came on board and we really have hit it off. We've talked about a lot of issues and commissioner Francesconi will be pleased to know miguel, on a conference call with secretary ridge and other national leaders really went for the jugular on the funding issue regarding actually the issue of your state emergency operations center. So he's doing a great job for you. He was very upfront about it. The city of Portland has a very long history of planning efforts that are extremely proactive in the area of mitigation and in particular, many of these efforts have been aimed at understanding the hazard risks that are in the Portland metropolitan area. You've seen on the -- we have seen with the slides, you have numerous hazards here. We in the department of homeland security, fema have always looked at the Portland area and Oregon as national leaders in ways to better prepare for really unthinkable events. And the document that's before you today only reinforces our beliefs that you remain a strong national leader. A couple of things that I thought and jotting down my notes this morning were worth pointing out to you, first and foremost, no other community to our knowledge of any size has completed a plan like this in such a short amount of time and so effectively. They did this in just record time. And secondly, the quality of the plan itself rivals plans across the nation that were developed over an 18-month period. So your staff and those that contributed did really an outstanding job. It's been mentioned, but it's worth mentioning again the city is now continuing, soon to be eligible for hazard mitigation grant program dollars that's after the fact, predisaster mitigation before the fact and flood mitigation assistance dollars. By meeting the requirements of the disaster mitigation act of 2000. I would like to if I might, stress your ability to obtain those

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predisaster mitigation dollars to continue to obtain them, which as it implies, will allow Portland compete with other cities to fund mitigation projects and needs in this city prior to any event taking place. I would encourage Portland to look at continuing the strongly pursue those dollars as I see really distinct advantages in our northwest cities, Portland being one of those. In our bigger cities, that is. One, there are actually limited numbers of big cities in the pacific northwest. That's to your advantage. Secondly, there are numerous hazard that's we do face in those particular cities, and you have great plans in place. That's just a great recipe for being able to obtain dollars in the eyes I think of Washington, d.c. When it comes to predisaster mitigation. So I really encourage you guys to go after it, and it sounds like in hearing the earlier presentations, that's what you're going to do. I actually -- one additional point on that, the state of Oregon actually received more predisaster mitigation dollars in its first year which was last year, than the state of california. And to news region 10, we always love to stick it to them a couple times, and so that was a great success for the state of Oregon and a lot of credit due to these guys and to your staff and your city. A couple of brief final remarks. Partnerships. Very clearly without them we fail. This effort is a tremendous amount of collaboration, but it's only the beginning. It sounds like you guys are headed in the right direction. The good news is that many of us that are in this room already know each other. And as the fema regional director and the state guy from Oregon, to know people in this room that we've worked together, I think it says a lot. Because you don't want us in those first critical moments after a disaster to be exchanging business cards. So we do know each other, and I hope you'll take some comfort in that. Thanks to you as elected officials. I've sat on the other side of the desk. I was an elected official for four terms in the state house in olympia. State politics, piece of cake compared to local governments. You have a lot of challenges, a tremendous amount of challenges and demands. And I want you to know that I understand them, a lot of pressures --

Leonard: Hallelujah.

Francesconi: He came from the state legislature. That was the inside joke.

Pennington: You have to take a lot of votes that are very difficult and challenging. I appreciate it very much. And it helps in the long run. Mitigation is one or two definition and three or four different terwilliger parkway rations, but when it's all said and done you're part of the equation because you have to push that yes or no button to implement the policy. I appreciate that.

Mitigation is not sexy. We know that. We're in a very different world, and this brand-new century.

Terrorism and homeland security issues are sexy a lot of times, but the simple fact s. I'm a northwesterner and I believe what we do you face. Floods, fires, earthquakes, windstorms, and I guess in this case the volcano that decided to light itself up. But the good news is you guys have addressed all of these issues in this plan, and my most sincere and hearty congratulations. Thank you.

Saltzman: Thank you very much.

Murphy: I'd like to move this process just one step further and ask director pennington to sign the approval of this plan that Portland has submitted.

Saltzman: That's lightning speed. We like it.

Pennington: I would be honored to. Congratulations. If you'd like, i'll read the letter.

