



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **15TH DAY OF DECEMBER, 2004** AT 9:30 A.M.

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

Commissioner Leonard arrived at 9:33 a.m.

Commissioner Leonard left at 11:18 a.m. and returned at 11:30 a.m.

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

A motion was made to hear the Consent Agenda after the Time Certains and Regular Agenda Items: Moved by Commissioner Francesconi and gaveled down by Mayor Katz after no objections.

Item No. 1448 was pulled for discussion and on a Y-5 roll call, the balance of the Consent Agenda was adopted.

COMMUNICATIONS	Disposition:
1432 Request of Mateo O'Boyle to address Council regarding police brutality (Communication)	PLACED ON FILE
1433 Request of Bonny McKnight to address Council regarding appreciation for Commissioner Francesconi's service to Portland (Communication)	PLACED ON FILE
1434 Request of Dixie Johnston to address Council to thank Commissioner Francesconi for his advocacy for children and parks (Communication)	PLACED ON FILE
1435 Request of R. Scott Montgomery to address Council to thank Commissioner Francesconi on behalf of the Parks Board (Communication)	PLACED ON FILE
1436 Request of Amanda Fritz to address Council to acknowledge Commissioner Francesconi's parks acquisition successes and celebrate the contributions of Portland's Italian-American Commissioner (Communication)	PLACED ON FILE
TIME CERTAINS	

December 15, 2004

<p>1437 TIME CERTAIN: 9:30 AM – Accept Parks System Development Charges Methodology Report for implementation and amend the affordable housing exemption (Ordinance introduced by Commissioner Francesconi; amend Code Section 17.13.060)</p> <p>Motion to equalize the nexus between commercial property for-profit at 60% for rental and 100% for home ownership with the understanding that it will be reviewed by Commissioner Sten's committee: Moved by Commissioner Francesconi and seconded by Commissioner Sten and gavelled down by Mayor Katz after no objections.</p> <p>Motion to include commercial property: Moved by Commissioner Leonard. Motion did not receive a second. Motion Failed.</p> <p>Motion to accept amendment that requires a proposal come back in 90 days including commercial properties and System Development Charges: Moved by Commissioner Leonard and seconded by Commissioner Sten and gavelled down by Mayor Katz after no objections.</p>	<p align="center">PASSED TO SECOND READING AS AMENDED DECEMBER 22, 2004 AT 9:30 AM</p>
<p>1438 TIME CERTAIN: 10:30 AM - Recognize recipient of the 2004 Lowenstein Trust Award (Presentation introduced by Mayor Katz)</p>	<p align="center">PLACED ON FILE</p>
<p>1439 TIME CERTAIN: 10:45 AM – Accept the report Wind Power for Portland: Portland Request for Information to Buy Renewable Electricity from an Oregon Wind Farm (Report introduced by Commissioner Saltzman)</p> <p>Motion to accept the Report: Moved by Commissioner Sten and seconded by Commissioner Francesconi.</p> <p>(Y-5)</p>	<p align="center">ACCEPTED</p>
<p align="center">CONSENT AGENDA – NO DISCUSSION</p> <p>1440 Accept bid of Gelco Services, Division of Michels Corporation, for Cured in Place Pipe Consolidation Project at various locations for \$2,030,776 (Purchasing Report - Bid No. 103339)</p> <p>(Y-5)</p>	<p align="center">ACCEPTED PREPARE CONTRACT</p>
<p>*1441 Amend Intergovernmental Grant Agreement with TriMet for City financial contributions to fund the preliminary engineering, final design and construction of the South Corridor Project (Ordinance introduced by Mayor Katz and Commissioner Francesconi; amend Contract No. 52300)</p> <p>(Y-5)</p>	<p align="center">178964</p>
<p align="center">Mayor Vera Katz</p> <p>1442 Confirm reappointment of Patrick Richardson to the Business License Appeals Board for a term to expire December 31, 2006 (Report)</p> <p>(Y-5)</p>	<p align="center">CONFIRMED</p>

December 15, 2004

<p>*1443 Approve settlement with Charles W. Jensen and Portland Police Commanding Officers Association regarding employment claims (Ordinance) (Y-5)</p>	<p align="center">178965</p>
<p>*1444 Authorize a contract and provide for payment to furnish replacement vehicles (Ordinance) (Y-5)</p>	<p align="center">178966</p>
<p>*1445 Amend contract with Amburgey and Rubin, LLP for outside counsel assistance (Ordinance; amend Contract No. 35188) (Y-5)</p>	<p align="center">178967</p>
<p>*1446 Declare surplus property located at Northeast Portland Boulevard and Northeast Rodney Street, Piedmont Block 57, part of Lot 6 (Ordinance) (Y-5)</p>	<p align="center">178968</p>
<p align="center">Commissioner Jim Francesconi</p> <p>1447 Set hearing date, 9:30 a.m., Wednesday, January 12, 2005, to vacate portions of SW Bond Street between SW Gibbs Street and vacated SW Lane Street (Report; VAC 10020) (Y-5)</p>	
<p>*1448 Authorize a contract with the Toro Company to become a product test site (Ordinance) (Y-4)</p>	<p align="center">178956</p>
<p>*1449 Apply for a \$108,000 Land & Water Conservation Fund Grant from Oregon Parks & Recreation to rehabilitate the sport fields and playground in Fernhill Park (Ordinance) (Y-5)</p>	<p align="center">178969</p>
<p>*1450 Amend a contract with Godbe Research & Analysis to provide survey and research services for the preparation of a Recreation Needs Assessment (Ordinance; amend Contract No. 35315) (Y-5)</p>	<p align="center">178970</p>
<p>*1451 Amend contract with TriMet in the amount of \$80,000 and extend term of contract to December 31, 2005 to continue to provide services related to Jobs Access project in targeted employment centers (Ordinance; amend Contract No. 52168) (Y-5)</p>	<p align="center">178971</p>
<p>*1452 Amend contract with Claritas Design Consortium for graphic design services in support to the Transportation Options Program (Ordinance; amend Contract No. 33440) (Y-5)</p>	<p align="center">178972</p>
<p>*1453 Amend contract with Davis & Hibbitts, Midghall, Inc. for organizational development, project research and outreach assistance in support of the Transportation Options Program (Ordinance; amend Contract No. 33442) (Y-5)</p>	<p align="center">178973</p>

December 15, 2004

<p>*1454 Amend contract with Designwest for graphic design services in support of the Transportation Options Program (Ordinance; amend Contract No. 33443) (Y-5)</p>	<p align="center">178974</p>
<p>*1455 Amend contract with Grapheon, Inc. for graphic design services in support of the Transportation Options Program (Ordinance; amend Contract No. 33444) (Y-5)</p>	<p align="center">178975</p>
<p>*1456 Authorize application to the U.S. Department of Housing and Urban Development for a grant in the amount of \$198,820 for the Portland Streetcar Eastside Extension Project (Ordinance) (Y-5)</p>	<p align="center">178976</p>
<p>*1457 Call for bids and authorize contract for the SW Champlain Drive Semi-Viaduct project (Ordinance) (Y-5)</p>	<p align="center">178977</p>
<p>*1458 Grant revocable permit to Capitol Coffee House & Bistro to close SW Nebraska Street between Capitol Highway and 19th Avenue from 12:00 p.m. on December 31, 2004 to 12:00 p.m. on January 1, 2005 (Ordinance) (Y-5)</p>	<p align="center">178978</p>
<p align="center">Commissioner Dan Saltzman</p>	
<p>*1459 Authorize contract with CMTS, Inc. to supply construction management, inspection and project support personnel for Bureau of Environmental Services projects currently under construction (Ordinance) (Y-5)</p>	<p align="center">178979</p>
<p>*1460 Authorize contract with the lowest responsible bidder for the Columbia Boulevard Wastewater Treatment Plant Sodium Hypochlorite Conversion, Project No. 6700 (Ordinance) (Y-5)</p>	<p align="center">178980</p>
<p>*1461 Amend contract with Tetra Tech/KCM, Inc. to provide additional professional engineering services for the Conduit Isolation and Improvements project and provide for payment (Ordinance; amend Contract 31302) (Y-5)</p>	<p align="center">178981</p>
<p>1462 Amend contract with Hennebery Eddy Architects, Inc., to authorize additional work for the Interstate Facilities Master Plan Project (Second Reading Agenda 1404; amend Contract No. 34218) (Y-5)</p>	<p align="center">178982</p>
<p align="center">Commissioner Erik Sten</p>	

December 15, 2004

<p>*1463 Authorize subrecipient contract with the Portland Development Commission for \$2,730,000 to provide lead hazard reduction and provide for payment (Ordinance)</p> <p>(Y-5)</p>	<p>178983</p>
<p>REGULAR AGENDA</p>	
<p>1464 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 1408; Ordinance introduced by Mayor Katz and Commissioner Francesconi; amend Code Section 20.12.265)</p> <p>(Y-4)</p>	<p>178957 AS AMENDED</p>
<p>Mayor Vera Katz</p>	
<p>*1465 Repeal and replace Code regarding sidewalk use (Ordinance; repeal and replace Code Section 14A.50.030)</p> <p>Motion to accept amendments to Exhibit A: Moved by Commissioner Leonard and seconded by Commissioner Saltzman.</p> <p>(Y-5)</p>	<p>178958 AS AMENDED</p>
<p>1466 Authorize revenue bonds to finance low income and permanent supportive housing (Ordinance)</p>	<p>PASSED TO SECOND READING DECEMBER 22, 2004 AT 9:30 AM</p>
<p>1467 Authorize lines of credit to finance local improvement for South Waterfront Central District Project (Second Reading Agenda 1411)</p> <p>(Y-5)</p>	<p>178959</p>
<p>S-1468 Establish a bureau directors' group to advance River Renaissance (Second Reading Agenda 1425)</p> <p>(Y-5)</p>	<p>SUBSTITUTE 178960</p>
<p>1469 Adopt and implement the Pleasant Valley Plan District (Second Reading Agenda 1427; amend Comprehensive Plan and Title 33)</p> <p>(Y-4; Commissioner Francesconi abstained)</p>	<p>178961 AS AMENDED</p>
<p>Commissioner Jim Francesconi</p>	
<p>1470 Implement the Citywide Bureau Work Experience Program for disconnected youth (Resolution)</p> <p>(Y-5)</p>	<p>36278</p>

December 15, 2004

1471 Add and modify findings and correct a map for the Portland Aerial Tram Local Improvement District with no change in the local improvement district boundary, allocation of funding amounts or estimates of assessments (Ordinance; amend Ordinance No. 178675; C-10009)	PASSED TO SECOND READING DECEMBER 22, 2004 AT 9:30 AM
1472 Assess benefited property for street improvements in the SE 128th Avenue Local Improvement District (Second Reading Agenda 1387; C-10007) (Y-5)	178962
1473 Assess benefited property for street improvements in the SW 19th Avenue Local Improvement District (Second Reading Agenda 1388; C-10004) (Y-5)	178963

At 1:35 p.m., Council recessed.

December 15, 2004

WEDNESDAY, 6:00 PM, DECEMBER 15, 2004

**DUE TO LACK OF AN AGENDA
THERE WAS NO MEETING**

December 16, 2004

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND,
OREGON WAS HELD THIS **16TH DAY OF DECEMBER, 2004** AT 2:00 P.M.

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

Commissioner Sten left at 2:52 p.m. (excused).

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; there was
no City Attorney; and Officer Curtis Chinn, Sergeant at Arms.

1474 TIME CERTAIN: 2:00 PM - Honor recipients of the Spirit of Portland Award (Presentation introduced by Commissioner Leonard)	Disposition: PLACED ON FILE
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At 3:35 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.

December 15, 2004

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 15, 2004 9:30 AM

Item 1432.

Katz: 1432, let's take communications. (Mateo O'Boyle did not show.) All right. Let's move right on to 1433-- is she here? Yes.

Item 1433.

Francesconi: Remember, I haven't died, bonny.

Bonny McKnight: No. Commissioner, I just want to express my appreciation, and that I think of a lot of other folks for your efforts as a member of the city council over the years. You spent a lot of time and hours trying to reach out to all of the community, all of the city, and that's been especially visible in east Portland, where that doesn't happen sometimes. I also wanted to express my appreciation as a member of the coalition chairs and directors group that when you briefly had the office of neighborhood associations, you invited us down to tell you what we thought we needed, how we thought we could make neighborhood associations stronger, the system stronger, and how we could better integrate it into city hall, and I appreciate your coming to us to see if we could help fix ourselves. Thirdly, I appreciate what I believe was a really unusual expression from this council of choosing neighborhoods over the kind of interests that are with you every day. And that was around the skinny lot issue and the integrity of zoning issue. At that point you knew you were going to run for another office, and you knew that involved getting donations from people who donated to political campaigns, neighborhood associations are not generally thought to be in that group, and yet you became what in essence was a deciding vote, supporting the integrity of zoning around the issue of skinny lots. And I appreciate that as an act of political courage. I hope in the future that the next meeting we attend together we'll both be volunteers.

Francesconi: We will be, bonny. Thanks.

Katz: That was nice. 1434.

Item 1434.

Dixie Johnson: Good morning. This is one of the nicest things that we can do as neighborhood activists. As you all well know, and, mayor, I think you deserve credit for this also, we as activists have sometimes misunderstood, we have misspoke, and even misbehaved. And yet as marty said some years ago, as we wrapped up the southwest community planning process, you've seen us at our worst, but you did not give up on us. I want to thank all of you up there for feeling this way and helping us out. Commissioner Francesconi, I personally noticed that you were responsible for, or helped other people, they would not have happened without your enthusiasm and your passion and your intellect. Sun schools, the strategic plan for Portland public schools, city schools agenda, which better explained the city schools policy of the comp plan. Portland parks and rec, 20/20 vision plan, the public process was the best the city had ever seen, at least in many, many years. Because of that wonderful process, it is inspired pdot's t.s.p. process to go forward, and it was an excellent public process. This pdot's process ended up being part of your portfolio. You saw it to completion. And we thank you for your work on this. The hiring of bureau directors, zari for parks, and brent williams for pdot, great idea. This empowered staff and citizens to implement parts of our policy to move forward to things we believe in, safe routes to schools, pedestrian

December 15, 2004

crossings, alternative pathways where the curbs, gutters and sidewalks did not work. Playground equipment and gardens on our school rounds. We were -- had the pleasure of working with such delightful staff members. I hate to pick just a couple, but they really took personal interest in us. Mary ann cassin for parks and matt brown and will stevens for pdot, tremendous help to us. I also want to give you credit for the passage of the parks fund measures, the children's agenda, several of you worked on that. Also the formation of the parks foundation. Most importantly, a couple years ago, and commissioner leonard I understand you deserve some credit for this, we started another look at public involvement policies. It's been temporarily dropped. I hope it will be picked up yet again, but it required many, many people working for many hours, including staff. I think brian hoop deserves a great deal of credit. I don't think he got much sleep on this. But thank you all very, very much, but commissioner Francesconi, these things would not have happened without you. Thank you.

Katz: Thank you, dixie. 1435.

Item 1435.

R. Scott Montgomery: Mayor Katz, members of the council, thank you. I'm scott montgomery, 1531 southwest upper hall street of Portland. I'm chair of the Portland parks board. I'm here to express my -- and please forgive me for this, i'm going to direct it all to jim. I express my heartfelt thanks to commissioner Francesconi for the exemplary work he's done on behalf of the Portland parks system. I'm sure others will speak probably more eloquently than me, and certainly dixie johnston did, but, you know, I just think that jim has done an exemplary job, and I want to choose to focus on his efforts and accomplishments on behalf of parks. As your last days as a member of the security council move forward, I join with our citizens in offering thanks to you for a job well done. During your time of service, you spearheaded efforts on behalf of our parks system that improved the quality of our parks and consequently the enjoyment of our fair city's citizens. The success of the sun program, for example, is a great example of the efforts to improve the lot of our younger citizens and our helpers. To me your legacy will be remembered for your vision and guidance as you help the park bureau to clarify its vision and prepare for the future. And it was your leadership really that birthed the 20/20 vision team, 23 citizens who would commit to spending time and energy necessary to define the needs for a park system for the next 20 years. Pretty significant project. After 18 months or so of meetings, our group was able to complete the parks 20/20 plan, an ambitious effort to define in reasonable detail the projected needs for the park system during the next 20 years. As you and the other councilmembers know, this vision remains alive for all of us who are committed to our park system, and continues to be refined as each year passes. It happened because of your vision and commitment, jim. A byproduct of the 20/20 vision team efforts was a creation of the Portland parks board. For the first time since 1913, a parks board was instituted to represent our citizens and provide guidance to our park bureau. I'm very proud to chair this board, but even prouder of the vision and effort that you've put forth to provide support to the board. We've always looked forward to your visits to our board meetings and the wisdom you've imparted to us as only with someone with a broader perspective can provide. And our board is a product of your vision and commitment, jim. At the same time, as the board's creation, a second entity was created, the Portland parks foundation. The foundation has been tasked with the goal of raising funds for the acquisition of new land for new parks and for scholarships for youth. They've generated \$250,000 for youth scholarships just this year. And have also acquired a significant parcel of property for -- parcel of property for future development on southwest capitol highway, and that foundation is a product of your vision and commitment, jim. As others come forward to thank you today, and in the future, I will look forward -- or look back on your years of service to our wonderful -- I hope you will look back on your years of service to our wonderful community as "the best days of your life." on behalf of the Portland parks board and the Portland park bureau, we thank you from the depths of our heart for your gift of service to us. We also look forward to the

December 15, 2004

exciting days of your future in Portland, as you continue to look for ways to better our community. So, jim, thank you from all us parkies.

Katz: Thank you. 1436.

Item 1436.

Amanda Fritz: Good morning. I'm amanda fritz. It's been said "just because we're not italian, does not mean we can't appreciate michelangelo." in honor of commissioner Francesconi's heritage and political style, my comments are liberally seasoned with quotes from other famous italians as I mention his achievements over the past eight years. Lee trevino noted christopher columbus went around the world in 1492, that isn't a lot of strokes when you consider the course. The acquisition of almost 1,000 acres of park land since 1996 is short of miraculous considering the parks budget hasn't kept pace with expanded maintenance demands. But it wasn't a miracle. "if only people know how hard I worked to gain my mastery, it wouldn't seem so wonderful at all." your achievements have been won with hard work and personal dedication to the goals you set. Rick mariano wrote "the good you can do go so far beyond what you think that it can frighten you." jim defined a framework for years to come. You formed the parks board and recruited great people to join. You created the parks foundation with your tireless energy and commitment and it's raised more than half a million dollars for land acquisition and scholarships to parks programs. You personally raised most of the money for two levy campaigns, spent countless hours talking about the value of parks to the city. Galileo advised "measure what is measurable and make measurable what is not so." under jim, the parks bureau counted that it would take 211 full-time employees to perform the work done by volunteers in our parks. This is valued at over \$4 million annually. Montessori said "establishing lasting peace is the work of education. All politics can do is keep us out of war." sometimes it can't even do that. Under jim's leadership, partnerships were negotiated that greatly expanded after-school programs, with schools uniting neighborhood communities. My three minutes are almost up, but I must mention that jim established a sister city relationship with bologna, italy. The 10 cities in the program together cost us less than \$17,000 annually, and surely return many times that investment in tourism dollars. It's the first european sister city and let's old europe know that at least this blue state still values their friendship.

> joe dimaggio said "there is always some kid that may be seeing me for the first time. I owe him my best." jim, you've given us your best years. "there's no end, there's no beginning, only the infinite passion of life." we know your life will continue to shine with the passion of your beliefs and we thank you for sharing your time with us.

Francesconi: Thank you. If you could give me copies, I would appreciate it. The main comment, in addition to saying the children's initiative is all the credit of commissioner Saltzman, but the main thing I want to say is this was team efforts. This was all -- it's a team with a council. It's a team with the bureau heads, it's a team of the workers in parks and transportation, other bureaus, but it's a team with the citizens. To be able to participate in this team has been the privilege of my professional life. And i'm going to look for other ways to contribute as a citizen in this great community, but it was a team effort. And it's been so important to me and to my family. Thank you for the courtesies and the compassion that you just demonstrated for me. Thank you.

Katz: That was nice. Thank you members of the community. That was very nice and very generous and well deserved, commissioner Francesconi. Consent calendar, commissioner Francesconi requests that item 1448 be pulled off. Do you want to --

Francesconi: It doesn't matter.

Katz: Ok. 1448. Any other items to be pulled off?

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

Katz: Yes, which ones?

Andy Seaton: All of them.

Katz: We have a very long day today.

December 15, 2004

Seaton: I understand.

Katz: Ok. All right. Anybody else? Well, it doesn't make any difference. All right. Let's start with 1440.

Francesconi: I'm wondering mayor, if we could do the time certain, would that be all right, because there's people here?

Katz: I would agree with you. Ok. We'll delay that and get through the time certain. Maybe you'll have second thoughts. 1437. Commissioner Francesconi.

Item 1437.

Francesconi: What we're all trying to do here is to create a situation for the future, so that our kids and grandkids can enjoy this the way we did. Having more parkland as we grow and having the cost of growth pay for it is part of that. So one of the reasons we have almost the 1,000 acres of new parkland is the first s.d.c. That we created. What we're bringing here today is an update in that s.d.c. Charge in a way that will allow us to purchase 100% of the -- of the neighborhood parks that we need, 100% of the community parks that we need, 100% of the trails that we need, and only 50% of the habitat that we need. And we chose to set this price in a way to make sure we remain competitive with the rest of the region. So the average s.d.c. charge, even after we do these things, generate another \$90 million -- a total of \$90 million for land acquisition over 20 years. Will still put us below the median for s.d.c.'s in the region, because it's very important that we be vital as well, that we have housing and employment. This does not propose a commercial s.d.c. for two reasons. One is that the -- that the nexus or the legal connection for commercial s.d.c. could only be used for urban parks, not the neighborhood parks that we need, and because it wouldn't generate, enough to the lawyers, not enough according to Mike Houck, and wouldn't generate enough resources to make it worthwhile. The other reason from my perspective is we have the business income tax, which other jurisdictions don't, that generate revenue, some of which is used for parks. That's the rationale. And I think both are legitimate reasons for this. But this is a significant increase on the s.d.c. I want to thank in advance the homebuilders who have participated in the project, who understand that parkland is necessary, whether you're a developer, whether you're a home builder, or whether you're a renter wanting to participate, it all works to our advantages. There's some disagreements about -- that I'll let the homebuilders speak for themselves on, but they've been very active participants and very supportive of the s.d.c. program and parks and are close on the amount of the fee. I'll let them speak for themselves. So what we're going to do is have this presentation. Now the other thing we're going to do today is create the -- an exemption for for-profits, so they can participate and get an exemption, just like not-for-profits. One of the issues we have to talk about that's been flagged appropriately by Commissioner Sten is there's a difference in the exemption for-profit developers that was based on what p.d.c., a loan pool. What we have in front of us is the existing practice, except for the changes that for-profit-developers are going to get the same breaks that for-profits are on low-income housing. This loan has an 80% eligibility requirement and 20% requirement. The argument, which is a good one, I believe, to create the exemptions at the same levels is an issue that hasn't been worked out that the council will hear testimony on. I hope p.d.c.'s here, because they need to speak for themselves on this issue as opposed to parks speaking for them on the issue. So that's -- I framed the issues. I think now to proceed it would be good to have Riley and Robin come forward.

Robin Grimwade, Parks and Recreation: Manager of planning and development, Portland parks and recreation. Mayor and commissioners, we're here today as Jim foreshadowed to talk about the acceptance of the parks system development charge methodology report to authorize its implementation, including an increase in fees and a new approach to the treatment of affordable housing. We have a brief presentation. We also understand that there are a number of members of the public who have actively participated in s.d.c.'s, and who see the merits of the s.d.c. program who would also like to address council. So I'm moving forward. First of all, the program of park

December 15, 2004

s.d.c.'s was established in October 1998. It is a one-time charge on new residential development, and it funds the park acquisition and development needs to meet the growing population of the city. The program is managed on a subarea basis. Our current program objectives are designed to recover 35% of the cost needed to fund the impact of population growth within the city. It's designed to meet future outdoor recreation needs for new neighborhoods, so there's places for children to go and recreate. It's about ensuring access to nature in the city. And it's about improving neighborhood access through the connection of trails. In terms of the current program, a number of targets were established in 1998. Neighborhood parks, we sought to acquire 32 acres, approximately. Community parks, approximately 67 acres. Trails, we wanted 7 1/2 miles. Habitat and natural areas, 184 acres. And urban parks, two acres. The current program fees range from \$658 to \$3,410. To understand how we sit in relation to the region, it's interesting to note when one compares the programs, we are second from the bottom, i.e. The second cheapest s.d.c. in total s.d.c.'s and in terms of park s.d.c.'s. West Linn trumps us all. The current program outcomes. What have we actually achieved? Well, since 1998, we've raised \$12.3 million and that's been directed toward the purchasing of 227 acres of parkland, the development of two neighborhood parks, such as Forest Park and Wilkes Park, and the development of three miles of trails. Now the program, under city code, needs to be reviewed every two years, and the aim of that review is to determine that there's sufficient money available to help fund the acquisition of land and the development of our parks to meet population growth. How are they calculated, the fees? The s.d.c. fees are determined using a complex methodology, which is based upon population projections, a calculated level of service, the cost of land acquisition, and the cost of park development. Now what's happened to the population projections? In 1998, the population projection was 633,000, approximately. In 2004, that increase has gone to 650,000. So we're seeing an additional population need of 17,068 people. Looking at our program cost of land, now this is not the property cost of land, this is the program cost, and what we've seen is nearly a \$90,000 increase in the program cost of land since 1998.

Saltzman: What is program cost?

Grimwade: The program cost is the overall cost of acquiring land, because each property that one acquires can be a different rate. You might pay high on one, low on another. It's the overall average cost.

Katz: Go back to your population projections. What's your projections on population? Is this for the city?

Grimwade: That's for the city. It's based on the census data.

Katz: Really? Ok. I didn't realize we hit over 600,000 in 2004.

Grimwade: People love Portland, mayor.

Katz: That I know.

Riley Whitcomb, Parks and Recreation: Let me explain, a projection of where it will be in 2020, this is a projection of where it is in 20/20.

Katz: Got you, based on where we are today.

Whitcomb: Yeah. The reason there was a large increase, when we first looked at it, we had the -- the census was based in 1990, and then we based -- the next one was based on 2000.

Katz: Ok.

