



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **20TH DAY OF APRIL, 2005** AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Potter, Presiding; Commissioners Adams, Leonard and Sten, 4.

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

Items 332, 343 and 351 were pulled for discussion and on a Y-4 roll call, the balance of the Consent Agenda was adopted.

COMMUNICATIONS		Disposition:
327	Request of Richard L. Koenig to address Council regarding a statement of support (Communication)	PLACED ON FILE
328	Request of Paul Phillips to address Council regarding service animals and dog bites (Communication)	PLACED ON FILE
329	Request of Freedom Child to address Council regarding the police, the Independent Police Review and Captain Schenck (Communication)	PLACED ON FILE
CONSENT AGENDA – NO DISCUSSION		
330	Accept bid of Iljin Heavy Industries Company, Ltd. for two oil-immersed power transformers and two neutral grounding resistors for the Bureau of Environmental Services for a total cost of \$540,732 (Purchasing Report - Bid No. 103624) (Y-4)	ACCEPTED PREPARE CONTRACT
331	Accept bid of Cedar Mill Construction for Fire Station 11 remodel for \$1,048,000 (Purchasing Report - Bid No. 103847) (Y-4)	ACCEPTED PREPARE CONTRACT
Mayor Tom Potter		

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Bureau of Environmental Services

*332	Authorize the purchase of a substation enclosure building for the West Side Combined Sewer Overflow Pump Station and provide for payment (Ordinance) (Y-4)	179192
*333	Authorize the purchase of two oil-immersed power transformers and two neutral grounding resistors for the West Side Combined Sewer Overflow Pump Station and provide for payment (Ordinance) (Y-4)	179193
Bureau of Licenses		
334	Grant a revocable permit to the Portland Rose Festival Association to erect and maintain flags and banners on the ornamental light standards in downtown Portland from May 24 through June 30, 2005 (Ordinance)	PASSED TO SECOND READING APRIL 27, 2005 AT 9:30 AM
335	Grant revocable permit to the Portland Rose Festival Association to use Tom McCall Waterfront Park for its Waterfront Village from May 20 through June 19, 2005 or as approved by the Portland Parks and Recreation Bureau (Ordinance)	PASSED TO SECOND READING APRIL 27, 2005 AT 9:30 AM
336	Grant revocable permits to the Portland Rose Festival Association to hold the Starlight Parade in downtown Portland on June 4, 2005 (Ordinance)	PASSED TO SECOND READING APRIL 27, 2005 AT 9:30 AM
337	Grant revocable permits to the Portland Rose Festival Association to hold the Junior Rose Festival Parade on June 8, 2005 (Ordinance)	PASSED TO SECOND READING APRIL 27, 2005 AT 9:30 AM
338	Grant a revocable permit to the Portland Rose Festival Association to close portions of city streets for activities related to the Grand Floral Parade: for formation area from 5:00 a.m. to 1:30 p.m. on Saturday, June 11, 2005; for disband area from 6:00 a.m. to 3:00 p.m. on Saturday, June 11, 2005; for erection of seating on sidewalk area on westside of Martin Luther King Jr Blvd from 12:00 p.m. June 9, 2005 through 8:00 p.m. June 11, 2005; and for erection of seating in Winning Way from 8:00 a.m. Friday, June 10 through 4:00 p.m. Saturday, June 11, 2005 (Ordinance)	PASSED TO SECOND READING APRIL 27, 2005 AT 9:30 AM
339	Grant revocable permits to the Portland Rose Festival Association to hold the Grand Floral Parade on June 11, 2005 (Ordinance)	PASSED TO SECOND READING APRIL 27, 2005 AT 9:30 AM
340	Grant revocable permit to Portland Rose Festival Association to close certain streets from June 15 to June 19, 2005 to hold its Rose Festival Art Festival, waive fees for some permits and inspections (Ordinance)	PASSED TO SECOND READING APRIL 27, 2005 AT 9:30 AM

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Office of Management and Finance – Bond Counsel		
*341	Authorize first lien sewer revenue refunding bonds to achieve debt service savings (Ordinance) (Y-4)	179183
*342	Authorize limited tax revenue refunding bonds to achieve debt service savings (Ordinance) (Y-4)	179184
Office of Management and Finance – Bureau of General Services		
343	Accept contract with ParTech Construction, Inc. for the remodel of Fire Stations 8, 19 and 20 as complete, authorize the final payment and release retainage (Report; Contract No. 35011)	CONTINUED TO APRIL 27, 2005 AT 9:30 AM
Office of Sustainable Development		
344	Authorize the Director of the Office of Sustainable Development to submit those documents necessary to obtain energy studies, cash rebates, tax credits and tax credit pass-through rebates for energy improvements on city-owned facilities (Ordinance)	PASSED TO SECOND READING APRIL 27, 2005 AT 9:30 AM
Office of Transportation		
*345	Amend Intergovernmental Agreement with the State of Oregon to increase the grant amount to \$161,841 for completion of the Freight Master Plan--Implementation Phase project, an approved project under the State Transportation and Growth Management Program (Ordinance; amend Contract No. 21903) (Y-4)	179185
Parks and Recreation		
346	Apply for a \$460,000 grant from Oregon Parks & Recreation Local Government Grant Program to develop the Holly Farm into a park (Ordinance)	PASSED TO SECOND READING APRIL 27, 2005 AT 9:30 AM
Police Bureau		
*347	Authorize a contract with Northeast Coalition of Neighborhoods, Inc. for the use of Local Law Enforcement Block Grant funds (Ordinance) (Y-4)	179186
348	Amend contract with Mike Kemp to extend the duration and increase compensation to provide firearm and less lethal weapons training (Ordinance; amend Contract No. 35520)	PASSED TO SECOND READING APRIL 27, 2005 AT 9:30 AM
Water Works		
349	Amend contract with Alpha Engineering, Inc. to extend expiration date beyond 5-year anniversary date for the Large Meter Test Bench Upgrade Control System Design (Ordinance; amend Contract No. 32892)	PASSED TO SECOND READING APRIL 27, 2005 AT 9:30 AM

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Second Readings		
350	Amend subrecipient contract with Transition Projects, Inc. by shifting \$27,000 in funding from General Funds to Emergency Shelter Grant Funds to pay for contracted operation costs for the Glisan Emergency Shelter (Second Reading Agenda 312; amend Contract No. 35492) (Y-4)	179187
351	Amend subrecipient contract with Salvation Army District Office by an additional \$52,000 for a total of \$271,219 for the provision of emergency shelter and provide for payment (Second Reading Agenda 313; amend Contract No. 35542) (Y-4)	179194
352	Authorize a subrecipient contract with Housing Authority of Portland for \$193,602 for the Fresh Start/Ready to Rent Landlord Guarantee Administration Services and provide for payment (Second Reading Agenda 314) (Y-4)	179188
353	Authorize an Intergovernmental subrecipient contract with Multnomah County Department of County Human Services for \$15,000 for homeless programs and provide for payment (Second Reading Agenda 315) (Y-4)	179189
354	Amend Interagency Agreement with the Portland Development Commission for 2004-2005 professional and technical services for transportation improvements (Second Reading Agenda 320; amend Contract No. 52278) (Y-4)	179190
City Auditor Gary Blackmer		
*355	Assess property for system development charge contracts and private plumbing loan contracts (Ordinance; Z0752, K0074, P0069, T0088, K0075) (Y-4)	179191
REGULAR AGENDA		
Mayor Tom Potter		

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Bureau of Environmental Services