Saltzman: Sure.

Pennington: It's directed to dr. Tammen. Congratulations united states -- federal emergency management agency has approved the Portland mitigation plan. The city of Portland is now eligible to apply for robert t. Stanford disaster relief and emergency assistance project grants through december 9, 2009. The plan review was based on the local plan criteria as authorize by the disaster mitigation act of 2000. The criteria addressed the planning process, hazard identification and risk assessment, mitigation strategy, plan maintenance, and adoption requirements. Portland's plan met the criteria for local hazard mitigation plan. Over the next five years we encourage Portland to follow the schedule for monitoring and updating the plan and continue efforts to implement the

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mitigation measures identified in the plan. The plan must be reviewed, revised as appropriate and resubmit forward approval within five years and ordered to continue project grant eligibility. Sincerely, yours truly. Congratulations.

Saltzman: That's great news. We've not only drafted our plan, we've had it approved today, as we sit here.

Francesconi: It means we should probably vote for it. [laughter]

Saltzman: A good idea. Before we vote on this, we do have to ask if there's anybody in the audience who wishes to testify on the draft, natural hazard mitigation plan. Anybody signed up?

Moore: No.

Leonard: And actually I had a suggestion for an addition. I don't know how that would occur, but if you recall back in October, we directed the bureau of development services with respect to the earthquake mitigation items to do an inventory of all unreinforced concrete buildings in the city, which is really builds on what the earthquake hazard assessment outlines. So it's definitely a friendly amendment, and I think shows further the work we have committed to do with the city. So what I've done is I've prepared a memo that includes -- that includes the language we adopted back in October directing b.d.s. to do that inventory that I would recommend become a part of this report. It really illustrates how serious we're taking doing this work.

Saltzman: Do you want to put this amendment in the report itself?

Leonard: It would become part of the action items under the earthquake hazardous assessment section.

Saltzman: Ok. Direct the bureau of development services to do a risk assessment of the city's inventory of unreinforced masonry, plain concrete and older building types.

Leonard: Which we've already adopted, this would just reflect it in the report, but we've already --

Saltzman: Ok. If there's no objection, we'll incorporate that.

Leonard: Thank you.

Saltzman: Ok. Now it's time to take the vote on the resolution, but before we do that, in light of this good news, I'll offer a couple of amendments which I hope will be seconded that will just revise a resolution by take out the word "draft plan," since it's now approved, and taking out the last whereas in the resolution which talks about the plan needing to be approved, since we just had instantaneous state and federal government approval.

Francesconi: I'll second that.

Saltzman: Ok. So we'll take a roll call -- without objection, ok, now roll call on the resolution itself.

Francesconi: Thanks for all your work, everyone. It was great to have you here to sanction it. But it's also quite a statement to all the work that's been done ahead of time. We'd like to take you up on your help in getting more resources to, as you said, that was also terrific. Just very briefly, there's two groups I'd like to specifically acknowledge. Two of my memories, sharpest memories from the past eight years will be the bluff fire and the response of the fire below, and they were so well prepared for that happening, which was because of prior training. And so the response of our women and men of the fire bureau and the great command structure, but I'd also like to acknowledge, it was the ice and storm of that -- that was referenced here that -- of transportation response of maintenance led by Jeannie, but all the folks in the bureau of maintenance who were also equally prepared in a different way for that. So it was a privilege for me to have the opportunity to be your commissioner during those events. But it was you, the women and men who did the work who are very well prepared for this. So we have clear examples of, it's not if, it's when. We've been very well prepared because we believe in training, but how it's better integrated not across the bureaus so that we can respond when those emergencies happen in a more coordinated way, and so that we can get more resources from federal government to get to our men

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and women ahead of time. And that's what this was all about. So i'd like to thank you for your efforts. This is an example of government working at its best on its most important mission, which is the health and safety of its citizens. And it's because of our people on the ground. So our job is just to give you a little more help and a little more resources, so thanks, everyone. Aye.