Grimwade: Now looking at the cost of development, we're seeing also a substantial increase in the cost of development, rising from \$381,000 to \$496,000, and that's the costs for developing a program area. Now those changes have impacted the current program in the following ways. What we've seen -- and this is the most significant impact. The recovery rate that we aimed for in 1998 was 35%. In effect that's been diluted now to 19%. And that gives rise to a number of impacts. First of all, the potential parks s.d.c. revenue available for acquisitions and development effectively is reduced by about 45%. There's a one-time opportunity to recover growth costs, and that was

December 15, 2004

substantially been weakening. The park acquisition opportunities within neighborhoods are diminishing because the land goes to alternative development. New neighborhoods also run the risk of becoming park deficient, and the financial burden for new parks based upon growth ends up being placed on all taxpayers. In that light, what we have proposed is that the fees for this program be increased. What we're seeing is recommendations which will see fees increase by approximately \$740 for a single-room occupancy-type dwelling, up to \$2,512 for a cheaper type dwelling. Those increases are designed to return us to the 35% recovery level of the program. What that does to us in the region, if these fees are increased, is that in terms of the total s.d.c. system, which is with pdot and water and the likes, we will be second in the region in terms of the lowest. West linn remains the highest. In terms of purely comparing parks, we will become fourth within the region. Now how will the revenue be used? The revenue that we will gain through the s.d.c. Program will enable us to fund up to 466 acres of parks, and it will enable us to develop 214 acres of new parks. Now one of the big issues that always arises with the s.d.c. is the issue of affordable housing. Under the existing program, nonprofits are exempt, and for-profits have the opportunity of using the p.d.c. credit pool. Under the proposed program we're advocate that nonprofits and profits both be exempt. The s.d.c. is not just about raising money. It delivers very important benefits to the community. It ensures the city's livability as the city continues to grow. It maintains equity of access for our community. It fosters economic growth. It meets the recreation needs for growing neighborhoods. It provides the only reliable funding opportunity for funding of parks growth. It makes recreation needs once again for the neighborhoods. Most importantly, it meets recreation needs for our growing and emerging neighborhoods. Thank you.

Whitcomb: I'm the parks s.d.c. manager, basically here to answer any technical questions that might come up on this. If you have any, i'd be glad to address them.

Katz: Questions by the council now or probably want to wait until the --

Leonard: I was just going to ask on the rate changes, it's a flat rate that we would charge as opposed to a percentage of the value of the permit?

Whitcomb: That's right. If it's a percentage of the value, then it fiscals more of a tax, and it's not a tax, it's a fee. It's based on the projected occupancy rate as well. That's why there's a fair variation between those.

Leonard: But it's more unfair to more entry-level buyers than it would, say, a higher of a home in -

Whitcomb: That would be correct. I mean, that would be the logical assumption. That's correct.

Leonard: There's no way to like have a schedule that would --

Whitcomb: We've been advised against doing that, because then it becomes a tax instead of -- it's based on the value and ability to pay then. That's one of the reasons that we've strongly supported the idea of the -- of giving exemptions to affordable housing.

Leonard: The exemption is --

Whitcomb: The exemption is 100% of the value of the -- of the fee.

Leonard: Who would qualify?

Whitcomb: 60% for rentals. It's 60% of the mean family income. For home buyers it's 100% of mean and family income. That's what we've proposed for the nonprofit. For-profit, we're being consistent with our agreement with p.d.c. In going -- allowing eligibility for 80% for rental and 120% for home ownership.

Leonard: Ok.

Katz: Ok.

Kelly Ross: Good morning, madame mayor, commissioners. My name is kelly ross, representing the homebuilders association. I first of all would like to -- excuse me.

Katz: Wait a minute. What is that?

Leonard: Can we tax that? [laughter]

December 15, 2004

Ross: I'm not getting into that. I've avoided that issue.

Katz: Go ahead.

Ross: I do want to thank commissioner Francesconi and Riley Whitcomb of the Parks Bureau for their efforts at getting us to the table and consulting us along the way on this. And over the last 18 months, it's brought us to a situation today where we do support the need for some increase in the park s.d.c., and we're going to quibble with one small part of that, which would -- even if you accept our recommendation on it, it would still be nearly a 50% increase in the fee. As you might guess, we do look very closely at all s.d.c. increase proposals, and particularly closely at those for parks, because unlike the other s.d.c.'s for water, sewer, sanitation, roads or stormwater, there are really no national standards, no engineering standards that we can look to to guide what a rate should be, and it varies greatly by jurisdiction. In looking at park s.d.c.'s, our association has taken a strict policy to question any park s.d.c. component that is devoted to open space, natural areas, or in this proposed s.d.c. for habitat. The reason we do that is that the foundation, as you've heard, for system development charges in Oregon, is that it is intended to serve the needs of new development. And the law is quite specific on what those expenditures can be, that they're for capital improvements, capacity increasing improvements to meet the needs of new development and the new residents of new homes. So we first of all question and have questioned the appropriateness of including natural areas, open space, that aren't readily apparent, that they will be accessible to the public to be used on an active park and recreation basis. This was one of the main points with our litigation for the city of -- with the city of West Linn, and the circuit court of Clackamas County did agree with us, and said it is possible that certain parts of open space may not qualify as park and recreation use, and direct the city to go back and present detailed findings to justify what was done in that respect. Those type of findings have been presented in this, in the proposal before you. That accounts for about \$500 of the increase. And so we're recommending to you that this -- the fee for single-family homes be no higher than \$2500. We have discussed with commissioner Francesconi and the Parks Bureau our concern over using a flat administrative fee on top of -- on top of this, but have -- they've assured us they will be providing additional information to support that.

Katz: Thank you.

Scott Montgomery, Chair, Portland Parks Board: Mayor and commissioners, Scott Montgomery, 1531 Southwest Upper Hall Street, City of Portland, and I think as you know I'm chair of the Portland Parks Board. I'm appearing here to support the pending ordinance proposing an increase in the s.d.c. charges for residential development. These fees, as you know, are a really needed source of revenue for parks, particularly in light of -- of a fund that was available of about \$650,000 previously that has gone away, and so we have very few sources of additional revenue, as I'm sure you're aware. We're very concerned about this shortfall in revenue. It's really needed for development of parks. And we're well aware of the city's desire to develop more parks to meet the growing needs of the residential areas. We've concluded that only a major increase in the s.d.c. charges, and that would be as provided in this ordinance, will provide sufficient funding for that future park development. My addition and division, I guess, indicate the proposed -- a proposed 74% increase in single-family residential fees to \$2961, we view that as a positive step in beginning to rectify the previous shortfall in the past years. The other categories of housing are also subject to similar percentage increases, although perhaps not exactly 74%. Despite these large increases, Portland's total s.d.c. fees, as you saw earlier, will rank tenth out of 11 jurisdictions, however of the jurisdictions who charge s.d.c. fees Portland will rank fourth. There are benefits that accrue with the increase in the rates. First the higher rates will allow a substantial increase in the acquisition of new land for parks and allow the opportunity to develop the land for several new parks. Secondly the ordinance really helps establish a strong funding base for parks that can continue well

December 15, 2004

into the future. So on behalf of the parks board, I strongly encourage council to adopt the pending ordinance, including the increase in proposed s.d.c. fees.

Katz: Thank you.

Mike Houck, Urban Greenspaces Institute and member Parks Board: Mayor Katz, commissioners, my name is mike houck. I'm here today on behalf of the urban greenspaces institute and as a member of the park board to support the increase in s.d.c.'s. I served on the original s.d.c. Committee six years ago, and at that point it was clear that we probably would not be achieving the level of financial support that we were going to need. In fact, the data that robin and riley provided you with indicated that we barely reached 50% of the projected need at that time. I base my support on the following points. First of all, affordable housing has been discussed, and i'm supportive of the approach to that commissioner Sten and Francesconi and the bureaus have taken. I know there are outstanding issues as commissioner Francesconi mentioned that need to be resolved, and I know the coalition for a livable future and community development network and league of women voters have some proposals for you as well. We support those. Regarding regional parity, frankly I felt during the initial s.d.c. Process, that I get the sense during this one as well, that we spend far too much time looking over our shoulders at what other jurisdictions are doing and not establishing our own aspirations, just going for it. That said, I would support even higher s.d.c.'s for the reasons that were pointed out to you by robin. I think you've come down on a level that keeps us on parity with respect to where we were. I would hope we could actually aspire to be better than the other cities in the metropolitan region. I support the recommended s.d.c.'s. The final point, and i'm glad I followed kelly ross, I don't think we should rely on national standards with respect to s.d.c.'s. Our local standard is the vision 2020 process. We identified vision 2020 where there were a lack of parks and natural areas and trails in our region, and we certainly know we need to -- as growth occurs. I thought the population projections exceeded the ones that robin -- I thought we were in the range of 100,000 new people over the next 20 years. I would point out that -- I don't know how many of you read joe cartwright's piece in "the Oregonian" about the new pioneers coming to Portland in "the Oregonian." in that he was quoted as saying "although we've only just begun to recognize that our economic fate hinges on the continued attractiveness of our state, particularly Portland, quality of life is not a discretionary luxury, it's a key to our economic prosperity." in our conversations with dozens of well-educated recent young migrants, we heard that the desirable aspects of place include a vibrant city core and a clean and green environment. While parks, trails and greenspaces were not explicitly noted in mr. Cartwright's piece he actually did refer to those issues, the same conclusions regarding the economic health in the tualatin basin. There's no question that our world-class park and recreation system is critical to attract the new pioneers and others to Portland. The proposed s.d.c.'s should be seen as an investment in Portland's economic future, not a fiscal drain on the city, and certainly not a competitive disadvantage with respect to cities inside or outside of the region.

Katz: Thanks, mike.

Houck: Therefore I urge you to adopt these fees. I'd like to close by saying I still think there is a nexus with commercial properties. When I look at areas like creekside marsh in beaverton, there's absolutely no question, in fact in "the business journal" one company located there said they specifically chose that site because of the fanno creek greenway trail and access to creekside marsh. I think we should make that connection and move in that direction in the future.

Katz: Thank you. You should feel pretty good. I've also talked to the young and the restless, and they have mentioned parks and nature and being outside. Ok.

Sam Chase, Community Development Network: I'm sam chase with the community development network, 2627 northeast martin luther king boulevard. I'd like to start by thanking commissioner Francesconi for his work on this, and work on parks in general. It's hard to continually stick your neck out and say we need more resources for parks, and there are many ways

December 15, 2004

to get to no, but fewer to get to yes, and you've figured out how to do that many times, and our park system is stronger and healthier because of it. And I also want to urge that council to support this proposal. We do need these resources for our parks system. I want to also talk about the affordable housing component and the system development fee waivers. I think it's important -- we're very encouraged that nonprofits continue to be exempted, and actually that piece of this is strengthened in the proposal. That means we're doing our part to make sure that no one has to choose between housing and food and medicine, that people -- hard working people will have stable homes that will provide an opportunity for them to grow and live. Those are important values. I'd also like to talk about the need for standards in the system development fee waivers. They really should be equal for the business community and the nonprofit community, or at least the nonprofits ought to be able to enjoy the same exemptions as the for-profits. We also should maintain the standard of the 60% rental and 100% home ownership exemptions. That means the same test as the water bureau transportation issues. We ought to take that to b.e.s. And really have a systemwide standard at the city of Portland. Then we ought to take that out to the region and work with our partners throughout the region to say "hey, we found a way at the city of Portland to meet our livability needs, and to -- and to generate resources for those important issues, and at the same time meet our affordable housing needs." so I urge you to -- to support this -- this increase. I also urge you to set the standard for exemptions at 60% of rental, and 100% a.m.i. For home ownership. Thank you.

Katz: Thank you. Go ahead.

Andy Seaton: My name is Andy Seaton. I live at 8428 North Fenwick Avenue. To briefly explain my objection earlier, I'm really objecting to something much later on the agenda. So I'll have more to say on that germane topic later. One of the things I did last night was I called up the folks in the office, Karla, and she emailed me all of the items on the consent agenda. I have actually questions about almost all of them. People are being very busy today. You're spending well over half a billion dollars today, most of that on a consent agenda. And I'd like to be able to go into more detail, but on this particular item, but unfortunately this particular email bounced because I think it was in excess of about two or three megabytes just by itself. This information is not available online. Only available by calling the treasurer's office downtown -- yeah, the clerk's office downstairs, so I can't go into much detail. I was up through the rest of the night -- most of the night digging through the rest of them. But it's interesting. One of the major discussions going on in Washington, D.C. right now, which is where I was born and raised, was the right to filibuster in the U.S. Senate. And which is probably going to be going away, thanks to the latest capital of George Bush and company. I'm only going to get three minutes at a time here. I am concerned about these fees. Up, this is \$125 million just for this over the next 16 years, according to the printout that I got this morning, that I was able to quickly go through. And this is the second largest item on the agenda this morning, behind the green line, tri-met line. So I have all the time in the world quite frankly to sit up here and take up my three minutes over and over again, because due to the nature of the economy, I'm unemployed. I'm a volunteer, I come down here almost every week to cover this. I'm not going to be able to cover this, but I'm lending it my equipment and recording it in the back of the room. So somebody can talk about that crazy causing all the trouble this morning. My apologies. I will be happy to withdraw my objections if you pull ordinance off the agenda this afternoon.

Katz: Let me just -- [applause] we don't do that here. This is a thoughtful body. You may disagree with us, but we think you are. If you support what you hear, you can do a nonverbal movement of the hands. First of all, let me -- thank you for your comments. I just want to say, it is not a -- it's been vented with the homeless community, livability group, and it's been amended even further, you'll hear the amendments further today to make it palatable to everybody, including Mark Jolin. I'm not going to pull it off. We're going to discuss it. Feel free to testify and comment on it.

December 15, 2004

Seaton: I will. There was no sign-up sheet for it out front. Otherwise I would have signed up for it.

Katz: Ok.

Seaton: But I will be speaking on it this afternoon. Looking the printout, it's actually worse than the original ordinance, so I'll have more to say about it then.

Katz: We'll disagree about that. But point it out where you think it's worse and we'll have a conversation about it.

Seaton: In the last six seconds, I was sent to the hospital after being assaulted by the police across the street at peace camp, fighting against this particular ordinance, the previous ordinance, so I do take this very seriously.

Katz: I know. Thank you. Ok.

Meryl Redisch, Executive Director, Audubon Society of Portland: Good morning, mayor Katz and city commissioners. My name is meryl redisch, the executive director for the audubon society of Portland, speaking on behalf of the society and 10,000 members, many of whom reside in the city of Portland. I'm here to support the increase in the s.d.c.'s as outlined in the ordinance before. We've been involved in this program since its inception six years ago. We strongly believe that s.d.c.'s are one of many tools that are needed if Portland is to maintain and improve its parks and recreational assets, as well as remain viewed as one of the nation's most desirable cities to live. We have long been advocates for a comprehensive, interconnected park system, which was suggested over 100 years ago by charles -- john charles oberstead. And pleased that the proposed s.d.c.'s would be used for parks, trails, and natural areas. I want to emphasize natural areas, because passive recreation such as wildlife viewing is just as important to many citizens as active recreation. While we continue to support a strong regulatory approach to the protection of streams, wetlands and other wildlife habitat, the reality is we also need additional revenues if we are to acquire significant natural areas around -- around the city and around the region. This package will provide funds for an additional 300 acres of natural area acquisition and for ecological restoration of 100 acres of habitat. We're also pleased that there are funds to acquire over 30 acres for trail alignment and for trail development. The audubon society believes that the provision of access to natural areas and parks through an interconnected trail is a very important goal. We work with the Portland parks and recreation organization in order to ensure green trails and provide access to the public while maintaining the ecological integrity of newly-acquired natural areas. I strongly encourage the city council to adopt this proposal in order to continue the city's creation of a true world-class park and recreation system for the citizens of Portland and for the metropolitan area. Thank you very much.

Katz: Thank you. Somebody grab a mike.

Jill Fuglister, Executive Director, Coalition for a Livable Future: Good morning, mayor Katz and commissioner. Thank you so much for the opportunity to testify. I'm the executive director of the coalition for livable future. This morning I'm actually representing both the coalition and presenting testimony on behalf of the league of women voters as well. We worked together with the league to prepare our comments, and we've been working with them on the parks s.d.c. committee, both shelley and ron, on behalf of our respective organizations. Neither of them could be here this morning, so I'm here in their place. Deb iona from the league is also here, but in the interest of brevity I'm going to present for both of us. First of all, I want to say that we support the proposed increase, even though it still does fall short of funding 100% of the growth-related parks needs in the city. We urge you to adopt the proposed fee and consider looking -- revisiting them on an annual basis so that we keep base with population growth and associated parks needs. And also to make sure that this s.d.c. Is not seen as a -- as sort of fixed for the ongoing funding problems for parks. Sometimes those things can get sort of -- kind of pushed together. So this just being really associated with the growth needs and other funding -- ongoing funding needs that we need to figure

December 15, 2004

out as well. Second, I want to just speak briefly on the idea of extending the s.d.c. Fee to commercial development, as well as residential. We recommend that the city consider adopting some sort of commercial parks s.d.c. fee. And also, we want to support the proposed extension of the exemption to the s.d.c. for-profit affordable housing developers, however the ordinance as currently drafted calls for more generous eligibility criteria, which has already been mentioned. In the interest of consistency and fairness, we recommend that you apply the same exemption criteria for for-profit developers currently being used. That's the 60% for rental and 100% median family income for home ownership. And lastly, I just want to add that, you know, it's not part of the agenda today, but the issue of a consistent policy among city bureaus for providing exemptions from s.d.c.'s for affordable housing developers points out that the only city bureau currently not providing exemptions is b.e.s.

Katz: Ok.

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

Noah Eaton: Greetings. My name is noah, 2581 northeast 31st avenue, Portland, 97212. I'm also here today to -- to express my concern, my vision, about the --

Katz: We're not doing sit lie here.

Eaton: My apologies, I was told --

Katz: No, no. We are today, but not on this item.

Eaton: Ok. I believe there was a miscommunication.

Katz: If you can hang out. When is it, karla?

Moore: It's on the regular agenda. There's a sign-up sheet. It's number 1465. Go ahead and sign up.

Eaton: My apologies.

Katz: That's all right. Anyone else?

Linda Bauer: Linda bauer, citizen. I support the increase in the s.d.c.'s. I think it will help new development and it will accidentally make the city a better place. Thank you.

Katz: Thank you. All right. Jim, do you want to raise the issue --

Francesconi: My inclination is it should be 60 and 100 for-profits, but this issue was just really raised yesterday with any detail. P.d.c. hasn't had a chance to weigh in.

Katz: All right. Come on up, andy.

Sten: I want to make a couple comments on this. It's been a frustration of mine that i'm going to try and work on the next couple months that we don't have a unified s.d.c. policy right now, just to review for the group. Water and transportation waive s.d.c.'s at 60 and 100 for nonprofits and for-profits. Parks does the same for nonprofit and has a credit I couldn't really for 80 and 100. B.e.s. doesn't waive the s.d.c.'s at all. I think the council needs to have a policy, doesn't make sense to me that one bureau takes the hit, the others don't. We should have a unified policy which i'd like to bring back at some point so that all the bureaus that charge s.d.c.'s give the same exemptions to the same classes of housing. I think the price level should be the same for-profit and nonprofit, if you're providing the same type of housing, there's no reason you should get a different exemption because of the type of tax entity, the difference between a for-profit and nonprofit. I'm positive in my own mind, just framing this for the group, that the rental exemption should be at 60, not 80. 80 is pretty close to market rate rentals. I don't believe that -- that they should get the break. And 80 almost never has an affordability requirement. I would be open to 60, have 60 and be an affordability requirement. You could get into a situation where the s.d.c.'s are actually high enough that somebody could make money setting the rents at 60 for a year and pushing them up. 60 with some affordability requirement would make sense to me. I'd love to hear testimony -- I don't think it's absolutely crucial we decide this today. For that uniform policy, same for nonprofits and for-profits, there's an interesting policy choice, whether the for sale housing have be at 100 or 120. We've struggled as a council to find incentives to help people buy their first-time home. I'm open to

December 15, 2004

having the for sale at 120, although just a thought I have, rather than 100, because inc. It would give them more help. That would be more of a hit on parks. That's the only place I see real good policy discussion. On the rental, there's no doubt it shouldn't be at 60. I don't think 80 should pay.

Leonard: Probably to address this, the city attorney's office, but the testimony mike hauck gave questioning the lack of a nexus with commercial properties is one I have. So if you assume that businesses, commercial entities in the city depend on residents to stay in business, and if you assume that residents live here because of -- because of the livability -- enhanced livability, and if you assume that enhanced livability includes parks, somebody has to convince me that there's not a nexus between parks and commercial entities in this city. I'm sorry, I don't -- i'm not persuaded. So i'm going to be interested in opposing, lacking some convincing argument, in an amendment that would exclude commercial occupancies in this proposal.

Katz: Go ahead, andy.

Andy Wilch, Portland Development Commission: Good morning. Andy wilch, director of housing, p.d.c. I'm not certain I want to jump into this fray, other than to clarify a few points as it relates to the parks credit pool and the systems in place. There is currently an 80% rental max of 120%, home ownership maximum for all rental properties under the credit pool, p.d.c. does execute a regulatory agreement for 60 years that verifies income every year for any tenant in any of those units. So there is a system. And by and large, those for-profit developers who are earning that the system -- the credit pool exemption are not getting other direct financial assistance from the city. So there is a regulatory agreement. My only point i'd like to make on a broader policy level is that clearly I believe the council and the city's committed to providing a range of housing for a range of folks throughout the city, both for rental and home ownership. Given the nature of the working families, work force housing, the 80% rental is a niche that the market most likely is not providing. So I just want to say that there's a broader housing policy balance issue here. Just to suggest we do have regulatory provisions in place to ensure that those rental units at 80% are being occupied by individuals at 80% or less.

Katz: Ok. Let me -- questions of andy before -- commissioner Sten, are you planning to review all of these issues at some point and bring them back?

Sten: Yeah. My pragmatic suggestion would be we just set it at 60 and 100, and then -- because that makes it consistent with water and transportation. Then when we bring it back, we take a look at the issue of 120.

Francesconi: I think that's what we should do, too.

Katz: Now commissioner leonard, the issue of the nexus between commercial property is one that this council dealt with, i'm not sure we -- you know, where we are today on it, and i'd like to ask commissioner Sten to bring that back as well as opposed to --

Francesconi: Well, this was a little different. Here's my suggestion, for what it's worth. I'd like to move -- yeah, that's what i'm going to say. First i'd like to move that we equalize it for-profit at 60% for rental, 100% for home ownership.

Katz: Ok.

Francesconi: With the understanding -- so that's a motion, with the understanding that it will be reviewed by commissioner Sten's committee.

Katz: Fair enough. Do I hear a second?

Sten: Second.

Katz: Any objections? Hearing none, so ordered.

Francesconi: Now I want to talk about the commercial s.d.c. I think the parks commissioner and the new mayor need to be involved in this, but what i'd like to do in the next week and a half as parks commissioner is to begin the process of looking at it so that we'll instruct the lawyers to look at it, to review the issues legally --

December 15, 2004

Leonard: For them to be able to have -- at least hear why they think there is no nexus on its face.

Francesconi: I'm not sure they're prepared to do that. Here's what my thought is. We should begin the process for looking at a commercial s.d.c., which means the legal work has to be done, the economic work has to be done, because it's going to be challenged legally, and so we need to start doing it. Then we also need to start develop the proposal for urban parks and others, so that parks can present the benefits. See, that has to be done to lay the groundwork for what you want. You just can't do it -- then there's the process question, because it hasn't been raised with the groups.

Leonard: Well --

Francesconi: So we need to begin that, right now, and bring it back so you'll have an opportunity to vote on it.

Leonard: I appreciate that on the one hand. On other, it seems like whenever that -- whenever there's the prospect of a lawsuit is there, we fold.

Francesconi: I'm not saying that. I'm suggesting we have it in the record so we win. That's what i'm suggesting.

Leonard: How much analysis does it require to understand that healthy, thriving businesses depend on a healthy, thriving community that has neighborhoods that has parks that keep people in the neighborhoods to buy goods and services at commercial businesses. I mean, how much more analysis do we need?

Katz: Ok. Did you want to make -- you want to make a formal motion?

Leonard: Sure. I would move to include commercial property.

Katz: Do I hear a second?

Katz: Motion fails for lack of support.

Sten: Discussion on that?

Katz: Oh, ok.

Sten: I don't know what the procedure is I just want to get on the record, i've consistently argued that there is a nexus on commercial, and conditioned my support on raising these fees a few years ago on getting a commercial s.d.c. established. It did not get established, but not due to a lack of good faith effort on commissioner Francesconi's part. He went and looked at it, speak for yourself, but some problems arose. I'm not prepared to -- to on the fly say that those problems can't be -- or can be addressed now, but I just want to reiterate that i've always have believed that, and would love the ability to kind of look at the residential charge with that other piece, because there may be some way to get the residential charge down a little bit if we have a commercial s.d.c. to bring in more revenue. So I support that.

Leonard: How about if I propose an amendment that requires a proposal come back to us in 90 days on including commercial properties and s.d.c. charges.

Sten: I would second that.

Francesconi: And i'll support it.

Katz: Commissioner Francesconi, you're going to start the work in the next couple of days?

Francesconi: Yeah, that's right. That was the approach I was going to take.

Katz: Ok. Any objections to having --

Francesconi: Well, the only caveat to this is, can the parks bureau do it in 90 days? So what i'd like to do is if they cannot do it, to report to you as to why they cannot. In other words, we can set that as a target --

Katz: You can do it in 90 days. All right. Then let's accept that as a charge to the parks bureau. Did you want to say anything, commissioner Saltzman?

Saltzman: I guess just a clarification here, to come back about whether we can do it or not, or to come back with a complete system development charge methodology report like you have here, is that what you're saying you can do in 90 days? Because that looks like a pretty ambitious piece of work here.

December 15, 2004

Katz: Come on up.

Saltzman: Or is it just to come back and say "ok, we can do it, and we're going to development this systems development charge methodology report"?

Don Gainer, Consultant to Park Bureau: There's a legal requirement that in order to have a methodology come before the council, there has to be a 90-day notice, and the methodology then has to be available 60 days prior to. So given the 90-day notice and 60-day requirement, there's no way that we could have a public hearing at that time. But as far as providing information to the council, that would be possible.

Leonard: In 90 days, you could be prepared to issue a timetable that --

Gainer: Yes.

Leonard: My presumption is, there's going to be a nexus based on the --

Whitcomb: To explain the history of this, this issue did come up before. One of the problems we had, we did not -- in our committee that we put together to put together the methodology -- we basically looked at residential -- people that represented residential interests in the development community and neighborhoods. This is a little bit different. We're talking about the business community. So we really haven't structured the public involvement in that. And I think that that kind of gives me a little bit of heartburn thinking about it right up front. I mean, not that we can't do it. Just time-wise it's going to be an issue.

Leonard: Can you give us a timeline from that point on?

Whitcomb: Yes, we can do that.

Leonard: So by July 1, we ought to implement something?

Whitcomb: We'd be able to make a presentation to you I believe at that time, yes, right.

Leonard: Ok.

Katz: And you would be able to -- there's enough time to involve the commercial public?

Whitcomb: Yes, right. I think six months is a much more realistic window for doing that.

Leonard: But in 90 days you'll give us a report?

Katz: Ok, all right. This passes on to second.

Francesconi: Thank you, everybody. This is terrific.