- *356** Authorize agreement for conveyance of one property in the Johnson Creek Floodplain from David M. Berry, one property from Gary Ericksen and one property to Enos and Evelyn Waddoups to the Bureau of Environmental Services (Ordinance)

Motion to accept amendment to change in Section 1, Item 3 the established cost of \$510,740 to \$530,740: Moved by Commissioner Leonard and seconded by Commissioner Sten. (Y-4)

(Y-4)

179195

AS AMENDED

Bureau of Housing and Community Development

- *357** Authorize an Intergovernmental Agreement between the Bureau of Housing and Community Development, the Portland Development Commission, the City of Gresham, Multnomah County and the Housing Authority of Portland for the development and operations of the Willow Tree apartments as a new permanent supportive housing project (Ordinance)

(Y-4)

179196

Office of Transportation

- 358** Apply to Oregon Department of Transportation for Traffic Safety Records Grant in the amount of \$20,000 for the modification and development of crash data reporting and query tools (Ordinance)

**PASSED TO
SECOND READING
APRIL 27, 2005
AT 9:30 AM**

Second Readings

- 359** Accept a grant from the Federal Highway Administration in the amount of \$200,000 for the Regional Transportation Operations Collaboration and Coordination Demonstration Initiative and authorize a cooperative grant agreement (Second Reading Agenda 323)

(Y-4)

179197

- 360** Create a local improvement district to construct street improvements from Whitaker Way to west of 136th Avenue in the NE 135th Avenue and Prescott Court Local Improvement District (Second Reading Agenda 324; C-10015)

(Y-4)

179198

At 10:29 a.m., Council recessed.

April 20, 2005

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND,
OREGON WAS NOT HELD THIS 20TH DAY OF APRIL, 2005 AT 6:00 P.M.

361 TIME CERTAIN: 6:00 PM - Authorize the Commissioner-in-Charge of the Portland Police Bureau to negotiate certain law enforcement agreements with the Federal Government subject to Council approval (Previous Agenda 277; Resolution introduced by Mayor Potter and Commissioner Leonard)	Disposition: RESCHEDULED TO APRIL 28, 2005 AT 6:30 PM TIME CERTAIN
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April 21, 2005

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND,
OREGON WAS HELD THIS **21ST DAY OF APRIL, 2005** AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Potter, Presiding; Commissioners Adams, Leonard,
Saltzman and Sten, 5.

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

	Disposition:
<p>362 TIME CERTAIN: 2:00 PM – Consider the proposal of Mark Kirchmeier and Chris Gniewosz, applicants, Tony and Linda Marino, listed property-owners and the recommendation from the Hearings Officer for approval of a Comprehensive Plan Map and Zoning Map Amendments to allow the development of 28 to 36 dwelling units and 6,000 to 7,000 square feet of ground level commercial space at 3934-3936, 3950 and 3970 N. Interstate Avenue (Hearing; LU 04-096667 CP ZC)</p> <p>Motion is to adopt the hearings officer’s recommendation: Moved by Commissioner Adams and seconded by Commissioner Leonard.</p> <p>(Y-5)</p>	<p>ACCEPT HEARINGS OFFICER’S RECOMMENDATION</p>
<p>*363 Amend the Comprehensive Plan Map designation from Institutional Campus to Urban Commercial and change zoning from Multi-Dwelling Residential, R1 to Mixed Commercial/Residential, CM at 3934-3936, 3950 and 3970 N. Interstate Avenue (Ordinance; LU 04-096667 CP ZC)</p> <p>(Y-5)</p>	<p>179199</p>

At 2:29 p.m., Council adjourned.

GARY BLACKMER
Auditor of the City of Portland

By Karla Moore-Love
 Clerk of the Council

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

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Closed Caption File of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

APRIL 20, 2005 9:30 AM

Potter: We open up with a question about how are our children? It started I think in africa, with some of the tribes, where instead of greeting each other with "hello, how are you?" they would ask "how are the children?" they knew if the children were well, the village was well. We ask that question and invite experts in. It just so happens that all the experts are children. So today -- or young people in this case. I do not want to call these young men children by any stretch. We have three young men. Could you folks come up, please? Good to see you. Thanks for coming in. What we'd like to do is have each of you talk to us a little bit, where you're going to school, and things that you think are important to you, that the city council of Portland should hear, and the adults in the community should hear. So if you'd just speak one at a time, and give us your name when you introduce yourself. Thank you.

Tareq Temple: My name is tareq temple. I attend jefferson high school. I'm a senior, 18 years old.

Potter: What would you like us to know, tari?

Temple: Some of the things that I would like you to know, that you probably already know about, are my school had 26 -- about 26 teachers that were cut, that won't be there next year. And I know that you don't have direct power over what goes on about the schools, but you could possibly talk with people, with some people, who do have control over that. It was really sad, because a lot of the teachers who did get cut, were really good teachers, and they really -- they were the ones who really cared, and then to see some of the teachers who stayed, it was kind of discouraging. Another issue that's going on, in my community, which is like the northeast and north Portland area, is our, like, housing. A lot of my community, because i've lived in the same house all my life, a lot of my community has been broken up, like my neighborhood, because they're not able to afford their rent anymore, or they're not able to afford their taxes on their house. I had a neighbor, her name was gladys, she had to move to 122nd, because she had to sell her house because she was not able to pay her taxes anymore. They were kind of high for someone who was on a fixed income, and there was not really much she could do. She was retired and old. And it was kind of sad. So my community kind of roughing it from that. And I just want to say that I have talked with my family about you, because they knew I was coming to meet you. They were actually kind of -- they were happy about some of the things that you are doing, about policing and just being involved with the community. That's all I have.

Potter: Tareq, you're a senior this year. What are you going to do next year?

Temple: I'm going to attend a university in texas.

Potter: Good.

Chemar Martin: My name is chemar martin, a junior in high school. Some of the concerns I have in my community is like, do we still have a drug problem in north and northeast Portland. Really hasn't been addressed lately, because you know what i'm saying, all the problems with meth. Every time you turn on the news, you see a lot of problems with meth. You know what i'm saying?

Potter: Uh-huh.

Martin: I'm seeing that. Like he said, i've lived in the same house, you know what i'm saying, all my life also, you know what i'm saying, a lot of new people moving in, you know what i'm saying, a

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lot of -- you know what i'm saying. The neighborhood used to be predominantly african american, and you know what i'm saying, not that it's a bad thing, a lot of new cultures moving in, you know what i'm saying, people lived there for years, you know what i'm saying, moving to different communities. Also, a concern that I have is like i'd like to see like more like positive programs for african american youth. You know what i'm saying? We really don't have like places where we can -- we have places to go, to like get college like -- college readiness classes, you know when what i'm saying, and also just a positive place for youth to hang out, like s.e.i., self-enhancement, and boys and girls club, but other than that, it's like, you know when i'm saying, not a lot of places where african americans can go, african americans can go, where they can be around a whole lot of african americans that's trying to do positive things, you know what i'm saying. That's just a couple of things, you know what i'm saying, that i'm concerned about.

Potter: What are the drugs that affect north and northeast Portland?

Martin: Marijuana, crack cocaine, and mostly, you know what i'm saying, whatever you think of, it's all out there.

Potter: Do you see more of crack cocaine and heroin in northeast Portland than you do meth?

Martin: Yeah. If it wasn't for the news, you know what i'm saying, reading the newspapers, reading the news, I wouldn't even know what meth is, that's how little it is in north and northeast Portland, talked about. You know what i'm saying, I have friends that smoke weed and crack, but --

Potter: Ok. Thank you.

Mario Lampkin: My name is mario lampkin, a junior.

Potter: What would you like us to know today, mario?

