



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

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

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

OFFICERS IN ATTENDANCE: Susan Parsons, Acting Clerk of the Council; Harry Auerbach, Chief Deputy City Attorney; and Larry Sparks, Sergeant at Arms.

Item 1336 was pulled for discussion and on a Y-5 roll call, the balance of the Consent Agenda was adopted.

COMMUNICATIONS		Disposition:
1302 Request of Sam Oakland to address Council regarding voting no on Federal Judges Easement petition (Communication)		PLACED ON FILE
1303 Request of Freedom Child to address Council regarding issues with the Police (Communication)		PLACED ON FILE
1304 Request of Paul Phillips to address Council regarding visits and consultations (Communication)		PLACED ON FILE
1305 Request of Richard L. Koenig to address Council regarding a traffic court matter and the Committee for Appropriate Enforcement of Motor Vehicle Laws (Communication)		PLACED ON FILE
TIME CERTAINS		
1306 TIME CERTAIN: 9:30 AM - Urge Congress to reject legislation that unduly restricts local governments to manage public rights of way or grants franchises to video providers and approve legislation to preserve local government options to provide communications services (Resolution introduced by Commissioner Saltzman) (Y-5)		36344
1307 TIME CERTAIN: 10:15 AM - Adopt the recommendations of the 102 nd Ave Streetscape Plan (Resolution introduced by Commissioner Adams) (Y-5)		36345

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<p>S-1308 TIME CERTAIN: 10:45 AM – Appoint a Charter Review Commission and Honorary Advisory Committee to review and recommend revised language for a November 2006 Ballot Measure (Resolution introduced by Mayor Potter)</p> <p>Motion to accept Substitute: Moved by Commissioner Saltzman and seconded by Commissioner Adams. (Y-3)</p> <p>(Y-5)</p>	<p align="center">SUBSTITUTE 36346</p>
<p align="center">CONSENT AGENDA – NO DISCUSSION</p> <p>1309 Statement of cash and investments September 22, 2005 through October 19, 2005 (Report; Treasurer)</p> <p>(Y-5)</p>	<p align="center">PLACED ON FILE</p>
<p>1310 Accept bid of Brattain International Trucks, Inc. for eight 48,000 pound GVWR trucks with 10-12 cubic yard dump box (Purchasing Report - Bid No. 104281)</p> <p>(Y-5)</p>	<p align="center">ACCEPTED PREPARE CONTRACT</p>
<p align="center">Mayor Tom Potter</p> <p align="center">City Attorney</p> <p>*1311 Amend contract with Hoffman, Hart & Wagner, LLP for outside counsel assistance (Ordinance; amend Contract No. 35432)</p> <p>(Y-5)</p>	<p align="center">179708</p>
<p>*1312 Extend Legal Services Agreement with Stoll Stoll Berne Lokting & Shlachter, PC (Ordinance; amend Contract No. 36137)</p> <p>(Y-5)</p>	<p align="center">179709</p>
<p align="center">Office of Management and Finance – Bureau of General Services</p> <p>*1313 Authorize a contract and provide for payment to furnish replacement vehicles (Ordinance)</p> <p>(Y-5)</p>	<p align="center">179710</p>
<p align="center">Office of Management and Finance – Bureau of Technology Services</p> <p>*1314 Authorize Intergovernmental Agreement with the City of Sherwood for participation in the Integrated Regional Network Enterprise (Ordinance)</p> <p>(Y-5)</p>	<p align="center">179711</p>
<p align="center">Office of Management and Finance – Human Resources</p> <p>*1315 Change the salary range of the Nonrepresented classification of Emergency Communications Operations Manager (Ordinance)</p> <p>(Y-5)</p>	<p align="center">179712</p>
<p>*1316 Create a new nonrepresented classification of Revenue Bureau Operations Manager and establish a compensation rate for this classification (Ordinance)</p> <p>(Y-5)</p>	<p align="center">179713</p>

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<p>*1317 Authorize contract with Bio-Med Testing Service Inc. for drug and alcohol testing services (Ordinance) (Y-5)</p>	<p align="center">179714</p>
<p align="center">Office of Management and Finance – Risk</p>	
<p>*1318 Pay claim of Hassan Al Hilali (Ordinance) (Y-5)</p>	<p align="center">179715</p>
<p>*1319 Pay claim of Edmund Jensen (Ordinance) (Y-5)</p>	<p align="center">179716</p>
<p align="center">Planning Bureau</p>	
<p>*1320 Apply for a \$10,820 Department of Land Conservation and Development Technical Assistance Grant to supplement market-based study of five target segments of neighborhood commercial corridors (Ordinance) (Y-5)</p>	<p align="center">179717</p>
<p>*1321 Apply for a \$12,500 grant from the Oregon Heritage Commission to allow the Bureau of Planning to prepare interpretative historical materials to support the Skidmore/Old Town and New Chinatown/Japantown Historic Districts (Ordinance) (Y-5)</p>	<p align="center">179718</p>
<p>*1322 Accept Historic Preservation Fund grant of \$20,000 to support the City historic resources program (Ordinance) (Y-5)</p>	<p align="center">179719</p>
<p>*1323 Apply for a \$50,000 Department of Land Conservation and Development Technical Assistance Grant to supplement funds for the Working Harbor Reinvestment Strategy (Ordinance) (Y-5)</p>	<p align="center">179720</p>
<p align="center">Police Bureau</p>	
<p>*1324 Authorize the Police Bureau to appoint Lisa Ann Fort to the classification of Police Officer at the 4-year salary rate (Ordinance) (Y-5)</p>	<p align="center">179721</p>
<p>*1325 Accept a \$45,000 grant for seatbelt enforcement from the Oregon Association Chiefs of Police and Oregon Department of Transportation (Ordinance) (Y-5)</p>	<p align="center">179722</p>
<p>*1326 Extend agreement with Tri-County Info Center to raise funds for the Police Bureau GREAT Program (Ordinance; amend Contract No. 35448) (Y-5)</p>	<p align="center">179723</p>
<p>*1327 Accept a \$50,400 traffic safety grant for DUII program enforcement from the Oregon Association Chiefs of Police and Oregon Department of Transportation (Ordinance) (Y-5)</p>	<p align="center">179724</p>
<p>*1328 Authorize donation of an out of service police patrol car to Portland Community College (Ordinance) (Y-5)</p>	<p align="center">179725</p>

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<p>*1329 Modify fines for excessive false alarms (Ordinance; amend Code Chapter 14B.10) (Y-5)</p>	<p align="center">179726</p>
<p align="center">Commissioner Sam Adams</p> <p align="center">Bureau of Environmental Services</p>	
<p>*1330 Accept a grant award from the U.S. Fish and Wildlife Service in the amount of \$50,000 for assessment, design and enhancement work in Errol Creek Wetlands (Ordinance) (Y-5)</p>	<p align="center">179727</p>
<p>1331 Authorize grant application for Clean Rivers Teacher Workshops to the Oregon Watershed Enhancement Board in the amount of \$19,932 (Ordinance)</p>	<p align="center">PASSED TO SECOND READING NOVEMBER 23, 2005 AT 9:30 AM</p>
<p>1332 Authorize grant application for enhancement work on Crystal Springs at the Eastmoreland Golf Course to the Oregon Watershed Enhancement Board in the amount of \$98,648 (Ordinance)</p>	<p align="center">PASSED TO SECOND READING NOVEMBER 23, 2005 AT 9:30 AM</p>
<p>1333 Authorize grant application for restoration and enhancement work at the confluence of Johnson Creek and Errol Creek to the Oregon Watershed Enhancement Board in the amount of \$252,807 (Ordinance)</p>	<p align="center">PASSED TO SECOND READING NOVEMBER 23, 2005 AT 9:30 AM</p>
<p>1334 Authorize grant application for the Lower Willamette River Riparian and Wetland Enhancement Project to the Oregon Watershed Enhancement Board in the amount of \$155,053 (Ordinance)</p>	<p align="center">PASSED TO SECOND READING NOVEMBER 23, 2005 AT 9:30 AM</p>
<p align="center">Office of Transportation</p>	
<p>1335 Authorize application to the Oregon Department of Transportation for a grant in the amount of \$100,000 to develop and implement specific neighborhood-based efforts to improve traffic safety (Ordinance)</p>	<p align="center">PASSED TO SECOND READING NOVEMBER 23, 2005 AT 9:30 AM</p>
<p>1336 Call for bids for the construction of street improvements on Martin Luther King Jr. Blvd from NE Alberta St to NE Killingsworth St (Ordinance)</p>	<p align="center">REFERRED TO COMMISSIONER OF PUBLIC UTILITIES</p>
<p>1337 Amend Intergovernmental Agreement with Multnomah County to provide roadway maintenance services West of the Willamette River (Ordinance; amend Contract No. 51062)</p>	<p align="center">PASSED TO SECOND READING NOVEMBER 23, 2005 AT 9:30 AM</p>
<p>1338 Authorize an Intergovernmental Agreement with Oregon Department of Transportation for the 82nd Avenue Intelligent Transportation System Project (Ordinance)</p>	<p align="center">PASSED TO SECOND READING NOVEMBER 23, 2005 AT 9:30 AM</p>

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Commissioner Randy Leonard		
Water Bureau		
1339	Accept contract with Stettler Supply Company for the installation of Improvements to Well Sites 28 and 34 as complete, approve Change Order 5 and authorize final payment (Report; Contract No. 35035) (Y-5)	ACCEPTED
Commissioner Dan Saltzman		
Children's Investment Fund		
*1340	Amend contract with McDonald Jacobs for auditing services (Ordinance; amend Contract No. 35569) (Y-5)	179728
*1341	Amend contract with Metropolitan Group to negotiate and complete leveraged fund partnerships with private funders (Ordinance; amend Contract No. 35771) (Y-5)	179729
Parks and Recreation		
1342	Authorize an agreement with the Portland Kinderschule to use a portion of Fulton Park Community Center (Ordinance)	PASSED TO SECOND READING NOVEMBER 23, 2005 AT 9:30 AM
1343	Authorize grant application for the Johnson Creek/Crystal Springs Land Acquisition to the Oregon Watershed Enhancement Board in the amount of \$210,000 (Ordinance)	PASSED TO SECOND READING NOVEMBER 23, 2005 AT 9:30 AM
1344	Authorize grant application for the Johnson Creek Park Restoration and Enhancement Project to the Oregon Watershed Enhancement Board in the amount of \$68,826 (Ordinance)	PASSED TO SECOND READING NOVEMBER 23, 2005 AT 9:30 AM
1345	Authorize grant application for the Oaks Bottom Wildlife Refuge Wetland Creation and Enhancement Project to the Oregon Watershed Enhancement Board in the amount of \$36,575 (Ordinance)	PASSED TO SECOND READING NOVEMBER 23, 2005 AT 9:30 AM
Commissioner Erik Sten		
Bureau of Housing and Community Development		
*1346	Authorize agreement with the Housing Authority of Portland to provide administration of the Ready to Rent Program, Ready to Rent and Fresh Start Landlord Guarantees and Relocation Program (Ordinance) (Y-5)	179730
Fire and Rescue		

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*1347 Authorize a contract with System Planning Corporation and provide payment for services rendered for a Service Delivery System Study of Portland Fire and Rescue (Ordinance) (Y-5)	179731
*1348 Apply for a \$445,543 grant from the Department of Homeland Security for Portland Fire and Rescue to enhance emergency operations, firefighter safety and prevention efforts (Ordinance) (Y-5)	179732
*1349 Approve an Intergovernmental Agreement with the Port of Portland to allow the Bureau of Fire, Rescue and Emergency Services to conduct rescue training on Port property (Ordinance) (Y-5)	179733
*1350 Authorize an Intergovernmental Agreement with the Oregon Office of Emergency Management to send Portland firefighters to Louisiana (Ordinance) (Y-5)	179734
1351 Authorize working agreement with Toy & Joymakers, Inc. to provide toys for needy families at Christmas (Ordinance)	PASSED TO SECOND READING NOVEMBER 23, 2005 AT 9:30 AM
1352 Authorize agreement with Oregon Maritime Museum for storage of Personal Water Craft (Ordinance)	PASSED TO SECOND READING NOVEMBER 23, 2005 AT 9:30 AM
City Auditor Gary Blackmer	
*1353 Assess property for system development charge contracts and private plumbing loan contracts (Ordinance; Z0755, K0080, T0092, P0070, T0093, K0079) (Y-5)	179735
REGULAR AGENDA	
1354 Create a City of Portland Citizen Budget Advisory Board composed of appointed citizen members (Resolution introduced by Mayor Potter, Commissioners Adams, Leonard, Saltzman and Sten) (Y-5)	36347
Mayor Tom Potter	
1355 Create the City of Portland Small Business Liaison Initiative to formalize the role of small business liaisons that work within City bureaus to assist small businesses (Resolution) (Y-5)	36348
Office of Management and Finance – Financial Planning Division	

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<p>*1356 Authorize an Intergovernmental Agreement with Multnomah County and a Memorandum of Understanding with the Citizens Crime Commission of Portland to facilitate and coordinate a City-County public safety collaboration project (Ordinance)</p> <p>(Y-5)</p>	<p align="center">179736</p>
<p>*1357 Authorize a contract with the Public Strategies Group to facilitate a joint City-Multnomah County public safety collaboration project and provide for payment (Ordinance)</p> <p>(Y-5)</p>	<p align="center">179737</p>
<p align="center">Office of Management and Finance – Human Resources</p> <p>*1358 Authorize an agreement with Catalyst Communications, Inc. to develop and deliver mandatory core competency training for all City of Portland Managers and Supervisors (Ordinance)</p> <p>(Y-4; Adams absent)</p>	<p align="center">179738</p>
<p>1359 Adopt City 2005-2008 Equal Employment Opportunity Affirmative Action Plan (Ordinance)</p>	<p align="center">PASSED TO SECOND READING NOVEMBER 23, 2005 AT 9:30 AM</p>
<p align="center">Office of Management and Finance – Revenue Bureau</p> <p>1360 Amend Pay and Park Facilities in regards to ticketing and booting on Private Parking Lots (Ordinance; replace Code Section 7.24.020)</p>	<p align="center">PASSED TO SECOND READING NOVEMBER 23, 2005 AT 9:30 AM</p>
<p>1361 Establish a refundable business license credit program dedicated to eligible local businesses that chose to employ disconnected youth (Second Reading Agenda 1297; add Code Sections 7.02.800, 7.02.810 and 7.02.820)</p> <p>(Y-5)</p>	<p align="center">179739</p>
<p>1362 Authorize a Memorandum of Understanding between the Revenue Bureau and Worksystems, Inc to implement the refundable business license credit program for employment of disconnected youth (Second Reading Agenda 1298)</p> <p>(Y-5)</p>	<p align="center">179740</p>
<p align="center">Commissioner Sam Adams</p> <p align="center">Bureau of Environmental Services</p> <p>1363 Authorize conveyance of one property in the headwaters of the Stephens Creek watershed from Vladimir Berezin to the Bureau of Environmental Services for purposes of stormwater management (Ordinance)</p>	<p align="center">PASSED TO SECOND READING NOVEMBER 23, 2005 AT 9:30 AM</p>
<p align="center">Office of Transportation</p> <p>1364 Adopt the Portland Streetcar Lowell Extension alignment and the preliminary capital budget and direct various actions for implementation (Resolution)</p>	<p align="center">REFERRED TO COMMISSIONER OF PUBLIC UTILITIES</p>

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<p>*1365 Amend agreement with Portland Streetcar, Inc. to provide design and other professional services for the Portland Streetcar Lowell Extension Project (Ordinance; amend Contract No. 31428)</p>	<p align="center">REFERRED TO COMMISSIONER OF PUBLIC UTILITIES</p>
<p>*1366 Amend contract with Stacy and Witbeck, Inc. for the construction of the trackslab, track drains and other minor civil elements on a segment of SW Moody and SW Bond Avenues between SW Gibbs and SW Lane Streets (Ordinance; amend Contract No. 35163)</p>	<p align="center">REFERRED TO COMMISSIONER OF PUBLIC UTILITIES</p>
<p align="center">Commissioner Dan Saltzman</p> <p align="center">Children's Investment Fund</p> <p>1367 Approve allocation of Children's Investment Fund to Boys and Girls Clubs in partnership with Schnitzer Care Foundation (Ordinance)</p>	
<p align="center">Office of Cable Communications and Franchise Management</p> <p>*1368 Grant a temporary revocable permit to Northwest Metal Fab and Pipe Inc. and establish terms and conditions (Ordinance) (Y-5)</p>	<p align="center">PASSED TO SECOND READING NOVEMBER 23, 2005 AT 9:30 AM</p> <p align="center">179741</p>
<p align="center">Office of Sustainable Development</p> <p>*1369 Adopt a Waste Reduction Program and enter into an Intergovernmental Agreement with Metro to receive Metro Waste Reduction Challenge Funds in the amount of \$238,664 in FY 05-06 (Ordinance) (Y-5)</p>	<p align="center">179742</p>
<p>*1370 Accept a \$300,000 performance-based grant from Conservation Services Group, Inc. to market the Energy Trust of Oregon Multifamily Home Energy Savings Program and assist multifamily property owners with energy conservation projects (Ordinance) (Y-5)</p>	<p align="center">179743</p>
<p>1371 Consent to transfer of Mohr Refuse Service residential solid waste and recycling collection franchise to Portland Disposal and Recycling Service, Inc. (Ordinance)</p>	<p align="center">PASSED TO SECOND READING NOVEMBER 23, 2005 AT 9:30 AM</p>
<p align="center">Parks and Recreation</p> <p>1372 Direct Portland Parks and Recreation to prepare a recommendation for an updated Park System Development Charge Methodology that includes both a residential and a non-residential component (Resolution) (Y-5)</p>	<p align="center">36349</p>
<p align="center">City Auditor Gary Blackmer</p> <p>1373 Assess property for sidewalk repair by the Bureau of Maintenance (Hearing; Ordinance; Y1056)</p>	
<p align="center">PASSED TO SECOND READING NOVEMBER 23, 2005 AT 9:30 AM</p>	

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At 12:52 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND,
OREGON WAS HELD THIS **9TH DAY OF NOVEMBER, 2005** AT 2:00 P.M.

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

Commissioner Adams arrived at 2:07 p.m.

Mayor Potter left at 2:45 p.m.

OFFICERS IN ATTENDANCE: Susan Parsons, Acting Clerk of the Council; Linly
Rees, Deputy City Attorney; and Larry Sparks, Sergeant at Arms.

	Disposition:
1374 TIME CERTAIN: 2:00 PM - Declare intent to initiate local improvement district formation proceedings to construct street and traffic calming improvements from Barbara Welch Road to north of Bybee Drive in the SE 152 nd Avenue Local Improvement District (Resolution introduced by Commissioner Adams; C-10017) (Y-4)	36350

At 2:49 pm, Council adjourned.

GARY BLACKMER
Auditor of the City of Portland

By Susan Parsons
Acting 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.

NOVEMBER 9, 2005 9:30 AM

Potter: Good morning, everybody. Good morning.

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

Potter: There you go. Thank you for being here. This is Portland city council. Before we begin the official part of our meeting, and it's a very, very long agenda today, how we normally start wednesday mornings is by asking a question to you and to the people who watch this on cable television. And the question is -- how are our children? And it's a very important question in that in certain tribes in africa, as they pass each other, instead of saying, how are you, they ask, how are the children? They know that when the children are well the village is well. So our idea in Portland is to make sure that our village is well and that our children are well. So what we do is invite experts in to talk to us. And today we have some experts that have been working on a bill of rights for children and youth. And i'd like to ask elizabeth van brooklyn, chris fisher, and -- is it emily ryan or -- [inaudible]

Potter: Ok. Can you come up with those other two, please? These young people -- and could we have all of the young people working on the bill of rights please stand up at this time so we can recognize them. Thank you.

Adams: All right. [applause]

Potter: Asked them to come in and say a few words. So what we'll do is let's begin with you, elizabeth.