Item 1438.

Katz: 1438. We do this every year, and it's quite an honor to be a participant and quite an honor for the council. We've had some wonderful people that have been introduced to us over the years who have received this award in honor of Steve Lowenstein who we all knew, we all cared for him greatly, and thrilled that family and friends have made a commitment to keep his memory alive here in the city, and to find citizens who honor.

Michelle Harper, President, Lowenstein Trust: Thank you, mayor. Good morning, mayor Katz and members of the city council. My name is Michelle Harper. I'm the fortunate president of the Lowenstein Trust. It gives me great pleasure to come before you today to present our recipient for this year. Miss Mariah A. Taylor. This is an extraordinary woman who has been giving contributions to the city for more than a quarter of a century. Miss Taylor is a registered nurse, a graduate of Oregon State University, persevering through many difficult times, and it was her dream to create the North Portland Community Health Clinic, providing services on a shoestring budget. Her faith in her God has given her the strength and courage to be able to provide citizens and to build and make us have a stronger community. She was one of 12 children in a family that came to Vanport. And it was her father's dream to her to serve the community. It's her firm belief in her faith, believing that healthcare is a right, not a privilege. Healthcare for pregnant women and infants is critical. She fully understands that it does no good to treat a child if it goes home hungry, it goes home without clothing, if they have no place to stay, not being educated. Through her clinic, the power of faith, the power of medicine, and her inspiration, she gives generous doses of health and keeps the health of our community strong. She realizes that in the course of the entire --

December 15, 2004

the course of the entire dream of putting this clinic together, she has gone through many, many times where she didn't know if she'd be able to keep the doors open the next day. It's been through the generosity of many, many volunteers, and through a lot of generous, wonderful people who come and drop by groceries or bus passes or clothing or books, all sorts of things that help her keep this clinic going. And so for her extraordinary service, our board of directors, of which I'd like to acknowledge them, Mr. Art Alexander, if you would stand, Ron Paul, as well as Joe Hertzberg and myself, along with Mr. and Mrs. Sandy Hafker, the widow of Mr. Lowenstein, not here, by the way, she's out of the country with her family on holiday, but she's very, very grateful to be able to be a part of this and to be able to continue her husband's legacy along with the good work that we've been able to do in supporting Steve and the wonderful civic leadership that he gave to the city, that this dream can continue, and with Miss Mariah Taylor being our recipient today, that she receives a wonderful plaque, along with \$7500 to help further her cause to continue to build our community and make it the greater community that it has been and all the potential that it can continue to be. So at this time I'd like to ask Miss Taylor to say a few words and recognize her family.

Mariah A. Taylor: I am so deeply honored. I'm honored. I'm very honored. And Mayor Vera Katz, members of the city council, I thank you. I've always felt that the mayor was in our corner. She's always been there to support us through the years, has sent us letters, congratulatory letters, if you remember "the Oprah show." She's always been there for our clinic. I know most all of you, our pastor was speaking about the mayor on Sunday, and gave her as an example of why people should stand firm and not cry. She said that every time she felt like crying, that she would smile. My reason for not crying is because I can't do it like you. I get ugly when I cry. [laughter] Instead I sing. I am honored today to have the very first day on the job of the -- of Linda Shan, our clinic coordinator, who's here, and James Clark from our board. James, if you could come forward, please. And because I don't -- I don't -- I'm not going to cry this time. I'm going to be brave just like you. Instead I sing. And I'm not going to do the singing that we just did at the Schnitzer for the Gospel Christmas, but I'm just going to sing a little bit of why we do what we do. ¶ if we can help somebody as we pass this way, then our living shall not be in vain ¶ then our living, it shall not be in vain ¶ then our living, it shall not be in vain ¶ and if we can just help somebody as we pass this way, then our living, it shall not be in vain ¶¶ and on behalf of more than 24,000 children, they're all my babies, you're the parent, but they belong to me, I wish to thank you, and thank you for all that you're doing. God bless you.

Katz: Thank you. [applause] Mariah, thank you. I've been following your career. And this is a woman whose door is always open. There is no -- no nonsense about what she does. And there's never the common, "no, I'm sorry, we can't help you." Somehow she finds the ability herself or with her staff to do the Lord's work. So thank you.

Taylor: This is our 25th year.

Saltzman: Thank you.

Taylor: Thank you so much.

Katz: Thank you. Enjoy. Take some of that -- take a little bit of that money and do something fun for yourself and your family. Still can't do it.

Taylor: This is for my babies.

Katz: Yeah, I understand.

Taylor: Thank you so much.

Katz: Thank you, dear. Good luck to you.

Francesconi: 1448. I just want to remind you, Mayor, at some point --

Katz: I need to go back in a second. Let's finish the time certain first.

Francesconi: Ok.

Katz: All right. 1439. Andy, are you willing to retract your -- you want us to go through each one of those items?

December 15, 2004

Seaton: Yeah, each one.

Katz: Ok. 1439.

Item 1439.

Saltzman: Madame mayor, members of the council, this item is what I think a very exciting project. The city's effort to get 100% of its municipal electricity from renewable resources. In 2001 the city approved the action plan on global warming, and we committed that 100% of the city's electricity would come from new or renewable sources by the year 2010. Last year we took our first steps in that direction, when the city purchased green tags representing 10% of the city's electric load. Shortly after that my office began working with the office of sustainable development to lay the groundwork for getting to our goal of 100% renewable energy. In the course of that work, they've reached an unexpected conclusion -- market forces have changed rapidly, and combined with historically low interest rates, a path to cost effective renewable electricity may be open to us now. We're here to tell you more about this exciting and ambitious undertaking to basically get renewable energy, made in Oregon, renewable energy, 100% to meet the city's load.

Jeff Cogen, Commissioner Saltzman's Office: Good morning, mayor Katz, commissioners. Very excited to be here this morning to tell you how we've been working to carry out council's vision to get the city of Portland powered by renewable energy. I'm so excited i'm going to sing this entire report. [laughter] I wish I could. That would clear out chambers quickly. Now you may know that renewable energy can include things like wind and solar, biofuels and hydrogen, new technologies. As you'll hear in just a second we believe that wind is likely the key player for the city's future here. I first want to tell you a little bit about how we got to where we are now.

Responding to council's direction, the global action plan, our office worked under commissioner Saltzman's leadership with the office of sustainable development a few years ago to begin looking at ways in which we might find affordable renewable energy for the city of Portland. The first thing we did, dave was able to identify a terrific deal for us, something called green tags. Green tags are a financial product that represent the generation of renewable energy. And the city was able to get green tags for three years to represent the equivalent of 10% of our energy. So currently we are in essence getting 10% of our energy through green sources. For a couple of reasons, we thought that green tags were unlikely to be the path to our 100% future, one of which is that they have a premium nature, buying energy, plus the green tags. Also a series of benefits that we can get from certain types of renewables through a long-term power purchase agreement or through ownership of it that we'll discuss in a minute, that you can't really get through green tags. Finally we thought it was extremely important to do the due diligence of studying our options before recommending a course for council. So accordingly in the last year or so, the office of sustainable development has been working with our office, consulting with the city attorney, consulting with the office of management and finance, the city purchasing bureau, as well as with outside experts, energy experts, utility experts, advocates of nonprofits, who work in a renewable field, and the course of this work we made a really exciting discovery. It's our understanding that we may now be sitting at the window of opportunity where wind can really answer the city's needs in terms of getting to 100% renewables. There's a reason that I think wind is the most exciting prospect, although there are others. We don't want to foreclose any possibilities, you the advantages of wind are as follows - first of all, it's clean. There's no greenhouse gas emissions, in fact for air pollution at all. Second of all, wind is now for the first time ever cost competitive with fossil fuel technologies. There have been tremendous technological advance in wind turbines in the last few years bringing the prices down. You tend to think of wind mills as an old-fashioned thing, the dutch had them powering the landscape 400 years ago, but today it's very much a high-tech endeavor, and wind turbines are extremely sophisticated and cost effective at generating new electricity. This cost advantage has been magnified because of historically low interest rates. The reason that interest rates play a role here is that a wind energy project is fundamentally a capital project. You build the turbines, you

December 15, 2004

pay for the turbines, and then the fuel is free. You don't pay for the wind. What that means is the expenses are all up front, primarily that means you borrow money to build the project. Whether we do it or someone else does it, it's going to get built that way. So interest rates play a fundamental role in how affordable the project is. Because interest rates are low now, that's the reason that we believe there's a window of opportunity. A lot of folks are forecasting interest rates to increase in the coming years because of the huge federal budget deficit, other reasons like that. If in fact that happens, the affordability of this type of project is less secure. Wind is clean and affordable, but another major advantage for wind. Oregon is rich in wind resources. And that's more than just a fancy way of saying it's windy here. What it really means is that there are viable sites for commercial production of wind energy. We already have several sites already developed, and a whole host of others that have been permitted and ready for development. When we as a city spend our money or purchasing our electricity, and if we do it this way, we'll be powering the local economy rather than sending our millions of dollars thousands of miles away. Now the city is a very large user of electricity. We currently use average 16 megawatts a year. That's a hard concept, but think about we spend \$13 million a year on electricity, the city of Portland, city government, \$13 million a year. Currently our electricity is generated through the standard utility mix. What that means is it's generated by gas, by big hydro projects on the Columbia, and by a surprisingly large amount of coal. These sources cause air pollution, they cause global warming, and they threaten the survival of salmon. Those are the reasons that motivated council to adopt the global warming action plan in 2001. And those reasons alone are good enough reason to go forward with this kind of project. But I'm happy to say that there's actually additional reasons why pursuing a wind energy product would be a really good idea for the city. The first one, and perhaps surprisingly, is that it would provide city budget predictability. Currently the city is at the mercy of the marketplace. Three years ago after the Enron debacle and the whole western energy crisis, the city's energy bills increased \$3.5 million in one year. This year they're slated to go up another 5% or so in January. I don't have to tell you what that means. That means we can't afford to provide services that our residents want and need. Because of the nature of a wind energy project, because it's a capital project, we would know what our energy costs are going to be 20 years into the future. Depending on the nature of the deal we cut. So we could say in 2017, we know what we're going to spend. Now I'm confident that that's the kind of budget predictability that the office of management and finance would like to have in all areas of the city's budget. Wind allows us to have that in at least one significant piece of the city's budget, our energy costs. Another advantage that wind energy specifically would offer is it would be a tremendous engine for economic development in eastern Oregon. Just yesterday, there was a study released about the Klondike wind project, which is a wind development in Sherman County developed by a local company, P.P.M. Energy, one of the largest wind developers in the country. The Klondike development is a 16-turbine wind farm in Sherman County. It's a very successful one, actually being expanded. But as in its current form, the 16 turbines, provide 10% of Sherman County's total tax base. 10%. A commissioner has been on record saying those dollars are funding schools, healthcare, roads and fire protection for Sherman County. He's also gone on the record to say he hopes Portland moves forward with this project and locates it in Sherman County. That's not surprising, because in addition to tax receipts, the wind energy project also provides other important benefits, one of which is hard-pressed farmers in eastern Oregon get royalty payments. Each turbine that's placed in someone's farm, mostly wheat farms, provides \$2,000 to \$4,000 per year in royalty payments to the farmers. And so for hard-pressed farmers who are having trouble getting by, having wind turbines on their land can really make the difference between making it and not making it. Another significant advantage is these create jobs. Lots of jobs during the construction phase. And ongoing significant jobs that are paying a living wage for maintenance and technical support after it's built. The city's project, city's wind needs, is likely to be significantly larger than twice as big as the Klondike project I just talked

December 15, 2004

about. We don't know where this is going to be, but you can just imagine if the city were to do a project like this in sherman county, or similar county in eastern Oregon, what a significant difference that would make in that county. That leads me to a second advantage -- actually it's the third. That is the way in which this type of energy development can improve rural urban ties. I don't have to tell you that the city of Portland is not always on the best terms with our neighbors in eastern Oregon and the rest of the state. By taking a proactive stance and using our energy dollars to build projects in our eastern Oregon neighbors, it would help build bonds of trust that will pay dividends for us in a whole host of ways we can only begin to imagine. In fact, the governor's sustainability advisor, is so excited about what we're doing here, that he's currently going around the state, urging other cities in Oregon to follow what we're doing or even better yet to partner with us on this project. That points out another benefit, which is that by doing this, we'll help build markets for renewable purchase, but not only because of our significant purchase, but because others will follow us. The last thing I want to point out, is this would also offer significant development benefits right here in Portland. I've talked a little bit about how keeping these dollars in Oregon generally is a good thing and how this can help eastern Oregon, but there's a cull of ways in which -- a couple of ways to make a big difference in Portland. One, this can be a factor to help us recruit additional ones and support current clean energy industries. There's wind energy developers right here already. We might be working with them, that would be helping them. Also, this can be a useful tool for recruiting new companies. For example, if we go with wind, we've been talking about turbine manufacturers. We know that's the case. This might not in and of itself land one manufacturing facility here, but I can tell you we've been in talks with p.d.c.'s economic development folks and state economic development folks, and they're very interested in the role that this can play to help us attract those kind of companies. Secondly, I think really more importantly in the long term, this can really help cement Portland's leadership and branding as the leader in the new green economy. If you believe, as economic development professionals are all saying today, that cities and communities to compete in the global economy have to understand their comparative advantages and play to their niches, and if you believe, as I do, that our niche, one of the most important advantages we have, is our leadership in green innovative new technologies, this kind of action, which I can tell you is going to get significant national and international attention, can only help cement our role as the leader of the emerging green economy. That's going to help Portland. And now dave tooze is going to tell you how we'll get there.

Katz: You've done an incredible job.

Cogen: Thank you, mayor Katz. I appreciate that.

Leonard: I always thought he was a real nice, laid-back guy. Afraid to ask you anything.

Katz: No, you can't ask him. [laughter] no. This is what somebody with passion does. And you're absolutely on the right track. Absolutely.

Leonard: I can't wait for you to start singing.

Katz: Ok, mr. Tooze.

Dave Tooze, Office of Sustainable Development: Mayor Katz and councilmembers, you just pointed out one of the reasons that this is a lot of fun for us to work on. It's an exciting project. And it offers a host of win-win opportunities. The only losers out of this are folks that are tied to fossil fuels and out of area production. And then they may not be very affected, because in the whole scheme of things we're still a pretty small player in the power production world. Earlier this year, we began focusing on this effort in earnest as commissioner Saltzman directed us to pursue the renewable purchase. One of our first steps, as jeff has already mentioned, was to network with a number of local providers. We talked with our local utilities. We've had visits with Portland general electric. We visited with p.p.m. They're the power production arm of scottish power, the owner of pacific power & light, and we've talked with local renewable industries. We visited with a number of them, bonnevillie power, the regional power agency, and local nonprofits, for example

December 15, 2004

bonneville power foundation. We've done a lot of networking in doing the groundwork, letting folks know what we're interested in and getting good ideas from them. We hired a very capable consultant. Global energy concepts is seasoned. They've dealt with utility scale projects in the past, and we're very pleased with the technical and legal expertise they bring to the table. One of the first tasks of our consultant was to take a look at about half a dozen ownership models and develop programs that go along with those different ownership options, because at this phase we don't want to foreclose any particular way to get to the goal. We're really interested in letting the marketplace, the private sector developers that know the business, to bring a competitively priced product to us, one that reaches our goals, but one that we can afford. So we're really quite excited as we move into this r.f.i. phase. R.f.i., as you know, is a request for information. This is informational only. Even though we're asking for indicative pricing, there's no binding or no obligation by either party during this phase. We want their best ideas, is what's going to come out of this. This will lead into a formal request for proposals that will be issued later this spring, and one of the reasons that we are using the two-step r.f.i. to r.f.p. Process is that because of city purchasing, guidelines and regulations, it's very difficult for us to analyze widely divergent options for acquiring renewables. So we hope that request for information will allow us to narrow down the scope of options for acquiring the power and be able to effectively issue the request for proposals. As I said, that will be issued this spring, and we hope to be coming back to you this summer with a strong offer for you to consider. We have plans to start a selection committee to guide us in choosing a proposal. The office of management and finance will be involved. Certainly commissioner Saltzman's office, and o.s.d. will be involved, and we'll include one or two private citizens that will be a part of that selection committee. In summary, I have to say that we really are excited about this. This offers so many opportunities for Portland to reach our environmental and our economic goals. It's really quite exciting to be here, to be here before you today, and we thank you for your interest in the topic and would be glad to field questions that you might have.

Katz: Thank you, david. Questions?

Francesconi: I just have one. It's regarding pacificorp. Don't they have a wholly-owned subsidiary --

Cogen: That's p.p.m.

Francesconi: Oh, I see. What did we learn from them?

Cogen: They're developing wind energy projects now that are competitive and even lower costs than fossil fuel projects, that they're extremely interested in working with us. They're going to almost certainly be responding to our r.f.p. They've helped us to understand some of the more complex ways in which people might respond to this r.f.p. They're one of several companies that's talked about financial products that we've had to get our hands around and work with the city attorney to make sure they would be legal, but in a nutshell they think this is great and plan on responding to the r.f.p.

Francesconi: That's good.

Katz: Karla?

Moore: We have andy seaton.

Andy Seaton: Pardon my slowness. Actually I was looking through this morning, i'm rather curious, I realize this is early on, and this is just a report to council, and, you know, as he was saying, there's information, there's not even an r.f.p. Yet. I got three questions, or a comment first.

Which is quite frankly good for you folks, good to all of you on this. I mean, this really -- like he was saying, this will become internationally known. And my question is, right now if I go for green options on my p.g.e. Bill, I pay an extra 10% or so. My question is -- I know this is early days on this -- how much more, this will be actually less or more cost than what the city is currently paying? Right now we're paying -- you say we're spending about \$13 million a year on electric power. And the question I have is, is how much is that going to go up or down? And with the comment that this

December 15, 2004

is going to be essentially free from here on out, what's the -- you know, what's the upfront costs and all of that?

Katz: After.

Seaton: Yeah. My only comment is that -- is that nothing's perfect. And there is one known drawback to wind power, which is they've yet to solve the problem with bird strike, particularly during migration season. And with the recent report that there's a 10% of the birds in north america are expected to be extinct I think by 2020, or perhaps the end of the century, this is a concern. I know that wind is just one of the proposed green solutions here. So I am rather curious about -- what the real question for you is -- is what's the total expected cost, is it up higher or lower at this point?

Katz: Hold on to that. There may be other people testifying that will have questions, and then you can answer them.

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

Katz: Ok, thank you, andy.

Moore: He's the only one who signed up.

Katz: Anybody else? Ok, go ahead, jeff, respond to that.

Cogen: At this point we can't answer the question about costs because it depends on the proposals we get. Based on the research we've done in the marketplace, the conversations we've had with providers, we expect there to be very little or no cost premium. Some folks have suggested they may be able to make this cheaper, and that's in the short term. One thing that's important to remember, because of the nature of this, the cost are are going to be essentially fixed. Might be some built-in slight escalation, but we're hoping to keep it to middle or no premium in year one. Very likely by year eight or 10, when fossil fuel shortages have continued to increase, this will be substantially cheaper, but the real answer is we'll know the answer when we get the answers in from the r.f.p.

Katz: Ok, thank you. I'll take a motion to accept the report.

Saltzman: Motion.

Leonard: Second.

Katz: Roll call.

Francesconi: This is terrific. I think it will help brand Portland in an economic sense. And using the city's purchasing power through the competitive bid process so that we also use the market for competition. That's absolutely the right approach. So again commissioner Saltzman, terrific, good terrific staff work.

Leonard: All joking aside, I appreciate your passion. You got my attention. Not always easy to to up here. It was a good report. And I have wondered for years, as i've driven to southern california, seen the wind farms there, that we don't do something like that here. This sounds like it sets the stage for us to do that. So good work. Aye.

Saltzman: Well, there's been a lot of good work here done by jeff, dave, and many people. And I want to assure the council and everybody that you can tell there's a lot of enthusiasm and excitement in our office about the notion of providing the city of Portland with 100% wind energy or other renewable resources at a cost that's equal or better than today's cost. I just want to assure everybody we're being precise, methodical, analytical in our endeavor to bring this multifaceted dividend to our state and city. We believe it can work, but we have a lot of people whose job it is to tell us why it can't work also involved in this process, so we're -- we're asking all the right questions and we will bring the council -- keep the council involved in this as we proceed. Hopefully as we make this one Oregon project a success. Aye.

Sten: Thanks, jeff. Thanks, commissioner Saltzman, and the whole team, susan and your team, and dave. This is very inspiring. I think it's the right track. Just slight bit of context, won't take long, Portland's the only major city that's reduced the gas house emissions over the last 10 years, and I

December 15, 2004

think that's internationally significant. It's a good thing to do, but more importantly it shows it can be done in a city. The next step is two things. One, that those investments are not actually tradeoffs for the economy, but actually things that help grow the economy of life, which many believe is the key to our economy in the future. Also in the long run you can make money doing things the right way. I think we can create an economic development strategy around this unique reputation we've carved out for actual results in the environmental area. That's when things take off, when you blend the two. There's a sense out there, which is instinctive, but accurate, but sustainability is balancing. I think this is a strategy to make the economy and environment morrow bust. So great work. Aye.

Katz: Good work. I'm just sorry that I won't be here to participate in the thinking about this down the road, but i'll be reading about it and wish you much luck and hope that the council proceeds with accepting some of those opportunities when you send out the request for information. Aye. [gavel pounded] all right, everybody, we've had a request to have every item on the consent calendar for three minutes. What i'm going to do, since there are people here who are testifying on items, i'm going to take the regular agenda first, and then we'll come back to the consent. Is that all right with everybody?

Francesconi: I just wonder if you could do 1448.

Item 1448.

Katz: Why? Is there somebody here?

Francesconi: Yeah, from parks and from the public.

Katz: Ok. All right, 1448. Ok, anybody here from parks? Come on up.

Francesconi: The reason I pulled this, is this shows the entrepreneurial spirit of parks in a way that also saves taxpayers money. And it also came from people working on the ground with turf maintenance. And so that's why I did it. Mary huff, thank you for your leadership on this.

Mary Huff, Operations Manger, Portland Parks and Recreation: We wanted to thank you, commissioner Francesconi. I'm mary huff, manager of operations for parks, for the opportunity to try something out of the box. It's been a dream of mine that we could actually have business, education, and the city government work together, and this is where we've kind of pulled it altogether here. And also, in the same week that we're doing this, Portland state university is sending a proposal to the toro company to do this part of this for its initial contract as well. This is a new way of doing business. We should realize about \$100,000 a year when the test program is up and running. We'll be the first government test site approved by toro. There are two golf courses now, one in palm springs and one in florida. And that's approximately how much they're being reimbursed for their activities on the test site. Talk about sustainability, it's kind of fun down in florida. They're actually running all the lawn mowing equipment on biodiesel. They said it smells like mcdonald's when you're out on the golf course. So we're very excited about it. We're going to be the first sports field application test site. The other two are golf courses. Again, the public entities are the biggest provider of sports fields in the country. Because they chose us because of our business practices. We were actually doing warranty work here in-house and beating the accepted allowances with our mechanics and our own staff. And we benchmarked ourselves in turf maintenance, that was the other thing that attracted them. The best I could find in other government agencies was we were doing 100 more sports fields with 18 people as opposed to 28f.t.e. For southern california group. So those were the reasons that we were chosen. We're very pleased to initiate this contract with toro.

Katz: Did you want to add anything?

Francesconi: Is it \$100,000 in savings or they're paying us \$100,000?

Huff: They're paying the other two test sites with equivalent equipment, capital equipment donation, and other reimbursements, approximately \$100,000 a year. It will probably take us a couple years to work up to that, but we'll eventually be there.

December 15, 2004

Katz: Did you want to testify?

Jim Carr, Maintenance Superintendent, Portland Parks and Recreation: Good morning, mayor, council. Jim carr, maintenance superintendent with parks. I just wanted to mention that toro company is very adamant about establishing a relationship with the city of Portland, mainly because of the work that we've been able to do, but also that we're a pacific rim state, or on the pacific coast, and they're looking at the long-term future as a world company, that's used in the northwest as a major contact point for asian countries. And we're excited to be part of that.

Katz: I hope you've told them that we have sister cities in some asian countries.

Huff: Yes.

Katz: Ok, good. Anybody else want to testify?

Saltzman: Just one question. We're testing equipment for them?

Huff: Yes. They're reimbursing us for time and material for the testing of equipment. And we're also sharing with them our performance statistics and our analysis.

Saltzman: Ok.

Katz: Ok, thank you.

Francesconi: Now that's entrepreneurial.

*******:** This was one of the ones that I got from --

Katz: Identify yourself for the record.

Andy Seaton: Oh, i'm sorry. Andy seaton, 8428 north fenwick avenue, 97217. This is one of the items I got from karla this morning -- early this morning/late last night. And it was -- there was no listing of what it was going to cost the city to set this up. And there was a comment here that it's to build up to a savings of \$100,000 -- of \$100,000 a year, which is always a good thing to make money, because you're spending money like crazy today. So although you're making 350 -- \$350 at one point. So my question is, is how much is it going to -- how much is it going to be, the upfront costs for the city, and if there's any ongoing fee changes. And i'm also a little concerned with the -- with the sort of state of the -- of the -- special with -- what is it? The bio --

Saltzman: Diesel.

Seaton: No, the biodiesel, the grasses being grown in central Oregon here, spreading around, the whole idea of getting creative with grass seems to raise a few eyebrows. So i'm rather curious as to whether or not that's going to be involved, whether this is just strictly equipment.

Katz: Thank you. Can parks respond to that? Make it very quick.

Huff: There's absolutely no cost to the city. It's all money that they'll be giving us to reimburse us for any expense that we incur. And jim can answer any grass question in the world.

Carr: We're doing with toro -- pardon me -- will only involve the study of athletic fields and the quality of turf. It won't address a species of a particular grass or anything that involved generic improvements to turf.

Katz: Ok, thank you. Roll call.

Francesconi: I guess, you know, i've said many times that I think we need some more resources in parks to maintain the parks, especially as we acquire new parks, but I wanted to highlight that we're doing all we can to try to save money and make money in other ways to be entrepreneurial. This is another example. Aye.

Saltzman: This is great -- great work, and great entrepreneurial instincts here. Aye.

Sten: Aye.

Katz: Aye. [gavel pounded] all right. 1464.

Item 1464.

Katz: Roll call.

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

Katz: Mayor votes aye. 1465.

Item 1465.

December 15, 2004

Katz: All right, we also have a substitute. Karla, do you want to hand that out on exhibit a. I'll have david and whoever else wants to discuss it. I know mark probably will.

Moore: Those were handed out yesterday, individual offices.

Katz: All right. So, david, why don't you come on up. And then also address the summary of the changes.

David Woboril, City Attorney's Office: I'm with the city attorney's office. We have a red line strikeout version coming.

Katz: Ok.

Woboril: Very difficult to put together. A lot of small changes.

Katz: Ok. Why don't we start with the whole history of this.