Leonard: I always hate being second because jim always says the things I want to say, so I don't want to be redundant other than to say I couldn't agree more, and I appreciate, I thank from a visceral level how important planning for disasters is, and I also appreciate that this community is doing something that requires natural disasters occur in other communities before they get how important this is. So it's always very impressive to me when we come together and anticipate a disaster before it happens and put the plan in place. Aye.

Saltzman: I want to start out by just once again thanking our state and federal partners, john pennington, fema region 10 director, the fema staff has been at the stable from the start, supported us during this entire process, and particularly dennis seacrest and karen looper have been helpful. Without your help we couldn't have gotten this through in lightning speed. And also to ken murphy, director of office of management. The state has provided much guidance, and it's been valuable to our success. Really, this plan was done in very quick time. I think we started in august or july, and the committee worked really hard, and I think it's appropriate to acknowledge the hard working of the committee. I want to first of all thank dr. Ron tammen for -- even though he maybe has the title cochair, I would say it's really the chair, and I know at one time we were brainstorming who could we find to chair this process for us, and whoever came up with dr. Tammen came up with the very right choice. He embraced this enthusiastically, and really infused it with a lot of energy and the significance that this process deserved. And we thank you, dr. Tammen, 4 your leadership. Miguel, elise marshall, patty ruder, have done tremendous work also keeping us on task. As of all the city personnel, private sector personnel who participated, neighborhood leaders who participated in this process, and finally I just want to thank matt from my own office who filled in for the many times I couldn't attend those meetings and showed great interest as well. It's a great plan and i'm really proud that we have it in place, and I know it will serve our citizens well in time of need. Aye.

Sten: It has been said, but I want to thank commissioner Saltzman as well as the team. It's not that unusual to do a plan quickly, but it's unusual to do it this well, and this is done very quickly and very well. And I think it really makes us safer, which is the bottom line, and also I think builds very well on, these are things that happen. I think some of the things we plan for are hard to imagine. These are not. A few of them are, but these are things that happen all the time, and i'm impressed that you did such a good job of figuring out what we should do and learning from what we have done. It's a real improvement, and I think hopefully we won't have real severe weather, but I think our citizens will see immediate improvement thanks to all of you in this room. Thank you so much. Excellent job. To have federal approval like that is very impressive. Wow. Aye.

Saltzman: Ok. The item is approved. I understand there's a reception in the petty grove room for those of you that can join, please do. And unfortunately I won't be able to because we need to move to the next item.

Item 1430.

Saltzman: We first held a hearing on this issue on may 13. We directed the applicant and the cully neighborhood to meet and attempt to address concerns regarding potential uses over the future street system and if possible, expansion of sacagawea park. We reconvened the hearing on october 20 -- ok, elise, the party is next door. We reconvened the hearing on october 20, took additional written and oral testimony, and made a tentative decision to approve the revised request. The -- this approval was contingent on city staff and the applicant returning with additional language for conditions of approval. Staff will now provide us with a quick report on additional language that came out of those discussions. We will then take testimony and accept written submissions as part

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of the council -- as part of the record. Testimony will be limited to three minutes. The council will then discuss and depending on the applicant's desire for additional time in which to respond to what we may have heard today, we'll take a final vote today or next wednesday morning. I'll turn it over to sylvia cate.