Elizabeth Van Brocklin: Ok. Hi. Thanks for inviting us all to be here. I'm elizabeth van brocklin, i'm 16, a junior at cleveland high school. And i've been working with this group for the past 10 months. I'm one of the founders of this project. I'm also one of three representatives for all the youth here today. We have come to tell you about an extremely worthwhile project we are all involved in. We are creating a bill of rights for children and youth for Portland and Multnomah county. This document will list the rights that children in our community are entitled to, such as healthy food, comfortable shelter, a caring family, exceptional education, safe places to play, art and music classes, and most importantly the opportunity to have our voices heard. Because children will be involved every step of the way, our bill of rights will reflect what we really want and need. And the bill of rights for children and youth will be unique, because it's being created by young people for young people. We will ask children from all over Portland and Multnomah county what they believe their rights are, and their feedback will help produce the final document. I'm especially happy to be involved in this project, because i've had the chance to meet so many different people from all over our community in the process. And here's the next speaker.

Chris Fischer: Hi. I'm chris fischer. I'm 16. I am here with this success academy. I've been involved in this project for roughly three months. I'm here to tell you why, that the bill of rights is necessary. One major difference between youth and adults is that youth cannot vote, and this makes it much harder for the youth's voice to be heard, both by policymakers as well as our general community. However, many policy decisions that are being made in Portland and Multnomah county are directly affecting our youth. And we cannot afford to have judgments being made about our youth without consulting our youth on those matters first. Ooh, sorry. Ok. So those judgments, such as after-school programs, foster care, it's very important to hear what our youth's

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opinions are, because it's affecting them directly. The children's bill of rights is directly being made by our youth, not our adults. This is going to be made by going around, asking other youth by youth what youth think and what they want as their bill of rights. So, yeah, and it will be a great reference for children's points of views. So, yeah. Thank you.

Potter: Thank you.

Dolan Murvihill: Hello. I'm dolan murvihill, working on this since its opening to the public in may. And i'm interested, because I -- I want to give children more of a voice in the community, and because I want to learn more about politics and the way they work. And in addition to giving children more of a voice another goal of the bill of rights is to have policymakers like yourselves voice their support for the document. Eventually we hope that you will ratify the bill and make protecting children's rights a priority, because you determine the course of city policy. All of you have already expressed a strong commitment to this city's children, in particular, mayor Potter, you said again and again the children are our future. The children's bill of rights will make sure that this future is a bright one. With your help, can we count on your support as we complete this project and work with the community to defend the rights of all children in the city of Portland?

Potter: Yes. I didn't hear all of them, but i'm sure they all agree.

Adams: Yes.

Potter: Thank you so much. You did a great job this morning.

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

Potter: Thank you. [applause] mr. and mrs. Van brocklin, supporting their daughter elizabeth, bob used to work with bud clark. Thank you for being here, folks. And thank you, young people, for being here this morning. Really appreciate it. Emily ryan, who's on this, is also going to be, if the council approves it this morning, be appointed to the city charter review commission, and she's got a great story to tell and very articulate. Thank you all, young people, for being here. And your voice is being heard. Thank you. [gavel pounded] city council will come to order. Sue, please call the roll. [roll call taken] we'll hear communications. First read the first one.

Item 1302.

Potter: Good morning, sam.

*******:** Good morning, mr. Mayor.

Potter: Please state your name when you testify, sir. You have three minutes.

Sam Oakland: My name is sam oakland. I live in northwest Portland, where i've lived since 1966. I'm a professor of law and a u.s. forest service park ranger living in the blast zone of mount st. Helens. As you know, the pioneer post office courthouse will be opening soon, and it will have a parking garage underneath, a five-space parking garage for judges graber, and others. The ninth circuit court and the g.s.a. were given permission to cross our property to get to the land in order to do the seismic upgrade and restoration. It was a verbal agreement, and no easement was drawn up between the city of Portland and the ninth circuit court to allow automobiles after restoration to cross over public property to get to federal property. In a sense the pioneer post office courthouse sits as an island, and our land surrounds it. So what I would like the city council to do is to first tell the u.s. ninth court of appeals that they have to petition if they want to use the parking lot to drive across public land, and they have to appear before city council and ask our permission to use the driveway. They forgot to get an easement -- they should not have forgotten to get an easement, but they forgot. So what do we do now if we don't want to give them an easement, and what do we do if we want to give them an easement? Perhaps a nice toll, maybe a million dollars a year to use that passage, that short passage, to get to where they want to go for the three cars. If you have any questions, please look at my position paper. I've written judge mary schroeder, the chief judge of the ninth circuit court of appeals. I've written the u.s. Supreme court. I've written local judges. And there is a problem. You need an easement to get to someone else's property. If you're a citizen and the u.s. Ninth circuit court of appeals needs an easement to cross our property to get to their

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property. I hope you are all at the rededication and opening of the pioneer post office courthouse without the post office and the nonopening of the pioneer post office courthouse parking lot. Thank you.

Potter: Thank you.

Adams: Thank you.

Potter: Please read the next communication.

Item 1303.

Parsons: 1303. Freedom is not able to make it this morning. The.

Potter: Ok.

Item 1304.

Paul Phillips: The telephone dex directory, page 1017 has surgery hand in it, and there's a listing of 19 hand surgeons, and van allen, michael r., is the last one that's on the list. And if you read in his report, and as you know I had been to a hand surgeon, but i've been to more than just one hand surgeon. Another one that I was to here in Portland, besides steven topper at ohsu, was a associate hand and microsurgery associate northwest, l.l.c., mark j. Bueller, m.d., 5050 northwest hoyt, suite 660, at the providence hospital. As i'm reading from the ad, it was hand and microsurgery associates northwest, l.l.c., michael r. Van allen, m.d., p.c., is also in that association. As you recall from a letter from a bone haas, an x-ray report, saying that there was suggesting of a remote fracture, the growth rings in other words. I asked this michael van allen about the x-ray report, and he said, "oh, no, we won't deal with that," and he didn't in his report, if you see that. Even ed tabor, as i'd mentioned, maybe with mayor Potter, being a former police chief, would recognize the name.

He was the pendleton police chief at the time for quite a long time. And he goes, when I called him up one day, he was the one that linked me up with the department of senior and disabled services, and he says that doctor walter hale, he really didn't tell you that you had growth rings, did he? And I go, yeah, he did. He said, well, you probably misunderstood him. I said, no, mr. Tabor, I can understand quite well and hear. And he started laughing, and said maybe they'd send you to a tree surgeon. He was laughing real hard when he was talking. And there was another -- most of these doctors are associated with the providence health system. As you know, I was injured at a catholic hospital 23 years ago, and from --

Potter: Mr. Philips, you have to wind it up, sir.

Phillips: Yes. You should know what a hand job is. Thank you.

Potter: Thank you.

Item 1305.

Richard L. Koenig: Good morning, city of Portland, city council, mayor. The committee for appropriate enforcement of motor vehicle laws looks forward to the training event that the Portland police bureau will have on odot's new optional titling rule. It's regarding the vehicles that are not required to be titled that are owned by members of the general public. Police bureau personnel will be learning that as -- as of this rule's adoption, d.m.v. Now has the authority to take their money and issue the documents of title and registration, and turn their vehicles into regulated motor vehicles, but that's if and when the owners choose to turn them into something that pays the fees and the fines. Prior to the adoption of this rule, these vehicles could not legally having titled, and now the police will come to know the difference between the general public who has the right to use the highway and motor vehicle operators who have always been regulated. Like every business that doesn't have a conscious, needs to be regulated for the health, safety and welfare of the public. There was a plan to present the commissioner of police with a subpoena this morning to appear in a traffic matter, and share the training schedule, however it's indicative of the problem that the committee member whose subpoena was going to be served felt that by serving it today, with still a couple of weeks to go, that it might subject him to undo harassment, so i've agreed to wait a week, but the commissioner of police is encouraged to seize this opportunity to schedule police training so

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that the november 22 and 23 event won't require his presence. I know he's got a lot of valuable things to do, not only as commissioner of police, but as the mayor. So for the rest of us who want to see the testimony of public officials, like the odot director and the director of the police training academy at monmouth explain the difference between the public's right and motor vehicle operator's privilege, come out on the 22nd and 23rd of november. You can call this number right here to get more information. Thank you.

Potter: Next item.

Parsons: That would be the consent agenda.

Potter: Ok. Commissioner Adams, did you wish to pull anything from the --

Adams: I think I do.

Potter: 1336?

Adams: Yeah. 1336, back to my office.

Potter: Ok. Do any other commissioners wish to pull any other items off the consent agenda? Does anybody from the audience wish to pull any items from the consent agenda? Karla, please call the roll.

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

Potter: Aye. [gavel pounded] Karla, we'll go to the time certain -- excuse me. Sue, we'll go to the time certain.

Item 1306.

Potter: Commissioner Saltzman.

Saltzman: Thank you, mr. Mayor, members of the council. I'm very pleased to bring this important resolution to council this morning. I know we all support business competition and also believe that the city should provide an enabling environment for businesses to thrive for the sake of our economic development. We also know that our city relies -- however, there's legislation being proposed in congress under the guise of encouraging competition in our telecom industries that would drastically limit or eliminate our local franchising authority. Our city relies, as do other cities in Multnomah county, on these critical resources to fund our police, fire and parks. We receive \$60,000 in the city of Portland from our franchise fees alone, the second largest source of our general fund. One of these bills has had a hearing this morning in congress in a house committee, and so we know leaders in congress are looking to pass final legislation early next year.

So it is urgent for us to go on record today to make our voice heard now. There are various versions of these bills. There's four of them altogether that have provisions to seek to undermine public benefits that many local communities, including Portland, have negotiated with cable operators over the years. Some of these agreements and benefits we currently enjoy, include our ability to provide high-speed internet to Portland area school classrooms, and also the ability to block potential red line of some of our neighborhoods by requiring video providers to serve every neighborhood and household. This would limit our authority to require cable and other providers to meet community needs, undermine our capacity to provide internet access to classrooms, or create local programs and vibrant community media. Let me reiterate. I strongly support more competitive choices in the video, internet, and telephone marketplace, but not at the expense of our local authority and the services relied upon by our schools and citizens. These bills are bad for the city. They're bad for consumers, and will do nothing to encourage fair video competition and affordable broadband services. So I urge us to pass this resolution, and we have an invited panel, which includes members of the mount hood regulatory commission, and david olson, the director of our office, and I know several people are here to testify as well. I'll turn it over to david first, I guess.

David Olson: Thanks, commissioner. I'm david olson, the director of the office of cable communications and franchise management. I wanted to thank all of you for having this very important item on your agenda this morning. I've had the honor to work with each of you over the

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years on these issues, both as commissioners in charge and with commissioner Adams as executive assistant to mayor katz, and all of you know how hard this city has worked in this area to get public benefits to the community from cable regulations to defend local right-of-way authority to encourage and promote competition in this area to try to keep rates low and to try to give the community access to this critically important media. And what's ironic is under the guise of improving competition, the telephone industry in congress, which is very well positioned there, wants to basically level the playing field by leveling the local commitments and the benefits that the public enjoys here, very tangible, not only in community access to media, but also in terms of -- as easy to understand as the internet access that's available in every classroom in Multnomah county, high-speed, because of the interconnection to the cable system. That's an example of the kinds of capacity out there that's under assault. In any event, as commissioner Saltzman mentioned, these bills have enormous problems. Congress is poised to act. And your resolution is very timely. Under these bills the federal communications commission, in various forms, would become a national zoning commission, would there would be preemption, national franchising, undermine your right-of-way authority. It affects so many bureau insist the city. Department of transportation, permit fees, cellular zoning and siting would be preempted. Your franchise fees would be undercut, not only by the bill that was up this morning, but potentially by changing the basis of the fees you could see a 3/4 reduction in your -- at least in your franchise fees, and indeed since the telecommunications sector would be treated differently from the utilities it's possible, as commissioner Saltzman said, your entire franchise fee base would be in question. Red lining, the ability to have these technologies serve everyone in the city instead of the wealthy neighborhoods, is another factor in these bills. Funding for your community access system. Your own programming by which the council opens up government processes, including this council session, and the other ways that you have outreach, the funding and mechanisms for that are under assault in these bills. In addition to these restrictions, the attack on your local authority on right-of-way use, the impact on your telecommunications system, earning system, your permits, also is implicated in this bill. And even emergency services. We have emergency alert provisions in these franchises. It ties into the kinds of authority you have for public safety to make these communication systems work with each other and interconnect with each other for public safety purposes. All of these things are implicated by removing the local place at the table, removing you from that discussion as all under the guise of competition. And yet the council, as you know, needs to apologize to no one for the amount in which you have endorsed competition over the years and tried to bring it to this community in video. So under the guise of letting the telephone company in the video business, they want to ratchet your requirements, attack your local authority, undermine your right-of-way processes, and undercut many years of public benefits that have been available in this community. So i'm very happy you have this resolution in front of you. I endorse it. I encourage all of you to be active in your contacts with the congressional delegation, pointing out these are real benefits here and it would hurt the community if these bills go forward in this form. I'm also happy to have with me the chairman of your mount hood cable regulatory commission, rich kohene, and the president of the board of directors of Portland community media, and I would like to introduce them to you and they'll have remarks for you on the subject as well. Thank you.

Rich Goheen: Thank you, david. My name is rich goheen, currently serving as chairman of the mount hood regulatory cable commission. I want to thank you for the opportunity to come before you today to support this very important resolution that is before you. Commissioner Saltzman and david have pretty well said it all, and I could just exit right now and say ditto everything that they've said, because it is such an important thing that you're doing here today. And it's so important that the people at the federal level understand that there are communities out there who are doing really a phenomenal job in utilizing their ability to negotiate cable franchises. As you know, the city of Portland is a member of an mrhc, which came about as an attempt of wood village, troutdale,

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gresham, fairview, and Multnomah county, and the city of Portland to put together an intergovernmental agreement that would end up with a common goal of negotiating cable franchises with the providers in the area. Also to attempt to stimulate competition by saying anyone who is interested in doing it, in providing that product, is free to negotiate with us to do so. And we have effectively done that. Competition has not come about the way we had hoped that it would, but there's not been a stumbling block on the part of those who were negotiating on the part of the cities and the county with those individuals who are attempting to move into the marketplace. The result of the i.g.a. that we put together and the franchises that we've negotiated have really exceeded our wildest dreams. The things that the city of Portland, Multnomah county, and the other jurisdictions have been able to negotiate, that have been mentioned by David and Commissioner Saltzman, are things that other people don't have. They wish that they did, and I'm afraid that their effort in trying to stall the federal legislation may be lacking. I can assure you that the other jurisdictions will follow Portland's lead in what it is you're doing here today, in attempting to at least let the people at the federal level know what it is they're about to take away from us. If in fact they do pass one of these pieces of legislation, as David said, we may very well lose everything that we've gained, and certainly won't be in a position to move forward with additional public benefit products that we have been able to negotiate in the past. I support your actions here. I support the resolution that's before you, and want to thank you very much for the opportunity to come today. Thank you.

Potter: Thank you, sir.

Koel Haver: Hi. I'm Koel Haver, an attorney, and president of the board of Portland community media. I want to read from these remarks that I wrote up so I don't miss anything. I've come today in support of the city council taking a stand against the congressional and senate bills that would undermine the city's ability to govern the public's properties and rights-of-way, including collecting reasonable rents and providing for other community services. I proudly support every effort this city takes to recognize the important role of government to demand local customer service, support for local community media and for providing universal and affordable broadband communication services. I urge you to oppose any legislation that denies local government the right to require service providers who use our public rights-of-way to pay franchise fees and to provide support for peg access and institutional networks. In this country, there are many community media centers, like the one we have on M.L.K. Community centers educate people about media, help them make their own programs which in turn reach out to neighborhoods in our community. Our Portland community media is at risk by pending national legislation, as we've heard, which is being pushed by the telephone industry in a bid to enter the video business with a minimal amount of regulation. The proposed legislation would eliminate the city of Portland's to control rights-of-way. The franchise fees are a significant source of revenue to the city's general fund. That alone should garner your vote. However, more important to our community is the very small part of those franchise fees that provide Portland community media to give citizens the place, the equipment, the training to use the cable system for communication and community development. We in Portland have one of the most productive, most used, and most technically excellent facilities in the country. What do we do there? We teach anyone and everyone who walks through our doors to create television programming. These city council meetings, the Portland city club, more than 25 locally-produced public affairs programs, homework and school programs, neighborhood parades, community issues, all discussed in depth and all by our own neighborhoods. Portland community media is working. Last year the community and Portland community media produced over 8,000 hours of programming. If you add them up, all the network evening news last year was of only about 550 hours, all of the network evening news. The entire season of "24" is only 24 hours. I brought you a copy of our most recent newsletter, and you have a copy in front of you. I invite you -- oh, in it is a sample of the programming available on our community channels, and invite you to tune in and see something that is uniquely Portland. We are productions that have been produced

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for over a decade, and sometimes twice that, for as long as our station's been open. That involves thousands of viewers, which are not otherwise served by the commercial media. All of know there's a lot going on in this city to make us proud to live here, and Portland community media is part of that. Don't let the officials in Washington, d.c. give it away to huge corporations trying to monopolize our television. Thank you.

Potter: Thank you folks.

Saltzman: Thank you. [applause]

Potter: We have a rule at city council, rather than clapping, you can put your hands up and go like that. That way we don't slow down the business of the city. So thank you very much for complying with that.

Parsons: We have 15 who have signed up to speak.

Potter: Ok. Thank you for being here this morning. When you speak, would you please state your name. You each have three minutes.

Fred Schaich: Distinguished council members, i'm president of the international foundation for alternative research and aids. Just completing our 250th treatment information exchange program. I'm also a member of national organizations which focus on treatment development, treatment access, advocacy and h.i.v. Prevention for people living with aids. I thank you for this opportunity to testify before you in support of your resolution against the national cable franchise legislation currently being proposed in Washington, d.c. I'm not a native of Oregon, but chose to move here because of its people and their strong sense of introspective, independent thought, cultural diversity, and community values. Community television exemplifies and demonstrates these unique human qualities every single day, as it should, as long as tv is used as a medium of communication. I look at community television as simply a modern or high-tech version of an old soapbox in a community square. While i'm supportive of the individual right for all people to speak their mind to community on local community cable television stations, my focus and the focus of our organization and our mission is on health-related subjects. So I will speak to the support of critical need to provide health information and education for people who are at risk of or living with diseases and conditions. Their outcomes and lives are vastly improved by in-depth health-related information, which has been by us and others on cable access television. We pick up where broadcast tv leaves off, by providing greater detailed information about each health-related subject presented by qualified experts in our community. In time of limited resources, our federal, state, county, and city governments have seen the benefits of an informed public and an improved human life and fiscal savings. There's studies that show that people who are informed and treated early will save community resources. One specific study by a doctor at the university of alabama, birmingham, shows that early knowledge of disease and early treatment saves 2 1/2 times the cost of emergency room treatment and hospitalization. I can also tell you that our tv audience evaluations for the last two years have consistently shown positive responses with viewers finding our programming useful. 68% to 90% said the information would positively affect their lives, and 90% to 97% said they would watch future programming. When I was first introduced to a place then called Portland cable access, I could not believe such a valuable and affordable communication resource could actually exist. And now the moment -- at this moment the proposed legislation currently on the floor of our u.s. House and senate will make a law that p.c.m. And all other community voices across the country will become silent forever.

Potter: Thank you.

