



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **8TH DAY OF MARCH, 2006** AT 9:30 A.M.

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

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Pete Kasting, Deputy City Attorney; and Larry Sparks, Sergeant at Arms.

At 2:00 p.m., Kathryn Beaumont, Senior Deputy City Attorney replaced Kasting.

At 2:26 p.m., Council recessed.

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

Note: Items 295, 296, 297, 298 and 299 were heard after the break.

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

COMMUNICATIONS		Disposition:
267	Request of Bruce Broussard to address Council regarding funding of schools and budgets (Communication)	PLACED ON FILE
268	Request of Renee Fellman - Downtown Neighborhood Association to address Council regarding proposed transit mall (Communication)	PLACED ON FILE
269	Request of Charles E. Long to address Council regarding how to make our dreams come true (Communication)	PLACED ON FILE
270	Request of Paul Phillips to address Council regarding America (Communication)	PLACED ON FILE
TIME CERTAINS		

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<p>271 TIME CERTAIN: 9:30 AM – Adopt Actions for Watershed Health, the 2005 Portland Watershed Management Plan (Resolution introduced by Commissioner Adams)</p> <p>Motion to accept amendments one through six in memorandum from the Bureau of Environmental Services dated March 7, 2006: Moved by Commissioner Adams and seconded by Commissioner Saltzman. (Y-5)</p> <p>(Y-5)</p>	<p>36384 AS AMENDED</p>	
<p>272 TIME CERTAIN: 10:30 AM - Accept the City of Portland Sustainable Paper Use Policy 2005 Annual Report (Report introduced by Mayor Potter)</p> <p>(Y-5)</p>	<p>ACCEPTED</p>	
<p>273 TIME CERTAIN: 11:00 AM – Establish \$258,000 as the maximum price for a newly constructed, single-family home or condominium eligible for a limited property tax exemption in a homebuyer opportunity area (Resolution introduced by Mayor Potter and Commissioner Sten)</p> <p>(Y-5)</p>	<p>36385</p>	
<p>CONSENT AGENDA – NO DISCUSSION</p> <p>Mayor Tom Potter</p> <p>274 Accept nomination of Amber Lewis for appointment to the Portland Utility Review Board for a term to expire March 8, 2008 (Report)</p> <p>(Y-5)</p>		<p>CONFIRMED</p>
<p>Office of Neighborhood Involvement</p> <p>*275 Amend contract with Northeast Coalition of Neighborhoods for Project Safe Neighborhoods to increase the amount by \$19,000 for a total of \$119,000 (Ordinance; amend Contract No. 35651)</p> <p>(Y-5)</p>	<p>179972</p>	
<p>Police Bureau</p> <p>*276 Authorize a contract with ACS, State & Local Solutions, Inc. to provide photo radar and photo red light camera services, equipment, supplies and public improvements without advertising for bids and provide for payment (Ordinance)</p> <p>(Y-5)</p>	<p>179973</p>	
<p>277 Amend an Intergovernmental Agreement between the Oregon Liquor Control Commission and the Police Bureau to provide the Commission with access to the Crime Mapping Information Network (Ordinance; amend Contract No. 52487)</p>	<p>PASSED TO SECOND READING MARCH 15, 2006 AT 9:30 AM</p>	
<p>Commissioner Sam Adams</p>		

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Bureau of Environmental Services		
278	Authorize the execution of a Private Storm Sewer Maintenance Agreement with Freightliner Corporation for a private sewer line contained within the boundaries of real property currently owned by the City (Ordinance)	PASSED TO SECOND READING MARCH 15, 2006 AT 9:30 AM
279	Authorize an Intergovernmental Agreement with the Oregon Association of Clean Water Agencies for laboratory analytical services (Ordinance)	PASSED TO SECOND READING MARCH 15, 2006 AT 9:30 AM
280	Authorize grant application for wetland and riparian enhancement in the Lower Willamette River to the Lower Columbia River Estuary Partnership Foundation in the amount of \$78,485 (Ordinance)	PASSED TO SECOND READING MARCH 15, 2006 AT 9:30 AM
281	Authorize grant application to the Lower Columbia River Estuary Partnership Foundation in the amount of \$46,350 for fish habitat restoration at the Eastmoreland Golf Course in the Johnson Creek Watershed (Ordinance)	PASSED TO SECOND READING MARCH 15, 2006 AT 9:30 AM
282	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 \$42,437 (Ordinance)	PASSED TO SECOND READING MARCH 15, 2006 AT 9:30 AM
283	Accept a grant of \$200,000 from the Oregon Watershed Enhancement Board to acquire 44 acres of land at the Big Four Corners in the Columbia Slough Watershed (Ordinance; amend Ordinance No. 179648)	PASSED TO SECOND READING MARCH 15, 2006 AT 9:30 AM
Office of Transportation		
284	Authorize an Intergovernmental Agreement with Metro to allow the City of Portland Senior Transportation Planner to work in Metro offices (Ordinance)	PASSED TO SECOND READING MARCH 15, 2006 AT 9:30 AM
Commissioner Randy Leonard		
Water Bureau		
*285	Authorize adjustments to simplify water rates and charges for retail customers to facilitate implementation of the Cayenta Billing System (Ordinance) (Y-5)	179974
Commissioner Dan Saltzman		
Parks and Recreation		

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286 Apply for an \$85,405 grant from Recreation Trails Grant Program to repair the Springwater Corridor Bridge at Circle Avenue in Southeast Portland (Second Reading Agenda 253) (Y-5)	179975
Commissioner Erik Sten Fire and Rescue *287 Authorize a purchase order with the Department of Homeland Security for salary reimbursement (Ordinance) (Y-5)	179976
REGULAR AGENDA 288 Form Internal Advisory Committee to consider how best to inform City Council of potential cost impacts (Resolution introduced by Mayor Potter and Commissioner Adams) (Y-5)	36386
289 Direct the City not to accept new applications for the New Multiple-Unit Housing Program until July 30, 2006 (Ordinance introduced by Mayor Potter and Commissioner Sten)	PASSED TO SECOND READING MARCH 15, 2006 AT 9:30 AM
Mayor Tom Potter 290 Approve re-appointment of Richard Fernandez to the Housing Authority of Portland Board of Commissioners for a term beginning March 12, 2006 to expire March 12, 2010 (Resolution) (Y-5)	36387
291 Approve Community Vision Grants (Second Reading Agenda 234) (Y-5)	179977 AS AMENDED
City Attorney 292 Form an Exclusion Zone Oversight Committee to review Drug-Free and Prostitution-Free Zones (Resolution)	CONTINUED TO MARCH 15, 2006 AT 9:30 AM
293 Decrease scope of exclusions and again designate drug-free zones (Ordinance; replace Code Chapter 14B.20)	PASSED TO SECOND READING MARCH 15, 2006 AT 9:30 AM
294 Decrease scope of exclusions and again designate prostitution-free zones (Ordinance; replace Code Chapter 14B.30) Motion to accept amendment to extend the Prostitution Free Zone on Sandy Boulevard from 112th to 122nd: Moved by Commissioner Saltzman and seconded by Commissioner Adams. (Y-5)	PASSED TO SECOND READING AS AMENDED MARCH 15, 2006 AT 9:30 AM

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Office of Management and Finance – Bureau of Technology Services		PASSED TO SECOND READING MARCH 15, 2006 AT 9:30 AM
295	Adopt 16 new and 12 revised Technology Services Administrative Rules (Ordinance)	
Office of Management and Finance – Revenue Bureau		179978
296	Clarify Revenue Bureau duties and responsibilities (Second Reading Agenda 263; amend Code Titles 3, 17 and 21 and repeal Code Sections 17.36.110 and 21.04.180) (Y-4, Leonard Absent)	
Office of Management and Finance – Purchasing		179979
*297	Combine two Water Bureau projects, provide an exemption to the competitive bidding process and provide payment for construction of the Mt. Tabor and Washington Park Interim Security and Deferred Maintenance Projects (Ordinance) (Y-5)	
298	Authorize annual price agreements with Gateway Companies, Inc., Dell Marketing L.P., and Computer Technology Link Corp. for desktop and notebook computer systems and computer servers (Ordinance)	PASSED TO SECOND READING MARCH 15, 2006 AT 9:30 AM
City Auditor Gary Blackmer		PASSED TO SECOND READING MARCH 15, 2006 AT 9:30 AM
299	Assess property for sidewalk repair by the Bureau of Maintenance (Hearing; Ordinance; Y1057)	

At 2:26 p.m., Council recessed.

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

March 8, 2006

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND,
OREGON WAS HELD THIS **8TH DAY OF MARCH, 2006** AT 2:00 P.M.

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

Commissioner Sten arrived at 2:45 p.m.

Commissioner Leonard arrived at 2:55 p.m.

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

300	TIME CERTAIN: 2:00 PM – Accept Staff Report and Recommendation and Order of Council for Cathleen Paulsen Measure 37 Claim (Report introduced by Mayor Potter; Claim No. 05-147167 PR) Motion to accept Staff Report and Recommendations and Order of Council: Moved by Commissioner Sten and seconded by Commissioner Adams. (Y-5)	Disposition: STAFF REPORT AND RECOMMENDATION ACCEPTED; ORDER OF COUNCIL ACCEPTED
301	TIME CERTAIN: 3:00 PM – Accept the Portland Fire and Rescue Service Delivery System Study (Report introduced by Commissioner Sten) Motion to accept the Report: Moved by Commissioner Leonard and seconded by Commissioner Sten. (Y-5)	ACCEPTED
302	TIME CERTAIN: 4:00 PM – Adopt the Living Smart Code Amendments (Ordinance introduced by Mayor Potter; amend Title 33)	PASSED TO SECOND READING MARCH 15, 2006 AT 9:30 AM
303	Approve the Living Smart/Permit Ready House Designs (Resolution introduced by Commissioner Leonard)	CONTINUED TO MARCH 15, 2006 AT 9:30 AM
REGULAR AGENDA Mayor Tom Potter Bureau of Planning 304 Update and improve land use regulations and procedures through the Regulatory Improvement Code Amendment Package 1 (Second Reading Agenda 266; amend Title 33) (Y-5)		179980

At 4:54 p.m., Council recessed.

March 9, 2006

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND,
OREGON WAS HELD THIS **9TH DAY OF MARCH, 2006** AT 2:00 P.M.

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

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

305 TIME CERTAIN: 2:00 PM – Direct Portland Office of Transportation to begin preliminary engineering on the East Burnside/Couch Couplet (Resolution introduced by Commissioner Adams) (Y-3; N-1, Potter)	Disposition: 36388
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At 3:30 p.m., Council adjourned.

GARY BLACKMER
Auditor of the City of Portland

By Karla Moore-Love
Clerk of the Council

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

March 8, 2006
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.

MARCH 8, 2006 9:30AM

Potter: We have a tradition where we ask a question of our community, how are the children? Believe me, we started asking this question long before the education issue came up, but it certainly is even more relevant today. And I think it's a good custom to have to ask each other how are the children, because I think when the children in a community are well and well educated, have housing, and food, and medical care, the entire village is well. So each time we have experts come in to talk to us about children and youth. And today's expert is Georgia Tucker. Georgia is 9 years old and goes to Atkinson elementary. She's a native Oregonian, which there aren't too many of those anymore, and has lived her 9½ years in her house in southeast Portland that she shares with her mom, dad, dog, cat, and her little brother Otis. She likes to draw, sing, and read. Georgia made her stage debut last fall as a member of the children's chorus in the Christmas Revels. She plays piano, soccer, and will be playing softball this spring. Georgia's not sure about politics, but she did drop a few names in order to score a half hour interview with the governor when she was just 7 years old. So we have great expectations. Georgia, could you please come up? [applause] I notice you brought two adults with you. Could you introduce them?

Georgia Tucker: This is my teacher, and this is my dad, Randy Tucker.

Potter: Good to meet you folks.

G. Tucker: My name is Georgia Tucker. I live in southeast Portland near Hawthorne Boulevard. So, I hear you have \$18 million laying around and not quite sure what to do with it? [laughter] Let's not talk about that. I just want to tell you about my school. I go to Atkinson elementary and my teacher's name is Ms. Artell. My school is very multicultural, and also has some very special environmental programs. There are children from all over the world. Asia, including Vietnam and China, Africa, Russia, America, Latin America, including Mexico and Guatemala, and other places. There are two children in my school who are refugees from Liberia. We have several classes of Spanish immersion from kindergarten through fifth grade. The school also offers foreign language classes. I'm one of the half hour Spanish classes and my Spanish teacher -- every year we have a multicultural assembly followed by an Asian New Year's celebration and this year we had a Latin America festival too. The Asian New Year is a time when the kids get together in the gym and bring out the Chinese dragon. The drum group comes out and the dragon and drum group march around. In our courtyard we have a garden with the big moat globe that has sculptures of people from around the world on it. Some people are planting gardens. Here's the environmental part of our school. In another space we have an outdoor wildlife habitat filled with native plants like trees, grasses, moss, and logs. It has birds, squirrels, and ducks. Children take turns going out and making maps and observations of it. One of the people who started it is Kate Rafael, who is also an Atkinson mom. In second grade I invited the governor to our school and he took a look at the habitat. The outdoor classroom, a shelter, will be used for children to go out and study the habitat. It was completely built and paid for by the P.T.A. And some generous businesses. We also have a butterfly garden with plants like butterfly bushes, rhododendrons, and grasses. Our playground was all asphalt, and now it has lots of trees. Now I'd like to talk about Portland. I like its people, plants, transportation, stores, libraries, and parks, like Mt. Tabor. I especially like the reservoirs at Mt. Tabor because it attracts ducks and other birds and because the water is so beautiful to look at. I

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invited the governor to our school and he came, and now i'm inviting you. Thank you again for letting me come and speak with you. I hope you'll come to my school.

Potter: Thank you, georgia. I also forgot to mention that georgia was the winner of a mayor for the day, and so I should be refer to her as mayor tucker. [laughter] thank you, mayor tucker. [applause] mayor tucker will be signing some important papers in the mayor's office later today.

*****: We have to go right now, we're sorry.

Saltzman: What do you have to do to get that mayor of the day award? [laughter] just out of curiosity.

Potter: I think you should focus on commissioner of the day award.

Adams: You have to be cute.

Saltzman: Oh, ok.

Potter: And 9 years old.

Saltzman: Ok.

Leonard: Sam's out on two fronts, then.

Adams: That's right, i'm 9. [roll call] [gavel pounded]

Item 267.

Potter: Please read the first communication.

Potter: Good morning, bruce.

Bruce Broussard: Good morning, mayor.

Potter: State your name, and you have three minutes.

Broussard: Bruce broussard, Portland, Oregon. I appreciate your compassion for kids. As you know, I have a tie on that talks to kids. Your button I normally have is on its way to hawaii, hopefully it will be back soon. I'm reminded --

Potter: It's on vacation?

Broussard: It's on vacation right now. I'm taking -- I went to hawaii one day and noticed there bud clark was, here we are. Anyway, the point I would make is that this morning, talking to the budget of the schools, I was here the other day, the last time around, and talked to the fact that we got to make sure that the custodial issue for Portland public schools is still a factor in this whole issue. The supreme court had made note of the fact that the school district had illegally in all due respect through the custodial board situation, service board, had illegally fired these people. And so consequently, this may result in something like \$55 million more. So you talk about another \$25 55 million over and above the \$55 million the district is short at this point in time. So we're look at over \$100 million, and we should let the public know that. I think we're all compassionate, we want to make sure the kids are in school, we want to make sure the teachers are there, and I think we ought to take the politics out of the kids and the teachers and make them feel comfortable about the fact they will have a full year of school this next time around. And the teachers are not fearful they're going to be laid off. Let us handle the politics. And I might add, by the way, i'm sure you've been reading the paper this morning, i'm still going to be here with you trying to do whatever I can to make sure these kids are looked upon, make sure they get their schools. I'm not running for city council anymore. I'm going to be a write-in, if you will, for u.s. Congress against earl blumenauer. Other than that, forget the politics, let's get down with the kids. Thank you very much.

Potter: Thank you.

Potter: Please read the next item.

Item 268.

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

Renee Fellman: Renee fellman, representing the downtown neighborhood association. Mayor Potter and city council members, we've got to stop meeting like this. Because we only have three minutes, we provided each of you with a document we've prepared. We hope that each of you has

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actually found time to read it, because it outlines our specific concerns and literally documents the reasons for those concerns. If you have questions or comments, I will be happy to answer them. We'd like to know what action, if any, you plan to take with regard to the issues that we've raised.

Potter: Is that it?

Fellman: That's it.

Potter: Thank you very much. Please read the next item, Karla.

Item 269.

Moore: He may not be here.

Potter: Ok. Please read the next item.

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

Paul Phillips: I'm paul phillips. Before you you should have this piece of paper. As a former law enforcement officer, I assume that you were with being the Portland police chief, mr. Mayor, you'd know something about law. I wish to thank the d.j.c. Journal of commerce, downtown journal of commerce. Their article addresses a case, it was printed november 29, 2005, and I encourage everybody that's working in america to obtain a copy of this from room 140 here at city hall. It's the case that involved -- the case was hubbard versus hills material company, seventh judicial circuit, pennington county, south dakota. And the headline, "plaintiffs use little known theory to win against construction firm." the trial highlights company's increased efforts to minimize on-the-job injury reports, if you remember, some 17,000 people a day are injured on the job in the united states as reported from the c.d.c. and the second paragraph, they have aiding and abetting as a highlight, and they explain the case. It seems to be a little-known theory, in fact out of all of the lawyers that i've ever talked to, bill clinton went around saying for a whole year, it all depends upon what is, is. Apparently I guess he found out what is, is, but he went around for a whole year as a lawyer and a politician saying that. I think is, the i-s stands for idiots and stupidity. Again, I encourage every working american to find out what this downtown journal of commerce has printed, and they can obtain that from here at city hall in room 140. And i'll be talking the 22nd of this month again about this article. It is in direct reference to my injury at a hospital that I suffered more than 24 years with not getting medical treatment, and I still haven't been able to get an attorney. I guess the only way of getting one is to get dick cheney to get him. Thank you.

Potter: That's the end of the communications. We'll move to the consent agenda. Any of the commissioners wish to pull any items from the consent agenda? Does any member of the audience wish to pull any item from the consent agenda? Karla, please call the roll.

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

Potter: Aye. [gavel pounded] please read the 9:30 time certain, item 271.

Item 271.

Potter: Commissioner Adams.

Adams: Thank you, mr. Mayor.

Potter: Bye bye, kids.

Adams: Study hard. Good morning. Let me begin with a few highlights about the proposed watershed plan. While the overhead I think is going to list the many, many staff and citizens that have been the backbone of this effort, and there are too many to acknowledge individually, but I want to thank them all. This is a project that I inherited from commissioner Saltzman, and -- whose work was I think preceded by commissioner Sten, and I want to acknowledge both of their leadership in help getting it here today. The Portland watershed management plan is a call to action, and action is what i'm most excited about. Getting to on the ground projects that will improve the watershed and environmental health of our city. The plan is a comprehensive effort. It has a scientific foundation for responding to all the federal, environmental regulations in the smartest possible way. This plan contains our best thinking and the best thinking we've been able to

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find on the globe about what the water and the watershed problems are, and what are the best integrated solutions to deal with the issues. I wanted to underscore the notion of integrated. Up until this time there's been a lot of good work done and a lot of different places, and a lot of different bureaus in the city, but the integrated notion of bringing it all together -- [drum roll] [laughter]

Dean Marriott: Sorry, we mistimed that. [laughter]

Adams: How did you do that?

Saltzman: That was good timing, actually.

Mike Rosen: He's got a drum kit under the table.

Leonard: You'll stop at nothing for drama.

Adams: I do love the drama. Where was i? It also identifies what's working well in each of the cities, watersheds, and the need of what -- what needs to be protected in each of those watersheds. I manage two bureaus with major roles in implementing the projects to restore water and watersheds directly, or to implement projects or objectives in ways so that we can protect water and watersheds as we build roads, buildings, and as we grow as a thriving urban area. I will be searching all the projects in the office of transportation and the bureau of environmental services, and all projects that the city seeks to do in the coming years to be implemented in a way that is protective of the water and the watershed, specifically I want to ensure that the environment is protected and we give watersheds the chance to produce clean water that fish and other wildlife habitat is protected and we solve watershed and water problems as we continue to grow and change as a city. The Portland watershed management plan is not a nice-to-do project. It's a must-do effort. And i'd like to show you some of the problems, some of the reasons why this is important. As you all know, as most people know, the city has five watersheds, and this is the lower willamette, the watershed I live in. It has a huge amount of impervious area, large amounts of unmanaged and untreated storm water runoff. This particular watershed exceeds state water quality standards for bacteria, temperature, and dissolved oxygen. The columbia slough, the Oregon quality -- water quality index rates it as very poor, high temperatures, excessive algae growth, pesticides and metals in the sediments. Fanno creek in southwest Portland, a lot of folks when i'm out talking to businesses and residents in southwest, don't know that their storm drains, even though that looks like a storm drain, street storm drain like any other in the city, but those particular street storm drains run directly into the river. And it exceeds water quality standards for phosphorus, temperature, dissolved oxygen, and bacteria. And you can see at the bottom is the actual outlet. Johnson creek floods every two years. Oregon water quality index rates it as very poor. So we're now going to -- i'm going to turn the show over to dean marriott, who's been instrumental in leading the staff team in preparing this document, and then we're going to have testimony of two minutes by some of the folks that have been involved with this, and we do have some amendments to the resolution, which are sort of housekeeping in nature which we'll introduce at the end of the testimony.

Marriott: Thank you very much. Thank you mayor, members of the council. I'm dean marriott, environmental services director. With me playing the drums is mike rosen. [laughter] he has been one of those instrumental people, and I --

Adams: Arrrrr.

Marriott: I do want to recognize commissioner Adams mentioned the good work of commissioner Sten and commissioner Saltzman. I want to thank them both for really helping to get this thing going. When we started more than a decade ago, actually commissioner lindberg pointed us in this direction and encouraged us to move in this direction. I think commissioner Sten, when he took over environmental services, really provided some impetus to look seriously at these efforts and when he passed the torch on to commissioner Saltzman, he grabbed it and really helped us show the way. And I really want to thank them both for their efforts. Commissioner Adams described the problems with Portland's watersheds, and when you looked at those pictures, those problems look

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pretty daunting. But lest we despair, we've done a lot in the last decade. One of the things I want to point out here in just a moment, we've made a lot of progress. There's much to be done, but we have made a lot of progress and we need to celebrate that. Back in 1991 when the city signed the order agreeing to fix our combined sewer overflow problem, we didn't exactly know how to go about doing that. We knew there were going to be a lot of structural concrete fixes involved, tunnel and so forth, and we're busy doing that. What we discovered during the 1990's was that there were other ways of solving that problem too, and we call those the green solutions. And much of what you'll hear about today with the watershed action plan provides that green backdrop. We worked in 1999 on something called the clean river plan. It was very innovative for its time, and both commissioner Sten and commissioner Saltzman went on the road and helped us promote that plan, as being innovative. I think we all regret that it didn't receive the warm reception that we all thought it deserved, but what it has done is set the stage for what you're going to hear about today. So far in the last decade we've revegetated about 3,000 acres of our watersheds. And we've reclaimed about 1388 acres of floodplain. So we have made some progress. Here's a picture of some of the actions that we've taken downtown. This is over by Portland state university. Just an example of what you can do with urban storm water. People say, in a city you really can't do much with storm water. Well, even in a dense urban area you can manage your rain water on site, and here this project at Portland state is an example of that. Up in the columbia slough, you saw that rather depressing picture a moment ago. Here's a more positive picture of some work that's just been completed. It provides fish, habitat and refuge from the willamette, and already you can see an example of the young fish that are taking advantage of this restored habitat in the columbia slough. In the southwest, the fanno watershed, commissioner pointed to a storm water inlet that led directly to fanno. This is the way storm water ought to be treated. This is at a Portland parks facility, the southwest community center. The parking lot. All that storm water drains through vegetated areas to help clean the storm water before leaving the area. And in southeast Portland, johnson creek watershed, this is a photo of the brookside wetland, which has helped minimize flooding in johnson creek. And we're doing more of these projects. Brookside provides room for floodwater, and it obviously enhances fish and wildlife habitat, and provides a space for some of our children to go to learn more about the environment. What you're going to hear about this morning is the watershed management plan, and as the commissioner mentioned, it is a call to action, and it is -- it sets forth some specific programs. It's based on science. We -- the city was very innovative, about six years ago, when we set up the endangered species office. We provided ourselves with the scientific knowledge to figure out what our watersheds needed to come back to sound health, and this plan is based on sound science. So we can all feel good about that. It does involve the hard work of a lot of people. Many of whom work for environmental services, and i'm particularly proud of my staff for the role they've played. It is also a story of collaboration. How this city can be at its best. You're going to hear from other bureau representatives, other bureau managers, and I really want to let you know how proud I am of the work the planning bureau and transportation and parks and the other bureaus of the city, for what they are doing. They have stepped up and are really doing a great job. And i'm really proud to be part of this community, because we have come to recognize that our watersheds are something that we can do a better job with, and in fact are doing a better job. And I think the community is supportive of those efforts. And with that, I think i'd like to invite mary wahl, the person really in charge of this effort, and dawn uchiyama, to join mike rosen up here. Thank you. **Mary Wahl:** Good morning, mary wahl, bureau of environmental services. I would also like to thank that incredibly long list of people that have worked on this across -- people from across the entire city. Not just city staff, but watershed councils and tons of other people spend an incredible amount of thinking and work getting us where we are today. As you've heard, it turns out there's a great deal you can do in an urban area to protect water and watersheds. Three of those ways are ones i'd like to talk about very briefly. The

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first, and it's the picture in just a moment, it will be the picture on the left, first one is to protect what's left. Protect the remaining resources. That means streams and riparian areas, and wetland and vegetation. The second one is to restore the watersheds to protect the water in watersheds. That, though, is more expensive and complicated than protecting in the first place, and it's not always incredibly successful. It's harder to put the egg back together. The third one, which is the picture on the right, is the one that we're really emphasizing in this watershed plan, and that is to be urban in a different way so as we grow, as we build, to do those activities differently so we integrate water and watershed protection with other city objectives, and build differently so that we protect the water and watershed as we go by doing every one of those activities somewhat differently. This plan importantly doesn't take us back to prelewis and clark times. We're not trying to go back 100 years. What we are trying to do is get ourselves out of a degraded watershed the same way we got into it, one side at a time, by looking at every activity and finding the options and opportunities to do things differently. Dean showed you some examples of the solutions in the urban area. What the watershed plan does is set us on a course to solve these water and watershed problems with a scientific foundation, with achievable goals, and with scientifically sound tragedy.

Potter: Excuse me. Could the person on the phone upstairs please leave if you're going to talk on the phone? Thank you. Please continue.

Wahl: So the plan and the framework for integrated management of watershed health that it's built on provides scientific foundation, the goals, and a basis for the strategy management plan. Importantly, this plan has both the foundation and an implementation plan so that implementation and actions actually happen over the entire city. Another piece of this watershed plan is that it's not just b.e.s. that has responsibility for water and watersheds, and that take responsibility for it. This plan only succeeds if we continue to approach this as a citywide effort and continue these critical programs that support watershed health, including, for instance, parks, management, and acquisition of natural areas, clearly supports water and watershed health. Bureau of planning inventories to identify and protect the best remaining resources, again, it's way cheaper to protect in the first place than to try to restore. And pdot's green street work. All of those are part of the comprehensive solution. One last point i'd like to make, this is about what -- one of the key benefits of the watershed plan. It's the case that we need to change the way we respond to regs. We have multiple federal and one-stage environmental regulation that all deal with water and watersheds. With the work that's gone into the plan, we're in a better position to identify actions that address the water and watershed plans that drive all of those, that drive the e.s.a., the clean water act, safe drinking water act, and cercla as well rather than responding to those mandate in isolation, this lets us respond to them in an integrated way. If you do it in isolation you can in some cases, and we've seen examples of this, end up with the worst result or exacerbating one of our problems at the hands of another one. But the plan gives us a chance to comply with these in an integrated way. Here's an example. The permit the city just got for the thousands of sumps we have, primarily on the east side of the city, could have been a requirement to do an entire storm sewer system. New pipe system for those sumps. Instead, that permit leads with surface storm water management in facilities like swales and curb extensions. Very different environmental result, very different regulatory result. I'll stop there and dawn uchiyama is going to talk about some of the on-the-ground work.

Dawn Uchiyama: Good morning. I'm dawn uchiyama, i'm the willamette watershed manager. I want to say how grateful I am to work for a city who supports this work, and how grateful I am to serve as the project manager for this plan. This is the first time all city watersheds are represented in one plan. This provides a program overview and hopefully program consistency. This is not to say all watersheds are the same, but we now have the technical framework to refer to as we respond to the individual needs of each of the watersheds. I'd like to illustrate the watershed approach as applied in one subwatershed in the willamette, stevens creek there. Are many places we can tell

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this story. You can view this detailed map as a representation of the citywide maps presented in the plan that Mike Rosen will discuss. Stevens watershed is 750 acres. There's a stream channel split in half by the I-5 corridor, impervious areas about 40% and the dominant land use is residential. We inventoried the subwatershed and categorized over 120 projects that we could do to make improvements in the subwatershed. Including storm water management, re-vegetation, protection in policy, operations and maintenance, and education and stewardship. Out of those 120 projects, I'd like to highlight three for you today. The first is Texas, Southwest Texas Green Street. It's in the headwaters of Stevens and it affects the hydrology in the headwaters. The second is Burlingame Trunk Line, a sanitary line that affects water quality, and the third site is the confluence of Stephens Creek and the Willamette River, which has an important role for habitat. The first site is in the headwaters, and it's an important place to begin work to prevent downstream impacts. Storm water from unimproved streets contributes to the sediment to the creek and causes basement flooding, unsafe driving conditions, downstream erosion and threatens important infrastructure that I'll show you in a minute. These conditions clog drainageways, destroy landscaping and create maintenance issues that devalue the adjacent properties. Past attempts to create an L.I.D. To Phil Mickelson the problem have failed due to disagreement was project design and costs. New development exasperated existing problems and increased the issues. We were able to secure seed money that prompted a conversation about resurrecting the idea of an L.I.D. And were able to get a successful -- approval of that. The two things I'd like to highlight about this project is that we were able to take watershed services and B.E.S. Money to acquire the wetland in the headwaters, which is a remnant forested wetland that is a piece of what Stephens Creek looked like. We're committed to reflect the values of the neighborhood and the project design. The second site is the Burlingame Trunk Line. There's a sanitary line that runs down the main stem of the creek. Flashy peak flows have caused by unmanaged storm water from impervious areas above this line have scoured the stream banks and exposed a large portion of the sanitary line. More than a mile of pipe is at risk. Untreated sewage entering the creek threatens human health and compromises the corridor in the area which the community values. We're looking at relocating portions of the pipe and repairing this line and making other stream improvements. The last site is the mouth of Stephens Creek, where where it meets the Willamette River. Surveys show the mouth of the creek is one of the most valuable habitats along the main stem of the Willamette. Improving the upstream portion of the watershed including to Southwest Texas and the Burlingame Trunk Line, will help maintain and improve the value of this site. This is an example of the watershed approach, and how the strategies and actions we've identified in this plan are helping to meet the citywide watershed goals and objectives. Thank you.

Potter: Thank you.

Rosen: Thank you, Mayor Potter. Commissioners. I'm Mike Rosen, I'm the manager of the watershed division for Bureau of Environmental Services, and like Dawn and Mary, I'm also happy to have the opportunity to talk to you about the plan. I'm going to give you a little bit of information on how the plan was constructed, and how it would be implemented. This really represents two years of work with the diverse group of experts, including our neighbors. We went through a process starting in February 2004 where we assembled a watershed science advisory group with representatives of tribes, federal governments, state, local government, watershed councils, industry, and other advocacy groups as well as city bureaus. We worked with other advisory groups in the city like the storm water advisory group, and the city bureau directors. And lastly I met individually with several entities like Audubon and the Port, and they talked to me about some of their issues.

Leonard: Is your last picture there to illustrate it's like pulling teeth?

Rosen: Well, yeah. Those are those special meetings we had at the end -- [laughter]

Adams: Are you the bald guy?

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Rosen: I'm the patient.

Leonard: Let's watch it with the bald jokes.

Adams: Sorry. Sorry, man.

Rosen: Dawn talked about this. The plan is a composite of various strategies and actions that can be implemented throughout the city. Our challenge was to decide where to perform these actions and in what priority. And again, there's six strategies, and within each of those strategies there's several important actions we know we can perform to improve watershed health. So the first thing we did is we looked at the best places to perform these actions. Basically mapped these strategies across the city. So we had a reference. If you want time prove watershed health and you're in this part of the city, these are the activities you could perform. Then we asked ourselves what the city priorities are for other work the city is doing where the city is -- first we looked at what the other city priorities are in terms of economic development, community stewardship, bureau collaboration and some of the projects that were already going on in our bureaus. And what we did was we overlaid those maps with our watershed strategies and we picked the highest priority areas to implement b.e.s. project work. And so what we came up with is a map that we'll use over the next two to five years to highlight the important areas for to us work in. This identifies areas where we can meet multiple objects with city projects and implement actions and the most -- in the most cost effective ways. One key element of the plan, and mary touched on this, is it's not just a plan, but it also includes an implementation strategy. We need to throughout the process of implementing the plan, monitor benefits, adjust our strategies as necessary, set targets, continue to update critical data sets, continually update citywide implementation opportunities, and adapt annually and report annually. One of the things we ask for or proposed in the council resolution is that the council form a watershed plan improvement team with representatives of all the city bureaus, so we would work together and report annually on the work that we have done. And then finally, I just want to show you the layout of the plan. There are three components. The first component is a large body of scientific and technical information that supports the proposed actions. It's available in a variety of formats, but especially in databases, and on disks. Then there's the actual plan which is about 75 pages that covers the main body of the work that we want to do, and we plan on updating this every five years. And then there's a small pull-out report which is the annual report and for 2005. It identifies some of the actions that we've performed and it proposes what work we'll be doing in the next year. Each year we'll have a new report so we can report on what we've accomplished and then what we propose to do based on that. Thank you.