Lampkin: Just more opportunities to be heard by the community and stuff. But I remember when you attended the meeting on -- I got concerns about community violence and stuff, and also drugs, in relation to what you're saying and stuff, and of course positive places for african americans to attend, like after-school programs or something.

Potter: Uh-huh.

Lampkin: And like more youth jobs and stuff like that, to where we can help out the community, stuff like that.

Potter: Good. So who did you come with today?

Lampkin: I came with harold.

Potter: Harold williams ii and mr. david Jackson. Good. What kind of employment programs do young men like you need?

Lampkin: Just like stuff that would help us get involved in the community more and stuff like that, like i've been applying for a couple of jobs, you know, but I just want something to where I could be heard and still work at the same time, stuff like -- stuff like that.

Potter: Uh-huh, good. Well, thank you, young men, for coming in today. We really appreciate it.

Leonard: Can I ask one question. Mario, did you say your last name is lampkin?

Lampkin: Yes.

Leonard: Related to ray?

Lampkin: That's my uncle.

Leonard: One of the greatest fighters of his era. Gave me boxing lessons as a young man. If most of you remember your boxing history, he was a contender for the world championship.

Sten: Fought the distance in the world championship.

Leonard: Yes, he did.

Sten: Fought against Durand.

Leonard: Yes, exactly. Very, very great man.

Sten: And excellent roofer these days if you need a roofer. He doesn't do the roofing, but he has a company does.

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Leonard: Remind him that he gave me boxing lessons when I was 12 years old.

Lampkin: I'll do that.

Leonard: I still smart from them.

Potter: Smarts not the word we think of. [laughter]

Leonard: In the way a lot of people would like to see me though. A glove at the end of my nose.

Potter: I'm just kidding. Well, thank you, gentlemen, for bringing these young men in. We really appreciate it. Thank you very much.

Adams: Thank you.

Leonard: Thank you.

Potter: Council will come to order. Karla, please call the roll. [roll call taken]

Potter: We'll now hear communications. Karla, please read item 327.

Item 327.

Richard L. Koenig: Good morning, city of Portland.

Potter: Good morning, mr. Koenig. Three minutes, please.

Koenig: Actually, I was looking for mr. Saltzman's support in particular. I'm sorry he's not here today. Last week city council witnessed chief deputy city attorney harry auerbach fail to deliver a public record, that he's maintained exists, even though the beaverton city attorney william kirby swears it doesn't. The law says I get to receive public records where I want to. I picked here at city council, just so you gentlemen might have the benefit of seeing what he might produce. Harry says he doesn't have legal duty to do the research. He might say that he doesn't have to find the law that I might have to obey. But problem with those theories is that mr. Kirby didn't offer them as excuses, but stuck his neck out to go against the grain by swearing a law requiring license plates on personal use vehicles does not exist. He certainly had other choices. After we parted company last week, it occurred to me that commissioner dan Saltzman is a particularly upstanding and honorable man, an ethical individual, who lives by his religious principles. So I wrote to him and asked him to help us give harry a fair trial for the felonies it seems he's colluding to perpetrate against the general public and the right to use the streets of Portland. I'm sure that commissioner Saltzman has double-checked with the city attorney's office to make sure that the evidence that each of you have received means what it looks like it means. Do the provisions of title 59 of business regulations, part two, really say that the general public has the right to use the highway? Does the speaker of the house of representatives have any reason to mislead us when her office says that there's no preconditions for the general public before they can exercise their right to use the streets of Portland. I'm absolutely certain that commissioner Saltzman wants to do the right thing and help harry avoid being convicted, if there's a shadow of a doubt about his guilt, but I trust that commissioner Saltzman places his priorities in the protection in the people of Portland from the organized criminal activity of the police bureau. That's why i'm calling on commissioner Saltzman, and I wish he was here today to give us his answer, because i'd like to -- I was going to save the balance of my time for him to respond to that, but i'd be happy to save the balance of my time for any of you folks who want to take that opportunity. I'll call on each of you in the succeeding weeks. Would any of you like to speak to the issue? How can we accomplish our ends and what steps should we take? Thank you, gentlemen.

Potter: Karla, please read the next item.

Item 328.

Potter: Thank you foe being here, mr. Phillips. State your name, you there three minutes.

Paul Phillips: I'm paul philips, Portland, Oregon. And I talked to mayor Potter some 40 minutes ago, and he said that he got the notice that -- of the communication, the dog immunization, and he explained that, well, maybe you could use your own words.

Potter: I said I thought it was proper.

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Phillips: Yes. I wanted to address the council, but the animal control services had sent a document, and of course it said that it was -- what was the word?

Potter: Expired.

Phillips: Expired, yes. Thank you. Of course, that's a false statement. They shouldn't make mistakes like that. Even I addressed the council last week, saying that I happen to have made a mistake, that people are bitten by dogs every 6.7 seconds, rather than seven or eight seconds. Six seconds and .7 seconds is what it figured up to. I was wondering if the council realizes that a dog can jump a six-foot fence when they're in good health and run some 35 to 50 miles a day, and I don't think there's any human being that can run that fast. You can check with the veterinarian. And they also have jaw pressure of 800 to 1200 pounds of jaw pressure. That's equivalency of dropping that much weight open your arm or leg. And the only thing that I know that's worse is I presented this woman over here with a document from the c.d.c. as well that on-the-job injuries, there's more than one -- 1.5 million more people with nonfatal injuries on the job than there are dog bites. And of course dog bites are the 12th leading cause of nonfatal injuries in the united states, as I provided proof of that before. So on-the-job injuries has got to be worse than that.

Potter: Thank you.

Adams: Thank you.

Phillips: Thanks.

Potter: Karla, please call the next item.

Item 329.

Potter: Thank you for being here. When you speak, please state your name and you have three minutes.

Freedom Child: Good morning, mayor Potter, council members. My name is freedom child. I live in st. Johns. Last year I appeared before the council on a number of occasions to convey a very disturbing encounter I had late one night in august 2003 with two Portland police officers from the north precinct station. Due to the two officers' misconduct, lying in both their police reports, perjuring themselves, and the lies were accepted and I was barred from being able to hear my complaint heard by the citizen review board. Since last summer, when I last appeared before this council, I have completed my trial on this matter, and was found not guilty because I was able to prove to a judge that the police were lying about what happened that night. So thus far, the police have walked away without being held accountable for their actions while i've been, like, you know, left with emotional distress of dealing with this. I experienced a lot of financial loss from medical bills and having to hire legal counsel, and just the time and frustration involved in trying to hold these men accountable. I filed a tort claim notice with the city of my intent to sue, and am preparing to file a lawsuit. My purpose in coming here to present my experience to the city council is to give voice to my experience by placing it in the public record, and it is also done with the hope that perhaps one of the council members will take an interest in what has happened to me. I realize that three members of the current council are already familiar with my story, but I intend to reappear before the city council again over the next weeks and months as i'm able to and to use my three-minute public comment period to represent my story for the benefit of the newly-appointed council members, mayor Potter and sam adams. And also submit written copies of my experience to each of you so you may take a closer look at what happened to me, how the citizen complaint process failed to work for or serve me, and how the police so far have not been held accountable for either their misconduct as police officers or for lying on police reports or perjuring themselves under oath. I'll be back in the future and begin to tell you my story.

Potter: Thank you.

Adams: Thank you.

Potter: Karla, any other communications?

Moore: That's all.

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Potter: Ok. Let's move to the consent agenda. We'll take a vote on the consent agenda. Commissioners, any items to pull off the consent agenda?

Adams: I do.