Jim Lockhart: Oh, my name is jim lockhart. I've been a cable access producer for 10 years now. First I want to thank commissioner Saltzman for having the foresight to recognize the danger that this national legislation poses, both to the -- to the city council and to the city of Portland, and to the community at large, because the community at large cannot operate as a community unless it can communicate with itself. Unless it can communicate with its city commissioners, unless the city

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commissioner meetings and the things that go on in the -- in the city that affect the public can be broadcast in a way that they can -- that the public can see what is going on. They can't do that these days. It's too complicated. There's too much going on on too large of a scale. Citizens must have access to the -- to the media, the technology has gone so far beyond where anybody can just get up on a soapbox and talk. It's really important to have this communication. I first joined up with cable access, like I said, 10 years ago, because I was concerned about the national forests. I used it as a platform for forest advocacy. Quickly I moved on to the point where I realized that there's a lot of other issues, and I realized that these issues are connected. And I don't believe I would have had the opportunity to engage myself in this unless I was able to get out there and communicate my ideas and talk to other folks. I soon realized that global economy issues impinged on what's going on in our national forests. A lot of things work together. Before I became active, I do a lot of reading. My favorite author was Ralph Waldo Emerson, man is only half himself, the other half is his expression. If we cannot access a way to express ourselves and people can hear us and we can hear what they have to say back, even if it's something we don't agree with, and they don't agree with what I have to say, that enlarges and enriches our lives in such a way that we're able to not just be a static person, but can move ahead and learn and grow. And community media, of which cable access is a very important part of that, allows this to happen. Without community media, we would not have democracy. There's certain things that are important to democracy. Voting is one of them. Citizen access to the media I think is one of the most important things, as is local autonomy, being able to make up decisions that affect the lives of everybody that lives within that particular precinct. To me it is very important, and it's enriched my life a lot by being able to be involved with the media. I've moved away from being just a forest advocate and involved with media issues, because I realized that without this platform, for people to get up there and affect each other on this level, we can't be a democracy and we can't be a community. Thank you.

Potter: Thank you.

Jeff Bissonette: Good morning, Mr. Mayor, commissioners. My name is Jeff Bissonette on the staff where we primarily work at the state level representing residential ratepayers, both in front of the public utility commission, in front of the legislature. In the past several years, we've been involved at the legislature with very similar legislation being proposed at the federal level, and we've worked with local governments, you know, local publicly-owned and consumer-owned utilities to oppose that legislation because it does hurt consumers. And the policies that were being proposed on the state level are now being proposed on the federal level in terms of preempting, you know, local activity, local action, local focus on telecommunications policies and activities. And we want -- and we have vociferously been opposed to that because it's bad policy and bad for consumers. We strongly encourage the resolution you're considering here today, and we offer, you know ourselves if this council decides to do any other action, we're happy to, you know, provide information on the impact of -- on consumers of these legislations. So thank you for your support. Be happy to take any questions.

Potter: Thank you. Thank you folks.

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

Bruce Broussard: I had the opportunity to go back to Washington, D.C., just recently, about two months ago, given an opportunity by Freedom Works. Again, it gave me the opportunity, because that was one of the issues that was on the agenda. They were going basically on the hill. And I -- it took -- I took the opportunity, as we were lobbying the various congress, and whatever, to educate them about the relationship that public access media has to this country. And I'm talking to the first amendment, freedom of speech, very, very important, that everyone has access to communication. I've been doing public media communication for the last 18 years, cable access, O.B.P., Oregon public broadcasting, in the golden hours, to seniors, very much in need, if you will, of this medium, and also KBBO radio. I guess my point is we need it. I think we need to educate our congressional

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delegation here in this state, and hopefully the leading person will be our senator, gordon smith, and hopefully mr. Wyden, senator wyden. And so I think that it's just a matter of just educating them about the need, if you will, to give all of our residents the opportunities to vet their issues and concerns. Thank you.

Janet MarklyHayes Good morning, gentlemen. I notice you're all gentlemen, too. I'm janet markly hayes, I live in tigard, Oregon, a cable access producer for 10, 12 years. I'm not an advocate of television in general. I think it's the single worst thing in our society, quite frankly, and the root of our downfall of ability to think and a lot of other things, but cable access is an avenue by which other information can get out there, and I produce my late husband's programs, ace hayes, on a program called "parting shots." he held secret government seminars that some of you may be familiar with and maybe not in a favorable light, but he did bring out truth, and like it or not, those are the facts. I also helped with other productions, such as jim lockhart's, and the monthly production like we'll have tomorrow night of the independent producers organization. It's about local issues of the day, which you cannot get anywhere else. So I thank you so very much, especially you, commissioner Saltzman, for initiating this. I hope it's the beginning of a wave that goes across our country and that every city realizes that this is anti-american. It's anti-life, these bills, and I thank you very much.

Paul McAdams: My name is paul mcAdams. First time I got involved with cable access was in 1983. It was Portland cable access. And I work on a number of -- I work on a number of shows. I've worked on bruce's show, jim lockhart's show, and fred's show, a whole bunch of other ones. It's very important. I mean, you know, it's getting the word out. On jim's show, he does the native nations out at mctv, and that's the only show on the west coast that I know of that deals with native american issues. And to the native american community. And we've been doing that, I think, 10 years now. So it's real important. And I mean, you know, like I said, most of the people there are volunteers that come on the shows and work on shows, help get these shows out. They don't get paid. They donate their time. Like when they ask for us to come over -- over to m.l.k., martin luther king day, you know, we get over there at 8:00 -- 7:00 in the morning, 8:00 in the morning, we're there until it's over, you know. And so that's how -- that's how important this is. And I just found out in this bill that you cannot regulate cell towers. So anyone can put a cell tower in their backyard under this bill. It federalizes the cell tower. You can't tell people -- so, I mean, this is how -- this is what this bill will do. It federalizes everything. So thank you.

Potter: Thank you folks.

Bob Hedlund: Good morning, your honor, and members of the council. I've been involved with cable access for probably the last 10 years. I've probably been to most of the board meetings the last eight years, except for a couple when I was sick. And I watched a great change in this city because of cable access. I work on between 15 and 20 shows a month. Everything that needed to be said has already been said as far as the community goes, but I would like to state that rich, and all the other people that testified needs to be applauded for their work, and all the volunteers, because are people that care about the community. These are people that stood up and negotiated the contract with cablecast companies, and I would like to thank all of you for your support over the years. And i'd like to remind you that when our negotiations comes up for the money, we could use a little bit more of it. Thank you.

Steve Hufford: Steve hufford, Portland public schools. About three years ago we operated the district's data network to about 100 sites using 1.5 megabit t-1's provided by qwest. Around that time we entered into a partnership with the city to receive 100 megabit connections to the schools. We realized that our future education needs would not be met with a network of 1.5 megabit connections to the schools, and we estimated that we'd need at least 100 megabits of bandwidth to each school in order to provide services, like video streaming to computer labs, increasing access to internet. Since we implemented i-net connections in the schools, we've seen a notable increase in

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the use of the internet for education and research, increase in the number of computer-based curriculum applications for core subjects like math and english, and the use of streaming video to provide content to the classroom, not possible without i-net connections. Qwest t-1 at 1.5 megabits was costing as an average of \$270 per month. And inet connection cost the detective \$525 per month, or \$5.25 per megabit. Big difference. Our ability to access broadband services for the schools hinges on its affordability and our work with the cable and franchise office has given us the opportunity to provide high-quality, high bandwidth service to all schools regardless of location and income level, and we oppose any legislation that would seek or restrict this type of service from our schools. Thanks.

Ellen Thomas: Good morning. My name is ellen thomas. I live in northeast Portland. And i'm the education director of the northwest film center, which is part of the Portland art museum, just up on the parks blocks. And as I hope you know, we produce the Portland international film festival. We screen art and independent films in the guild theatre. And we have a school of film, which is part of our thriving creative services community. I'm here in support of the resolution against the federal legislation that's before you today. Over the past six years, through the mount hood cable regulatory commission's community access grant program, which is made possible by our local control of franchise fees that are set aside for regranteeing to community organizations like ours, and Portland community media and many others, our young filmmakers program for children and teens has received nearly \$200,000 in funds, which has helped us connect more than 700 Portland youth to the community through media activism. Mr. Mayor, you opened today's session with the question -- how are the children? I think the resolution before you today, and the role of community organizations like ours, provides some of the answer to that question. What is media activism? It's the northwest film center and community partners ranging from self-enhancement incorporated to saturday academy to Portland public schools to Oregon partnership, drug prevention program, teaching kids the basics of media production. It's kids with cameras and microphones in their hands, interviewing community leaders like you and peers like them and people on the street like the members of our audience here today about issues ranging from homelessness, gentrification to the environment. It's kids in northeast, southeast, downtown, east county, with cameras, documenting the history of their neighborhood or the good work of a small business or a social service provider down the street. It's kids with cameras investigating what's going on at the zoo, with light rail expansion, or our collective efforts to find stable funding for the schools. It's kids with computers and editing software, working hour after hour on service projects, in high schools, in community centers, which rather than culminating in a term paper culminates in a video program, which is broadcast to the entire cable community. You heard the young people earlier today say, we want to have a voice. And that's what our work is about. And what this grant program has helped make possible. The outcomes are many. In the last six years, more than 20 ours of youth-generated local cable programming on subjects ranging from methamphetamine awareness to what it's like to be young and latino in Portland today. Because of the money, the presence of that money, we've been able to raise an additional \$439,000 to make this work possible. I thank you for your support. Thank you.

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

Janice Thompson: I'm janice thompson. I'm with a group, the money and politics research action project, but i'm here today speaking on behalf of the Oregon alliance to reform media. The group i'm with is particularly interested in media, because we think it's very important to having a fully functioning and vibrant democracy. I'm very pleased to be part of the Oregon alliance to reform media and speak on their behalf today. There's several other organizations you may be familiar with that are affiliated with that organization. Some of them includes the c.w.a. Local 7901, the Portland musicians local, common cause of Oregon, the Portland community media, etc. So i'm

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speaking to urge your support for the resolution directed to congress that protects local government prerogatives in regard to managing public rights-of-way, granting franchises, and allowing for local government innovation in providing communication services. The proposed federal legislation that this resolution addresses are very problematic. Some of the key points are they remove resources from local communities, particularly damaging obviously the peg access and facilities. The federal proposals don't reflect the diversity and creativeness of local approaches. One does not fit all. We're going to get one-size-fits-all approaches at the federal level, and that's really important to fight back against. The proposals are just fundamentally quite anti-competitive. So this resolution before you today, which I applaud you for bringing to the forefront, is a very valuable conviction to enhancing a diverse and vibrant media, which is an essential component of improving civic engagement and urge your support for the resolutions on behalf of the Oregon alliance to reform media.

Lance Murty: My name is lance murphy. I'm the information technology manager for Multnomah county libraries. In the 21st century, internet access is a core service that libraries provide, and anything that would limit our constrict that access will have an impact on the communities of library users and it would exacerbate the digital divide. Currently the 250 internet computers located at Multnomah county libraries are in use over 85% of the time. And in the past year, served over 180,000 individual citizens and visitors. For citizens who don't have a computer at home, if access is limited or reduced at public libraries, there are very few other alternatives. Through the use of the local institutional network, the Multnomah county public libraries have been able to link all sen public library locations into a high-speed high bandwidth network to meet the public's needs for access to information and services via the internet. Prior to i-net, the library's network offered less than 2% of the bandwidth, which cost internet to slow to a crawl during times of peak utilization, such as immediately after school in the afternoons. I urge you to support this resolution to continue to provide high-he'd, high bandwidth network services to county citizens, who use the public library to access information and services on the internet.

Potter: Thank you.

Andea Cano: Mayor, commissioners, my name is andrea conno, the western regional organizer for the justice and peace action network of the united church of christ. For over 40 years, the united church of christ has been at the forefront of national telecommunications issues before the federal communications commission. And has advocated locally and regionally for citizens' access to emerging media technologies. We also believe that the local governance responsible for public policy and oversight on the use of public rights-of-way for the installation and maintenance of such technologies is accountable to the citizenry. This proposed legislation does not honor citizens' access, nor the responsibility of local, municipal, and state governments to protect not only right-of-way, but ultimately the opportunity for all civil sectors, particularly those within the peg to not only enjoy the systems as our viewers are right now, but also participate in the gathering and preparation and dissemination of information critical to their communities, and it goes without saying that we're aware of the extraordinary community, and it changes, and I speak technically on behalf of the faith communities, christian, jewish, buddhist, muslim, and other communities, how they want to tell the story of their own communities, how they're serving others. I'm also a public access junkie. While I have the privilege and honor and time to speak here before you, the only way I catch up with all of you is on channel 30. It's absolutely essential to be able to see that. And I know the mayor has his visioning process under way, this is another way to get the information out to people and for their participation. So with that, I encourage you to affirm this resolution. And in doing so, this will signal to congress this city's intention to be vigilant and fair about what's right and just for the women, men, youth and children of this community. Thank you.

Potter: Thank you. I have to confess, i'm a public access junky myself.

Leonard: You don't watch us, do you?

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Potter: Except for channel 30, of course. Please state your name when you speak. You each have three minutes.

William Leverette: Good morning. Thank you. My name is William Leverette, I'm a community media activist. We live in a country and indeed a world in peril. Rather than to speak to you today as an alarmist, I offer the statement to recognize what we as a community want and need. Local sovereignty, a commitment to the future generations and stewardship for our mother earth. Further, I recognize that in these times of extreme change and potential, none of these needs fit into the explicit plan for the major national and international policy. This legislation we're considering today is part and parcel of this insidious agenda of those who would assume the role of masters of the world. What is at stake here is our most vital freedom -- the freedom of speech and information. To maintain the wants and needs that I've heard spoken today, localism, sovereignty, stewardship for the future generations and the earth, in which we all live in and we all must come, we must maintain open access to community media. The commitments and actions we take today to defend these rights will make all the difference. I thank city council and the mayor for bringing these issues to the table in the form of this resolution, and I urge everyone to recognize their power and potential, not to suffer at the inevitable and often frightening motors of change, but to be that change. These channels, which you viewers at home are watching, are not just the other channels. They are our channels. Thank you. This is a great day.

Kevin Bell: Good morning, mayor, commissioners. My name is Kevin Bell. I'm with Comcast local telecommunications provider, cable and high speed internet and phone. I'm here today to read a statement in support of the resolution. Thank you. We at Comcast commend the council for engaging in this important debate in making sure their voices are heard. We serve our customers as do all cable companies under a franchising system that Congress designed to safeguard important local considerations. Any reforms to this process should account for the local concerns and all affected parties, including those of local, national levels, and from the public and private sectors should have a voice in this process. At Comcast, we welcome new competition, but we want to ensure that any new regulations treat all competitors equally. Only then can the full benefits of competition be realized. Thank you.

Charles Wilhoite: Good morning, Mayor Potter, commissioners. My name is Charles Wilhoite. I'm here today as the board chair of the Urban League of Portland, and representing the Urban League of Portland and people of color, obviously we stand opposed to any type of red lining. The Urban League has a three-pronged mission -- education, employment and economic opportunity. And any limitations with regard to communication threaten our achievement of that goal. So we're here today in opposition of any type of red lining. Thank you.

Potter: Thank you folks.

Parsons: That's all.

Potter: Is there anyone here who wishes to testify on this matter that hasn't? Commissioner Saltzman, did you have anything to say?

Saltzman: No.

Potter: Please call the vote.

Adams: I want to thank Commissioner Saltzman for bringing this resolution forward, for everyone that testified here today. I think that the testimony says very eloquently the need for us to stand up to this effort, and I enthusiastically vote yes. Aye.

Leonard: Aye.

Saltzman: Well, I appreciate the widespread support, people showing up here today to support this resolution in opposition to the federal legislation. I think it was eloquently made by the school district access to the i-net, the city's internet, saves the school district money, and it seems to provide access to Multnomah county libraries, people who use the internet there, too, saves them money, provides them higher technology. So the important part is to keep competition alive, but to

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also preserve our local authorities and our ability to impose a franchise fee as well. I wanted to see if commissioners Adams and Leonard can deliver this on their trip to Washington, d.c. Aye.

Sten: You all seem to agree, but I think the strength in numbers will be represented by our congressional representatives, so it's important to turn out and give a message on something like this. I won't go on and on, but in 1997, when this community got into a big fight with at&t about open access, the argument that was used to preempt us was that if the federal government just kept all of us out of the big monopolies' ways, we'd have strong, direct, open access, and broadband access within a year or two. That was close to 10 years ago. And we still have overpriced broadband access. It's beginning to penetrate, still not everywhere in the city. So the idea is that it will provide better services. Qwest at this point is suing the city of Portland to force us to not sell cheaper phone service to the school district, which would cut probably 10 teachers, if they're successful in this lawsuit. We do have to stand up on these issues. I admire all of you for doing so. I do watch some of your shows. Aye. Not all.

Potter: And it was really nice to see all the people that I watch on cable tv all the time. So now you -- you look just like you do on cable tv. It's amazing how that works.

Adams: Some of you are shorter than I thought. [laughter]

Potter: And I also want to thank commissioner Saltzman. I think this is an important issue. I think if all politics are local, we have to start here, and send the message very clear to Washington, d.c. That this is just not acceptable. I vote aye. [gavel pounded] thank you folks for coming in. Please read the next item.

Item 1307.

Potter: Commissioner Adams.

Adams: We'll pause just a minute for folks to find their way to the lobby. I'm happy to bring forward today this resolution that accepts the plan and action to improve an important piece of gateway on 102nd avenue. This council item is -- we're very blessed to have this council item, because it is a plan and it allows for action to improve the streetscape along 102nd, and provides a bill bulk of the funding to actually implement it. These days, when we're looking at cutting \$11 million out of pdot, and having to make other cuts around the city, i'm really happy to bring this forward. Wider sidewalks, lighting, street trees, pedestrian medians, bike lanes, improved parking, stormwater swales, are just some of the very important improvements for this part of gateway, and goodness knows gateway deserves it. I want to thank bob for cochairing this group. I want to thank the good folks at pdot. Also green works, the consultant, along with david evans. I'll now turn it over to our speakers. Thanks.