Sylvia Cate, Bureau of Development Services: Thank you. Good afternoon. I'm sylvia cate with the bureau of development services. On october 20, the city council deliberated and voted to tentatively approve the revised proposal and requested that three additional conditions of approval be drafted and brought back to the council for final deliberations. I am here to present the analysis and outcomes of the conditions requested by council. The first request was to explore the possibility of a condition that would limit or prohibit certain uses in the e.g.-2 zone. This is potentially problematic. A condition imposed by the city of Portland prohibiting three specific uses including a dry cleaners, vehicle repair auto body shops, an adult oriented businesses, could be vulnerable to a future court challenge as an impermissible content-based restriction under the Oregon constitution. Due to this potential future legal challenge, the city attorney has indicated that a condition of approval specifically limiting adult oriented uses is highly risky. Therefore, staff has not drafted specific language for such a condition based on the advice of the city attorney. The second requested condition for -- was for street improvements along specific street segments. Some of these identified segments are not part of the site's frontages and are therefore considered off-site improvements. A condition of approval requiring off-site street improvements is also potentially problematic. The city attorney has indicated that a condition of approval requiring off-site street improvements is vulnerable to challenge as a disproportionate and unconstitutional exaction under the Oregon constitution, therefore, staff is not drafted specific languages for such a condition based on the advice of the city attorney. Finally, the council indicated the desire for the donated land area to parks to be rezoned to open space with conditions of approval open space zoning can be achieved through a sequence of actions. First, it is important to understand that the financial agreements made between the applicant and the parks bureau require that the donated land be rezoned r5 at least until the parks bureau takes lawful possession. This land must be zoned r5 in order for parks to provide a sufficient number of s.d.c. credits to the applicant. Such credits will not exist if the land is zoned open space immediately. Thus, in order for the 3.36 acres to be donated, it needs to be rezoned to r5 initially. However, it is possible to rezone the donated land area to r5 with an open space designation. This facilitates the financial structure necessary for the donation. Once the parks bureau takes possession of the land, conditions of approval require zone change in compliance with the open space designation. Finally, conditions of approval require the applicant and the parks bureau to submit a property line adjustment to the city in order to incorporate the donated land area into the existing parcel that is sacagawea park without the necessity of waiting for approval of a future land division. The final result will be an additional 3.36 acres zoned as open space under the parks bureau ownership and included as part of the current sacagawea par z this map shows the final configuration of the overall zoning pattern and the open space designation applied to the land area immediately north of sacagawea park that will be donated to the parks bureau. The open space designation allows the zone to be changed to open space once the ownership transfers to the parks bureau. And per conditions of approval, the zoning will be changed via a zone change in compliance processed as a type one review. The original findings have been amended to reflect the tentative approval and include conditions of approval that will result in a timely transfer of land to the parks bureau, and ensure that the open space zone is applied once the land is under the parks bureau ownership. The revised findings include 31 units deducted from the housing pool to meet the city's no net loss in housing potential as discussed at the october 20th hearing. In addition, the conditions of approval as recommended by odot and Portland transportation and discussed in a hearings officer's report remain in place. That concludes staff's presentation.

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Saltzman: Thank you. Questions? Ok. Let's open it up for public testimony. Are people signed up?

Leonard: I did want to understand the concerns raised by the city attorney's office. The neighborhood has proposed a -- some language that I think is reasonable that would say that retail businesses, any retail business on the proposed site could not be open later than 11:00 p.m. And that would be a requirement that would apply to only retail businesses. If there were manufacturing businesses or others that are not open to the general public, that restriction would not apply. I think it's a creative solution they proposed as I understand, the property owners, it doesn't run contrary to what their interests are, anyway.

Saltzman: Are you asking the attorney for thoughts, or are you proposing that, or --

Leonard: I am proposing it. I'm assuming that -- I think we've done that in other areas.

Saltzman: Ok.

Leonard: In fact, I think there are some neighborhood plans if somebody from the staff wants to speak to that, that have that kind of requirement, if I recall correctly. Or they have a limit on the hours of operation of businesses. Am I mistaken?

Saltzman: The north cully plan district plan itself does have something that --

Cate: The north cully plan district has a requirement that future development on this site is -- can't occur in there's a type 3 development review approval by the city, and there's specific criteria that have to be met. I think -- if I understand what you're asking, there's certainly master plans, conditional use master plans in place that place limitation on hours of operation. But this is not a conditional use master plan, however, the cully plan district development review that will occur later prior to any development is a, if you will, a minor master plan kind of a review that -- to insure that there's not piecemeal development here on this site.

Leonard: This would be an appropriate amendment to that?

Cate: I would defer to the city attorney for -- on the legal issue.

Saltzman: I'm reading -- we'll ask Kathryn, but it sets in the north cully plan district, the proposal must not adversely impact the livability of nearby residential zoned land due to noise, glare from lights, late-night operations, odor, and litter.

Leonard: I think that's what I read before.

Saltzman: So that's in the plan district right now.