Adams: Thank you all. We're now going to have some testimony, two minutes each. Will you time them, Karla? Gil, zari, and sue, and their teams have had a big part in this. I want to thank you for all your efforts on this. Who would like to go first?

Gil Kelley: I guess i'll lead off and turn it over to zari. Thank you. Gil kelley, director of planning with the city. I'll be very brief. I just wanted to give you some perspective on this plan. I don't want to talk about the details of it. At least the perspective from my point of view about what this plan represents. First of all, I would say it's a key part of the river renaissance effort. In fact, I think the final it will ration should have a river renaissance logo on the cover so people understand the connections that it makes with the other themes. This particular plan represents a lot of work to really clearly define the objectives under the clean and healthy water aspiration of the water renaissance. And I think that's -- goes a long way toward helping us understand that the economy and the environment are intertwined, and those objectives aren't necessarily in conflict with one another, but before we're able to really do all the good work, we needed to understand the watershed health goals and imperatives, and I think this really helps us do that. Secondly, this represents a new tool that we haven't had. It essentially is a -- when we get to look at projects and evaluate them, this gives us the framework from a watershed health perspective of how to shape that project in a different way. It doesn't answer all the questions about balancing economic and social

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objectives, but it gives us that critical watershed framework to help us evaluate and shape projects. Thirdly, I would say it's a starting point. Despite all the work that's gone on, there will be more work that needs to go on to refine and expand it. I have read the submittals from the port, you have letters today from the port of Portland and the Columbia Corridor Association, and those are our partners in the river renaissance effort as well. I think they raise good points. My response to those letters would be, this is a starting point, and that as we expand this effort and test it and refine it, we have built in tools here, and b.e.s. has put those forward for review and evaluation and revision of this. And one of those mechanisms is to come through the planning and development directors acting as the river renaissance directors, and we're expected to report to you annually through Dean Marriott, and we'll be taking that charge very seriously and letting you know what's working, what's not working, and so forth. So I want to give you those three points from my perspective. I wanted to make particular thanks to Dean and to Mike and Dawn, but a very special thanks to Mary Wahl, whose passion, persistence, and persuasion have really not only kept this alive, but elevated it over the years and made it very real for all the folks who have been frankly struggling to understand the importance and the meaning of watershed health, and I just think she's really been a great pioneer in this effort and I want to give her particular thanks. Thank you.

Adams: Here, here.

Zari Santner: Good morning, Mayor Potter, commissioners. Zari Santner, director of Portland Parks and Recreation. I also would like to recognize and acknowledge the important cross-bureau work over the past two or three years that culminated in this watershed plan. A clean river, a clean and healthy river is not just about meeting regulatory requirements. It is about creating a vibrant city by integrating rather than segregating the social, environmental, and economic assets of the city. In many of our parks those elements come together, and are thriving. As you all know in the northwest, natural resources hold great significance, because they are intrinsic to our character, to the character of our region. It's what makes our region and our people very unique. Healthy watersheds ultimately provide for enjoyable places for public to come together and recreate. We look forward to using this watershed management plan as Portland Parks promotes habitat conservation and restoration, stewardship activities that engages our people in the city, for -- in caring for and enjoying our natural environment. While green corridors will connect a system of parks, open spaces, and recreation sites, including along the Willamette River. I believe one of the key elements of this plan is that it institutionalizes the cross-bureau coordination by providing a strong framework to ensure that the work of various bureaus are coordinated and connected in that each project as it endeavors to accomplish its core objective, it seeks to achieve multiple objectives. For instance, at West Moreland Park, as we redesigned the park to provide better opportunities for recreation, we will be restoring the banks of Crystal Springs Creek so that we can create better habitat for salmon and for steelhead. We look forward to continuing our collaboration with volunteers, community groups, businesses, and others, to improve our parks and watershed as guided by this plan, and we thank you so much for your support.

Susan Keil: Susan Keil from Transportation. I had the opportunity to look at this plan from the inside as a reviewer in b.e.s. before I came to Transportation. I was very impressed with it then, because of its scientific practical kind of approach, and I'd lay that directly at Mary Wahl's feet. I would also like to echo the support that Gil and Zari have expressed for this watershed plan. We recognize the importance of incorporating the watershed approach into the strategies as we implement our work, and we're hard at work in looking -- hard at work in looking at how we can redesign our roads for a healthier city and watersheds. Our streets and right of ways have a significant effect on storm water runoff. They're used by citizens in buses, streetcars, autos, bicycles, even pedestrians and light rail. That gets lost in the translation sometimes, but all of those things run on our roads, and the discharges that comes off that carries pollutants that sometimes have a negative impact on the waterways. So we need to employ a variety of ways to mitigate the

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impact of that storm water runoff. We've been working on implementing the green street technology for a number of years now. Wherever it's feasible. And we've taken some risks and identified opportunities to put those new strategies into place. We also are very focused on doing this in extremely cost-effective fashion, so that we're preventing costs as well as dealing with the pollution that's there. What Mary was talking about in terms of not going back to Lewis and Clark, I think rings very true for us and I think for the business community as well. The best way for us to deal with this is through early planning. It's much more expensive to go back and redesign something after the fact, or try and fix it when it's not working. So this cross-bureau approach in the early kind of working together really makes the difference on this. In essence, this green streets team that we're working on is really a wonderful approach to dealing with it, and I endorse it heartily. Thanks.

Adams: Thank you all.

Chet Orloff: Good morning mayor, members of the council. I'm Chet Orloff, historian. And chair of the city parks board. First thing I should comment on is Lewis and Clark. We're not taking their name in vain, but they were great planners and I think they would definitely adhere to what we're talking about this morning. Let me make a couple of observations. First, you can't see that, but the painting up above you that the rest of us can see says it all. It ties together the watersheds of the city with its growth, and of course on my left and your right, the modern city. And I think if you can keep reminding yourself of that scene that is intentionally put above your heads, that's where this plan is from, and that's where it's taking the city. I'd also like to make an observation about this building, our parks, and the city. There was an architect in the 20th century named Iona Lewis. He came to Portland from Boston, Massachusetts, Portland as you know was almost named Boston and it's been called the Boston of the West. He designed this building. He also helped design the city parks bureau, and much of the downtown as we know it and love it today. So he was a man who tied together many of the elements that we're talking about. So to some extent, what we're talking about is a vision for this city's future that is very much tied to not our past, but where we've come from, which is distinctly different from the past per se. And as the mayor and I have talked about for over the past year and a half, and I've talked with each of you about this, this vision activity that the mayor has embarked the city on is to a great extent what this plan is all about. And I would encourage, mayor, you to refer the vision committee, every committee and commission that's working on the city's vision, to read this and read Parks 2020 vision, because to some extent, these two plans are very much part of one another, and they can serve as a great guide, I think, in visioning the future of this city. Thank you.

Mike Houck: Mayor Potter, my name is Mike Houck, I'm representing the Urban Green Spaces Institute. This plan and the folks who preceded us who have done all the work and the other folks in this room who are dedicated to implementing this plan are why I love Portland, and I'm so proud to be a citizen of this community. Every city -- every building in this city could be a lead platinum.

We could triple the number of bicycles that ride across the Hawthorne Bridge every day from 10,000 to 30,000. We could cut greenhouse emissions by 50%, and we would still not be -- still not be a sustainable city. Until the city protects and restores the health of our watersheds, and better integrates the built and natural environments at both the site and watershed scales, Portland will continue on a course of unsustainable development. The plan, in my opinion, will set Portland on a course of integrating the city's exemplary sustainable development achievements in green building and the built environment with an equally important ecological sustainability agenda. I think the most significant aspect of the plan is that it states very explicitly that storm water, which we've heard so much about, is a resource. It's not a problem to be gotten rid of. And I presented you with four pages of written testimony which goes into some more detail, but I'd rather make a couple philosophical readings. More than 100 years ago, John Charles Olmstead wrote, "marked economy and municipal development may be affected by laying out parkways and parks while land is cheap

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so as to embrace streams whenever that was. Thus brooks, which would otherwise become nuisances that would someday have to be put in large underground conduits at enormous public expense, may be made the occasion for delightful local pleasure grounds and attractive parkways." 81 years ago, Ann wrote, the city is a granite garden. To the idle eye, trees and parks are the sole remnants of nature in the city, but nature in the city is far more than trees and gardens. Nature in the city is a consequence of a complex interaction between multiple purposes and activities of human beings and other living creatures. The belief that the city is an entity apart from nature or even -- is dominated the way in which the city has been perceived and continues to affect how it is built. This attitude has aggravated and even created many of the city's environmental problems. The city must be recognized as part of nature and designed accordingly. The adoption of this plan is a critical step in responding to Olmstead and Sperry's inspiring and inspiring advertisement about city building. I still have some time.

Adams: No, that's how much you're over. [laughter]

Houck: I knew it was too good to be true.

Potter: Nice try, Mike.

Adams: Very well said.

Houck: Thank you.

Corky Collier: My name is Corky Collier, executive director of the Columbia Corridor Association. We've sent in a letter of support on the watershed management plan. It has three pages of details. Sorry about that. One of the things I wanted to point out is how happy we are with the creation of the watershed science advisory group. We think it's been a good way to get meaningful public involvement into a process like this. We hope that you continue with watershed science advisory group and perhaps emulate that in other programs. Some of our concerns on the plan include potential misuse of the maps. Everybody right now understands the maps are not intended for regulatory purposes. But that could be forgotten in the coming years by a lower level staff member, for example. So please, take action right now, a simple step. Perhaps a water mark saying "not intend forward regulatory purposes," blurring the lines, something simple to make sure the maps don't get misused down the road. Secondly, even though it's a little too early to talk about it, we want to make note a lot of people are concerned about the socioeconomic impacts of regulation that's come out of the plan. There's going to be impacts on land, jobs, housing. We just want to raise the flag right now that's a serious concern as we move forward. Lastly, accurate performance measures will need to be developed. If this plan is going to be extremely effective. Those performance measures of course need to be science based. But naturally there's going to be a subjective component to that. We hope that you stay involved with the watershed science advisory group to keep that subjective component in check. We think it's an excellent process. A lot of people have done some wonderful work on this plan, and it shows. Thanks for your time.

Adams: Thanks, Corky.

Potter: Thank you.

Adams: Next we will have Bob Sallinger, Paul Ketchum, and is there someone from the port here? Lise is here. Lise, you can come up. Hi, Paul.

*****: Hi.

Adams: Who would like to start?

Bob Sallinger: Good morning. My name is Bob Sallinger. I'm the urban conservation director for the Audubon Society of Portland. I also -- we're here today to express our strong support for the adoption of the watershed management plan. And also for the council's renewed support for the framework as a scientific foundation for planning and decision making regarding the environment in Portland. I think when we look back in 50 years we're going to view this as a significant turning point. This is the mechanism by which we will green our city, by which we'll become the greenest city in the United States. In order to make that vision a reality, we need to do a couple of things.

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First, we need to fund it. And that's critical. If we don't fund it, it's going to be another plan on a shelf. We are strongly support commissioner Adams \$500,000 watershed investment fund. We also support the elimination of cut package number five. Secondly, we have to embrace it. We think this is a great model. We have a scientific foundation for pick out the most effective projects.

But more importantly, we have a new philosophy. One that incorporates watershed planning at the front end of all city projects. To date we've been doing pilot projects. We've been going case by case, situation by situation. This plan makes watershed protection business as usual. Third, we need to rerun the modeling there. Were significant parts of the city that were left out of the modeling, the watershed plan does commit to doing that during the next year, but particularly the areas between the city jurisdictional boundaries and the everybody services boundary. Areas like west hayden island, it's critical we remodel that and include it in the next go-around. I wanted to comment on participation as well. I've seen the port of Portland's comments, and they concern me. We need a recall that a year ago the business community and the port came out and objected to regulations in the metro goal five process. At that time they said we would be a better served by a voluntary approach to conservation. They said they could get it done based upon voluntary actions.

Today you have before you a plan that is nothing if not voluntary. It's an array of actions that are suggestions as to how we can be good stewards of our environment. Based upon their comments during the goal five process, we think they should be the strongest proponents of this plan. While this plan is not regulatory, it is obligatory. While it's not predicate order regulations, it is predicated upon a shared sense of stewardship and responsibility, to be successful it would require the commitment of the council, the bureaus and all sectors of the community. Thank you.

fPaul Ketchum: Paul ketchum, i'm here representing metro from the planner from the long-range planning division. I'm also served on the watershed science advisory group since february of 2004.

The resolution before you today to adopt the 2005 watershed management plan and the actions for watershed health furthers metro's policy framework. To address regional growth management, transportation, green spaces, and natural resources, protection and restoration. The watershed plan is a monumental undertaking of the staff of the bureau of environmental services, and other city bureaus, and they deserve the highest commendation for carefully crafting a comprehensive and strategic and integrated approach time proving watershed health. The strength of the plan is its purpose. To integrate the work of all city bureaus, including the offices of sustainable development. In addition, the plan presents ample opportunities to coordinate the city's work with the ongoing effort of metro to address watershed health within the context of a changing urban landscape. One overarching issue is the city's commitment to funding ongoing implementation of the watershed plan. There needs to be adequate levels of funding in the five-year operating budgets of the various city bureaus, to carry out the management system functions detailed in chapter 5 of the watershed plan. In closing, the city staff deserves major recognition for this port of producing a watershed plan with the sound scientific foundation and capable of serving as a blueprint forrism proving watershed health over time. Thank you very much.

Lise Glancy: Lise glancy representing the port of Portland. The port appreciates the opportunity to comment on the plan. We've participated for the past two years in the watershed science advisory group. We support the city's efforts to restore and protect Portland watersheds. We also support b.e.s.'s attention to use the plan to coordinate capital expenditures, city capital expenditures and priorities across bureaus in order to break down regulatory laws, max maze use of resource and consider watershed health in the design implementation of city projects. As well as to more efficiently and effectively address its obligations under state and federal environmental laws. In the plan before you, we appreciate b.e.s.'s clarification that the plan applies to city activities only in the near term. That strategies applied in freight hub districts are volunteer and that strategies have been applied to urban service areas -- have not been applied to urban service areas outside the city limits.

We believe this approach will provide the city with an opportunity to test implementation of the

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plan on a more limited basis and allow for refinements to the plan before it's applied more broadly. The port does have concerns about the city's intention to broaden the plan to noncity activities over the long term. Our concern is not that the plan shouldn't be expanded, but how it will be address competing public policy issues. We urge to you move cautiously. The port has three concerns. First the restore model used to develop the plan is inadequate. It focuses on environmental protection and restoration, it does not recognize the built urban environment. Before the plan can be expand these issues need to be incorporated as key consideration. This is an issue we first raised in july 2004, and have consistently reinforced throughout the process, contrary to the suggestions of some letters before you. Second, any strategies that apply to the working harbor and freight hub districts need to recognize that these areas are key economic drivers of the regions and state's economy which should be supported by the city. The plan needs technology -- to acknowledge the importance of the working harborm. These areas provide geographic specific fence that's cannot be relocated. The maps attached to our letter reinforce why the port has concerns that these areas be given due consideration. Terminals two and four are mapped as protected areas though these areas are primarily asphalt. Finally, apply strategies to urban service areas outside the city limits. The city needs to factor in the future development plans and policies for these parcels. While west -- areas of west hayden island have natural -- it's one of the few parcels of undeveloped property in Portland. It's designated as a regionally significant industrial area and by the port asthma rebound strategic preserve property. And is included in the region's industrial land inventory. We want to thank mike rosen and his staff for their efforts to address the port areas concerns and to outline steps for how to move forward in resolving competing public policy concerns over the long term. And we thank you for allowing us to be part of the watershed science advisory group. We look forward to be part of that in the future.

Adams: For the record we will definitely take those issues into consideration as we move forward.

Potter: Thank you, folks.

Adams: Just a few more.

Terri Preeg Rigsby: My name is terri preeg rigsby, i'm the chair of the tryon creek watershed council. B.e.s. consistently saw our input and feedback while creating this plan, and we certainly appreciate the opportunity to collaborate on this effort. The tryon creek watershed council works with the city and other public and nonprofit partners to accomplish on the ground restoration, and i'd like to take some time today to give examples of how we've already collaborated with the city and other partners to accomplish these restoration projects. One is the tryon creek state natural area pipe protection and stream enhancement project, where the city partnered with the friends of tryon creek, noah fisheries, nature conservancy to significantly improve -- reach the main stem of tryon creek. Also we have the southwest 17th and taylor's ferry storm water facility project, where the city worked with neighbors and the watershed council to develop a project that improves storm water quality and works for the neighbors. We have the headwaters development project, where bureau of environmental services, Portland department of transportation, and several private partners worked together to daylight a creek and improved storm water quality, restore wetlands and that was very exciting project in our watershed. Lastly, current project is the highway 43 culver -- culvert retrofit. We're improving and increasing fish passage. That's an excellent example of where several federal, local partners are coming together to collaborate on project that will benefit all partners. So we enthusiastically endorse this plan because it comes from a base of science and we'll ensure the city bureaus and other partners continue to work together to identify and complete projects that will improve our watershed health. Thanks.

Adams: Thank you.

Chuck Sams: Morning mr. Mayor, my name is chuck sams, i'm the executive director for the columbia slough watershed council. The council is a diverse group of community members,

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property evenners, businesses, environmental groups, recreation advocates, and government agencies. We work to restore and enhance the 16 miles of waterways, wetlands and slow-moving channels known as the columbia slough. Through partnership and action we work to foster action to protect enhance and revitalize the slough and its watershed. A true native Oregonian, chief Joseph once said, the earth and myself are of one mind. The measure of the land and the measure of our bodies are the same. Believe all people can live by these words, for by restoring and protecting the land and waterways to a healthy state, restore our own health fiscally, socially and economically. The columbia slough watershed council pledges its support and commitment to the city of Portland's water management plan actions for a watershed health. This watershed council and the city's bureau of environmental service will continue to work in partnership to protect, enhance, and preserve the urban landscape through restoration enhancement, land acquisition and education. Together we'll serve the citizenry by restoring wildlife habitat, streams, sloughs, and waterway that's are vital to our well-being, now and into the future. In march of 2005, the city and this watershed entered into a memorandum of agreement that helps to build and us sustain our partnership with the aim of leveraging resource and knowledge to further the restoration goals of the watershed. We look forward to working with the city to continue achieving the goals and objectives of our combined interest in watershed management. Together we will build and -- a sustainable future for the natural resources, all community members expect to be preserved now and for future generations. Thank you for the time.

Walt Mintkeski: Good morning. I'm walt, I live at 35th and bybee in southeast Portland in the johnson creek watershed. I feel really feel empowered sitting next to -- in front of mike's computer, but I guess I better not touch it, knowing what it might do. I am one of the original founders of the johnson creek watershed council, former chair and current treasurer. And I come to you this morning representing the council. We were formed in 1995, and our mission is to inspire and facilitate community investment in the johnson creek watershed for the protection and enhancement of its natural resources. We focus on stewardship, education, and outreach activities and we regularly facilitate, implement, and advise on restoration projects to improve watershed function and health. And because our watershed crosses boundaries, we are aware of the importance of -- and difficulties in mcing watersheds comprehensively. The council would like to offer its enthusiastic support for the watershed management plan. In particular, the plan takes an important step forward by outlining ways for city bureaus to work cooperatively together, and identify opportunities for community partners to be involved. I want to cite an example where this almost didn't happen in the late 1990's. That was at southeast 162nd and foster road. Where the department of transportation had to widen that. Underneath that intersection flows kelly creek, one of the most important tributaries to johnson creek with the best fish potential. That, with some urging of the watershed council, we made into a project that not only dealt with the transportation bottleneck, but took away the barrier to fish passage. That might not have happened under this plan we hope that it will. And the example of west moreland park was given earlier. I served on the citizens advisory committee for the west moreland master plan, and that's a project where we have the opportunity to remove a significant fish barrier. You're going to hear some concerns from the neighborhoods about their property values. I ask you to look at the value of a shallow pond that provides barriers to fish versus the opportunity too have a healthy free-flowing stream that supports salmon and steelhead. Thank you very much.

Adams: Thank you. Just two more.

Laura Porter: Good morning. My name is laura porter, i'm here as a private citizen. I do have a hanout that sum rises what my bullets are. I'm also a member of the storm water advisory committee, and have been there for two years. And had the opportunity to sit in on the watershed science advisory group meeting several times. Also mike rosen and dawn uchiyama came and presented during the development of the watershed management plan, what they were doing to our

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committee. So it was very helpful to hear what they had going o thank you very much for letting me come today and comment. I have been really impressed with the process the city has used to pull this together. And I know it's been a lot of effort for them working with all of the different groups within b.e.s. And throughout the city, so i've been impressed with it and very impressed with how active the watershed science advisory group was. My main points today, there's just three. I believe the watershed management plan is based on good science and has set a terrific direction for implementation. I believe the plan can be a valuable tool for emphasizing the importance of watershed health, and I think the plan is a really good tool to encourage collaboration within the bureau and within all of the city bureaus. So in conclusion, I would like to encourage city council to adopt the plan, but also to appropriate the necessary funds for implementation. And I also ask that city council work with all of your bureaus and encourage all of the bureaus to work together and further implementation of the plan. Thank you.

Bonnie McKnight: Good morning. Mayor Potter, members of the council, bonnie mcknight. I think i'm here today on behalf of the citywide land use group. It certainly is one of the reasons i'm here. The other is simply as a resident of the city of Portland who's lived here all my life, and would like to continue doing that. I want to congratulate especially mary wahl, and mike rosen for what I believe is a practical plan. And people from neighborhoods don't put those two words together very often. I think it's practical for a couple of major reasons. First of all, it's a process. It arose at citywide land use when mary and mike came to us and said the plan was getting ready to write the first draft, and what did we think about the kind of beginnings they were using to get to that draft. They came back in november with the first draft plan. Did a 75-minute power point presentation with very few pictures, and the entire group who was -- the entire group who was at our meeting applauded. I don't think it's ever happened. I view that as a mandate for the neighbors for you to do this. The second value of this plan which I think is unique is it's collaborative. It began collaboratively -- it began as a collaboration inside city hall among the bureaus, it approached everyone outside of city hall for their part of the action. I read the 45-page appendices that talks about partnerships. It by itself is a useful document, and it shows the environment as a valuable asset, and not an abstract good. I live in east Portland, i've lived there since 1962. I used to be able to look forward the -- toward the north across the columbia river and see wetlands, the slews, truck farms, birds, if you wanted to see them, and other things. Now I see an urban renewal district, large warehouses with four-lane streets. I wish this plan had been there before I looked across into that area as it looks now. Finally, I do want to urge you to attempt to find at least a portion off not all of the half million dollar -- what I view to be a neighborhood planning option. I hope you can understand the number of resources and volunteer efforts that I will stimulate by having those small grants available. Thank you very much.

Adams: Thank you. Now the invited testimony.

Moore: We have three people signed up.

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

Timme Helzer: Good morning, mr. Mayor, city council. My name is timme helzer. I'm chair of the comprehensive neighborhood planning committee of hayden island neighborhood network. I come before you today to applaud your work in the watershed framework and management plan. It's an exceedingly sound approach. I know you're confident in it, but if you're wondering what its future is, let me share with you a very brief story. When I was director of management and organization development at tektronix a number of years ago, the chief of chemical safety management came to me and said, "we need to guarantee across the company," at that time there were 24,000 people working there -- "that we do everything in our power to be as safe as possible in handling our materials and products and chemicals and so forth. How can we do that?" rather than it's being an add-on, we developed a plan that was built in to all individual performance plans so

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that each of those 24,000 employees every year had to sit down with their managers and include in their overall performance plan how they would make sure that they were operating safely and effectively. 30 years later, tektronix is still known as an outstanding safety success in the community. Not only for safe products, safe practices, but a safe environment. I teach my doctoral management students in organizational leadership that a conceptual framework is really the key to their excellence in research management. And I commend you today on the comprehensive nature of the watershed framework and its management plan. And it's scientific design for integrating the plan into all planning for the city. But there meet for some adjustments. The restore model which I think is absolutely brilliant, is not complete. It leaves out critical areas between the city's jurisdictional boundary and the urban services boundary. And in one of those in particular, which is my back yard, is the west hayden island 826 acres. It's left out of that restore model. It's a critical habitat, and it is a salmon smoltz area, and I think it's significant that this morning the fisheries scientists are recommending the closing of next season's salmon fishing for 700 miles along the pacific coast of california and Oregon. It starts at west hayden island and other similar places. So I urge you to consider carefully and enthusiastically your support of this plan, and to consider the fact that some of your planning activities through the city's freight transportation planners is recommending a \$3 million rail transportation improvement project a west hayden island over the next three years. This flies in the face of the restore model and of the watershed framework and management plan. Thank you so very much for this opportunity.

Adams: Thank you.

Paul Fishman: Good morning. My name is paul fishman. I'm a senior consultant at swca environmental consulting in Portland. We've learned some new acronyms today. Wmp, which is weapon of mass planning, and the wsag, which is the trend in the president's polling -- wait. I'm sorry, wrong speech. [laughter] seriously, i'm here to support the resolution. I've worked as consulting ecologist in Portland since 1979 or thereabouts. I've participated in the plan development as a member of the watershed science advisory group for the past couple of years, and I did that on behalf of the Portland development commission and the port of Portland. I want to compliment the project staff. Very hard working, very thoughtful people, we nice people to work w I also want to compliment, greatly compliment the process, which you've heard about from previous speakers. The process was very open, open to ideas, open to criticisms, very collaborative. And that has been greatly appreciated. The plan is a beginning. It has some items that will continue to be worked upon. However its greatest value in my mind is that it is a system plan. It's designed to integrate into every level of city government and understanding that watershed health is a basic component within every plan and action in the city of Portland. And the city of Portland using this plan has a foundation can provide through its actions, and can demonstrate through its actions, a new cultural norm. And that's my brief comments. I want to give a special thanks to mike rosen, who not only didn't invite me to speak today, but sent me a handwritten note last week that the meeting would be on tuesday. Thank you very much. [laughter]

Adams: Woe did our best. But you're here anyway.

Linda Robinson: Linda robinson, I live in icy Portland. As a founding member of the columbia slough watershed council, i'm really excited this plan has finally come before you. Especially excited about the prospect of more collaboration between bureaus and the -- for the protecting watershed health and our city. I'm here today however as a citizen, as a citizen who's lived here all my life, and who has worked hard for many years to try to work on watershed health. One of my biggest concerns about -- as this plan goes forward is the role of the port of Portland. And how it fits into the plan and how they work with the city. My husband has worked at the port for more than 20 years. So i'm familiar with him. Shortly after he started he received a memo from the port telling him he works in the marine division, that if they ever saw a puddle of water that they should let the administration know immediately so that they could get rid of it before someone declared it

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as a wetland. The port has come a long way since that time. That was part of the introduction to -- for new employees. But they still have a long way to go. I still have some concern about their continued request for special treatment. Both from metro and from the city. I think it's very important that they be treated the same as city bureaus, that they be expected to enact these things as much as they possibly can, as much as feasible on their lands. Obviously on the asphalt they can't, but they do have peripheral areas where these things can be implemented. They can deal with their storm water in more productive ways. And I just really am concerned about giving them special treatment. And finally, I think that it is important that the city rerun the restore program, that they include those urban service districts, including and especially west hayden island. And all the other urban service districts that there in the city. B.e.s -- i've served on the watershed plan advisory group representing the columbia slough, and they have committed to do that in the next year, so I think that's important that they follow through on that.

Adams: Thank you.

Moore: That's all.

Potter: Ok. Please call the roll.

Moore: Do you have amendments?

Adams: I have an amendment to make. And I think we passed out copies of -- mary and mike, could you just come up here?

Rosen: Yesterday late I think maria distributed a red line strikeout so it would be easier to follow.

Adams: Would I move the amendment as proposed.

Potter: I so move.

Saltzman: I'll second if somebody will explain the amendments.

Adams: Yes. Mike, why don't I quickly go through and explain.

Rosen: There are a couple, mostly housekeeping. Page one, that's definitely something that after reading this about four times I thought could be worded better. Nothing substantive. On page 2 we left out a reference. If you look in the second whereas we left out a -- the river renaissance strategy is passed, adopted by council in 2004, that was important to put back in. And then in the interest of making the resolution shorter, I think it was originally six pages, if you turn to page three, the be it further resolved, we had originally listed paraphrased the goals for watershed health, and we decided to go back to the original wording that we had in the framework for integrated watershed health management. So that again is sort of just a housekeeping change. If you look at page four, the fourth bullet we added we wanted to clarify that as part of the adoption of the watershed plan we're asking the city to consider the framework for integrated management of watershed health and that was completed as the scientific foundation for future work planning and watershed health. So that's significant. And then on page 5, the last two be it resolved, we wanted to clarify that the aforementioned policies of the resolution would be considered nonbinding. However, the actions for watershed health, the actual plan is considered binding city policy. So those are the amendments.

Potter: Please call the vote.

Saltzman: This is considered binding city policy, this --

Rosen: The actual plan, yes.

Adams: Part of the actual plan is as inspirational.

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

Adams: As opposed to regulatory.

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

Potter: So it's binding aspirations.

*******:** We went back and forth --

Adams: Some are, some aren't. The plan notes.

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*****: I can live with that.

Potter: I'd like to vote for those.

Adams: This is a vote on the amendment?

Moore: Yes.

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

Potter: Aye. [gavel pounded]

*****: Thank you.

Potter: Thank you, folks.

Adams: I just want to underscore my thanks to mary and mike, and dean, and maria, my staff, who's been part of this in the last eight months. It's been an absolute pleasure to work on. I've learned so much about groundwater, and watersheds. It's an absolute pleasure to work with you all. I look forward to moving forward aggressively and implementation, and the further refinements and discovery necessary for keep moving this forward. Thank you all. Aye.

Leonard: Good work. Aye.

Saltzman: I want to thank everybody who's been involved here, particularly mike rosen and mary wahl. I hope you're glad we stole you from d.e.q. many years ago. I think -- this is something to give you a chance to move from the regulatory side of things to really improving things in a more positive working together manner. I think. So you've been great additions to the bureau of environmental services, and I think these plans in front of us are testimony to that fact. And it's testimony to the fact truly people care very much about watershed health and restoration of our watersheds, and it's an integral part, as mike houck said, sustainability is not truly sustainability until we have sort of figured out how to integrate our built environment better into our natural environment. And sometimes we have to look to the past, because ancient civilization figured it out very easily. They didn't have the luxury of the modern advances we've had that have resulted in the streams being culverted and being buried under roads. As I think sam said, storm water is a resource, and we need to treat it as such. And we need to be using it more to flush toilets, we need to be using it more to green roofs, to keep green roofs fertile, to keep community gardens alive. So these are all things we need to push ahead on. Not only, that it keeps pollution out of our rivers and watersheds to boot. This is great work. I look forward to working with you and all of our citizens to make sure we implement these actions for watershed health. Aye.

Sten: I want to congratulate everyone. It keeps getting more sophisticated each year. The most important thing is it's integrated now into the whole way the city does business. For years I was in charge of the endangered species response? In some ways what we did was finish that response by putting it into an entire framework for the watersheds likes. This I think it's a huge achievement. I actually had the great honor last week to give about a 40-minute talk on our efforts to several hundred scientists. I'll go ahead and redo it here, I think you'd all enjoy it. [laughter]

Saltzman: Is there power point involved?

Leonard: I'm surprised commissioner Adams didn't invite you to speak.

Sten: It actually was exciting in the sense I was able to talk about -- we really are on the path to doing some very, very important things, and they're very good for the economy. They give our employers and our land holders certainty, they actually have -- we've begun to see job creation through environmental technologies and clean up and strategies, we're exporting green building techniques that are related. One of our firms has opened up an office in sacramento just because people want this kind of expertise. It's also the right thing to do. This was a very, very informed group, and I spent a lot of the time talking about how I think the politics of this are very important too, because I think there are a lot of interests who do not want to work on environmental causes for -- that they understand or maybe are misinformed who think Portland isn't doing anything, and changing that argument is very, very important to getting the whole watersheds fixed up, which are actually outside of our limit as well as within our limits. So I think this is really important work. A

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few years ago I was saying that I didn't feel like we could push as aggressively statewide until we sort of got our aspirations, which I think were always there, and our environmental sensibilities to this level of sophistication. And I think it's there, and I think now we can say, join us in what is an approach I think that can get the state back on the right track economically as well as environmentally in lyming these things together. For me this is just wonderful work, and I won't go on and on for the 40 minutes, but it does impact every piece of this community, everything that we do is related to what you're doing, and so I greatly appreciate it. It's a great honor working with you on. Aye.