Potter: Ok.

Adams: 332, 4 -- i'm sorry. 332, 343, and 351.

Potter: There are no time certain today. Did you want to hear these things now?

*******:** Normally you'd do the rest of the consent and then take the items.

Potter: Ok. Any other consent items, commissioners? Anybody in the audience who wishes to pull any other item off the consent agenda? Ok, Karla, please call the roll on the consent agenda.

Adams: Before I vote yes, I just want to commend the bureau of purchases for item number 331, where working with fire bureau and the bureau of general services they were able to achieve a 26% mwsb use with cedar mill construction company. Good work. Aye.

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

Potter: Aye. Did you want to hear these items now, commissioner?

Adams: I don't think the right staff is here, but i'd be happy to tell you my concerns. I don't know how we do it normally. I forget.

Moore: I'll need to read the items.

*******:** She reads the items, and you just take them in order.

Adams: Thanks.

Potter: Ok.

Item 332.

Adams: I've said in the past i'm not going to vote for contracts that don't show me the mwsb or a process for a selection of a contract, and that includes this one.

Leonard: Do we have somebody here?

Potter: Yeah.

Patty Nelson: Hello. I'm patty nelson with the bureau of environmental services, and I could speak to these items. This is a equipment procurement package that we did solicit through a public process. Secured bids and are attempting to award the bid to a successful bidder. So we've gone through a public process. I'm not sure specifically what the question is.

Adams: The question is -- who was on the selection committee and what's the mwsb selection on this contract?

Nelson: This is an equipment procurement, so it's different than a professional services procurement process.

Adams: It's a prefabricated metal building.

Nelson: Right. It's a piece of equipment for our elect sub station.

Adams: It's not the building itself?

Nelson: It's not the building itself. You might be thinking for a pump station we actually have an operational maintenance building that actually would be constructed out at the pump station. This is actually a piece of equipment that will go into our electrical sub station. So it's similar to the second item, which is 333, for the transformers. We're simply bidding out the different components of the electrical substation, procuring the equipment, and then we'll put out a contract to actually construct it.

Adams: You're absolutely sure? Because the third to the -- the third to the last paragraph on page two specifically says a building.

Nelson: It's a large building. I wish i'd brought my cut sheets with me. If you go out and look at an intersection, for instance, and there's actual buildings, they call them buildings, for, say, the -- oh, the signalization. They have signalization enclosure, control enclosure buildings. Because of the size of the sub station, it's actually a building, but it's actually a piece of equipment. It's a metal enclosure, and inside are basically the electrical controls for the sub station.

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Adams: So it comes as a --

Nelson: It comes as a prefab unit.

Adams: What's the utilization on it?

Nelson: The mwesb, I believe, applies to the -- typically we do contracting, like a construction contract. I'm not aware of any kind of utilization requirements for equipment procurement. That's a question i'd defer to purchasing.

Adams: Hmm.

Nelson: It's actually directly with the equipment manufacturers.

Adams: So they sell you an entire package?

Nelson: Right.

Adams: Ok. I'll go ahead and vote for this, but i'd like to -- because it's an emergency, it says, but i'd like to have you get back to my office with the answer on whether mwesb utilization is tracked on this kind of purchases through b.e.s.

Nelson: Ok, all right. Thank you.

Potter: Karla, any questions? Karla, please call the roll.

Adams: Aye. **Leonard:** Aye. **Sten:** Aye.

Potter: Aye. [gavel pounded]

*****: Thank you.

Adams: Thanks, patty.

Potter: Item 343.

Item 343.

Adams: 343. I don't know if anyone's here or not. This shows that 35% with seven change orders over budget, and I thought it would be useful to know why. The same concern I have with mwesb utilization, especially on the change order part.

Leonard: You might want to set this over, to see if somebody from the fire bureau can come.

Adams: That's fine with me.

Leonard: Towards the end of the meeting.

Adams: Set that over.

Moore: For one week?

Potter: Yes. And the third item?

Item 351.

Adams: This might be just a matter of me needing to learn how this happens. I want to find out if we contract with the salvation army, in doing so, they adhere to our b.e.o. provisions, civil rights ordinance provisions, and i've just never come across this. I was wondering if anyone knew.

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

Potter: This indicates this is a second reading.

Moore: It was. It was on last week's agenda. You can certainly carry it over to next week.

Adams: My apologies.

Potter: Is this something you'd like to hold over?

Adams: I'd like an explanation.

Sten: That's fine, mayor. I'd request a vote. This is emergency shelter. I'm interested in the question, but i'm not interested in holding up the shelter, so I will call for a vote on the second reading.

Potter: Karla.

Adams: And your contention is we need it right away? They need it right away?

Sten: Uh-huh.

Adams: I'll vote aye, because I don't want to keep money from emergency shelters, but i'd still request an explanation just for my own education. Aye.

Leonard: Aye.

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Sten: Yeah, I have no complaint with commissioner adams' request for information, I think we should get that, and appreciate that approach. Aye.

Potter: Aye. [gavel pounded] we'll move on to the regular agenda. Item 356. Good morning.
Item 356.

Maggie Skenderian: Good morning. I'm Maggie skenderian from environmental services.

Sean Bistoff: I'm also with environmental services.

Skenderian: You've got an ordinance in front of you this morning to request opposition of a few properties through our willing seller program. We wanted to take the opportunity to give you an overview of the program and then give you some specifics about the properties that are on the ordinance in front of you. Oh-oh, i'm having technical difficulties here. There we go. All right. Wanted to just start out by giving you a few key points about the program purpose and some of the results we've achieved to date. The program was launched after the 1996 floods, and originally our primary goal was to move people out of harm's way. Many of you know, johnson creek floods currently on average every other year. It's flooded 37 times in the last 78 years, and 28 of those flood events have caused property damage. Through this program, we will restore natural floodplain functions for flood mitigation and habitat improvements to reduce the flooding events. Through the projects we've identified, the flood events should occur once every 10 to 12 years rather than every year year, and this will substantially reduce city costs in responding to those floods. Every time we have a flood event, city crews are mobilized to deal with setting up roadblocks, clearing culverts, clearing debris from bridges, putting out sandbags and all those sorts of things. We also have a target area in the lents area of Portland, and as i'm sure you know there's an urban renewal district there, which has been struggling. Part of the reason why lents struggles economically is because that foster road floods every other year. It's a little hard to attract business to an area. And this program will really help that out for quite a bit. Since 1997, we've purchased more than 70 structures and removed them from the floodplain. We now have over 127 acres. The funding for these purchases have come from a number of sources. You can see we've really been able to leverage quite a lot of funds from a variety of sources, both federal and local. In 1998 we were actually able to compile \$3 million worth of funding from fema, cdbg, metro, Portland parks and b.e.s. This is a map that shows our target area. It's about the lower third of the johnson creek watershed. The creek is 26 miles and runs through six jurisdictions. We happen to be on the downstream end of all of this. You can see barely where johnson creek hits the willamette here in milwaukie, and then crystal springs, one of the major tributaries is here to the north. The target area that's furthest to the west is right along the boundary here of clackamas county. Then we have a west lents target area, just west of i-205. We have the lents area here. Then the furthest target area to the west is lower powell butte. I don't know how well you can see this, but these are maps of each of the four target areas. Here we have tiedman/johnson, a number of projects going on. If you haven't heard about the exposed sewer pipe in johnson creek, you will hear that. We've got a project that will go to construction in june of 2006. This area flooded quite a bit. Historically there's a nice forested wetland here that we own, and we'll be doing restoration work to reconnect that area to johnson creek. The headwaters of erroll heights of here. There's an important tributary that runs here and is important both for refuge, for endangered fish, and also because of the cool clearwater that comes out of the springs here. Just quickly moving through some of the others. This is our little lower powell butte. We have a completed project we just finished this fall, that's a very exciting project both for flood mitigation and fish habitat restoration. Also, in this area is a project, about 60 acres there, and we're currently seeking funding from a number of sources to try to get that project finished. This is the west lents area. It's very important in terms of dealing with the downstream impacts of that substantial flooding that happens in the lents area, which is depicted here on this last map. Freeway land company is here. We're working with p.d.c. To try to see if we can do something interesting there that meets a number of city goals. A farm is here. You've

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probably heard some of the good work being done here. This is the springwater corridor trail that runs through each of these target areas. This is just an architectural rendering of what things might look like once we're done. This is foster road right here. Are you able to see where i'm putting my arrow on the map? Is that showing up on your screen?