Cate: Right. That would be a review criteria which a future proposal would be evaluated and would have to meet that criteria.

Saltzman: Kathryn, did you want to say anything?

Kathryn Beaumont, Sr. Deputy City Attorney: Not at this point. I'm not familiar with the plan district or the specific logistics that's been proposed. If you could give me a chance to review, that I'd be happy to offer my thoughts toward the end of the hearing. I guess there was a letter -- the notice that went out of this hearing contained the standard boilerplate that indicated testimony would be accepted. It's my understanding that the council had cleared the evidentiary record at the end of the last hearing because of the discrepancy or misunderstanding created by the notice, I understand, and because we had a request to submit an additional letter or letters, I understand you are opening it up today to allow those letters to be presented and to allow the applicant to respond if they choose to do that.

Saltzman: Correct.

Leonard: And I think this is the letter, copies of that letter.

Saltzman: Did anybody wish to testify? Come on up.

Moore: Two people are signed up.

Saltzman: Is one of those people kathy?

*******:** Of course. How many times are you going to see me?

Saltzman: Who is our other person? Why don't you both come on up. [inaudible]

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Saltzman: You each have three minutes, if I could state your name and then go ahead.

*******:** Barb says she'll loan me some of her time. I need four at least.

Saltzman: Ok, we'll give you 4 minutes.

Kathy Fuerstenau: Ok. Ready? Good afternoon. My name is kathy fuerstenau, I live at 4930 northeast 73rd. The past couple weeks have been very frustrating for me. Neither otec nor the bureau of development services have kept me in the loop. As of tuesday I had not received any updates or progress reports regarding the submitted application. At the october 20 hearing, the city council gave instructions for all the parties to work toward the conditions that the neighborhood, applicant, and lawyers could agree to. I understand that the staff at the b.d.s. and otac were not required to correspond with me, but would I have appreciated some feedback to the suggestions I had sent them. No one took the time to notify necessity that the record had been closed, even after submitting further comments on october 26. On tuesday I discovered that 2 additional letters I had sent to the council clerk had not been distributed to the city council because according to the b.d.s. lawyers, the public comment period had ended and additional comments were not being accepted. I would like to point out no announcements were made at the october hearing regarding this and that the december b.d.s. hearing notification encourage public comment, and that it must be received by the end of the public testimony portion of this hearing. I do not know that a condition of vote in october would have immediately closed the record. So I would ask that my letters and the revised addendum that i'm submitting today be reviewed and entered into the record. At the october 20 city council hearing, the donated park land, which was submitted with an r5 zoning, was amended by commissioner leonard and commissioner Sten to receive an o.s. designation. The neighborhood greatly appreciated the city council's help with this. I would like to make sure the latest rezoning application clearly shows an o.s. Zoning along with the plans for street improvements and the otac illustrated buffer as previously presented. Please look at the letter dated october 26 for clarification on street improvements and acceptable and nonacceptable uses for the e.g2 area. At the last city council hearing commissioner leonard was adamant that the final proposal would not have his full support justout language to protect the neighborhood from these unwanted businesses. A simple solution regarding the strip club issue can be found on the revised addendum letter that you have -- I have submitted today. Not allowing business toes operate after 11:00 p.m. That cater to the public in terms of selling items would deter clubs, but still allow access to the general public to enter and visit the site, for example, a storage facility, because they are not purchasing products at the -- at that time of night. Private businesses would not be hindered from operating or having their employees work as long as they did not adversely impact the neighborhood. The 11:00 p.m. Time restriction condition with proper wording, could sufficiently discourage the possibility of bar and strip clubs from considering this site while allowing accessibility for other public and private use. This type of condition would not be contrary to any freedom of speech rights. Another solution would be to use a commercial zone designation instead of an e.g to h zoning. Commercial zone is more compatible near residential area. See attached table 130-1. This zoning could be expand upon to allow other uses that the neighborhood could agree to. Consequently, adding, instead are restricting uses. I know that the b.d.s. applicant and lawyers have expertise to construct a condition that is workable within these guidelines. Or perhaps they would like to think further outside the box and make another suggestion. The cully neighbors appreciate commissioner leonard's support and refuse to believe that this is an impossible task. We are certain that a creative solution is attainable if the motivation exists. The cully neighborhood is only asking for a modest consideration in regards to having a large e.g2 site. It is unfair to ask the neighbors to leave themselves off to -- open to a number of undesirable developments without any safeguards to protect them. We should not have to be fighting off objectionable businesses during the process.