Potter: I want to thank dean marriott and the staff of b.e.s. I like both the process and the product. I like the process because it really brought our community together, it brought divergent points of view and incorporated that into what I think is a great plan for our community, because what I want this to be is just the daily way that we do business here in Portland. Whether we're building streets, new development, habitat restoration, storm water management, or manufacturing, I think we have to work with the common goal in mind that improving the health of our waterways is important so that the salmon can thrive, our kids can swim and flooding doesn't destroy homes. I think this plan has been built on many years of good work. I also want to thank commissioners Sten and Saltzman for their work in that position. The thousands of volunteers, the watershed councils, and neighborhoods who have participated in this. It does call for the continuing collaboration amongst the different bureaus. I appreciate that, because I think collaboration is going to be how things are done in the future. Between the bureaus and our community I think we've got in place a plan to make that happen. Especially appreciate commissioner Adams and his being the steward and helping get this plan implemented. I want to thank you very much, commissioner, for doing that. This is one of those things I think that continues to set Portland up in terms of what we can accomplish together, how we can protect our environment, and thus protect our children and our future. So I vote aye. [gavel pounded] [applause]

Potter: We're going to go ahead and continue. Karla, please call the 10:30 time certain.

Item 272.

Potter: I'd like to have jeff baer come up. But before he speaks, I want to talk about this a little bit. This is an important thing. It's actually quite consistent with the last issue we heard in terms of watershed protection. It's about how we protect our environment by reserving and using our resources carefully. This is about paper. And the city's use of paper. And if you folks walked up here and look at the top of this desk you would see a lot of paper. So what we want to do is to begin to reduce the use of that paper. And I think it's important for the city to do its part in conserving our natural resources and more important that we save resources and money by challenging ourselves to reduce paper use while maintaining quality public service. I think the taxpayers expect that from us. And to supplement today's report i'm also issuing a challenge to my fellow commissioners that in addition to using 100% post-consumer recycled content paper, our own offices will set the example by reducing our paper use by 15% by july of 2007. This is a year prior to the goal set by the city's paper policy. And we're also encouraging our bureau directors to actively support the work of their paper coordinators to ensure that we do reduce the use of paper and conservative it. So I think this important work needs support from the high eggs levels of the city so we can make a big impact as well as -- the consumers within the bureaus. Jeff, would you go ahead and introduce this topic?

Jeff Baer: Thank you, mayor Potter, i'm jeff baer, the bureau of director for the bureau of purchases. With me is stacey stack from our office, and also susan anderson from the office of sustainable development. And I wanted to highlight a couple of -- couple of key areas that are found within the report. One of those, just notable areas that we are on the right track for reducing our paper consumption, and as mayor Potter brought out, it's one of the largest consumption of a material resource we have, and as noted from the previous year, we've reduced or decreased our

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consumption by 8%, so we're on target to meet the goal of 15% by 2008, so we're doing well in that area. Additionally, the type of paper we have meets or exceeds the recommendation for recycled content paper, as well as use of alternative environmentally preferable paper as well. Also, there's the other issue in regard to the uses of -- use of processed chlorine-free paper. Currently we're at 28%, but this is -- this is an increase from last year, but it's far from our goal of meeting it at 100%, which was from July of 2004. Some of the challenges we found over the time that we've embarked on this is that a number of different areas regarding the processed chlorine-free paper, there is some cost impact with that. To go to that direct route if we could combine that with a reduction strategy, there would still be some additional cost impact associated with going that direction. Additionally, we have found that there are some older and specialized equipment that has challenges in using the recycled paper content paper, and so as time progresses forward with the replacement cycles, we'll see those -- that reduce out and be able to use the recycled paper content easier. Additionally, we want to make sure that there is firm commitment from all the bureaus, especially from each of your bureaus within your portfolio and hence the mayor's challenge to set the -- lead by example how we can reduce our consumption in these different areas and continue on progressing in here. We also want to make sure that this is -- there's a direct impact on educating the employees and making and instill that in as part of their routine process for making sure that they purchase the recycled paper content and -- along with the disabilities strategy, by accepting this report it will really lead by example, increase the percentage use of post-consumer waste product and set down friendly competition, challenge us in these areas, and also to engage our regional partners where we might be able to look at going to a closed loop system where the city's recycled paper goes back to a paper manufacturing that's locally here and then we actually could buy that from them if that's -- if we can get to that point. So really a closed loop system is an ideal area. We also want to share our best practices with our colleagues around the state, and also nationally as well. So we can continue to promote these practices not only in Oregon, but also along the west coast and throughout the United States. So with that, I'll pause and I think Susan might have a comment or two to make.

Susan Anderson: Susan Anderson. First I'd want to comment Jeff and Stacey for their effort in moving this forward. Lots of cities, probably every major city in the United States has a paper policy, and it says we're going to use less and recycle, and do all these things. And we've had a policy like this for 15 years. But not much happened for a really long time. Things have changed, Jeff's leadership has changed that, his partnership with us at O.S.D., they're hiring Stacey, Stacey was an intern in our office, he saw -- and Sue before him saw her good work, got her over in their office to work on a lot of different purchasing things, but among them, it was this area. Stacey was the one in our office who made sure all our computers default so they automatically double sided everything, she pestered all of us to put our paper that was only one sided to put it in a special print mode make sure we used the other side for drafts. All those things, it didn't take much work, it was just the few minutes after day and it made a huge difference in the amount of paper that can be used. And it just became routine. And I think that's the point. We want to make these things just routine. Sometimes things like this seem mundane. It's not the point of the work or the mission of most of our bureaus, it's not what Parks and Transportation and B.E.S. Really do, it's just about paper. But every sheet that's made uses energy, it uses water, trees, and it has an impact on the use of toxic chemicals. If we buy less and use less, then we can save money and help our environment. So I just want to thank Jeff and Stacey and it's a great partnership, and also here today is Pamela, she's our cochair with the Sustainable Development Commission and I think she had a few words to say.

Pamela Brody-Heine: I'm Pamela, and I'm the principal of a small consulting firm, and I'm also the -- an associate at the Waste Alliance a. Local nonprofit. I'm here to -- in two capacities. I'm the cochair of the Sustainable Development Commission, and also on the subcommittee for sustainable government practices. And secondly I'm participating in the city-county toxic reduction strategy

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work group. And i'll talk more about that in a minute. First I want to commend the city on its paper successes to date. You are well on your way to meeting your 2008 goal of reducing paper consumption by 15%. This reduction in paper usage is notable both in terms of reduced resource consumption and reduced energy use. Additionally, reduced paper usage and specifically the use of recycled paper and processed chlorine free paper reduced the public's exposure to toxics from chlorine bleaching, such as dioxins. This is where the paper policy and the toxics reduction strategy support each other, which is the second reason that i'm here. The toxics reduction strategy will be coming before you for consideration in early may. I am impressed with the city's efforts, toxics reduction efforts as well as paper reduction efforts, to date, and really excited to see the city making a commitment to further reduce use of products containing toxics substances. The city has an opportunity to be a real leader and to go a step further by encouraging the use of 100% recycled paper to be the standard practice. Because the manufacturing of 100% recycled paper, use of 100% recycled paper will help reach the process chlorine-free goals. It helps reduce the city's exposure to persistent toxics from chlorine bleaching such as dioxin. In addition to reducing releases of p.b.t.'s into the environment, use of 100% recycled paper would have other environmental benefits. But just to give some examples, by switching to 100% recycled paper, the city would save enough energy to power 60 average u.s. homes. Would it reduce c.o.2 emissions equal to removing 20 cars off the road, prevent 58 tons of solid waste from entering the landfills, eliminate 1.1 million gallons of effluent from being released into waterways. I recognize purchasing of 100% recycled content paper will cost the city more. However, by continuing to reduce overall paper consumption you will be able to minimize the cost and hopefully over time eliminate them all together. Thank you.

Potter: Thank you. Is anybody signed up for this? Thank you for being here. Please state your name. You have three minutes.

David Quigg: David quigg. I'm here today because we are a manufacturer of 100% recycled paper regionally, about three hours north of here. We wanted to commend you on what you're doing not only for the environment, but for those of us that are on the receiving end, the manufacturers of that product. There's 233 of us, the largest employer in our community working to make this product. The sustainability report you've done, or that's been put together for you is a giant leap forward, a big step, and it's also an early adopter. Not many cities are doing this. This is a big step forward for the city of Portland and the northwest in general. The product that we make is processed chlorine free, 100% post-consumer, made with 100% renewable energy. So I want to talk about a pilot program we've done with the city of seattle in the two years they have conserved their paper usage by 30%, enabling them to buy our 100% post-consumer, not only internally for cut size that you use every day for your meeting minutes from today and other different times, but also all their billing, all the envelopes, every newsletter the city puts out is done on 100% post-consumer no -- it's 100% renewable energy so there's no fossil fuels used in the manufacturing of this product. Made in hoquiam, a couple hours north of here. What we've done is built a program that our goal is to replicate up and down the west coast to green the west coast using 100% recycled paper. The city of seattle is an early adopter, the city of Portland is right on their coattails, easily able to pass them by. What we've done is built a program that you can bring in through education of your constituents, education internally, and all of the tools necessary to make this transition as easy as possible. We've met with stacey a couple of times and even ron haddock from general services, the printer. Again, the price is going to be a little higher, but with the 30% that seattle has done, they're actually saving money. They reduced their paper usage by 30%, and while purchasing 100% paper, are saving money on top of that. So it can be done. It's not easy, and it takes people like you and people like stacey's office to step up and make that happen. Previously it was stayed -- in 2003-2004, if you would have been using 100% recycled instead of 30% recycled, would you have saved an additional \$4 -- 4 billion b.t.u.'s, 469,000 pounds of greenhouse gasses, 282,000 pounds of solid waste, and 1.8 million pounds of wood. So with that, I want to thank you for your time. If there's

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any other questions or anything you night, I can be reached through stacey or that office. Thank you very much.

Potter: Did you provide us the material? Is this yours?

Quigg: Yes, sir, that's my material.

Potter: I notice it's not print order both sides.

Quigg: That's exactly right. I don't know what to say back to that. [laughter] I do have more, so if we need to refill -- [laughter] thank you very much.

Potter: Thank you, sir. Is that it?

Moore: That's all who signed up.

Potter: I need a motion to accept.

Saltzman: Can I ask jeff baer one question before we move on? The mayor issued usa challenge to reduce our paper consumption by 15% by next year. Could we raise this to the council, could we bank those savings, the 15% reduction in order to pay more for the processed chlorine-free paper and 100% post-consumer --

Baer: That was one of the strategies we're promoting, one of the options we're look at, if you can reduce your consumption, freeing up those costs, we could then put those towards the additional costs for that additional paper.

Saltzman: Can we actually set up a separate account that actually takes our paper consumption today and takes the 15% less that cost differential, puts it in an account in order to pay a little bit more for the post consumer process chlorine free?

Baer: I would have to check with the financial planners, because if I look at one of the graphs we have attached to the report, there's -- we're reporting on all the different bureaus within the city, and it would be I think challenging at best to try to manage each one of those individually. But we can certainly look at that to see if it's possible.

Saltzman: Don't all paper purchases have to go through purchasing?

Baer: Each bureau buys it on their own through us. So it's through their own funds they're buying it.

Saltzman: Ok. I'll explore that further as we progress on our budget. I think it's a great suggestion.

Potter: Further questions? Thank you, jeff. Please call the roll.

Adams: Great council item to follow up. A great council item to follow up on the watershed. Thanks for all your good work. It's good to be part of the cutting edge. Aye.

Leonard: Aye.

Saltzman: This continues to be very impressive work on our part, and I want to thank everybody who's been involved. And I think people don't get to see the cover of this report, but it shows the total reams of paper the city of Portland uses each year piles up to about 23,000 feet. That's over twice as high as mt. Hood. So we have a long ways to go and we need to make it chlorine-free, and 100% post-consumer content, and we need to reduce our usage. And as the office in city hall that consumed the paper least -- consumed the least amount of paper last year, I accept the challenge to go even further and reduce it an additional 15% by next year. Good work. Aye.

Sten: Aye.

Potter: Aye. [gavel pounded] please read the 11:00 a.m. Time certain.

Item 273.

Potter: This is both a house keeping item and I think a great program that we're updating to keep our progress on the homeownership efforts moving along. I'll turn it over to our staff.

Barbara Sack: This is brian, i'm barbara. We're here to present the annual price cap resolution for the single family new construction tax exemption program available in home buyer opportunity areas. This resolution sets the maximum price for units eligible under this program for 2006. As you know, this program allows a 10-year tax exemption on the improvement value after single

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family home or condo in certain areas of north, northeast, and east Portland, Karla is passing out a map of our home buyer opportunity areas which were recently adjusted by the planning commission. These are pre.com newportly low to moderate income areas of the city, the planning commission has recently adjusted the boundaries as they do every three years, and they have added in more areas of east Portland. You should have received a letter about this a month ago. State substitutes and city code requires us to set a limit on the price of housing units eligible under this program. The price can be no more than 120% of the median sales price for the city as of november 30 of the previous year. The Multnomah county tax assessor informed us the median sales price as of november 30, 2005, was \$215,000. This includes all single family homes, row house and condos. We are asking that with the price cap be set at the maximum amount, which would be \$258,000, the current cap is at \$225,000. The reason we're asking for the maximum allowed is because housing prices have increased rapidly in the Portland area over the last year. With understand this is from the -- we understand this is from the sharp increase in land price and construction costs. Brian has talked to some local home builders about their cost and we have jeff fish here today who can also talk to you about the cost of constructing new homes. This tax exemption is for new homes, they can't be over two years old, so it's a limited pull of -- pool of homes that are eligible for this tax exemption.

Saltzman: Does it include residential rehabilitation, though?

Sack: There is a separate program for the residential rehabilitation program in home buyer opportunity areas, but this price cap is for the purpose of new construction program. There is also a rehab program for homeowners who live in these areas.

Saltzman: Ok. We consulted our homeownership advisory committee and they encouraged us to set it at the maximum allowed. This group includes representatives from the for and nonprofit sector involved in homeownership. I'm going to stop there. Woe have someone who signed up to testify, and I was wondering if you'd like to hear him before you ask questions.

Potter: Would you like to say anything?

Brian Morisky: I think barbara has covered it. Except that the major increases I think developers are experiencing are land prices as a proportion of the overall home sales price, materials prices, particularly in the wake of hurricane katrina, I think they have a lot of competition to purchase materials, and steel prices. I think it was mentioned to me that china is buying a lot of steel too, which is driving the price up on those. So those are the major factors.

Adams: And other projects.

Morisky: Yeah.

Potter: Thank you, folks. Is there a person signed up to testify?

Moore: Jeff fish.

Jeff Fish: Jeff fish, president of fish construction northwest, 1834 southwest 15th avenue in Portland. I have been a builder in Portland since 1972. I'm testifying in favor of this increase, both for myself and as a representative of the home builders association. We have seen a significant increase. Most of it in land, some a little bit in -- as brian mentioned in items such as cement, steel, plumbing, insulation. Probably have taken an average starter home up in the neighborhood of \$6,000, \$6500. What's really hit us is the cost of land. To give you an example, when brian contacted me in january and asked me for some input on what land prices were, I emailed him back on february 7 telling him that last year about this time I was paying in an area of \$40,000 to \$45,000, and now I was in the area of about \$70,000. I had been on vacation, and after I e-mailed that to him I talked to my son-in-law, and he said we paid \$85,000 for a skin aye lot while you were gone. That's how much land has gone up. This morning I asked wynn of the realtors I worked with to give me an idea what's on the market out there. He put in for the north, northeast, and southeast parts of town. There's four properties under \$150,000 total, six are listed as not occupiable. The other eight are occupiable but are listed as really fixers. So it shows you how much -- let me back

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up. About three years ago \$50,000 was where you could find an unoccupiable house. Now we're at \$150,000. So it's gone up almost three times in three years. In January I was at the national home builders convention in Orlando, and the economist there told us in the next 19 years, 2025, United States is going to see the increase in population equivalent of adding a California, Florida, and a Texas. So it's not just us, but it's the whole nation having a population increase causing us to be -- need to build more house and land prices are going up. As high as land prices are in Portland, we still lag behind the rest of the markets in the West Coast. Seattle, we can be -- I was in Seattle the weekend before last, homes are going for \$458,000 for starter homes, just south of Everett. Builder -- basic starter home. So the increase is going up everywhere, and we're like the rest of the cities, luckily we're not as bad as the others, but we're seeing a steep increase in land prices. And I'll answer any questions.

Potter: Thank you, sir.

*******:** You bet.

Potter: This is --

Sack: We can also answer any questions. We just wanted to make sure Jeff was able to testify.

Potter: Any questions from the commissioners? Thank you very much. This is a resolution, we'll take a vote.

Adams: I want to thank everyone for continuing to evolve and grow this program. It's very important. Great work. Thank you. Aye.

Saltzman: Good work. Aye.

Sten: It used to be more of a robust program when there were more places to build. It's become increasingly important, and I want to tie this to school funding, that we get products in town that middle class families are willing and able to buy. So this probably is not enough, but I think it's a huge step in the right direction, and it sends a message to families that we want you to buy in these neighborhoods and get your kids to school. Ultimately with all the problems in school funding, declining enrollment is problem it will fastest way to turn it around. Good work. And I want to compliment Jeff Fish, who's been a terrific builder and answered the question whether or not the private sector is willing to build new types of units, she, and thanks. Aye.

Potter: This is one of those key programs that is helping close the gap of minority homeownership, and also as commissioner Sten said, encouraging homeownership in certain neighborhoods in Portland. I want to thank the planning commission and the homeownership advisory committee for your work on this issue, and the recommendations to update the policy. And thanks to planning and bhcd. This is an excellent program, we look forward to getting more homeowners in Portland that keep their families here and not take them out. Aye. [gavel pounded] we'll go to the regular agenda. First item, 288.

Item 288.

Adams: Is Jeff here, and Tim Grewe? There they are. There's one. Inspiration for this idea has been some recent experiences with projects that started out at one price and inflated to another. One project in particular, the tram, has been well documented in the press and rightly so. But there are also others, inspired by the good work that the folks in front of us and other bureau managers in our bureaus have been doing to nail down the true cost of the maintenance backlog in the city. And this idea came to me and has been strongly supported by the mayor, which I appreciate listening to the work of the asset management group and how they had gone out and done more due diligence on that initial estimate of \$880 million in the backlog. So that work goes forward. This takes the same sort of discipline down to a project by project basis. So it tries to acknowledge the need for project managers to -- when an idea comes up or a mandate comes up, it tries to it maintains the project manager's flexibility to estimate based on their professional opinions, or the magnitude of cost, but it also would require that project managers -- when a project is at that level and no more due diligence then their own professional opinion would rate the confidence in that cost estimate based

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on a scale that would be developed something from low to high in terms of confidence. So it allows the work to go forward, it continues to rely on project managers to do the work, but it sets a common language, a common standard that will allow project managers to convey to us both in our role as commissioners in charge, but also in our role as city council and to the public that if a project is in its early days and a price is attached to it, that price needs to be viewed as a price estimate, a cost estimate of low confidence until we get often times engineering drawings followed by requests for proposals, responses to their requests for proposals, and our confidence moves up the scale. So that's the purpose of the resolution. It doesn't enact anything today, other than to set forth a process for the smart people before you and others to set up a system for creating such a system.

Tim Grewe: I guess i'll start with a few comments, and i'll leave it to jeff to answer any specifics on how we're going to proceed with the process. I did want to bring to your attention the the -- at the can request of commissioner Adams and mayor Potter that I did bring this proposal to the planning and development managers, most of which are sitting before you today on one of your prior actions. We did that just to make sure that they understood what was being requested, and that they had an opportunity to comment on it. And I don't want to speak on your behalf, but I want to give you my impressions from that discussion. That impression is that they am unanimously thought this was a very good idea and I want to share with you why they believe it's a good idea. First and foremost, they see it as an opportunity to calculate openly with the council and therefore publicly what the level of confidence that they place in their own estimates that they're bringing before you, and along with that, the estimates of their contingencies, which is usually a big part of these project estimates. So they see that as a good opportunity, and being able to communicate to you the level of confidence they have at a particular point in the project they see as very helpful. And they also -- there were also comments that we typically do that with major capital projects, and what you don't read about in the paper are the times whether projects come before you that are within budget and on time. But we don't do a good job of communicating that to the council, so this will be an opportunity to do a better job in that area. They also believe, and I believe this brings standardization in our approaches to projects. While one capital bureau handles a capital project isn't necessarily the same process that another one goes through. So I don't want to prejudge what comes out of the committee, but I believe what you'll have is some kind of checklist that the bureaus are using to be able to communicate to you why a certain project has a level of confidence at a lower level versus a higher level based upon what they know about the project at the time. I mentioned transparency a couple of times. I think this will achieve that. Your ability to understand how things are being estimated and in terms of where they are in terms of accuracy, but as those are discussed with you, that being presented publicly as well. One challenge I wanted to mention is that it's a challenge for the committee when they come back to you is that this doesn't create some type of bureaucracy that slows projects down. The danger is that we discover we're in a situation where we're not happy, or you're not happy with the level of confidence we have in estimates, and we go back to the drawing board and try to get the level of estimation higher, and come back and we get into this cycle thing, and actually owned up slowing the project down, perhaps making it more costly. I believe there are things we dock at the front end of the project to avoid that. I believe getting outside review of estimates is an important ingredient that the commission should consider. I also, through various i.t. projects have become an advocate of having quality assurance experts working with the project team right from the get-go on a project to make sure that you're doing everything on that checklist that you're supposed to be doing and reminding you if you aren't. So I look forward to participating in this process going forward, and I think the managers look forward to the result and they've already committed to allocating project managers within their respective organizations to work on this. And I do believe in the long run that this is going to

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provide a public service in terms of better understanding how the city approaches these major capital projects. Jeff, do you have anything to add?

Jeff Baer: Yes, jeff baer. I'd like to echo tim's comments. I was at that planning directors' meeting as well, and it seemed to have very positive reaction to the direction of convening an internal advisory committee to look at these major projects. And I also got feedback from the different bureau managers who were there on who could potentially participate and as well as the suggestion that we should have somebody externally in on that committee as well, which I will look at that. Additionally I received from steve dotterer and the bureau of planning that the Oregon department -- Oregon transportation commissioner ever commission had some similar issues with odot engineer estimates for their projects, and so they recently gone through a similar process recently and so i've got the person's name down there to talk to to see how they approached it and what their recommendation, what they found and what their result was. So we'll be looking forward to doing that. Thanks.

Leonard: I'd like to actually echo one of tim's concerns. I think while I appreciate the motive behind this effort, it seems to me that the issue is not whether or not we have an internal system that accurately predicts what costs may be in my review of the tram, we did. But I was one of the three people that are sitting here that had somebody sit down in front of me, and as far as i'm concerned, lie about what those costs were. So I think that this process you're engaging in, while it's good to talk about that, should include making sure that staff are forthright with the council, and i'm a little bit reluctant to support a proposal that somehow blames our internal process for costs that were represented to us that were false, that were known to be false, and I will say more than just staff here, knew they were false, some of our so-called partners in building the tram were well aware that these costs were false. Thus some of my public pronouncements on drawing the line on how much we're going to pay because of in my view if somebody sits before us and misrepresents what the costs are, because they don't want us to know what the real costs are because we may not vote for it, they can eat all of the extra costs. To me that's the flaw that we had. It isn't that we -- I have yet to have anybody, anybody, and I believe me, given I voted for this, have reviewed the record closely, I have yet to have anybody show me what we the city did wrong in developing in project, in managing this project, in implementing this project, other than having a city person lie to us. So if you want to analyze this, I want that thoroughly discussed, and if you at the end of the day decide that is the problem and we're not going to put in a system that's going to slow down projects just as I totally agree with you, tim, as you identified, I do not want to see something come forward just because you think you have to come forward with something. In my experience with you, tim, i've known you a long time, when there are problems with the project, you come into my office and you tell me and you identify what those problems are and how much it may cost beyond what you think it was going to cost, as much criticism as b.e.s. May get from various people, when they determine what the costs were, they come and told us what they were. They told us what the actual costs were, that's what you need when you're managing a project, is forthright staff people. I've had people on the editorial board ask me, why didn't you ask more questions of the staff when they were before you? Ask more -- in other words, every time somebody from staff comes I have to think in my mind they're lying to me and probe to get the real answer and act like i'm the grand inquisitor? That's completely missing the point of this whole issue with the stram. And i've been one to defend my vote to -- to build the tram, but for what I promised to spend, \$3.5 million, based on what was represented to me. If i've got that wrong somewhere about the mechanics of this process, correct me right here, but as far as I can tell, we haven't done anything wrong and we'll never do anything wrong until we vote to give one more cent than \$3.5 million.

Grewe: I don't know if i'm prepared to respond to the specifics of the tram situation.

Leonard: Isn't that what this comes from?

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Grewe: I think the heightened sensitivity certainly comes from that, and as what is resulted in looking at how we do business going forward. But I would like to try to give assurances of what my hopes are to come out of this process. First, what you probably didn't have when you received that estimate, was a real check-off list of all the things that had been done at that point in time to produce that estimate.

Leonard: They had been done, hadn't they?

Grewe: I was not directly involved in that estimation process, commissioner, so I can't comment on that. But I think it's not a difficult process to talk about the types of things you ought to do in a preliminary project estimate to make it as accurate as possible. And to be able to communicate the level of that accuracy. And I think to me that gets into how much contingency are you carrying on the project. Commissioner Adams said earlier, that is that the more design do you go through to further along -- the less uncertainty is and the less contingency is required. But the other point I wanted to make, I hope the committee gives us real serious consideration, is to what degree in the preliminary stages of a major capital project like this that we have outside estimators that are not contractors on the project, their sole function is to question whether or not we've come up with accurate estimations, reviewing that estimate at the front end. So you have a second viewpoint not just internal viewpoint of engineers, but an outside person that's an expert estimator looking over the shoulder to see how accurate that is.

Leonard: Wasn't city staff aware at the time when we were receiving testimony about the cost that's they knew those costs weren't accurate.

Adams: Correct, they were in my opinion, aware. The documentation you've read in the newspaper shows that eight months before -- in January of 2002 before the August of 2002 council work session, the staff was aware -- 2003 -- of the problem, and in April of 2003 before the August meeting, the architect had commended to them the project could not be built at \$15.5 million.

Leonard: How does this process help that?

Adams: Absolutely. It would absolutely give the \$15.5 million estimate a low confidence rating, because it would require them to acknowledge that although they didn't have engineering designs, all they had was an architect's conceptual design, it would have required them to rate the confidence low, which would have probably given the members of the council that were voting on it at the time an opportunity to ask questions about why it had a low confidence rating. I also believe that it would have required them, and this is what I hope you'll come back with, that if there's disagreement among the established project team about the cost, in other words, if they had in their hand that email from the architect, which is the professional that they had to rely on at that point, because the engineer had not done its significant engineering work, they would have had to disclose a key professional on the project four months before they were talking to you had said the 15 -- that this project could not be built for \$15.5 million. So they would have had to disclose that to you, so I think that the vision that I have for this absolutely would have helped with more informed and accurate decision making.

Grewe: I think -- my hope would be out of this process you're able to see a list of standard protocols that should be done, should have been completed by a time, an estimate comes to you on a major capital project.

Leonard: Tim, let's assume for discussion purposes you were in charge of the project. Four months earlier had you been told you couldn't have built the tram for 15.5 million. What would you have done with that information?

Grewe: I think I probably would have been coming to the council individually or as a group to talk to you about that estimate.

Leonard: I am -- I don't think would you have, I know you would have.

Grewe: I don't know the -- all the circumstances surrounding the tram, so --

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Adams: I think you're raising a good point. The way i'm trying to respond to them is to, yes, continue to rely on the good work of good people, but also to come up with a common set of standards. So that we have 5400 employees, 30-odd bureaus, everyone in the city operating on the same set of standards we agree upon. Anyone who sets out to deceive us, this will make it harder for them to deceive us, but I can't guarantee it will catch everybody. But I think it will make things a lot better for everybody.

Leonard: I'm going to vote for it and support it, but it sends a bad message. And it sends the message we had a process problem in the city in developing these costs when that was not the problem. And I don't like having the city that I represent that I work to make a better place sending a message that, yeah, I think we made a mistake in developing these costs. I mean, can you get in and nit-pick maybe a little bit, maybe, but you answered an important question, tim. That question was, if you were in charge of the project, and you knew it was going to cost more, would you have told us, notwithstanding the fact it may have altered our vote in approving the tram.

Adams: Right.

Grewe: This is my opinion, solely, but my -- most of the project managers I work with in the city just as I would have, would have been before you to present the information they had when they had --

Adams: You're right.

Grewe: I don't think it's common practice for most of our engineers to rely on an architect's estimate.

Leonard: That is exactly my experience.

Adams: I agree with your point. I'm trying to make sure that we come up with -- I think it is a fair point at the same time, while I agree with your ., I think it's a fair point that coming up with a common standard will assist in cost estimating on projects, will provide more certainty to the system, and I think just if you do nothing else but come up with a common language, a common set of standards, and require project managers to provide their evaluation of their confidence level, that will help. If nothing else happens, that will help.

Grewe: Commissioner, if I could, as a manager-to-who has to approve these projects before I bring them before this body, having that list, minimum requirement that's go into an estimation will be very useful to me, because I like you commissioner Leonard, would have to sit there and hope i'm asking the right questions to get a better feel for the accuracy of the estimate i'm being presented. This wavy a standard checkoff list, I hope, that gives me --

*******:** This happens with i.t. Projects am the time.

Adams: Commissioner Leonard, I believe you're right, this is -- this does not excuse past behavior in any way.

Potter: I disagree with commissioner Leonard. The reason I do, I think this makes good common sense that every step of the way that someone is going to have to put their name to that designation, and we can't say what it was going to cost, because -- which is what i'm hearing now. By putting these designations on, it should send a red flag every time someone takes a decision in this process, I it should send a red flag, I should look at this more carefully, because this could have ramifications. I think it's a great step, I think it's probably one of the number of things we're going to be doing to ensure that on these kinds of items that due diligence from the bottom up occurs so I -

Adams: I also think, Mayor just to add on to your point, there's also the opportunity for council in the future, some of these projects that are just some of these projects, and the tram is a good example of such a unique project, it will provide council the opportunity to make provisional decisions of approval to move forward. As opposed to a decision that means, yes, till the very end. And that's not a way of doing business here now. But I think possibility exists for us to do more of

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that sort of provisionally. You can go to the next step kind of decision. And especially on these on these big, big ticket items.

Potter: Further questions of these folks? Thanks very much.

Adams: Thanks for your work.

Potter: Was there a list?

Moore: No one signed up.

Potter: Okay.

Lili Mandel: Lili Mandel. I agree with Commissioner Leonard. You can't hear this -- and you're not going not going to change that passing this that they are not going to lie to you. That's not possible. That's not human nature. And you can't control it. And that check off list, isn't going to be able to do it. I don't care what check off is you have. You can't, a bad apple, you cannot protect yourselves from that. And I think then to try to say that it could have been, if we had this, I don't think that would have changed anything. Thank you.

Potter: This resolution calls for a vote. Please call the roll call.

Adams: I want to thank the council for their consideration. I want to thank the mayor for his partnership on this. I guess just one final comment on that point, as someone who's been responsible for implementing the project the past eight months, if this had been in place, my ability to hold people accountable for their prior statements would have been more straight forward. And so it's another benefit of this and the reason that I brought it forward for consideration. It would have provided documentation that would have been useful having inherited the project. Aye.

Leonard: Well, apparently it's been lost on some community that have been interested in observing kind of the discussion around this whole topical area that there is some irony that there are three members of the council who voted for the tram who are now saying they will not contribute any more money to the tram. There is absolutely no irony involved in that at all. In fact, it makes the point three of us sat here and were looked at by people who told us things they knew were not true and we are not going to rewarded about behavior by giving them more money. That's exactly what they were trying to do. Is tell us what needed to be said us to in order to vote yes and later come in and ask us for more money. I won't reward that and apparently two of my leagues feel exactly the same way. Having said that, I do appreciate the explanation tim gave about the objective list of checkoffs and as long as that doesn't slow down a project, in other words, we don't create another problem because of what I consider to be the problem here, I am fine with that. But I think it should be -- I don't think the committee should necessarily think they have to come back with something if they think it's going to impede our ability to do work and do it efficiently and quickly and on time. Aye.

Saltzman: Aye.

Sten: I think I will save my tram comments for another day. I see another topic in the audience people are waiting for. I have seen processes like this that actually are just bureaucratic and bog things down. I don't mean that as an insult to anybody. But I also think we could use some more eyes on the big project, more safe guards, if things are honest mistakes, somebody else catching them and pointing them out if there is dishonesty involved, somebody else you are accountable to you. So I think this is a good solid extra step. I think all these kinds of processes need to be reviewed after, pick a number, year or two because they do sometimes devolve into busy work. And they do not create anything but a whole other stack of paper and we were trying to save paper in another item. I do support this. But think we ought to do it with an open eye. It certainly isn't any magic thing that will stop bad results but it could be a good piece and therefore I vote aye.

Potter: Aye. Please read the next item.

Item 289.

Potter: Erik do you want to - -

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Sten: Sure, this is very straight forward. Couple of months back I brought forward a moratorium on the middle income housing tax abatement essentially given our economic conditions I just felt that there was a pretty controversial vote at the council that we needed to take a whole another look at the abatements that allow more expensive housing to be built without paying taxes for 10 years. I have asked planning and p.d.c. and community partners to come back with different ideas and the council could look at before we make a decision whether to keep this at all. The process is going very well. I think this cannot be rushed in this climate so I am asking to extend the moratorium until July 1. We won't accept any tax abatement proposals until July 1 and I hope to be back to the council with ideas to debate in an open forum probably in June.

Potter: Is there anybody to sign up to testify?

Moore: No one signed up.

Potter: Ok. Any questions from the commissioners? Ok. This is a nonemergency. Moves to a second reading. Please read the next item.