Dan Layden: Thanks. Mayor Potter, members of the council. I'm i'm dan layden, the project manager from the department of transportation. Commissioner Adams has said what needs to be said, but i'll fill in more details. I'm here to do a brief presentation on the plan that's before you to be adopted, the resolution, and then I have beth and bob from the gateway community to give a brief statement in support of the plan. Let me start with just a little context, if I can get this thing off the screen. This plan is really, as commissioner Adams said, the result of many years of work that began in 1994 with the adoption of the gateway district as a regional center and in the region 2040 plan, which identified gateway as one of the two regional centers in the city, the other being the central city. In the late 1990's, the gateway district itself developed a plan, the concept plan, that laid out a blueprint for the future of the street, and identified 102nd avenue as really the key to being able to develop a new transportation system in gateway that accommodates pedestrians, accommodates bicycles, and still allows traffic to function. And this plan is the final step in that process. It's a plan, but also really an improvement program, because as commissioner Adams said we were very fortunate to have the support of congressman blumenauer in the passing of the transportation bill that identified funding for this plan. So there's actually money to go along with the plan. A few highlights of the plan. Pdot and really the Portland development commission who

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had a great role in this plan worked very closely with an advisory committee from the gateway area to develop the improvement plan. We had several open houses and other community meetings. And the goal of the plan was really to improve the aesthetics of 102nd avenue while limiting the impacts on surrounding properties. It's a functioning street, and there are many properties still functioning, and the plan was not to modify their ability to succeed. The plan will improve sidewalks and provide other public right-of-way spaces that i'll talk about in a minute. Just for a little bit of background, the existing conditions on the street, today it is a very wide boulevard. It is a five-lane street with two traffic lanes in each direction and a center left turn lane. Very little greenery, very few street trees. Quite a few utility poles, and very narrow sidewalks, which makes it difficult for pedestrians to get around. If you see the picture in the middle, on the bottom there, you can see that there's almost -- or actually on the far right-hand side, you can see there's almost no room there between the signal pole and the utility pole for pedestrians to be able to use that sidewalk. And that's a concern in several places. As commissioner Adams said, the major project features wider sidewalks, the plan will provide -- will require right-of-way in most places to allow for a 15-foot sidewalk, which is the city standard. We're planning to install 95 new pedestrian-scale lights. We'll provide a good lighted environment for evening activity on the street. We'll also improve the roadway lighting. Right now there's only really street lighting on the west side of the street. We'll provide treat lighting on both sides of the street. We're planning to plant over 170 new street trees. Four different species, so we will have a variety of trees. We have some improvements planned for intersections. We're going to install several medians allowing for pedestrian crossing, while not limiting left turn access to the street. And we have some experimental surface stormwater treatment that i'll talk about a minute. And finally some landscape and art features that i'll also discuss in a moment. The concept is basically to do a very high-end sort of streetscape project that will have pavers and the furnishings zone in the first four feet, which will allow for some color. We have very carefully selected the ginkgo tree, which provides a good tree, a nice tree with color in the fall, and yet it also allows for visibility of signs and other things that the businesses were -- that were important to the businesses. In addition we're using the standard Portland streetlight. Another element is green street improvements. We're planning to experiment with several stormwater boxes. These have been tried on some other streets in Portland. Montgomery up by p.s.u. Is probably the best example. This is one of the first times they've been tried on a major arterial street. This is experimental. We're going to try a few of these, and we're still determining the specific locations of where those are. I think two of the most exciting areas of the plan are at the north and south end of the project. Talk about the north end first. There's an area at the north end, at weidler and 102nd, known as the jug handle. The reason it's known as the jug handle, is in order to make a left-hand turn from 102nd on to weidler going westbound, you have to go around the jug handle. It was not possible to put in left turn lanes on 102nd. The jug handle will need to stay in place, but right now it has one tree and basically a grassy area. The concept we've come up with is a concept called windscape. It will take the existing concrete that will be removed from the project when we put in new sidewalks in order to develop a land form that will really evoke the two major elements of the area, which are the dramatic topography, the buttes, and the columbia river gorge, and also, as all of you know who have been in gateway, wind. Wind is a major factor in gateway, and a major topographical element -- or element of the street. And we're planning to bisect windscape with a series of wind poles in the cardinal directions that will sway in the wind, and this is really meant to be a moving type of art/landscape feature that you'll experience as you go along the roadway. We're still working on the details of this. And we're also still working with the community on being able to maintain it to a high level. Finally, in the southern end, we also have plans for improving an area that right now is basically just open right-of-way where the two streets, 102nd and 103rd come together. We're planning there to put in a stormwater facility, treating some of the stormwater, and also an opportunity for public art. The schedule for the plan, we're currently

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in preliminary design on the project itself. Right-of-way acquisition is beginning, and we're planning for construction to begin in the summer -- in the winter of 2007, and as commissioner Adams mentioned we have been very blessed to receive significant transportation funds from the federal government. That is all I have, unless there are any questions, i'm going to turn it over bob earnest and beth balds from the gateway community.

Bob Earnest: Good morning. My name is bob earnest, the vice-chair of the gateway program advisory committee. I've served on several committees over the last seven years. I'm also a member of the transportation committee. First of all, i'd like to thank the city council for your support of gateway. Starting with the outer southeast plan and adoption of the gateway regional center urban renewal area in 2001. The plan was developed by area residents, business owners, developers, and was reviewed by the public at no fewer than four public meetings. The plan was approved by the gateway program advisory committee. 102nd avenue is the main north/south corridor connecting both ends of the district. The street improvements provided the needed -- provide the needed infrastructure to move traffic, encourage development, and address pedestrian safety and bike lanes. For the last seven years, i've heard communities about the need for an -- comments about the need for an improved street. We will have minimal property purchases to facilitate the improvements. The main improvements include an improved streetscape with 170 trees and landscaping, improved street lighting, the addition of bike lanes and wider sidewalks, and there will also be art along the improved street. An additional benefit will be the improved traffic circulation at key intersections such as glisan, halsey, wiedler and stark. I urge you to support the resolutions as presented, and just for your information, not only am I on the committee, my backyard adjoins the urban renewal boundary. So what goes on truly is in my backyard. Thank you.

Potter: Thank you.

Beth Baltz: I'm beth baltz, also a member of the gateway p.a.c., and also the chairman of the transportation committee. So this is part and parcel, this is a joyous day to be here. I thank you, mayor Potter, sam Adams, other gentlemen, and those that came before you for the vision that gateway can indeed become a regional center. It actually is like a butterfly coming out of a cocoon, just beginning to quiver, and good things are happening, and your decision is part of this. The exciting thing for me has been the community involvement. Bob, as I say, has been a member of my committee. We've had people that live actually in the district. We have business owners that have stepped forward and have participated, as we've sat on those evenings looking at the plans, trying to look -- go from our dream to what reality really can buy, and then the wonderful money that has come from a variety of sources, and we want to especially thank representative blumenauer for his work at the federal level to bring these dollars to us and make it possible. We thank commissioner Adams for his concerns regarding stormwater, as all the rest of you support. My only concern there is that we don't fall backwards into those little containers. So all have to stay frisky and young while we're there to be sure that we know what they're about and know what their reason is and look at them with admiration. The only concern I have, and it's a deep one, and if any of you have money or know rich people, if only we'd won that ticket, we aren't going be able to underground the utilities, and it's tragic that in this major spine, in this beautiful city, that we can't put those under ground. We can widen the streets, we can put in the street trees, and yet we speak about streetscapes, and to me that is beauty and symmetry, and not having to go around or look at all those powerlines that tell us that we're living in another age. So if any of you can help us with that piece, i'd be most appreciative. It's been an exciting project and I appreciate your support.

Adams: I wanted to underscore our thanks to you for all the many, many hours and efforts that you put into this. It's been absolutely great. Thank you. And thanks for your great project management.

*****: Thanks.

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Parsons: We have one testifier sign up.

Potter: Ok.

Parsons: That's Linda Robinson.

Adams: Twice in one week. Good morning.

Linda Robinson: I'm a resident of the Hazelwood neighbor association. I'm a new member of the Gateway P.A.C. group. But I wanted today to comment that I'm also speaking as chair of the Hazelwood's parks and open space and environment committee, and we are very supportive of the plan that's being before you today. We're very excited that it's -- that it's actually going to happen. Some very interesting and exciting things are happening at some of the experimental swales that they're going to put in. The windscape. There are a number of things that are really, really interesting and exciting about it. And we really like adding some of the green relief to the density and the buildings that we're going to have there. I have two things I wanted to comment about. I wanted to -- the main thing was underground utilities. There is some disappointment amongst a number of us that we're not able to put the utilities underground, while we're doing all this work, taking up the sidewalks, and it's a shame we aren't able to put the utilities underground at this time. 170 trees, four different species, more than 130 of those are all one species. I have some concern in my work with native plants and other environmental things, that it's really not a good idea to have a monoculture like that of all one species. So I have some problems with the fact there's not more mix of species, but other than that I'm very supportive of the plan and look forward to it happening.

Potter: Thank you. Sue, please call the roll.

Adams: Aye.

Leonard: I'm very pleased to support this project. It's excellent for East Portland. Aye.

Saltzman: Yeah, this is a great plan. I like -- you know, I like the stormwater treatment. I like the overall design of 102nd Avenue and we'll see -- I'll check with the urban forestry commission about the street tree issue, but it's really fantastic. And thanks to Commissioner Adams, and special thanks to Congressman Blumenauer for getting a major chunk of the funding to make this a reality soon. Aye.

Sten: This is wonderful. I think this is the future of Portland streets. To see that future first on 102nd I like a lot. I want to thank the community and Sam and the staff as well. Good job. Aye.

Potter: Aye. [gavel pounded] Thank you. Please read the next item.

Item 1308.

Potter: There's a substitute. Do you have that, Sue? It's substitute for 1308. Would you please pass that out.

*****: You've got it.

Potter: It's adding an additional name.

*****: Right. I have two extra copies.

Potter: Does anybody need one?

*****: They were distributed yesterday.

*****: Are you entertaining a motion to substitute?

Potter: Should I? Thank you.

Saltzman: I'll make that motion.

Adams: Second.

Potter: Please call the roll.

Adams: Aye. **Saltzman:** Aye.

Potter: Aye. [gavel pounded] I'm very excited about this. The Portland city charter, in its current form, was created in 1913, and at the time the mayor called it highly superior to other forms of government. That was just 83 years ago, or actually more than that, but we were -- we're overdue for a review of our city charter. And the last time that the city actually did a full-scale city charter

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review was in 1922. So it's time to take a look at it. What we've done is that we've asked citizens to form a committee to look at our charter and make recommendations to the city council. We have two committees. One is the review commission itself, and the other one is the honorary advisory committee. And we had over 160 applications, and we have 25 people on the review commission, and about a dozen on the honorary advisory committee. So these 25 people represent Portland. And they represent it geographically, ethically, economically, gender, age, and in many other ways, but there's three things that I think are unique about these 25 individuals. The first is that we picked them because of their passion for Portland, and I know that they all want to see Portland be the best city for its citizens that it can be. Secondly, their strong desire to help build the fairest and most effective form of government. And third, they're open minded and they will hear what others in the community say and represent all parts of our community when building their final recommendations. I've asked the commission to focus on four areas. First is the city's form of government, originally created in 1913. A lot of change has occurred since then, and I think the question we have to ask, is it still the most effective form of government for Portland today? It's highly charged issue. When I talk to people, they either credit our commission form of government with all the good things that have occurred in Portland or have said it's in spite of the commission form of government. So we're going to have these citizens take a look at this and come back to the city council by July 1 with recommendations. We're also asking them to look at the city's relationship with the Portland development commission. Portland development commission is one of the most important tools powering our economy and shaping our city's future and we want to make sure that we've got a strong relationship and that it's really effective between the city and p.d.c. And I also asked them to look at our civil service rules. I really don't know when is the last time we looked at our civic service rules in the city of Portland. No one in history can remember doing this, and civil service is so important to our employees and to the community, that we felt it was important to review it. Originally we were going to be looking also at the fire, police pension and disability system, but that's being looked at by commissioner Saltzman's committee, and they'll be coming back with recommendations separate. We've also asked them to consider, should we have a regular charter review, other than every 83 years. So that we can actually take a hard look at whether this is working, and are there different ways to do it. And so they'll deliver their recommendations in these areas by July 1, so that we will have a chance as a council to take action and forward recommendations to the voters for the November 2006 ballot. I really want to thank all 25 members of the committee, and take a moment to recognize those that are here today that have joined us. First I want to recognize Charles Willhoyt, the chair of the committee, and appreciate, Charles, you taking this important and daunting task on. Robert Ball, I thank you for being on it. I know that you're very concerned about this issue, and appreciate you looking at it. Melanie Davis, thank you also being here. Would you folks stand. David Martinez, thank you so much. Sam Brooks. Nicole Marr, Susan Mcgee, Jim Myer, Emily Ryan, Harold Williams Sr., Dan Bernstein, Sam Brooks, Gail Castillo, Jamey Lim, those are some of the folks on the committees. Thank you so much for your willingness. This is such an important issue. And also, I forgot to mention Dean Nodtulon. Thank you also for being on it, Dean. Appreciate that very much. Please take your seat again. Thank you. I would like to invite up -- first I'd like to read all the names of the committee so that people understand who we are -- I'll go through all the names. Charles Willhoyt, Robert Ball, Guy Crawford, Melanie Davis, Jillian Detweiler, Ed Hall, Bruce Harter, Joe Hurtsberg, Christine Hudson, David Kellerrer, Leann Looker, Nicole Marr, Peg Mill Lay, Susan Mcgee, Jim Myer, Paul Myer, Emily Ryan, David Wang, Harold Williams Sr., Loretta Young. On our advisory committee, Dan Bernstein, Sam Brooks, Gail Castillo, J.E. Bud Clark, Vanessa Ghasston, Roy Jay, Jamey Lim, Vera Katz, Mike Lindbergh, and Barbara Roberts. As the resolution states, the charter review commission is responsible for reviewing those four areas and giving us recommendations by July 1. The honorary advisory committee ties offer their expertise and guidance to the full commission. These

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folks have -- on the honorary committee have had a lot of experience around city government, two prior mayors that are on this, and a city commissioner and a former Oregon governor. So we've got a lot of good folks giving us their best advice, and we certainly appreciate it. And what i'd like to do at this time is to invite up the chair, charles wilhoite, and judy tuttle.

Charles Wilhoite: Good morning again, mayor Potter, and commissioners. For the record, I am still charles wilhoite. I'm honored to have received the requests from you, mayor Potter, to serve as the chair of the charter review commission. As the governance document that establishes the structure for the way our city operates, the charter should be reflective of the diverse needs of the citizens of Portland and promote opportunities for the most effective and efficient delivery of services. While I recognize that the task the commission faces is significant, and that the challenging and difficult work we will face is something that is very valuable, I believe I can speak for all members of the commission and say that we're enthusiastic and eager to begin the process, first because we recognize the importance of the work, and second because we realize that our findings have the potential to exert significant impact on the quality of life for the citizens of Portland for years to come. I'm grateful to you, mayor Potter, and to the commissioners for granting to me and my fellow commission members the opportunity to serve the city of Portland and its citizens in this manner. And I look forward to the day where we can come forward and present the findings of our review in a full report, and to make recommendations to the city regarding how we can work better and increase the livability of this wonderful city. So thank you very much.

Potter: Thank you, mr. Wilhoite.

Judy Tuttle: Good morning. I'm judy tuttle, been asked to serve as the project manager for this daunting task. And it's with some trepidation that we attempt to do what no one else has done in 83 years, but we are taking it seriously. As the mayor had indicated we've had an incredible outpouring of interest from our citizens on this. Over 160 applications. So certainly there's the interest available to this. There are funds in the budget to do this. We'll certainly be mindful of keeping any expenses to a minimum, but we are as charles indicated eager to begin our work, so eager that in fact our first meeting is scheduled for tomorrow afternoon, and I believe that all of your offices have been invited to be there for that first meeting. You hope you'll have a chance to at least stop in and say hello to all of the commission members who will be there tomorrow. The committee will put together a fairly aggressive timeline. Getting through this charter and getting through the work that it's going to entail and getting a report back to council by july 1 of next year is obviously going to require a lot of diligence and a lot of work and a lot of meeting. So we will be coming back to you occasionally through the time period, updating you, either at council hearing or at work session to keep you apprised of our work. The meetings will be held not only -- the first one, tomorrow, by the way, is here at city hall in the rose room, but we will be taking our forums out into the community. Our meetings will be obviously open to the public and be in various areas around the city. We're also going to be having them film for viewing on cable access. So we're eager to begin our work. We look forward to having any and all assistance out of your offices. If you have staff that you want to be involved, please let them know. And i'd be happy to answer any questions either now, or if you have something later, feel free to contact me.

Potter: Questions? Thank you very much.

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

Potter: Sue, are there people signed up?

Parsons: No. No one's signed up.

Potter: Ok. The only correction had, judy, is our first meeting will be tomorrow if the city council approves it. [laughter] you don't count your chickens until they're hatched. So sue, I guess it's that time.

Adams: Well, I want to thank the mayor for bringing this process forward. And everyone who's agreed to serve. I feel like i'm voting to send you off to battle because forget about the various

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options, just getting a good definition of the problem that people can agree to, and sort of a sense of criteria to sort through the many, many, many options to address the problem is a really daunting task. And I think you're a great group of people to take that on. I want to thank you for your willingness to serve the city. I come to this issue with a bias. A couple of biases. One, having worked here for going on 12 years with an interruption, my bias is that we can do better than the commission form of government. That's well documented in the press of no surprise to all of you. And on some of these subissues, lesser issues, I do not support bringing the Portland development commission in as a bureau of the city. And that's also a well-documented position on my part. However, having said that, I will, if you can change my mind, on any of those issues, with a really good report in process, great. I look forward to -- to having you try to change my mind on those issues, if you so choose, but I also want you to know that my office and I stand ready to support you in your efforts of discovery in any way we possibly can. So aye.

Leonard: I do support bringing the Portland development commission in as a bureau so we have a wide range of possibilities in between what Sam thinks should happen and what I think should happen. I also have credentials in this area. Bob and I went door-to-door in the Montavilla in support of his initiative to change the charter. So I'm, as you may understand from that effort, very open to a variety of different kinds of government schemes, and I too am not tied to at all the current process by which we elect commissioners, although I have benefited from it obviously, as everybody else has up here. I do think it makes some sense to look at legislative districts, electing people to represent specific geographic areas of the city. I've had fascinating discussions, including with former Mayor Katz on the subject. She made a lot of good points at that time that caused me to consider those criticisms, but I do think there's something to be said for a geographic area of the city to identify itself with a particular person on the council, which does not happen now to help them guide their way through the bureaucracy that is government. Not to mention it increases the ability to elect a diverse group of people from the community to the council, which I am also very intrigued by us doing. And I think districts would enhance the ability of people who otherwise don't have the ability to reach out citywide to have some support in a geographic area. So you have -- this is -- I'm not usually a real huge fan of task forces. This one I am. This, I think, would be -- this would be one I wouldn't be participating in. I think it will be fascinating, intriguing, and I wish you well on what will be possibly the form that -- the basis upon which we change government in Portland. Aye.

Saltzman: Well, I want to thank Mayor Potter for launching this effort. I fully support this effort. I also want to give credit to Mayor Katz, who I know talked about doing this quite a bit, particularly in the waning days of her office, and just there wasn't time to get it going, but this is something that, as Mayor Potter said, is really -- hasn't been done before, and I think the -- the point of looking at making this a regular exercise, an organic exercise, much like the county commission does under state law, where every 10 years they appoint a citizens committee to review its charter and refer changes to the voters, we should probably do something similar to that, just for the health of the body. I'm not going to, you know, express my opinions. I have opinions, but, you know, that's not my job now. It's your job to take a fresh look at this charter, free of our biases and really to come back with what your best effort is on these vexing issues about former governance, about P.D.C., civil service, and anything else you uncover. Early on in my tenure I uncovered something in the charter that I was able to get the council to refer to voters and make changes. We hope you'll find some of those, too, in your voyages. So good luck. I look forward, and certainly my office and myself are willing to support you in any way we can. Aye.

Sten: Well, this is probably the right thing to do 50 years ago, and it's still the right thing to do today. I really appreciate you being willing to serve. I think it's going to be very tough. I think that you're going to have a very hard time getting to a bottom line recommendation, and so it looks like you have an able chair and able advisory committee, and I really look forward to hearing what you

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have to say. I appreciate mayor Potter really doing this in such a comprehensive fashion. I hope that we can get to the point where we look at the charter perhaps in smaller bites, say every five or 10 years or something, because I think trying to do all of this is going to be very tough. I'm not trying to dissuade you, I'm just thinking we'll be back, I think, along the way, before July 1, talking about how you parse these different pieces. With that in mind, ask me my opinion. Otherwise I'd like to hear yours. Aye.

Potter: Well, as you folks can tell, you'll have an interesting experience, if this city council is any indication. You know, we all come with our biases, but I'm asking you to not bring your biases into that chamber so that we can really have the best government possibly. You know, for all of you, for this council, it's a labor of love for our city. And so I'm excited about it. I'm looking forward to working with all of you. I'm looking forward to those recommendations. I want to make sure you have the proper support from inside the city, and that will be there for you. And as you labor through these issues, and come to conclusions, I know that they are not going to be -- there will be detractors and supporters, but vote your conscience and do the right thing for our community. So thank you very much for doing this. And Mr. Wilhoite in particular, thank you for chairing this. I know you're a busy man with all your business and civic duties, and it's certainly a sacrifice on your part and the other folks' part to put aside the time to make this happen. So thank all of you for that. And God bless you. Yes. [gavel pounded] ok. That was the time certain. We'll move to our regular agenda. Again, thank you, folks.

*****: Ready for the next item?

Potter: Yes. That certainly cleared the room out, didn't it? Let's read the first item, item 1354.

Item 1354.