Saltzman: Ok, that's it. We have your letter here in front of us.

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Fuerstenau: Ok. But I do wish that you won't rush a vote today, because two city council members are leaving, and we have worked hard.

Saltzman: Ok.

*****: Is there anything you --

*****: If you want to finish reading this, that would be fine.

Saltzman: You'll have three minutes.

Barb Fritz: I'm barb fritz, randy leonard remembers me from lobbying him as a state senator as an occupational health nurse, and senator -- jim Francesconi would recognize me as waving the flag for parks every time I see him. So i'm here in my capacity as chair of cully neighborhood parks. And I appreciate the council support of the open area designation, and not strictly r5 so we can eventually get that as a park. That's really why i'm here. But i'll finish kathy's testimony. I ask that -- I realize that two city council members will be leaving the council soon, and they would like to conclude this application before they depart. I feel that with just one collaborative meeting between the killingsworth committee, the applicants and lawyers, we could easily come up with a great resolution to this important issue. I ask that you do not rush to vote today unless there's an agreeable e.g-2 h solution for both the neighborhood and the applicant. In the past way bow has indicated that he would be willing to work with the cully neighbors regarding their concerns. The cully neighborhood has already expended much time and energy to get this far. Please do not deprive the neighbors of the opportunity to get an agreement they can feel comfortable with. The killingsworth committee requests that the o.s. zoning street improvements buffer r5 housing and eg-2h conditions be clearly define and applied to this rezoning application. Only with these considerations in place could the rezoning application be viewed as win-win situation for both sides. One last note, as cully neighborhood chair, kathy, would I appreciate a copy of the approved rezoning application for the association's records mailed to me and we wish you happy holidays.

*****: Thank you.

Saltzman: Thank you very much.

*****: Thank you.

Saltzman: Anybody else wish to testify? Ok. You made a motion, was there a second? I don't hear a second, so the motion is not on the table.

Francesconi: I have read the record. I was at the first hearing, not at the second hearing, but I have read the record. I do want to make the motion on the condition to zone the park land, or the donation land as open space. I guess r5 are an open space designation. I'm making that as a formal motion.

Leonard: Second.

Beaumont: Commissioner Saltzman, I believe the applicant would like to respond to the testimony you heard today.

Saltzman: Ok. We have the motion on the floor, but we can still give mr. Hoffman three minutes.

Jack Hoffman: Thank you. Jack hoffman from the law firm of dunn carney. Just a couple of things. In terms of kathy's concerns about the neighborhood and the neighbors and commissioner leonard's concerns about the neighbors and the neighborhoods, we share the same concern. We have met with the neighborhoods this, has been a long process that's gone on since march, we had the first hearing. We have talked to the neighbors, the neighborhood agreed with the original plan I think, the neighborhood association. We're happy with the final product. Apparently the city is relatively happy with the final product because you adopted the ordinance yesterday accepting the parks. We agree with the proposed findings. We would not want to have anything divert -- changed or divert from the findings from the staff, especially the open space zone, the r5 zone. That's important to us to have it zoned r5 now with an open space comp plan designation, because we need that for the s.d.c.'s, we need that for the tax deduction to make this thing all work. It's got

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to be financially work for our -- for mr. Yett. So we would request that -- and I didn't catch what the motion was for mr. Francesconi.

Francesconi: You just said.

Saltzman: That was exactly --

Hoffman: So we agree. What we want to do is move forward, work with the neighborhood and work with the north cully neighborhood under the north cully plan, and we're willing to do that in terms of any development review, and work with the neighborhood, because we don't want to create an incompatible development that violates the criteria set forth in the north cully plan. That was a bottom-up plan, a bottom-up process, and we respect it and we want to work with it. Just give us a chance.