Item 290.

Potter: Rick, are you still here? Rick brings some good perspectives, diverse and talent to the h.a.p. board. I think this is a recommendation from Multnomah county, and I want to thank Rick for his years of service to the community. And on the h.a.p. board. Commissioner Sten, did you wish to add anything to this?

Sten: No. He is doing a terrific job and I am just glad he will continue serve.

Potter: There is anybody who wishes to testify?

Moore: I didn't have a sign-up sheet.

Potter: Is there anybody who wishes to testify on this matter? Please call the roll.

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

Potter: Aye. Please read the next item.

Item 291.

Potter: Any questions, commissioners? Please call the vote.

Adams: See a lot of good stuff in there. Aye.

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

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

Items 292, 293 & 294.

Potter: As you know, the drug-free and prostitution-free zone ordinances expired October 31, 2005. And I heard some concerns from community members. I have had some of the same concerns myself about its use or perceived misuses in the past years. I was concerned about balancing civil liberties, the need for an effective tool that will benefit the community's public safety. Prior to reintroducing it for renewal, I made some recommended changes to the ordinances and extended the deadline to January to allow time for community input to provide an opportunity for dialogue on this important issue. There were three community forums that were held in North Portland, at Emmanuel Temple, Council Chambers here in downtown, and at Vestal Elementary School on 82nd Avenue. These forums were well attended, received valuable input from those affected by the ordinance, business owners, neighborhood associations, community advocates, the American Civil Liberties Union, and those who have been excluded from participation in the past these kind of discussions. Feedback was pretty much balanced, to tell you the truth, between those who support the renewal of the ordinance and those who don't. Those who attended know firsthand the passion and the concern that this ordinance has provoked. I heard two messages. We need to protect our civil liberties and constitutional rights and we need public safety tool that can affect our neighborhoods' livability. It was a difficult task to try to attempt to balance between public safety and civil liberties. For those who oppose the ordinance, it was a matter of a basic human right to move about freely. And for those who support it, it was about being able to move around in their neighborhoods freely and feel safe from the dangers of drug violence, syringe, prostitution, all of

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which are crimes that affect the quality of our lives. After collecting information from these public meetings, I convened a small work group to develop language for a proposed ordinance prior to presenting it to stakeholders. The working group consisted of my staff, the city attorney's office, police bureau personnel and the office of neighborhood involvement. We presented the ordinance recommendations to a group of constituents for input. This group included the aclu, district attorney's office, homeless and community advocates, Portland business alliance. I believe that we have addressed the majority of these concerns. I still think that there are concerns lingering. One of the things that we have done and this was at the suggestion of commissioner Adams, is also an additional resolution that creates an oversight committee that will oversee this implementation and we have cut the time down from three years to one year for the -- and it would be renewed based on input from the mayor and this oversight group. We also hope that this committee will report on the impact of recidivism and the rate of connection to social services, treatment, housing, and efforts to address the root cause of open air drug and prostitution crimes. I would like to thank all of the citizens who came to these meetings, I would like to thank the civil liberties advocates, our police officers and the police bureau staff and the business community for your involvement in this. I would like to call up staff. Please come forward.

Maria Rubio: Good afternoon, mayor, and commissioners. My name is maria rubio. I am the policy manager of public safety at mayor's office and I am also the liaison. This afternoon, before we get into the body of the code, I wanted to review a little bit of the information that we gathered at the public forums. And I want to say, as the mayor mentioned, they were very well attended. We had between 100 and 200 people participate at each forum. And also we saw almost an even split between those who were for it and those who were against it and had issues. We received input as well from, from beyond the forums, from our work group, from the police, from the Portland business alliance, commissioners' offices and the community. What we did is weigh we took the information we gathered at the forums and gathered them into groups, subgroups or themes, if you will. So I will through some of the themes that we identified from that input and then try to identify where in the code we attempted to address those. First of all, one of the issues that was voiced at the forums was that the exclusion code had unlimited and unchecked power, police power and racial profiling was involved in being used. Again, these issues came from those who had concerns about the existing code. What some of the recommendations were and that we have implemented are to require an automatic review of every exclusion by the code's hearings officer and also modify the forms that are given to the excluded person and also to establish a community oversight group. In terms of the oversight group, their functions will be to review exclusion zone operations, to report to council on the effects thereof, to monitor the impact of the open air drug and prostitution on the city neighborhoods and also to recommend changes to the drug and prostitution-free zone code. Also we hope that this group will take it upon itself to recommend public education initiatives that are geared to educated the community and the public as to the zones and what they mean and what the consequences are. In terms of the oversight committee membership, our recommendation is that we have police officer -- we decided that it would be important to keep it small to be functional. But at the same time to represent several aspects of the community. We need the involvement of the police. We want community member from each of the zones, someone from the citizens crime commission, someone representing civil liberties advocacy, and the mayor will seek input from counsel for those appointments. We anticipate this will be staffed by the Portland police bureau, the mayor's office and the city attorney's office. Another concern was that exclusions are still valid even if people are not convicted. In response to? We have included some safe guards to increase confidence that people have committed criminal acts before being excluded. The next concern was that exclusion does not address the root causes of problems and there's a lack of resources for prevention and social services and I know that that's a broader, from a broader perspective and another conversation. However, the community was really concerned that some of the people were

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being excluded time and time again without really being, root cause for their problem being addressed. So part of the oversight committee's duty will to be study and recommend ways that we can link individuals to services such as some of the initiatives that are already in place. Some of the community members also recommended zone changes. Some wanted their areas to be -- to become drug free and prostitution free zones. As you will not notice on the second and third bullet those are the ones that are new to the drug free and prostitution free zones. The other concern was the time period between review of boundary adjustments. They said it was just too long. The three-year process. So we are recommending that council should authorize and reauthorize the zones every year and take into consideration the input from the oversight committee. The last concern that, or the theme that we took from the data collected at the forums was that forcing excluded persons to carry paperwork for the administrative convenience of officers is wrong and so we are proposing the limb nation of that provision and looking into the possibility in terms of having the tracking be done by the ppds system. And now I will turn it over to david woboril to go over the actual code changes.

David Woboril: Good afternoon. I'm david woboril with the city attorney's office. I don't have the power point presentation up. Mayor, commissioners, I would list the changes proposed by the mayor but first for the context of your decision on this reauthorization, I will give you a bit of history on the exclusion code. The exclusion code came into existence, at least the idea of it, during the clark administration. It was born of frustration in the neighborhoods. Policy was formed by the clark administration and implemented during the katz administration. Originally, there have been significant changes over time. I would like to track those very briefly for you so you know what, on what you are building. The exclusion code originally provided for 90 o-day exclusions based on probable cause that a crime had been committed and a one-year exclusion from various affected zones upon conviction for a crime isn't the zone. They were very broad and they were very few exceptions. The basic idea was that the city has the power to control access to public areas and exclude people who have affected those areas through criminal behavior. This fundamental idea has been challenged repeatedly in court but has survived. Most of the changes that the courts have urged on the city have had to do the attendant processes that implement the zone code.

Geographically the code, the exclusion zones started in old town and Washington park. The Washington park problem was remediated, it disappeared and that zone was taken off the books. Prostitution free zones have existed in the downtown area on, along martin luther king jr. Boulevard, along sandy and 82nd. The mlk zone saw a tremendous diminution in prostitution in the area and was eliminated in the 1990's. The northeast neighborhoods asked for a drug free zone and council instituted one, I think in 1998. These zones and the zone code have been continually adjusted since 1992. The courts have occasionally found fault in some of the supporting procedures. As I said not with the fundamental legal concept here. And with some of the rules used to implement the zones. The community also has voiced concerns. Council over the years has made changes to three areas. First, the process afforded excluded people. Second, the nature of the exclusion and exceptions. In other words, what the exclusion prohibits and what it allows and then third the geographic boundaries. That's where we have seen most change. The mayor's proposal response to the court, we had a decision recently, response to court concerns and community concerns, and continues and really accelerates this refinement process. Let me show you before I talk about the particulars of the changes the numbers we have that support the efficacy of the zones.

One of the benefits of creating an oversight committee is that you, council, will get much better numbers. We have had to scrape really numbers together to find out how these zones are functioning and how they are affecting people. The most compelling data we have is up on the screen. The graphs you see reflect drug -- the city wide drug activity. The second slide shows drug activity in the drug free zones. We have other information we can show you but this has compelled previous councils to conclude and make findings that, in fact, these drug free zones are effective in

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dealing with drug problems in the zones. The first change proposed by the mayor requires code hearings officer review of every exclusion. The code, if you adopt it, would not allow an exclusion to go into effect unless the code hearings officer has reviewed the exclusion and determined that there's probable cause to believe that the person to be excluded committed a crime in the zone. This is a significant procedural addition to the existing code. Second change requires that an officer initiate a criminal charge either by citing to be the excluded person or by performing a custodial arrest, taking the person to jail for presentation to a magistrate. Another significant procedural change. Third change, narrows the exclusions and eliminates what had become a very confusing variance mechanism. Over the years council felt the need to allow people into the zones for many legitimate and helpful activities such as going to social service providers, getting treatment, working. Those were called variances from the exclusion and it became very confusing to people what was the exclusion, what was the variance, how though obtained a variance. What the mayor has done with the version you are looking at is to say that people are not excluded for those beneficial purposes. Exclusion just doesn't go that far. You see list on the screen of the various activities and mostly activities and places to which the exclusions would not apply if you adopt the code. Change number four is prompted by the court. The mayor took the judge's opinion to heart and transient housing will qualify as a residence and be outside the scope of the exclusions. The code allows 10 days to appeal the exclusion. The practice has been 15 days. And the code change proposed by the mayor could conform the formal code to the practice. Change six was necessary to accommodate the mayor's desire to have a code hearings officer review of the exclusions. This can't be accomplished within the 15 days and implementation of code hearings officer review requires a longer delay between the issuance of the exclusion notice and the imposition of the exclusion. Number seven makes explicit that a one-year exclusion following conviction must be accompanied by notification of the person that this was going to happen, that this was, that exclusion would be imposed upon conviction. The current process and its formalized by change number seven is that when a person is first contacted after the crime is observed they are given an exclusion form that talks about mostly the 90-day exclusion but also informs them that if convicted of the crime, that a one-year exclusion will be imposed. It also opposes them they can appeal that one-year conviction, based exclusion.

Saltzman: So in other words, the current practice is acceptable in that record? I mean as long as the paperwork makes clear that the one-year exclusion follows a conviction.

Woboril: Yes.

Saltzman: So we are not talking about anything different here?

Woboril: Not sig -- no, not different. We are formally committing to notice in the code itself rather than in the, the standard operating procedures or the forms.

Saltzman: Ok.

Woboril : Judge marcus was very concerned that the previous versions of the code required a person to carry paperwork. He found that offensive and this mayor has decided that it shouldn't be a requirement and we have removed it from the code. There have been some advances in the Portland police bureau's ability to track these cases that now allow the officers to rely on a police bureau rather than the person for information about the person's status. They should be able now to go to their information, their databases and find out what the status is that the person what have just contacted. Change number nine, is going to require for reauthorization that council look at the performance of the zones and reauthorize every year rather than every three years. Change number 10 is not a change to the code itself but certainly you can see that it's essential to how this will go forward. The oversight committee is critically important to, I think, the management of the zones in the future. One of the problems we have had over the years is that there hasn't been enough attention paid to the operation of the zone except when it comes up for reauthorization. Then we all hurry to get informed, we have a policy discussion that usually is probably too short and too

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intense. Very important I think that the city have a project manager for this. And I think that the oversight committee will essentially be that. It will provide as I have noted here continuous data collection, continuous policy review, integration with other livability efforts and continuous review of fairness and effectiveness. I think that the council, the police bureau, and the public will receive much better information about the zones and be able to much better informed policy decisions. Finally the boundary changes. The current code and there's no change suggested in this regard, current code requires that the zones be imposed only on those areas that have a significantly greater incidence of drug and prostitution activity. The Portland police are able to collect data for us on the location of drug arrests and prostitution arrests. Currently, the indicator we use for degrade station and impact is location of arrests. This is probably something the oversight committee will want to look at. This is not necessarily the best way to measure impact. But it is currently in the code and it's how we are guided in making our decision. The blue area is the current zone. The red line is the proposed boundary for, in this case, the central city zone. The city attorney's office has looked at and this we think that the line runs along the gradient between significant severe degradation and not so severe degradation. This is something that is up to you. This is essentially a fact finding function that's up to you. These right mayor's proposed lines. The city attorney's office believes that we can defend these lines as consistent with the definitions in the code.

Saltzman: When you say it's a fact finding we have an objective standard right now and that's number of arrests? And how that compares to the average? Or greater inns tense? Significantly greater incidence of arrest? Go.

Woboril: Significantly greater incidence of arrest is how the code currently measures degradation. We have been able to defend that in court. We think that it certainly legally adequate. A more sophisticated formula may be better for policy purposes. You cannot, of course, impose one of these zones on your entire city. It needs to be related to a problem and the way we currently measure these problem is with these arrests. That seems to suffice as a constitutional matter. I mean, it does surf suffice as a constitutional matter. You may decide there are other criteria to use as well you can define the problem in any way you want as long as you -- '

Saltzman: I was curious lower sandy boulevard I always thought that was part of the previous prostitution free zone.

Woboril: I will get to prostitution free zone.

Saltzman: That's right. I am sorry. We are doing drug.

Woboril: We have three --

Saltzman: Ok. Sorry about that.

Woboril: Still on drugs. We will go to prostitution in a minute.

Potter: You said still on drugs?

Woboril: This is what has been called the beach zone. And what the mayor proposes we call the north drug free zone. And, again, the blue area is the current existing zone and the red line marks the edge of the proposed zone. Significant change this time around has to do with avenue of the roses. This map didn't look anything like this a few years ago. There has been a blossoming of these dots along avenue of the roses. And it qualifies, if you wish to do so, it qualifies for an exclusion zone. The lines are drawn essentially at the same places, at least on the east and west boundaries as the current prostitution free zones. The proposed drug free zone extends a little further north and doesn't go east on sandy. And here is the prostitution zone map. There has been a significant reduction in prostitution activity on sandy all the way in from 82nd and in old town. And it's our view those areas do not any longer qualify for this treatment. And the lines are drawn around areas of northwest Portland, and then along 82nd and out sandy -- I am not sure where the eastern end of that extension off of sandy is.

Saltzman: Can we make it 122nd? Fur not sure I will propose that.

Woboril: We have a very detailed metes and bounds.

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Saltzman: I would like to see it out to 122nd.

Woboril: That's what we are here to talk about.

Saltzman: Ok.

Woboril: Those right changes. The city attorney's analysis of the exclusion zones has been that they are constitutional; we believe that if you didn't make a change, that we could successfully defend them in court. The mayor has pointed out, however, that minimally constitutional doesn't necessarily make it good policy. And the changes propose by the mayor make these exclusion zones easier to defend in court, more constitutional if that's a proper legal phrase, more constitutional. I am happy to answer any questions you have on the legal and technical side.

Saltzman: So as I understand, one of the changes is that the 90-day exclusion for probable cause can still be issued but the officer must issue a citation for arrest or present the person -- what was it? To the jail?

Woboril: It's a legal phrase of ours. Make a custodial arrest means taking the person to jail for presentation to a magistrate for charges. In other words, start the charge process. Either take the person to jail for an arraignment essentially before a judge, on a charge that the officer observed, or write a citation in lieu of that process which requires the person on their own to go court for the arraignment.

Saltzman: Ok. So the probable cause for 90 days subject to those two changes is still valid.

Woboril: It's still valid. There is an additional change and that is that the exclusion would not go into effect unless the code hearings officer reviews the case and determines that there is probable cause to believe the person, in fact, committed a crime in the zone.

Saltzman: Right. And there's a 10-day period -- now 15 days in which a person can really and the 22 case for the code hearing? Is that on top of that?

Woboril: It gets complicated.

Saltzman: We are talking over a month?

Woboril: We are creating two tasks. We are creating one additional task for the code hearings office. Currently they hear appeals and the practical deadline for filing an appeal is 15 days. The code hearings officer gets the appeal within 15 days, schedules it, usually quite quickly. And stays the exclusion while they hear the case. On top of that what they are doing already, they are asking them in every case to do a probable cause screening without an adversarial hearing but a probable cause screening and then issue a piece of paper to the police bureau saying, if they find there's probable cause to institute the exclusion, if not, to void it.

Saltzman: That's regardless of an appeal being filed?

Woboril: That's right.

Saltzman: Automatic screen.

Potter: But it is concurrent.

Woboril: It is --

Potter: As opposed to what you are saying.

Woboril: We are trying do both of those things within the 22 days. There are some --

Saltzman: 22 days of the issuance of the exclusion?

Woboril: No the c.s. exclusion notice. The person gets the notice on day one, 22 days later, if a number of things come together the exclusion is imposed or stayed pending appeal.

Saltzman: Ok. Ok.

Leonard: What happened to the proposal by the mayor that would have required prosecutors as opposed to police define evidence beyond a reasonable doubt that somebody was committing an offense before an exclusion was valid?

Woboril: The mayor decided not to proceed with that. There were significant issues in linking the civil process with the criminal process, both practical, mechanical problems in trading information back and forth as well as potential constitutional jeopardy. There is a significant concern that the

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more you make this look like a criminal prosecution, the more likely it is the courts will regard is at jeopardy as a criminal prosecution that precludes the state from proceeding with its prosecution of the state criminal charge. There were many factors as well. It was a month's long discussion and I would defer to the various people who actually had policy making role.

Leonard: Whoever that might be is going to come up I would like to hear that explanation.

Potter: Further questions of david?

Adams: The going to one year, the exclusion zones only effect for one year, with the oversight committee's existence, does one year seem like -- seems kind of a rapid -- seems like a rapid turn around.

Woboril: Having gone through this a number of times, the rampup period is a couple of months or three months or so. And we will hit that more often. I think that the goal here is to have council involvement in the policy more often. It will stress staff no doubt about it. But it will also give you a look at it every year.

Adams: And do the zones stay in effect if until council action if council doesn't hit it right on a year?

Woboril: If council does not affect the zones will expire.

Saltzman: Really?

Potter: They can be extended for a period of time. Right now we are in an extension.

Saltzman: I guess that was contrary to what I thought the power point said. So the -- they would automatically expire within a year unless council affirmatively acts to renew them?

Woboril: Yes, that's the proposal.

Potter: I asked for that. It is. But I think because of the importance of this issue, because there's a lot of divided feelings in the community, I felt having oversight both from the committee and from the council was very important to ensure that bass 'twas implemented in a fair and partial way and that we review it in a year to ensure that that's exactly what's happened. So that was at my request.

Adams: And then I wanted to clarify the exclusion takes effect 22 days from being written automatically unless there is an appeal or the hearings officer has determined that there is no merit. Right?

Woboril: Yes.

Adams: There isn't anything affirmative. It's an automatic if those two things do not exist then it's an automatic exclusion?

Woboril: Yes. As a practical matter, the police bureau also screens the exclusions. And if, in fact, the complaint signer at the police bureau determine there wasn't merit, that exclusion also would be voided.

Adams: And then just in terms of 82nd avenue, what's the boundaries again for 82nd avenue?

Potter: Killingsworth to crystal springs boulevard.

Saltzman: That's south.

Adams: The entire length of the city?

Woboril: Yes.

Potter: Mostly.

Adams: Is it a few blocks? It is a block either off of that?

*******:** It's the east --

Potter: A thousand feet either way.

Adams: So that's three blocks, four blocks? Ok. Thank you.

Chief Derrick Foxworth: Just a point of clarification, in regards to being entered into the p.p.s. System after we have receive notice back from the hearings officer that has to go back to the police bureau, that has to be entered into our data system and I would imagine that it will take us probably

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several days to do so so we are looking at 30 days. Once the notice is presented to the person and the time that it actually goes into effect.

Adams: That's the on the ground realistic answer?

Foxworth: Yes, sir.

Potter: What is it now, chief?

Foxworth: For data entry?

Potter: For the entire process from the time the cite.

Saltzman: 10 days.

Potter: No?

Woboril : The code says 10 days as a practical matter. It's been 15 plus the data entry.

Potter: You know what that would amount to?

Foxworth: Probably 15 days plus another five days, 20 days.

Potter: About three weeks.

Foxworth: Yes.

Potter: As open posted to four weeks?

Foxworth: Yes.

Saltzman: And then the variance issue? I know we had very specific reasons. Now we are getting rid of those specific list of reasons that you can be in an exclusion zone and simply saying, what?

Woboril: You are not excluded for those reasons.

Potter: But rather than list them all or and require them to carry them around, they are stated both on the citation, as to what the automatic variances as opposed to it being granted.

Saltzman: There was one -- can you go back to that power point that listed them or show me? Because there was one that struck me as pretty vague or pretty broad.

Woboril: Is this the slide you are referring to?

Saltzman: I guess I was looking at essential needs. I mean --

Woboril: This idea came up in the 19 90's. The thinking was that some people had access to essential needs only in the zone. It might be medication, might be food. We wanted to be quite open-ended with it and allow a person who truly did have an essential need to access the zone without hesitation, without inhibition. It's meant to be quite broad.

Saltzman: So it doesn't include, I presume, the need for socialization? 0 the need to earn income? I mean --

Saltzman: I need to be in this zone to sell drugs?

Woboril: We haven't --

Saltzman: Support my family?

Woboril: We haven't seen that argument. [laughter]

Saltzman: And what about the need to socialize? This is where my friends are. Essential need.

Woboril: We have thought of essential needs although broadly, less broad than that. Having to do with food, shelter, sustenance issues. Now, where that line is, hasn't been clearly defined.

Potter: Is this one of the previous elements for the exclusion, or for the variance?

Woboril: In the past, as I said, the exclusion was quite broad and didn't allow exceptions. During the 1990's, the council wanted to create exceptions and these are the exceptions, essentially.

Potter: But this is in the existing.

Woboril: This exists in the current code. It's called a variance, though.

Potter: But the essential needs is part of the current?

Woboril: Yes.

Potter: This is not new.

Saltzman: It isn't. Ok.

Woboril: It is not new. So a person is not excluded for the purposes you see in the bullet points. The exclusion does not apply to those kinds of entries. There's no need to ask for permission.

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There's no need to obtain a variance. There's no need to have a variance status for those activities. The code propose by the mayor does allow variances for purposes other than you see on the bulleted list. And consistent with what the code has set for some years, a person who presents a plausible need, the language of the code, plausible need to enter the zone for an activity not related to what got them excluded, the police bureau must issue them a variance? So the list of bullets is essentially endless. Limited only by the person presenting plausible need to enter the zone for that purpose.

Saltzman: Is tri-met travel? Was that a carryover from before?

Woboril: That's been in there from beginning. There were concerns of travel on federally funded transportation systems and as you see interstate highway travel as well.

Saltzman: I was more thinking about people always waiting for the bus.

Woboril: Waiting for the bus is fine. Waiting all day at bus stop is not.

Leonard: So the bigger concern I have, and I would be interested in a response is, without getting into the details of the proposal, which I appreciate as been worked on a lot, is, this is an approach 245 essentially skirts outside the judicial process. What is it about us having a strategy that we arrest, cite, arrest offenders, have them brought to court, prosecuted and then conditions placed by a judge on them that we find so difficult to deal with as opposed to this kind of an approach which avoids these basic constitutional principles, which I think goes to the heart of what the issue is here.

Woboril: As I said earlier, the zone code was born out of frustration in the neighborhoods that the criminal justice system was not protecting the neighborhoods from these livability problems.

Leonard: I am asking you from as to your perspective as I understand that do you agree with that? What is it specifically about that process that I just described that we find a hindrance to accomplish the same end, the difference being we go in front of a judge and police officer doesn't end up acting as the arresting officer, the sentencing officer, the entire process encompassed into one person?

Woboril: There is kind of a legal concept answer and then a practical answer.

Leonard: I am interested in the practical answer.

Woboril: The practical answer is that the criminal justice system typically is not addressing the problem. The rate of conviction is not adequate. The --

Leonard: What does that tell us?

Potter: You know what this says, commissioner, every person cited is arrested. Or cited in lieu of arrest. Every person is arrested and processed through. Not everybody processed through goes through adjudication. There's a lot of presents for that other than level of proof. So we would have to have someone from the district attorney's office in to explain their which cases they take to court and which they don't. So this has been around for a number of years and it kind of hinges on the last issue that dave spoke of. And that's the inability of the criminal justice system to adequately deal with the problem.

Woboril: I can give you an example of a case that shows, brings to surface some of the issues a police often encounter people who hold bin dulls of drugs in their mouths. And they witness transactions, they are certainly that, in fact, the person is holding drugs. They are correct the person is holding drugs. The person when confronted will swallow them. The district attorney's office has a difficult time proving those cases unless a system as a whole goes to the expense, trouble, difficulty of pumping the stomach, for instance, waiting for the drugs to pass. In that case, the district attorney's office will probably decline to charge the case absent, oh, some statements or some other evidence. That's a person who is certainly had an impact on the livability of a neighborhood who is not going to be affected by the criminal justice system. That's just a proof problem that the district attorney's office sometimes encountered with real life situations. They also have a significant resource problem. The number of drug deputies, deputy district attorneys who work in prosecuting drug cases has diminished over the years, decreased over the years and they

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will tell you that they don't have the resources to adequately address the drug crime that occurs in Portland. They ask for the resource. They very badly want to do the work but they are overstressed. Standard that they use as a result for deciding what cases to take is what I call reasonable doubt plus. I mean, when they take a case they have to have confidence that they will be able to prove the case beyond a reasonable doubt because they have too many cases, the standard that they tend to operate on now is that they are absolutely certain they are going to get a conviction. So the proof threshold by which they judge cases is quite high now due to the resource issue.

Potter: Is there anyone here from the district attorney's office who wished to testify on this matter?

Saltzman: I see one.

Potter: Would you like to address this issue? Well, we still have to hear from the chief so why don't we hold off just for a second and you can come up and speak to address, these issues.

Foxworth: Good afternoon. Mayor, commissioners, I am chief derrick foxworth and I am here today to talk about the renewal and revision of the drug free zones and prostitution free zones which are important community policing tool for the Portland police bureau and the citizens of Portland. As a community policing agency it is always been imperative that we have the port and involvement of the community in these zones. Community policing is about police working closely with the community, nurturing partnerships and solving problems together. Over the years, we have had many public forums and have listened to neighbors' concerns about drugs and prostitution in their neighborhoods. In fact, citizen input became the foundation for drug and prostitution free zones. These zones provide one of the best tools officers have for impacting drugs and prostitution in Portland's neighborhoods. The proposed renewal of this ordinance includes some revisions. I want to thank the members of this work group for their efforts and their tremendous amount of work they have done to craft these changes. I am appreciative that police bureau members who use this on a daily basis were on this work group and part of this important process. The revision to the ordinance still allow for its ultimate goal and that is to combat drugs and prostitution in Portland's neighborhoods. Drugs and prostitution whether conducted in front of a person's business or home deeply affected people's day to day lives. These are crimes with chronic offenders. The same people doing the same illegal activity day in and day out. I believe we should have a holistic approach that includes treatment options and social service programs but we also need something that can exclude people from an area to do their illegal business. Our officers can make arrests day after day, but the fact is with today's budget issues and our justice system, exclusions still remains one. Best ways of interrupting the business of drug dealers and prostitutes. These chronic offenders are persistent. We have run prostitution missions and, for example, we arrested persons back on the street before we even end the mission that night. So the exclusion tool in addition to an arrest or citation is still valuable and important for improving neighborhood liveability. The creation of an oversight group will also allow for more important information to be analyzed regarding the problem of drugs and prostitution in our community. I will end today with a word of caution. That as to remember that the drug free zones and prostitution free zones are just one tool to help police and the community impact these neighborhood liveability crimes. We can make arrests, we can exclude and we can impact these crimes to some extent. But in the end, there is more problem solving to be done and I encourage neighborhood leaders, neighborhood watch groups, public officials, and social service agencies to continue to join with police in creating even more strategies that can help impact drugs and prostitution in our community. That includes getting more involved in youth programs and mentorship programs. Portland was a leader in the progressive decision to create these zones. We must now become a leader again. As a community we must have a united front that forges ahead to have a continued effort and search for innovative solutions to fight these crimes that negatively affect so many and can ruin so many lives. Once

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again I would like to thank the work group who put so much effort and thought into drafting these ordinances and thank you for listening today.

Saltzman: Two questions. The example you mentioned of making, issuing an exclusion when the person being out on the street before the prostitution mission is over that night, will this affect that?

*******:** The old ordinance did or the existing ordinance?

Foxworth: The old ordinance did not and this new ordinance will not prevent that from happening.

Saltzman: Secondly, I have a done ride-alongs with east precinct. I have attended a lot of neighborhood meetings. Out in the parkrose area and it just seems -- and I have heard your officers say at these meetings that, you know, prostitution definitely goes on beyond 112th to at least 122nd. Do you have any thoughts about that? I mean, I guess I would firmly believe we should extend that border east.

Foxworth: I have no reason to doubt that it does go that far, commissioner.

Saltzman: Thanks.

Potter: Other questions? Could we have the district attorney come up, please?

Jim Hayden: Good afternoon. Jim hayden from the d.a.'s office. I can answer questions or --

Leonard: I asked the earlier, more kind of philosophical question of just the approach and the issue for me isn't whether we have drug free zones. I like the concept of a drug free zone. The issue for me is the process by which we impose that on an individual so the question in my mind not withstanding obviously because of the mayor's efforts, a much improved approach still the issue is, do you have essentially a police over make that decision without any judicial oversight? And so why wouldn't we have drug free zones and say, instead of the process by which an officer decides one is excluded, say, to an individual that part of what we in Multnomah county are going to ask of the judge when you are convicted is that you be excluded from this zone. Why wouldn't we take that approach?

Leonard: Well, mr. Woboril touched on a lot of this and I think what we have to understand first of all is the criminal justice system is focused on the rehabilitation or punishment of the offender principally. So their focus is not on the health of these neighborhoods. It's open how this probation will work for this offender. So first of all, some judges may and some judges may not order these conditions of probation. We can't make them. We can request it. But it will be up to them. That's one -- that's one issue. Historically we used to do this as a matter of fact before we had prostitute son free zones, drug free zones. When I started in the d.a.'s office in the late 1980's, we had high vice restrictions. These were, you know, forms of paper that we would ask the judge to sign to keep prostitutes out of certain neighborhoods and call them high vice restrictions. We would ask the judge as a condition of probation to impose this. Some judges would impose high vice restrictions and some judges would not impose high vice restrictions and these were areas we identified as prone to vice. The those judge who is would sign the high vice restrictions would sometimes interlineate on the form but can be there for lawful purposes. Well, of course, to a police officer that has a, to whom a convicted prostitute has been given a form to stay out of this area but the judge has written she may be there for lawful purposes is unenforceable. Practical speaking it hasn't worked. Seeking those conditions of probation. That's one part of the, that's one part of the issue. Another part, of course, is the judges aren't going to see a good number of these cases for reasons that mr. Woboril said, which are our office has gone from the drug unit has probably been reduced in number in half. So there's a high probability of conviction standard imposed as simply a matter of deputies not having three and 400 -- I shouldn't use a number, too many cases. Too many cases.

Leonard: Let me ask you this. I know we don't have one but were we to have a municipal court in the city of Portland, could they have enforce these same drill state statutes?

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Hayden: If the Oregon vice statutes allowed for it which don't.

Leonard: They don't allow that?

Hayden: Cities over 300,000, guess who that is.

Saltzman: Portland.

Hayden: Portland, all the municipal violations are handled in the circuit court.

Leonard: I see. And so that's the reason for that. But to finish again the resource issue has, you would see not only with the issue with the courts, you would lose a good number on the resource issue alone. Also let's assume that you have a court that said, already, I agree, I am going to look beyond this offender and say this offender, you know, violated a neighborhood. So I am going to exclude this person from, you know, this chosen neighborhood. If that person is seen back in that neighborhood, it's a violation of condition of their probation. What does the police officer do? Writes a letter to the judge. The judge then will decide whether they are going to communicate back to the police officer. Have you ever tried to get a note to a uniformed police officer? It's a very difficult process. It's very long process. What the drug free zone then does is take what is a maybe we will get this done with less cases because of a resource issue, and we will do it immediately. Or as immediately as we can. The court system simply again is, it might happen, it might not. If it does happen it will not be immediate. And what the drug free zones, the reason they mostly worked is because it has been fairly immediate sanction. And if, let's say, again f. That, if that judge did order the probation condition, we can't go back in the drug or prostitution free zone, when the officer sees that person back in the drug or prostitution free zone it's not an immediate arrest. It is a try to get ahold of the judge and set a hearing. As they are written now the officer knows they can take the person off the street, through project 57, book the person into jail. It's a very effective and very immediate.

Leonard: That was another series of questions I have is how we were utilizing how well we as a city are utilizing those resources. I just had a meeting with the sheriff and others who didn't think we were fully -- we, the city, not the police bureau, not taking fully advantage as opposed to commander benson he pointed out, I want to say something here that one police officer will like today. He was praised commander benson's utilization of the tool. But felt that the other commanders weren't either aware of it or weren't utilizing to its full potential so we weren't getting people in those beds that could otherwise be in the beds.

Hayden: I can say that the officer at northeast precinct that principally work drug free zones utilize it very effectively and it has been a boon to the enforcement of the drug free zones in northeast Portland. Does that answer -- you also had a question about not tying this to criminal prosecution. And that is something that I have definitely --

Leonard: Yes.

Hayden: -- advocated against, asked the mayor not to propose --

Leonard: Because?