Potter: Uh-huh.

Skenderian: This is in our dreams what it might look like. You can see this might be a winter scene, during a high flow event. When this is complete, we would have the roads vacated. This is a very long-term vision. You know, I suspect it wouldn't look like this for at least 25 or 30 years. We've applied for a \$3 million fema grant, which would allow us to do the first phase of some of this work in the near future. We actually stand a pretty good chance of getting that funding. We'll know in june. So some of the things that make this program successful are that we do take a long-term approach to it, which allows us to work this under a willing seller basis, and offer folks fair market value. This has been a very successful program. We get national recognition for it. And the fact that it's a long-term program with consistent funding is really critical to the -- to its success. One of the other main issues, main points of success here is that our target areas are based on work that was done through the johnson creek restoration plan, and that plan was endorsed by city council in june of 2001, and it really made out very clearly where the best places were for us to do this work, and that's where -- where our target areas are -- are based. So we have a very clear idea of what we need to do and where we need to do it. And by the way, that johnson creek restoration plan is foundational to the citywide watershed planning work that b.e.s. is doing now that you'll be seeing and hearing more about later this year. We also have been able to be more successful because of the partnerships that we've been involved with. We've really been able to leverage funds between bureaus and metro, and are working with p.d.c. to do some planning for these areas. So it's just been a very good way to pull together a number of city goals. So with that, i'm going to turn the mike over to sean, who will talk to you more about the specifics of the ordinance in front of you.

Bistoff: The ordinance on today's agenda is for the acquisition of three properties, two of which are shown here in the lents target area map. And the purple crosshatched property is the waddoups property and the one in yellow is the eriksen property. Foster road is north of the eriksen property and the springwater corridor is here, and this is johnson creek right here. The waddoups and eriksen properties are both within the 100-year floodplain, and both do have houses which need to be removed. As maggie mentioned, this area of the lents target area, is the subject of a potential \$3 million fema predisaster mitigation grant that b.e.s. recently applied for and as she mentioned we feel, you know, we have a reasonable chance of being awarded that. And the berry property in our west lents target area. This is crosshatched in yellow here. And this is the springwater corridor, johnson creek, and i-205. The berry property is also within the 100-year floodplain and no existing structures are on that property, at least for the portion that b.e.s. is acquiring. B.e.s. has recently applied for a lot line adjustment to acquire only the portion of the property that contains significant resources, such as floodplain and there's actually a pretty large forested area on the northern portion of the berry parcel, and the current owner will retain the portion of the property that's not suitable for floodplain and habitat restoration, and that portion does have a house on its site. And this photo is a really good example of what we do with our properties when we do have to remove a house and do site stabilization. This was a good example, because this house contained a lot of good, old salvageable material, so instead of the standard demolition, we chose to do a deconstruction to salvage some of this. As you can see, the doors, windows, fixtures, were removed and reused as salvage material, as well as the really high-quality old-growth wood frame. And this is a slide of a house that b.e.s. purchased. This house was flooded during a november 1996 floods. This is the powell butte target area. Since these floods, b.e.s. has purchased this property. The house has been removed, and this is what it looks like now.

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Leonard: Can I ask a question about that?

Bistoff: Sure.

Leonard: I wanted to ask, what is the property then maintained for, in addition to being a safe area for floods? Can it also be used as recreational property for the residents?

Skenderian: Most of the time what appears to be most appropriate is some sort of passive recreation. If we could go back, passive recreation, in other words these properties tend to be wet most of the times, so quite frankly we've gotten into debate whether it's appropriate to put ball fields on them. The general consensus is when you do something like that, you end up with a wet ball field and a not so properly functioning floodplain area. There are places where there's more appropriate levels of recreation than others --

Leonard: But specifically these three points. Where's the three acres at?

Skenderian: So this slide that we just came back to --

Leonard: Freeway lands?

Skenderian: Yes, this is to the east of freeway land. And we're working with parks and p.d.c. To do a master planning of that whole area, to try to address what some of the parks' needs are. And --

Leonard: Where is the 3 and a half-acre parcel?

Bistoff: That's in west lents. That's the berry property. I'll advance the slide to show you. It's this one here in the yellow crosshatched area. As you can see, the northern portions in the floodway, the floodplain, fairly wet there, and --

Leonard: It is fairly wet?

Bistoff: It is -- well, it is when it's flooding, of course. I don't think it's a wetland necessarily all the time.

Leonard: Right. I'm trying to actually, you know, focus in on if -- because this is an area that's also lacking in park space.

Skendarian: Yeah. Actually when we bought the property, there was a very extensive b.m.x. Course.

Bistoff: The property north of that.

Skendarian: Yeah. When we bought the area, to the north of it, that unfortunately we had to take out, because it was -- it was a huge risk for us. There were enormous holes in the grounds and big mounds. So there's definitely a need for some parks there. Again, we have --

Leonard: I'm focusing on this particular acquisition. Is this particular acquisition going to be used for open space for the residents?

Skendarian: Eventually. I mean, right now it's just a hunk of land in the midst of some other people's property. And so the idea is once we amass enough properties to be able to do a -- a design and a plan with them, then we'll be -- very similar to brookside. Are you familiar with the brookside wetland area? It's on foster road -- we should take you all on a tour. It's on foster road, across from the -- from the foster auto parts.

Leonard: Oh, ok.

Skendarian: 112th area. So we bought the parcels. Once we amassed enough of the land to actually do a design and do a project, then it turns into open space and a park, and lovely example of how we've matched these goals, it serves as fabulous flood mitigation area, the residents who live near it, they walk their dogs there, they just take walks in the woods. It's great habitat. So in the short-term we just keep these maintained, you know, just make sure the trash is cleared, make sure there aren't problems with --

Leonard: You keep the grass mowed?

Skendarian: We keep the grass mowed.

Leonard: So residents can use it?

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Skendarian: Oh, absolutely, but we need to be careful about attracting people to these areas while there's still people living around them. There's a fine line with maintaining this open space and not creating a situation for the people that live there, that they're not going to be happy with. It's part of the success, how we built the success of our program, is by being good neighbors to the folks that are still in the area. And then building a project that works for the folks that are there when we're able to do that. Other questions?

Potter: Any questions?

Bistoff: That was actually my last slide. So the presentation is complete.

Potter: Thank you.

Adams: Good work.

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

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

Potter: Is there anyone signed up?

Moore: No one signed up.

Potter: Ok. Council ready to take a vote?

Harry Auerbach, Office of the City Attorney: I think you needed to amend the thing to fix the finding in number 3 to change the number from \$510,740 to \$530,740 there was a memo that went out yesterday.

Bristoff: Oh, correct that was a formatting error. My mistake.

Leonard: So moved.