Adams: Based on the feedback I got to my original idea at the council retreat, the mayor and I are bringing this forward as a compromise from that original idea. These folks are nonvoting members, advisory to the city's budget committee. And this does also strengthen the council's review during the bump process for making sure that major expenditures in the city are on plan as they originally budgeted. So this is in keeping with the feedback that we got at the council retreat. And their advisory allows us to move forward for advertising for folks that will play a role similar to what Ted and Elsa played in the last budget process.

Potter: The only correction I have, is this was brought forward by all of the city commissioners.

Adams: Brought forward by all the city council.

Potter: Do we have anyone signed up to testify? Is there anyone you wish to have speak on this matter, Sam?

Adams: No.

Potter: Ok. This is a nonemergency. Does anybody else have any questions.

Adams: It's a resolution.

Potter: I know it. It moves to a second reading.

*****: No. It's a resolution, so you can vote on it now.

Potter: Oh, my goodness, I had the wrong information. Ok. Let's move forward.

Saltzman: Are you going to appoint the members?

Adams: Same thing. Yeah, the mayor nominates, and then we confirm, like everything else.

Saltzman: Ok.

Adams: Aye.

Leonard: I appreciate commissioner Adams' compromise, so we're all on the same page. Aye.

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

Potter: Well, you know, all the kidding aside, it's an important step, a good first step. We used citizen advisory members last year, two of them, and this year we'll increase it to five, so we'll have more citizen representation, and see how this works, and perhaps make changes down the road in terms of how they are involved. So I think it's a great idea. And this was, you know, originally

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brought forward by commissioner Adams, and I want to thank you for that. I know it's been a trial for you, but you made it to the other end of the tunnel, and I think that's great.

Adams: Thanks.

Potter: So I vote aye. [gavel pounded] please read the next item.

Item 1355.

Potter: Is one of the city commissioners -- do we have anybody to speak on this matter?

Parsons: No, we don't.

Saltzman: Oh, we have somebody from the Portland business alliance.

Potter: Oh, good.

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

Potter: Good morning.

Cameron Vaughn-Tyler: Good morning, mayor and commissioners. My name is cameron von tyler, the director for the Portland business alliance. I'd like to testify in support of the resolution establishing the small business liaison initiative. This is a meaningful and valuable proposal for small businesses across the city. It has a potential to have a real impact on thousands of businesses in the city. Their efforts to both navigate public regulatory requirements and grow their businesses. It builds on some of the great work has already been accomplished, particularly in the bureau of development services, and it's demonstrable evidence that the city of Portland is committed to a strong, entrepreneurial environment and continuous improvement. We look forward to working with each of you in making this initiative a successful operating model for serving local businesses. And we especially wish to thank mayor Potter for bringing this important initiative forward. Thank you for your time and for your consideration this morning.

Potter: Thank you very much, cameron. Is anybody here who would like to testify on the matter? There we go.

Dan Vizzini: Mayor Potter, council, my name is dan vizzini, bureau of development services, and i'm the bureau's liaison to the small business advisory council. I just wanted to step forward and endorse this resolution. The bureau has already identified liaisons with all of the business districts in the city, so we're solidly behind this initiative. And think that it's an important piece of the small business prosperity strategy. So we're -- we want to endorse it strongly and look forward to playing a helpful role with small businesses in the city. Thank you.

Potter: Thank you very much, dan. Other testimony? Ok. Sue, please call the vote.

Adams: As dan mentioned, we have neighborhood -- or we have business district liaisons identified from the office of transportation and bureau of environmental services that attend the business district meetings and serve as a problem solver, concierge, for issues related to their bureaus, and that particular business district. We've been at it now about a month and a half, and are getting positive feedback, communications. Just the flow of communications back and forth is much better. So I think this is complementary to that, and vote aye.

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

Potter: I think this also is an excellent for our community. I know that we're the -- over the last several years the economy has been very rocky to say the least, and having this small business liaison will help improve communication, but also services and support to our small business community. So I think this is a great step, and know that commissioner Adams has done a lot of work on this. I appreciate that. Aye. [gavel pounded] please read the next item.

Item 1356 and 1357.

Don Carlson: Mr. Chairman -- I mean mr. Mayor, members of the council, i'm don carlson. I'm over at office of management finance. I've been asked to work in support of this project, the public safety collaboration project. Mr. Mayor, if it's ok with you, these comments will be in line with this ordinance that's before you, and the next one, which is related.

Potter: Ok.

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Carlson: Just to give you a brief update on where we are on the project, you guys -- the city council started this project in mid-september by adopting resolution 36336. In that resolution, you agreed to undertake the following activities over the next several months -- survey of the community's public safety priorities, research the best practices in public safety service delivery, identify gaps, duplications, and immediate opportunities for collaboration across the public safety system, and develop a strategy map for achieving priority public safety outcomes. Following a competitive process, the city and county selected public -- the public strategies group to be your prime contractor on this project. The project's budgeted for not to exceed \$190,000 with the cost to be allocated amongst the city at 73%. The county will pay 18%, and the citizens crime commission will pay 9%. In this \$190,000, \$160,000 will go to the contract with public strategies group, and the county under separate, under their rules, is entering into a contract for focus -- citizen focus groups, and that contract will not exceed \$30,000. The project is to be completed by the end of january 2006. The sponsor committee for this project includes mayor Potter, county chair linn, city commissioner Adams, county commissioner cruz, and two appointees from the citizen crime commission. The steering committee created includes from the city tim grew, john canada, rosy sizer, and maria rubio, and the county steering committee members include four members, and maggie miller is serving. The steering committee had its first meeting, wednesday, november 8, so we're under way, and the sponsor committee, thanks to your cooperation, commissioner Adams, and mayor Potter, will meet monday, november 14. If you have any questions, i'll be glad to answer them.

Saltzman: Who is public strategies group?

Carlson: It's a company out of st. Paul -- minneapolis/st. Paul. They're the company that's doing the -- been the budget work with Multnomah county. And so they have a well-regarded process that we will run people interested in the public safety system in the community, and you will be part of that. And the results of this project will be brought back to you sometime in -- in january to the council and to the board of county commissioners.

Potter: Other questions? Thank you, sir.

Adams: Good to see you on this project.

*****: Thank you.

Potter: I think we probably need to read item 1357 as well, because it relates to the contract for this.

*****: Right. We'll take two votes, though.

Potter: Yes. Could I get the public testimony if there's any public testimony on this?

*****: Right. 1357.

Potter: Ok. So we've heard the discussion as to the selection process, and these folks will be working both the city and the county. So let's go back to 1356. And this is an emergency vote. So please call the roll. Wait a minute. I'm sorry. Public testimony. Come on up, teresa.

Teresa Teater: Mayor Potter and commissioners, i'm downtown citizen advocate for homelessness and police issues. I wasn't able to get the copy of the part that talks about what this public strategy group is going to identify in public safety service delivery, but I just want to make certain that somebody, somewhere out there, has concerns over the way police arrest people and lethal force issues are covered, deaths -- police death, you know, when you're arresting someone, and also the issues over homelessness and displacing people and the concerns with panhandling in downtown Portland would all be covered under this public strategy group, because two of us are -- you know, i'm watching them every weekend just turn away, turn away. We've got to make downtown more viable. I'm hoping that this public strategy group can help implement some plans to make this more viable, you know, presentable city. Thank you very much.

Potter: Is that it? Anybody here wish to testify that did not sign up? Please call the roll.

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

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Potter: Aye. [gavel pounded] read the next item for vote.

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

Potter: Aye. [gavel pounded] please read item 1358.

Item 1358.

Potter: This was one of the recommendations coming out of bureau improvement number five, the committee was looking at implementing a training program for managers and supervisors. Council authorized one-time money for this purpose. Members of the bureau of improvement project, number five, developed an r.f.p. to hire a consultant to design and provide core competency training for city managers and supervisors. The training consists of seven modules covering the key functions expected of a manager and supervisor, ranging from an understanding of one's role to stewardship to effective communication with employees in the form of coaching and performance management, and a basic understanding of the fundamentals of labor relations. It is my hope that representatives of the labor will attend and participate in that particular module on labor relations. So with that, we'll hear from h.r.

Yvonne Deckard: Good morning, mayor, council. I'm yvonne deckard, director of bureau of human resources. The subcommittee that the mayor talked to as part of bureau innovation number five interviewed five finalists and chose a local contractor, catalyst communication. Catalyst is comprised of a diverse group with an excellent track record in the city. One of the principals, david drake, recently provided diversity training for the fire bureau and the fire bureau has given this group very high marks. Catalyst will also provide a trainer to trainer component with about 30 to 40 city employees. We're doing this to ensure that the city will be able to train all managers and supervisors over the next 24-month period. We want to also be able to provide ongoing training to new promoted managers and supervisors, as well as employees who are interested in moving up to the supervisory ranks. This contract meets the goal of the bureau innovation five team. It meets council's goal in providing one-time monies for the program. A comprehensive training program of this nature will -- is important -- is an important step and will provide communications, or better communications, between supervisors and employees. It will provide our services -- improve our services to our customers and our employees, and serve to improve our labor management relations with our supervisors becoming very -- you know, better versed into how to work more effectively. Catalyst will deliver 42 full-time training sessions of about four hours each per module. Also asked the council to make the trainings mandatory for all managers and supervisors, and at that point i'm going to -- you know, i'm hear to answer questions you may have.

Potter: Any questions? Must have been very thorough. Ok. Is there a sign-up list?

*****: Not on this one.

Potter: Is there anyone here who wishes to testify on this matter?

Saltzman: Did you say that catalyst is a local company with experience?

*****: Yes.

Saltzman: Working for us before or --

*****: Yes. They've actually done work with the city before.

*****: With the fire bureau.

Saltzman: With the fire bureau?

*****: Yeah.

Potter: Ok. Please call the vote.

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

Potter: Aye. I think we'll have to wait a few minutes. This is an emergency vote. We have four? Ok. Good. Please read item 1359.

Item 1359.

Yvonne Deckard: Once again, my name is yvonne deckard. We're here to present to the council the city of Portland's affirmative action plan for 2005 through 2008. This was a collaborative effort

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involving all of our city bureaus. We took this approach so that you, the council, would feel comfortable in holding your bureaus accountable for the accomplishments of the specific goals within the plan. Joseph is here to talk to you about the details and the process used in developing the new affirmative action plan for the city.

Joseph Quinones: Good morning. My name is Joseph Quinones, I'm the diversity development and affirmative actions manager for the city of Portland, working in b.r.h. A couple things that I think we should highlight about this particular plan. One is that this was developed collaboratively with all of the bureaus in the city of Portland, and that is inclusive of all of your offices as well. Under affirmative action -- under e.e.o. rules, it is not required for elected officials' offices to develop any kind of an affirmative action plan, but all of your offices did. And I congratulate you, each one, for that, and contributing to the plan overall. I want to acknowledge Donnie and Sarah in the efforts they did in getting this plan actually put together. Again, many people in the bureau level. The plan itself sets out the quantitative goals or objectives in the city for diversifying the work force. Right now at this moment we have -- I'll go very briefly with this -- at the time we wrote the plan, there were 5,342 employees in the city, of which a total of 781, or 14%, were minorities, and a total of 1,707, or 31%, were females. That's a fairly consistent figure we've maintained over the last five years in the face of budgetary cuts, as you know. I think that's a mark in favor of the city. I mean, it's a positive thing, that we've taken some significant budget reductions and still maintained our -- the diversity in the work force in our minority and female population in the work force. This is actually the first time that we've experienced budget cuts and still been able to maintain our gains. So that's something to be said for who we are and what we're doing these days. As I mentioned, the focus here is on the quantitative issues faced by the city in maintaining the diversity and increasing the diversity of the work force. Each of the bureaus has set out their own specific goals relative to their resources, and the way they operate. We've aggregated those and you'll see that available in the documents we have available. The e.o.c., affirmative action, the Americans with Disabilities Act, and other regulations of that type are really the foundation under which we're building our diversification strategies in the city. They're not synonymous, but collateral as we develop -- move forward in the city, diversity development, strategic initiatives that we have at each of the bureau levels, and this affirmative action plan work hand in hand to increase the diversity of the work force and improve the work environment, so that people come to work for us will stay with us for some time. Any kind of questions you have, I'm happy to answer.

Potter: Joseph, how will you report back to the council on how each of the bureaus are doing in attaining their numerical --

*****: The objectives we're looking for?

Potter: Yes.

Quinones: We will be collecting on a quarterly basis information as to the statistical analysis of what the bureaus are doing. And then we'll be making those reports to each of you on your portfolios, and on the city as a whole.

Potter: I understand that citywide that the minority representation in Portland is about 20%.

Quinones: It is. The 2000 census, as it was updated after 2000, runs at that, about that figure, just under 20%. We're anticipating is that with this particular plan, and I would say with the subsequent plan, we will be -- we're looking at -- we're looking at 20% in 2010. And that's our hope. That's our -- that's what we're aiming for. We're not going to achieve it all in this one bite, but we think that by 2010 we ought to be very close.

Potter: So we're at 14% now, which means 6%.

*****: That's correct.

Saltzman: Was that minority and women?

Potter: Just minority.

*****: Yes. At women, sir, we're at --

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Saltzman: Different from what you said a few minutes ago.

Deckard: Right, we're at 14% minority and 31% women.

*****: That's correct.

Potter: But the city population is 20%.

*****: Minority.

Saltzman: Oh, ok, i'm sorry.

Deckard: When we set the 14% as the goal in 2000, that was, you know, the census percentage that -- and we achieved that. And to increase this by 6%, you know, for the life of this plan is going to be pretty aggressive. We're going to definitely have to look at how we do our outreach recruitment in order to reach people that we're trying to reach and incorporate them into our work forces, but we're working on plans to be able to do that. The unique thing about this plan is that each bureau has taken an active part in writing out their goals and how they want and expect to achieve those goals, and so we think that that is a better process for the bureaus to be able to do that themselves rather than for us to have written the plan and then, you know, tell them how -- you know, what they need to do.

Leonard: Did you talk about there being an advisory committee being attached to this plan?

*****: Happy to do so.

Deckard: We do have an internal advisory committee made up of each bureau, having representation on that committee, that take an active role. We've talked in the past about possibly setting up a citizen committee, but wanting to be very specific about the goals in which, you know, we're in the task that we're asking them to do. So we haven't moved in that direction yet.

Adams: I would be interested in -- in the mayor's office looking at that. I think it helps with communication, at the very minimum, in terms of, you know, the african american chamber of commerce. I mean, there's more better-organized, especially on the minority side, there are more better-organized groups now in the community than 11 years ago when we first sort of started rebooting this. I'd encourage you to look. That helps you network and do diligence and quality control in our efforts.

*****: Ok.

Potter: I like that idea. Let's talk later, yvonne, about how to make that happen. That's an excellent idea.

*****: Ok.

Potter: Other questions from the council? I want to tell you how much we appreciate your hard work on this. And from my bureaus, I really appreciate your involvement in helping us begin to develop some really concrete plans that can actually happen. And so thank you, joseph, and yvonne, for what you've done for our city in terms of not just hiring, but retaining good employees. So thank you.

Adams: Thanks.

Potter: Ok. This is a nonemergency. It moves to a second reading.

*****: Right. And there were no sign-up testers.

Potter: Ok. Please read item 1360.

Item 1360.

Potter: Good morning.

Thomas Lannon: Good morning, mayor and council, interim operations different for the revenue burr. Joining me is the regulatory section of the revenue bureau. The code amendment before you today really accomplishes two things. It creates equity across all unattended pay and park lots in terms of the fee structure, adequate notification for drivers as to consequences should they choose to park there. Signage and the appeals process. It also prohibits the practice of booting vehicles. A boot is a restraint device essentially that is placed on a vehicle's tire, and it immobilizes the vehicle. And both of these ordinance -- correction -- code changes are in response to citizen complaints that

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we've heard concerning unfair pricing, lack of signage in certain lots, and a lack of an appeals process. There are several impacted business owners that want to have an opportunity to speak with you, so i'll keep my comments brief. Die want to ask marion gaylord to comment more in detail as to how the code changes address those areas of concern.

Marian Gaylord: In deference to the late hour and the number of people that want to talk, i'll try to keep this fairly brief, although i'll certainly be available to answer questions if you have -- if you want more detail. Mayor Potter and council members, i'm marian gaylord, the towing coordinator in the licenses division of the revenue bureau. In december of 2003, in response to citizen complaints about \$50 tickets being issued on private parking lots, a change was made to the city code that deals with pay and park facilities, which then required anyone who would be writing such tickets to meet the standards of the current pay and park code. However, after discussions with a provider of this service, who is working on nonpay parking lots, we determined that this is a very valuable alternative to towing and provides another tool to property owners for the management of their parking resources. The problem was how to bring nonpay lots into compliance with current standards. The solution that we came up with was to amend the existing code section to apply the same standards where it's practical and to provide new standards in the area where pay and nonpay lots differ. To give you just a brief description of what the actual process is that we're talking about, an operator who is contracted by the parking lot owner will patrol their lots, checking for proper proof of payment. If none is found, or it's expired, the operator writes a notice assessing the parking fee, the surcharge or penalty amount, and administrative fee for d.m.v. Lookups. Now, this is on the pay parking lots. The parking fee is turned over to the parking lot company. The surcharge, which is currently \$14, is kept by the operator, and the administrative fee covers the operator's cost of checking d.m.v. In 2003 the bureau of licenses began receiving citizen complaints concerning a company that was issuing these parking tickets at nonpay parking facilities. This company also patrols their clients' parking lots, but they monitor for vehicles that are not authorized to be parked there at all or who may be -- may have been parked longer than is allowed by the property owner. This operator assesses a parking fee, or penalty, of \$50, as contrasted to the \$14 surcharge currently allowed on pay and park lots. While the operator promises to reduce the amount to \$25 if the citizen pays the ticket within 15 days, unfortunately in several cases of the complaints that we received the vehicle owners have complained that they haven't gotten their first notice of a violation until several months after the 15-day limit. The complaints that we received describe folks that have parked in a parking lot while patronizing a business that may be served by the lot. Typically the business has decided to restrict the parking to their customers only, and possibly for a limited time span, say 30 minutes. Since it's an unattended nonpay lot, there's no receipt or any other objective document that establishes when that clock starts. The citizen had no appeal rights, no way to dispute the assessment, beyond going back to the operator, and no protection from aggressive collection policies. Clearly some regulatory supervision is needed to establish a reasonable limit on the penalty amounts, and provide an objective arbiter between the operator who benefits financially from the ticket and the citizen who believes they have the right to park. The other issue addressed in this amount is booting. In april of 2005, the Washington state legislature passed a new law prohibiting private companies have immobilizing vehicles with a boot device, and then charging a substantial fee for releasing the vehicle. Shortly after this law became effective in Washington, the bureau of licenses began receiving complaints regarding the activities of a company based in mercer island, Washington, that was booting cars on a private lot in downtown importantly. Some of the complaints we received were rude and intimidating treatment by the boot company staff, unfair pricing. One gentleman was charged almost \$200 while a young woman at the same time and place was charged \$50. Signs posted warn of possible towing, but don't mention that a boot might be applied. As we've had it reported, the system that is in place for this is that a monitor sits inside the business, watching to see if a person walks away from their vehicle after they park. Once the

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vehicle owner is out of site sight. The monitor applies the boot to one or more wheels of the car. No attempt is made to speak to the vehicle owner. If the vehicle owner cannot afford to pay the monitor on the spot, the vehicle is towed. The final complaint we received, when people did try to call the telephone number on the notice placed on the vehicle, they had a difficult time getting through. They had no response to their calls. A representative of the boot company also disclosed that his client, the property owner, is paid a share of the fee that's collected from each vehicle owner. I would remind the council that this practice of giving the property owners a kickback is strictly forbidden in the city's regulations regarding private property impound towing. Such a practice calls into question the motives of the property owner. If the goal is to keep parking spaces free for customers, why would you choose a method that ensures that the vehicle can't be moved? The risk of damage to a booted vehicle is considerably higher than in other forms of parking enforcement due in part to the possibility of a citizen attempting to drive away, not realizing that a boot has been applied. The requirement that the citizen pay on scene for their vehicle release greatly increases the potential for angry confrontations between the vehicle owners and the booting company staff. The amendments that are being proposed deal with principally all of the complaint issues that we have received from the citizens. These were also developed in cooperation with the two companies that are the primary operators in this area. One that works with the pay and park lots currently, and one that is currently working with the nonpay lots. And we adopted a number of their suggestions. Although it doesn't immediately remove the vehicle, the issuance of a parking ticket in lieu of towing may offer a solution with somewhat less negative impact on the vehicle owner. If the recommended code amendments developed in direct response to citizen-identified problems and in cooperation with operators are implemented, ticketing on nonpay private parking lots can provide another means for property owners to manage scarce parking resources. The amendments apply reasonable requirements for warning signs, registration of the parking lots, notices to the citizens and standards for handling citizen complaints with the city as the final arbiter in disputes.