Hayden: I have real double jeopardy concerns regarding it. The closer we tie this to criminal prosecution the more it looked like a prosecution so when the officer issues the exclusion, if it only based upon whether the d.a.'s office issues the case, it starts to take on more of a look of a criminal prosecution.

Leonard: But you understand your concern in and of itself raises concerns?

Hayden: That being? The concern?

Leonard: The fact you are concerned it raises double jeopardy questions and thus are going to use some other process doesn't assure me that people's rights are being protected. I mean, you are confirming what some fear might be, that there are issues related to civil liberties that we were attempting to skirt by using these other processes. I mean, that's -- your answer doesn't reassure me.

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Hayden: I can't give you -- I can't change that because there's a true constitutional concern about it. If you go down that road you put it into serious jeopardy. An ordinance we know is constitutional today. I think the proposal --

Leonard: What it feels like we are trying to keep this as far away from a judge as possible in order to be able to do it legally because the closer we get --

Potter: Not so. Every, every citation excluded a person is accompanied by an arrest. We are not trying to avoid putting them --

Leonard: What happens if they cite a person, we arrest them, and then the citation or the charge is dropped? What happens to the exclusion order?

Hayden: Well, that person is still, that exclusion is still reviewed by the city code hearings officer.

Potter: Jim, let's walk through a typical drug dealer arrest and this is for drug dealers. Not drug users. Drug dealers.

Hayden: Drug possessors.

Potter: Possessors.

Hayden: And drug dealers.

Potter: And dave woboril was talking about a case where a drug dealer has, keeps some of the product in their mouth and the police officer approaches, the police officer observed much of the transaction or the drugs themselves but the person swallows the drugs.

Hayden: Correct.

Potter: Those are called swallow cases.

*******:** Correct.

Potter: Why can't you prosecute based on that?

Hayden: Well, we don't have the drugs. You know, we have to prove these cases to a jury. Anybody seen c.s.i.? [laughter]

Leonard: Actually, I have not.

*******:** Well --

Potter: Neither have I.

Leonard: Haven't you really?

*******:** Jurors think that --

Leonard: That one with the guys go out and sing and stuff? I love that. I love that.

Hayden: Well, juries think that c.s.i. is reality. And they are looking for fingerprints on crack pipes. So if you doesn't have the drugs at all, we have to charge a type of drug in our pleading which we can't do. And we don't have the drugs to prove it was drugs. However, it is probable cause for an arrest because it was obviously a drug transaction, an officer saw a balloon in the mouth in a high drug area and there's case law that supports probable cause. We can't issue.

Leonard: Can you say metamucil?

Hayden: Metamucil? Not in a balloon.

Potter: Are you sure you want to do that?

Leonard: I'm not volunteering.

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

Worboril: I could perhaps address the distinction between civil and criminal and to take it out of this, oh, more typical criminal arena, currently courts are seeing the exclusion code as entirely civil. Much like a code is. When you link it and make it look like part and parcel of the criminal process, the courts then say that criminal procedural protections are required. So I don't think that anybody in the city has any worry that, for 99 stance the building code is trying to skate pass criminal protections. But if do you link them up, the people charged with those state crimes assert they have already been penalized and that penalty was not civil but criminal. And therefore, the state can't proceed on the criminal case.

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Saltzman: One --

Sten: One follow up question, please.

Potter: Yes.

Sten: I appreciate all the work that the mayor and the team have been doing on this. I have had a lot of questions over the years about these zones, and the district attorney and I have argued this in different forums. I have believed that it is something that goes too far with civil rights in the past. I have actually supported the zones as they have changed and not, I think never voted against the drug free zones. It's something I have struggled with for these very reasons and I have never liked the idea that you could essentially be accused of something you did not do, be you can excluded from the zone and then be arrested for trespass or whatever it is that you when you break the zone and that was very possible. I think these -- these changes make it much stronger and I really like them and I am actually inclined to give them a try and see what the results are but I am thinking this through. The question that I still have has been the premise of this has always been people who are very active and involved in the drug trade. I mean, and every time I have talked with the neighborhood group and they are on both sides, there's no disagreement out there in our community that we have very active drug dealers and users who are making life miserable in places throughout this town who for whatever reason it's outside of my control and expertise the criminal justice system is not addressing. And I don't think anybody disagree was that thesis. So I guess what I always get hung up on is why not require, rather than conviction on that offense some past record? Some way of showing that, you know, this is what I have said in the past that show meet person's repeat drug dealer. And when I say, you know, there's real evidence that the only thing I am worried about and then I am always told it never happens, is, but, we can't seem to address it in the law is what about the person who is arrested the first time or the second time but they are innocent both times, there's no conviction, there is no evidence that they are a chronic drug dealer. What would be wrong with that having -- if you don't have a conviction, you have got some past track record piece or some way you can appeal it if you don't have a record. And the interesting thing about having this debate, I actually thought I was trying to be helpful because everybody tells me that there's nobody you are trying to get that doesn't have a record. And I think somehow tying to it past record might be a way to get past the argument that somebody is truly, truly not involved in this stuff and is a victim of a false accusation by an officer.

Worboril: The mayor was very concerned about very complicated hypothetical. It raise as lot of issues. I think the oversight group ought to be looking at many of the issues you raise. The mayor was very concerned about the confidence we had that, in fact, people had committed the crime. And thought a lot about what standard to apply to it. Whether the city should screen with the beyond reasonable doubt screen or preponderance scene. I believe it is considered that the current automatic screening with probable cause and a preponderance test that people actually appeal, will give the city good confidence that it is not dealing with inspect people as I think you are your hypothetical at one point posited, the mayor certainly does not want people who are not involved in drug crimes to be scooped up by this thing and want a mechanism outside the Portland police bureau that will give him assurances that it isn't scooping up those people. As to dealing, as a practical matter, it is more difficult to obtain a delivery conviction on a dealer than it is a possession conviction. And the police tell us they often know with quite a high degree of certainty that someone is a dealer but they can't get the system to say something. Group is quite difficult. The transactions are complex. The dealers are quite sophisticated. There are runners. There are mentioners. There are lookouts. And the police have accomplished quite a bit for us, I think, if they are able to spot the dealer, identify them and prove possession. You are going to have a very difficult time labeling dealers as dealers through the criminal justice system.

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Potter: What he is getting around to is that, and I am asking you or the police bureau, do you keep, whether you keep information, do you also keep information on the individuals who have been cited, whether they have a previous arrest for the same crime?

Worboril: No one is currently compiling that information. It can be gathered. It can be gathered. I am not aware that there's know database that has brought those two factors together.

Saltzman: The ppbs system doesn't have prior arrest and convictions on it?

Worboril: It sure does. Nobody us search the it.

Foxworth: The Portland police data system, if an officer comes across an individual, and think run that individual's name they can look in our Portland police data system and see if there's a prior arrest for a number of offenses. So certainly if there's another drug arrest there that information would be available to the officer.

Sten: I guess this is an improvement. And I have talked with the mayor a lot. And i, you know, knowing how complicated this issue is, I felt like that the team, all of you, I appreciate that the district attorney's office because I have argued with them, have worked hard to get after these piece and my concern before was I felt were he we weren't putting as much -- it's a judgment call on my part -- as mulch as I wanted on these issues. I can't sit here and trouble-shoot your expertise which is why I am inclined to give it a try with a one-year basis and see if it work out better. I guess the key thing I am trying to get at and it's just right in your statement is that you just, in our system of law, you, in fact, do know ever know that somebody is guilty unless you are guilty once you are convicted in our law. I mean, you are not guilty upon accusation and so the statement you just made that we know they are guilty, based on something somebody saw is just flat out not true. And I guess that -- I get that you can defend that in a civil but not a criminal proceedings but essentially this is a civil response to a criminal problem. That's what we are dealing about and that's why I want to keep it on the table that the premise I have always put back in front of me is repeat offenders. That this is about repeat offenders and I just can't get out of my brain and maybe it's just pedantic on my part there isn't some way to deal with the person who is there is no evidence is a repeat offender. So I will just leave it at that. It's probably not a deal killer for me because I think this is.

Potter: I would like us to start tracking that information. Just --

Sten: Maybe we have not arrested anybody who is not a repeated offender. Maybe it's not an issue because I hear from everybody. I hear it from today from somebody.

Potter: There is a way to put what on the form?

Worboril: Yes. Certainly. Just a box, I think. If an officer encounters someone on the street they will likely run them and if they see that information they can check a box?

*******:** That will go with the form through the system.

Foxworth: I think that something that the oversight committee should have as well, the number of repeat arrests for the same individual. That would be helpful for you.

Potter: Other questions.

Hayden: I would like to make two comments. Mr. Woboril I may not bring these things up but I think its important for the council to know first of all the extense to 22 days, I would just encourage you to look at that 15 day mark. I don't know that the 22 days is necessary. I think the work can be done in the 15-day period. And we are getting away from your immediacy by extending it to 22 days so I would just ask you to consider whether that really truly is necessary. And part two, I agree with the code hearings officer review. I have no objection to that. I think it's a good idea. My only concern is the way the structure is that it is a condition precedent to exclusion. Meaning, of course, the exclusion only goes into effect if the code hearings officer agrees as opposed to exclusion goes into effect and can be voided if the hearings officer disagrees. I raise this only because what may happen, and I say may, you may be creating a code hearings officer as a witness in all of these criminal trials. Hundreds and hundreds of criminal trials. I don't know for sure that

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that will be the case. But it's possible. So I think the same thing can be accomplished by making the exclusion go into effect. The code hearings officer would review it then within seven days after it goes into effect. Notify the person that there are last known address and the person would have a call that avoids the code hearings officer as witness issue. Otherwise it could be an expense, a considerable expense for the city if, and again as the way I look at it I don't legally, we get to the same point. I understand the mayor's concern he want to make sure these exclusions don't go into effect unless there's a review. I think we get at the same thing. Without the resource drain.

Adams: What's your response, dave?

Worboril: My marching orders in drafting was to assure no exclusion went into effect without confidence that the person, in fact, had committed the crime.

Potter: That was at my request.

Worboril: The mayor sought that confidence in the codes hearings officer automatic review.

Potter: Did you get ahold of the code hearings officer?

Worboril: The code hearings officer will try to be here. He can't be here probably until 1:45.

Adams: How is the, what information does the code hearings officer have before him or her that they evaluate to determine confidence in the, whether or not the proposed exclusion is proper?

Worboril: As written, the code hearings officer would have to find there's credible evidence presented by the police officer in the form of the police order that allows the code hearings officer to find that there's probable cause to believe the person to be excluded committed one of the listed offenses on his own. They are looking for credible evidence in the police or the essentially. This is much the same process as is currently used to determine whether someone can be held in custody over the weekend.

Adams: Give me an example. Can you give me an example of credible evidence in a police report.

Worboril: The code hearings officer is going to have to -- these are fact finding, it's a fact finding process. I would expect the code hearings officer would like sufficient detail, corroborating circumstances, the cases are going to vary and it will depend on the totality of the circumstances in each particular case. I think that part of the, it's sort of an organic process in which the code hearings officers are going to tell us what they need to be confident that there's credible evidence. And but how they respond will feedback to the officers and affect their performance. The code hearings officer came in, talked to the mayor about their role in the process and made a point to tell the mayor that they want to be certain about these things. And, in fact, they probably are applying a certainty standard rather than a probable cause standard to the -- they would apply a certainty standard. I think currently they are applying a certainty standard rather than a. Of the evidence standard.

Potter: What is the code hearings officer's back ground?

Worboril: They are lawyers. They have experience in administrative law. Primarily in land use and building code law. They deal with all of the city's administrative decisions, appeals from all of the city's administrative decisions. They are not broadly experienced in criminal law, although their involvement in the exclusion process is exposing them to more and more and more criminal law and criminal law situations.

Saltzman: Do they watch c.s.i.? [laughter]

*******:** I bet they do.

Saltzman: We are going to -- I guess I am a little concerned they are going to apply a certainty standard. How would that play out in a, the case where the dealer swallows the drugs that you were, one of you use using earlier?

Worboril: The code hearings officers have been very tough on our cases.

Potter: What is the percentage of declines?

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Worboril: The code hearings officer has been rejecting after review has been finding, has been voiding exclusions at rate of about 25%. And we get into opinion at this point but as an advocate, occasionally in that courtroom, it's a tougher standard than preponderance.

Saltzman: It's been preponderance.

Hayden: I would hope that would be part of our oversight committee. Lets ensure the people that should not be excluded are not excluded but also people that should be excluded are excluded. And review these decisions and ensure a correct standard is being applied.

Potter: Thank you, folks. I think we have a number ever folks who want to testify. How many people are sign upped to testify?

Moore: We have 21.

Adams: Shall we eat lunch in here?

Potter: I don't think we should keep these folks from testifying. But you could make if you wish to drop out one at a time to grab a bite or something. I would prefer just to keep going just so that all these folks.

Adams: Can we eat lunch at our desks?

Potter: Sure. Sure. I don't know if it's polite to eat in front of all these people or not. So what we are going to do, because we have a large number of people, going to ask you to keep your testimony to two minutes. I know people have strong feelings on this. But that will allow us to get through this in a expeditious manner. So it's going to be limited to two minutes. And you would be called in the order that you signed up to testify. Karla. Pardon?

*******:** Bodily remove us in two minutes?

Potter: In your case, yes, richard. [laughter]

Moore: Come up three at a time. Andrea meyer, chris o'connor and chip shields.

Andrea Meyer: Andrea meyer, aclu of Oregon. It's been an interesting discussion. It's hard to give meaningful feedback. I had some something hand out to you. I had wanted to make preliminary comments very quickly. I did want to thank the mayor for making this process far more inviting and inclusive of folks to have that discussion. With that said it's important that I renew our concerns and general opposition to these ordinances because we believe they are limiting someone's right to travel and associate freely in our society. And before our government does remove or highlight that right it should ensure due process protections happen so that we do end up punishing innocent. These protections include arrest and filing of criminal charges right to council, right to a judge and jury, judicial hearings and judicial oversight. I want to be clear. The aclu does believe we can issue exclusion orders and these can also uphold due process principles. Instead of these ordinances you can use a the current system that has not been used in a long time as we have heard in terms of resources and the fact that it used to not work. We haven't used it in many years but if a person is suspected of these crimes and they are arrested or cited in appear before a judge, that's the time when the judge can impose it and likewise if they are sentenced, for a conviction of this at that sentencing, that's when the one-year exclusion can occur. But those provide the meaningful protections necessary. Ok. I am running right along and I want to highlight for you the first page of what I have handed you our missing critical elements not in this ordinance at all and they are that exclusions should be void if charges are dropped. This should be limited that means that they, if they do not to go trial as you have heard if the chargers dismissed at any time the exclusion order will continue. It's limited to repeat offenders. So that you get the policy you have heard about. And de novo review chill skip over right now. The critical flaws I have to highlight one if I have enough time, mayor. I hope you will and the other ones will stand for themselves apparently. The hearings officer probable cause review that's going to occur is --

Potter: People could go.

Meyer: Thank you. Provides some review but minimal, probable cause is a very limited threshold. What's not being looked at by the hearings officer is whether the underlying arrest, underlying stop

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and search of that individual was lawful. That resulted in finding the drugs or something else. And if that was unlawful, the hearings officer is never looking at that in his automatic review. We have urge would that this probable cause review include a review that the underlying search and seizure was constitutional. Boy. I am disappointed today that there's not more opportunity. I hope you will look at these other things because what I did take time to do is review the specifics to this ordinance and flag some very serious concerns that we have. If you even proceed with this one.

Potter: Thank you.

Meyer: I am happy to answer any questions.

Chip Shields: Thank you, i'm chip shields, the state representative from north and northeast Portland. The district that encompasses the beach exclusion zones. And I am here to say that from what I have heard, the views of northeast Portland regarding the exclusion zones, those views are decidedly very, very mixed. And I have attended two out of the three community forum. I went to many of the neighborhood association meetings. Concordia has traditionally opposed the zones. Elliot favored them. Boise has opposed the zones unless they are conviction based. Sullivan's gulch had a vote split so they didn't, did not support the zones. The lloyd district supported and the coalition of black men opposed. The african-american chamber opposed. I think to them it didn't make sense that over 80% of the exclusions the officer issued exclusions in north and northeast Portland, 80% go to african americans. And though the feelings are mixed in northeast, I can tell you this. The more people know about these zones, the less they like them. Mostly people are appalled, appalled that people can be excluded without a conviction. What I hear is that people want the zones to be conviction-based. Now, I believe that this ordinance, while does it make some steps and I appreciate the work that you have put into this, mayor, and maria particularly, I don't believe it goes far enough to address the views and concerns expressed by the community. When you look at who should be open oversight committee I had concerns about the format of who would be up there and I would hope it would be slightly more balanced than what was presented. So, you know, since my legislative district encompasses about one-third of the zones I would be interested in putting my name forward as being on that committee as well. Thank you.

Sten: I know you have been working a lot of community meetings about this and also just with your past background, I am curious if you have to be quick given the time. But you are accustomed to that. With your background working with drug addicts do you have any further thoughts in terms of for those of you don't know representative shields started better people on his probably played as major a role as getting people back to work and clean. Can you talk just for a second about any changes we can do in conjunction with these issues?

Shields: Well, if I was going to make an enhancement to the enhancements the mayor is proposing it would be the one you had discussed that the literature is pretty clear that you get the most bang for your buck with public safety dollars. When you focus on the highest risk repeat offenders and dealers, now, this ordinance, the best I can tell, allows the casual user to be affected and it doesn't have any baseline for codifying these are really the most probable people. I think if did you that you would have a better effect on public safety.

Chris O'Connor: I am a chris o'connor, I am with the Multnomah county public defenders. I think that the modifications proposed don't adequately protect civil rights. As an example, an officer could walk up to somebody on the street and conduct an illegal search. Grab someone's backpack and start looking through it. A search that clearly would be suppressed in any criminal procedure. So if the officer found drugs, they would excluded them and start a criminal conviction. Criminal procedure. Criminal case would get thrown out either in the review by the district attorney or by a judge because. Constitutional violations. But under the current proposal, the exclusion would remain in place because there would be evidence of a drug crime. The ordinance simply doesn't adequately protect those civil rights and, in fact, is designed, designed to get around those restrictions to penalize people who would otherwise be free from unconstitutional police or

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state activity. I am concerned also about the process, I had the privilege of attending several neighborhood meetings on this, and I too found the more people learn the more they dislike the ordinance concept over all. District attorney has gone to the neighborhoods to seek support and said that they weren't going to request that there be a drug free zone in any neighborhood that opposed it and so I would ask whether the district attorney actually supports putting a zone into the boise neighborhood for instance. Which opposes a, any exclusion that's not conviction-based. The this is redundant and wasteful because pretrial services can limit someone's ability to move around.

The judge as a pretrial condition can make it an arrestable condition for someone to be downtown. After probation -- I can inform the council that as a condition of probation almost every single case the courts are imposing exclusion from the drug free zone as a condition of probation already for up to 18 to 24 months, longer than this. This is redundant and the main goal should be to facilitate getting the information from probation departments and the courts to the officers on the street. So I would encourage to you focus on that and to oppose these extra, this extra language and extra ordinance.

Potter: Thank you, folks.

Moore: David rogers, kathleen, and johnny gage. They will be followed by dan handleman, katherine notson and norm stoll.

Potter: Who is the third person?

Moore: David rogers, kathleen and johnny from Oregon action, western prison project, boise neighborhood.

Potter: Call the next person.

Moore: Dan handleman.

David Rogers: I will try and be concise. My name is david rogers, the director of western prison project. We have thousands of members across the state, many of whom live and vote here in Portland. We are deeply concerned and disappointed with the proposed resolutions and find it very hard to support the resolutions as currently written. Part of my disappointment actually stems from the fact that there has been a special process to develop the city together to gather input and having attended two of those three meetings, there's actually my sense that having read the proposed resolutions that I can comfortably say that they actually don't reflect the majority of community critiques and requests and these resolutions are not designed to address the community desires, then, who's needs are they actually serving? The current proposed changes do not address in some ways ignore the fundamental problems with the zones around injustice. There still remains the right to deny people access to freely move based on the presumption of guilt. I would like to think that we want to uphold the notion of innocent before proven guilty. Portland residents deserve due process before the civil rights are limited or revoked and anything less not only damages the residents of the city but also damages our reputation. I would actually encourage you in the fact that exclusion orders currently have a life of their own, even if innocence becomes clear, charges are dropped, in my mind is unconscionable. And I am actually surprised that the loophole has not been addressed in the current resolution. I would actually urge you to try again. I think Portland residents deserve better. And there have been a number of suggestion that is have been made that would actually, would be a good step in the right direction. I do think that the proposal to develop the oversight committee and study and review the impact of the zones provides a modicum of hope.

I would actually encourage you to reexamine the makeup of that committee. I think it would be useful to have more community representation from people in organizations that have been actively involved in monitoring the issue. Lastly I would just say that I really hope that one day Portland residents will not have their basic rights to move freely so lopez taken away as is the case now and as would be the case if this resolution moves forward. Thanks for your time.

Kathleen Pequeno: Hello. My name is kathleen. I live on northeast mallory in the right off of beach street so in the heart of the beach street exclusion zone. I have live in my house since 1992

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and seen quite a change in the neighborhood since then. I have had people deal drugs out of my driveway. I have had police officers hang out in my driveway to catch people. I have been involved in the neighborhood association in the past. I hadn't gone for a while. I went to the meetings that we had in the fall to talk about this. I went to a series of several meetings. And I do have to say that it's been said that more that people, the more facts that we got at the meetings the less support there was. For the zones as they existed and the more calls there were for very specific changes and so similarly today after a lengthy presentation ever kind. Arguments in favor of the zones people were more in favor of the zones. By the second or third meeting when we had heard more of the issue, there we had a number of questions. So the leadership we had three really long meetings at which I am sure you were really used to long meetings but we aren't necessarily and we would stay there until past 9:30 at night and the leadership of the neighborhood association who were trying really hard to kind extract from us what were our concerns devised that lengthy poll. Took us 15 minute. It was like the way you would poll the jury or yes, no, i'm not even going to answer this. I believe you have a copy. I brought extra copies in case you wanted to see it but the boise neighborhood when surveyed, and it's not scientific, who it was who was at the meetings, 30 people who made it until 9:00, the majority opposed renewal of the exclusion zone policy unless significant changes are made. A majority of the response dents felt exclusion should only be issued following a conviction for a criminal drug or prostitution incident. Large majorities agreed that exclusion zones have a disproportional impact on people of color and in a separate vote a disproportion impact on homeless people. Given that oh majority of people at these meetings were white, and homeowners I think it's pretty surprising that based on the statistical information as limited as it was that we got there, we were strongly concerned about that. A large majority agreed public resources should be committed to treatment, education, and job opportunities rather than to law enforcement policies and pros that will result in higher levels of incarceration and that's one of the principle questions that in the neighborhood association, like I say I haven't been there for years but we are not asked, what other strategies do we want? Besides the drug free exclusion zone? So you know, we did go through this lengthy process and these length --

Potter: You have to wrap it up.

Pequeno: I am right now. Final thought. Based on the idea that we could, in fact, affected whether or not the zone took effect in our neighborhood. So I am pretty surprised to see that now the redrawing of zones does not include any significant change involved in boise. So I wanted to bring that up. I have copies and I do want to thank you for working through such a long meeting.

Dan Handelman: I am dan handelman with the Portland cop watch, our address is Portland. And we have come many times before on this issue of drug free zones to the council and expressed our concerns about the constitutionality or lack there of of this and other ordinances. And I believe judge marcus compared this to the victorian anti-poor laws and I would suggest that you think about whether thinks just a law as similar to other ones that have been passed by this council. As a way to just move people around. If you can't use the anti-camping ordinance because you have to give 24 hour notice and it's been found unconstitutional by at least one judge, maybe you can use this. The drug free zone exclusion instead to push people around. You can't use the sit lie ordinance which right now officers are handing out these yellow warning cards but not making arrests and I am wonder fiscal that's because they are afraid of the ordinance being challenged in the courtroom. And they just use it to push people around. If they can't use the sit lie maybe they can use this. I am very concerned also that, and the definition section and we have learned very well after the i.p.r. debacle to read the definition that a resident only says hotel motel, doesn't specifically include shelters. And I think that somebody challenging this ordinance could say this shelter is not covered. That's the kind of detail that should be relooked at if this is going to be put into place. I am hoping up have advocates on this panel. Didn't look like there was space for them. I am hoping you were going to add that. Also the ideas of arresting people for trespass once they have this. I believe that

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trespass requires the officer to allow the person the ability to move and remove themselves before they get arrested. But the ordinance says if the person is in the zone so there's no warning involved.

Potter: Thank you, folks. Before we get to the next person, we have asked the code hearings officer to come in. He is here. Would you please come up, sir. Please tell us about your role as the code hearings officer.

Greg Frank: Mr. Mayor, members of council, I am Greg Frank. I am the code hearings officer the land use hearings officer. I am the hearings officer for the city of Portland. We have one full-time position and that is me and we have one part time position which takes over when there are conflicts and doesn't issue hearings. We hear currently drug and prostitution free zone cases. We currently hear park exclusion cases. We find some of them most of them valid. We find some of them not valid. And I think I would rather you just ask questions rather than me just wandering along here.

Potter: Tell us what you consider to be a valid exclusion.

Frank: Under the current ordinance, a valid exclusion meets the basic criteria which would be that there is probable cause to make arrest and I look at whether or not the stop is valid of the person but I will determine whether or not there is probable cause to make the arrest initially. Secondly, I will look to see whether it is more probable than not that I believe one of the listed offenses has occurred. That is a decision sometimes the evidence presented is very persuasive by the city. Usually through in the form of a police officer testimony. And sometimes simply not persuasive or there is been a technical error. We have had occurrences in the past where variances have been blocked out said you can't have a variance and we immediately threw those out. If it doesn't state a specific reason why, why the exclusion was granted or given, then, we throw those out automatically. We met with commissioner Leonard but not on this matter, but I am a product of whatever you create. And we are simply interpreting legally and factually what you have given us. You give us the law, I take the facts as they are given in the case.

Saltzman: You said you look to whether the stop was valid?

Frank: Correct.

Saltzman: Does that include a search when you say that?

Frank: Yes. We had one the other day which is one of the most interesting ones I have ever had because it put me in a quandary. Police officer made a stop. It was a tow case. The police officer made a stop because of the horn being honked at him. And the allegation was that the state statute for honking a horn is unconstitutional. The city actually presented no argument in that and in that case because of the, I had no ability to do anything other than find the stop was invalid because the stop was invalid, the tow was invalid. So, yes, I take a look at the stop and determine whether or not I believe there is probable cause to make a stop and whether there's probable cause to have a search.

Saltzman: There was testimony from the deputy district attorney Hayden suggesting that your role - your finding of the validity not be a precedent for exclusion being valid, but only a finding that an exclusion is not valid after issued.

Frank: I am not sure I understand the point, sir.

Saltzman: There was some concern about you becoming a witness. If you are involved in --

Frank: I have been here five years. I have never been subpoenaed, never been a witness in a case.

Adams: If you have a an appeal from you, hearings officer, that would allow for the introduction of evidence that the appeal level and do you have a professional opinion if the standard is to be fair and just, do you feel like you need additional evidence beyond that which is in the citation or report?

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Worboril: I believe that the proposal you are looking at is for de novo review in the circuit court, the state circuit court. In other words, a person who had lost an appeal before the code hearings officer would be entitled under the proposal you are looking at to take their case to circuit court and start again with the presentation of the evidence.

Adams: I am looking at the aclu proposal de novo appeal from hearings officer, a person may appeal the hearings officer decision, however it is limited to the "record for the hearings officer, we believe there should be a de novo review that would allow introduction of evidence at this level. Otherwise that appeal becomes meaningless."

Worboril: Currently, the administrative decisions that the code hearings officer reviews go to circuit court by way of writ of review. The state sets out what cases its circuit court judges will take and how they will review them. Currently the code hearings officer's decisions packaged up with the record before the code hearings officer and presented as a record essentially as a written record to the circuit court judge then makes a decision after legal argument. The proposal is for an evidentiary hearing at the circuit court level. In other words, a retrial, a presentation of the case that the code hearings officer heard before circuit court. I think I got that right.

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

Adams: You have just confused me.

Frank: Commissioner Adams, it is not my primary focus or concern as to what level of review happens after mine. I mean, that's not my job. My job is to tell me what you do. What the circuit court is Portland told to do that's something you have the right to do. I will tell what you will happen as a practical matter. If, in fact, there is a de novo review to circuit court, we tend to be much like the mandatory arbitration program might be at, in civil court here in Multnomah county, is many people view it as simply a practice case. And if that's what you want then, go ahead and do that.

Adams: Do you get muff information is it fact that your information -- so let me ask it a different way. So someone has a hearing before you. Does that person -- what can that person present?

Frank: I allow them to present any relevant evidence to the exclusion. I have never -- I don't think I have ever had a situation where I cut anybody off on anything that I believe to be relevant. Now, we may have a difference of opinion as to what's relevant in a particular case. But I think that I have let people say what they wanted to say about that particular stop, and I probably erred on the side of allowing much more than you would see in a circuit court level.

Adams: What percentage of the exclusion cases are appealed?

Frank: To us.

Adams: To you.

Frank: I don't know. We only seat ones that are appealed. I don't see the ones that are not appealed.

Adams: Of course.

Worboril: Somewhere around 2%. It varies for drug free zone exclusions. That's lower. I think around 1%. Prostitution zone exclusions I think the rate is 3. But I would have to go look to be certain.

Adams: Do you have an impression of, and f-you don't that's fine, but do you have an impression of how many cases before you are repeat offenders? Or do you have any way to know that?

Frank: People who have requested hearings they've actually heard cases, I have had a very, very small percentage of repeat offenders. I have a couple we call them frequent flyers that, not just for this area, that we see in front of us on a fairly regular basis. There's -- I think the most I have seen since I have been here is one prostitution free zone exclusion person who has been in front of me twice and the other hearings officer once because I try to divide it up so we wouldn't show any bias.

Potter: Questions of hearings officer. Thank you for coming in on such short notice.

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Frank: Thank you.

Moore: Katherine notson, norm stoll, helen stoll. They will be followed by irwin mandel, lili mandel and glen taylor.

Adams: Did you want some cookies?

Potter: I'm driving.

Adams: They're randy's.

Potter: Folks, thanks for being here. You have two minutes and when you testify please state your name.

Kathryn Notson: My name is katheryn notson. I live in the 82nd avenue area proposed drug free zone and current prostitution free zone. We had overwhelming support at our december 15th hearing from businesses, residents, along 82nd avenue all up and down the avenue. When we had talked to the mayor about our support for these zones. The personal story, I have had drugs dealt out of vehicles in front of my appearance for over years. This was heroin that was being dealt out of cars in front of my place. This is one reason I have support the zone. There the other reason is that we have applied for u.s. Department of justice grant to address the prostitution and drug crimes on our area. We have not had a response yet from the u.s. Department of justice whether we will be granted funding this october or not. But part of the grant proposal is not just for police work, community police work, or community restoration. Part of it is treatment and prevention. We would like to see them treated to get out of these addictions and these criminal activities and make contributions to the community that they are degrading. So this is not what I call burdensome on them but we have, in my neighborhood, a half of our neighborhood is burglaries, residential burglaries, and car prowls. And those are drug driven. And I feel that these issues, the drug and prostitution issues were dealt with on 82nd avenue we would see a significant drop in my neighborhood of residential burglaries and car crawls. Thank you.

Norm Stoll: Good afternoon, honorable mayor, commissioners, norm stoll, past president of the hollywood boosters, hollywood neighborhood association. I feel like a mosquito that just blew in on a nudist camp. I don't know where to start. However -- [laughter]

Adams: Well said.

Stoll: The academy and allied sciences in their infinite wisdom, their unbridled audacity, unmitigated gall, incomprehensible chutzpah, chose a song of the year the best song, it's very lard to be a pimp out there." if that were true, we might as well surrender, capitulate to the al-kaida and the taliban. It's all over. But what we are here for today is to ask you to make it even harder for the pimps and prostitutes to operate with impunity in our districts. I was much taken aback when we were here last time testifying. I was approached by a person who said, you just made that up about the examples of what it was like in your district before you had the zones and I am tempted to disabuse the person. It was absolutely true. We have overwhelming support for the zones in the hollywood district and along sandy boulevard and here are copies of some petitions signed by people who are for the zones. It's incomprehensible that you would even remotely vaguely consider doing something about this the zones. I cite as examples before the zones at the, oh, boy, well, we had prostitutes all over the place. My wife was viciously, savagely brutally attacked by a prostitute when she was out. No, by a pimp. Excuse me. By a pimp when she was out in our backyard watering -- could I have a few more minutes? A minute or so? Could you yield a minute to me?

Potter: No.

Stoll: No? She was viciously attacked by a pimp. I think he probably would have, I don't know how far he would have gone with it but he had her face down in the mud holding her, pounding on her, beating on her and had I not come along at that opportune moment, god knows what would what happened. I fully support the police. They want this as a tool.

Potter: You have to break it down.

Stoll: Ok. All right.

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Potter: Thank you.