Woboril: All right. I'd like to -- I have a powerpoint that will help describe what the new code language does in terms of -- and photographs -- that should illustrate it for you. I don't know how to make that happen.

Katz: Somebody needs to help. Let me begin by letting people know that for about a year we've been meeting the homeless community, the old town/china town, and really quite frankly anybody issued in livability, issues that concern the community in old town/china town. We do that every other friday. And this is one of the issues that was raised among the group. We asked bob to chair a subcommittee to bring people concerned about this issue to the table and to get to a consensus about what we need to do and what we should do. There have been some changes that have been recommended to us that had really not been discussed by the group, but I think the group would be pretty happy about -- or at least 99% of the group would be. Bob can address that. And so I want to thank everybody that's participated in this. David's been -- david's been one of our lawyers. Mark jolin's been the other one. We don't pay mark, but he costs us a lot of money, but we listen to him because he has the interest of the community that we don't always hear from. Ok.

Woboril: What i'd like to do for council is to present a very short history of how we got here. We can explain the process that generated the rules that I was asked to write into code. And then I can go through this powerpoint and show you how the rules are meant to affect behavior on the street. The ordinance should be on the screens in front of you. The current code provision on obstruction of sidewalks, this has been on the books for many, many years. It was not enforced for many years, because the district attorney and the city attorney's office agreed that the underlying language was inadequate. There's two tests. Test of vagueness and breadth. There was concern for years that this ordinance did not inform people of what behavior was criminal. Additionally, it didn't make an exception for first amendment and other protected activities. It wasn't enforced. As concern about obstructions downtown grew in the last few years, there was an interest in creating some kind of effective law enforcement tool to deal with the situation. And after discussions with the -- with the district attorney's office, the city decided to go ahead and supplement this code language with guidelines that would cure the constitutional problem. We did that and proceeded with enforcement. Eventually one of the cases that was prosecuted under the guidelines presented a challenge in circuit court in Multnomah county. The city wanted a circuit court judge to tell us whether the guidelines cured the problems, whether the guidelines were sufficient to address the constitutional problems. The way the case was postured, the judge didn't get to that issue. We got an opinion from a judge that the language you see on the screen is unconstitutional, which was not a vice. At that point the city faced the decision, do you go ahead with another guidelines case and see if you can connect it up properly before the judge and get a ruling on it or rewrite code so that it incorporates the principles of the guidelines. And the city decided to go to the effort of rewriting the code language and bob and -- bob primarily shepherded a discussion in the old town/china town livability, to develop rules that I was to write into the new code.

Katz: Ok. Bob.

December 15, 2004

Bob Durston, Commissioner Sten's Office: Thank you. I'm bob durston from commissioner Sten's office. I know you're running late so i'll keep my comments brief. Basically had a half dozen to a dozen meetings on this issue. We did not reach consensus. Even mark reserved the right to express concerns about it and the direction of the ordinance. That was part of the process, that even though we knew it was going to be contentious and even though we were looking at issues that were highly volatile and highly controversial for the folks who agreed to participate, everybody at the -- at those forums expressed a willingness to work together, work through the issues, and what I would say is we worked through about 90% of the issues, but there's -- there's two primary objections. One, people -- a fundamental disagreement that some folks feel it's not necessary, and two on some of the provisions they would still -- there's -- there's -- on both sides there's a disagreement at how far we went on some of the restrictions. But in general, I want to thank all the people who participated, because they were tough conversations. We got as far as we could towards -- towards a consensus. It's not a consensus document. But it does -- it is formed as a pilot project. 18 months, it's got a sunset clause. It allows us to take a look at it, see how it works, how it doesn't work, and make suggestions for changes if the council in 18 months decides it wants to extend it. The other thing I also want to emphasize, that this is a pilot project, just for the downtown area, running from the river to the 405 loop. That's the geographic extent of it.

Woboril: I know you're running late. An intricate set of code provisions here, i'm going to try to touch on it as lightly as I can, while giving you a brief understanding of what this is supposed to do. To start that I need to go over some fundamental principles of sidewalk traffic engineering. The city of Portland designs and permits its sidewalks to try to create a through pedestrian zone. Through pedestrian zone is that pipeline through which the bulk of the sidewalk traffic travels. On a 15-foot sidewalk, the city strives for an eight-foot-through pedestrian zone. The other two terms you need to have in mind as I discuss this code is the furnishing zone. It's the area along the curb, between the through pedestrian zone and the curb in which you find the trees, the paper boxes, all of the sidewalk amenities. The frontage zone is the area along the building fronts, out to the through pedestrian zone. Eight feet is the target on 15-foot sidewalks, and on 12-foot sidewalks they try to maintain a six-foot-through pedestrian zone. Here are the rules that I was told to write into code language. Prohibit all uses inconsistent with pedestrian traffic. And protect that function at all hours. As to the furnishing and frontage zone, i'm stating these in positive terms, the difficulty in writing code is that you have to make prohibitions. In positive terms, what the group wanted -- well, the rule out of the group was to allow sitting at all hours, except on the bus mall, except on the same block as max stops, and except within 18 feet of corners. And then an additional, allow trip hazards and obstructions at night, between 7:00 a.m. And -- between 7:00 at night and 7:00 in the morning, except on the bus mall, except on the same block as max stops, and except within 18 feet of corners. The group talked about an access to sidewalk facilities and amenities, and wanted access to amenities at all times, except if rare circumstances, and we've limited that to first amendment situations, speech situations. Enforcement rules, the group wanted a warning before enforcement action was taken. And thought that the warning should be good for only seven days. When you get to the code sections themselves, when you look at the document, the exhibit, one through five, prohibit kneeling or sitting, except in the furnishing or frontage zones, as long as that's away from corners, not on the bus mall. And subsections one through five, additional prohibit trip hazards or obstructions except in the furnishings or frontage zones away from corners at night. Got a photograph here that illustrates a significant difference in behavior that's allowed during the day and at night. Under the definition section, the way we defined obstructions and trip hazards, the behavior you see in the photograph would not be allowed in the frontage or furnishing zones during the day, but would be allowed at night. The idea is that there's a specific -- there's a statement in the code that says that a person who sits on the sidewalk with legs drawn up, does not constitute a tripping hazard or an obstruction. During the day, people can sit in the furnishings and frontage

December 15, 2004

zones with those restrictions I just mentioned with their legs drawn up. At night, the behavior you see in the photograph is allowed in the furnishing and frontage zones.

Francesconi: What's the definition of night?

Woboril: 7:00 p.m. to 7:00 a.m. And under the definition subsection, a bag that's within -- or any object that's within two feet of person in the frontage or furnishing zones, is not an obstruction or trip hazard. So on the left, you see a person within a couple of feet with a bag, and that's not prohibited by the code book. The situation on the right is prohibited, where someone isn't able to reach out to the bag and control it to respond to the needs of other people on the sidewalk. Subsection six addresses blockage of the through pedestrian zone by standing groups. And essentially says that a group of three or more people must not block the through pedestrian zone. The behavior on the left is addressed with a prohibition while the behavior on the right isn't. Subsection seven also focuses on the through pedestrian zone and leaning and sitting behavior that impacts the through pedestrian zone. There was a concern by pedestrian advocates about the behavior on the left. Those people, although it's a bit of an odd situation, are in fact in a through pedestrian zone and are reducing that through pedestrian zone to less than eight feet. And the code, proposed code, prohibits that behavior. On the right, the photograph on the right, you have people leaning against the federal wall, the wall around the pioneer courthouse square, and intruding on the through pedestrian zone, but not in a way that reduces it significantly. That behavior is not prohibited. We see people sitting in the through pedestrian zone next to pioneers courthouse, and this is a prohibition. Again, we have leaning people, intruding on the through pedestrian zone, outside the pioneer courthouse, and that is prohibited. This behavior, though it intrudes on a through pedestrian zone, doesn't significantly reduce it and is not prohibited. This is an example of an amenity being blocked and prohibited by the code. Although this is farfetched, again, access to the function provided by the water fountain is being blocked and that is prohibited. There are exceptions. The code does not apply when waived by permit. When there's a line that's formed waiting for goods or services, people are required to respond to orders by the police or by the city engineer to form the line in a way that doesn't obstruct the -- that minimizes the impact of the line in the pedestrian zone. People who are blocking or obstructing due to reasons beyond their control cannot be cited. And street musician are not affected by this code language. We've made an exception, very important to cure the constitutional problems. We've made an exception for speech behavior and expressive events. This series of slides here now to show you typical street scenes, and i'll use them to describe how the code would apply to these scenarios. The person sitting on the trash can, if in fact he was blocking the hole in the top of the trash can, would be blocking access to the function of an amenity. That would be prohibited. The person leaning up against the paper box is not blocking access to the function of the amenity and would not be violating the amenity provision, because they're sprawled out, if this was not after 7:00 at night, it would be in violation of the code. At 7:00 at night, that behavior is not prohibited by this code. Very similar scene here, again, nothing in violation of the -- of a proposed code here, unless the person sitting on the trash can is making it impossible for people to deposit trash in the can. Nothing prohibited here. And in these examples, there is no violation of the proposed code. Hopefully that gives you a sense of how we tried to make this function.

Katz: So basically you're addressing pedestrian right of access to the sidewalk, reasonable access to the sidewalk.

Woboril: Yes. The city asserts in this code language that it has an interest in moving people along the sidewalk, the sidewalks built primarily for that purpose. That has been balanced with other use of the sidewalk, but that need to move people along the sidewalks is dominant in this policy.

Katz: All right. Would you share, either you or bob, share with how in the past we've enforced it, and how the discussion went in terms of enforcing it now.

December 15, 2004

Woboril: When the guidelines were written, and used by the police bureau, they were in effect only downtown. Central precinct trained a few officers in the guidelines. They were complex. There was -- there's a need to limit enforcement to only a few officers who are highly trained. The police bureau can speak to you about statistics. I think it was not used very often.

Katz: Right.

Woboril: I can't speak to precise statistics. It was used to remediate bad problems downtown, and not used generally as a means of social control, at least from what I saw.

Durston: I believe the number was 28, and they did find that a vast majority of those folks, people without addresses, were presumed to be homeless. There was a concern that this tool could be used just to harass homeless folks. So one of the things we'll need to do is monitor its implementation and see what's going on with that provision.

Katz: If I recall correctly -- is commander Benson here? He was here before. If I recall correctly, all of them received warnings. And it was only when bad behavior occurred after the warnings --

Durston: We kept that concept in this. One of the rules that the group tried to implement, or incorporate in all its discussions, was a -- a common courtesy rule. That's why we built in -- or kept the warning piece. Really if somebody is doing a behavior that blocks access or gets into the pedestrian zone, first response is, "would you please move." and if they move, that's the end of the discussion. It is a seven-day warning. They're now asked by the police, because there are some folks who repeatedly camp out in a certain area.

Francesconi: Is there any substantive change between the policy that we have and the ordinance that we're now adopting?

Woboril: The guidelines? Yes.

Francesconi: Guidelines.

Woboril: Significant changes.

Francesconi: What are they?

Woboril: The underlying policy statement of the guidelines was that the city's entitled to regulate all of the sidewalk surface, all of the time, with the primary goal of making it available for pedestrians. The guidelines would not have allowed, for instance, sitting in the furnishing and frontage zones at any time. And certainly would not have allowed trip hazards and obstructions in the frontage and furnishings zones.

Katz: At any time.

Woboril: At any time or in the evening. So there was significant adjustment as far as the behavior that will be permitted on the streets under the two different schemes.

Francesconi: Ok. What are the two areas, Bob? Can you highlight where there was not consensus, other than not counting the need to not do it at all, but what are the issues?

Durston: There's two good examples of the business representatives on the panel, or one of the business representatives on the panel, expressed concerns about the frontage zone. The frontage zone is very narrow on some streets. The other thing we endeavored to do was try to keep the rules as simple as possible. You know, what you see is fairly complex. We tried to keep it as simple as possible. The argument was in some cases the frontage zone is so small, it's very hard to not be in the -- in the through pedestrian zone. The other -- the other concern, and we addressed some of it, was related to what's an obstacle, what's a trip hazard. People are concerned that if we're going to allow sitting, which we do in those areas at certain times -- well, at all times in the furnishing zone, the way we define sitting is your feet need to be kind of pulled up, close to your body, and the argument was, well, how many people actually sit that way, you know, kind of a judgment call as to how far -- how close your legs are to the body. So those are two examples of areas that people don't agree on.

December 15, 2004

Francesconi: Well, that relates to my last question. Is this -- can the police -- do the police know what to do, given -- god, that last example that you just raised, holy toledo. Is this administratable? That's not a word. Is this enforceable?

Durston: At the last session when we were trying to pull this together as closely as we could to a consensus, I asked commander benson whether he thought his officers could apply this, and apply this fairly, and he said it will be tough, and one of the suggestions we might want to consider is training a few officers to use it and really focusing the enforcement on just a few officers. But he said, yes, it is doable. Again, what he would be advising his officers is use a common courtesy approach to it. Don't go out of your way to find violations of this, but when someone's egregiously violating it, that's when you need to have a conversation, but he really wanted to emphasize that it would be a conversation before any kind of action. Again, we built in a one-week warning piece so that an officer could simply go up to a gentleman or young lady and say, you need to move." if they move, they've been warned, but that warning doesn't last forever.

Katz: We have commanders. Commander sizer, where are you? Come on up. Commander sizer, commander of the central at the time that we started with the guidelines. She might want to address the issue of how you dealt with the warning and training, and then anything else you want to add related to this ordinance.

Rosie Sizer, Commander, Portland Police Bureau: We trained probably about six officers on each shift, because each shift has its unique problems. And some of the direction we gave officers is that we don't want to seek out every single violation, but to address these issues as we had complaints about the behaviors. And we tried to limit the number of officers we trained, because this is very complicated stuff. And so we wanted to make sure that we had officers who were committed to doing it the right way and writing very good reports, so it was well documented. Just in a point of clarification, when we first applied the guidelines, which were broader than the guidelines here, we narrowed our application only to the through pedestrian zone. And what we found is after issues related to the few through pedestrian zones were resolved, we got displacement into the -- particularly the furnishing zone, where people, instead of knotting up in the through pedestrian zone, would sit with dogs and backpacks and various things in the furnishings zone. So after about a year, we asked to be able to use the more broad guidelines to address those sorts of issues. It is complicated stuff. It's a good tool, properly applied. And we really felt that much of the -- much of the aberrant behavior was addressed by the fact that the ordinance was on the books, it was being communicated to the community, and so that had more to do with how people used the -- used the sidewalks really than any enforcement on our part, because the word got out that sidewalks are primarily about moving people along on foot, and not for people to gather in groups and obstruct other people's movement on the sidewalk.

Katz: Did you want to add anything else, the work of the group? No?

Sizer: Oh, it was a good conversation. I think I would like to see personally the guidelines broadened a little bit from this draft, but if we have a year and a half, we'll have a lot of experience and a lot of opportunity to talk about it. And so that's good.

Katz: Ok, thank you. Are there any members of the group? I'm sorry, go ahead.

Sizer: I guess the one question I have, is street musician exemption?

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

Saltzman: Totally exempts? So if your guitar case is in the pedestrian zone, it doesn't matter?

Woboril: The language that I wrote says that if the street musician is complying with the street musician agreement from the mid 1990's, they're exempted. So the musician must comply with the agreement in place. If they are, all of the rules of the sidewalk obstruction code don't apply.

Saltzman: It's one of those rules, you can't have your guitar case in the pedestrian zone and --

Woboril: No.

*******:** No.

December 15, 2004

Saltzman: Sounds complicated.

Katz: Anybody from the task force here? I see mark and others. Actually, it's not a task force. It's a every other friday group. Do you want to testify? I'll give you the courtesy to testify first. All right, mr. Jolin, come on up.

Marc Jolin, Oregon Law Center: I'm marc jolin, an attorney at the Oregon law center. I'm the staff attorney for the homeless law project there. I was part of this conversation that we had about if we were going to have a new ordinance what it was going to look like. I think that the -- that the document that you have in front of you reflects a lot of hard work and trying to get to consensus and compromise among the different folks at the table who had competing interests often. There are some good things here. One, it does protect the right of folks to sit in parts of the sidewalk where they're not creating problems for pedestrians. It includes the ability to have with them a pack or something like that, which for homeless folks one of the big issues is not having a place to store their belongings. So if we made it ok to sit, but not to have your belongings with you, for homeless people that would make it effectively impossible to sit in the downtown area in many cases. The warning provision has also been limited to seven days. The old warning provision was a sort of once-in-a-lifetime warning. I think seven days is a reasonable warning period. There are still issues. Personally I have concerns about the fact this is being treated as a crime, that we're relying on the provision that says if you violate this, you can go to jail for six months and/or be punished up to a \$500 fine. I've heard from -- certainly from a district attorney and from police, you know, we've seen, that no one went to jail for violating the old guidelines. I understand that. But I do think that if you look elsewhere in the code this is essentially a traffic violation. We have provisions for those kinds of violations that are just fines. There's a pedestrian interference statute, or code provision, that actually says, you know, it's against the law to intend to get in someone's way and prevent them from moving down the sidewalk. That carries a maximum fine of \$250. I think the concern with keeping this as a crime, from the outset, is that to the extent that you have concerns in the community that this is going to be unfairly enforced or is really addressed at homeless people in the downtown area, having that kind of a punishment scheme supports the sense that this is really an effort to criminalize being poor or being homeless on the streets. My suggestion would be, would have been, to make it a violation, and if after 18 months it becomes apparent that there are people who are not complying, that police need the ability to arrest, that the threat of a jail sentence is really necessary to bring about compliance that we revisit the issue. That's one concern. The second concern for me is the enforcement piece. That's not the on the face of this ordinance. That's going to be a question of how it gets -- of how this gets applied on the street. And my hope is, and i'm going to participate in this oversight committee that we're going to have, and take the monthly reports about who it's being enforced against, but the reality the kinds of conduct that we're talking about are, engaged in, this ordinance will be violated by a wide variety of people every day downtown, and I think we do have to be concerned about where we see the enforcement. In particular, I think you've made an exemption for the bus mall, which is very broad. Basically says you can't sit anywhere on the bus mall at any tile. People do that regularly, and not just homeless people, but people waiting for the bus and so forth. Businesses that have their tables in the through pedestrian area, or have their sign boards in the through pedestrian areas, my hope is that if we're going to have this regulation on people's conduct that we're going to be enforcing it uniformly and fairly.

Katz: Yeah. Let me second marc's concern is the tables and chairs on the sidewalk and the -- signs. You didn't get to that issue. That may be something that the group is going to want to look at. David, be prepared to respond. I was at the meeting where the issue of the -- the fact that it would be -- it's viewed in the code as a crime, and there was conversation about that. I can't remember the other side of the argument. So let's make sure that we -- we check in on that one. Questions?

December 15, 2004

Francesconi: So other than the two concerns you've raised, which are very substantial, how it's enforced and the level that it's a crime instead of a violation, but in terms of the excluded behavior now, you have no objections to it.

Jolin: I mean, this is a compromise. And I -- I don't -- I don't have any problem personally with preventing people from sitting in the through pedestrian area of the sidewalk. I think we have made a reasonable set of compromises in terms of where people can sit beyond that, trying to respect the needs of the businesses to retain access to their picture windows, making sure that we're not blocking access to the sidewalk amenities that people reasonably need access to. So, again, I think as long as the enforcement of this is reasonable, that the expectation set on folks aren't -- you know, aren't unreadable. That's probably not a word, but I'm prepared to -- to see how this works.

Francesconi: Good. Thanks.

Katz: Thanks, marc.

Leonard: Any more testimony before --

Katz: Yeah. There's more testimony and marc will hang around.

Leonard: Actually, I was more curious about the crime versus the violation.

Katz: We'll come back to that, because I think there was pretty lengthy conversation on that. Ok.

Moore: Come up three at a time.

Katz: Go ahead.

Bruce Anderson: I'm bruce anderson. Live in inner southeast Portland. I've been, over the last few months, i've been thinking about this ordinance a lot. And -- and trying to puzzle my way through it in terms of what is it treating a symptom, is it treating a cause? If we implement it will it make things better or worse? I don't think we should pass this ordinance until we understand it. To understand this, I propose we look at three questions. I think it would open it up. The first question we'd ask is who's affected, who's likely to be affected the second question is who's petitioning for this. The third question is, is it needed and is it necessary. My take on these, having thought about it, is I don't think i'm going to be affected, because, like I got here early, and this was later on the agenda, I went over to seattle best, I have money, I can buy coffee. I came out, there were a bunch of school kids, just like the ones up here, they were laying all over the bus mall, laying down, sitting down, up and all over the place. They're probably waiting for a field trip. Nobody had any problem with them sitting and laying in the bus mall. You know, it's not a problem. So I don't think they're going to be affected. But I do think the poor and the homeless will be affected, because they haven't got access to private property. So, I mean, I got -- I have a home, so I can go home and be in it. I don't need public space to be in. I have an alternative. So i'm very worried about that. Then the question, who's petitioning for this ordinance? I know it's not being petitioned by the homeless people. I know it's not. I know it's not by the advocates for the homeless. So who is petitioning? I don't know for sure, but I think it's the merchants, and I think it's the travel industry. I think it's enforcement agencies. And I think that -- that is telling about what -- why do they want -- I think you could think about why are they doing this, and what is the problem. Then lastly, is it needed -- third question, is it needed, is it necessary. I went to one of the meetings that was spoken of, that durstn led, bob durstn led, and they talked about obstructed sidewalks. I came out thinking we really have a problem with our sidewalks being obstructed. I got my digital camera, just like the city did, and went out to take pictures of it. Improved it. I looked and looked, I spent hours looking around trying to find these obstructions. Sounded like it was a bad problem. They said it's also up on hawthorne. I go up on hawthorne, i'm walking around. One time outside a cafe, there were people, where you have to walk around them, but really nobody was having an issue about this. It was kind of owe it's kind of nice that people are out on the sidewalks. So I don't -- I personally, I want to testify, that I don't think there are obstructions in our sidewalks.

Katz: Thank you.

Anderson: Umm --

December 15, 2004

Katz: No, no. Your time's up. Ok, next.

Anderson: Well, I feel --

Katz: Identify yourself for the record.

*******:** Oh. My name?

Katz: Yes.

*******:** My name is martin mccarr, my address is --

Katz: You don't need to give your address.

Martin Carr: Ok. My name is martin mccarr. I'd like to start by saying that this ordinance, to me, feels like it's criminalizing homeless. Now i'm not homeless currently, but I was homeless many years ago. And I know how it feels. It sucks. So, you know, they're criminalizing homelessness. And like he was saying about, up, people that have money aren't going to be affected by it, or school kids waiting for the bus or people waiting for the bus. I mean, like on the mall, you know, I sit -- I sit like, you know, along the buildings on the mall all the time when i'm waiting for my bus to go home. You know, I mean, I don't think that should be criminalized. And that's all I got to say.

Katz: Just for disclosure purposes, it impacted me, and i'm not homeless. I sat on the steps of pioneer courthouse square, and I was, didn't realize it, obstructing the pedestrian pathway, and was asked to please move, and did so.

Leonard: Somebody had the nerve to ask you to move?

Katz: Yes.

Leonard: Who was it?

Katz: Actually there was a concert, there was music.

Leonard: I wouldn't have asked you to move.

Katz: But I realize we have an ordinance. It impacts more than just the homeless.

Saltzman: You were warned.

Katz: I was around.

Andy Seaton: Andy seaton. Where to begin? The new guidelines were put together as a schtick to beat peace camp because when it was across the street. The assertion earlier that no one went to jail under this, we had people in jail continually from peace camp, for any reason whatsoever. I was sitting in a chair, I was having a very bad day, my back was killing me, police came along, lifted me up, pulled the chair out from underneath me, and dumped me on the concrete. I spent the night in the hospital. You know, under the previous rule of which -- and the guidelines of which this is essentially the same. I don't know if israel was able to make it here tonight, but in my coverage of this, he said that he was appalled that you guys are taking away the bus mall, that -- and i'm glad to hear that -- that you can now sit down in the furnishing zone between 7:00 p.m. And 7:00 a.m., great leap forward for mankind. From my reading of this and half the examples, saying prohibited and not prohibited, is like staring at it right now, is there's guys sitting on the steps, in the middle of the steps, in the not prohibited area, it's like, excuse me, I thought this was prohibited. The fellow sitting next to it, is sitting down with his -- in the bus mall, you know, at any spot in the bus mall you're not allowed to sit down, and you're not allowed to have three or more people waiting in the through pedestrian zone, or anywhere, anywhere during the day, on the sidewalk, on the -- anywhere on the bus mall. It was like, actually 24 hours a day on the bus mall, because the bus mall's permanently excluded. Anybody waiting for a bus. Gee, I want to cuss so bad here, i'm sorry. I'll try to keep -- keep my -- some level of decorum. It's -- my experience both as a member of peace camp and as a reporter covering homeless issues and just as a -- as a proud citizen of Portland and of Oregon here for the last five years, that this is -- completely does not gel with what the city is trying to establish. We're the only major city -- there are other cities that have had to do this, that have had ordinances like this that have been overturned. I mean, it makes perfectly reasonable sense that you can't leave stuff all over. You know, there's an exception in here, if i'm

December 15, 2004

getting delivery of goods, I can leave it out on the sidewalk for two hours, that, you know, that's truly a trip hazard. There's -- you put back in the eight-hour restriction on an expressive event, which completely kills anything like peace camp. And --

Katz: Thank you. Thank you, andy.

Seaton: On and on. It's just like --

Katz: Your time is up.

Seaton: I'm sorry, but you should be ashamed of yourself.

Katz: Your time is up. Let's not get personal here. This has been worked by a variety of individuals representing a variety of groups, in a very congenial manner, trying to tackle these rather difficult issues, and we don't need to get personal. Ok.

Katz: Jack. Why don't you start.

Jack Tafari: Hello, mayor Katz and members of the city council. I know this thing is going through today. The 18-month pilot project. I would like to say that I attended some of the meetings on behalf of my organization. And withdrew because we talked about it at the village, withdrew at the point that it seemed we were expected to sign off on this. As though we represented a constituency larger than our organization. But what bothered me about it was, I don't know whether it's really necessary. I know pilot projects are good. I know a pilot project that tested transitional housing, might have been good before you put it in place. I know things like that are good. But I'm wondering whether it's needed at all. And I noticed at the point where I left the discussion that a number of homeless people had been tagged on the ordinance and, two, to deal with a homeless person creating an obstruction, you had to call a cop but dealing with a business that, say, has its tables up there, you had to go to p-dot. And I noticed that everyone who had been cited for what's now becoming a crime for a violation of this kind was homeless, and what I noticed also that there were no businesses cited. So what my concern is really is the discriminatory enforcement of the law, that it will be biased more toward homeless people.

I don't know what to say more than that, but that is a definite concern that I would like to register. That's what I have to say.

Katz: Thank you.