Leonard: Then can we have an amendment that would have some consensus that would say that this plan development be consistent with the cully neighborhood plan? I'm looking for a way to be able to vote for this. I can't vote for it in its current form, but if we can do that, does that make the neighborhood feel like it's --

Beaumont: I believe under the terms of the vote it -- if anything they're proposing requires a north cully development review, it has to go through a type 3 procedure. Type 3 land use review.

Leonard: How do we define businesses that operate late at night?

Beaumont: One of the criteria for the north cully plan review is that the proposal must not adversely impact the livability of nearby residential zoned land due to noise, glare from lights, late night operations, or litter. That would probably be the most appropriate place to address the issue of hours of operation. That's in the north cully review which will be a type 3 with potential to come back to Council.

Leonard: So if there is disagreement --just so I understand the process from this point on. If, after we make this vote the developer comes and proposes what they are proposing and the neighborhood objects to that, it will come before us. And one of our guidelines to use will be the n cully plan and that criteria you just read.

Beaumont: Yes, I would ask Sylvia and staff to verify that for me, but that's my understanding of the code.

Leonard: Is my sense from the council that that north cully plan basically would require what the neighbors are asking the language to do?

Hoffman:It requires the developer to work with the neighbors to comply with the criteria.

Leonard: I want to make sure we have language which accomplishes what this does, no retail businesses after 11:00.

Hoffman: The criteria say that all development review applications must meet the following approval criteria. One of them is late-night operations, and that's for you to decide.

Leonard: I guess I would appreciate if you would agree with me on the record that that's the way you read it.

Hoffman: I can't, because I may not be the developer.

Leonard: How do you read it?

Hoffman: Late-night operations?

Leonard: Yes.

Hoffman: That's difficult for me to interpret, because i'm not on the other side of the table. I mean, the elected officials are the ones who decide that, along with staff and hearings officers.

Francesconi: Just pretend you're a city councilor, how would you interpret it? [laughter]

Leonard: I assume that means no operations after 11:00 at night.

Hoffman: I can't guarantee that, that that's how I would hold it. It depends upon the circumstances, the facts, the type of operation, and the neighbors. That's how I would do it. If I were an elected official hearing this, and I was on the other side of the table, I would do a balancing

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test. I would hear from the neighbors, hear from the developers, and make a decision. That's how I would do it.

Beaumont: Commissioner Leonard, I think the language that requires consideration, the impact of late-night operations, as part of any future development review, that language is drafted in the code -- as stated in the code doesn't say every business has to close at 11:00. It does allow you to consider what the impact of late-night operations of a particular business proposed at the time of the development review, what that impact might be. And the impacts might be very different, depending on the retail use. A grocery store is one thing. A shop, a different thing.

Leonard: Let me just take it another step, then. If that business was proposed to be an adult entertainment business, and we determined that not based on the kind of business, but the impact on the neighborhood was going to be adverse after 11:00 at night, could we constitutionally say no?

Beaumont: You could -- well, you could -- you could impose a condition that would limit the hours of operation, yes, as part of that development.

Leonard: That they wouldn't have some affirmative defense that it was an adult operation, we were infringing --

Beaumont: As long as you had a carefully crafted condition related to the impacts of the business, not the content of what it sold, yes, you could impose that type of condition.

Hoffman: I guess we could have an adult bookstore or some type of adult-related business that has a lot of traffic, a lot of noise, you could also have some other kind of business that has lots of traffic and noise, and you as elected officials say "i don't think that's appropriate for this neighborhood."

Francesconi: We're probably better off doing it in the normal course of how the city does business as opposed to picking out a condition now that could be argued what we're aiming is disproportionate treatment of adult businesses, especially with the lawyer representing the ACLU happens to be sitting in the audience. So I think that's a safer, better approach. As you have a right to be, to make sure we're doing our jobs.

Sten: I want to just say that I think if this didn't require the highest type of review available, which is almost automatic on any grounds appealable to this body, i'd be more concerned about it, but putting it in the zone change when you know it has to go through review, it's the wrong place to do it. You know, I think it's pretty evident on the record to anybody developing this property that the city council interprets what the neighborhood plan's intent is, and that's our call. That's not a matter of zoning, which is what we're talking about today. Most people would say those types of uses wouldn't be in line with the plan, although we'd have to see the exact case.