Helen Stoll: Thank you, mayor. And commissioners and thank you for giving my husband equal time to the first speakers. Thank you very much. This is on recycled paper. I have written my notes on the back of my dog's grooming report so I am saving paper according to decision you made earlier today. I am helen stoll, hollywood neighborhood, hollywood boosters. I am also a member of american mothers. I was given an award a year ago, was given the berth holt award for what I have done for children because of my efforts over the last 26 years regarding prostitution. I told these people at the time, I don't think I deserve the award. I don't deserve it because the problem has not been totally solved. But I will still work on it. But they felt that I had deserved this award for my endeavors to not only get prostitution out of our neighborhood but to direct the girls to alternate programs. And my husband and I have mentored young people in drugs and alcohol and we will continue to do that. You note effects on the neighborhood, the hollywood neighborhood. It's not just prostitution on the streets where men are harassed. The men are complaining about being harassed by prostitutes. The pimps try to recruit the girls in fast food places even in the halls of grant high school. That has happened. And it's had a big impact on our neighborhood. And we would just love to see you continue zone in our neighborhood. We are going to have a sewer project and beautification project which is mag net for prostitutes because the men will be there with bill folds and time to this before work and nooners and after work. So please don't take our zone away. It has worked. Thank you.

Potter: Thank you for folks for being here. Please state your name when you testify. You have two minutes.

Irwin Mandel: Irwin mandel, cochair, chief's forum and longtime member of the district attorney's citizens budget advisory committee. If commissioner Leonard would like to know something more about what happened at the district attorney's level, i'd be glad to tell him. Why are you tempting to -- attempting to criminalize something that is a quality of life crime? I think you all ought to read this book, which is essentially the bible for community policing. It's called "fixing broken windows" i'd like to read just one -- to just read one short paragraph out of it. "to frame all police interactions according to the standards of criminal law and procedures, with their elaborate protections, ignores the broad police authority to protect public health and safety under civil as well as criminal authorities. Someone get busted under this new ordinance for a low-level drug possession is going to get prosecuted and end up with a criminal record, probably for the rest of their lives, when it's totally unnecessary to do that. Let me address commissioner Sten's concern about innocent people being arrested. We need to have some confidence in our police bureau, if you don't have a bunch of cops running around, just looking to slap innocent people with some sort of citation. It doesn't happen. Come on. We have a fine group of officers that don't go looking for that. What is the necessity for criminalizing a quality of life issue and actually ending up with a person, if convicted, to have a sanction on him for the rest of his life, a criminal conviction, when a 90-day exclusion, or even a year's exclusion, would have served a far better purpose for the level of the crime that is -- called crime that has been committed. Thank you. Any questions? My two minutes are up, my dear.

*****: Can I give him my two minutes?

Potter: No.

Lili Mandel: No, ok. All right. You're finished. Lili mandel. I was going to start off very, very nicely today. I was going to say how lucky we are here in Portland that we have a mayor who started community policing and the chief of police and police officers who really believe in it. And in the case of the drug exclusion you can, without criminalizing it, you can write into your -- the present law -- guide -- ordinance, a guideline just to make sure about something and without criminalizing anything. In the case of drug exclusion, there must be a guideline to indicate that the police say -- that we may not -- what they may not do. We can do this. That they are not based on

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grace or social class. We can put this into the guidelines. I personally have never seen them, in my community, any exclusion based on race. I've heard some people say that in the north and northeast, that they're mostly black, but I thought mostly black people live there, so of course the exclusions would be black for black people. People are proud of -- i'm proud of the quality of life. That's why we moved here. Very concerned about the drug usage in our neighborhood. I think i'm finished.

*****: No.

L. Mandel: I'm sorry. The police needed a drug to -- tool to stop it and the drug problem spread -- for you that the drug -- and that's how the drug free exclusion law was born. The mayor added another tool that offered us -- that would have access to -- that the offender would have access to social services and help to kick their addiction. This is not a vendetta against any group. I believe the community policing and the police are part of the community. They are us. Please do not criminal the police bureau's ability to help us maintain a civilized city for all of us.

Glenn Taylor: Hi. My name is glenn taylor. I was chairman of a neighborhood association for over eight years. I'm going to read this. I think i'm here, representing law-abiding people that don't break the law, the police don't have to go arrest over and over and use their valuable time. We need this tool so we can clean up our streets from the drugs and prostitution which I believe go hand in hand. With our tax dollars spread so thin and our police force and our jails hurting for funding, we as the city of Portland need this tool to help stop the huge problem that's in these parts of our city. I believe that you have seen the calls for service and crime data for these areas to confirm that we have a huge problem in the streets. I do wish we had more help from the prostitution and drug problem so the people get help that need it. In the last year, i've learned a lot about the drug problem from getting involved in an event we held last year in east county. I talked to a lot of men and women that have turned their life around in an organization called rat. We need this tool to use tax dollars to the best use so our officers can use our tax dollars in the best, efficient way. I use the term "we," because I believe this is all of our problems, just not yours and the police. I hope you will do the right thing in help our community in working with the police and all involved in cleaning up our neighborhoods. I do want to go on public record, any police officer seems to be walking, driving down the street, you have my permission to search me. If i'm carrying illegal drugs, you can arrest me. Thank you for your time.

Mike Kuykendall: My name is mike kuykendall, vice president of the Portland business alliance, also president of the business improvement district downtown. Thank you for your attention to this matter. I know it's been a long process. Hopefully we're about to the end of it. I do have a few few comments that I hope will help the council in their voting and final decisions. First of all, the Portland business alliance is supportive of the ordinance as it stands currently, but we're also going to support the ordinance with the proposed changes. So I went to the board just this week, and they're very thankful, very supportive of this, and they want to see this pushed forward. These drug zones are very important to the business people, not only downtown Portland, but in the whole region. The business alliance represents the chamber. Secondly the business improvement district, which i'm the president of, has 610 owners downtown, and the board for that organization has voted and they're in support of the ordinance as it currently stands and has been held constitutional by judge marcus last year, but also the proposed changes. We're going to be supporting that as well. The downtown neighborhood association that met just a couple weeks ago had a very, very long hearing. There was a lot of discussion about it. And ultimately they have endorsed the drug-free zones. Same thing with the old town/chinatown neighborhood association. Portlanders are unique here. We have concerns about the quality of life. That's why I moved here. That's why all of us move here, or choose to live here and stay here, is because of that. Quality of life includes not only the air, the land, the water, the rivers, it also includes our neighborhoods. We shall all remember that. We're here to protect that, we're stewards of that. Portland was first to be an innovator and

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quality of life with crime prevention in terms of community policing. There was a time 15, 20 years ago when people around the country laughed about that. Now everybody talks about community policing, how critical it is. The neighborhood v.a. Program started here in Portland, that's a national model. People 15 years ago said d.a.'s don't belong in the community, and now we know how critical those people are. The citizen-driven warrants, when I started doing those 12 years ago. People laughed. "oh, you can't do, that's not appropriate the." but we did that, and that's a national model. This drug-free, prostitution-free zone it's a unique opportunity for people to deal with quality of life issues. The council who continue supporting it. It's very important to our quality of life down here. So to wrap up, two things. The 22 days I think is entirely too long. I don't see any reason why the hearings officer who gets this paperwork the day after the exclusion --

Potter: You have to wrap up, mike.

Kuykendall: All right. Why they aren't able to do that. The second thing, regarding the hearings officers, I can tell you that there's a large concern about testimony in court, mr. Hayden. These will be witnesses. If this is a condition precedent that --

Potter: I'm going to cut you off now. Thank you. Yes, ma'am.

Mary Walker: Hi. My name is mary walker. I'm with the parkrose neighborhood association. I'm here representing the parkrose area, businesses, families, children, schools, churches. There's not in this person, in this city, in this room, whose life hasn't been affected by drugs, prostitution and poverty that hurts all of us, affecting quality of life. We own property, residential property, mind you, on sandy boulevard. We see drugs and prostitution activity on a regular basis. We've seen physical altercation, a man driving a woman down to the corner, with him forcing her to sell herself on the corner. Threw her down on the ground, picked her up, threw her over her shoulder, and was starting to carry her off. This was witnessed by children. We have a 2-year-old and 6-year-old in our home. We find condoms and needles and other drug paraphernalia in our driveway. You know, you guys are like the fathers of the city. Sometimes parents need to impose restrictions on their children, whether their children like it or not for the better of their children, because their children don't know well enough how to take care of themselves. And so in this way this restriction, the procession free -- prostitution-free zone, please, I beg you, it needs to go out to 122nd at least on sandy, east of i-205, with all of the -- the little places along there. I've submitted some signatures and letters from businesses and neighborhoods and churches. Thank you. Please, out to 122nd. We beg you.

Richard Brown: I'm richard brown. I'd like to say that i'm glad to be here, but i'm not, because we seem to do this quite often. I think that only a couple of us in this room who sat in the basement of a church and came up with the idea of air drug-free zone. The model we used all these gated communities we have around here, neighborhoods where black folk couldn't go without being stopped to find out why they were there. We thought that would be a great idea in our community, to keep drugs and prostitution out. Drug-free zone was born out all of that. And none of the people I hear talking about my rights. I don't know need anybody talking about my rights. When I hurt, I know how to let you know i'm hurting. I don't need anybody to be concerned about whether I get stopped or not. People walk up and down streets of northeast Portland and cops don't say anything to them. So this notion that everybody that walks through the streets -- or somebody innocent is going to be stopped, i'm not too concerned about it at this point. I'm concerned about the people who don't come to me, who aren't sitting around here, who don't look like me. The first meeting I went to, didn't look like this in here. The people looked like me who were concerned about drugs and prostitution in northeast Portland. When folks wouldn't come to northeast Portland, it was that place, the reason the values of properties are up in northeast Portland today is because black folk over there, folks, longtime residents, decided they were tired of it, and came up with things like the drug-free zone, bought into community policing, bought into a process where they could be heard. Now we're tearing all that apart. We're concerned about the reasons people steal, the reasons people

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use drugs, but we can't fix everything. So we decided to work on what we can fix. We decided to fix folk hanging out in front of people's homes. We could stop women being accosted by guys driving up and down the streets looking for prostitutes. We could stop kids from being sucked into that gang and drug life. The people that sell drugs are smart. Crooks are smart. That's why it's getting harder to deal with them. That thing about the first offense, they will get youngsters, youngsters are shooting guns now because they know that the youngster's going to get less of a penalty than someone's that been around for a while. They know how to deal with the stuff. We need to step up to the plate.

Potter: Thank you, folks.

Katherine Anderson: Thank you, mayor and commissioners. My name is Katherine Anderson. While you may recognize me as a city employee of the office of neighborhood involvement, I'm not speaking on behalf of my bureau, nor my own personal opinion, but solely upon a call I received from a property owner along southeast 82nd avenue. I received a call from Kathleen Walshpen, and I'll explain why she couldn't be here today, which owns property on southeast 82nd, as well as 813 southeast Cooper. That's deep southeast, between southeast Duke and Flavel. She happens to live in New York City. So -- but she was appraised of this, and wanted to make her opinion known about the prostitution-free zone. The four businesses that she owns there, the property that she owns, the businesses there, the people that work there, as well as their clients and customers, have been affected by prostitution activity when they wait at the bus stops along 82nd avenue to take mass transit. She wanted to express the fact that she was in support of extending and maintaining the prostitution-free zone. Thank you very much.

Nicole Walters: My name is Nicole Walters. I live on Northeast Mallory, two doors down from Northeast Failing. I'm here today representing many of the people who live within this...

[interruption in proceedings] Beech Street drug-free zone it's proved to be an invaluable tool in helping police curb blatant drug dealing along our streets. Revisions to the current drug free policy should contain a clear, concise and fair process ensuring its longevity. I attended one of Mayor Potter's first public hearings regarding the drug-free zone policy and made my head spin. It needs to be a system that is usable. I want to be sure that a review procedure is in place to measure the effectiveness of these changes. Thank you again for hearing our voice and sharing our voice for a safe and sustainable community.

Paul Staat: I'm Paul Staat, representing the Metro District of the United Methodist Church. We have our district office at 1111 Northeast Failing. We started working in there since August of 2004. And when I first -- when we first got there, they were selling drugs right on the steps of the church. And there wasn't -- there wasn't a real tight relationship between law enforcement and the community. In working with the neighborhood group, which focuses on a nine-block area around Failing. If you look at your powerpoint display you'll see that Failing is quite a concentration of this kind of thing. There's another thing that's involved, and that's Head Start program. We have a Head Start program in two of our locations. One at Hughes Memorial and one at Woodlawn. Since there isn't a school exclusionary zone in that area, mothers are bringing their children to Head Start and having to walk through drug dealers. We've been working on trying to -- to take care of that situation. We've started working very closely with law enforcement. We have built a very good relationship. So when we call in, and we see that there's activity going on in the street, we would like the law enforcement to be there and to work with us. And a lot of times we'll see the drug deal when they won't. And you call that into their nonemergency number working together with them. But I think that the protection of our kids at Head Start, I think for the protection of the people at -- at Maple Mallory apartment complex, which is kitty-corner to us, where there's recovering people who don't need to have the influence of drug dealers on the very corner that they reside, I think it is imperative that we continue to support the drug-free zone. Thank you.

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Potter: Thank you, sir. Thank you folks. Thank you for being here, sir, when you speak. You have two minutes.

Aaron Mangelsdorf: Aaron mangelsdorf. I would like to begin by saying that the beech street drug-free zone will remain a zone and will not exist solely among the main thoroughfares. Our community has struggled with drug dealing in this area for over three decades. Concerned residents and unresidents alike have joined together to form the three corners neighborhood group to proactively address the crime considering with alarming regularity and perceived normalcy within our neighborhood. Most specifically the criminal activity along northeast failing, at the corners of garfield, mallory and rodney. We're doing what we can to protect and empower our community. Thus far our tools for success have been foot patrols, monthly meetings, neighborhood events such as block parties and other initiatives. It is our strong belief that the drug-free zone is one of the most powerful tools our patrol officers have to effect change and to help our community realize the success of a functional safe community. By breaking the cycle of crime in this area, we have a tremendous chance to reclaim and nurture a precious and unique part of Portland. Thank you very much for this consideration in this matter and for appreciating our concerns as residents.

Potter: Thank you. Is that it?

Moore: That's all who signed up.

Potter: We have one resolution and two ordinances before us. The ordinance is a regular ordinance, not an emergency ordinance. So we will not vote on it today. We are not allowed to by law. However, the resolution can be voted on today. I would like to find out from the commissioners if you want to hear the resolution. And if it's ok to hold it over for a week. Is that ok, the city attorney, the resolution?

Kathryn Beaumont: Yes. You can continue it.

Potter: Would you like to hold it over so we can vote on the entire package or just --

Saltzman: I guess I wanted to offer an amendment to the ordinance. We can do that on the first reading.

Potter: Ok. [inaudible]

Saltzman: I can wait to do them together. That's fine.

Potter: Ok.

Saltzman: But I did want to propose an amendment to extend the prostitution-free zone on sandy boulevard to -- from 112th to 122nd.

Adams: Second.

Potter: Call the role.

Adams: Aye.

Leonard: I will vote for this. I have some other concerns I need to work through, but the concept of actually having a zone is one that I think makes sense. Aye.

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

Potter: Aye. [gavel pounded] dave, you have some amendments to the two -- to the two ordinances submitted. I have a letter dated from march 7 from you.

Worboril: There were some interlineations. The state recently changed the numbers they assigned to various drug crimes. Those crimes are described in the code with the old state numbers attached to them. Now that we have a list of the new numbers, I need to replace the old numbers with the new.

Potter: Is this an amendment, then, to the two, the drug and prostitution-free ordinances?

Worboril: The numbers have changed as to the drug ordinance.

Potter: I understand that.

Worboril: And change as well to the prostitution.

Potter: Ok. So we need an amendment in order to hear these next week?

*******:** I thought the council had been provided --

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Moore: They did. They were going to be considered scrivener's errors.

Potter: Ok, ok, so we don't have to vote. Is that correct?

Moore: Correct.

Potter: Ok. Thank you, sir.

Saltzman: I guess I had an information request, that i'd like to get more information before I vote next week from whomever.

Potter: Ok.

Saltzman: That is information about the removal of the drug-free zone. I think prostitution-free zone along lower sandy, I guess from in the hollywood area. I'd like to see the statistical evidence that supports withdrawing those designations.

Worboril: We'll brief you as soon as possible.

Saltzman: The other issue brought up by dan handelman, about including shelters in the variances, was that an oversight? Or if there's a reason, i'd like to know what the reason is for that.

*******:** Housing is considered to be a residence that --

Potter: Our two temporary shelters, for homeless people, are they considered transient housing?

Worboril: They should be.

Saltzman: Ok, thanks.

Potter: Other questions from the commissioners?

Sten: Since most people won't come back next week, but I want to say I appreciate your work, working through the issues. You I do intend to support your package and wanted to share that.

Adams: And I intend to support your package as well. I think you've done a good job of walking the line, of keeping it civil, keeping the post effective pieces in place, but also addressing some of the concerns that have been identified by the courts. So thank you for your work on this.

Leonard: Frankly, i'm undecided. I'd like the concept of a drug-free zone. I am mindful of the fact that we live in an era where it seems that the court system appears to be a hindrance in a part of our process, and i'm not pointing so much at this particular issue as I am more on a national scale. And i'm concerned about that. And having said that, I have -- you know, i'm certainly hoping that people understand that i've worked very hard to make communities safe. I appreciate all the mayor's help on the project 57, but it was my idea, and I fought to get it in the budget last year, to create 57 beds to put people into that were arrested. So I do want to make our communities safe. I'm not willing to do it at the expect of constitutional protections. I need to work that through for the next week.

Potter: Anybody else wish to make a statement? Obviously since I introduced the ordinance, I guess i'll support them, too. But --

Sten: That's shocking.

Potter: Yeah, that's shocking. Anyway, we'll be taking a 10-minute recess. We still have a number of items from the morning agenda. We also have a -- supposed to start up at 2:00 p.m. with a 2:00 p.m. time certain. So we're going to take a time-minute recess since i've been here almost five hours.

At 2:26 p.m., Council recessed.

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

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[gavel pounded] [recess] [roll call taken]

Potter: I think we're on to item 295.

Item 295.

Potter: Go ahead.

Matt Lampe: Matt Lampe, chief technology officer, bureau of technology services. This is a -- basically an update of the administrative rules. The council first adopted this set of i.t. Administrative rules in november 2002. This set of updates basically reflects a couple things. One is the merger of communication network and the former information technology bureau that the council approved in september 2003. And then the need to adopt some much clearer security policies, which were pointed out in a security assessment we had. And also by the city's financial auditor. So the bulk of the rules changes either relate to sort of editorial changes to recognize that the bureau's name has changed and incorporate some of the things previously under comnet authority, and the information security changes. The draft set will be circulated to all council offices, approved by the c.a.o. We felt this was a big enough set of changes, particularly around security, that we wanted to bring them back to council. With me is the city's information securities manager. And if you have questions, we'd be glad to take them.

Potter: Are there questions from council?

Adams: I have a question that's a related question. We are trying to -- can you give me a status report on our efforts to give neighborhoods the ability to upload their minutes and their memos, their agendas and minutes?

Lampe: I can't. I'd have to get back to you. I know o.n.i. was working on that issue. The last status report I had was there was a question between people wanting to have their own site and have some way of migrating from them posting it on their site to ours versus people posting it directly. I'll get back to you on that.

Adams: Thank you.

Potter: Other questions from commissioners? Ok. Thank you. Anybody signed up? Is there a sign-up list?

Moore: I didn't have a sign-up sheet for this one.

Potter: Did not?

Moore: Did not.

Potter: Anybody here to testify on technology services administrative rules? Ok. It's a nonemergency. Please call the vote.

Moore: It's a nonemergency. It will pass to second.

Potter: Excuse me. 296.

Item 296.

Potter: This is a second reading, vote only. Please call the vote.

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

Potter: Aye. [gavel pounded] item 297.

Item 297.

Jeff Baer: Good afternoon, mayor Potter. Members of the city council. I'm Jeff Baer, director of the bureau of purchases. Before you is a request to exempt from the competitive low bidding process on these two water bureau projects for the Mount Tabor and Washington Park interim security and deferred maintenance projects. And under state law we're required to go to do an exemption from the low bid process in which we can then do a competitive request for proposal process and then enter into what we call a contract for construction manager/general contractor. And state law requires us to make two findings, one of which is that it would not limit competition,

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and that does not -- is not the case because of the doing a competitive request for proposal process, as well as requiring us to find substantial cost savings. I think mary ellen will speak to that in terms of the city money that we would be reducing in administrative costs by combining these two projects. And so with that all i'll pause and turn it over to mary ellen.

Mary Ellen Colentine: Mayor Potter and council members, i'm mary ellen colentine with the Portland water bureau. We were before you back in the latest of march of 2005, and the council approved an alternative contracting process for this project. To give you a little background, we went forward with a solicitation process for Washington park for the aviary improvements up there, and we did not receive any contractor interested in bidding on the project after we went through the process. That was around november of 2005. In consultation with the city city attorney's office, purchases, and our public stakeholders at Washington park, we reached an agreement that it would be in the best interest of both the project timelines and for some cost savings on our part to combine both the mount tabor and Washington park projects into one contracting process. So we're here before you today to request approval of this ordinance, which would allow us to -- rather than do two separate contracting processes, which council approved last year, to allow us to go forward with one r.f.p. process, competitive selection process, to select a contractor for the two project sites.

Saltzman: Is there included in this scope of this work by any chance repaving lewis and clark circle in Washington park?

Colentine: We have actually included in the scope of work repaving the madison trail, which goes up toward lewis and clark circle, but since it was out of our project site area we had not included the lewis and clark circle area.

Saltzman: Is it too late to get that in?

Colentine: No. We could consider that if the council was interested in doing that.

Saltzman: Could we get that as like a -- included in the scope?

*****: Uh-huh.

Saltzman: I think it's something that needs to be done. And it quite frankly gets passed around between transportation, parks and water. And since you're up -- you're up here with the scope of work and --

Colentine: In the interest of being a good neighbor, we can do that.

Saltzman: Ok, in the interest of being a good neighbor, great. Thank you.

Adams: Good answer.

Saltzman: Now that commissioner Leonard is out of the room.

Potter: We're hearing both ordinances. Is that correct?

Colentine: Actually, mayor Potter, it's one ordinance requesting approval from the council to combine what was originally two separate projects into one contracting process.

Potter: That's number 297, the --

*****: That's correct.

Baer: That's correct, sir.

Potter: Ok. And the 298 is different. Ok, ok, good. Further questions for jeff or -- ok. Thank you.

*****: Thank you.

Potter: Anybody to testify on this?

Moore: I did not have a sign-up sheet for this.

Potter: Any additional questions from the commissioners? It's emergency vote. Please call the roll.

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

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

Item 298.

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Jeff Baer: Good afternoon, again. Jeff Baer with the bureau of purchases. Before you is an ordinance to authorize these three price agreements with gateway company, dell marketing, and computer technology link corporation, otherwise known as c.t.l. This is, you may recall a number of months ago, this is part of our strategic sourcing initiative. At that time we brought one of the contracts forward, we were asked to go back and look at to make sure we met some of our local participation initiatives, and also more reasonable through some of the budget hearing meetings we looked -- the idea -- looked at the idea of leasing versus buying came up. We've explored that as well. But let me go back to the local participation. Even though these -- two of these contractors, gateway and dell, are both very large companies, we've gone back to them and asked how they could utilize local business participation in the carrying-out of that contract, and they both indicated their willingness to look at utilizing a local service provider for any sort of warranty repair work that might occur in the management of this -- of these two contracts. Additionally, c.t.l. is a Portland-based firm, and that contract would be for the servers. And then shifting over to the lease versus buy, since that came up at the budget hearings recently, we've asked from gateway to provide us with some cost estimates on going to a lease program. And although we haven't fully analyzed that yet, preliminarily it looks like there's additional costs associated with our current replacement cycles for the computer equipment. It is more cost beneficial, the faster you replace them. So we're still looking at that. And even if we were to move forward and have you approve these contracts, we can still, if it looks like it would be beneficial, we can amend those contracts at that point and include that provision for providing for a lease agreement -- or a lease program. So with that, I'll stop -- before I stop, I just want to make one other point in regard to the strategic sourcing initiative. And that is with our -- with these contracts, we are estimating on a fiscal year savings basis of around \$228,000. So this is one of our successful projects we feel coming forward as a budget efficiency under the strategic sourcing program.

Saltzman: So c.t.l., the local company, is going to -- are they the ones who are going to do the maintenance agreement?

Baer: No. We're going to contract with them to provide us the servers, we broke this up into desktops, notebooks and servers.

Saltzman: C.t.l. will do the servers?

Baer: Right.

Saltzman: Then you mentioned they will contract with someone locally for maintenance?

Baer: Gateway and dell agreed they will do that.

Saltzman: Do they need to show us proof of that?

Baer: We've asked them to put together a proposal, we've looked at that, and would put that into the scope of work for the contract.

Saltzman: They both agreed to that?

Yes: Yes.

Saltzman: Great. This is really good work. I want to commend you on that.

Potter: Other questions from the council? This is a nonemergency moves to a second reading. Is there anybody here to testify on this matter? Ok. Number 299.

Item 299.

Potter: Anybody to speak on this issue?

Moore: Only if you have questions, they're here to answer.

Potter: Ok. Please come forward.

Adams: We don't have the attachment. How come we never get the attachment?

Sharon Simrin: The attachment cannot be -- you can get it from me if you --

Adams: Do you have a copy?

Simrin: I can get you a copy. The attachment is the register.

Adams: With the actual addresses and stuff?

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Simrin: Yes.

Adams: Could we as a matter of course make sure all the offices get a copy?

Simrin: Sure.

Adams: We get calls about this. Maybe it's just my office.

Leonard: I get them, too, but I have them transferred to your office.

Adams: I like the sense of coordination here.

Sten: If I knew where to seek such a document, I would be glad to get it, but --

Adams: Well, excuse me, for asking.

Simrin: No. I can see that you get a copy.

Adams: Thanks.

Potter: Any questions? Thank you folks. It's a nonemergency. Moves to a second reading. We're recessed till 2:00 p.m. [laughter] let's go ahead and start the 2:00 p.m. Time certain.

Item 300.

Chris Dearth: Good afternoon. I'm Chris Dearth the city's measure 37 program manager. I will present the staff report on the measure 37 claim from Cathleen Paulsen. The claim is located in far southwest Portland, just south of I-5, as you can see on this map. This is an aerial shot of the property. You can see it outlined in red there. There's a stream running through the northern portion of the property. You can see that there is a right-of-way, an uncomplete, unfinished right-of-way for southwest 61st. You can see I-5 in the upper part of the photograph there. The zoning is R-10 with an environmental conservation overlay in light green, and an environmental protection overlay in dark green near the stream. This is a photograph of the site looking south on the 61st avenue right-of-way. You can see that it's heavily wooded, thick underbrush, and a slight incline. The Paulsens presented -- I'll give you history here. The Paulsens have presented a development proposal for a public U.D. And an environmental review. This is one of the plans that they submitted as part of that several years ago. And I'll just walk through the basic elements of that. Again, the stream running through the north of the property. The southwest 61st avenue right-of-way between the two properties. I would point out that their home encompassed both properties, both on the east side and west side of 61st, but the claim is just for the west side of 61st. It's outlined in red there. You can see the claim for those two tax lots only. The Paulsens proposed four homes on this property, which are clustered in the center of the property to protect the resources both on the northern and southern ends of the property surrounding the stream and upper - up the upper side of the hillside there. They also proposed a Y-shaped driveway for access from 61st to access both properties on either side of the road. They received approval for this proposal in September of 2004, and which is valid today through September of 2007. To summarize for you the proposal and what the city has approved on this property, the Paulsens have proposed four houses in a P.U.D., planned unit development. The city approved those four houses. The Paulsens proposed a Y-shaped driveway. The city, though, approved a T configuration to allow access by emergency vehicles. And the Paulsens have proposed an excavated culvert in the stream, and the city approved a bridge or an open bottom culvert to protect the stream resources. To summarize for you the claim again, the claimant is Cathleen represented by Ken Paulsen her husband, southwest 61st and Vesta, submitted in July 20, 2005, compensation demanded is \$25,000, and their preferred resolution would be waiver of environmental regulations on the property. The regulations challenged by the Paulsens included initially all of the environmental code in their initial application, and in a later letter in September of last year they detailed those as 33 alleged restrictions and limitations on the property. I'm not going to go through each one individually now, although the remainder of my analysis will be addressing these and whether they are an actual valid measure 37 claim. Our analysis today is similar to what you've seen in the past. We look at six different aspects of the claim. The ownership and date of purchase, whether the alleged restrictions are actually land use regulations under measure 37, whether those regulations have been enforced on the property,

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whether any of them are exempt for various reasons under measure 37, whether they restrict the use of the property, or whether they reduce the value. So first ownership. The Paulsens purchased this property from Multnomah county in January of 1991. Ken Paulsen conveyed his ownership to his wife Cathleen in February of 1997, so the ownership dates back to January of 1991. Next we look at claim elements that -- whether the claim elements of the 33 that are alleged restrictions are actually regulations under measure 37. We find that these five are not actually regulations. They are conditions of the approval that they've received on the property and can be appealed to LUBA. They are not regulations as defined under measure 37. And then number 33, a limitation on density. The Paulsens have requested four units. The maximum allowed under the base zone, and they've received approval for those four units. Next we look to see whether the remaining of the 33 are -- have actually been enforced on the property. We find that these four have not. For example, the number 11, limited trail construction, the Paulsens did not qualify a trail to be constructed on property, and therefore it was never addressed or enforced by the city. Likewise with the other three. So these have not been enforced. Next we look at whether there are any exemptions that apply to the remaining alleged restrictions. As you recall, measure 37 says that any regulations that protect the public health and safety are exempt from the measure. The environmental regulations on this property stem from the Fanno Creek conservation plan, which was adopted by the council in January of 1994. And this language was part of the adopting language, which reads, in part, public health, safety and welfare will be protected by environmental regulation." and in addition, the council passed an emergency clause at that time which stated in part, failure to regulate development during the seasonal rains expected through the winter and spring of 1994 would represent a threat to public health, safety and welfare. So clearly the council had in mind, when you passed this resolution, or when you passed this ordinance, that public health and safety was one of the primary purposes of it. So of the remaining 24 alleged restrictions, we find that these 12 directly do protect the public health and safety and would be exempt under measure 37. But these 12, the remaining 12, do not directly protect public health and safety. So we'll examine these one by one to see whether they restrict use or reduce the value of the property. We find that these two, number eight and number 15, relating to the planting of plants on the property, don't actually restrict the use. They prescribe the necessary groundcover, but don't restrict the use of the property. Numbers 17, 19 and 20, we find are actually purpose statements in the code, outlining the purpose of the environmental sections, and they don't directly restrict the use of the property. Fees do not limit -- restrict the use of the property, because they are applied to all applicants and don't lead to any specific development review outcome. And similarly application procedures, the requirement for a tree survey and the requirement for a landscape plan likewise do not dictate the outcome of analysis. They describe the -- how the development review process is conducted. And so they don't restrict the use of the property either. And finally, limitations on fencing, parking, and sight lighting do not restrict the use, because they prescribe the placement and orientation of the fencing, parking and lighting and don't directly restrict the use of the property. So we find that of those remaining 12 alleged restrictions, none of them actually do restrict the use of the property, and therefore we find that they also do not reduce the value of the property. I would reiterate that the claimants have received permission to develop four units on the property, which is the maximum allowed under the base zoning. So therefore our recommendation to you would be -- well, I'm jumping ahead of myself. I'm sorry. Just to summarize, claim numbers that you see here, these six are not regulations as defined by measure 37. These four have not been enforced -- enforced on the property. These six are exempt, because they protect public health and safety. And the remaining six do not restrict the use of the property or reduce its value. So therefore our recommendation to you would be to deny this claim.

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Potter: Any questions for staff? Thank you. Kathleen, where you supposed to read the -- ok. Thank you. Could the claimant please come forward? I want to apologize to you folks for taking so long to get to your issue.

Saltzman: Can you tilt that a little our ways?

Potter: You folks have a total of 15 minutes once you start your presentation.