Devin deBernardo, Sisters of the Road Cafe: Devin debernardo. Northeast 29th avenue. Good afternoon. I am here today as a representative of sisters of the road and crossroads. Sisters and crossroads have been involved in healthy dialogue with various community interests and we appreciate being at that table. Our concern has remained the same throughout the dialogue. And our concern is that this ordinance unfairly affects people experiencing homelessness. And that it's used to move people who are considered undesirable or harmful to business such as panhandlers and diverse cultural members of our community out of downtown. There's already a law on the books that is concerning pedestrians that we believe to be adequate to address obstructions on the sidewalks. We believe that the one law is enough and that Portland shouldn't create laws that unfairly affect certain populations. Homelessness is a serious problem, as you all know, and we all need to work together to solve it. If people who are homeless break laws that apply to all people then they should be cited, but we must not create and enforce laws that affect only certain parts of our population. So I just would ask all of you to not allow Portland to have ordinances where the unstated intention is to subvert a group of people's constitutional rights. Please don't make it harder for people who are out on the streets. I urge you not to support this. Thanks.

Patricia Cook: I am patricia cook, member of crossroads. I wrote this out right around Portland writing class when I resided at dignity village. The prop was rain. I titled it rain in Portland Oregon. Rain has never slowed me down a bit -- always had a way to get in out of the rain until recently. The first time I ever really knew how cold people could be was when I was stand under a bus shelter in Portland Oregon when a policeman asked me if I was waiting for a bus.

My reply was simply that I was just getting out of the rain. He then said to me much to my

December 15, 2004

surprise, that I couldn't stand there unless I was catching a bus. I said, why? Of course. As I looked for blocks I saw not another single soul. It was holiday. I had no why where to go but had an appointment across the street. I he said you that you can't stand there. You need to move. I drive around the block and if you are still standing there I will write you a ticket. I really realized why so many people feel the way they do towards police now. It would have been different if it was a crowded street, an event or something but an empty street? The thought of a ticket issued for such a superfluous citizen made me feel like I wasn't an american. I wanted to tell the police that as I have seen many people combat them verbally for such reasons as where you are sitting or lying. But I have been so conditioned as a kid to respect authority that I just simply said, ok. The story I just read is a classic example of criminalizing the homeless. I walk with a walker and my walker was loaded with clothes and personal items. I was obviously homeless, at least you could call me residentially impaired. I felt belittled, degraded and isolated which I didn't feel until the incident. I think it's an abuse of obstruction as nuisance ordinance. No one was obstructed because only I and the police were there. This is not a gross injustice like the shooting of kendra james and mr. Poot but it represents a deterioration of our livability standards. No other person was waiting for the bus that day so I alone had to go out in the down pour subjecting me to pneumonia due to the fact I had seven hours before I could return to the night shelter, which is in itself a disgusting way to ask people to live. I got really tired of impeach telling me to go to the library or get on a tri-met bus to keep from freezing as though it was some kind of solution to homelessness. It's a spiral down, a downward motion that begins with kicking people to the curb for lack of funds for housing. Then even the social agencies and government, especially, social security, keep kicking you while you are down with their rules, red tape, and bureaucracy. I encourage you to hear my cry of humiliation and dehumanization when there is misuse of clears intending to clear pathways for pedestrians' throughfare. Thanks all of you for your concerns.

Katz: Thank you. Rosy, nod yes or no. There is anybody here from tri-met police? These are rules of the tri-met folks. And I thought that they changed them. Come up.

Sizer: Enforcement warning purposes and -- [inaudible] concerning tri-met's use for transit, people using the transit stations.

Katz: Ok. All right. Thank you.

Katz: Noah, now's the time.

Noah Eaton: Did you miss me? So, yes, my name is noah eaton. I have been a citizen of this great city, the city of roses, I love that name, for about half a year now. I moved from boulder, colorado. And I just have to say, first of all, that I love this great city. I believe that I credit you all for doing such marvelous things for -- I particularly the sun program is one I am really especially impressed with. But anyway, I thought, I begin by addressing my kind of sentiments, kind of what I have gotten out of this experience of giving back to the community and all. I was raised back in colorado. I spent a couple times each month going to the denver rescue mission, where I helped out with the homeless as I fed them fresh onion soup and warm rolls and I helped store away the bread and the storage room, and on break I would like to communicate with the homeless people there. And you would always hear such great anecdotes and amazing stories in which always warmed my heart during the holiday season but particular. So my experience I have, I have just gotten a soft heart for all kinds of homeless folk from the elderly to children to women. Just whole bunch of diverse groups of people. And so as I have moved here, I have, I have noticed patterns. Ever so often, I get about 16 to 20 messages a day. It's like saying, do you have any spare change you like to offer? Where there's some homeless people who are -- who are sitting inside the little bus terminals at the tri-met stations to try to keep themselves from freezing to death. All kinds of little things like this, all these little incidents you see every day. And particularly in this part of the nation, that has a 6.5% unemployment rate, I believe it is, homelessness is an issue that we have to take really seriously and until we find more solutions, you know, to solving these issues. And

December 15, 2004

working as a community. As Francesconi said earlier this is a team effort. This is where a team of citizens that are working together. And I believe that there's a lot of helter skelter behind a lot of missing rhetoric and I believe as a sisters of the road spokeswoman just said, that I believe one pedestrian law is enough. You know? I feel that we need to give back to the community and we need to respect that until we can full consensus and fill in all these missing rhetoric holes in between this set law ordinance that we need to think responsibly here and make sure that this remains our sidewalks, our streets, our crosswalks. Thank you.

Katz: Let me ask you a question because you are very thoughtful. First of all, I am just curious because you are one of the young and restless. Why did you come to Portland?

Eaton: Thank you very much, ms. Katz. I heard a lot of great things about Portland personally. I mean I have traveled a lot of the nation. I truly believe in all my heart that -- actually, the first time I visited Portland was four years ago, and I was just enthralled by the scenic beauty and everything. I was especially impressed by like the river, the willamette going straight through the city. I thought it was just beautiful, all the bridge, all the natural environment but also what really enthralled me was just, just the culture here. It's so very vibrant. I believe that Portland really Sets an example to -- to community building and -- and how do I say this? Just try -- bringing communities together. I believe really respects cultural diversity. You see a lot of different people get together. We have the rose festival here. I really believe that's a great thing that gets children and families out together during june and all the way through june.

Katz: Let me ask you another question. Because your answer is exactly what we hear over and over and over again and we welcome you to this city.

*****: Yeah.

Katz: But don't you think there are many examples of people who may not be as kind and as generous and thoughtful as you who, in fact, use the sidewalks to obstruct and intimidate -- intimidate people and force people to cross the street and walk on the other sidewalk?

Eaton: Yes, I do very much respect that there are indeed those who -- who -- who do this, not just on a once in a lifetime basis but on a routine basis. And I really do respect -- I really do respect that we need to take these things into consideration such, but I also don't believe that we need to -- that we need to do so in a fashion that seems kind of impatient and I think there's some kind of impatience to this ordinance in particular. I feel that -- I feel that -- especially in prior presentation, you know, those who are proponents of this ordination that they have admitted several times that they don't believe that this is a consensus thing. And I feel that until -- until we work around the edges and such and, you know, round out the corners, you know, that -- that it would seem kind of irresponsible to -- to kind of pass something that can't reach a public consensus so I believe there needs to be a little more storming and norming as they call it in the leadership process.

Katz: Thank you. There have been storming and norming. But thank you. Thank you for your response.

Bryan Wiedeman: My name's brian wiedeman. I am disappointed by your efforts to to criminalize the entire city as a whole in that groups of three or more gathering on the sidewalk and standing is -- is something that -- I don't know -- everyone I know and I would say most of everyone I have ever met has done this at one point. And it's the selective enforcement and I am glad, I mean, 80% of this council thought this was important enough to stick around. But the selective enforcement is what really bothers me. That this obviously isn't going -- this hasn't been something that's been applied to everyone. We don't hear about you are not hearing about businessmen who came in and have been harassed by this. It's members of the homeless and poor communities. And as to intentionally blocking, I think we already heard that that's already been a crime. A crime with less of a punishment than this does. It's ridiculous that somebody who is intentionally blocking the sidewalk gets a \$250 fine while someone accidentally blocking the sidewalk can face six months in jail.

December 15, 2004

Katz: We are going to address that issue.

Wiedeman: Right. And as far as, if you walk around downtown, I haven't had a problem with a person blocking my path but if you go over toward p.s.u. There are streets blocked and sidewalks blocked by businesses and it's exactly the businesses you are exempting and one can only guess why. Personal involvement, maybe. Yeah. It's the businesses that have a problem. And if the one time I have been inconvenienced in my entire life living here I asked the person to please like let me through and they apologized and moved and I mean there are natural consequences that come along with blocking the sidewalk that you will be asked to move that you might be brushed up against, you might accidentally or on purpose be kicked or something like that that we don't need to give more power to officer friendly over there to harass the homeless population, that there are natural consequence that is come along with every disruptive behavior.

Katz: Thank you. All right, sir.

Trin Kiger: I am trin kiger. I live downtown Portland. And I have to agree 100% with brian over here. Everything that I wanted to say and thus all I can really sum up is that we have, in this proposed ordinance, a sort of culture of policing unnecessarily a problem that doesn't really exist in terms -- I have been around downtown for, you know, I get around a lot and I have never myself been obstructed or had to block or move somebody out of my way just because I am trying to get through. And I think it turns the -- I am a pretty relatively newcomer to this city. I have been here a little over a year. And I came here from the midwest, you know, particularly charming place to come to. I mean, it was what I thought when I was out back east. I am like I am going to Portland because it's a great place to be. I know it is. I just felt drawn to the place. And the culture, the people here, are really diverse, tolerant, and seemingly understanding of one another. And I think that this ordinance really seeks to take that away. It polices us unnecessarily. I brings it, it darkens the skies somewhat. And earlier, ms. Katz, you said that you felt affected by this at one point yourself and I can see how because, and I think because of that, it just sort of takes a dark blanket and throws it over everyone. And that's how I feel I would be affected by it. I mean, I myself gainful employment, I have a great place to live, and it's, you know, and yet I still feel that walking on the sidewalk or even sitting on the sidewalk, that I am being monitored in a way that is, it's insidious and just takes away from the charm of the city.

Katz: Thank you.

Kiger: I think that would affect.

Katz: Thank you. How many more people do we have?

Moore: Two more. I don't know if they are still here.

Katz: There is any more than two? Otherwise I am going to cut it down to two minutes as opposed to three. All right. Two others. Let's go.

Dan Polidori, Pioneer Place: My name is dan polidori. I am the director of operations for pioneer place shopping center. I also was a participant in the steering committee helping draft this ordinance. On behalf of pioneer place and our retailers, we would like to express our appreciation for the opportunity to be involved in the process of drafting an ordinance that promotes the public's ability to walk freely from location to location on the sidewalks of downtown Portland. It is a privilege to be one of the many voices that were included in this discussion. We were able to come together, sit at one table, and freely voice all of our concerns and needs for both the retail community and the individuals that are truly in need of social services. We especially appreciate the leadership of mayor Katz, commissioner Sten's office, in negotiating a proposal that contributes to the protection of our public space for the active uses originally envisioned by Portland planners and property owners. We appreciate the opportunity to be on the steering committee and look forward to being able to participate in the future in a forum of this nature. And I would also like to thank everybody that was involved in the steering committee with regard to this issue.

Katz: Thank you.

December 15, 2004

Kevin Montgomery-Smith, Portland Business Alliance: Hi. I'm Kevin Montgomery Smith from the Portland Business Alliance.

Francesconi: So you are satisfied with the result?

Montgomery-Smith: I am satisfied with the direction that we are heading with this. As it's been said before, we were not able to reach consensus. I do believe that what we were able to accomplish was very productive, and I think it's heading in the right direction.

Montgomery-Smith: Kevin Montgomery Smith, 520 S.W. Yamhill. Portland Business Alliance. I want to jump off of that. I have also got a letter from the downtown retail council that I would like to submit to the record. While consensus wasn't reached, it should be noted that this was a negotiated document with the business community offering several compromises in an attempt to be fair. And especially on issues about permitted uses by businesses. We went into it knowing that there would be another conversation soon about uses of tables on the sidewalk. And where those uses are not permitted we very much want to make sure that violations are cited and that the sidewalks are left unobstructed. I know that we have been in conversation with some of you on council about one of the proposed uses of a sidewalk of a new business. And it came to some conclusions and made some compromises, worked with everybody involved in it and it was a good process. Also wanted to talk a couple, and address a couple of the things that came up. As far as civility and using the sidewalks as a last resort because you don't have anywhere to go, we did an informal survey when this whole issue was talking and the steering committee, we sent out the clean and safe officers and also the sidewalk ambassadors to do an informal survey of bench use especially on the bus mall and at all times of the day 95% of the benches were not being used at all. So when somebody was sitting on the sidewalk blocking a water fountain or trash can or newspaper box or frontage zones the benches were completely and utterly unused. Also on the punishment issue and the violation, those are maximums that mark brought up. And they are the same maximums as spitting on the sidewalk or littering and of the 23 people who were originally cited under the old guidelines, not one of them received the maximum punishment. And also on this 28 that were violators, they were multiple warnings. We had a great report that was done by the intern that was assigned to Charlie McKinney and he did fantastic work showing the officer was really kind of begging to the point of saying, please, please, please don't make me cite you for sidewalk obstruction. And then there was also nearly a majority that was cited for other offenses in addition to sidewalk obstruction, including open containers of alcohol and other things. So personally, I just want to say it was a really valuable process to work with the folks from Sisters of the Road, Crossroads, Mark Jolin and especially Bob Dursten and through your leadership, maybe, there wasn't consensus but there was an awful lot of compromise on both sides to make this a workable document. I would like to read this. Dear Mayor Katz and council members as co-chair for the downtown retail council I would like to thank you.

Katz: Go ahead.

Montgomery-Smith: Thank you. Thank you and the mechanics of the downtown old town livability committee for your work on the new downtown sidewalk obstruction ordinance. As a representative for retailers throughout downtown, I hear this issue constantly as manager of Ben Bridge Jeweler at Southwest Fifth and Yamhill. I see the problem daily. This is an important issue for the continued success of our business community. I participated in the discussion and hope that everyone that presented ideas and concerns that the livability committee views this as a success. I would like to especially thank the work group for finding compromise language that seemed to work for everyone. The reputation and perception of Portland is and should be one of tolerance and diversity. This ordinance does nothing to change our reputation as a caring community. Minimizing sidewalk obstructions is an issue of manners and being courteous to one another while it is unfortunate we have to pass laws to remind individuals to be kind to one another, I am thankful that through your leadership and the work of the commissioner Sten we have this tool to improve

December 15, 2004

our sidewalks and the perception of Portland as a friendly and prosperous city. Have a safe and happy holiday. Vicki, downtown retail council and ben bridge jewelers.

Katz: Thank you. Ok. Come on up, bob and david. Let's talk -- could somebody get commissioner leonard? I think that was an issue he's interested in. Let's skip over that and talk about, where did we leave off on the outside tables issue? That was something that we were going to assign to you?

Durston: We are hoping that the new mayor or the council will continue the livability group and allow us to continue this forum of conversations between all the different stakeholders downtown. The one issue that needs to be on that agenda is what to do with outdoor cafes and it's going to be another sticky discussion, but it was agreed to by the group that we would take it on.

Katz: Well, bob, whether I am here or not between you and charlie mckinney, the group will continue. So I thank you for your service. You are probably not terribly happy for me -- for you to hear that but I think it's worthwhile having that conversation. Because I am not satisfied at this point with how it's being enforced. All right. The criminal issue.

Woboril: I think there were questions about appropriateness of the penalty level. The first issue for the lawyers, when you look at a criminal statute, is whether or not the penalty constitutes cruel and insure punishment. Clearly both the intentional insurance on the sidewalk and the penalty for intentional interference and the penalty for sidewalk obstruction are within the realm of constitutional. They are well within the limits. They don't come close to being cruel and unusual punishment. The second question that's bun raised is one of proportionality whether a municipal, in this case, is treating people who are similarly situated differently. The application of the criminal laws. There is some difference, the arrest ability, the difference between the penalty provisions in these two code provisions. That can be solved by bringing one up, bringing one down. And because you are well within the limits of constitutionality, you could do a number of things. You could raise the intentional interference up above sidewalk obstruction. You could match them. You could bring them both down. You can, I think, do as you please. The closer they are together, of course, the less weight a proportionality challenge has. And we would like to see the difference, the lawyers, of course, will tell you we would like to see the difference between the two minimized or eliminated.

Katz: Are there ranges the same or not?

Woboril: Currently, intentional obstruction of someone traveling along a sidewalk is not punishable with any jail time at all. The practical implication is that people cannot be taken to jail for presentation to a magistrate. They can be cited only. So they don't overlap on the jail sanction at all. They do overlap some, both of them have a monetary penalties but only the current sidewalk obstruction code has an imprisonment penalty.

Katz: You all talked about that, didn't you?

Durston: Yeah, we did. And there was, this was one of those areas that there just was no consensus. The district attorney representative indicated that -- expressed a strong desire that whatever our default sanction is for our city ordinances, we should have that, commonly used as possible. She also expressed some concern that without the incarceration component of it, an officer, if I understand, understood her right, an officer would not able to arrest somebody for just plain refusing to move.

Katz: I think that's the issue.

Leonard: That's where I am focusing in on. As a practical matter, are the police telling us that, having the power to simply cite does not allow them to accomplish compliance? Is there some evidence of that?

Woboril: Yes. As I understand the cases that have been cited or in which people have been arrested, the arrests have been done in order to interrupt the behavior because nothing else seemed to be working. As a generalization that I can't say that all the cases are like that. But in talking to

December 15, 2004

the officers and command, they used the arrest power to interrupt the behavior where a citation alone would not.

Leonard: But I am asking if it has as opposed to prospectively. What has been the actual experience? Are you saying that the police have run into a problem? I see Rosy about to jump out of Her chair.

Katz: Rosy, come on up.

Leonard: I, what I need to understand is, people are actually refusing to comply?

Woboril: Yes.

Leonard: And is that a pattern? Or is that an exemption?

Woboril: I think most people abate the behavior when they are warned. And there are a smaller number, and I think we -- like two dozen arrests, we warned and most cases we warned multiple time that if the behavior wasn't abated, that they would be arrested. And it was only -- it was an extreme default when somebody simply wouldn't comply that we moved to arrest. And what I am reluctant to do is have no arrest power, only a citation power. Because then what we would be Doing is having to leave the person in the position that was the problem, but handing them a ticket.

Leonard: Is there there in the law the ability, if one is cited, and I am thinking whether it's a traffic citation or whatever, and there's a failure to appear, does that then kick in some criminal sanction that could include arrest subsequent to that?

Sizer: If you fail to appear in court on a crime, then, there can be be --

Leonard: That is a violation?

Sizer: A violation.

Woboril: I am not certain of that. I believe that the community court does, in fact, issue warrants to failure to appear.

Leonard: I am going to say my recollection was in traffic citations, anyway, if you got a traffic citation and failed to appear and were stopped again, you were in jeopardy of being arrested.

Woboril: I don't think that --

Sizer: Not for a violation. For a crime.

Leonard: I am saying if you had a ticket, you received a ticket and your court date came and you didn't apso bench warrants issued?

Sizer: No. For a violation, it would affect your driving status so you could be suspended for failing to appear on, in court for a violation.

Leonard: There's no arresting for failure to appear on violations?

Sizer: I don't think so.

Woboril: Speeding tickets, for instance, failure to appear on speeding tickets won't result in a warrant that authorizes the police to take you to jail.

Leonard: Won't or can't.

Woboril: Can't. Doesn't. In the case of community court, though, I know many community court cases are misdemeanor events that are being treated as violation force purposes of community court. And I can't say it happens in all cases but I know the community court does, in fact, issue warrants when people don't go through the process there. So one of these cases that's being treated as a violation, I know that some of those cases eventuate in warrants when the people don't show up.

Sizer: On one of the cases, I will try to describe it as accurately as I can recall. A person was sitting on the sidewalk and had multiple packages, and was taking up about a...of the length of the sidewalk. The officer warned five or six times that she would need to move the stuff and move along or she would be issued a citation or arrested. And she failed to. And so she was arrested. And I really don't like the image of an officer's only recourse being to hand other a piece of paper for her to appear at court in court on the violation and then have the behavior continue. Because this is the behavior that we get community complaints about. I am sure the mayor receives those

December 15, 2004

complaints. Probably the commissioner in charge of p-dot receives those complaints. And so it's not like it's --

Leonard: How are the people across the street --

Sizer: They were arrested for a number of charges. Some of them for obstructions, nuisances, some of them for interfering. I think there was at least one arrest for structures on the sidewalk, which is another city ordinance. But the case that actually, the judge said, threw out because the unconstitutional nature of the arrest was on obstructions without the guidelines being reviewed.

Katz: Without the guidelines in the code.

Sizer: Yes, yes.

Leonard: But if we adopted this as is and somebody was sitting with their feet extended into the walkway, an officer could arrest a person for that?

Sizer: Well, they are required to warn first and if the person fails to abate the behavior, that is either standing up or retracting the legs so they are not a trip hazard, then, the person is subject to arrest.

Katz: I can't recall -- I looked at all of, randy, I can't remember how many times the officers actually arrested.

Sizer: It was a couple dozen over the year and a half.

Katz: Arrested. Ok.

Sizer: Right. Well, and I don't know if they actually went to jail. We are talking about how many custodies. And we can issue a citation in lieu of custody which is what most commonly would happen. That is still an arrest but the person is not taken to jail. Generally speaking, we don't -- we don't take people to jail on a citation in lieu of custody unless there's an identity problem. Because it's generally not a bookable offense.

Leonard: I am just curious how you guys -- I am sure you discussed this and how you ended up where you did

Durston: The calendar ran out on us as much as anything. We couldn't reach a consensus on that so just went with the status quo. As david points out there are options. You could bring the ultimate sanction -- I mean to me personally, six months in jail is a ridiculous penalty. It's never implied but the threat of six months in jail is pretty potent stick. I think we can maybe address some of that by having a lesser duration as the maximum incarceration standard. But then that does start taking all your ordinances and putting them out of whack. So we just didn't get to the conclusion. The other thing I will point out and then that relates back to the ongoing nature of this forum is when we -- we are also doing some fairly aggressive outreach engagement to folks who are homeless throughout throughout the community but we will focus a lot in the downtown area. One of the things, if the situation, the involved, the individual involved is homeless, my hope is that we will be doing a better job of connecting the officer who is trying to deal with the individual on the street with those outreach engagement folks to actually -- encourage them to work with the outreach person to find housing options or shelter options that are much better than the street.

Leonard: That's in your sense a component of this?

Durston: We hope to build that in. That's the money.

Katz: \$28,000.

Woboril: I might clarify, I believe that the default penalty for city code violations is 90 days.

Leonard: So we could change this to 90 days and not have a proportionality?

Woboril: It's currently 90 days.

Leonard: It's not six months?

Katz: Did you get -- I said consensus quite frankly. How much they all were able to agree was really a consensus in light of the very strong feelings certainly constituencies have about certain issues. I don't think they are ever going to change. But the fact that only two were

December 15, 2004

Really identified is to your credit. Is that the one you may be interested in going back and looking at? Or do you think if the council wants to change it now we can do it now?

Durston: On the penalty question, it's a bigger question than this group should be tasked to do. It's not just related to this ordinance. Because if you have the work group unravel something that's a bigger structure you might get an unintended consequence, and I don't know if the folks who are participating in that group are the best persons to talk about the overall penalties structure.

Katz: David, what's your sense? Would we unravel everything?

Woboril: Well, you move one piece, it's relationship to all the other pieces is changed. So I think, yes, you do need to take a global look at it rather than do it piecemeal. It would be an important decision and you should take your time and look at all the penalty provisions.

Katz: Ok.

Durston: That means that was -- that is one of the reasons why we created this as an 18-month pilot project.

Katz: To do that. Ok. All right. Thank you. Further questions? If not, roll call.

Moore: Do you want to move on the amendment for the exhibit?

Katz: Oh, yes. I need a motion on the amendments. Exhibit a.

Leonard: So moved.

Saltzman: Second.

Katz: Any objections, hearing none, roll call.

Francesconi: Someone said we wanted to be city of tolerance and diversity. I think there's actually a business representative, and that's what we wanted to be. And so I think that that's the right setting. I think bob has done terrific work in this in bringing these parties together with the leadership of the mayor and commissioner Sten so what it comes down to, from my speaker perspective, it's that sidewalk passage way and whether this is appropriate to guarantee pedestrians can use it, all pedestrians, no matter who they are. The sanction of six months is too severe but I think the process, it's not going to happen. But we need a process to reduce that sanction, six months is too much. But doing that through a process is appropriate. It also gives me some comfort here that's warning system is in place. I mean, you have the warnings as well. And we have to do this as well to meet constitutional muster. I think this is a good work product because we also want our business districts to be tolerant and diverse and accessible to everybody who wants to use the passage ways to get there as well. And it's the bus malls used prominently by a lot of low-income folks. And so I think that as a package, because we have checks in place, and this is a pilot, so we can look at how it needs to be tweaked, the city can over time, and that some trust is building between the groups, which is really, really important. As a vehicle to provide additional social services but to make sure that we remain a tolerant and diverse city. Aye.

Leonard: Well, I am reminded of a supreme court justice -- can't remember who said it -- I think it was hugo black in the 1930's -- that the right to free speech does not include the right to fire in a crowded theater. I always liked that because it kind of put in the proper context for me our rights as individuals in the united states, which we all cherish. And that means for me my rights end where another's rights begin. And I am struck in public life, since I have been in public life, how often people think their rights trump everybody else's rights. And they don't. But it's a balance. If, you know, one man testified about his own personal experience here today, that he had not observed obstructions himself, and therefore there was not a problem. Well, if I used that gauge, I would tell you there's not a drug problem in downtown Portland. Because I have never been approached by a drug dealer. However, I am self-aware enough to know I am a little over six feet tall, weigh a little more than 200 pounds -- a little more than I would like to admit -- [laughter]

And can at times if I choose to give a fairly intimidating scowl. I am not approached by drug dealers and I am self-aware enough to understand that. That though I have haven't experienced it, when others tell me they have, I believe them. It's important to me that people have individual civil

December 15, 2004

liberties, probably more important than any other thing that I strive for in public life. But that means all people. So for me that also means a disabled person or an elderly person has the right to navigate a sidewalk without running into an obstacle that they are intimidated by or don't see and trip over and possibly injury themselves e so when I was reviewing this ordinance, the kind of the conclusion I came to at the end was that we are legislating good behavior. We are legislating here to make people who are not self-aware enough to know their actions interfere with the rights of others that you have limitations. And those limitations begin when you start interfering, in my view, particularly an elderly or disabled person's rights right to navigate the sidewalks of downtown Portland. And finally, I will tell you this. I was really offended by the remark toward commissioner Sten. Because of any of us here on the council, particularly bob, I know what he's gone through to put this together. I have been briefed on it. There's nobody that has probably more conscience about civil liberties and rights than commissioner commissioner Sten and bob. I know when they came forward with the package and there would be a lot of people that ask the questions of that I did here this afternoon about the civil rights that I may not have been satisfied with the answers. If bob tells me, as he did, that this was a balance they reached and they thought it was a good compromise, I believe him. And so for all those reasons, I think that this is a package that I am glad for the 18-month trial period because I will be interested in not only monitoring it but reviewing it at the end of the 18 months sew see how it's work bud I think it's a fair compromise for all parties involved. Aye.