Part 2

The proposed amount is \$16 which we doubled to \$32 after 30 days, this is the same sort of process that happens with an on-street parking ticket. If you don't pay it within 30 days the amount doubles. In addition, an administrative fee for d.m.v. Lookup would be allowed in the amount of \$3 for a vehicle registered in Washington or Oregon, and up to \$6 for vehicles that are registered in other states. Finally, the amendment also seeks to prohibit booting of vehicles in Portland. While not specifically prohibiting private companies from booting, Oregon statutes provide authority for booting only to the courts and local law enforcement agencies. Private companies have not demonstrated a level of objectivity to provide protection from predatory and abusive practices. The participation of private property owners in the financial harvest further finance advances the motive of maintaining customers park. The risk of damage to vehicles make booting a most undesirable visit for a visit are to tau away from an outing to Portland. The amies to the code section provide simple, reasonable and fair rules which broaden the current scope of regulation, while allowing property owners a low-risk alternative for managing their parking resources. The prohibition of booting is the appropriate response for an activity that gives Portland a black eye ever time it's exercised. I would hope council will approve this ordinance.

Potter: Thank you, folks. Questions from the commissioners to the staff. Thank you. Sue, could you please call the first people to testify.

*****: Frank thompson, steve waterman and gary coe.

Potter: Will you come up --

*****: Doesn't matter.

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

Brian Thompson: Ok. Thank you. My name is brian thompson. And I want to thank you for this opportunity today. I am the owner and operator of northwest parking control and so there's no confusion about what I do, what my company does we do not boot. We do not tow. We have been ticketing or using what's called fee base enforcement, ticketing, for about seven years or over seven years in the Portland area and many of Portland's dense neighborhoods like northwest, the pearl district, and irvington neighborhood. We have been in favor of regulation since we were first contacted. In fact, I have been working with stacy chamberlain in economicser Leonard's office. Unfortunately, stacy is no longer with his office. Has moved on. The work we did was -- I am not sure why that is. We have been working together on putting together an ordinance that addressed the unique nature of the type of facilities we operate. These are not pay facilities. And really our problem is if the objective of limiting the fee for unauthorized parking on private property to \$16 is to provide equity among private, pay, and city operated facilities, then I ask you to consider a couple of points. Firstly, the purpose of ticketing a paid facilities is compensation. The owners of these lots are in the business of selling parking. They only want to make money. And they don't care how long that vehicle remains in in that space because they get paid for it by the ticketing agency. Ticketing basically compensation the owner of the property. We monitor a variety of banks, medical retail, residential, and educational properties. The owners of these properties are not in the business of selling parking. They contract with us solely for the purpose of providing enforcement for their posted restrictions, which are restrictions are posted. All of our signage would pretty much come into compliance of what is required and does contain the fee. Is actually had it correctly. Correctly explained. Our fee for them is a denver terrence. It's big difference between deterence and compensation. Earlier this year the city of Portland office of transportation determined that a \$16 fee was not sufficient for a once a day violation. The transportation department therefore decided to use a \$25 fee, which does double after 30 days which would be identical to, essentially identical to what we are doing with some changes. Really with the second point in mind, I really encourage you to put some more thought into this. This is not a case where we are out there trying to just generate money by writing a lot of tickets. All you need to do is look at how many vehicles receive tickets on the street and the number of repeat violators to realize how \$16 is not going to bring people into compliance. With that I thank you and we will be delivering an amendment we would like you to view. Thank you.

Potter: Thank you.

*******:** Go ahead.

Steve Waterman: Ok. My name's steve waterman. Citizen of Portland. And I worked for about one year as a part-time ticket writer for brian ending about a year ago. And I just kind of want to convey my experience on the streets, if you will. Most of the lots that we monitored were in northwest Portland. And my job was simply to go from lot to lot and in some cases, it was a lot where you had to have a pass and if you didn't have a pass, we would write the parking ticket. And my general experience encountered a lot of people who received their ticket from me, maybe 15 minutes or an hour before, or two hours before. Well, it was generally the \$25 fee, a lot of times I would have to explain it's a \$25 fee, and you know, you got to pay it because you weren't supposed to be in this lot. And I i honestly believe the price of the -- that the \$25 price really wasn't much of an issue. I told him, if you pay it within 15 days, whatever the time was at that point in time, it's only \$25 and then it will go up to 50. It didn't seem to be much of a problem. Conversely, one of the cases we had was a lot across the street that would actually tow vehicles that were parked in there and weren't supposed to be there. And I saw a few of those individuals who had their vehicles towed. They actually came over across the street and thought that I did it. And one case, and I felt like all along, sort of it was a -- after I ended employment with northwest parking patrol, felt like

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that the \$25 fee was a deterrent and was appropriate. If it was much less, I just don't know that it would make a lot of sense and I don't know that it would have been as big of a deterrent so I wanted you to give a street-level perspective of writing -- I thought it was a good service and basically good for the citizenry to have a reasonable fee like that. That's it.

Potter: Thank you.

Gary Coe: Good morning, mayor Potter and commissioners. My name is Gary Coe and I am partner in private parking monitors who monitors the pay to park, the unattended pay to park lots. What we do is visit a lot and those people that have bought a parking ticket and put it on their dash, they are fine and the people that have chosen not to pay, we write a surcharge notice. And we are the ones that Mary mentioned under the current ordinance charge the \$14 for that. And we have been encouraging this ordinance to move along so we can get to \$16 because \$14 isn't very much and \$16 is what the city charges. The difference is that the city's \$16 fee is largely issued to people who paid for their parking and didn't get back to their car in time, like I am guessing happened to my car right now. And whereas these folks have chosen not to pay at all. And that is a significant difference. We are in support of this ordinance. However, I have -- I would like to say we appreciate the opportunity to participate during the process. I have a draft copy of this dated clear back to August 18 of 2004. So it's been in process for a long time. My concern is that there's a few minor technical changes that Ms. Gaylord has agreed to, three of them. And, and then I would like to address -- so I ask that -- is this a first reading? Is this -- is that how that works? So there is change those minor technical? Shall I discuss those in the minute I have left?

Potter: Please. Go ahead.

Coe: One of them is allows us to, if we have more than, if we have three unpaid surcharge notices within a year's time, we can actually tow that vehicle. Now, that's after we send a notice to the owner that they are on our tow list. This is very similar to the tag warrant that the city has. City has a dollar amount but really it's three citations add up to that dollar amount and the district court uses a tag warrant against that vehicle. And then it's eligible to be towed. With this ordinance it allows - it limits us to three within one year and we have had a number of cases where the third unpaid citations happens after the first one drops off the year. So we still have unpaid citations but I would like to change that to two years. Second one is that it requires the notice to be a certified mail. [beep] and the certified mail -- I will wrap this up. Certified mail there's a certificate of mailing process that only costs 76 cents where certified mail costs \$4.50 so the certificate of mailing is a process the post office has that is -- approve -- proves that you, in fact, sent it. The very last item I want to address is, while we are not supportive of the boot, there is a problem both for our industry and the city with out of state, certain out of state plates and certainly out of country plates that we cannot get owner information. So that's something that both the city and us has that problem. And I would like you to, I just invite you to explore or allow the bureau of license to explore alternatives of what might happen in order to somehow get paid for those services, both the city and our industry. Thank you very much.

*****: Would anyone be opposed to me asking a question of Marian Gaylord or Gary? It looks like this new code change would not allow the private parking owners to assess the parking fee as well as the surcharge. That was my understanding when I read this. That they be limited to just \$16. Whereas it used to be \$14 plus the parking fee so \$16 plus \$6 or whatever the fee was posted. That's my understanding of the new proposal and I hope you --

*****: I didn't read it that way.

*****: That's a big change. That's a huge change for you.

*****: Yes.

Potter: We will have the discussion away from the table.

*****: Thank you. Fair enough.

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Saltzman: One question for brian and gary. What is the percentage of people who don't pay? I mean --

*****: 50%.

Thompson: I would say with us, it's actually a bit lower than that. Surprisingly.

Saltzman: Much lower?

*****: We don't do bar lots. And I am not saying you do bar lots but we don't do a lot of late night lots down in the bar areas that, the club areas which tend to involve more vehicles that are unregistered. Given my experience that's probably why ours is lower.

Leonard: What happens if they don't pay?

*****: We have someone here who can explain some of that but some of it fades into itoer and we do understand that. What we are looking --

Leonard: Is there a legal recourse you guys have?

Thompson: At \$50 there is. And there's a reason that we chose that amount. There's a reason that beuse what is called the discount method because \$50 is the absolute base amount that a credit bureau will look at. However, we don't really send people to credit bureaus. It's not something I am comfortable with doing. But there's a reason. In order not 20 get into far into questions and laws but in order to use that as a deterrent you have to be able to do that by law. That's federal law.

Potter: Would you folks provide your recommendations to thomas?

*****: Yes, sir.

Potter: Thank you.

*****: Ken burgess, ken harbet and steve bagdon.

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

Ken Burgess: My name is ken burgess. Property manager at uptown shopping center. Work for curbman and wakefield. We have found this to be a solution to a big problem we have up there. You know, we have got these surface lots and near the 23rd avenue shopping district. We have many violators that come, park on our lots and walk off to 23rd avenue. So, you know, we need a method that is not so aggressive. You know, the towing was very aggressive to us. And I feel that brian's been doing a great job out there. We are starting to see less violators on our parking lots. They are able to monitor it and they can see that, you know, things are changing. They are getting better. The employees on the shopping center and at the surrounding businesses, you know, they are no longer take go advantage of the parking there. And with towing, these -- these people have a chance of getting away. There's a point there where cameo cafe, they can sit out and with the new laws for towing agencies, if a person gets back to the vehicle before the vehicle is in motion or the truck is in drive, they have to drop it at no charge. At least here there's some teeth that, you know, that we can write the ticket, go through it on their dash, and I would encourage you to, you know, keep the rate at \$25 for northwest parking patrol because, you know, if people get word that this particular fee, you know, has no grounds for collection, then, the service will not be adequate. The customer or the violators will be able to walk away scott free and, you know, treat that as a piece of garbage. Recycle it.

Potter: Thank you.

Leonard: Do you receive any revenue from the -- --

*****: No, sir. They provide a service.

Ken Harbick: Mayor Potter and council, thank you for your time. My name is ken harget with g group properties. We support tenants who total up to 200 businesses in the Portland area. Specifically, g group owns and manages several large high-traffic properties in northwest Portland. The pearl district, and the urban neighborhoods. Since most of our properties are properties have various medical clinics, doctors and offices, parking near our buildings is absolutely imperative. In

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many cases, in these areas our, are the only ones with available parking. The threat of parking theft is constant and ongoing. In the distant past we used towing to ens for our parking with disastrous results. Patients and tenants were towed and in some cases tenants were lost. We realize that many feel that the fee of \$25 is high but I can assure you the value of the space taken from our tenants far exceed that amount. I can also tell you that the fee charged by northwest parking control has been effective enough in the last seven years since we worked with brian thompson, we have only needed to tow in the case of abandoned vehicles. The business that I support thinks this is a great idea, an alternative managing parking. I respectfully request the council to direct staff to a greater understanding of the following items. One, the need of retail and medical district businesses. The function of private parking of nonoperated for parking. I am sorry. Nonoperated for profit. To involve stakeholders in the process before moving before, before you, try to prove this change going forward. And in closing, just not that any of you would do this, but just picture in your mind, if you were walking off a restaurant just have a nice dinner with your family, mall or a movie, and you had three options to come to. Booting, towing, or a ticket. Thank you.

Potter: Thank you.

Steve Bagdon: Thank you. My name is steve bagdon. My company is nationwide debt recovery. It's a licensed and bonded collection agency. We are the largest collection agency for privately issued parking tickets in the country. The service that northwest parking control provides is part of a trend that is occurring across the united states. By writing a ticket instead of towing brings control back to the consumer and the property owners. With the consumer he or she has the right under the fair debt collection practices act, which gives the consumer 30 days to dispute the validity of a debt. What the property owner gets is the able to make the business decision on whether it's worth upholding a ticket, voiding it, out on the basis of documentations that the consumers may provide because of extended period of time. Set forth by the fdcpa. With towing, the property owner has the -- has to make a potential -- potential harmful decision that may cause a consumer not to be a customer. From my experience, lowering the base fee of a privately issued ticket to \$16 will result in the issuance of more notices and a higher rate of repeat offenders. Exactly the sort of thing the ticketing is trying to prevent. The fee proposed would make it the lowest of all 47 cities, companies, and universities I work with. In closing, I would like to say in my five years of working in this line, I can tell that you nobody likes getting a ticket or booted or booted or towed. But I think you have to ask yourself, what is less obtrusive? Ticket? Towed? Or booted?

*****: Three more.

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

David Tweet: Hello. My name is david tweet. And I have been work at northwest parking role llc for the past two and a half years. Before I read a letter from one of our clients, I wanted to add some of my own comments. I would ask city council members to reconsider the amount of the proposed cap on parking penalty fees. A cap of \$16 will provide little disincentive to would-be parking violators. I want to make it clear we are not in the business of selling parking to the general public for any amount of money. Our only business exists in using this parking penalty fee as a deterrent in order to solve very difficult parking problems for those who own or manage private parking lots. Insofar as the proposed code section limits the base fee to \$16, I believe it severely restrictions the availability and efficacy of a legitimate and responsible alternative to towing. I would like to read a letter from thomas showstop originally addressed to commissioner Leonard. "i currently manage the gene vollum natural capital centre in the pearl district for ecotrust properties llc. The building is a mixed use building of office and retail with a small parking lot. One of the tenants is the Portland office of sustainability in development. One of the problems we have encount ared at the building is the limbed parking that is available in our lot and in the surrounding neighborhood. To keep parking available to both our tenants and visitors we have been using

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northwest parking control llc to patrol the lot and ticket any vehicle that is violation of the conditions of use that are posted at the entrances to the lot. We know from experience that the ticketing works to keep accessible spaces for visitors. I have been informed that there's a plan by the city bureau of licenses to cap the fee charged by such privatizing ticketing at a greatly reduced amount of I feel our efforts to keep visitor parking available to the building will be greatly impacted because a low cost to the violator does not discourage violations. I could be forced to order more towing and act that will greatly inconvenience and penalize our tenants and their visitors beyond the value of the violation. Please consider intervening in this discussion on behalf of building owners and managers who need a tool to control parking violations that is a meaningful penalty but not retaliation. Thank you.

Scott Campf: Hello. I am scott campf and I represent some contract security guard and patrol servicing in the area and I have a brief statement to read and then a point or two. In consideration of the matter before hand I feel a compelling need to represent my firm's interests and those of our clients. Stated simply, we believe city regulations designed to limit private parking enforcement fees are contrary to the best interests of our firm, our clients, and the general public. I am currently the vice president of operations for alert security asset protection llc. And for the last 17 years I have gained a keen ininto it into property liabilities and exposure. As police officer, security officer and licensed contract security executive manager. Representing for man 100 megacompanies to mom and pop shops I can assure you parking enforcement is a top priority. This goes especially for our urban clients. A key issue is whether towing a vehicle represent as just action for minor parking nuisances. In this case, a parking fee for erroneously parked vehicle just makes more sense. However, the parking fee to be effective for individual property managers must represent a sanction that fits the parking nuisance. Governmentally mandated fees of \$16 and under will most likely undercut respect for civilian parking notices and their intended effect. That affect is to correct errant parking behavior and curtail future malfeasance. A \$16 cap on parking enforcant notices may very well cause our clients to give up the program for more invasive towing practices. More towing is harmful for our clients as it keeps offended and potential future customers from transacting business. That's the end of my statement. I do have a point. It was brought up that there should be some sort of comparison between city enforcement or government enforcement of parking on the streets and private parking lots. In my personal view that's somewhat comparing apples and oranges and may represent maybe a harmful contrast and comparison for future operations. This is different. There was also a point about, for instance, what happens when somebody has a fee for service, one of these citations and they report that they never received it until they receive adler in the mail say theeing, well, all of a sudden now I have an increased fee because I didn't ever get the ticket. It's the same situation as somebody parks on the street and is given the city of Portland parking ticket and they throw it on the curb or they feel they didn't receive it either. If you are going to compare government to private parking enforcement the same thing can happen in both situations. Lastly, mr. Thompson is going to be sending a proposal to the city code. And it states essentially that what they are looking for is a fee of not more than \$25 if paid within 30 days of the mailing date of the notice. However, if that is not paid within 30 days of the mailing notice, a fee of \$40 will then be the sanction. 25 initially, and then goes up to 40 if they don't pay it. They also believe that the administrative fee under section j5 be deleted because it's confusing to the customer and inequitably punishes who are not from Oregon and Washington. Thank you.

Adams: You mentioned ', if I could ask a question, it's like comparing apples and oranges, looking at on street versus private lots but you didn't really elaborate on that. How are they appear pumpkins and oranges?

Campf: Any time you take government-run operation and compare to it a civilian, private operation on private property you are opening up a pandora's box. If everything should be done

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equally and contrasted the same way, I think private costs would go through the roof. If you look at most government operations, and I can't speak for them, but in my view, if you are going to make everything equal, that is an absolute crazy way to look at a business. A business is need to operate in a private capacity and government needs to operate in a government capacity. Two different focuses. It was spoken to earlier that private lot is a completely different operation. A shop keeper wants to keep his parking spaces open and free so that they can keep having customers come in. A city just wants, at least in my view, parking on the street for people to come in to the city business and again, is stated they don't care how long they are there. In a private lot, there's different functions.

Adams: How is that -- since I am responsible for the city's parking enforcement on the streets, I don't agree with that last statement. We have time limits and we require people to pay for the time there. But even within the paid time limited, even within the paid parking there are time limits on how many times you can pay. Why so tell me how that's different? Which is exactly what you described for the private seconder so I remain confused about the apples and oranges part as it relates to a tool for enforcement. Clearly there's a difference in a private company versus a government bureaucracy. But in terms, we are here to talk about hard best tools for insuring enforcement on private lots. How is what you just described different than what we are trying to do in the public?

Campf: I think my focus was mainly towards lots that were geared primarily for parking for a profit. As opposed to lots such as g group who are lots basically for their customers. Different focus. Also, again, I don't think that I have to explain to anybody that when you take a privately run operation and begin to put government constraints on it, again, that's a pandora's box. Where do you start? Where do you end? What right ancillary services that have effects? There are other cities who will look at the city of Portland and wonder what we are doing here which may affect some of my business operations in beaverton or hillsboro. Again, this is something that's far ranging. And again it has to be, in my view, limited as it may be, looked at carefully before just slap down a \$16 cap and say, well, it's the same thing on the street as it is on, in a g group or an uptown parking lot. The focus is completely different and they are two different animals.

Adams: Thanks.