Adams: Second.

Potter: Karla?

Adams: Aye. **Leonard:** Aye. **Sten:** Aye.

Potter: Aye. [gavel pounded] was that on the amendment?

Adams: Yes.

Auerbach: Yes, now you need to vote on the item.

Potter: Ok. Then let's call the vote.

Adams: Great work. You're recognized nationally for this for good reason. I like the line of questioning that commissioner leonard sort of is engaging in. Even if we're maybe even sort of planning with the community early, so that they can see some hope, that would be great, but enthusiastic aye.

Leonard: Yes, I agree. I hope there's interaction with parks.

Skendarian: Very much so, and p.d.c.

Leonard: Good. Because this is an area that needs the attention that you're giving it. I drive by it every day, twice. Aye.

Sten: Well, I just wanted to also say great work. I'm really, really proud of what you're doing. Many years ago I was involved in the first rounds of this, and it was a pretty contentious discussion.

I mean, we were working with the residents, and there was a sense that the city could not be trusted, and I think b.e.s. did a terrific job of working with city hall to really show people that actually the system we had wasn't working all that well for anyone, and we ended up redefining where the floodplain was, which was a much better drawn map. That wasn't easy with fema. We finally got people to recognize that actually they could work with the government to solve this problem and to give you a sense of how intractable this was, the esteemed ethan seltzer, the chairman of our planning commission, wrote his doctoral thesis on failed attempts to improve the floodplain regulation paradigm on johnson creek. He needs to revise it now with his doctorate, because it's been a change. Actually the work on this, it was so interesting, featured in robert putnam's last book on civic affairs. So congratulations. I'll stop there, but it's a great pleasure to continue to support this work you're doing. Aye.

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Potter: Just wanted to ask one question. How do you folks engage the neighborhood around there in these discussions? How does that work?

Skendarian: Actually can speak very clearly to that. Up until I have recently I was serving as the outreach and public relations person in the area. We recently went to a fabulous event that p.d.c. organized, the lents resource fair. So we've been doing most of our outreach with folks through the whole -- especially in the lents area. That's where most of the focus really has been, through the whole p.d.c. urban renewal effort. In the other areas, we write letters to folks, mostly communicate through one-on-one. I mean, that's really been my approach to building bridges out there. I do a lot of one-on-one communication with people, if they're homeowners that live near the properties. Sean and I work very closely with them to address the issues, if there are issues with homelessness, we've been working with join and with the police and with the local neighbors, and I don't know if you remember, mayor Potter, but I commended you one day on your focus on customer service. It's something that I believe really strongly in. And my approach to that is make friends one person at a time. I pat myself on the back a little bit on this one, it's really worked. And commission Sten, the work that we did to redo this floodplain has really been a great excuse to make friends with people. I get calls, I don't know, five a month maybe, people asking for floodplain information. And while i'm at it I just tell them about other things. I've got now this wonderful group of folks out in the community that just think it's great because they can call us and get information when they need it. And so that's really how i've been doing it, is kind of one person at a time, for the most part, and then working through these other avenues with whatever public means become available. We've learned the hard way that you really don't want to call a big meeting and get 300 people in a room. That's not the way to do it.

Sten: We did learn that.

Skendarian: Yeah. I had to whistle the last time we did that and ask people to be quiet. So --

Potter: Well, good job, folks.

*****: Thank you.

Potter: Council will pat you on the back as well.

*****: Thank you.

Sten: At a certain point, we did hold a council hearing at marshall high school, a formal council hearing, televised. And at the right moment that was also a significant factor, showing people we could come there. It's worth noting.

Skendarian: Yeah. We really do appreciate your support. We'd love to bring you on a tour sometime to show you these places. It's fabulous. Thank you very much.

Potter: Thank you. Aye. Karla please read item is it 357?

Potter: Aye. [gavel pounded]

Adams: Thank you.

Potter: Karla, please read the item, 357.

Item 357.

Potter: Any staff here? Anyone signed up to testify?

Moore: No one signed up.

Potter: Council have any questions or statements?

Sten: I can do this when we vote or before hand. I was going to council a little bit of background on this. This is one of our first completed projects, that i'm very pleased about, and essentially builds off the work that was commissioned a few years ago jointly by chair linn and mayor katz and that I took part in to take a look at how to better provide continuity between the services that the county provides and housing that we essentially finance with community developers. The issue that we've run into for some time is we have a policy imperative to try and do more housing for the very poor, particularly for families. And what we tend to run into is that you really can't successfully manage those programs or that housing I should say without services that are close to onsite. The

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services aren't onsite, however, that's not how the services are run. So this is really part of a project to say, how do we not spend more money, but take the existing housing dollars and existing service dollars and get them to work together better. We got a ways to go, but I think we're off to the right start with this project. So it's probably good for the council's time that we don't have a big presentation, but we could have done one.

Leonard: So is it the model that I observed at central city concerns building, like that?

Sten: Yeah. Essentially, central city is really unique, i'm not going to say they're the only housing developer that provides services, but they're the only one that has that extent. They literally are the home of the rehabilitation programs, for detox, so in essence it's trying to take out of the community on a smaller scale what central city can do, because it has such a scale. They have hundreds, if not a thousand units downtown, so providing those units works. You don't want families to live in a couple-hundred buildings, you want them in scattered units. Same is true also for mentally ill people, you know, the general sense is you want to have small housing developments where mentally ill people mainstream right into the community, not in buildings with hundreds of people there. It's not the best for anyone. But then try and provide the services in the way central city can do it because they have that economy of scale, but it gets very daunting.

Leonard: Yeah.

Sten: Yeah, that's exactly what that is.

Leonard: Excellent. Excellent program.

Potter: Any other questions? This is an emergency vote, so, Karla, please call the roll.

Adams: It sounds great. It's apropos that we were just on a topic of east Portland, and when I go to lents and a lot of the neighborhood associations in east Portland they are asking for more of this, so this is great. Thanks. Good work, commissioner Sten, and others. Aye.

Leonard: Aye.

Sten: I should have mentioned this, this particular project involves gresham and the housing authority. So we're all working on it. Aye.

Potter: Aye. [gavel pounded] Karla, please read the next item.

Item 358.

Rob Birchfield: Mayor Potter, commissioners, i'm rob birchfield from the office of transportation. No presentation for you this morning, but i'm here to answer questions if you have any.

Potter: What will this grant do if we get it?

Birchfield: This grant will help us basically underwrite work that we're doing already to adapt our tools for clearing crash data and getting reports out of crash data that we get from the state, and that crash data helps us do our traffic safety work better. The biggest challenge that we're trying to overcome really right now is really in the g.i.s. Part of the data, trying to get our ability to map this data well, so that we can track crash locations and develop mitigation efforts to improve traffic safety in that manner.

Potter: Council have any other questions? This is a nonemergency item, so it moves over to a second reading. Karla, please read item 359.

Adams: Thanks, rob.

Item 359.

Potter: Thank you very much. This is the second reading. We'll take a vote.

Adams: Aye. **Leonard:** Aye. **Sten:** Aye.

Potter: Aye. [gavel pounded] item 360.

Item 360.

Potter: This is a second reading. Let's take a vote.

Adams: Aye. **Leonard:** Aye. **Sten:** Aye.

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Potter: Aye. [gavel pounded] this is our last item for the morning. I just want to make a public announcement, that tonight's council meeting has been canceled, so we are recessed until 2:00 p.m. Tomorrow afternoon. [gavel pounded]

At 10:29 a.m., Council recessed.