Saltzman: I wanted to thank commissioner Sten, bob dursten, the attorney's office and Central precinct and mark jolin, members of the homeless community. I think this is a compromise and it discerns certain an 18-month test and we will certainly revisit fit we need to. Aye.

Sten: I appreciate the kind words from commissioner leonard and I want to say a couple of things about to put this in context and before I do let me thank bob for working on this. It has not been anybody's task they really wanted to do for a couple years. I want to just start by going on the record that I am not fully convinced that this will work in the way that we are hoping it will work. I think that the concerns that are out there are fair and real, and we need to work through it. I also am not personally 100% convinced that locking off the whole bus mall is the right strategy. I think it's something -- but I think it's worth trying and the reason I think we should try this approach is pretty simple. There's two parts to it. Itself spent several years in an argument that's getting us nowhere where both sides have a point. That a lot of powerful business interests were pushing very, very hard for a sit-lie ordinance that would make it illegal to sit or lie in downtown Portland. I opposed that and I am not mad at andy for big disappointed in me. He is passion it. He was very he showed a lot of decorum concerned to what I heard at business forums when I told them I would not support a sit-lie ordinances. This is not a sit-lie ordinance. It is still legal to sit in places downtown. Just not all the places and so I felt like that's going too far. On the other side, I have not had huge problems myself. I catch, catch the bus just about every day on the bus mall. And but I am somebody who has been doing that a long time and is very comfortable and sort of enjoy some of the things going on and even I have had problems at time in terms of saying that should or shouldn't be happening here. I have heard repeat lead and convincingly and I think real testimony from people who ought to be able to enjoy the downtown area that they have run into problems. And they have been intimidated and I think there's a very small number of people who are bad actors that are causing problems. And those same types of folks get kicked out of dignity village where much stricter rules apply in terms of what behavior is expected of people. And we do need some type of piece. So while I am not -- and we need to move forward. And that leads knee me to the bigger point, is we have to work together on these issues. And I appreciate that the adamant opposition and I appreciated the quality of the conversation. The key thing, if we are going to get a downtown that works, and a tolerant, supportive system that ultimately, and this is the ultimate gun control offers people who have nowhere other to go than the streets, a place to go permanently

December 15, 2004

rather than argue about where they are going to be pushed, we have to get working together and I think this is a prime and important step towards working together as a community. And you have my strong commitment that I will be looking hard at these issues and making sure that I feel that the changes that need to be made are made. On Monday of next week, we are announcing and starting a 10-year effort to end chronic homelessness. It's not a new effort. It's kind of a recharging of political recharge, if you will, of a lot of our efforts out there. And we are going to push very, very hard on the business community and others to make contributions, to make changes

And to help us come up with new energy to get people who are chronically homeless off the street. Right now we have over 1600 people who have been on the street for a year or more and at the end of the day that's the problem. That is the problem and sitting on sidewalks and places that bother people is a symptom of that problem. And I think this is a step towards a bigger community partnership to try and take this on and frankly, I think we can do it. I think we really can so I want to put that in this context. Our next vote in case some of you leave will be authorizing bonds to sell up to \$11 million worth of bonds to do supportive housing for the very, very low-income people in this community. That is a \$11 million investment in a year when other things are being cut. That's the commitment that I am really focused on. Is this perfect? It is absolutely not perfect but I think it's much better than we were and I think it's much better than the proposals that were -- that were as a whole, forwarded by the two opposing sides, if you will. Although I recognize there are many sides this this debate. I appreciate Mayor Katz who kept pushing us to work on this. I will vote aye and be back to talk with everyone on this.

Katz: Bob Durston, Charlie McKinney, were diligent in bringing a package together where the debate really was at a very high level. If you recall, the testimony

Last time we brought you a package, it was volatile, it really wasn't terribly productive, and I think the level of debate has increased dramatically. And I think this is what it's all about. I may be overstepped my bounds whether I said this will continue. I probably should ask the Mayor. On the other hand, your private citizens and you can meet in the Rose Room every other Friday and continue work on this issue because it's not done. It's not done. Commissioner Leonard is absolutely right. We are legislating behavior. If people weren't rude, if people understood that everybody had to have a piece of that sidewalk and get through, we wouldn't need this.

But I have to tell you, I have been confronted. I think maybe because I am recognizable. By terrible language. But since I sometimes use terrible language myself, I wasn't terribly offended but somewhat offended when it got really bad. But also.

Leonard: How bad could it have been?

Katz: It was bad. [laughter]

Leonard: I can't imagine what they said:

Katz: But also not willing, not willing to pull the legs or to move the knapsack. So unfortunately, it's needed. Let me address the bus mall. I remember the discussion on the bus mall and I remember saying that the bus mall at least for pedestrians is going to be narrower than it is today when light rail hits fifth and sixth. And with it be narrower we needed to protect the ability of pedestrians to get off the buses and very busy hours of the day. The lady who was stopped by a police officer on the bus mall that is Tri-Met police. They have their own rules. And what I think he was doing, though I think those rules have been changed, was protecting the community. Now I know you are not a threat to the community. But drug dealers use the bus mall as a place to make connections. And the Tri-Met police look very closely at who's just hanging out and not taking the bus. Now, I'm not saying that you were dealing. But this is really their pattern of how they enforce the shelters. And that as I say may have changed. And so if the dealers are sitting there waiting for the next deal, as the bus comes by, they are not interested in the bus. And that's -- that's sort of the enforcement tactics that the Tri-Met police officers use. I think that's been questioned, too, by the courts. I am not absolutely sure. And that may have changed. So that may have been the case in

December 15, 2004

your case. Thank you, everybody. More work to be done on the tables and chairs to support little eating places and restaurants. They are, in many cases, an obstruction. There's no question about it. On the other hand, they add the ambience that Noah is talking about, coming, I think, coming to Portland, that it's a place to sit, it's a place to eat, it's a place to greet people. But it is an obstruction and how we deal with that is going to be a little bit more difficult. Ok. Aye. Thank you. 1466.

Item 1466.

Katz: All right. Come on up. I am going to ask all of you to keep your remarks to two minutes. Try one.

Eric Johansen: Thank you, mayor and commissioners. Eric Johansen, debt manager in the office of finance. I will ask commissioner Sten said in his previous remarks, the ordinance before you today is one that authorizes the issuance of up to \$11 million of limited tax revenue bonds for the purpose of funding housing projects that are targeted toward low-income seniors, persons with disabilities and other low-income tenants. These projects may include acquisitions and rehab of existing buildings, new construction, or the purchase of land to accommodate future targeted development. Through previous discussions with council, it was agreed that the general fund would appropriate \$750,000 a year for 20 years to service the debt on the bonds for the project. Based on current market rates, we project that that \$750,000 will support about 9.5 million in limited tax revenue bonds. We have asked for a larger authorization in the event that interest rates fall between now and the time we sell the bonds. And allow us to stay within the \$750,000 a year appropriations constraint. Assuming the ordinance is not referred during a 30-day referral period we should anticipate issuing bonds in the first half of 2005. With that I am happy to answer any questions.

Katz: Questions? Anybody want to testify? Local call.

Moore: Nonemergency.

Katz: Sorry. Goes to second. Thank you. 1467.

Item 1467.

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

Katz: Mayor votes aye.

Item 1468.

Katz: Roll call.

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

Katz: Mayor votes aye. 1469.

Item 1469.

Moore: Adopt pleasant valley district.

Francesconi: I am not going to vote on this. I wasn't here.

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

Katz: Mayor votes aye. 1470.

Item 1470.

Moore: Implement city wide bureau work experience program for disconnected youth.

Katz: Commissioner Francesconi.

Francesconi: I will be brief on this. Malik's going to testify. We had a very successful experience this summer with parks and the water bureau's already been doing this for a long time. So what we want to do, and bureau of human resources, Yvonne's here. I don't know if you want to testify.

Malik Bell, Commissioner Francesconi's Office: Maybe we should have everybody come up now. Let's just do that.

Katz: Yvonne? You want to come up, too? No? Ok, sir.

*******:** It's great to see the supervisors here.

Francesconi: It was the supervisors that made it work. What this is is to keep the program going. But has no budget implications so the bureaus are free to decide whether to do it or not and then a

December 15, 2004

report's coming back to the council but they are encouraged to do it and a report, that's the purpose of this resolution. And frankly, and so that a report will come back in may and commissioner leonard has volunteered to kind of watch this. And we figured that the bureau didn't want commissioner leonard scowling at them. [laughter] so with that would be the motivation here to make this thing happen. But it was a very good experience for the young people involved. But it was also very good experience for the supervisors who really made it happen. So I want to thank you you ahead of time. So malik, you want to explain it briefly?

Bell: It's really a two-fold process. We have the city bureaus which will be reporting to b.h.r. as to their ability or their, ability to program such work experiences once a year. After that, yvonne has volunteered to report to council on their direction, whether they have programmed these work experiences or not. It would be left to commissioners in charge to see that their bureaus were to inquire whether their bureaus are not doing them. So there really isn't a huge amount of I suppose pressure coming from this resolution. We wanted to provide an atmosphere that encouraged the bureaus to participate in this and not really came down heavy handed and required them absolutely to do it. We know there are certainly bureau that is won't have the ability to do it because of their size and budget. But we also wanted to let folks know that there are experiences in the water bureau and the parks bureau and the transportation department that made this possible by very small budget requirements, manpower, et cetera. So I thought it would be interesting to hear the stories of some of the folks in the parks bureau who made this happen and how it affected the city internally and how it affect the the lives of the youth who participated. So maybe mary will come up.

Katz: Before they. Let me ask you, yvonne, how will we treat them in terms of personnel rules?

Yvonne Deckard, Director, Bureau of Human Resources: The young people that would be participating in this program actually, because they would be at-will employees, some of our broader rules would govern them. Where we would have to continue to work with the bureau is on labor issues as far as whether or not how much represented work that they, you know, could do or making sure that they are really not doing represented work without even, without having some discussion and collaboration with, you know, with our unions about those types of issues for programs like the park bureau, if they are going to be working around kids, then, we will have some requirements to do some background checking and that sort of thing. But I think what the, and malik and I had an opportunity to meet and kind of come together and I got a better idea of what it is that they are trying to do and it really is somewhat nicely with the fact that if you look at strategic plan council adopted a couple years ago we have an internship component. And if you look at the movement that we have been working with with the youth program that b.h.r. ran last year which included kids from open meadows vocation village, roosevelt high, jefferson high, marshall high, this is like a bridge where we are dealing with a group of youth that maybe are a little more disenfranchised but that it gives us an opportunity to continue to work with our internship programs and to develop youth experience programs especially as we look at our future goals and working with students, working with youth, working with our communities to really kind of bridge whether they come to work with us in the end or whether or not we are just giving them pretty valid work experience so that they can carry it through another area of their life. I think this is something that right now takes a minimum amount of resource, that this great community component. I think that it can work for the city and this is a program that we will just continue to evaluate and that can expand slowly as we go, as we move forward.

Mary Huff, Portland Parks and Recreation: Yeah, the young people that we had were all over 18. So they were disenfranchised youth that commissioner Francesconi had met that came to some of the meetings. Yeah. And we have, we worked very closely with the union and got their buy off on the employment and the program before we started it so they were right on board. In fact, dan is steward down at the yard and he can attest to that. But we have also, the goal of it was to transition these young people, to give them exposure to the trades. I attended a metals institute thing that and

December 15, 2004

there are 15% only of the kids go to college. The other 85% need to seek employment after high school. And the average age of a metal worker, which is the trades that we were promoting, is 45 years old and it represents 27% of the Oregon economy. So there's a real need to reach out to some of these young people and to introduce them to the trades and there's no real good way to do that. So we put together the transition to the trades. We have two of the folks placed right now in apprentice programs outside of the city and one of them applying for an apprentice program with the city so we are pleased with it. I think what affected malik and what he wanted me to bring these folks here was how it affected them as employees. Working with these kids, how they didn't understand how disenfranchised some of these young people were and this provided a growth experience for them to understand that these kids had never been given a chance. You know, we had several of them that had been incarcerated prior to coming to the program and, in fact, two of those are placed now and full trade apprenticeship programs.

Katz: Good. Anybody else want to testify? Come up. Make it very brief.

Warren Carpenter, Parks and Recreation: Good afternoon, mayor, members of the council. I am warren carpenter and I am with parks and recreation. During the 15 weeks in the summer I had an opportunity to serve as a mentor to three different young folks coming up through the program. I was skeptical at the beginning of the program. I was interested to see people who were motivated and willing to work. And they came there knowing nothing. He came back with a screw driver. This is where we had to start at ground zero and work with them. But they did show up motivated and they showed up virtually every day and when they condition they had good excuses I think that without exception they have gone on to get full-time jobs or at least apprenticeships in industry. I can't imagine the cost savings to the city not having to deal the criminal justice system with these youth. Prevention versus cure is significant here. And I think we have an obligation even of duty to extend the hand down if we have the strength to reach for help.

Katz: Thank you.

Carpenter: Thank you.

Dan Former, Parks and Recreation: Thank you, mayor, commissioners. My name's dan former. I am a maintenance plumber for parks and recreation. First of all, on behalf of the employees of parks and local 43, we wish you well.

Katz: Thank you.

Former: In the coming years and to Jim, the employees of parks and of local 48 and the executive board has appreciated your work and time you have put in with parks. Although we have disagreed sometimes, your honesty and openness I really appreciate that. Thank you. This program was a big success. Both ways for the youth and for the mentors. Because of our age difference, we got to learn to tolerate a younger group of people, and to see them in a different type of light. Although they might have long pants, they might have had an earring, we learned to come -- I have personally, I can only speak for myself -- to respect these young men and women. And out of the six that started, five finished, three of them, which I had mentored and also warren, they have continued with scholarships two of them on scholarship program and one has applied now and they are doing very well. This effort would not have worked if it wasn't for jim, zari, mary huff and kathleen merit. And all the supervisors in parks and rec got behind this and give them 100%. This program is well worth continuing in my opinion, for both the older people like me and to give the young people a chance. Thank you.

Katz: Thank you. Anybody else want to testify? I am going to give you one minute. Come on up.

Andy Seaton: Congratulations. It's this sort of program is the reason that although I have been unemployed extensively after moving here and working for intel for many years, in the I am trained as a computer programmer and system administrator, it's sort of thing is the reason I like Portland. And my apologies to randy leonard and got carried away on commissioner Sten. I still think this is

December 15, 2004

rather absurd that the set-lie ordinance or whatever it is you want to call it came out of his office of all people.

Leonard: You were doing good.

Seaton: Although I will finish up by saying one thing. A bits of advice that winston churchill gave to a young man. He asked do you have any enemies? And the 81 man thought for a second and he said, yes, I do. And winston churchill said good. That means you stood up for something once in your life.

Katz: As a matter of fact it didn't come out of commissioner Sten's office. Blame me. It came out of my office.

Seaton: I'm sorry. Bob involved, I assumed. So I will redirect my vitriol toward you.

Katz: Thank you. Thanks, everybody. Roll call.

Francesconi: Thanks for making this happen. I guess I also want to specifically thank the supervisors, the men of women of parks and transportation but I want to acknowledge mary huff and I want to thank malik. You were out there being, when they were, you know, on this age gap and culture gap they were asking malik how to deal with you throughout this whole experience and so malik, it was good. Because you have always done that.

Saltzman: You are getting to that point.

Francesconi: Aye.

Leonard: I really appreciated this program. Aye.

Saltzman: I know this is a strong passion of commissioner Francesconi and I am really happy that we are going to have this lasting program. I am convinced it will work and it will make it work well. The testimony of the two gentlemen from parks underscores how successful we will be and how much of an advantage this will be to many youth in our city who need simply that first opportunity for other people to overcome stereotype that is they may have and so I know this will work and it will work well and we will make it work. Thank you, commissioner Francesconi. Thank you, malik and everybody. Mary. Aye.

Sten: Aye. Thanks, malik.

Katz: Well, the next step is to make sure the certificate of advanced mastery gets implemented so these young people will have the professional and technical skills to start that work in high school and then come to the city or anywhere they want well educated and well trained. Thank you all. Commissioner Francesconi, good work.

Aye. All right. 1471.

Item 1471.

Francesconi: Andrew, why don't you come up. Let me say something. I am going to read it. Before us today consists of four housekeeping amendments from the tram l.i.d. which we recently adopted. So it's might be good, mayor, if we have the testimony focused on these amendments. The ordinance doesn't change the estimated assessments or the scope or cost of the tram project whatsoever. Has nothing to do with any of that. The findings are regarding benefits to the properties remain unchanged. There was an opportunity for testimony on that and we had that testimony at the original formation hearing. So I have asked ben walters who is here to kind of watch this to make sure we are within the scope of the intended purpose here this year. And I would also asked andrew aebi from pdot explain what these housekeeping notes are.

Andrew Aebi, Local Improvement District Administrator: Thank you, commissioner. Andrew aebi, local improvement district administrator. As you recall, council approved the Portland aerial tram l.i.d formation ordinance on august 18. Housekeeping ordinance makes four narrow amendments to the original l.i.d formation ordinance. First it reaffirms the council's intent to limit the l.i.d. to only \$19 million in project charges, project costs plus auditors' charges. Second it removes an erroneous reference to incurred charges in the findings. Third it amends a directive to describe the correct number of zones and fourth it inserts the correct map and place of one that

December 15, 2004

inadvertently omitted the marquam hill assessment zone. After my remarks there will be an opportunity to testify and present evidence. Testimony and evidence should address only these four amendments. Testimony and evidence regarding the original l.i.d. formation ordinance on issues that are unchanged by these amendments are not relevant to the council's consideration of this ordinance. The council has already heard lengthy testimony and has received evidence about those issues during the hearing for the original formation ordinance. Finally we notified all property owners of the four housekeeping amendments by mail in a letter dated november 24 that went out in the mail on november 23. And I have received contact from only one property owner in response to the mailing prior to this hearing. That property owner did not indicate any opposition to these amendments. I do have a few additional remarks to make. I know we are running a little bit late today. So I would ask you to bear with me and let me present those additional remarks later. But I thought as the next step it would make sense to open it up to testimony. Thank you.

Katz: Ok. Let open it up to testimony. Further testimony? Come on up. You have been patiently sitting.

Christopher Reive: I am christopher reive and I am a lawyer and I am here this morning on behalf of zrz realty company and zidell marine. I will refer to them as zrz. I dropped off earlier this morning in your respective offices written testimony that is more expansive than what I process to give here but given the predicaments of commissioner Francesconi, I would like to report to you that I delivered this as well to mr. Moline's office, the city attorney. If there's concern with regard to the scope of the testimony, I would like to address that up front. I don't know that there is.

Francesconi: I don't either. It's a good question, actually.

Katz: It ought to be limited to the issues within this ordinance.

Reive: I believe the testimony that I am about to give and I previously delivered to virtually every interested person in the room is within the scope. If I can proceed maybe if there's a concern we will address it as it arises and I will try to keep it short.

Katz: Excuse me. If you want -- did you want to say anything?

Francesconi: I think you wanted to know up front. Ben?

Ben Walters, Sr. Deputy Attorney: So as long as the invitation has been extended then let me make a remark. In looking through the materials, the only item that seems to be of concern is, there is a copy of a statutory bargain and sale deed, conveying property between schnitzer investment corporation and the Oregon health and science university foundation. And it's unclear how that is at all relevant to the four amendments that are before the council this afternoon.

Katz: And I don't want you to argue that it is relevant or not. If our city attorney thinks it is not relevant, then, why don't you just proceed with your testimony that we think is could very easily be relevant.

Reive: I will proceed. I won't refer to the document. I will simply make an offer here of the document. It can be resolved at a later date. As you are probably aware zrz has commenced litigation before the Oregon tax court, the circuit court and land use board of appeals naming the city of Portland as a party and concerning the formation of the Portland aerial tram local improvement district, assessments made under the that l.i.d.'s enabling ordinance and the development agreement for the south waterfront central district. I am zrz's lawyer in each of those matters but I am not here to discuss the status of those cases. Instead I am here first to clarify that zrz is not opposed to redevelopment plans for the city's waterfront or the aerial tram. Zrz is opposed to the method the city has chosen to apportion and assess the costs of constructing the tram and we have remonstrated against this l.i.d. which is part of the record in this ordinance. In the interest of time as I have mentioned before, I provided a more detailed written explanation of each of the points I am going to summarize. And I ask that my written testimony also be made a part of this record. I also note here that I offered as exhibits referenced in that testimony an affidavit from me with attachments a, b, and c, I will avoid the reference to the bargain and sale deed. A copy of

December 15, 2004

the court of appeals opinion of Jaqua versus the city of Springfield which I referenced in my written testimony and a copy of the entire South Waterfront Central District Development Agreement including its first, second, and third amendments. Now, with the exception of the Development Agreement all these materials including my written statements were provided in advance to Mr. Moline who represents the city in the pending litigation. These are placed before you with Mr. Zrz's specific request that you take them and my comments into account during your deliberations on this proposed amendment to Ordinance Number 17865. Briefly, my written comments are summarized by saying that the Portland Aerial Tram L.I.D. is now again before you to correct some of the errors that were committed in its initial adoption. My purpose here is to explain and perhaps convince you that this L.I.D. formation remains flawed, notwithstanding the amendments that have been proposed to you in this new ordinance. In other words, this proposed ordinance neither addresses nor corrects some fundamental flaws in the city's approach to the construction of the tram. Some of those flaws in the current proposal are. Because the aerial tram is a transportation bridge over the I-5 freeway and other impediments to travel from the South Waterfront and the OHSU facilities on the Hill, it is not a proper project for L.I.D. financing. This is particularly clear in this case because the tram's focus is serving public rather than private users.

Francesconi: I think we should give them more time.

Katz: Any objections? Stay within the scope of this ordinance.

Reive: Understood, your honor. Your honor.

Walters: I would like to issue one cautionary note. To the extent the argument is going to the formation of the L.I.D., that's not what is before the council today. That just needs to be kept in mind by the council when the council goes forward with its determination on the amendment. I understand that this is not an emergency ordinance, and will continue to second reading. Is that correct, Ann? And so a vote will actually occur next week and the deliberations regarding the ordinance next week, the irrelevant material and any irrelevant arguments should be disregarded.

Katz: Ok.

Walters: That's just a cautionary note. And I think that there will be another cautionary note provided to the council before the deliberations begin next week.

Katz: And continue interrupting if you think that we are, he's --

Walters: Well, I don't want to interrupt the flow of Mr. Reive's argument. And I don't want to drag on this afternoon's proceedings any further than they need be. So I don't think I will continue to interrupt but I will sort of raise a standing objection that will just need to be taken into account by the council next week.

Katz: Ok. Go ahead, sir.

Reive: And I will proceed.

Katz: There's paranoia on everybody's side.

Reive: I understand. The second point I am making is that the L.I.D. boundary is currently proposed to be comprised of two separate and unconnected areas and it's our position this is prohibited by the city's charter and O.R.S. Chapter 223. Third point, the recent court of appeals decision in Jack Webber versus the city of Springfield requires compliance with the transportation planning rule. And I have attached a copy of that case for your review for your own review. Fourth, we are concerned that the city has not followed appropriate notice for to this hearing and the reasons are explained in the materials I have provided and we reserve our right to object on this basis subject to your review of those concerns. And specifically with regard to the notice for this hearing, and it was pointed out in the earlier presentation, the postmark on the envelope does not reflect the date on the enclosed materials. The date of receipt was 13 days, by my client, was 13 days after the date of the postmark. And the affidavit that I have provided to you explains in some detail the conversations I had with Mr. Moline on December 1 and December 3, during those conversations it was my understanding and I believe his that the draft ordinance, that the ordinance before you today

December 15, 2004

is still, was still in draft at that time and was not available for review. Five, the city has relied on unqualified reports to assess the economic benefits and costs of the proposed trams to the properties located within the proposed boundaries of the l.i.d. And zrz offers to obtain and provide a qualified appraisal and ask requests the city defer any decision on this proposed ordinance and keep its record open for sufficient time to allow performance of such an appraisal. And last the city adopted a development agreement subsequent amendments and then incorporated terms of those agreement into this l.i.d. Without adequate public notice or opportunity to comment on its terms. Zrz who is not a party to the development agreement is disproportionately burdened by the costs that will be assessed under the apportionment formula of the l.i.d. and is therefore denied the right of due process of law. With those comments on behalf of the zrz, I thank the council for its attention.

Katz: Any questions? Anybody else? Andy, come on up. No. No. Did you want to testify? All right. Questions. Pass this to second.

Francesconi: Andrew, you wanted to read something?

Aebi: Yes. Be happy to answer any questions you have on the ordinance in a moment. I have reviewed the written, draft written testimony that attorney christopher Reive submitted to the city attorney's office prior to this hearing. I would like to address some of these issues regardless of whether they have been raised in oral testimony here today. First of all, page one of this document in the second paragraph makes reference to "assessments made." I just want to remind the council and clarify that for the record, no assessment has yet been imposed and this will be done in a separate and subsequent ordinance. Also in this paragraph is a reference to the development agreement. This ordinance doesn't amend the development agreement so this reference is irrelevant to the ordinance before you today. Page one, paragraph four of this document raises arguments about the l.i.d. formation ordinance that has already been adopted by council. Not the amendment before you today. So this reference two is irrelevant to this ordinance before you today. Page one paragraph 5 and 6 of this document raise issues with respect to benefit. Again, these arguments are irrelevant with respect to the amendments that are before you today. On the second page of this document, first full paragraph, mr. Reive's item number two, a statement is made that the ultimate cost of the tram is unknown. This is true for any project for which construction has not been completed. Directive a of this ordinance before you reaffirms that the property owner's project cost, exclusive of auditor costs, are capped \$19 million regardless of project costs. On the second page of the document mr. Reive's item number three, second full paragraph, the suggestion is made that all l.i.d. boundaries should be continuous. In fact, we had used a noncontinuous l.i.d. boundary in the past. On the second page, third full paragraph, the statement is made that l.i.d. Financing may be spent only on improvements within the l.i.d. boundary. This l.i.d. funds most but not all of the project costs and of course we will not be spending any l.i.d. funds outside the l.i.d. boundaries. On the second page of this document, fifth full paragraph, mr. Reive's item number four references made to compliance with the transportation planning rule. The transportation planning rule is not addressed with these amendments so this issue is irrelevant but for the record, transportation planning rule compliance was addressed in the planning and zoning processes for both marquam hill and south waterfront. On the third page of this document, mr. Reive's item number five, question were raised with respect to notice provided of this hearing. I have copies of the proof of mailing to the two addresses of record for zrz realty and I will give these to karla. I would like to point out mr. Reive's own exhibit b1 shows notice was, in fact, mailed on november 23, three weeks before the hearing. On the third page of this document, mr. Reive's item number 6 raises issues with respect to benefit of previously noted, the ordinance before you does not address or establish the question of benefit so this argument is irrelevant to the amendments before you. On page 4 of this document mr. Reive's item number 7 raises issues with respect to development agreement as previously noted. The ordinance before you today does not amend the development agreement. So this issue is irrelevant to the amendment before you today. A document submitted

December 15, 2004

to the city attorney's office by mr. Reive asked that emails among city council members related to development of the assessment methodology be incorporated into the record. This ordinance doesn't establish or amend the assessment methodology for this l.i.d. But my recommendation to council is that this request be denied. Finally, a request is made that the record of all prior hearings on the first adoption of this ordinance be adopted into the record. My recommendation is that the council clerk's record of the proceedings be incorporated but not the emails among city council members. Thank you. I will be happy to answer any questions I have.