Kenneth Paulsen: Mayor Potter, members of the city council, thank you for considering our application. I'm ken, and this is cathy paulsen. We're the applicants. We also brought our civil engineer, in case you have questions for him. We are requesting removal of the overlay zoning and requirements contained in the environmental zoning code. I'm a registered architect. I've been involved with the environmental code on several projects. I was a member of a metro committee. I'm reasonably familiar with environmental requirements. I've completed several projects that I believe were very environmentally sensitive that wrap houses around trees, and I think you'll find that i'm as environmentally conscious as anybody, but portions of this code go beyond the intent and the intent was good, but they go a little bit beyond in some areas. We're requesting a waiver of the entire environmental code for the property and the access to our property. Just real quickly, I think i'm going to just breeze over the ownership timeline, but I want to concentrate on the discussion of the facts, talk about a bridge versus a culvert, some cost issues, and if we have time a couple case studies, but we'll see. The presentation earlier was correct, this is the property we're talking about in this -- this plan over here. We'll keep it up. You'll see we were just talking about one piece right there. These black dots, you'll see on your screen, are the existing houses. They're in the area. One thing I want to point out is that there are two streams, stream number one, which we've already crossed with a culvert. The neighbors we participated -- we participated with the neighbors to put in this street. We crossed a culvert for stream number one. We will be talking about stream number two. I want to point out the red line is the p-zone line here. And everything south of this is the c zone, everything north is the p zone. Only a very small, little piece. There are houses all around this -- this site. And the freeway on the west side. This is just a quick introduction to the site. This is driving in on the end of capitol highway. The freeway is just in the background. You make a left turn and head down 61st street. There are houses under construction on the way down. This is the end of the existing pavement. We are proposing to cross a creek at the end of this pavement and head up the hill. The right-of-way was previously cleared for a sewer that was put in about 20 years ago. And some of the utilities are in. The others are stubbed to the property. Anyway, the ownership timeline is pretty much as previously presented. Our environmental review on this property took two years. The longest of any environmental review i've been through. But part of the reason was we couldn't seem to come to an agreement, although staff presents this as my proposal, the bottom line is, is if you don't accept what the city wants to you do you just don't get approved and it takes a long time. And it was just out of frustration that we gave up, accepted the approval, that we were allowed to have. This was the -- the copy of the plan that I had at the time I purchased the property. There was -- the properties in the lower right hand corner we're talking about. I had no -- there were no streams or anything designated here. Back in 1991, there were no overlays on this property. It didn't occur until 1994, years after our purchase. So any environmental attribute to this site wasn't recognized back in 1991. I've been told that the interim resource protection plan applied to properties that were not yet addressed by this new environmental code. But according to the -- but the resource protection plan did not apply to this property either, as i'll show in a minute. So for those two reasons this property was exempt from chapter 33.430 in 1991. This is the cover page of the interim resource protection zone plan. And a key paragraph in the middle of the page a, says the interim protection zone is applied on areas which had a significant environmental concern, overlay zone designation, which this one does not, or water feature designation, which this site does not, the two conditions that would delegate this zone on this property. Here's a copy of the plan back in 1991. I'm going to zoom in on our

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portion so that you can see through a series of little squares there where a stream was recognized. Back in 1997 I approached the city and said, by the way, there's a stream over here. So i'm the protagonist in my own case, but then that area was recognized and then that area was developed -- the zone was placed on it. Not prior to this time. So the other question -- I think that excuses us right there. But there's a question about the health, safety and welfare of the public. Is it jeopardized? Well, according to the staff report, there is a potential danger to the public in the case of erosion, hillsides or earthquakes and -- landslides, earthquakes or flooding. In the case of erosions, we've taken adequate measures. We will not only meet the requirements that were in place in 1991, but in addition we will add silt fences as is prescribed by the environmental code. So erosion is not an issue. Why would they approve us for something if erosion by some means would still be a problem. As for landslides, we had a technical report prepared that shows that the land is stable. In fact, on the other hand spread footings may be used and basements up to 10 feet deep. As far as earthquakes go, we are no more susceptible to an earthquake on this site than any other location, so that one should not apply. Finally the flood hazard. I've gained a flood hazard map from the city just a few days ago. As you can see from the checkmarks, any indication of a flood risk, flood wave, potential flood hazard or floodplain should be shown on this map, but it's not because it's nonexistent. This photo showing the existing ditch we're talking about helps demonstrate why. As you can see, the land on the left, which is the area where we'd want to put a house uphill, it is fairly steep in this area. For the volume of the water to increase by 100% or 200% or 500% would not venture away from the creek. It wouldn't go 50 feet or 100 feet up hill. It might go 10 feet up the hill, but that's an extreme situation. There's a moss-covered tree, it's 11 feet from the center of the creek. We're proposing to stay back at least 15 feet. When there's horizontal crowned on the right-hand side of this plan, you can imagine if there's a lot of water, where's the water going to go? It's going to go to the right. So if there's a flood, it's not going to go uphill. It's going to go to the right.

Cathleen Paulsen: Can I say something at this point? This is the stream. The stream is a muddy crevasse going through here. And the heaviest, wettest part of our winter.

K. Paulsen: Well, we have asked -- we've been told we have to --

*****: It's not going to flood.

K. Paulsen: It won't, you're right. I'll talk about that in a minute. The bridge versus the culvert. The bridge, i'm using that word to mean both open bottom culvert and bridge, because they're both expensive. No bridge is going to require before when this application was made before anywhere or ever. No open bottom culvert by the process. There are existing culverts both upstream and downstream from this location and there are no fish in the area. When I asked the reviewers why we were required to put in an open bottom culvert bridge, they said it's because fish scrape their bellies in the culverts. I said there's no fish in the area because of existing culvert, one immediately downstream from us under the freeway, over 100 feet long. I just said, there are no fish here, they can't get here because of the waterfall, but I tell you what, i'll put rocks and soil in the bottom of an oversize culvert if you want that kind of atmosphere. They said, well, no, if there's no fish, but we just want to you do it. I said, well, how about -- why? You know, why? Why won't you accept my proposal? They basically said if they accept our proposal, they have to accept it for everybody. And that's a bad reason not to accept our proposal, in my opinion. Anyway, that's where it is. We just gave up on this. I should be reading instead of trying to wing this. Well, this is the existing culvert that is shown over -- that was put in this phase one. This is unrelated to that stream. But this -- this happened in 1996, now in 2006 we're -- excuse me. 1999. Now we're not allowed to do this. This is the picture of the culvert, of one of the culverts downstream from us. This is pare of a culvert upstream. I could go through all of the environmental code costs, but I guess i'd just ask you to ask yourself, if you can't put up a fence on your yard, does that not have an impact on the value of your property. If you're restricted from things you want to do, how can anyone justify that that doesn't

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have an impact on the value of that property? There are a multitude of reasons I could explain why there are more costs. I think i'll just focus on this one for the moment. This bridge is going to cost us \$47,000 more than the culvert. That in itself is more than the amount we've requested. As far as the staff's report, what we did is we took the environmental code, on a paragraph by paragraph basis, went through it and found things that we were bothered by. Now he, he said this these things are conditions of approval. Some of these things are other things, but the fact is they're in the environmental code. So was chapter 33.430 applicable? 1991? No. Is it a health, safety and welfare program based on the requirements? No. Is there compelling reason to deny this claim, and I submit there's not. Again, we're requesting removal of all the environmental overlays. We believe measure 37 was specifically intended for people like us, who have endured through these kind of things. We're request the will of the voters and the Oregon supreme court and want to thank you for your time. If I have just a few more minutes, i'd like to answer questions, but I skipped other some of my important points in the interest of brevity, which I would like the chance to talk about again if I can.

Potter: If there's remaining issues, we'll give you extra time. Are there questions from the council to the claimant?

Saltzman: So how did you come up with the \$25,000 you're requesting in compensation?

K. Paulsen: Well, here's what I was told. First of all, we came in with a much higher number. I was told if we want that number we have to get a certified appraisal, I think it was. Well, I called around appraisers, and it was an extra \$1,000. We're just pretty much ordinary people. I said, look, I doubt if the city's going to give us money anyway. Can I just lower the amount? My wife's very upset at me for this, but to make a long story short I just said, look, if we don't go with \$25,000 that's clearly a gift. I know, for instance, a multitude of reasons -- for example, we can't really have significant driveways in front of our garages because -- well, because of the reduced footprint area, the reduced disturbance zone that's allowed. Well, most people want to park in their driveways, or there are neighbors, guests that come over want that. That is a detriment to the value of these houses. That's one of a dozen I could mention. I could tell you horror stories, if I had all day, but in a nutshell this -- this zoning is so incredibly restrictive -- one time I was told on one of my projects, I said I don't have enough room for the garage in the triangle you're allowing me. They said, well, just ask the people who buy the house to ride a bicycle or metro transit. That's not a viable option. To some people, you could argue that house is worth x number of dollars, but it really isn't to the general mass. I hope that answers your question. I'm not sure that I did.

Saltzman: No. I think you did.

Potter: Other questions from the council? Thank you folks. Do we have a staff back up to respond to these comments?

Dearth: I don't know where to start. I guess we based our analysis on public health and safety. And as I have explained in previous claims, we don't view that just within the constraints of this subject property. We look at the public health and safety downstream as well and look at the integrated whole of the environmental protections that are placed on this property and all of the properties in the area upstream and downstream. So we view public health and safety, especially flooding and landslide dangers as part of the whole of this watershed. And if we don't have these kind of protections in all of the watershed, other places may be vulnerable. So we don't know whether there might be landslide or flooding dangers specifically on this property, but the regulations are meant to protect the watershed as a whole.

Leonard: Would measure 37 speak to the particular restriction on a particular piece of property?

Dearth: It does, but I think the way we are viewing the public health and safety exemption is that we look at the public safety as a whole and how the protections on that property would affect the entire public safety, not --

Leonard: Carry that through for me.

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Dearth: So that if, for example, we didn't have environmental protections like the city does on this property, and many others throughout the city, we would have increased landslide, flooding, dangers throughout the city.

Leonard: I understand that. What i'm trying to say is, what I thought you were saying was, while there might not be a direct public safety issue with the particular regulation on this property, it may have an indirect effect. I assumed you meant because of some landslide that could occur downstream as a result of something here? Where you saying that? Or where you just saying it was an approach?

Dearth: That's exactly correct, that with -- and that's the purpose of these environmental overlays.

Leonard: Which was correct? The former or the latter?

Dearth: The former.

Leonard: Ok.

Dearth: So that this is part of an integrated whole, protecting the public health and safety of people downstream as well as --

Leonard: That's when i'm looking for, is an example of that.

Dearth: Well, we didn't have these kind of protections on -- and i'm certainly not the leading expert on this, but we would have faster runoff, more voluminous runoff, which might downstream cause greater flooding and landslide dangers in the time of high rainfall.

Leonard: I'm asking for, it can be either of you, to tell me something specifically that might happen on this property as a result of the development that could affect something downstream. Have we -- have we made that kind of an analysis?

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

Leonard: In other words, they build a house that they want to build, and he said it's 10 feet up from the bottom of the culvert, so that's built there. What impact does that have that wouldn't occur otherwise had the house not been built?

Eric Engstrom: I'll make an attempt to answer that. My name is eric engstrom with the bureau of development services. I was one of the staff who analyzed mr. Paulsen's request for environmental review through that process. I think an example -- a specific example would be tree removal. One of the things we look at during the environmental review process is to minimize tree removal. The purpose of that is to reduce downstream runoff. And it's hard to nail down the quantity of water coming off an individual property based on that review. And the difference was made by that review, but as chris is getting at, when you look at the whole watershed, the fact we're implementing this regulation throughout the watershed, that does have a difference on --

Leonard: I'm really trying to focus on this particular claimant rather than a more global approach.

Engstrom: I'll go back to the specific.

Leonard: Let me help you. Are they proposing to cut down a tree to build a house?

Engstrom: Yes. We reviewed a proposal from mr. Paulsen for development of the site, as chris explained earlier, a proposal was -- was eventually approved for development of this property, although I understand that it probably -- the proposal that was made was not what might have been made had there been no restrictions, but we reviewed a policy for a -- proposal for a development of four houses on this property, approved that proposal. The proposal does involve the removal of some trees. Through that analysis process we reached a conclusion that that was an acceptable impact on this particular property. Granted the approval subject to a number of conditions, which included, for example, restrictions on the number of trees that could come down, minimizing the -- establishing a disturbance limit so that trees weren't unnecessarily taken down at the periphery of the development, limiting the season of construction to limit -- to limit erosion impacts. So through our environmental review process, which is an outgrowth of this regulation that the claim is against, we did that analysis and concluded that on this site the proposal that we approved was acceptable.

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Leonard: Ok.

Potter: Well, fill in the gap. What are we doing here? If you approve the proposal why are they --

Engstrom: I think the applicant -- or the claimant's preference is that they would like to make -- if entirely freed from the regulation, they may have made a different proposal.

Leonard: So they can actually build the houses that they want to build, but they have to build with the conditions that you stipulated, and they don't want to --

Engstrom: I think that's a correct characterization, that they have an approval from the city. May not be the approval that they would prefer if they were freed from all these regulations. And what Chris has explained, that we believe the outcome of this regulation is -- is protecting public health and safety.

Potter: I thought I saw that you changed the shape of the driveway so a fire truck can get into the whole property.

Engstrom: That was one of the design discussions during the review process, was that the shape of the driveway and whether fire truck maneuverability would be affected. I'm in the sure if that was directly a result of the environmental applications or just an application of the fire code.

Potter: Health and safety.

Engstrom: Yeah. I don't think a claim is being made against the fire code in this -- I would also like to point out in response to some of the testimony earlier that was about the bridge design and explain that that -- what you heard during that testimony was very much a characterization of the discussion that went back and forth between staff and the applicant as part of that environmental review process. I want to point out two things about that. One is that the -- once the decision was made in that environmental review process, there is a process for which an applicant, who isn't satisfied with that outcome can appeal that decision. And Mr. Paulsen did not file an appeal of that decision. So we have a procedure for resolving that disagreement, and it wasn't --

Leonard: Disagreement over whether to have a culvert or a bridge?

Engstrom: Yeah, that's what I'm talking.

Leonard: What about the possibility of a living fish to ever be at the --

Engstrom: I think the requirement is coming from both the environmental code as well as the bureau of environmental services watershed goals and flow protection goals. But the -- I think the way that the city's been approaching this issue is that -- that each time there's an opportunity to affect the design of a stream crossing that we try and do the design that will work in the long term for habitat. If there's a downstream culvert that's a problem right now, if that comes in and is rebuilt at a future date, we're also going to look at that one, so we don't want to assume that because there's a downstream piece that --

Leonard: It's a creek generated merely by runoff, that's not -- that's not --

Engstrom: I mean, it's probably not expected to be direct fish habitat in this case. One of the issues with culverts in addition to fish passage is that when you have a culvert, you tend to create a hollow below it, when there's a gradient involved, which causes erosion. So when you create an ability for the stream to flow naturally without a grade interruption at the street, you also reduce the amount of sediment coming down the creek that affects downstream fish, whether the fish are getting to this culvert or not.

Leonard: Sounds to me like this is an area where you could sit down with the applicant and come up with a --

Engstrom: Well, I guess I would say we did for -- as Mr. Paulsen described, for two years, talk about this issue. We reached a decision. There was an opportunity to appeal that decision. I think it's been talked through fairly extensively. Maybe this is a technicality, but another point about the culvert is that what we're talking about is the design of the public street improvements in the public right-of-way. We're not talking about a restriction of Mr. 'S property per se. This is a design issue for the public street in the right-of-way. And I'm not sure that there's actually measure 37 issue.

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Leonard: I understand that, and that's why i'm gently suggesting that there's an opportunity here to sit down and resolve that outside of this forum.

Engstrom: I agree. I think we've -- I think we eventually reached the point of feeling like we had had explored that issue for quite some time, and we had to reach a conclusion eventually. And the decision was made. I'm happy to -- to talk about that further with mr. Paulsen, but I don't know how -- how productive that's going to be given that we've already done that for two years.

Saltzman: For purposes of measure 37 is the ownership date of the Paulsen's 1991 or 1997?

Dearth: It's 1991 because Cathleen Paulsen has owned this property since 1991.

Saltzman: So their point about their ownership predating the fanno creek conservation plan seems to be valid?

Dearth: Yes, their ownership does predate the fanno creek plan but what we examined was the public health exemption which we believe is a broader exemption. So we didn't look at ownership date on this although we could have done that for certain aspects because there were certain setbacks that were in place when they did purchase the property. But what we are basing our recommendation on is public health and safety exceptions and whether the use of the property is restricted or the value is reduced.

Saltzman: Don't the public health and safety exceptions flow from the environmental zone?

Dearth: They do. Correct.

Saltzman: That's the purpose of the environmental zone.

Dearth: That's correct. So the environmental zone was placed on the property after they purchased it, and we believe for public health and safety reasons, and because -- even though it was after he purchased the property we still think that it's exempt under, exempt from a measure 37 claim.

Potter: As measure 37 allows for that exemption.

Dearth: Correct.

Leonard: Public health and safety aspect, you are arguing, has to do with the runoff issue?

*******:** Erosion, land slide, the related --

Leonard: But what I am hearing, tell me if I am got this wrong, you are not so much concerned about the runoff or landslide on this particular piece of property but other than properties in the watershed that this same kind of exclusion could adversely affect?

Dearth: Correct. Exactly.

Leonard: I am still trying to connect with that.

Dearth: The cumulative effect with this property and many others, for example, exempted from these kind of regulations could have a great effect on downstream properties for flooding and landslides.

Engstrom: Let me try and tie that knot a little more for you.

Leonard: I am trying to get you to tell me what happens there if we exclude this provision to downstream properties. Not so much from the philosophical application of the environmental overlay but rather the cause and effect of not having -- actually would be the cause and effect of allowing the development the way they proposed it versus the way you proposed it.

Engstrom: Right. Yeah. I think part of what's confusing about this claim is that there is an approval we have granted out there that we can build something and we have done that analysis. So we are arguing about the difference between a development that we approved and some unspecified development that we haven't looked at or has not gone through the process. I guess what I can say is that the result of having gone through the environmental process is that we paid more careful attention on this site to the location of trees to try and minimize the removal of forest cover. We demanded geotechnical analysis that wouldn't otherwise have been required. We looked at stream flow issues. If conceptually if we removed the environmental restrictions develop can occur on this property without any reference to the analysis that was done there which means that -- that in theory someone could come in and remove all the trees on this site. And I know that that's not what mr.

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Paulson is asking but we have no way to distinguish between what he might do voluntarily versus in the extreme someone would do without the been of these regulations. Do you understand what i'm saying there?

Leonard: I do. But here's what I am hearing. What I am hearing is for an opportunity for people to sit down and work identity u I am not hearing you cannot build on this property. I am hearing you can build if you do it this way and they are saying, no, that way and what I hear is a gray area I am not clear why we haven't benefit able to figure out some resolution short of them coming here and us having to make a judgment one way or the other.

Engstrom: Right. I think the place I have reached on that issue is that we have an approval that was negotiated over a couple of years and there is an opportunity to move forward and develop this site. We have sat down with mr. Paul season on a number of times to explore different options for amending that approval if there's something specific about it that isn't acceptable. I think where we have reached after those discussions is that we were pretty far apart in terms of what, what the city was willing to live with and what ultimately where the direction he was going with that.

Leonard: I am just wondering if there is any interest maybe in postponing forth for a month or so if the council wants to. I am happy to see if we can't sit down and figure out some resolution that doesn't have us as a council having to take a position on this issue, which I am not sure how it would turn out. Frankly here today, but I am willing -- this sounds to me like something that can be worked out if you have some help.

Potter: And on the other hand, I am not --

Saltzman: Approval of four houses. Right, build those four houses.

Engstrom: There's some final permitting work that needs to be done, but yes.

Potter: I am not one to give him a blank set exemption to everything either.

Leonard: I am not suggesting that. What I am suggesting is that I am, what I am hearing from both sides is two parties dug in pretty deep and maybe they need some creativity to get to a place where everybody can be happy and maybe have a resolution they haven't even thought of yet. And I don't know that that's possible but it just, I dealt with a lot of these issues and it feels that way.

Engstrom: I don't disagree, commissioner, on the sentiment behind what you are saying. I think what our interest at this point is that there's that we are having a hard time grasping, getting our head around how we can get that done if the position of the claimant is removal of all regulations.

Leonard: That's what I am exactly telling you. I am not real comfortable making a judgment about right now. I don't agree with that either but I am not sure -- I think you guys approached this from places where you are both kind of dug in and I think there might be a third approach. I don't know. I am not looking for more.

Dearth: Commissioner, I should add the environmental review process does allow for a lot more flexibility and leeway in what an applicant can get. And maybe eric can address the flexibility that process allows.

Sten: I don't need that.

Leonard: I am not looking for more work. If you don't want it, that's fine.

Sten: An explanation but -- it's up to commissioner Leonard.

Leonard: That's fine. Feels like this doesn't feel like the right process.

Potter: It's not like it's been in play for a couple years now. I am not sure there is a right process. Complying with the law. Any other questions for these folks? Thank you. Is anyone signed up to testify on this matter?

Moore: No one signed up.

Potter: There is anyone here who wishes to testify who did not sign up? Ask for a motion to accept report.

Sten: So moved.

Adams: Second.

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Potter: Call the vote.

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

Sten: I listened very closely. I understand that there is an opportunity to develop and I don't see a full measure 37 claim if you reapplied and asked for variances on some of those pieces. I think the staff could look at. That's where I differ with commissioner Leonard. You can make other proposal and get through without having a measure 37 claim. So aye.

Potter: Aye. [gavel pounded] Item 301. Three p.m. time certain.

Item 301.

Saltzman: Thank you, mayor Potter. This is really --

Sten: This is a briefing and we have a guest from out of town who introduced just a moment, and I would say this is for me, been a really good process and it is the first indication before I get into the fire issues that a new approach mayor Potter brought to budgeting and budget reviews last year had a pretty major impact. For those of you I think everybody in the room was following this but the mayor asked teams of two who were not the commissioner in charge of each bureau to take a look and so commissioner Saltzman and commissioner Leonard who both have some familiarity with the fire bureau took a look at the budget last year. And one of the questions that came up was given the data and the sighting divisions that were made in southwest Portland about the new stations we were building and renovating were about 10 years old had demographics change, the demand changed and that led us at 9 council's direction out of last year's budget at fire to do a full service delivery study because it really became clear to us that you can't look at one station without looking at patterns. We are going to bring you that service delivery study. I want to put it in context.

Couple months ago we brought our strategic plan and that was really developed with citizens w. Management, with labor and that was kind of the overarching and I won't go back through it but this is our strategy. This is what we want to do and, of course, it's based on what I think we do very well which is respond quickly to medical and life safety emergencies. This is the next piece which is really a much more detailed, we won't go through the whole document today you have in front you. It's very thick. It looks at just about every aspect of our operations and specially says with the city changing, how should we readjust our strategies and methods underneath the overarching rigs. I really pushed very hard as the chief to get this to the council right now for the simple reason it precedes the budget. And while there is some substantial changes and we think this was a study that was done in very, very open fashion as you will see, we actually came to a possible conclusion, I will say possible because it has some implications we could not build a station. That was question the council members raised last year. Frankly took me somewhat by surprise because I hadn't thought about it. I was busy implementing the bond measure and this is what I was getting at, I think the budget process of having the two other commissioners really was valuable because I am charged to get the stations built on budget on time, we have got a place to build them. I am trying to do that with the chief with general services and our team and that extra look really caused us to figure it out. What we did find is, we may be able to not build that station. I want to underscore, I would not make a decision like that as fire commissioner obviously without the council's concurrence and I would not make a recommendation to not build a station the public paid for without taking this question to southwest with the data and the idea as you will hear today of not building station 21 is premised on the notion we move to other stations. Which is frankly easier said than done. In the long run it would be cheaper to move those two stations because you would be operating two rather than three in operations is the most expensive part of the budget. Most of our budget is personnel. But that that's a big if. You have to be able to do that first. The other idea that's a potential is to do a joint station with tualatin valley fire and rescue more on the border. That would be something we would have to appreciate. It's not as simple as we have got that area covered. You will see we do not. But as we looked at the whole thing, we came up with several priorities that I wanted to share. One which will not surprise this council is to get the station 45

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permanently funded on the gresham border and that is in the budget request this year. Another is to reestablish a fourth battalion district. We shrugged during the budget cuts to having three battalion chiefs at any given time and there's a sense we are spread too thin. That was two. Third was really, really interesting was to restore four two paramedic rescue units at our busiest stations so essentially what's happening as we get more crowded traffic, more people living in denser areas, is that we need to maybe have some more response coming from each of the stations and so where I am driving with this, obviously, is to have this conversation at the budget but even more than that and this will really be my kind of key point for everyone is that I would like to take the review that happened last year, the strategic plan we were working on in terms of the next five years, this service delivery study, and start talking with the council about a five-year strategy and that's arbitrary but a multiyear strategy as the economy improves, to get us to this place where we need to be. And I think this is the kind of approach that obviously is needed for fire. I think we have some gaps. I think frankly fire has been cut pretty tight over the last 10 years. But I can it's a model that could work for all of our bureaus. If we can really work through what are the current challenges and then start to talk about, not a guarantee five years from now will be funded but that these right things kind of in order that if money were available would make a lot of sense to fund so it's not kind of coming each year throwing packages on the table and certainly with fire it's the kind of thing we should do. So as we should we had great citizen help. Tom that seen that gabriel was our chair and I see jennifer cooperman in the back. I hope I didn't miss anybody. And as the fire commissioner I would like to, yeah, have one kind of fun piece and say, tri-data who I am going to have the chief introduce here the organizational cultures, one of the best and positive that we have experienced. It's a smart organization that uses home resources to full potential and has a very productive works for. And since we have a pretty good chunk of that work force in the audience I would feel remiss if I did not share that quote with you. Thank you, mayor, and chief.

Potter: Before you begin, chief, I have to excuse myself or 20 minutes. It's an absence to testify before the education committee so I will be back in 20 minutes so please proceed. I want did want to ask one question. This being new to the job, when we accept a staff report we are not accepting all the recommendations. We are just accepting the report. So is that correct?

Sten: That's correct.

Sten: That's correct, yes. Hopefully to be clear we think that we really actually just have had this report ourselves from tri-data. We think the overall report is good many some of things are not feasible, some are so at some point we will come back with actual recommendations from the chief.

Potter: Excuse me. I apologize.

Sten: Chief.

Dave Sprando: Thank you, dave sprando, Portland fire and rescue. To my left is thomasina gabriel, our citizen chair. To my right is phillip sheaman the president of tri-data. And paul is the essentially the project manager for this report. Just a quick couple items on this. The report was to be completed in time for these upcoming budget sessions and just to let everybody everyone know that was a very, very tight time frame for a project of this scope because it was an all encompassing report. To start the project we formed a steering committee to determine the scope of the study. Developed a request for proposal and to select the vendor for the study and thomasina will mention in a moment it was a very broad participation in the study including people from your offices which we appreciate. I want to thank thomasina and particularly it was in keeping things moving along and keeping us on track. What I would say is we ended up with a very comprehensive study and as the commissioner mentioned I think it provides a guideline for us to move into the future. It was very comprehensive although very compressed getting done it was very comprehensive report and I believe the tri-data took a good look at it. With that I would like to turn it over to thomasina for brief comments.

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Thomasina Gabrielle: Thank you, chief. Thomasina Gabrielle, 2424 n.w. Knot. As has been mentioned I was the chair of this committee. And the steering committee really did their work inputting together the proposal or the request for proposals for the consultants. I want to echo the chief's comment that it was very helpful to have as part of that steering committee aids and representation from all of the commissioners. That was essential a to the discussion. I think we were able to come up with a charge to give the selected consultants that was very clear and so they could hit the ground running and was by the time we got done with our discussions it was a consistent charge from all of the commissioners' offices which was important. I also want to mention that steering committee had other citizens as well as good representation of all the departments inside of the bureau of fire and rescue and I think that also helped us have the information we needed to provide to the consultants. We went through an interview process and had three very responsive proposals. Tri-data was everyone's first choice and they pretty much came and made it very clear to us that they had the resources to do this in a timely fans. And that they had even more importantly to me personally they had a wonder fm database that they have collected over years from being involved in this kind of study in various departments throughout the united states. So they were able to access all sorts of data and was at their fingertips and with that brief introduction I am just going to turn it over to tri-data so you have at least a little time for the people who wrote this report, what it says.

*****: How much time do we have?

Sten: How much time do you need?

*****: Five minutes?

Sten: You got more than that.

Phillip Schaenman: Commissioners, a brilliant summary of the report. We don't have to do much more. Phil sheaman.

Sten: He is really good.

Phil Schaenman: I am pretty of the tri-data division of system planning corporation. Paul phippin was the day to day project manager. I am contractually bound to give this presentation. I am not muscling paul. He will answer the questions. I am going to zip through. I am not going to cover all the slides. I am hit you at the highlights of the highlights and go back. And we really are appreciate's the assistant we got from the fire department, and scott if I haver who was our project manager for the city. We had a terrific experience with you 10 years ago doing first study for Portland and this was every bit as good as that one. Our overall impression of the fire department is that it's great. You got to appreciate what you got here. Besides the comments that commissioner Sten made, I realize something this morning if you were like seattle or denver among your peer studies, you would be spending 25% more on the fire department than you are looking at the number of firefighters. And your bottom line is as good or better than yours so you have really a got a check rated best buy here. Really should appreciate it. Portland has been an example nationally from 10 years ago as a citizens committee that led the study, at that time, and tried to see the fire department go out of the box and decide the box wasn't so bad. We have excited cited that. You walk inside fire department headquarters you see a rather gaudy plaque. The first award any fire department got for its fire prevention -- prevention program. We have data spread that program nationally. We sort of played in peoria. We did a study in peoria to see if Portland's ideas played there and it did. This is a department that has been characterized by tremendous innovation with great citizen awareness and city council watching everything going on. It's really a model we cite nationally. I am not just trying curry your favor with that. It's just a fact. Let's skip the next two slides and go to the graph of the demand and workload going into the future. We try to make statistical projections of what's going to happen in terms of demand. The lower curve is what happens if the citizens behave and you have the same demand per capita you have now and the demand just increases in proportion of population. The upper curve is if citizen demand increases

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per 10,000 citizens as it has in the past decades. They said in "jaws" when they first saw the shark you are going to need a bigger boat. You are going to need a lot bigger fire department if the demand keeps going up exponentially so one of the critical things before you although the stuff out there the engines and staff tend to get the attention, division is absolutely critical in keeping the lid on demand with good prevention programs. Response times. One of the critical measurement is how fast you get out there. Response time has three components. The call processing, citizen calls in, how fast do you make a decision on what to send. The turnout from the station and the travel time. The call processing time is not the responsibility. Fire department. It's really emergency communications and you have a problem here. The 90th percentile is close to two minutes. About a minute 50 seconds. The recommended national standard for that is a minute. You can do better by getting the dispatch going before all the questions are asked and by having adequate numbers of dispatchers. It's a lot less expensive to cut the seconds off the response by handling the call efficiently than by putting out lots more stations out there. So again that's one of the critical things to take away. It's not in the fire department control but you got to pay attention to that. The turnout time number here in some controversy so I want to pass on that. Travel time is 90 percentile is five minutes 40 seconds versus a desired national goal, national standard of four minutes. Very few teams achieve that but that's still the goal. If you look at 80th percentile you are doing pretty good. 90th percentile is a very tough standard. It means 90% of the calls have to be within this very strict time. You are getting to 70% within four minutes. And 80% within a little over four minutes so it's the 90th percentile where things get hairy. And you really have to look neighborhood by neighborhood to see what's going on here to see where you really have the holes. So if we skip the next chart and go to the map of the city, this is a big picture. The area in green is what you can reach at least theoretically with travel times, four minute travel times from the existing city stations plus the new station 27, which is in the western end of the city and has a circle around, around it. If you look at orange along the bottom that's where tualatin valley and gresham fire departments response times are. And the white spaces in between you all are aware you don't have adequate travel times. And you can see some gaps are fairly large in the southwest and some other parts of the city. The northwest is district two. The east is district three and the southwest is district four. District one is a one station district around the headquarters station. So it's really two, three, and four that right main concern. You can see the gaps here. We will contrast that with a picture later.

Saltzman: Are those actual station locations?

Schaenman: Yes. That's where the stations are. Yes. Turning first to districts one and two which are relatively easy to deal with, we feel there are adequate coverage there. There is a high density of calls in the downtown area. There is a gap in coverage, a serious gap in coverage in the northwest. Northwest of station six which is going to be filled by station 27. So that was critical problem and you got that licked. Some of the stations are very busy. Engine one, truck three but they are not really heavily overloaded by general national standards but to keep up with that demand that you should add a two-person rescue at station 1. One of the again big bargains here is adding two-person units instead of four-person units. Most of the demand is e.m.s. Calls. Many of those calls can be handled with a two-person unit. Sometimes you need the full four people for extrication, heart attack, there's a lot of calls you can handle with a two-person unit and so we are recommending adding two-person rather than four-person units in existing stations to keep up with that burgeoning demand. Ok. Turn to district three. You got a lot of commercial, industrial, residential development. It has one of the worst travel time problems relative to the city. There's several units that are likely to become overloaded within the next 10 years and we think that you ought to be adding phasing in three two-person units. We recommend particular stations but basically anywhere you add them you relieve some of the stress but three two-person units are there.

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Leonard: Rescues?

Schaenman: Yes. Around the clock. District four has some of the biggest response time coverage problems. In the southwest adjacent to tualatin valley. And we noticed that there is a lot of overlap in the station coverage between particularly between stations 18 and five. But there's a large coverage gap and there actually were 770 calls in that gap in the last year so it's not just the theoretical gap. There's a lot of calls happening there. So our overall recommendation --

Saltzman: There is station five?

Schaenman: I will show you a map on the next chart. I will give you -- hillsdale? Ok. We will do the map.

Leonard: Remember my training. Isn't that good? I can take a test right now, chief. [laughter]

Schaenman: I will give you the big picture and then bell go to the map.

Saltzman: In the budget.

Schaenman: In the short term you don't have to build station 21 in its presently planned location. Instead you can relocate 18. Difference between relocating both case us got to build a station but you got to staff and it that's far bigger cost. It adds up over time than just the bricks and mortar. So and we think in the slightly longer term you can move station five that will help the response also but the real tradeoff is 18 versus the new 21. Fluke at the next series of maps you will see where we are talking about this. The next map shows the current four minute response time reach from the existing stations. The big brown match in the middle is the overlap between the two stations. That's those areas that either of the two stations can reach within four minutes today. And yet you still got this big white area on the west side where you can't reach within four minutes. If you build station 21, go to the next chart, you still see a big white watch. It's wiped out half of the white patch area which is good. At the cost of another station. You furnish to the next chart if you just move 18 and ultimately five, you wind up with an even smaller white patch and with one fewer station to serve the area. So we think that, you know, looks like that's a more cost effective choice unless tualatin's going to dick in on the other side of the border because they still got their problem on the other side. With the relocated station 18 and 5 and the now station if you turn to the next you see the overall picture of the city and it hazard a let less white space but there still is a gap in the southwest between tualatin valley and the city and we think that's an area to negotiate a new station that's going to help them more than it will help you. It will help both. And so the next chart says that you should continue to work with tualatin valley and finding the location and optimizes regional coverage and probably consider building a joint station there within the next five years. Next, please. Truck. Skip the text one and go right to the truck company slide. Up to now we have been talking primarily about engines and rescues the first in unit but when you have a fire you need trucks. They do critical tasks. You have nine truck companies but with the existing set of truck companies is a huge gap in the southwest of the city. One thing you can do is just buy another truck company and put it down there. But another alternative is to move one of the truck companies from the center of the city that has a good overlapping coverage and move it down into the west to station 5 and largely fill that gap with one of the existing companies. While we normally put in move from it station one, that could be any of the ring of stations right close to one. If there's -- there's reasons one kind of reason or another but one of those trucks can be moved out and you still got very ample coverage in the city of the city and radically improve the coverage in the southwest.