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Closed Caption File of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

APRIL 21, 2005 2:00 PM

Potter: Council will come to order. Karla, please call the roll. [roll call taken] Karla, please read the item.

Item 362.

Potter: The city attorney will describe the hearing and how it will be conducted.

Kathryn Beaumont, Office of the City Attorney: Good afternoon. Before we begin the hearing, I have a few announcements to make concerning the kind of hearing we're having today, the order of testimony, and some guidelines for presenting testimony. These statements are required by state law. First, this is an evidentiary hearing. This means you may submit new evidence to the council in support of your arguments. The evidence may be in any form, such as testimony, letters, petitions, slides, photographs, maps or drawings. Any photographs, drawings, maps or other items you show to the council during your testimony should be given to the council clerk at the end of your testimony to make sure that they become part of the record. Before the council today is a recommendation from the hearings officer and testimony will be heard in the following order. We'll begin with the staff report by Douglas Hardy of the Bureau of Development Services staff for approximately 10 minutes. Following the staff report, the city council will hear from interested persons in the following order -- the applicant will go first and will have 15 minutes to address the council. After the applicant, the council will hear from individuals or organizations who support the applicant's proposal. Each person will have three minutes to speak. Next the council will hear testimony in opposition to the applicant's proposal from persons or organizations who oppose it. Again, each person will have three minutes. If there was testimony in opposition to the applicant's proposal, the applicant will have five additional minutes to rebut testimony given in opposition. The council may then close the hearing, deliberate, and take a vote on the hearings officer's recommendation. If the vote is a tentative vote, the council will set a future date for the adoption of findings and a final vote on the hearings officer's recommendation. If the council takes a final vote today, the council will also vote on the accompanying ordinance and that will conclude the matter before the council. Briefly with respect to presenting testimony, I have several guidelines to announce. These guidelines are established by the zoning code and state law and are as follows -- any testimony or evidence you present must be directed toward the applicable approval criteria for this land use review or other criteria in the city's comprehensive plan or zoning code that you believe apply to the decision. The staff will identify the criteria as part of the staff report to the council. Secondly, if you fail to raise an issue clearly enough to give the council and the parties an opportunity to respond to the issue, you'll be precluded from appealing to the land use board of appeals based on that issue. That concludes the announcements I need to make.

Potter: Thank you. Do any members of council wish to declare a conflict of interest? No councilmember have a conflict of interest to declare. Do any members of council have an ex parte contact to declare or information gathered outside of hearing to disclose? I do have a question for the city attorney. If I have contact with one of the principals prior to being sworn in as mayor, do I declare that?

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Beaumont: It certainly wouldn't hurt.

Potter: Ok. I did have contact -- what is the gentleman's name again, sitting next to you, mike. Mark kirchmeier. -- while I was a candidate for mayor.

Adams: I worked with michael harrison when he was employed by the city. I've seen him from time to time at community events. Mark kirchmeier hosted an aids community gathering at his house during my campaign, an opportunity to get to know voters in the university park neighborhood. Those are my prior to election ex parte contacts.

Potter: Any other members of council have questions or preliminary matters that need to be addressed before we begin the hearing? Ok, we'll begin the hearing. Staff, would you please begin.

Douglas Hardy: Thank you, mayor Potter, councilmembers. Again, douglas hardy, bureau of development services, land use services. The applicant is requesting a comprehensive plan map amendment from institutional campus with a design overlay zone. It's described in the comprehensive plan, allowing a wide variety of retail uses, office, as well as housing. The urban commercial designation is intended to be mapped for areas well served by transit, with development being oriented to pedestrians. The applicant is also concurrently applying for the zoning map amendment from multidwelling residential or r-1 to mixed commercial residential, known as the c.m. zone. The existing r-1 zone is a medium density, multidwelling zone, with basically housing as the only allowed use outright in a zone. The proposed c.m. zone allows a mixture of uses, including retail uses, office uses, as well as housing. The unique aspect of the c.m. zone there's for every square foot of commercial space that you have on the site, you're required to have an equal amount of housing, floor area, on that same site. So, for example, in the applicant site that's roughly 25,000 square feet in area, you could have 25,000 square feet of office and retail use at the same time you'd be required to have at least that same amount, 25,000 square feet of office space on the site -- or excuse me -- of housing on the site. And in the c.m. zone there are no maximum density limits for housing. As seen here, again the site is roughly 25,000 square feet, located on the east side of north interstate, just north -- just south of north shaver. A public alleyway does abut the site along the eastern side of the property, and the interstate 5 freeway is located roughly a block from the site. As indicated previously the site is currently zoned r-1, as are the surrounding properties on the blocks to the north and to the south. And these abutting sites also have the r.i.d. comp plan designation as well. Otherwise for zoning on interstate, for existing zoning, it runs the gamut. There's a variety of -- in fact, that's one of the trademarks, I think, is the variety of zoning, commercial, residential. Basically that would excuse development along the corridor. As previously indicated, the applicant proposes to rezone that entire site to the c.m. zone. The applicant has not provided a site specific development for this particular site, however they did include a conceptual plan as part of their submittal. That contains mixed use development containing between 28 and 36 condo units with roughly 6,000 to 7,000 square feet of ground floor commercial space. There will be parking at the rate of one space per dwelling unit. That will be accessed from the rear alley. And just for a quick tour of the site vicinity, this is located at the north end of the site, an existing vacant gas station with exterior storage. Heading south of the site, this is roughly in the middle of the site, is an existing active upholstery business. And then at the south end of the site is a vacant duplex structure. And it's worth noting that both, the previous two uses, the gas station, as well as the upholstery used are two grandfathered uses that today are not allowed uses in the r-1 zone. Also of note, as seen here, is the -- the site does front the interstate max line, the yellow line, and max stations are accessible roughly about two blocks to the north and two blocks to the south of the applicant site. This is a view of the -- to the rear of the property, or to the east, the existing public alley that's used both by the properties that front on interstate, as

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well as the properties directly to the east of the applicant site. And the surrounding block fronts in the immediate vicinity along interstate, for the most part are developed with fairly low-scale commercial uses as seen here. This is fairly typical. This type of development even exists in the high-density e.x. zone that's directly west of the site across interstate. Other significant development in the nearby vicinity includes the kaiser permanente medical office facility located roughly two blocks to the south of the applicant site. The existing i.r.d., on the applicant site, in fact was originally intended to allow kaiser permanente to expand northward, to expand its facility northward. Kaiser permanente has since indicated that they'd prefer to contain their development within their existing boundaries and create basically more of a dense development, and they in fact have submitted a letter into the record supporting the applicant's proposal for the rezoning. And then lastly, the surrounding neighborhood immediately off of the interstate block frontage is for the most part residential and in this immediate vicinity is -- this is a view of north montana that's directly behind the applicant -- to the east of the applicant site. And in terms of the approval criteria for the comprehensive plan map amendment, the applicant is required to demonstrate that on balance, that the proposal is equally or more supportive of the comprehensive plan goals and policies, as is the existing designation. As indicated in the hearings officer's report, he did find that the proposed designation does in fact better promote mixed-use development on the site. It does allow for greater density of residential development by right on the site than the existing zone. And it also encourages the redevelopment of not only under-utilized site, but also a site that's occupied by two nonconforming uses. And lastly, the hearings officer found that the proposed designation will ensure that development is transit and pedestrian oriented, while also being compatible with the abutting multidwelling zones. The approval criteria are that the proposed zoning designation is in fact the most appropriate of the corresponding zones. In fact, there are two corresponding zones, the c.s. and c.m. zone. The hearings officer did find that the c.m. zone, in fact, better promotes, again, mixed-use development, as well as better promotes the needed housing opportunities along -- along this particular corridor, particularly given the 50% minimum requirement for housing under the c.m. zone. The zoning map amendment approval criteria also require the applicant to demonstrate there are adequate public services to support the uses allowed under the proposed zone. We did receive responses from bureau of environmental services, Portland transportation, bureau of water, fire bureau, as well as the police bureau, all indicating that there were adequate public services to support uses allowed under the c.m. zone. And based on those findings, the hearings officer did recommend approval, both the comprehensive plan map amendment, as well as the zoning map amendment. That concludes staff presentation. If you have questions, i'd be happy to answer them later.