Katz: Pass this to second. Ok. 1472.

Item 1472.

Francesconi: Thanks, andrew.

Moore: Assessment of property for street improvements in the southeast 128th avenue local improvement district.

Katz: Roll call.

Francesconi: Very good thing. We heard great testimony. It will spur housing, low and moderate income housing and sometimes we any of that when we are improving streets. Aye.

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

Katz: Mayor votes aye. 1473.

Item 1473.

Moore: Assess benefited property for street improvements in the southwest 19th avenue local improvement district.

Katz: Roll call.

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

Katz: Mayor votes aye.

Leonard: Mayor Katz.

Katz: Yes.

Leonard: I would move to set off the balance of this calendar until december 16, 2:00 p.m.

Katz: We have been placed in a position where we will probably if we didn't do this be here for quite a while. Assuming andy wants to continue testifying on every consent item. Does anybody have a problem with that? And probably what I would do is set it over until after the spirit of Portland awards because you certainly tonight want to keep, you know, the chamber filled with people who are honoring other folks, listening to testimony.

Andy Seaton: If I may. Give me three minutes? I will withdraw my objections.

Katz: Ok. Fair enough. Come on up. Is that all right?

Leonard: Give him six then. Because I know what that's like.

Katz: Because he has to go to the bathroom? [laughter] three minutes.

Seaton: I would like to, I will put this into the record here later. Convenience to randy leonard the quote about fire in a movie theater, this comes from people's history of the united states by howard zinn. Free speech should not protect a man falsely shouting fire in a theater and causing a panic. That was oliver wendall holmes in 1917. Upholding this is the important part to remember. Never gets picked up. Upholding the conviction under the espionage act for printing a pamphlet denouncing the world war I and the draft as a violation of the involuntary servitude under the 13th amendment. So that was, it was a rule saying that trying to come up with some reasonable excuse for why you can limit speech for doing something as simple as publishing a pamphlet saying there shouldn't be a draft. You talk about the war hysteria now it was even worse during world war i. So it's always --

Katz: How did you get that information?

Seaton: This is a combination palm pilot cell phone. [laughter] like I said I am a techie.

Katz: Ok.

Leonard: I have the same phone.

December 15, 2004

Seaton: I will be happy to show you. Although at my current unemployed state I would be charging you. A couple things actually from the agenda here. One is that you are buying the right of way off odot for the i-205 and I am curious why you are not demanding that or doing some sort of internal transfer that probably would save a lot of money including the \$5 million that you are having to cut. And my other question was the -- your \$5 million is being cut out of this because of the reduction in the l.i.d., and I thought it was only \$1 million being cut. But there's some question of matching funds but then I thought that the tri-met was kicking in to make up some of the \$5 million but the according to the rules and regulations to what I got last night it still says \$5 million. And the other thing here is, is the land that you are selling under 1446, you know, part of lot six, you know, piedmont block, part of lot 6 I am curious how much money this is going to raise but more importantly I am curious whether or not that might be an opportunity to have a dignity Village in some place closer than not surrounded on all sides by decaying plant matter, talk about rats and all of that out there. I think the problem isn't dignity village. It's the piles of crud around it. So these are some things. I had great fun digging through all of this. I was born six blocks from the white house and I come from a long line of federal bureaucrats so in keep you busy as long as you want.

Katz: We need to find you a job: [laughter] actually.

Seaton: I enjoy what I am doing for kboo which is keeping you guys honest on a weekly basis and I am looking for work over there. So just keep all this sort of stuff in mind. And there are people out that are interested in and I am passionate about the sit-lie ordinance. It's the one block quite frankly, you know, this and the joint terrorism task force coming up next work are two things that -- that I know you are trying to push through. But I think that they go against the grain of the city in a big way. So, you know, having been roused by the thugs in black from the other side of the park, it's really makes me worry. And, one thing about going to do bathroom, and Sten, you are redoing the 10-year plan for homelessness, it's like, ok, guys, fine. You have to go out and live on the streets for 10 days, not less 10 years, to before, you know, if you folks the five of you up there having to put up with the homelessness issue it wouldn't take 10 years to do it. One the things that was passed earlier tonight, earlier today was the making illegal to go in the bathroom in the parks. So, you know, it's like, you know, imagine that you couldn't use any the bathrooms here, you had to go out to the bathroom out in the parks down the block here. And it begin to get a feeling for what it is to be homeless. I am inches away from being homeless myself. If it weren't for parents who are able to send me money and friends helping me out of, I would be out there, too. Quite frankly if I do end up homeless I am going to be across the street again. And looking out the mirror, looking out the window of mayor potter's going to be look account at the window at me, instead of you, vera. Keep this in mind that, you know, I don't like to think i'm dangerous but perhaps not too bad.

Katz: Thank you, thank you, andrew, to withdrawing that request.

Leonard: Move the consented agenda.

Katz: Roll call.

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

Katz: Mayor votes aye. Thank you, everybody. We stand adjourned until tomorrow at 2:00 p.m. And this is probably one of the nicest days that we have all experienced here as council members.

At 1:35 p.m., Council recessed.

December 16, 2004
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 16, 2004 2:00 PM

[Roll call]

Katz: This is an afternoon that we all are looking forward to. We've all agreed over the many, many years this is the most fun we're going to have and one of the happiest afternoons that we'll experience. So I want to welcome all of you on behalf of the council, and share with you what the spirit of Portland awards really stand for. I'm going to read from the four criteria, because these awards are given to groups or individuals who meet all of the criteria. Assist can and implementing outstanding projects, enriching and revitalizing community and neighborhoods. Providing citizens with a special service, and demonstrating responsiveness, creativity, and civic values. And that's what Portland is all about -- our citizen who's get involved in these programs and projects, and services that serve not themselves, though it's a great benefit for them, but serve the community. And that's what we're going to celebrate today with the spirit of Portland awards. A couple of housekeeping notes. We have certificate winners and award winners. The certificate winners, your names will be announced. We would love for you to stand and raise your hand. Your certificates are downstairs. And then i'm going to ask people who may want to hug me not to do it today, because my white count -- this is also for the young ones, this is not a fashion statement. My white count is low, and I have to be very careful not to catch cold or any illness, so I wear the mask. So if you stay enough away from me, i'll be ok. All right? Good. We'll start, and i'll turn it over to commissioner leonard, who I didn't notice had opening remarks.

Leonard: One correction. Anything vera wears becomes a fashion statement. [laughter] masks are in. Thank you all for coming. It's my privilege as the commissioner in charge of the office of neighborhood involvement to host this event, and I don't need to say much because the mayor said it all. I mean, just precisely the way it should have been said. Good citizens are indeed the riches of our city, and even when we fight, we're doing good, because that's how we get to good solutions, is both sides sometimes vigorously working through issues. And i'm really proud to say that even some of these awards this year go to those that have been on other sides of various commissioners here this past year, as it should be. And so it's really my privilege to represent the office of neighborhood involvement, and I want to acknowledge commissioner Sten and his giving of the first award.

Sten: Thank you, commissioner leonard. Welcome to everyone. I get the honor of going first. I think we'll trade off giving out the awards, and as you hear your name called, please make your way up to the microphone, and you can say a couple words if you'd like, and we'll present you with your award. Our first winner is the nonprofit organization of the year, and that organization is the morrison child and family services latino program. So i'll ask their representatives, I think --

Leonard: On the certificates we're going to ask people to stand and then at the end we have the certificates down stairs that we're going to give after you've been acknowledged here, you can stand, and then we'll give you the certificates later. The awards we'll give here.

Sten: This is the award.

Katz: The certificate recipients stand up.

Sten: But this is the award certificate. This is the award winner.

Leonard: Ok.

December 16, 2004

Sten: This is the award winner. Don't listen to what he said. Come on up. [laughter]

Leonard: I was on the wrong line.

Sten: The morrison center latino program focuses on latino youth. It is a drug and alcohol counseling program that works on culturally specific treatment services for latino youths age 13 to 18 years. It includes cultural education, as well as best practice counseling to help their -- to help the youths recover from problems with drugs. In four years, I think this is pretty remarkable, the program has a 70% success rate with the children that it works with. It's specifically designed for latino youth. They have bilingual staff, and they become mentors, work with the youth, take them in the community and get them involved in positive events. The program is a terrific program, it's making a huge difference in the lives of latino youth, and by doing so I believe the lives of our whole city. I hope you'll help me in thanking the morrison center latino program. [applause]

*******:** I sure do thank you for all this. As I said, thank you mr. Leonard, certainly the office of neighborhood improvement. I have to thank you for honoring us. It's been four hard, long years, and i'm really grateful to be honored this way. My staff of the program, we -- personally I thank my god most of all for the strength and the direction to guide the program along its way as it's been going. And certainly I want to give thanks to the important women in my life, my wife for putting up all these years the times I was frustrated, and angry, and crying, and when I was really hurting because we lost some lives, that's why we do what we want to do, we don't want to lose anymore lives. I want to thank the two cornerstones of the program, the two ladies who are very important from the inception of the program, its birth, they've been advocates, they've been mentors, they've been teachers and certainly there from day one. Mary miles my program director, and jean from the county who's now retired, thank you, jean, god bless you. Certainly want to thank my starve. It wasn't a one-man show. Mr. Garcia and ms. Mobley have been instrumental in all the work we've done this past year, and certainly our relationship with all the community agencies and partners that we have, latino network, represented by similar via and certainly really important for me too is commissioner cruz has been a real strong advocate for the manner of how we deliver our services. We feel we're unique. We feel we're making a positive impact in our latino community, and we thank you all for honoring us that way. [applause]

Sten: I think we got this straight. I'm going to read the names of the certificate winners whose certificates will be downstairs in this category. That's the feral cat coalition in Oregon and the philippine american chamber of commerce. So let's give them a hand. [applause]

Katz: We would all like to shake your hands, so when you get your award, come on across so we can all congratulate you before you say a few words. You missed your opportunity, but -- the hugs are probably the thing I need to avoid today.

Saltzman: The next category is the small business of the year. And the nominees are -- if they could stand -- brent dahl of c.m.o. And the salamo tuialuuluu john's review. Anybody here -- [applause] -- the saint john's review. And then the small business of the year award winner is the fanno creek clinic. Founded seven years ago, the clinic is providing critical health care to the community and creating innovative projects and programs. Some highlights are their foundation which helps provide health insurance for unemployed community members in exchange for volunteer time. And their continuing commitment to Oregon health plan patients. It's a business that exemplifies the spirit of Portland, and they're also in my neighborhood, so i'm proud to be able to give them in award. Dr. Goodley? [applause]

Dr. Greg Goodley: Thank you very much, mayor and city council. It's an incredible great honor to be here, and we're really grateful for this award. I want to really mention we have 50 people who work at fanno creek clinic, so this is really speaking for all of them, and since we're open for business, they couldn't all be here. But it's been a great pleasure to try and deliver the best primary care we can while at the same time looking to try and find creative ways to help the community, because certainly as we see through the daily lives of our patients, there's an awful lot of people

December 16, 2004

who have a lot of needs, and then -- I want to particularly thank becky osmond, our nurse manager. I've worked with her for many years, even before this, and now at fanno creek and larry reid, our office manager is also here, and I also wanted to really thank my family, my older kids who got out of school and younger ones who came, and my wife to come and see this. So thank you very much. [applause]

Francesconi:

Leonard: Mayor Katz. No, commissioner Francesconi, sorry.

Francesconi: That's all right. You forget me already. We want to recognize many large businesses that are providing many good services to our citizens, but are also giving back to the community. So the certificate award winner, or the runner up in the large business of the year category is chevron texaco that we should clap for. [applause] the large business of the year is g.i. Joe's sports and auto stores, as represented here by their c.e.o., norm daniels. And it's terrific that -- because they give so much back to the community. I didn't know the origin of this. The founder of g.i. Joe's, ed orkney, reminds me of norm daniels. He was an entrepreneur. So he was looking for a way to support his young family, and he was a veteran, and he heard that some goods you could get good deals on if you were a veteran, so he drove right after world war ii up to fort lewis and came back with 2,000 sleeping bags, and then he sold those out of the back of his car, made a little profit, and that was the beginning of g.i. Joe's. Since then, they've provided good jobs throughout the west, and perhaps broader, but also right here in Portland and Oregon. And they give back. They have a history of giving back to the community. They support starting with the leadership at the top that sets the example throughout the organization, but also because the generosity of their employees, they support the komen foundation, the march of dimes, american red cross, the northwest steelheaders, boys and girls clubs, ducks unlimited, the children's cancer foundation. What's not in your program, they also support p.i.r. And the races, which also generate a terrific economic return here. And norm has been particularly passionate in that regard. But the real passion lies with you young people here, the children in our community. Currently they're spearheading the save our schools campaign that allows all Portland area schools to earn income for their schools. The winning school receives \$20,000. They also have formed a foundation to support schools and athletic programs. They donated \$125,000 to 50 projects, and I personally helped -- appreciate norm and g.i. Joe's, because they helped light three athletic fields. For now roosevelt, marshall, and cleveland have home games on friday night, and if you -- it makes such a difference for those schools and their communities. One of their most creative programs is to fund the fifth grade boise-elliott class projects. They make jump ropes to send to fifth grade students in uganda. So they're helping build community here, community throughout the world. It's my personal privilege to present this award to the c.e.o., norm daniels. [applause]

Norm Daniels: Thank you, mayor, and thank you commissioners. I get kind of joked -- choked up during these things. We are very sensitive as a corporation, and I would like to on behalf accept this on behalf of the 1300 employees that work for g.i. Joe's throughout the northwest. It is a real team spirit, and we try to do things on a rear-round basis to give back to the community. Actually, just a little update, we've now given over \$200,000 and over 75 different groups from our foundation. The foundation we formed two years ago to give back to the community to youth activities throughout the northwest, and i'd like to thank my wife who is here, who is the president of the foundation, and bill manning, who is up in the audience who is one of our foundation board members. So they spend all year trying to figure out who to give the money to, and they do a terrific job of doing that. Again, g.i. Joe's really appreciates the effort, all of the award, and I accept this on behalf of all of the people who are part of g.i. Joe's. So again, thank you very much. [applause]

Katz: If i'm right, the next award may be the 91st time we've given awards to little ones. I still call you little ones. Cherry park school will be the recipient of the youth volunteer year award. You

December 16, 2004

know, we usually ignore our young people, and because we think they're too young to give back to the community. This particular school and this particular class, it's a mixed group. First and second graders, yes, 6 and 7-year-olds who have made a decision that they wanted to be part of the community that gives back. And thanks to the community for supporting their school and our schools in Portland, and Multnomah county. They apply their classroom learning to real life experience, which is absolutely critical for their success, and they have made choices about what they want to do for their community. And let me read some of those. Storm drain marking. You like that, huh? The white paint? Yeah. [laughter] I like the next one, creating murals to beautify a building.

Saltzman: So do I.

Katz: Collecting food and sorting it at the local food bank. Did you do that? Did your hands get cold when you touched cold food, or you didn't touch cold food? No? Ok. Painting over graffiti. We love you doing that. I like that too. And landscaping around school grounds. You are a model of citizenship, and what it means to be a citizen of Portland. And we all want to thank you very, very much. In the little book we have, it says here that you want to be out in the communities and make a difference. And if you keep that in your head as you advance to grade three, four, five, six, that you in your lives want to make a difference, you'll be on the right track and you will contribute to this city and to any community that you live in when you get older. And it doesn't have to be big things. It can be little things. You have done big things, and for that we are honored to give you the youth volunteer of the year award. [applause]

Barbara Chester: As the principal at Cherry park, I get the privilege of making the speech. Teachers can talk in front of kids all day long, but when they get in front of adults they're somewhat uncomfortable. Thank you very much for this recognition. The students that we brought with us today are simply a small portion of students at our school who do a excellent job. The staff and parents who are with us help make this possible. Believe me, last spring when they were out trying to put those storm drain markers on, I think they picked the hottest day of the year to go out, and amazingly, they all stuck on there and they did a great job. And the kids notice there'd was one downtown that didn't have a marker on it, so we probably need to work on that piece. We hope that we are helping to create the future mayor and the future city council for Portland, or at least candidates for that. And we'd like to thank you very much for this award. [applause]

Katz: After this is over, let's take a picture with all the children. Ok. City employee nominees certificates. David muir, will stevens, will you please stand up? [applause] thank you. City employee of the year award, jan campbell. [applause] this city doesn't forget the issues facing the elderly and the disabled, and people who need extra assistance because they create so many barriers for them to get help. And jan campbell was our face and our voice in making sure that people were well represented. Not only does she do that job as a coordinator for the city and the county, but she also is on the tri-met committee for accessible transportation. I need to tell you, they fear this woman. [laughter] because when she sits at the table and pounds her hand, they listen. And that's how people get the services. She's dedicated to help people advance in improving their quality of life. If living is difficult for them in -- and the situation is difficult for them, housing, work experiences, and assuring that people are free from discrimination. Not only that, she's sort of been one of the voices in improving our choices for transportation. She worked on the max lines, she made sure that the light rail and buses were safe, and probably more importantly, she was at the forefront of low floor rail vehicles, those are the vehicles that go on the buses and the light rail without having to go through all the movements that you see wheelchairs go through and the drivers go through. And she was important to tri-met to bring this technology to the city, and we were the first city in north america to have that kind of high-tech equipment. You will be missed, jan campbell. I wish you -- first of all, you're too young to retire. I wish you all the best. Please tell us

December 16, 2004

what you think you want to do when you grow up. And congratulations. [applause] so the city employee of the year award -- [applause]

Jan Campbell: Thank you, everybody. This award means so much to me. I'm very emotional, so friends, keep me on track. I couldn't have worked for a better employer with your leadership, mayor Katz, and the council if we don't have the leadership within the community, we can't make the changes that we made. And I also want to thank the city-county advisory committee on persons with disabilities, which is the city-county group here. Within the city and the county. I hope that they will be able to continue, because I staff them, and they are the ones that actually did a lot of the work and made the changes in our community. And most of all, I want to thank all my friends that are here who have supported me, and the disability movement. Because the disability movement makes our community more accessible to everyone. Just not for people with disabilities, but everybody at some time will need the access that so many of us are fighting for. So thank you very much, and god bless, and I hope to continue the advocacy. You really have not gotten rid of me, as you can probably see. I'm still on the streets and everything, so -- and it's in my heart, it's my passion, so I'll continue as long as I can. And thank you, friends, I couldn't do it without you. [applause]

Leonard: Now we're going to have the award for the neighborhood office/coalition employee of the year. And that is going to be awarded to elizabeth kennedy-wong, who is not here right now. But in her stead and accepting for her and on behalf of the neighborhoods, scott bella, and cindy peak. If and you -- and if you could come forward as i'm describing elizabeth kennedy-wong. Elizabeth kennedy-wong is the executive director of southeast uplift. Elizabeth's passion for citizen participation has been woven throughout her professional career. And she's worked for southeast uplift since 1998. In the past three years she's worked on innovative programs, including the homeless working group, the healthy neighborhood project, diversity and civic leadership committee. I have one little thing I want to relate which I was particularly impressed with. That was that elizabeth participated in gathering signatures and presenting more than 1 million signatures to newt gingrich in the 104th congress demanding protection of Oregon's environmental laws. And I -- this part I don't have in the notes, because I can repeat from experience -- if elected officials color outside the lines, the first person you hear from is elizabeth kennedy-wong. [laughter] and she's helped me learn how to color in the lines. So I very much appreciate and am pleased that elizabeth kennedy-wong is receiving this award. Thank her very much for me. [applause]

*****: Elizabeth asked her to read her words. Elizabeth wrote us and asked us to read her words for her, since she can't be here with everyone today. She first asked me to make sure that southeast uplift staff is recognized. Anyone who's here in the room, i'd sure like to you stand up so we can applaud you too. Because she couldn't do it without you. But i'll just read her words. She said thank you, this is pretty fabulous. I'm disappointed not to be here, but have asked my greatest allies, leaders, and supporters to accept on my behalf. I'm a very lucky person. I get paid to do work that I know makes a difference. Work that I care about, and work that offers me the opportunity to interact and socialize with some of the best people in this city. Portland's neighborhood system is a tremendous vehicle to work with our community and harness its abundance, creativity, vision, and passion. People love this city and are willing to spend their time and energy to make it an even better place. I get to help them do that. I've asked scott, linda, and cindy to accept this award because if I were here, I would ask them to accept it with me. I'm proud of southeast uplift, what that means ent.hat i'm proud of the neighborhoods. Neighborhood associations, businesses, and everyone else who is southeast uplift. This organization is effective and makes a difference because the people in front of you have been there with me. We really appreciate these words she's said. Meeting after meeting, they take the time, make the decisions, and provide me with the support that makes everything come together. So while I say thank you, I also want to thank them. Thank you. [applause]

December 16, 2004

Saltzman: The next category is the volunteer group of the year, and we have one group receiving a nominee -- receiving a certificate, and I know we have some members here from the homeless working group, so you know there's at least a few of you here. Why don't you stand and we'll give you a round of applause. [applause] and for the volunteer group of the year award winner, there's actually two winners. I'll do one and commissioner Francesconi will do the other. The first group is friends of the reservoir. Friends of the reservoirs. In a true example of grass-roots activism, friends of the reservoirs formed in the fall of 2002 in response to the city's decision to move forward with plans to bury reservoirs at mt. Tabor and Washington park. As the commissioner overseeing the water bureau during this time, I was continually impressed with the group's energy and commitment to their goals and ideals, even though we didn't always agree. [laughter] there is no doubt they empowered many members of our community and showed that the Portland spirit of civic engagement and involvement is alive and well. So congratulations to the friends and I know I see several friends in the audience. [applause]

Cascade Anderson-Geller: We're not very hierarchy. We are really honored to be in the room with so people that love Portland and give so much of service to our city. We'd really like to accept the friends of the reservoirs would like to accept this award on behalf of the reservoirs themselves who really embody the spirit of Portland in their over a century years of service in a beautiful and gracious manner. We hope and we know that they could be here also when the spirit of Portland awards are given in 2104. With good maintenance, with clear headed advocacy, we've been gifted with the bull run system and the water system to believe proud of for many, many generations to come. So we're really happy to be able to get this award today, and we really honor the city and the city commissioner that's can offer an award to a group like ours who are very pushy. It's wonderful to be in this room where there's a different flavor than has usually been here when we've been in this room, so that's a real great pleasure. And I do want to say that we all want to say that we could not be here without the volunteers and the activists that came before us that have gifted us with public service amenities that we sometimes take for granted. Those include not only our water system, but also the Portland parks and the public lands that provide housing for that water system. And so on behalf of all those people that came before us, we want to say many thanks to them and also we accept the award for them. And last but not least to the people that have supported us across the Portland community, also across the state, and also across the country, because Portland has a water system that is not only a historic treasure, but also stands alone among many water systems among the country. So thank you very much, all of you. [applause]

Francesconi: The common ingredient in our community volunteer groups from commissioner Saltzman and this one are the ability to community organize, and I know good community organizing when I see it, and both of these groups were terrific. The next honoree in this category is the Washington high school project advisory committee. And I think there's several members here. The person accepting the award is going to be susan lindsay. So let me say just a couple words. For 20 years, the residents of inner southeast have been dreaming of, fighting for, advocating for an a -- a community center. Some feel there that it was promised before the most recent community center was built. But they never gave up. It's a -- they pay taxes, they support schools, they support parks, they have many great businesses. But they've wanted this community center because they know it's the key to keeping families in the city. And they deserved it. So then when the Portland public schools became available, the site became available, there was the question of money and the question of outreaching to the community, and making sure the right thing happened. And it took a terrific group of organizers, led by susan lindsay, but there was a team. Mary ann is here, linda is here, there was a team they built to really outreach to the community. So what could have happened and may have happened is that parcels could have been -- could have been sold off and the community center could -- may not have been built, number 1, at all, or not in an adequate size and scope to also have green space and soccer fields to support the

December 16, 2004

neighborhoods. So it took advocacy and leadership and an ability to do the right thing, which led to the whole counsel unanimously supporting this, and I would like to also add my thanks to the Portland school board, and Julia Brim Edwards, and Jim Scherzinger for his work in making this thing happen. The job is not done, so this group is just warming up, because the next task is building this community center. But now it's going to be available to be done because of their leadership. So we'll present this award and Susan Lindsay, you can invite up whoever else you would like. [applause]

Susan Lindsey: Thank you. First of all, I kind of believe in giving credit where credit is due, so I'd like to name the other committee members that aren't here. First of all, this Mary Ann Schwab from the Sunnyside neighborhood, and Kathy Holmes, and Pam Brown, and Sue, she was our Southeast Uplift Assistant, and Linda from Hosford Abin-Depth. People who can't be here were Michael when it more, James, Christine Yin --

*****: You should be down here: Donna, a neighbor, and Joe Ann Ferraro from the Central East side. I want to thank Commissioner Francesconi. And his office, and especially Kevin Jeansgail for their assistance in bringing this together. This is a vision to create a space, and right now what we have is a place for the space to be built on. And what this will be is that this will be a community center that is open to all. All people can use it, regardless of their income, regardless of their abilities, all can come and use this. And of course it's not built yet, but it will. And what we have right now is we have a place for it, 4.5 acres in the inner southeast. There will be a place for the community center with a pool, there will be a place for a soccer field, for kids to be able to play outdoors safely. And there will be some open space for neighborhood residents to be able to enjoy. And this -- bringing this project together, this vision has been a wonderful experience, because the community got very involved and we had participation from the city and the school board. It was win-win project for all around. Now at this point all we need to do is get it built. So that's the challenge for all of us in the community and the city, to be able to come forward to be able to build this place, because the inner southeast needs it, deserves it, and our kids and our seniors and our folks that are economically challenged need it too. Thank you. [applause]

Leonard: So now I'm going to read the names of the individual volunteer nominees receiving certificates, just rise in your place and your certificates are downstairs in the obit of neighborhood involvement. David Ashton. Jackie. Joe Beeler. Lauren Bunderson. Monica Butchaell. Ethan Dunham. Joe Esmonde. Patrick Gortmaker. Patrice Hudson. Posthumously to Jeanette Scott Newquist. Fred Sanchez. Joan Allen Tate. Let's give them all a good round of applause. [applause]

Sten: Now we're on to the individual volunteers of the year award winners. We're going to go slightly out of order. I'm going to do the three I'm presenting, and I have to leave just a few minutes early, that's why I'm going to do that. I want to start with Don Green. Don is one of those people that just flat-out gets things done. Without Don, the annual Wilkes neighborhood picnic would not happen. He makes sure the food is there, everyone gets fed, and he cooks, serves, and I'm told cleans up as well. It's not just the picnics, since 1951, Don has been a member of the Lions Club and a key supporter of getting services to people with hearing and sight impairments through what's called the mobile health screening program. He's been doing that for over 50 years. And in the midst of all of this, the things he does publicly, what people don't see, he's also a C.A.R.E. Giver to frail members of his family and largely responsible for quite a bit of work at home because of that. And so Don our hat is off to you. [applause]

Don Green: I want to thank the mayor, council, and Wilkes community group. I get a little emotional after umpteen years and getting gray hair, but this is probably the most prestigious award I have received. Thank you. [applause]

Sten: Congratulations. Our next award winner is Verna Russell. She's the type of person that works quietly in the background. She does all kinds of things there. Are some people you don't know and

December 16, 2004

don't hear about, and verna is one of them. For 10 years she has provided special services to a woman with alzheimer's in her community. She's done this using her own resources. She's reached into her own pocket to help with medical and financial needs, and has kept doing it once the diseases reached the point the woman no longer recognizes her, which is what happens with this terrible disease. She works with friends, neighbors, and she particularly looks out for people who no one else is there for. And every friday she rises up early in the morning and she reads newspapers and prepares articles for opb and reads in the golden hours program as well. It's a huge commitment of time and she does it every single friday, all year long. This is a person who I think would not have sought this recognition, but deeply, deeply deserves it. Congratulations, verna russell. [applause]

Verna Russell: I got to say, this is a mighty nice christmas present. I want to thank everybody. I want to especially thank the person that nominated me, who's here in the audience. Kyra. I'm both honored and humbled by this award. Humbled because I know that there are so many people in this room, in this city that do the same kinds of things I do all the time, and are not recognized. Thank you all very much. [applause]

Sten: Congratulations. Next up is emily ryan. I think -- these are all very fitting winners. This story am particularly proud of. Emily is a second-year member of the Multnomah youth commission, which is a group of local young people that advise the commission on children, families and community. She's also serving on the youth commission coordinating in the and she created the county linked continuum, which a forum for homeless youth to speak directly to service providers. That would be enough to get this award. What i'm so touched by is what isn't there and you may not know, she was homeless for four years, and stayed with it, fought through the most difficult obstacles that really shouldn't exist, but do, and got her high school degree through that time when she was on the streets, and is now in college at portla12.2community college. She has I think also then done what the -- what is even more bold, and decided to share her story with people and to let people know about all those problems as well as accomplishments, and I think emily, if there's any symbol for why we need to stick with people and why homelessness can be something that can be beat in this community, it should be emily ryan, who's done such a terrific job.