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

Robert Thompson: I am robert thompson and I am brian's father. And I have nothing to do with his business. He owns it. And anyway, I just kind of sweep up here to mention things that anything was forgotten. What I do know is brian's tickets are cancelable. And whenever I stop by his house he's always busy on the phone there and frequently talking with people that work at a place and have a permit but forgot it or left it in their car and left it at home. And so it's people that are eligible to park in a business place, but they get caught. And with other things, with towing and booting, well, they could be towed. Instead, the ticket is voided. So it's a very big thing with ticketing. And this has been kind of enlightening. If I understood it right on the collection thing, if the ticket isn't \$25 with a maximum of 50, I don't have to pay it. So like if I go to a ball game up there at p.g.e. Park and get there late and the parking is all filled up, I can pick a business that has the fee schedule rather than a tow schedule park there, and know my maximum exposure will be \$16 and since it's not collectible if I heard it right, then parking is free. So I don't know. Did I hear it right? That the parking is not enforceable? Unless it's \$50 collect son fee?

*******:** Can I speak?

Potter: You can't, sir. Thank you. Well --

Potter: We will invite the staff back up to answer that question.

Thompson: Ok. And I am very careful on my parking now. I have been to a restaurant over on union or grand, and with a group, and coming out of there, one of the person's was missing his car so I had to drive him up to get it picked up. It was before you put a cap on the prices and he had a

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pricing of \$200 if he paid for it then but \$50 less if he came back the next day. And so, you know, that was an inconvenient thing for him. So anyway, I occasionally leave my car in Portland various places, and when I go, meet up with somebody to go away for a weekend. Group, and last time I did it, I believe I left it over by Wilson High School. You have a brother, Mr. Sten, that lives by Wilson?

Sten: But I have actually been up there recently a lot.

*******:** Ok. It seemed to me the last name was Sten. I parked up in this schoolteacher's driveway. Anyway, I am the guy that watches it because I know that old people catch people and Brian catches people. And Brian's thing is voidable and I hope I never get towed.

Potter: Thank you, folks.

*******:** \$25, I don't even want to pay that but the collectability of it I guess is a big item.

Potter: Thank you.

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

Potter: Is that it, sue?

*******:** That's it.

Potter: Staff, could you please come back up. Would you first respond to the last question. And then if you wish, respond to any of the other statements made.

Thomas Lannon: Certainly again Thomas, Interim Operations Division, Revenue Bureau. In terms of the deterrence effect and the establishment of the rate, I want to emphasize again that is a rate established by the district court. Currently used by P-dot for on-street parking endorsement. In terms of what is the proper amount of deterrent, is it \$16 doubling at 32 or is the break point 25 doubling to 50? We are not aware of any research or data out there and that's why we relied upon what we knew in terms of the district court's use. In terms of collectability, I think that it would be a very highly indicated citizen that actually knows where that break line is. And whether or not it's the fee that's actually something that could be referred to and would be collected by a collection agency, I don't know that that's the case. If there are instances where there are multiple offenders, I think we talked earlier about -- they spoke earlier about offenders that were being, could be towed after a certain number of tickets. That same certain number of tickets. The threshold is \$50 to be collectability those tickets would stack up and exceed \$50. So that would mean they would, in fact, be able to be referred to an outside collections. In terms of the technical changes that were offered, I talked to Marion briefly just before we came up. We are certainly very willing to entertain and look at those. However, the fee structure itself was one that we arrived at logically and in with the paramount attention paid to equity across different lots and across on-street parking.

Potter: Other questions?

Saltzman: We are now in these proposed. This proposed ordinance also establishing the city as the director of licenses as an appeal body?

Lannon: That's the case currently.

Saltzman: It does not exist in the current process.

*******:** Yeah. You better address that one.

Gaylord: Yeah. Currently, with the regulation of ticketing on pay and park lots, the citizen does have the option of appealing to the city of Portland. This is what we want to also apply to the nonpay lots.

Saltzman: Then there's a statement of Mr. Thompson's testimony that the city of Portland office of transportation determined that a \$16 a day fee was not or fine was not sufficient and the city of Portland is using \$25 at its off-street parking facilities?

Gaylord: I can't speak to that. I am not familiar with that. When I contacted -- when I contacted P-dot for this information, because -- and I will tell you that the strongest reason that we use that as a standard is because, when this ordinance was originally, when this code section was originally

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written, that's what they tied it to. And so we were just carrying that on. But when I contacted p-dot, what I was told was \$16 forever an overtime parking space -- parking violation.

Saltzman: At offstreet?

*****: They didn't -- they didn't distinguish between offstreet or on street.

Saltzman: Just I would like to have some checking of that, make sure that we are truly talking \$16.

Gaylord: And if I can reiterate, there was a good deal of testimony that compared towing to the ticketing. And I believe as I said in my comments, I believe that the ticketing is a good additional tool. And, you know, our only concern is that it probably needs to be regulated. And in the comparisons between the city enforcing parking on public right of way and private enforcement, the key there is not one versus the other. It's that the city, the person who is writing the ticket for the city has no financial interest in this. The private ticketing company always has a financial interest. Just as the towing companies when they are out making a determination about whether a car should or should not be towed, their own financial interest is going to weigh in on that. So that's the primary difference there is that the city, you know, a government body that's could go enforcement of any kind has a certain built-in objectivity that they are required to have.

Potter: Other questions? Thank you, folks.

*****: Thank you.

Potter: This is a nonemergency ordinance and moves to a second reading. Do you have a date for the second reading, sue?

*****: Yes, we do. There's no meeting next week so it would be.

Potter: November 23 is when we will take a vote on it. Thank you. Please read item 1361.

Item 1361.

Potter: This is a second reading. Please call the roll.

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

Saltzman: I wasn't here last week. I want to say this is a great thing. Aye.

Sten: Aye.

Potter: Aye. [gavel pounded] please read item 1362.

Item 1362.

Potter: Second reading. Vote only. Please call the vote.

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

Potter: Aye. [gavel pounded] please read item 1363.

Item 1363.

Adams: On this one, given the late time, if council has any questions regarding this conveyance, we are here to answer them. If you are ok with this, given the time, we are just willing to take the vote and forego what is a very good other or the first reading. Forego the very good presentation.

Potter: Any questions, folks? Ok. Thank you very much. An excellent presentation. [laughter]

Adams: Best today.

Potter: Non emergency and it moves to a second reading.

Leonard: Earned my yes vote.

Adams: Thanks for your work.

Item 1364, 1365 and 1366.

Potter: On item 1364, 1365 and 1366, do you wish to take action?

Adams: I move we send them back to my office.

Potter: Do we have to move on that? Do we have to vote on that?

Leonard: No.

Adams: Typically -- if there's no objection you just do it.

Potter: Any problem, folks?

Sten: No objection here.

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Leonard: Enthusiastically supported here.

Potter: Ok. Thank you. Item 1367.

Item 1367.

Saltzman: I will be very brief. This is a rather significant agreement here that the children's investment fund is entering into. The children's investment fund, as you know, was approved by voters in november of 2002. To invest in proven programs and early childhood development, after school mentoring activities and prevention of child abuse and neglect. The allocation committee set aside \$3 million of the total funding into what we call leverage fund where we want to turn that \$3 million investment basically into a \$6 million investment by partnering with philanthropic organizations or the private sector to leverage our investments. The agreement before you is the first leveraged investment that we have. And it's to build and operate a new boys and girls club in north Portland, in new columbia. This is an investment partnership with the schnitz are care found education. They are contributing \$375,000 to the construction of the new boys and girls club. The children's investment fund is contributing an equal amount, \$375,000 to the operation of the new boys and girls club. So it is a significant partnership that we have entered into the first of what we hope will be many to come. I urge your adoption.

Potter: Any -- was there anybody from the schnitzer foundation here? Ok. And did anybody wish to speak? Is there a signup?

*****: I didn't have a signup.

Potter: Ok. This is a nonemergency. It moves to a second reading. Please read item 1368.

Item 1368.

Potter: Ok.

Ben Walters: Good morning, mayor. I guess afternoon. Ben walters. I was monitoring this upstairs and came down to answer any questions there may be. This is settlement of a long standing uncertainty. This is part of the fallout of the collapse of the telecommunications bubble where we had an entity who built a fiber optic pipeline from downtown Portland out towards the tigarad border, and the underlying company went into bankruptcy, and this company, northwest metal fab, was the contractor on the job, and had a lien on the facilities. And foreclosed on the lien and so this is the authority, the city is giving that company authority to have a pipe, a duct essentially in the right of way so that they can go out and try oh and market this and try and recover their losses through selling off this duct. And so it's a settlement and an attempt to try to allow this small business person to recover their losses.

Potter: Any questions? Thank you, ben.

*****: Sure.

Potter: Call the vote.

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

Potter: Aye. [gavel pounded] please read item 1369.

Item 1369.

Saltzman: In light of the time this is a great thing. We are receiving a grant from metro to help with our solid waste reduction.

Potter: Are they challenging us to create more? [laughter]

Saltzman: I don't know. A challenge grant.

Potter: Ok. We will take it as challenge.

Saltzman: Probably create less.

Potter: Any comments from the commissioners? This is an emergency vote. Please call the roll.

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

Potter: Aye. [gavel pounded] sue, please read item 1370.

Item 1370.

Saltzman: Unlike the previous challenge grant this is a performance grant.

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Susan Anderson: We only use good adjectives with our grants. I want to say two things. 40% of our budget comes from outside grants and partnerships and these are two examples so I put them together so you could see them all at once and it brings there about \$600,000 for the office of sustainable development. The \$300,000 grant is performance based meaning if we do really well we get another \$50,000 and last year we did, that's for 6,000 apartment units, weatherized. Last year with did 9,432 apartments. The importance is that we are just the marketing arm. This is completely a private -- the benefit of private businesses. The result was \$16 million was invested in some of the city's poorest housing. And the result of that is that more than 150 local jobs were created. And so the point I wanted to make is that this is really, it's, yes, it's an environmental program. Yes, it's a social program because each one of those apartment units will lower their energy bills by \$250 a year but mostly it's an economic development program. And I think we should look closely at this kind of a project as a core for some of the work that p.d.c. Is doing. It's called product substitution. We are basically buying local labor and materials instead of natural gas and oil. And there's a whole lot of other opportunities for us to look at that. I just wanted to make that point. Thanks.

Saltzman: Appreciate you making that point. That's good framework.

Potter: Any questions from the commissioners? Ok, Karla, this is an emergency vote. Please call the roll.

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

Potter: Good job, susan. Aye. [gavel pounded] please read 1372. No, 1371.

Item 1371.

Potter: Commissioner Saltzman.

Saltzman: I think this is pretty much a straight forward transfer of a franchise, solid waste franchise.

Potter: Ok. Any questions from the commissioners? Resolution -- no, this is a nonemergency?

*******:** Right.

Potter: Moves to a second reading. 1372.

Item 1372.

Saltzman: Mr. Mayor, members of the council, we will be very quick. But we, the parks bureau, under the last city council, updated its parks system development charge methodology and there was some discussion, which is applied toward residential, new residential development, there was some discussion among members of this council about broadening the park system development charge to also include commercial properties in as much as commercial properties are people who ruse them also derive benefits from our open spaces and natural areas and our parks. So this is really launching a process to be very inclusionary and getting everybody around the table to take a look at indeed establishing a commercial parks system development charge. And rally is here from parks. Want to add anything to that?

Riley Whitcomb: Well, good afternoon. Mayor, council members, i, you know, I can answer questions. I know it's kind of late in the day here but I would be glad to if you have specifics. Basically, just it authorizes us or --

Adams: Can I ask a question?

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

Adams: Does this lock us into any predetermined outcome?

Whitcomb: Not at all.

Potter: What is the net benefit to the city?

Whitcomb: We stand to potentially get about \$13 million over a 20-year period. So it would help add to our fable -- stable funding source. It is fabled at times, too, isn't it?

Potter: Any other questions from the commissioners?

Saltzman: How soon before this committees completes its work?

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Whitcomb: The actual work will take about a year, a little less than a year. There's actually an additional, about nine or, let's see, eight, nine months of just the process of going through notification, appeal with the council. There will be actually two opportunities for council brief be, minimum of two if other things come up. We will certainly do council briefing as well with the staff.

Potter: Thank you. Any further questions? This is a resolution. Please call the vote.

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

Potter: Aye. [gavel pounded] good job.

*****: Thank you.

Potter: Item 1373.

Item 1373.

*****: Here.

*****: We had one fellow sign up but I don't see him here. I am sure they took care of his question. I sent him down stairs earlier.

Potter: Any questions from the commissioners?

*****: Were there any remonstrances?

*****: No, not on this document.

Potter: Ok. Nonemergency. It moves to a second reading. That's the last item for the day. We're recessed until 2:00 p.m. Enjoy the next hour. [gavel pounded]

At 12:52 p.m., Council recessed.

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Closed Caption File of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

NOVEMBER 9, 2005 2:00 PM

Potter: We're going to convene council. Sue, please call the roll. [roll call] Please read item 1374.

Item 1374.

Andrew Aebi, Local Improvement District Administrator: Good afternoon, members of the council. I am Andrew Aebi, local improvement district administrator. With me is Chief Klum of the bureau of fire rescue and emergency services. I know you've got a busy day today, so without further ado, we'll get started. This is a map of the local improvement district, which shows the project area, actually I'm going to hand out some copies here. The north-south street on the left side of the map there is Southeast 152nd Avenue, which is the proposed project. You can see the full street improvements at the south end of the project and the half street improvements are at the north end of the project. I might also add that Pleasant Valley, which is the neighborhood association which is project -- which this project is located is the top 10 neighborhoods in the city in terms of the volume of dirt and gravel streets. The circle on the right side of the map is the intersection of Southeast Flavel Drive and Henderson Way. If that intersection gets blocked, there is no access to or from the neighborhood whether by local residents or by emergency response vehicles. This is not simply a hypothetical scenario. Before we get to the specifics of the L.I.D., the transportation is such a major issue of concern, I thought it might be worthwhile to recap other major transportation investments we've already made and will be making in this area. Which set the stage for this L.I.D. As you know, Pleasant Valley is among the neighborhoods in Portland which face the most growth in Portland, which will occur regardless of whether this L.I.D. is approved. This L.I.D. helped to better manage growth as well as to manage growth within Hawthorne Ridge that has already occurred since 1997. I've identified three projects here that are nearby on Foster Road. All of which are key to Hawthorne Ridge, one of them being a traffic signal at Jenny and Foster, another at 162nd and Foster, and then the third one is a pending project to build a traffic signal at Barbara Welch and Foster and replace the bridge at Barbara Welch and Foster. 12 percent of the funding for these projects came from Hawthorne Ridge with 88% of the funding coming from outside in Hawthorne Ridge. So as much as Hawthorne Ridge contributed to these projects, these projects were made possible only with significant investment from outside Hawthorne Ridge. System development charge revenue was key to financing these projects. And none of these projects were funded through a local improvement district. Which brings us to our L.I.D. proposal that we're considering today. As I just noted, this project income passes full and half street improvements and fully and completes improvement to Southeast 152nd Avenue and avoids incremental and piecemeal improvements in the future. Emergency response is among our greatest concern for this neighborhood, and would be greatly enhanced by this project, which would also improve safety for local residents. We'll hear more from the bureau of fire rescue and emergency services on this in a moment. However, I would like to note that to my knowledge no house in the central assessment zone has a fire sprinkler system, and therefore does not meet current safety standards. This would also increase option for routine and everyday access for local residents in all of the assessment zones. Southeast 152nd Avenue north of Henderson Way is currently only a half street improvement, approximately 14 feet wide, which is not an adequate width for two oncoming cars to pass one another. This project will widen this portion of the street so that two cars traveling in the opposite

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direction can pass each other and will minimize the risk of head-on collisions. This project will also construct sidewalks that will be used by neighborhood children in walking to their bus stop at southeast 152nd and Barbara Welch. And while I'm not a storm water engineer, in my multiple visits to this area, I've seen a lot of erosion on southeast 152nd as it's a very steep street, which reminds me of parallels to the southeast Texas project, where we have -- have you a street improvement nearby an adjacent creek. And then finally on the lower part of 152nd, that area is very dark at night as there's inadequate street lighting, which we'll be adding as part of this project. Lastly, we heard loudly and clearly from local residents they wanted to us have a plan now for dealing with traffic calming and not dealing with it as an afterthought later. Therefore we have included traffic calming in the scope of this project, including Portland's very first speed tables, although this is experimental, we're confident they will not only work well for southeast 152nd avenue, but could also be an additional tool in the traffic calming tool kit to use in other areas of the city.

Saltzman: Can you tell us what a speed table is?

Aebi: Yes. I'm not a traffic engineer, but my traffic engineers tell me the difference between a speed bump and speed table is that a speed bump is approximately 14 feet from the start of the hump to the end of the hump and a speed table is 22 feet. On a steep street it helps minimize cars -- [technical difficulties] now we're down to the details of how this project would be financed, thanks to the \$225,000 -- adding traffic calming to the scope of the project. I have met individually with the property owners in the south zone and -- as well as invited all of the property owners in the I.I.D. to attend last month's Pleasant Valley Neighborhood Association meeting where we -- I think it's fair to say the prevailing sentiment in the neighborhood is that southeast 152nd avenue should have been improved a long time ago. While we cannot change the past, we do have an opportunity to eliminate this problem in the future, we need no longer delay rectifying this deficiency in transportation infrastructure and we can avoid this problem being one with which future residents of Hawthorne Ridge and with which future city councils must deal. -- it works out to \$4,152 per home, which is only slightly less than the \$4,313 that the abutting property owners in the south zones would receive. The property owners in the south zone, otherwise known as the lower 152nd portion of the street, would no longer have maintenance responsibility for the street. A little over 43 cents per square foot. I'd like to put that into perspective. The best rate we've been able to offer anywhere in the city currently is 62.5 cents per square foot in length. So even for future development, they have an effective per square foot rate that is much better than what we're even able to offer in Lents with your ban renewal dollars. For most residents in the I.I.D., their effective rate per square foot is less than 10 cents per square foot. So we're literally talking pennies per square foot here. And finally all of these rates are far below the \$5-\$6 rate we've seen in other parts of the city. Finally, here is a picture that a neighborhood resident sent to me in January 2002. My understanding is this accident caused a school bus to be trapped in the neighborhood with children on board the school bus. I also understand Linda Moreno, the resident who took this picture fed snacks to the kids while they were waiting for the mess to be cleared out. I also understand this video was run on the CBS evening news as an example of the place you don't want to be during inclement weather. While we can't guarantee this won't happen again in the future, especially if people drive without traction devices during freezing weather, improving southeast 152nd avenue gives additional option for access during not only inclement weather, but also during all types of weather, and also during emergency response situations. With that, I will turn this over to Chief Klum. Thank you.

Chief John Klum, Fire Marshal: Fire marshal, Portland fire and rescue. I'm here to voice Portland fire and rescue's support for secondary means of ingress into the Hawthorne Ridge neighborhood. Currently our single point of access is via substantial grade of 18 plus percent, which is difficult for our 48,000-pound pumpers and our 60,000-pound aerial apparatus to get there in an expeditious manner. This combined with narrow streets in that neighborhood causes a funneling effect,

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especially for fire e.m.s. response. We have to access it via the single point of access and lose valuable seconds as far as response times. The other advantage on that for residential fire, we dispatch five units from different geographic areas that can approach from multiple angles, which increases the efficiency of our operations, because with the narrow streets if we have to deploy land lines from hydrants to secure water supply, it basically creates a bottleneck to where equipment is slower getting up to suppress the fire. It also will substantially reduce response times into those areas. Station 42, who is the first responder in that area, would utilize -- access into that area for fire and e.m.s. Calls in a more expeditious manner. This is especially critical for our priority one advance life support calls to where -- it's been proven early intervention and first four to six minutes the patient survivability is drastically increased. On another note, for every 30 seconds that a fire free burns, it doubles in size, so our ability to actually initiate fire suppression efforts prior to flashover is critical not only to the public safety, but also for the firefighters' safety. It also eliminates the scenario you see above, about the inclement weather issues we have out in east county. That combined with a substantial grade and if we have an incident where we have a vehicle accident or a tree down through that single point of access it will severely hamper fire's ability to respond in a timely fashion. Fires preferred secondary means would be off southeast 152nd and Henderson, and we've shown our support by allowing the contractor to waive the residential sprinkler costs for the 65 newly proposed houses to try to offset the impact to the taxpayers.