Potter: Thank you. We'll now hear from the applicant. Would you please come forward. You have 15 minutes. And when you speak, please provide your name.

Mark Kirchmeier: My name is mark kirchmeier. Our family has lived for 12 years at 7320 north hirsch street. I'm a member of the polish library association. My partner chris gniewosz was unable to be here. He has roots in the polish institutions is even deeper than mine. This project is more than five years in the making, and the result of dozens of group and individual meetings with neighbors, community members, and the neighborhood association, whom we met with just this past january. We have full support, and have also met with and won endorsements from both the interstate and north Portland business associations. And for those individuals who, as you know, are just outside the orbit of hearing about neighborhood association and business associations, we distributed hundreds of flyers, within 400 feet of our site, covering approximately four blocks, inviting people to a recent march 5 informational meeting. And in all of -- at that outreach, the overwhelming reaction was support, that people liked the idea we're putting something positive on

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land that now is lying pretty fallow, not generating housing units or jobs and virtually no tax base. A few of the neighbors that we talked to were interested in our building design. And so we're voluntarily meeting with the overlook neighborhood association on may 3 for a design conversation, and my personal design philosophy, I could be summarized by paraphrasing by 9-year-old daughter's favorite movie character, mary poppins, who could have sung a spoonful of good design helps the density go down.

Adams: Walt disney would be proud.

Kirchmeier: We specifically have chosen sera architects for a reason such as that, and their signature reputation for creative historic preservation in historic neighborhoods such as this neighborhood. And also for designing products that neighbors don't really support, they apply. Some details, the maximum height for our zone change is 45 feet, and our building will be under that. Three neighbors had questions about how -- how at certain times their street parking congestion on montana avenue on sunday mornings when the church has its religious services, and it's in our neighbors' interest and our interest to have an ongoing conversation of that. We'll have a wide range of very affordable to mid price range condos, outreach to not only the neighborhood association, but the albina ministerial alliance and other churches to make sure members know about the housing opportunity. And then some other details as mr. Harding's presentation showed, this site is -- is a classic urban renewal term is blighted, and I think that -- it fits that category. This is obviously near two light rail stations and provides -- future residents will be future light rail riders. Also adjacent to the kaiser campus which has 800 employees, we did a market survey of kaiser employees and found out that virtually none of them live in the neighborhood. 2/3 live in the suburbs and are getting tired of commutes inside the city, and we're going to offer a housing product for a lot of them. And this is -- interstate is some 40 blocks long, and this part of interstate is like the front door to the neighborhood, and we think the opportunity to do something positive here could help the entire avenue's public reputation. Thank you.

Michael Harrison: My name is michael harrison, 837 northwest 25th avenue. I'm a land use planning consultant in town, working with mark and his partner chris. I became involved in this project, and I don't take on many projects, because I was involved in the mapping of the institutional residential zone around kaiser as part of the albina community plan, in negotiations between the overlook neighborhood association and kaiser over the future expansion and history in the 1980's and 1990's over tension about that issue in the overlook neighborhood, both at this site and at the former bess kaiser site. This seemed to be a place where it needed to be updated, and this project couldn't wait for some legislative project. The proposal, as -- well, first i'd like to say, we fully support the hearings officer's recommendation, and it's been a pleasure to work with douglas on this. He's just been great, all the way through. The proposal is in conformance with the state goals, in conformance with the Portland comprehensive plan. It's in conformance with the albina community plan. There's kind of a synergy in all these documents, between energy conservation, transportation, affordable housing, and multifamily housing, and this proposal brings it altogether at a location within 1,000 feet of two different light rail stations, and the principal purpose of the zoning change before you is to allow them have to ground level pedestrian oriented commercial space. Kaiser has indicated they no longer have plans for a possible acquisition of this property in the future. They have decided that they will expand their facilities vertically rather than expand out into the neighborhood further. The height has been mentioned as an issue. It's the exact same limit as the height limit in the r-1 zone. It wouldn't be worse in a development which happened utilizing the full envelope of the r-1 zone. And I think with that i'll close and ask if there are any questions.

Potter: No questions. Thank you.

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

Adams: Thanks.

Potter: We'll now take testimony from supporters of the applicant. Karla, has anyone signed up to testify?

Moore: No, I didn't have anyone.

Potter: No one has signed to testify. We'll now take testimony from opponents of this application. Karla, has anyone signed up to testify?

Moore: No one did.

Potter: Normally this is the period where we offer the applicant a rebuttal. It appears there is no rebuttal. So now the evidentiary record is closed. Council has before them two documents. The hearings officer report recommending approval of the comp plan amendment and zone change and an ordinance implementing the recommendation. Now is the time for council discussion and deliberation.

Adams: If the council's ready, i'm prepared to move approval.

Leonard: You took 5 seconds longer than I would have.

Adams: I'm prepared to move approval.

Potter: The council has to adopt the hearings officer's recommendations first, correct?

Adams: That's right.

Potter: Uphold the hearings officer.

Adams: Uphold the hearings officer's recommendation.

Beaumont: The motion is to adopt the hearings officer's recommendation.

Adams: I was just testing to see if council is ready to go. [laughter]

Adams: I would move approval of the hearing officer's recommendations.

Leonard: Second.

Potter: Karla, please call the roll.

Adams: How many votes are we taking on this?

Beaumont: This is the first of two.

Adams: I'll save my comments till the second vote. Aye.

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

Potter: Aye. [gavel pounded] council adopts the hearings officer's recommendations. Now we'll vote on the ordinance --

Beaumont: Actually I think Karla needs to read the ordinance first.

Item 363.

Potter: Oh. Is council ready to take a vote? Karla, please call the roll.

Adams: Well, I just want to commend you for the great outreach that you've done. It was very smart to bring michael back to facilitate the change of this zone. As a neighbor, i'm very excited about a potential reinvestment, mixed use reinvestment along interstate avenue. So i'm just thrilled to be able to vote in favor of this. Aye.

Leonard: And as commissioner adams is thrilled, so am i. Aye.

Saltzman: This sounds like a great project. I'm pleased to support the zone change. I guess it raises a question, and i'll state this for us to consider this. Perhaps since the albina community plan was adopted, a lot's changed on interstate in those areas, and perhaps it's time for us to undertake a more comprehensive legislative approach to the zoning along interstate avenue in particular, and I guess I think that would be something that would be prudent and save future applicants from the enormous sum of money involved in applying on a case-by-case basis for zone and map changes like this. So I would urge us to consider sending that message to the planning bureau, perhaps

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something that needs to be looked at in a more comprehensive manner. But notwithstanding that, this is a great project and pleased to support it. Aye.

Sten: I agree. Aye.

Potter: I too am very pleased to see this kind of development along interstate avenue. It certainly reinforces the decision to put the light rail in there. I think it's going to be a -- a boon as more businesses and residences come in to that area, and i'm very pleased with this particular one. I vote aye. [gavel pounded] it's the last item for the day. We're adjourned until next week.

At 2:29 p.m., Council adjourned.