Congratulations. [applause]

Emily Ryan: I'm looking at all the people standing. I didn't really prepare to say anything, but I want to thank the person who nominated me, ken, he's the executive director for new avenues for youth. I want to thank everybody who supported me, and especially people like joshua todd at the commission on children families and community, and the homeless youth oversight committee for making what I want to do a lot easier. [applause]

Francesconi: The next person has been up here already, but she deserves this more than she's done in addition to working with community in Washington high school, and that's susan lindsay. So susan, come on back. Susan is -- hold as masters of education and works at Portland state. She works with foreign and immigrant students. She's receiving this award as -- for all the things she's done. She's been chair of the buckman neighborhood association for a long time, for several years. She works on land use and transportation. What I didn't listen -- in addition to the board chair, she's active with the burnside transportation plan, the p.d.c. Bridge head project, the eastside streetcar, the central eastside working group, and is vice chair of the central eastside urban renewal committee. She also works for Oregon's environment and the forest, where she's been a terrific advocate as well as speaking up for the trees. She speaks for the trees and the urban environment. She does all this because she cares about you young people, the next generation. And that's what she's really working to build, not only in inner southeast, but throughout the city. And she knows the best way to do it is by empowering people so they can advocate for themselves. Susan lindsay. [applause]

December 16, 2004

Susan Lindsay: Thank you, commissioner. I am very honored, and I was very surprised by the notification that I got this award. I was a coach for many years, so I'm used to team efforts, and excelling as a group. I want to thank Don McGillvary. I think I just saw him come through here. We call him Mr. Buckman, the man who nominated me. I'd like to thank -- an individual cannot do all of the things I've been doing without tremendous amounts of support. And I want to thank the members of the board of the B.C.A., and the staff members at Southeast Uplift, the representatives from Buckman's sister neighborhood associations, Kerns and Sunnyside, and Hosford Abin-Depth, certainly the guys club at the Central Eastside that we've worked well with on a lot of issues having to do with that. But I especially want to thank my spouse, Erica Silver, at least she's my spouse today until the Oregon Supreme Court decides differently. She's been a source of a lot of steadiness and support in my life, able to do this. And finally, what I want to maybe say to the kids is, in order to get a source of strength to be able to put out to a full-time job and a lot of volunteer activities, what I found in this region that what satisfies me and restores me, week after week, are the trees and the open waters, and the great open spaces of our region. And I ask everybody to help protect those so that these children can have access to them the way that I grew up here in Portland, and have had access to trees, and clean air, and open waters throughout my life. And it is essential, and it is the core to what has given me strength to be able to do things. Anyway, thank you.

[applause]

Leonard: The next individual volunteer of the year award goes to Ross Monn. Ross has chaired the Wilkes Community Group for the past four years, is a tireless leader who takes a very active role in his community. He plans the monthly meetings to include guests that are informative with topics that are directly related to neighborhood issues. He responds to communication from concerned residents, organizations, businesses, and institutions. Ross has been instrumental in several land use issues and is well versed in city codes, policies, and procedures. With a history of plants and landscape design behind him, Ross is instrumental in developing the Wilkes Community Rose Festival float. Ross spent hours planning for the plants, materials which could fit onto a small float that all of us get to celebrate during Rose Festival. Ross managed to develop unique designs for the seven houses included on the float. He managed to landscape each house different enough that each had its own personal charm. The float was a wonderful example of civic pride and won the Grand Floral Parade Community Spirit Award. Ross's contribution was certainly key to implementing a truly outstanding project which enriched the community. Ross is a true example of the meaning of good citizenship in the city of Portland. This is only but one example of his consistent willingness to respond to community needs through his personal creativity and time. Ross, thank you very much.

[applause]

Ross Monn: I'll just say a few words. I want to thank everyone for this recognition. I just have to correct Commissioner Leonard a moment. It wasn't the Wilkes Community float, it was the 30th birthday celebration of the neighborhood system float. So I just don't want people to think it was just a neighborhood float, it was all 95 neighborhoods involved. I feel especially lucky to win this award when so many others are deserving people in voluntary activities throughout the city did not get the recognition. I couldn't be here without the personal support of my partner, Alan Russell, who is in the audience, thank you, Alan, for putting up with the stacks of paper on the counter, the evening meetings. Without your support and understanding I couldn't do any of the things I do. I also want to thank Bonnie McKnight for nominating me for this award. I find lots of ways to work with Bonnie and her faith in my ability to design and manage the landscaping for the first neighborhood association float in the Rose Festival Parade was a challenge that I will always remember. I want to thank Kerry Brown and Beverly Yet from the Will, Community Board of Directors who also nominated me for this award. I especially appreciate their recognition of the amount of work and time it takes to be president of a neighborhood association. Especially in a rapidly developing area of a city like Wilkes. I couldn't have done the job without their support and

December 16, 2004

help in keeping the wilkes residents informed and involved in neighborhood issues. The spirit of Portland award is very special, and it will be something that encourage me to continue my work in the neighborhoods. It is especially important to receive this award in mayor Katz's final year on the council. I thank her for the caring and respect she's always shown me and for her many years of service to our city. As someone who has been lucky enough to receive this recognition, I hope it will be continued so that other citizens can feel the same sense of being honored that I feel today. Thank you all. [applause]

Saltzman: Our next individual volunteer of the year award goes to roy reynolds. Come up on the microphone. Roy has been a public educator for 18 years. The last 4 1/2 in Oregon at molalla and parkrose high schools. He currently serves as the parkrose school -- in the parkrose school district as the high school principal. During his first weeks of school roy came in contact with drugs, police, lockdowns, ab0e5ighting. Roy set the standard for behavior and performance and today parkrose high school is one of the safest, most secure environments a student can experience. Meeting with community groups to better understand and address their needs and concerns was an important step for roy. His support of the business community has been translated into the school curriculum. He introduced the advanced placement classes for parkrose students, introducing staff and students to the next level of achievement -- college. Parkrose high school is now connected to neighborhoods, the business community, the religious community, students, and staff. Roy brings incredible enthusiasm, strong leadership, and high expectations. Congratulations, roy. [applause]

Roy Reynolds: Mayor Katz, as you well know, your successes are often the result of people that work for you, people like jan. And I accept this award not so much as a personal award, but as a recognition that the staff at parkrose high school who have done an incredible job over the last couple years planning and planning, and planning so that me being the new principal could really go ahead and take the school where it was already headed probably without me. I would like to go ahead and thank aleisha for the nomination. And certainly my family, nancy and my daughter hanna. I'd also like to pay special thank you to mike taylor, superintendent of schools who really bestowed one of the greatest honors i've had in my professional career by going ahead and appointing me as principal of parkrose high school. A school that I wasn't really looking for. [laughter] mike called me and said, roy, we want you to at least look at parkrose. And I came to parkrose and I interviewed for parkrose. When I walked in the door I said, well, I have nothing to lose. But by the time I walked out of that door, I wanted to be there. I had everything to lose if I didn't get the appointment. So i'd like to thank mike taylor, superintendent of public schools, in parkrose, and i'd also like to thank without her support, mary king, my administrative assistant until very -- a short while ago, when the superintendent took her. [laughter] but she really -- she's a parkrose graduate, and she really during some tough times was able to introduce me, get me in contact with the right people. So thank you. And I accept this on behalf of my staff. Appreciate it. [applause]

Leonard: Next individual volunteer of the year award goes to jane roffey berry. Adopt a park. As strange as this sounds, it's just in a day's work for jane. Her idea was to create a space as a demonstration bed for drought tolerant plants with displays for three seasons. After the initial work and bed set-up, three volunteers can maintain this bed with only one hour of work each per month. I have to learn what that is. Their perennial bed is only the fourth allowed in a Portland park. The neighborhood association's flower bed was on the parks and recreation flower bed tour this year for the first time. Jane has been active in the neighborhood association since her arrival in Portland in 1992, and has been chair of the parks committee since that time. She has been an outstanding resource to the neighborhood and has led the effort to keep the park safe and beautiful. With criminal activity on the rise and moving into the park, jane organized the park patrol using neighborhood volunteers to patrol the park, pick up litter and to send messages that we are not

December 16, 2004

going to relinquish ownership of the park to criminals. Jane annually recruits 20 volunteers, arranges training with the Portland police crime prevention team, and coordinates the activities of the volunteers. Through Jane's hard work and continual work with the park, this is one of the neighborhood's most valuable attractions. Thank you, Jane, very much. [applause]

Jane Roffey Berry: I honestly hardly recognize myself with all of those lovely words. It's all very well. I send my children out in the morning, two teenagers and a fourth grader. When they have to make an oral presentation, I say, don't worry, it will be all right. I'm very glad this won't be scored for the s. Imm. I stand up here alone, but I'm really one of a group of 25 people. I would not be here without their hard work. I'd like to thank my nominators, the neighborhood association board. Special thanks to Portland parks and recreation east maintenance district, who support all of our projects so closely. And individual thanks to Betsy Redphone, who was a parks and rec gardener about 4 1/2 years ago when I came to her and said, what do you think about a xeriscape bed?

Drought tolerant plants? She didn't laugh at me. She rolled her eyes, she stamped her feet, she went to work for me with the bureaucracy, and we got it. It's thriving. And I have pictures if you'd like to see them later. Partly on the strength of planting that garden I became a master gardener, which is another way I think I can give back. I'd like to thank Commissioner Francesconi for bringing the importance of parks to the -- he's raised our awareness about how incredible parks can be. There's no place like a park where my Japanese foreign exchange student, three U.P.S. Drivers, and the 22 Parkrose bus driver could meet every jackpot and play pickup basketball. Thank you. [applause]

Francesconi: The next individual volunteer of the year award winner is Dapo Sobomehin. Dapo, you can read in the program the many things he's done. He's been a member of the African-American coalition, executive director of the Oregon multicultural association, he's been an active participant in helping the neighborhood associations which are very willing to diversify their membership and to reach out. He's participated in the diversity and civic leadership committee, he's done a variety of things in that regard. But it's really the non -- his efforts through the organization he founded, Operation Ease I, that for really -- hi, Jim, it's great to have Jim Anderson there from Salamo Tuialuulu Andrews -- Saint Andrews Church. He's really been trying to connect another group that's left out. Just like Emily Ryan and her advocacy for homeless youth, Dapo stands for advocating for a group of people that have been left out of the American dream, and I'm talking about African-American males. So the best thing I can say about Dapo is just to tell you a brief little story. He wrote a letter to all of us once about a year ago saying, you know, I was at the Lloyd Center and I saw six of my African-American students who had now were out of high school, just hanging around at the Lloyd Center. And they weren't doing anything. So I went up to them and I said, what are you doing here? How come you're just hanging around? And they said, we can't find jobs. There's nothing happening here for us. And he was so incensed about that, he was going to advocate for them, even though he hadn't -- they hadn't been formally attached to him for probably 10 years, for five -- or five years. So he wrote the letter to us and then we talked after one of these gang summits, and he advocated with the help of others to have parks and transportation hire some of these people. So we hired these young men during the summer, and then through his constant help, he helped place them in union apprenticeship programs that we just talked about at the city council this past Wednesday. There's just one little story of the hundreds of young people that he's touched. And above all, it's not about just getting those young people jobs, it's sending a message just like the homeless youth, that everyone deserves an opportunity and a right to participate in this society. But it's the leadership of Dapo that makes it happen. Dapo? [applause]

Dapo Sobomehin: I do what I do because of you guys. I came to Portland, Oregon, my business with four kids. But I was fortunate enough to get a job with the Metropolitan Human Relations Commission, which is now Metropolitan Human Rights Commission. But they trained me to be a remember. A peace remember. -- rebel. John, Amalia, all of you, because you can't believe how I appreciate what you guys did this summer. Let me give you some story. A nice one. Some of

December 16, 2004

those kids that you hired this summer, they're now coming to me. Dapo, do you know what? I have my own apartment. I have my own apartment. Paying for my own apartment. I have some that used to go to lloyd center to shoplift. To steal. They say, now that I go to lloyd center, I have my money in my pocket. It's because of you. You are a good people. You make it possible for me to interact with you, to walk with you, to break bread with you. I like that. That's what I do every day. Seven days -- it's a seven-day job for me. I like it. You are good people. We are not perfect, but we are built perfected, how do you do that? By continuing to interact with one another, to lift each other up, to support each other, because we are all together. You are a beautiful city. You are wonderful people. This award, I appreciate -- without the support of this man here who has been with me for some reason he came to the metropolitan human relation commission 18 years ago from there we are connected. He has been with me all along. Jim anderson, a stanford graduate, retired from tektronix, well educated, we bonded. And then the southeast uplift, who selected me to this, I know you want me to keep on going, I promise you, I will keep on going. But let's keep bonding in this city. We want to be a role model to the rest of the city across this nation that we are a people that can come together, to solve our problem, to reason together, we cry together, we giggle together. So -- i'm sorry we're going to miss you, because you make us laugh. [laughter] you make us laugh. Every time I listen to you, even when you are angry, i'm laughing. [laughter]

Leonard: She's never been mad at you, dapo.

*****: We're going miss you, but it's true you're going to be at p.s.u., you're going to be seeing my face. I thank all of you. And I wish all of you a merry christmas and happy new year. Thank you. [applause]

Leonard: Scott vala, now you have to top that. [laughter]

Scott Vala: I don't think so.

Leonard: Scott, as the current cochair of southeast uplift, is no new come you're to volunteer work. Scott began his neighborhood involvement in the early 1980's when mott-arleta neighborhood association was brought back from inactive status. Scott was the first vice-president in the newly activated mt. Scout arleta neighborhood association and the president for several years thereafter. He served as the board member for southeast uplift in 2001, chair in 2002, and cochair in 2004. As a member of the 30th anniversary of neighborhood association committee, scott originated the idea and took the lead in Portland neighborhood associations' first entry in the grand floral parade. With the late start, no previous experience, and a neglected chassis from a scrap yard, the float was officially started. Scott put in more than 300 hours on the project. He designed the float, obtained and rebuilt the chassises, and did the basic construction. He also oversaw and participated in the fine details, including guiding the float in the parade as its marshal. The float won the grand floral parade community spirit award and brought many neighborhood people together in the process. Scott, thank you very much. [applause]

Vala: This really is an honor, especially after seen everybody else that's been up here. I know a few people on the list, and it's really an honor for me. I couldn't stand up here without thanking just at least a couple people, one of course that woman who's probably spent countless evenings alone with the cats while I was off to meeting, and my wife jackie, who's always been my best advisor and helped me through some tough times, because everybody knows neighborhood stuff isn't always fun all the time. [laughter] and when the 30th anniversary committee was formed and I got on that, the whole idea was that -- was to celebrate what neighborhood association and neighborhoods do. And of course I certainly want to thank the mayor for helping get that going, and funding a lot of that. And the float was just part of that. For me it was like the perfect thing that came my way, because personally, I have -- when I was a kid, I was jimmy -- jimminy crickette on a threat my dad built. Soy wanted to bring back some community involvement in the parade, where it seemed to have gotten so commercial. There's so many people that were involved, it certainly wasn't me. I just have to thank a few people. One of them, brian strikmeier, who is kind

December 16, 2004

of an unknown as far as the float, he did a lot of -- he was the one that had to work that day. While we were walking along and carrying banners and enjoying the parade, he was in the inside of the float and couldn't be seen, and he had I think cramps for like two days afterwards from gripping that steering wheel trying to keep that thing going straight. He's someone who will always be a special part of our family, and I really want to thank him. Of course that last week as it got going, there was three other young women here who came through, and I don't think could I have done it without their help. That's my daughters, Colleen, Christa, and Mary. They really stepped up, and really made it special for me. It was a great project, and I will always remember Saturday morning when we first entered the Coliseum, I pulled up there and I looked back at the very special people on the float and special people carrying banners, and I looked ahead and I believe -- believe me, I was shaking. It's been a long week, and this wonderful lady, Marsha, who had been our Rose Festival liaison, appeared, like this angel, and walked up to me, gave me a big hug and said, you made it. And I tell you, it's a feeling I'll never forget. Because here we were, some beginners who didn't know what they were doing, it came together from all over the city, that's what was so special about it. So many people had a little part of that float, they could say I put that rice on, or I colored that, or I built that part. And we were ready to go out to -- maybe it shouldn't have been so big because it was a parade, but it was the Rose Festival parade. Thousands of people out there, and on national television. We kind of -- we had a chance to really show how proud we were of our city and our neighborhood system, and I just feel honored to be involved in a city that allows the opportunity for someone in the neighborhood system to be a part of such a great project. And I thank you very much.

[applause]

Katz: The next two awards are called the Mayor's Spirit of Portland award, and one year somebody said, well, why the heck do you get your own award? And I answered, because I can. [laughter] and organizations that usually aren't honored by necessarily by the community or individuals that aren't known to the community nominees are usually the ones that I spot over the years and I want to provide two awards and give two awards to two organizations. First of all, let me introduce somebody very special. We're very lucky in this city to have two council members representing their nations in Portland. One from Mexico, and one from Japan. And we have Counsel General with us, and I'd like for him to stand up so you can recognize him. [applause] what you don't know about him is that he went to school in Oregon. And it was a very big pleasure for us to have him with us for a couple of years. He has made one of his commitments to build a very strong relationship between Japan, his nation, and the city of Portland. So the first award goes to the Portland-Sapporo Sister City Association. [applause] this is -- the Sapporo Sister City Association has been together for 45 years. It's a long, long time, and it's asking a lot of citizens to keep that commitment going for that length of time, and to keep building the relationships with foreign countries. Because sometimes communicating with people and organizations so far away gets very difficult. But they have stuck to it, and have built an incredible history, from sports, to the arts, to education, Richmond Elementary School is a Japanese immersion school. They bring the symphony here, Sapporo Symphony, and we have very, very proud of them. This year, because of the celebration, the Rose Festival was a very special event. And Commissioner Francesconi was involved in greeting the Mayor of Sapporo, and in February there is a trip headed by the Sister City Association business leaders who want to make additional contacts with businesses in Sapporo to go and join them at the Snow Festival in Sapporo. Snow Festival is a very special event. Well, I couldn't even describe how beautiful it is, but it's carvings made out of snow. Huge carvings made out of snow with great details. So if you want to go, it's not too late, let us know or let the leaders of the association know, and they'll make arrangements. So it gives me great, great pleasure to give this award to the Portland Sapporo Sister City, and accepting this award is George Mardikes, who is the president. [applause] how many other people are here from the association?

December 16, 2004

George Mardikes: I'd like to say i'm not even going to start speaking until the fellow board members come out here with me. So come out, i'm not going to start talking until you come out here. Come on. [applause] thank you mayor Katz and commissioners. One thing that you have to keep in mind, a phrase, it takes a community to raise a child. When it comes to a sister city relationship like this, it takes two cities. And there are just so many people involved to make it happen. The board and membership is very honored to be recognized for this spirit of Portland award. This is something that we share with everyone in sapporo who also did so much to make this a successful 45th anniversary year as well as the past 45 years. It includes the mayor, who came and led their delegation, the city assembly, the respective starves, the plaza foundation, the sapporo philharmonic, and all of the citizens who have come to visit Portland and who have hosted Oregonians going to sapporo. We also share this recognition with many here in Portland, such as the consulate general, the mayor's office, commissioner Francesconi, commissioner Sten, commissioner Saltzman, and commissioner leonard. Also city auditor blackmer, the japanese american society of Oregon, the jazz knees garden society, the staffs and officials of the city of Portland who open up and just host people and show people around and teach what they know and learned here in Portland. Multnomah county, the gladstone school district, Portland public schools, the port of Portland, and tri-met, pova, the rose festival association, the royal rosarians, the tualatin hills parks and recreation district, a local kota group that hosted the group from sapporo. Portland center stage, sapporo-lake oswego baseball exchange, omsi, the japanese mag nature program and the parent group. Portland state university, Oregon pro art chamber orchestra, as well as so many volunteer translators, host families, and citizens who have volunteered, and in are the sponsors, such as albina community park, northwest natural, Portland general electric, governor hotel, sushiland, to name a few. It's just truly amazing the number of events, the number of people we hosted. And the way the community just stepped up. There is a time when we were looking at it and saying, how are we going to do this, and it's just been -- there have been times when you just are amazed at the community. So much would not have been possible without the support of mayor Katz and your director of international relations, phyllis oster. It's been amazing, invaluable, and incredibly enjoyable working with you. My fellow board members, it's a truly amazing group. I'm so glad we're recognized, because we have no paid staff, no public funds, so this is all -- we do everything ourselves, we have to find somewhere to raise money to -- we have to find people to help with homes for families, whatnot. And it's an incredibly competent, active, fun board, any project, if you're know -- if you know they're working on it, it's taken care of. I'd like to acknowledge them all. Thank you again. It is our 45th anniversary, there's been 45 years of citizens doing wonderful things, and if you want to get involved, let us know. Thank you. [applause]

Katz: The next group i'm going to honor, you probably don't know much about. It's a very young group. You know, we hear a lot about young people moving to the city, I call them the young and the restless. They're well educated, they have jobs, they're in the creative economy. We've labeled the notion of a creative economy as being the next economy that will play a major role not only in Portland and in Oregon, but around the world. They love the city, and they include the design industry. And the design industry includes architecture, fashion, graphic design, industrial design, interior design, web design, landscape architect which your, film, video, advertising, multimedia and urban planning design. And we have about 18,000 jobs in this community that reflect this economy. And it's growing. It's growing. So a small but very dedicated group of individuals decided to put an effort that equated to countless hours of development the northwest design collaborative. The word collaborative reminded me of the 1960's, but that was ok. And they made a decision that they were going to come together and introduce Portland to the design industry. And what they did is put together two design festivals introducing emerging design artists from 23 different fields, and it's the only one in the country that is so encompassing. They also got involved

December 16, 2004

in providing scholarships for high school students, for summer design classes at p.s.u., and held workshops for emerging designers. And they're going to continue this work. So next year when you see an announcement from the design collaborative of the third annual festival, stop by and take a look at it. You'll be amazed at the new products not only by our firms, adidas and intels, and nike, but from young emerging artists who are providing cutting edge work here for our community. And opportunities for our businesses to succeed, because the talent is here. So come on up.

SECOND CAPTIONER

*****: -- the city appreciate design, and designers love the city and love keeping Portland beautiful, livable place. On behalf the cochair and also the education advocate, stuart emmons, the curator of the show for the last two years, the board member and Portland design festival chair for the last two years, rosy williams, liaison to the mayor's office, and w.s.i., william thomas, who is our staff, but mostly volunteer staff, darcy and also die with an walton from w.s.i. Also probably 100 design volunteers from the design community. Thank you very much.

Katz: Thank you. Come on up. [applause]

Katz: This brings us to the end of our 2004 spirit of Portland awards. Congratulations, everybody. Thank you for joining your family and your friends and your colleagues. [inaudible]

Katz: Excuse me? [inaudible]

Katz: Oh, ok.

Leonard: I'm sorry. I apologize, I was listening to you, mayor, as I normally do -- [laughter] I overlooked ross to come forward.

Katz: Oh, ok.

Monn: This will be very brief. For 12 years the spirit of Portland awards has brought a special air of celebration to the council chambers as friends, family, coworkers and neighbors joined mayor Katz and our city commissioners to give recognition richly deserved. Thank you, mayor Katz, for using this special award to show how much you care for the citizens of Portland. On behalf of the spirit of Portland committee's present and past, i'd like to present you with these. [applause]

Katz: Thank you, everybody. Thank you. Thank you, thank you. Before you go, I want you to all acknowledge commissioner Francesconi, who this -- this will also be his last spirit of Portland award ceremony. [applause] he loves the city as we all do, and has worked with many of you on the projects that you care for very, very much. And I know him, he'll be out there next year, and who knows, he may even get an award. [laughter] so thank you. And remember, keep making a difference. Don't be timid. And have tremendous passion in everything you do. Thank you. [applause]

At 3:35 p.m., Council adjourned.