Aebi: By city code I must make a recommendation to council whether to proceed in weighing the continued concerns of the neighborhood which I have heard ever since I came to work for the city, as well as the bureau of fire and rescue and emergency services concern about the lack of a secondary access route. And the fact I'd never brought a cheaper l.i.d. to council for consideration, I recommend that council approve this resolution which would direct me to bring an ordinance forward for consideration on December 7, and at this time council would have the prerogative to form this l.i.d. if the level of remonstrances is less than what's allowed by city charter. That said, if council entertains the notion of making any changes to this l.i.d. in term of assessment or scope, I would recommend to council that that direction be given to me today so that we can incorporate that into the formation ordinance. Finally, I'd like to thank the resident particularly of lower southeast 152nd, otherwise known as the residents of the south zone within the proposed l.i.d. They have been very constructive with their engagement and discussion on this project, they've graciously invited me into their home three times in the past four years, and I appreciate them collaborating with me, and I also appreciate the partnership with the pleasant valley neighborhood association, as well as with the bureau of fire, rescue, and emergency services. Thank you.

Potter: Questions from the council? Thank you, folks.

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

Patrick Corrie: Good afternoon. Thank you for having me come up here. My name is patrick corrie. I live on bybee drive. I've been a resident in hawthorne ridge since 1999. When I first moved in, I realized a second road was evident at the time and why it wasn't done isn't the question anymore. What should be asking, how do we get this thing fixed? And let's get to it. Mr. Aebi submitted an earlier l.i.d. proposal which wasn't accepted. This proved to be penny wise and pound foolish. The proposed assessment of \$690 per homeowner while substantial is not out of line with what's being accomplished. Since the first l.i.d. Proposal, we've had two snow and one ice storm. Every event has resulted in degraded access in the area. As a city of Portland employee working the street lights and signals department, I have witnessed first responders deal with issues of access. And while none were as dramatic as the fire last summer up in forest heights, I see it happen on an ongoing basis, and our neighborhood is ripe with that right now. The potential for tragedy is there, despite our first responders' dedication to save life and property. They deserve our support, and that includes improving the access up in hawthorne ridge. The 152nd l.i.d. Proposal was a good idea

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then, and it's a good idea today. I say let's get off this merry go round, quick our whining and moaning, and solve this problem once and for all. And it starts with your vote to approve an l.i.d. Thank you.

Potter: Thank you, sir.

John Drake: My name is John Drake, I live at 7522 southeast 152nd. I come before you today to talk of the proposed l.i.d. for 152nd avenue and its possible effects. At the present time there are five single family occupied residence that's have access to lower 152nd. Although all of these residents would like to see 152nd stay status quo, we all realize progress moves us on. We also share a commitment for the Portland fire bureau in its need for a second access road to the present Hawthorne ridge and adjoining development areas. What I would ask of you mayor and city commissioners, that the proposed l.i.d. be formed in a more equitable manner. There have already been three developers in the area and the city of Portland has not deemed 152nd a necessary development. We the residents of lower 152nd understand also code changes taken place now making it necessary for a choice to be made. One, mandate fire sprinklers in each newly constructed home, or provide a second access road to the Hawthorne ridge area. We also understand that lower 152nd as of right now may be that desired second access road. Though we feel strongly the city has had opportunities to improve lower 152nd and not previously taken advantage of possible development money, we now ask why we should -- the lower residents of 152nd be asked to bear the brunt of the cost. The present l.i.d. proposal calls for the six lower residents of 152nd to pay an average of approximately \$11,125 per owner of the proposed cost of the road improvements, and the residents of Hawthorne ridge and adjoining area pay from \$690 to \$230 per household. A steady -- study conducted by the city of Portland transportation and showing the residents of lower 152nd by Mr. Aebi projects once 152nd is opened and -- trips are expected to be 2500 plus daily. My estimates show the five current residents generate approximately 40 trips daily. With the proposed projection of 2500 trips, this would be -- this would produce a 6,000% increase over current traffic that would now be funnelled onto Barbara Welch, a vision obstructed two-lane windy road. The study clearly shows the development of 152nd will benefit the residents of Hawthorne ridge. This is also a great impact on lower 152nd and many pedestrians and bicyclists that now travel on Barbara Welch daily. Yet the residents -- yet the residents that will generate the estimated 40 daily trips are asked to pay over 20 times more than the Hawthorne ridge residents. Does this seem like a fair and equitable assessment? What we would then propose, we would ask that all building lots divide the cost of the project equally. That would be lots presently occupied and those deemed buildable in the future. The Hawthorne meadows development has pledged approximately \$220,000 in lieu of residential sprinklers to be -- to the development of 152nd. Subtract that from the proposed budget, and divide out the total number of building lots, that would equal approximately 1436 dollars per building occupied now, or buildable in the future. We'd also ask to have some speed bumps installed to the road improvements that -- to the new road. At present there is elementary age children living on lower 152nd and 152nd and Barbara Welch serves as two school districts. In conclusion, members of the Portland city council, we have two choices -- either mandate sprinklers and new construction, or provide a new access road. Although I enjoy the quiet and peaceful no outlet road, I now presently living on. I'm willing to forego this in aid the Portland fire bureau. I'm also willing to forego this 2500 trips a day in front of my house and I'll ask in return is to be treated fairly and equally as all tenants of the proposed l.i.d. Area. Thank you.

Sean Beasley: Sean Beasley, I reside at 7618 southeast 152nd avenue. I believe the current l.i.d. process is initiated to address the following issues and concerns recently summarized in an open letter from the vice-president of the neighborhood association. One that a secondary road of access to Hawthorne ridge or Macgregor heights be provided, superior traffic performance for the residents of Hawthorne ridge and Macgregor heights. On "recommendations for the local improvement district process," graduated districts are discussed as a possible assessment method especially when

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the improvements serve a larger community. I do not speak for other property owners along 152nd when I state I do not seek exemptions from assessment, but rather fairness and equity in the assessment used to determine how the costs of the projects are spread amongst its beneficiaries. On the traffic study I draw your attention not only to the estimated trip totals, but to the respective percentages as well. Based on this study alone, one can argue combined the homeowners of Hawthorne Ridge and Macgregor Heights will make up 90% of the use with abutting property owners making up the remaining 9%. If it's true those who benefit the most should be expected to pay the most, it is of grave concern the abutting property owners of 152nd Avenue are being asked to pay for just under 51% of the cost of the project in excess of \$225,000. I cannot arrive in a sensible explanation as to why abutting properties should be assessed between six to 18 times more than properties from the surrounding lots when the reasons for and benefits to be derived from improving Southeast 152nd Avenue largely favor the surrounding neighborhoods. The theme of fair and equitable is mentioned often in the draft, particularly when discussing assessments. A review of that draft revealed enough information to clear the case, the methodologies used to -- are far from fair or equitable. And of the six methodologies mentioned -- I argue the assumption that abutting property owners will pay the majority of the costs of the improvements is equally flawed. In my opinion, any support for the current methodology all but evaporates. The best reason is other jurisdictions do. In fairness in other jurisdiction should be avoided, not duplicated. I hope Council has an opportunity to read my extended notes including the back of them and I respectfully submit these two requests -- that they refer the resolution back to the L.I.D. project manager with the instruction to revise his methodology, specifically to arrive at fair and equitable assessment using the E.D.U. methodology or the equal share method, and two, that a full description of this particular L.I.D. process complete with deadlines, timetables and voting dates be assembled and mailed out to every property owner within the L.I.D. boundary. My concern is apparently the property owners within the L.I.D. boundary have been relieved of their ability to individually vote on whether or not to form this L.I.D. And therefore might not understand what opportunities they have left to be heard on the matter.

Potter: Thank you. Others signed up? You each have three minutes.

Joe Bocett: I live at 7450 Southeast 152nd Avenue. And since we are talking about building the road and developing the upper area, including my 4½-acre land -- we -- the way I figured those out, there's only three lots on the front of 152nd, the rest of it would have to be put up new roads and sidewalk inside, and the charges for me at \$50,000 some for the frontage on 152nd. So I fear somehow it just doesn't add up for me to develop 15 lots and costing me around \$35,000, and I couldn't -- the whole land worth that much value to me if I add up, or just don't have anything done on it. So I feel that on the three frontage, on 152nd, I will accept the charge, just like other people, to have the charge for the area at the front of the road, and benefit the road. Even secondly, could I accept the charge for some parts of the houses that sit back on the side roadway back there, what I will have to develop another road and sewer system. So I feel that \$50,000 is not justified for the progress that I'm getting. Thank you very much.

Potter: Thank you.

Gary Brooke: Gary Brooke, I live at 15422 Southeast Ogden Drive in Hawthorne Ridge. I've lived there going on five years. It's a shame this whole project wasn't completed nine years ago, whenever, having said that, at this point I think that the current L.I.D. as it stands is fair, and appropriate. And I'd like to see it go forward.

Potter: Thank you.

Paul Grosjean, Vice President, Pleasant Valley Neighborhood Association: My name is Paul, I'm -- 15714 Southeast Henderson Way. I'm a seven-year resident on Hawthorne Ridge, I think I was the fifth home occupied. I'm also the vice-president of the Pleasant Valley Neighborhood Association and speak on their behalf. I've been a witness to the growing difficulties in transportation and

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emergency services on the hill since I was there. I've had people from the transportation department out there, and we predicted blockage, and we've had several blockages of Henderson way. The picture you saw in the presentation was three of 18 cars that were disabled on Henderson way at one time. On day-to-day transportation, Henderson is also becoming more and more problematic. It's steep, it's narrow, and it's windy, and it currently serves 500 homes. Emergency services have been blocked from gaining access to the hill because of weather emergencies and there was no alternative method for emergency services to get to an incident. I've work order this project for years. I believe this is truly a team effort over the transportation department, with the fire bureau, with the neighborhood associations, and the residents in fact. I believe it's logical, I believe it's timely, if not overdue, and the pleasant valley neighborhood association supports it. I would like to thank kirk kruger with the transportation department, andrew Aebi with the representatives from the fire bureau, I would also like to make special note to brant williams, who was an extremely gifted leader of the transportation department, and I don't believe we would have the cooperation with the transportation department without his influence. Thank you.

Saltzman: Did the pleasant valley neighborhood association take a position on the method of paying for the l.i.d., or not?

Grosjean: I don't believe there were probably experts on the specific financing of it. With the exception of sanctioning the spread of the current residents, the \$600 people and the \$200 people, there's logic to how that was divide out, with people that got the most benefit out of it and the least benefit out of it. I would not claim expertise on the balance between acquiring right of way as opposed to the improvement of the street for the five residents at lower 152nd.

Saltzman: Thank you.

Potter: Thank you, folks. Others?

Aebi: Andrew Aebi, l.i.d. Administrator. Just to briefly address a few points that were raised. On the involvement of neighborhood associations, I'd like to make clear for council that code prescribes that the only folks that actually get to vote on the l.i.d. are property owners within the l.i.d. With each and every l.i.d. I notify the appropriate contact and the neighborhood association that we have a petition effort underway and/or an l.i.d. formation underway, but I don't ever ask neighborhood associations to endorse or not endorse an l.i.d. What I do try to do is work collaboratively with them so they understand what's afoot in their neighborhood. One of the points that was raised about communication was the property owners within the l.i.d. This is far and away the largest residential l.i.d. we've ever done. Just the -- to put this in perspective, the biggest l.i.d. we have right now is Lents with a little over 100 properties. This is 484 properties in this l.i.d. Two mailings went out prior to today. One invited folks to the October 26 pleasant valley neighborhood association meeting, and there was a reminder postcard that went out just prior to that meeting as well. If council approves this resolution today, there will be legal notice sent out one week from today and -- inviting folks to the December 7 hearing. A couple comments on the assessment methodology. Addressing the issue of the folks on lower 152nd known as the south zone, they generate less than 1% of the trips on southeast 152nd. They also pay less than 1% of the total cost of the l.i.d., and in addition to that, any right of way from the folks on the south zone, they get paid for it. The other point I'd like to make, there was a recommendation of exploring equal share by definition equal share means everybody pays the same. So if we had equal share, we would not be able to ask waterleaf to pay \$270,000 for their lot, and ask somebody on lower 152nd to pay anything let's than \$270,000 on their lot. And with respect to the equivalent dwelling unit basis, we've effectively accomplished that, because 94% of the properties in this l.i.d. pay a rate of \$690 or less. And if you go back to the slide that I showed you, I outlined the principles of this l.i.d., and one of the basic principles is if you about the street you pay more. And the truth of the matter is, all the folks in the central zone and the east zone already have a paved street up to their front door. They have no maintenance responsibility for dirt and gravel street. The property

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owners on the lower part of 152nd have a maintenance responsibility for that street until the street gets improved, and as a matter of fact, the very first telephone call that I got on in project in 2001 was not from a resident of upper hawthorne ridge, it was from a former resident of lower southeast 152nd. That was my very first telephone call requesting my assistance in getting the street improved. The other thing I want to talk about is future development. Because if you look at the lots, especially those abutting southeast 152nd to the north, they're very large lots. They have significant development potential. And the basic premise here is that if you, put a couple dozen houses on those lots, which will use 152nd, you most certainly should pay more than a single family home in the central zone that pays \$690. Again, if you look at the effective per household rate in the waterleaf zone, it's about \$4100. You look at the effective rate in the south zone, it's about \$4100. So we're talking a couple of percentage points difference. But I felt it was very important that we stress that principle, that if you abut the street to be improved you pay a little more. But the advantage of this l.i.d. Is by leveraging all this money from up the hill, the folks on lower 152nd pay 2.5 cents on the dollar for every dollar of improvement spent on improving the street. I know this is a bit complex, I hope I've answered all your questions. If council has any additional questions, I'm happy to address them.

Leonard: I appreciate you making that last clarification on the apportionment between those on top of the hill and lower 152nd. But the number \$11,000 was given for the apportionment on lower 152nd versus \$circumstance50. -- 650. Is that accurate? \$690, I guess it is.

Aebi: The -- what I'm referring to there is that the assessment -- the five-figure assessments, those are properties some of which are abutting southeast 152nd. But those are basically all large lots with future development potential. We're not talking about existing single family homes. We're talking about large lots with future development potential.

Leonard: Mr. Drake testified he had an assessment of \$11,000.

Aebi: Actually, the proposal that we had looked at, and by the way, this is a proposal I took forward on the suggestion of the neighborhood, unfortunately it didn't fly, but I thought it was worth entertaining, the proposal we looked at was not to assess the lower 152nd property owners anything, and in exchange for that, they would dedicate their right of way. Now, we can't require somebody to dedicate their right of way in exchange for a free street. It's a nice concept, and everybody voluntarily agrees to it, then that's fine. But we weren't able to get unanimous support there. And actually, the -- we have a pretty sizable budget in here for right of way acquisition, so collectively there's going to be a lot more money spent on paying for right of way than what's going to be charged to the property owners on lower 152nd.

Potter: From the very same people we're going to be assessing under the l.i.d. Will also be paying them for the right of way.

Aebi: Yes. So we will be paying them for the right of way before we even get around to building the project, so they'll have a check in hand before we build the project, and then at the end of the project after we're done building it, then we'll charge them the \$4300. They may come out ahead, they may come out behind. They're two separate transaction, but -- yeah, they're two separate transactions.

Potter: Mr. Drake and his letter indicated that the average was approximately \$11,125 per owner.

Aebi: I'm not sure how that number is calculated. If you go back to the slide that I showed you, it shows you what the ranges were back in 2002. What we had was a cost range of -- in 2002 for most properties between \$239 and \$1,254. What we've been able to do is to compress that range, despite four years of inflation and a much larger project, we've been able to bring that range down to \$230 to 690.

Saltzman: I think that's why we're trying to get to the bottom of it. How can he be saying it's going to cost 11,000.

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Aebi: I don't know. I don't know where that number comes from. I know the large lot to the north where -- we're going to pay four years ago, they're going to pay today, but if you look at all the individual homes throughout the neighborhood, we spelled out that range of \$239 to \$1254. So I'm not sure --

Saltzman: Large lot, are you talking 10,000 square feet, or larger?

Aebi: Well, no. Large lots, I'm talking when I say large lots. I'm just look at my spreadsheets here. I'm talking lots that are like 90,000 square feet and above. And again, all the properties on lower 152nd four years ago were not going to be charged anything in exchange for dedicating right of way.

Leonard: Can you clarify this, John? Because I'm confused.

Linly Rees, Deputy City Attorney: Could I jump in for a minute? If you'd refer to exhibit c, it includes the assessments for each of the properties.

Leonard: I can't even find the drakes in there.

Aebi: It's on the last page, page 10 of 10. It's 4,313.49. So each of the property owners in the south district on south 152nd are assessed \$4,313.49.

Adams: What is your understanding of how -- tell us how you got to your number.

Drake: Where the road has access right now, there's only six residences there. There is Mr. Boughtsky, Mr. Beasley, myself, and three other residents, and there's two building lots that -- there's two buildable lots. So I took the 4300, I added the \$52,000 he would be charged and that's how I averaged out the six occupancies would be charged an average of. Granted, my charge of \$4300 was less than his of \$52,000, but I have no possible buildings.

Adams: Andrew?

Aebi: Thank you for clarifying that. What Mr. Drake did is he averaged out assessments from two different assessment zones. So basically he combined existing developments such as his home, with future developments, such as the boughtsky property to the north of him, and again, I think there's a principle of fairness we have to treat all future potential development the same. I don't think it's fair to ask waterleaf to pay \$270,000 and not ask Mr. Boughtsky to pay as well. What 152nd does is it makes his property about as shovel ready as you can make it for development, and furthermore, waterleaf doesn't even abut southeast 152nd, whereas his property does. So I'm very satisfied that this is a fair and equitable assessment methodology.

Drake: Can I clarify one thing about the three years ago, when we -- the lower 152nd residents were willing to -- we were willing to give our property, ask for no fee for it when the road was developed and it was all involved with the upper portion to pay the remainder, we would give our property, we wouldn't take any money for it, and the upper development said no, they didn't want to go through with it. They didn't want to have the road paid for. Isn't that right, Andrew?

Aebi: It's mostly right. I had one property owner that was pretty clear with me that he wasn't interested in dealing with me and he was on the lower 152nd piece. But I don't think that's the important issue here. The fact of the matter is we tried to do a petition effort and the petition effort didn't work, and that's why we're here to try something different today. We had about a 5% petition support level 4 years ago, if you just include waterleaf alone, we would be up to 26%. So with them alone, it would be five times the level of support we were four years ago, and halfway to where we need to be on getting a valid petition. The reason I wanted to put this in front of council is so we don't pass up opportunity to leverage the \$225,000, and most importantly, so we can get the street built so that it is ready when we improve the intersection of Barbara Welch and Foster.

[Mayor Potter left the meeting about 2:40 pm. Commissioner Adams, President of the Council, continued conducting the meeting.]

Adams: Andrew, Commissioner Leonard has another question.

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Leonard: The people on lower 152nd, what this doesn't show is they're going to get a check from the city for the road --

Aebi: Yes. And again, that's because the payment for right of way and the assessment for the street improvement are two completely separate arms length transaction.

Adams: As required by law.

Aebi: As required by law. I cannot promise anybody the amount that they'll get paid for the right of way will offset their assessment. In some cases --

Adams: We understand. Any other questions from council? Thank you andrew. So that puts us to a vote, or do we have to entertain a motion? Vote on the resolution. Ok. Any discussion by council? Before we vote? Sue, would you call the roll.

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

Adams: The resolution is approved. This is the only item we have on the afternoon agenda. And we stand adjourned.

At 2:49 pm, Council adjourned.