Leonard: That's very helpful to me. Some of this, i'll be honest with you, is me educating myself about this process. I've been here two years, but this is the part i've never dealt with before, land use stuff. I'm very much on the -- in agreement with the neighbors, that we don't want to allow activities that are going to denigrate the livability of the neighborhood, however I want to do it in a way that's procedurally correct and based on the ability of us to defend what we do as well. So I guess i'm sending a message that don't be confused by the questions i'm asking about how I may vote, but do get the clear message what it is i'm saying, which is I will not agree to anything, assuming this comes back before us, as i'm hearing our colleagues, will any of us agree to anything that will denigrate the livability of the neighborhood.

Hoffman: The message is loud and clear and the record is very clear.

Leonard: Thank you.

*****: Thank you.

Saltzman: So we an amendment to provide the property open space -- or r-5 with an open space comp plan designation. That's the amendment before us right now.

*****: That's right.

Saltzman: Ok.

Beaumont: Actually, that is already reflected in the draft findings that are before you.

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Saltzman: Oh, ok.

Beaumont: It probably doesn't require a separate motion.

Saltzman: Ok. So we're ready to -- procedurally we can have a final vote now if the applicant will waive his right to respond within seven days?

Hoffman: And we do.

Saltzman: We can now have a final vote with the revised findings? Yes.

Saltzman: Ok. Roll call.

Francesconi: Again, i've reviewed the record and attended the first hearing, missed the second hearing. You should feel good. It was your advocacy that made this a much better project for the neighborhood. And a community asset in addition to allowing it to be economically feasible in the way it gets built. I guess i'd also like to thank mr. Yak, because I leaned on you pretty hard at the first hearing to make this open space -- to help donate this to the park. So because of your willingness to do that, there's going to be an extra three acres here. And so I appreciate that very, very much on a personal basis, but more importantly on behalf of parks and the citizens, not only the neighborhood, but other neighborhoods. I appreciate your willingness to do this. So this is a good result all the way around. Aye.

Leonard: I am going to support this, but only because the answers I got back indicate to me that the -- the concerns of the neighbors, as reflected in the amendment that I proposed, are already reflected in the current plan for development in the neighborhood. Having said that, I certainly want to offer to the neighborhood my office's support during the next process to assure that whatever happens there happens according to what we all understood here today. Aye.

Saltzman: Well, I want to commend the applicant for having the ability to work with the neighbors, to really come up with an outstanding proposal, which gains the city almost three acres of additional park land. I think that's very generous under any scenario. I think this proposal has really changed a lot from its original inception for the better from the neighborhood's perspective. I'm very pleased to support this. Aye.

Sten: I'd also like to compliment both sides. This is how the system works well. You did an excellent job of representing your interests. Even the pieces we didn't address today are actually well addressed in the next round of this, and that's why i'm comfortable going forward. The issues around late hours and other pieces will be structurally addressed by the type three review. I think that also, just to be blunt, I think they'll be addressed relatively easily, because this is a very community-minded developer. This is somebody who, you know, has been the neighborhood land use chair, and I think is working very hard, and I think has done an extraordinary job. There's a case for the zone change without the property zone nation, but it doesn't a holistic case. With the property donation, I think everybody wins. Given the spirit with which this is going on, i'm confident with the talent on both sides that you'll be able to collaboratively come up with a good deal. I want to make sure the developer has what he needs to pull this off, because I think this is another case where a smart redevelopment creates the money that's needed to allow the park donation. Hopefully everybody will win through this eventually. Great job. It's a pleasure to vote aye.

Saltzman: Ok. It's approved and we stand adjourned until --

*****: We have the ordinance.

Saltzman: Oh, i'm sorry. 1431.

Item 1431.

Saltzman: Anybody wish to testify? Ok, roll call.

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

Saltzman: Ok. Now we're done. Ok.

At 4:40 p.m., Council adjourned.

December 9, 2004