Leonard: Didn't there used to be a truck there?

Sprando: Yes. Up at station five.

Schaenman: Ok. Next, looking at the big picture and fire operations, philosophy here has been hit hard, hit fast. Excellent. You got low are than average fire death rates. You got really good results from the fire department. Bottom line results. But we are concerned about the battalion chief coverage. You have flee battalions. Each chief is responsible for nine or 10 stations. That's ridiculously high coverage. That's double what you find nationally with four to six stations being

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covered by a battalion chief. And it's not good administratively and it could be disastrous in a major disaster where you need multiple battalion chiefs and somebody to keep home for the rest of the city. So we have a strong recommendation to add back the fourth battalion chief. Let me talk about three positions. So to keep that going around the clock. That's critical.

Leonard: Keep the on duty deputy?

Schaenman: Yes.

Leonard: Responding?

Schaenman: Yes.

Leonard: With station one?

Schaenman: Yes. We are saying add one chief and break up the area into four battalions instead of three battalions. Yeah.

Saltzman: Did there used to be four?

Leonard: There was one five at one time.

Sprando: At one point there was five. 1997 is when we lost the fourth. Down to three essentially.

Schaenman: Ok. Workload, we are skipping some charts in here. They become overloaded when they hit 3,000 calls but it also depends on the unit hour utilities what percent of time you are spending on calls. If you add the four paramedic rescue units you will largely reduce the problem and response times that comes from a second unit having to respond instead of the closest unit, if it's out already and it generally gives you a more robust system all around. I think it's a check rated best buy when you add two person units instead of four-person units but a thing to note is the operation of station 45 in gresham. They only putting out three people per unit when they are staffing them. You are putting up four. You ought to ask them to pay you more for providing service at four and you are showing up and able to start operations. That translates potentially into a saving the cost of a home burning down or reducing losses. So you got to charge them more for that or get them to. Training I mention the training is generally outstanding here. The academy is terrific. One area where we recommend is that you institute an officer of development program and do that for people planning to become officers and not just after they get promoted. That's a fault we find a lot of cities nationally have not having an office of development program. Emergency management, the fire department and police department detailed personnel to it. Fire department is the lead for training and system planning. And we think all things considered it would be better to put it under the fire department and put the hazmat and technical rescue unit under that also which is a key unit to -- it's sort of like the special forces unit in emergency management. But I would not do that move if you don't make that move. Again, there's pro's and cons.

Leonard: Sounds like we go back about five years and grab a report and do what we used to do. That used to be under fire. I am sure you are aware of that.

Schaenman: Yeah, hazardous materials technical rescue generally is good. We think it's located at a busy station. Should be put in another station. Let me go to emergency medical services. Your emergency medical service situation here is outstanding. Again, it's something citizens really should appreciate. One of the few growing, nourish the forefront of the cities that have paramedic engines with a paramedic on every engine. You have exemplary relations with a private contractor.

We think that should not be changed. One thing that you are doing is collecting great data on what's happening on e.m.s. Calls and because of your having data that other people don't, we found the problem and that is on some. More advanced medical procedures, you got to track the quality of those procedures. You are doing some very advanced things and intubations and infusions that your data allows you to show you need more experience in tracking that. But really you really deserve a great deal of credit for how far you have gone in that e.m.s. area and the data to prove it. Fire prevention, remember the demand curve explodes if you don't keep it under control. The fire prevention division is doing a very taking very business like approach. It was a leader in many

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aspects, measuring its performance. Next page. We had some recommendation on how to, how it might reorganize itself but the one critical thing for you all to think about is adding a deputy chief fire marshal position to the fire marshal. You need another senior person there when the fire marshal is not around. And it's just a critically important function to hold down that demand. On our chart I missed the critical work. I wanted to say consider civilianize code enforcement, not do it. The flip side your prevention bureau and this is something I noted 10 years ago it's really pretty unusual. You can field three companies of firefighters out of the prevention bureau because they are uniform. So while you may save a little money civilianizing them and get some higher level expertise you may not want to do that all 100%. Do some civilians but keep that great fullback, that's one of the reasons why you don't have as many firefighters for thousand population because the fire prevention bureau is playing double role here.

Leonard: That's been a place to put disabled firefighters so they are not on --

Schaenman: I am talking about the ones that can fight fires.

Leonard: There's a savings of having disabled firefighters there as opposed to being off on work-related disability.

Schaenman: Yes. So that's considered but you may consider and reject. Take the fire inspection program that the companies are participating is great. You again are in the forefront of using the line companies to do not only inspections but also public education. One thing to give everybody a break on that is to require the low risk businesses to do self inspections. You can send them forms and ask them to do their own inspections and cut back how often you get to them. And let the inspections be more intense on the higher risk properties. We also think you should require sprinklers and everything you can get away with. Sprinkler the world. It really works. On the support services information technology, you have moved the same way oh the military has to getting your combat forces to use information technology more. Your city consolidated many of the positions into a specialized i.t. Bureau but you went too far. And you need an information systems manager there to help communicate and oversee the fire department's needs and i.t. There are some things that are suffering. One of them is that you finally got firefighters to use computers out in the stations but now they are using them and the system is not robust enough to handle all the use. So you are not take advantage of all the training and data reporting that could be if they had a more robust system out there. So again, for modern system, you want to get that i.t. Going and you need another i.t. Manager. Your apparatus replacement is good at the upper level of what's reasonable. But your maintenance on apparatus is falling a little short because you are lacking a few positions in the maintenance and the fire department maintenance emergency vehicle technicians. We think you need a few to do the preventive maintenance so that you can keep getting away with having 15-year lives on your vehicles and not the 10 or 12-year lives that some of the departments find themselves having. So again it's penny wise, pound foolish. Do the preventive maintenance. And I think that's it.

Sten: Good. Thank you. That was excellent. Let's open it up to questions from the council at this point.

Saltzman: Could you tell, restate exactly what the recommendations are with respect to exploring joint staffing of a station on the western edge. Our city, eastern edge of tvnr?

Schaenman: For the short-term you don't have to build a joint station. You can move one station and save quite a bit of money. And in the longer term, there's still will be a gap there you need to negotiate with them. But it's more important for them than for you, really. After you move the station.

Saltzman: You say move the station 18 or five?

Flippin: 18. 18 first.

*****: And five in five to 10 years.

*****: Five also but 18 first.

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Saltzman: So you have to move five. Even if you want to have a joint operated station? Is that correct? According to your recommendations?

Flippin: To close the gap.

Schaenman: Demand is going to be increasing to this period. Right now it's not that many calls out of over the next five or 10 years the demand is going to increase in that area.

Sten: Right now we have money in the bond to do 21. So in theory that could be used to pay 18. That's already staffed and the council, indefinitely but with having this discussion, took the staffing for 21 out of the forecast and so any level of staffing has to come back in but that's what everyone is expecting. It was basically, it was taken out because the money wasn't there. There was not an expectation so we would then have the choice of essentially providing better coverage if we could get to that deal with Tualatin valley at arguably half the cost of a station staffing or still by this recommendation be better off in southwest by moving the stations around anyway. You also then have the opportunity perhaps to spend the money. We would have been spending on 21 on some of the two-person rescues which may be a way to improve coverage in the key areas this is more flexible. Now, five, five is brand-new. We just remodelled that and so there's some pragmatics. Five to 10 years out.

Sprando: Commissioner, the bond had the 18's move was planned and it's their recommendation is to move it where we had planned. 21's was going to be the new station. So if that is, if that is changing, that could be deferred to a move's.

Sten: I misspoke. We have money for both. We are in pretty good shape physically. It's been operations all along that's been the issue.

Saltzman: That was the concern last year was building 21 when we didn't have the money to operate it. I believe that was the --

Sten: We were going to open up conversations. They are very well received with Tualatin valley. We could go to them and say, we have the money to build our share of the station right now if that's a better solution. We still have --

Leonard: Our share being the 21?

Sten: Yes.

Schaenman: Located in a different location.

Leonard: And the relocation of 18? You have a place for that?

Sprando: Yes.

Leonard: You know where that is?

Sprando: Yes. Idle about Capitol and Barbur and the property's already purchased.

Leonard: We have that planned anyway?

Sprando: Yes. That was going to slide south and west and 21's was going to fill in.

Flippin: It was clearly understood you just did the reason education on five so that was why --

Leonard: You would want to move that sooner?

Flippin: It's going to close the gap. The response gap.

Leonard: Good spot for a microbrewery. There's one around the corner.

Saltzman: I was going to ask when you picked 30th and Vermont was the place to move the Vermont that's not placed on property but just based on?

Schaenman: About. Roughly around that area.

Saltzman: Response time. I think it's a great report. As a member of the budget subcommittee that's going to be working with fire on this budget, this is great stuff. So appreciate it. As for the whole city.

Flippin: Concluding remark if I may is your future for the next 10 years is one what I will of a lot less expensive than cities facing increasing demand. We did a study for Tacoma and we are talking about \$80 million to keep up with demand and because of how well you have laid out things already

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and all the planning that's going on it's costing the cities a whole lot less to keep up with demand. If you can get them to behave you will be in even better shape.

Sten: That we can't --

*****: That's the demand.

Saltzman: Unruly bunch around here.

Schaenman: Seriously that is the kind of thing when off baby to not be surprised at the end of nine months to call the fire department. When you are hurt you get little bruises to not just use it as the cheap doctor or all the time. There's a lot of things on, there's a whole program called make the right call. The citizens need to be aware when they should call, when they shouldn't call are be willing to pate price for all the bigger boat.

Potter: In tacoma do they fund their schools?

Schaenman: Do they fund their schools? We don't here in Oregon. I am wondering. Ok. Thank you.

Leonard: I did want to throw out one caution. That was the suggestion on the civilization and I just want to put an explanation. We are having this internal debate in Portland about the fire and police pension disability plan. One of the strategies is to make sure we have positions for disabled firefighters to go back into if we have eliminate or even reduce the amount of uniformed spots, that hurts the strategy to reduce disability costs and bring uniformed folks back to work into, so --

Schaenman: I think that's an excellent point and that definite should be considered.

Leonard: I don't know where else.

Sprando: That is the majority that's where the largest number would be in one place.

Leonard: We got to take that cost benefit of having a disabled firefighters on disability taking into account if they are getting work as a fire inspector over what we are saving in disability costs into any judgment. Let that play out the way it plays out.

Potter: You recommend would the office of emergency management move into the fire bureau. And you said because they have the best trained personnel. Is that the standard around the country now?

Schaenman: It's sort of 50-50. That sometimes is in the fire department, sometimes directly to the mayor. And it depends on a lot of local nuances. > it's not a cut and dried things. It wasn't quite because they had the best trained personnel. They are playing the lions share and they have the hazmat tech any cool rescue and they would move along with that. But it's somewhat of a moot point nationally. We think all things considered it would fit better here under the fire department but it's not absolutely -- brilliant, clear.

*****: It's still connected to the mayor's office. We made sure that it was under the auspices of the fire department. Connected to the mayor's office.

Sten: At this point, despite it being a brilliant report we are not concurring with this particular recommendation that the fire bureau.

Potter: We will have that discussion down the road.

Sten: The chief was looking at me, like are you going to say it or not?

Potter: I appreciate that and it is an excellent report. So.

Sten: We did not yet take public testimony, mayor. Thank you very much.

Potter: Thank you very much.

*****: Thanks again for the privilege of working with you all.

*****: Thank you very much.

Potter: Was there a sign-up sheet?

Moore: There was but nobody signed up.

Potter: Is there anyone here who wishes to testify on this matter? That's not wearing a white shirt?
[laughter]

Sten: Did you want to say anything?

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Potter: Jack, would you like to say anything?

Jack Fenders: I hadn't planned on making comments. I am president of the Portland firefighters association. Just having received the report and not really having had a chance to go through it as thoroughly as I would like, you know, I would have to say that the firefighters association agrees with almost all of the recommendations that have been made in this report. We feel that it shows that like they said over the past decade, the fire bureau has taken consistent cuts, but they showed during their evaluation they said that they realized that we are one of the best departments in the nation, showing that, you know, we have made adjustments in the past for trying to accomplish the same thing with fewer assets, and I think it's becoming obvious now and especially with this report we are finally at a point where for our assets are reduced any it is going to have a dramatic impact on the service level. But over all we agree with the report. We think it's a very good report and we hope the council will take into consideration all the different elements of that and make the appropriate moves. Thank you.

Potter: Thank you.

Sten: In that case, I think we are done, mayor.

Potter: Ok. Do I hear a motion to accept the report?

Leonard: So moved.

Sten: Second.

Potter: Please call the vote.

Moore: Leonard.

Adams: So do I get to vote?

Potter: We decided he can't vote this time.

Moore: Adams. [laughter]

Saltzman: New random thing.

Adams: Like forward to reading the report this weekend and working through its recommendations and finding with you as part of the budget team with commissioner Saltzman. I want to commend the leadership of commissioner Sten for getting it done and the team that we have heard from and see even beyond. Aye.

Leonard: And phil testified that he did a report here 10 years ago. It was 13 years ago, phil. And I still use your quote all the time that I am sure you remember, nobody else does, when you open up the meeting, you won me over immediately when you said, you don't have to be a rocket scientist to do this work but I am. Wow. How many people can say that? So I have always been impressed with your work and your thoroughness and I am really pleased with this report and support it wholeheartedly. Aye.

Saltzman: I am very pleased with this report, too. I think there's a lot of good suggestions in here that will be taken taking a look at as we work through the budget. And I am particularly pleased I think as was known last year that we have taken a more global look and sort of looked at our surrounding jurisdictions and seen what the potential is for us to cooperate with tualatin valley on something like a relocated station 21 as a way to save money but also to I think more effectively provide service perhaps for both Washington county and city of Portland residents. That's my 10 that if I have instincts. I certainly want to explore details but there's other good recommendations. I am pleased to support it. Aye.

Sten: Well, I think I have said enough. I did not want to say, it was really good working with tri-data and I think we will citizen to have a relationship. I guess I want to thank again all the men and women from the Portland fire bureau that worked on this and tom nastsina. It's been a good partnership. I would say it would be easy for any organization particularly one that's working so hard and has been pushing resources so much to sort of get on the defensive a little bit with let's take a look at the plans and I think it really speaks to the commitment to public safety, to good response time and to really delivering the absolute best service we can for the dollar that the chief

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sprando and his team have come up with more cost effective strategy to keep people safer. I will be back to the council with specific strategies to implement the what we found here in the next couple of months. Thank you. Aye.

Potter: I haven't been to every fire department in the united states unlike folks who did the report but I can say that from inside the city, I think that the fire bureau is one of the best managed bureaus in the city. And I really have a lot of respect for their integrity, their professionalism and I look forward to discussing the particular elements of this report. So I vote aye. [gavel pounded] Karla, please read the next.

Item 302.

Leonard: That's what I am talking about.

Potter: The day he save might life?

Adams: Oh --

Leonard: I have got every coalition director coming in, every neighborhood association president coming in.

Adams: I can't help it that you're stuff isn't very popular with the public, commissioner Leonard.

Potter: Now we have had our little debate up here. I have had some talking points that I can't find. Would you please go ahead and begin.

Leonard: Actually.

Saltzman: He took them from you.

Leonard: Mayor, I can introduce this without talking points.

Potter: Na-na-na-na-na.

Leonard: I don't need to read this because I have lived it. This is a project that originated out of some pretty contentious hearings here in this room. Three years ago. And it started with huge debate over narrow houses and the appropriateness of them in neighborhoods and --

Sten: I remember that debate.

Leonard: I am sure all of us you didn't have to be here on the council to remember that debate.

Sten: One of us voted boast ways.

Leonard: Not very --

Sten: I was the swing vote both ways.

Leonard: It was not a very pleasant experience but out of that came some really creative ideas and one of them was a very I think good approach which really shows the best of what Portland can do when it works together and that is we brought together the home builders, we brought together some of the most ardent neighborhood activists with respect to having concerns about these narrow houses. And we created a design competition. And this design competition literally went out to people all over the world and the competition was requesting that we, here in Portland, have examples of houses no wider than 15 feet on a 25-foot wide lot and basically within those parameters design what you will. And we got back designs for these narrow houses that ran the gamut from cutting edge jet son style houses to Portland style houses, strikingly attractive homes and we had a committee of two different committees that selected from all of these different designs in what you are all look at now. Those are the designs that were picked by this committee. And so why that is important is because we wanted to get to this place eventually. After all the fun we had of the designs and picking the designs and all of them, wine and cheese parties to celebrate our designs at the american architect institute and after all of the fun, we wanted to actually get was a place where an individual could walk into the bureau of development services, say that they were going to build a narrow house on a 25-foot lot, and we could entice them to build one of our houses that we picked, and the enticement would be if you pick one our houses and I keep using the number that people blanche at but let's just say, we will sell you the design for, what did we decide? \$800? \$1,000?

*******:** Reduce permit fees.

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Leonard: We are going to reduce the permit fees. Make it cheaper for you up front if you agree to build one of our Portland designed houses. We will make it cheaper for you up front to do that and you will walk out the door with a permit or soon thereafter. There is some edges we need to work out on that as well but the idea being we have created incentives for these really good looking narrow houses to be built that most people agree would be assets to neighborhoods and not just these kind of narrow boxes that people were so concerned about. And understandably so. So the, I think the good part of this was we brought together different interests, builders and activists that had originally opposed narrow houses all together and they agreed on this process and they agreed on these designs that we are going to be talking about here today. And then finally I would just say, I think the thing I ended up enjoying the most out of this was that at the end of our process, the mayor had a pick, and I had a pick so we had a mayor's pick and a commissioner's pick and if you look no your book you will notice that the mayor and commissioner's pick are exactly the same house.

Adams: What mayor was that?

Leonard: Yeah.

Adams: That's the only thing you two agreed on. [laughter]

Leonard: Source of disconcertment for mayor katz when she realized she and I had the same taste.

Adams: Which one was it?

Sten: That caused her to go to counseling.

Leonard: That so caused her to go to counseling.

Adams: She is watching now.

Potter: Direct number.

Leonard: Believe me, she does. With that, and take it away. This has been the most fun thing I have worked on since I have been on council.

*******:** Thank you, commissioner Leonard, you went through our full power point presentation.

Leonard: I'm sorry:

*******:** My name --

Potter: Let me see both of them.

Saltzman: Page 14 of the blue one.

Sandra Wood: Afternoon. My name is sandra wood with the bureau of planning and this is ann hill. She is with the bureau of development services. Everyone loves the catalogs.

Adams: It's got a great name. Just kidding.

Anne Hill: We are here to present the plans on zoning code related to this project as commissioner Leonard was mentioning. This project arose in 2003 when the planning commission and city council heard concerns from neighbors about narrow, skinny houses being built on 25-foot-wide lots where the predominant lot pattern was 50-foot wide lots. And most people built straddling a lot line that was replatted in the 1920's. And those areas's also zoned r-5 where the density is one unit per 5,000 square feet. The slides show a couple of examples of houses that were built on these narrow lots. The issues raised was really that there was no minimum lot sizes in the zoning code for development on existing lots in the r-5 and r-2.5 zones. The other zones did have minimum lot sizes. This raised uncertainty over what the allowed sense density was and triggered the demolition of houses. It was viewed to trigger the demolition of houses resulting in two houses on 50-foot-wide parcels. Which was viewed as being incompatible with existing housing pattern and these houses having their facade dominated by garages. On the flip side of that council certainly recognized that there were some benefits to these small lots by increasing the supply of inner city housing, and that small lot detached houses provided an affordable option to our ever increasing housing prices. And small houses certainly fit a demographic trend of household sizes decreasing in size throughout the country. And it made for efficient use of land and infrastructure. The final outcome that came to city council in 2003 was that you established a minimum lot size for

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development on existing r-5 and r-2.5 lots and with that, you provided an exception for vacant lots in the r-5 zone. We also established eight design standards for new narrow lot development. And expanded provisions in the multidwelling zones to allow detached houses because of high density was already allowed there. And the final which we are here to talk about today was that we received direction to create a catalog for high-quality designs as an alternative to the application of the eight design standards that were applied. And ann will talk to you about how that design competition ensued. So as commissioner Leonard laid out briefly, the bureau of development services convened a project advisory team or the p.a.t. That was comprised of designers, home builders, neighbors and technical staff to help guide the project's goals, outreach and outcomes. And from the p.a.t. the idea to use a design competition as a vehicle to generate a large number of designs was developed for the catalog. There were two phases of judging with the people's choice award process attached. The competition was structured to encourage creativity by eliminating certain design standards in five entrant categories. 845 people registered for the competition. 426 people submitted designs in august of 2003. And those submissions came from across the united states and from 21 countries.

Leonard: Wasn't it like south africa?

Hill: South africa, argentina, russia, italy, gentleman pap.

Leonard: Literally all over the world.

Hill: Were a few countries I can remember. I think in africa it was south africa and maybe I think there was like tunisia. Some north african country. So the first jury phase is orange book call the designs of excellence. And this jury really was looking at a variety of design elements including rooms functioning as exterior or interior spaces. They were not looking at if these fit into Portland. They are just looking at what was good design. And one juror who was here from chicago commented designers are seldom asked what they think and it's huge the city is using a design competition to leverage decision make and that's why he decided to fry here from chicago and participate in the jury. The second jury was called the Portland catalog jury and that's what the blue catalog is and this is where the mayor and commissioners award and the four people's choice awards are also shown. And this time the jurors were considered the designs whose elements were suitable for infill here in Portland and they selected 23 designs from the 426. The jurors commented that it was exciting that so many designers around the world participated in this competition to help Portland work on a solution to narrow lot development. One of the things that happen the with the second jury was they, they had a hard time selecting designs in their entirety for Portland and so up in the corner of each page you can see the jurors' comments. Because in some cases, it was a floor plan that he liked or in some cases they really liked there was a green roof on top. So those comments are just sort of helpful as to why the jury selected certain selections, certain selections. The people's choice award balloting was conducted over five weeks. Public could view the submissions and vote online or they could visit neighborhood coalition offices, city commissioner offices, the mayor's office, among other locations to look at the submissions in a binder and vote on a postage paid ballot. Four designs were selected from the 426 submissions and as I said they represented, the first after the mayor and commissioners's award they are the first four in the Portland catalog. Public involvement was built into the competition including public receptions, the people's choice award balloting and two public exhibitions. After the competition was finished, and the exhibitions over the city wanted to take the living smart competition or project one step further by providing the public with a affordable plan sets of well designed narrow houses. And these houses are call the permit ready house plans or what we are going to call living smart house plans. The city is contracted with two of the designers who are both jury selections and people's choice award winners these plans will be scheduled to be available for purchase from the development services center this spring. And the bds staff will monitor the progress of this plan include customer surveys, and field visits.

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Leonard: Which one was built? It's right off corbett?

Hill: This house was part of the green home tour.

Saltzman: Oh, yeah.

Hill: Some people have been through this.

Saltzman: How many total designs are in this.

Leonard: 23.

Hill: 23 are in the Portland catalog and then there were 23 chosen by the jury. Three of the people's choice awards were picked by the jury. One was only a people's choice award and then there's the mayor and commissioner so in this book there's 25 designs.

Saltzman: Theaters ones that are all suitable for alternatives to the in fill design standards and reduced building permit fees?

Wood: Only two of those 25.

Hill: Hey we did was we took the catalog and out of the catalog, we staff had to figure out how to choose so we got the p.a.t. Together again and what we decided was that we should probably select two designs that were selected by the people, so people's choice award winners and jury selections so that got us, the three people's choice awards, they are on pages 15, 16, 17, and 18 of the blue book. No. 15 on page 15 was not a jury selection. That was only a people's choice selection. So we said we would not consider that as one of the two that we are going to contract with so that left us page 16, page 17, and page 18. The problem with page 16 is many people love this design when we really looked at affordability so we are looking at affordable infill housing this design did not necessarily support affordability. The entire bottom of this structure is glass which just posed a lot of problems structurally and materialwise so we decided the two designs that we would start with would be on pages 17 and 18. So those are the two plans, sets of plans that you have as an exhibit to the resolution which will come after the ordinance to adopt.

Wood: So in taking this project a step further it wasn't just contracting with the architects and designers of both houses but to make them truly permit ready, they need to meet all the city's development standards which anyone when they come in for permits needs to meet. Staff reviewed both houses and they didn't meet certain zoning code requirements so that's what we took to the planning commission is zoning code amendments to allow these to be built as easily as other houses that are being built on 25-foot-wide lots. So here's the fun part. The zoning code amendment. So the goal, of course, was to allow these permit ready houses, without having to receive adjustments or land use reviews for certain standards. So the recommended draft, the code amendments, were planning commission's recommending approval of exempting the permit ready houses from certain standards. Eight design standards that were passed in 2003, the height requirements, main entrance and following four bullets are the base owned design standards that came to you as a package. The main entrance standards we have a minimum 15% window requirement along the front. The length of garage wall is limited in most cases to 50% the width of the house and the garage normally can't be set back, close to front property line than the front of the house. We are also proposing that the eaves for the permit ready houses be able to project 18 inches into the required set backs. 12 inches would be the norm. That is allowed by the code. And reducing set backs in the multidwelling zones, commercial and ex zones to five feet. Only for these two permit ready houses and eliminating the parking requirement for of one space per dwelling unit. In addition to the living smart code amendments which these are about those two houses, as we were crafting these code amendments we realized that a couple of cleanups technical amendments would be beneficial for the base zone standards. So we are proposing to draft a definition for new narrow lots and those are those created after the new land code went into effect in July 1, 2002. And the lots that don't meet the minimum lot width standards. Those two phrases being created after the new land division code and don't meet the lot standards are repeated throughout the code and it becomes cumbersome to implement so we thought we would create a definition and called those new narrow lots. We will

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all know what we are talking about. And we are also proposing restructure the garage related development standards of the base zones. These two amendments really have no effect on the permit ready houses but we added them to this package because as we were drafting code language, that's when these came up. So the planning commission reviewed these. Unanimously voted to recommend approval of the amendments. And the recommendation includes adopting the living smart code amendment to recommend a draft and the ordinance, amend the zoning code as shown in the report, and establish the effective date of april 22, 2006. After this hearing right now, you will be voting on the recap 1 project. Those amendments go into effect on april 22 also so we are trying to coordinate the effective date of various zoning code amendments. In addition, the next agenda item is for a resolution for the two permit ready houses that we are asking the council to accept the two proposed permit ready house designs as shown in exhibits a and b of the resolution and continue the voting of the resolution to next wednesday, march 15 instead of voting on that today so it can be voted on at same time as the code amendments. So that concludes our present facing today.

Adams: Great work.

Saltzman: Again, if you choose one. Two designs, what's the -- you get a reduced building pea, permit fee?

Wood: It's been reviewed.

Hill: What's happened these two, the two plans that you have here have been reviewed for life safety structural and zoning so they have already been reviewed so what will happen if someone wants to come in and buy one of these they have to bring in the site plan. The site specific, they will bring in the site plan. The four copies of the site plan. And then the they will be reviewed which will be pretty quick so that's where the other bureaus will be able to review for the site. And then when that is signed off on they will be able to pick up their permit and their plans. What we are doing is we are proposing and this is being circulated through the bureau right now, we are proposing to charge 50% of the b.d.s. Fee. And inspection fees. If it's a permit ready house. And the reason --

Leonard: They get that plus they get it quicker and as you know a lot of people sometimes it's more important than the reduction in permit fees.

Wood: Plus they get an architecturally designed house they don't have to pay.

Adams: How much more quickly? Instantly?

Leonard: I mean they just get the site plan reviewed by the various bureaus and they get we are mitt versus if you are going to come in from scratch you have to have the plans examiners look at the plans and make sure it all checks out and then go through the normal checks that you go through with any, of which this process avoids.

Hill: Right. My understanding, they have already gone through it. With these plans right now I think there's a 10, there's a pretty fast, the fast track process.

Leonard: Right.

Hill: What happens there's corrections and so because we are doing the correction process with the designers right now that's cutting down on the time. Because the majority of the corrections to the actual sets of plans will have already been completed. So it will be, it will just be one review so buying any -- barring any unforeseen issue, it's either the parking elements or owners it should be relatively quick. And ideally if it's a builder they have those problems on the lot regardless of if it's this house or another structure. The reason that the council is voting on these is in the amendment, the amendment says that a permanent ready house is a house that's been voted on by city council. So that's why you will vote for the amendment and then the resolution is these two plans. So if we were to have more houses in the future, they would also come in front of city council sewed there would always be a public process for approval.

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Leonard: We are looking at doing this for wider range of single family dwellings other than narrow houses. So eventually it would be nice if people could come in and look at a book and pick a house out of the book they would avoid the regular process of, these would be preapproved, for the internal process checked out so you wouldn't have to have it done and you pick up the plans and walk out.

Potter: Are there other cities doing that?

Hill: The city of santa cruz has an interesting project. They received a grant from the state of california and it was on accessory dwelling units so this did a grant and asked architects and they have season prototypes of a.d.u.'s. Addressing infill. It's similar. The issue there is that the a.d.u. Has to be designed out of the same material as the house so because they have stucco houses and wood houses and different materials it's hard for them to have them actually permit ready bus but it's as close as they can get because the individual can come in. That's the closest so far. We have spoken to people in los angeles that are looking at this and also people in denver that are looking at this.

Potter: I think it's a great idea. Thank you very much. Any or questions, folks? Thank you.

Leonard: Thanks very much. This is a great project.

Potter: Good work.

Saltzman: It's great. It's really exciting.

Potter: So the code amendments moves to next week?

Moore: Yes.

Potter: And then we will hold off voting on the resolution until next week as well?

Moore: Both to next week.

Potter: Ok. Please read item 304.

Item 304.

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

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

Potter: Aye. [gavel pounded] we are adjourned until two approximately tomorrow afternoon.

At 4:54 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.

MARCH 9, 2006 2:00 PM

Item 305.

Potter: City Council will come to order [roll]. Please read the 2:00 pm time certain.

Adams: The purpose of this resolution is to move forward the east portion of the Burnside Couch Couplet for preliminary engineering and we are going to be updating the cost estimates on the entire east and west segments including the eastside and the Westside. The resolution is necessary because of the work that is slated to be done on the bridgehead projects. It helps move forward that.

It also seems appropriate given that federal funds have been authorized but not appropriated for the eastside. I have made no decision yet on the Westside. Other than the need to update the estimates and to look at other traffic alternatives for the Westside. I want to underscore to anyone here and anyone watching that we do not have the resources to begin construction for either the east or the west side. But we have more of a proportion on the eastside than we do on the west side. I think it's also safe to say that the cost for both sides will go up since the cost estimates were based on a pre-Katrina assumptions on the cost of supplies. The reason why we are looking at other alternatives on the Westside to the Burnside Couch Couplet is in part because without a budget to move forward on, the implementation of it, it provides us the time. The initial assumptions that were given to the public process was that they could not impact capacity and I wanted the opportunity to look at what options—what the impacts of some other potential options or street grid options are on the Westside. This has been very frustrating to many folks who have been part of the couplet process from the very beginning and to staff and to our great consultants as well. I am very understanding of that frustration, believe me. The people associated with this have a very well-intentioned, smart staff who put in a lot of work on this project. The initial assumptions that were given, I think although they might have made sense before—I'm sure they did—I want to test them out by looking at some of these other travel lane options and the impact of those. We should have the work on the travel options done by May or June along with an updated cost estimate. We'll be coming back to the public stake holders and Council for that. We'll continue to involve the citizen advisory committees from both sides on considerations for the alternatives to the couplet on the Westside, but I want to continue to involve citizens from both the east and west side. Bill, do you want to give us an overview on what would move forward then in terms of preliminary engineering on the east side and what you're doing at my direction on checking in on costs?

Bill Hoffman, Office of Transportation: Sure. I'm Bill Hoffman from Office of Transportation. I'm here with Lloyd Lindley who is our urban design consultant and Lew Bowers who is our partner from the Portland Development Commission. We were tempted to give you a presentation on the last 6 years of work on this project, but thinking about it we thought the better and we're going to give you a brief overview of where we are in focusing on the eastside. What you're looking at is the overall burnside and couch transportation and urban design plan. The boundaries of the project go from 14th St. on the east side to 24th st. on the west side. And this was a project that started approximately six years ago and it was a project that was designed to help burnside eliminate some of the pedestrian safety issue to eliminate some of the vehicle safety issues to eliminate the effect that burnside has as a barrier between the north and south sides of the city. And to generally improve the character and livability and burnside's relationship to adjacent

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neighborhoods and businesses. The plan speaks to a one way street system on both the east and west using burnside and couch as two one way streets. We brought this plan to city council in 2002 and city council adopted the plan and directed us to move forward with some additional efforts. And those efforts were done in our phase 2 which were technical refinements phase and that's what we were going to speak to you about today. Focusing on those recommendations for the eastside. When we went to council we had a very conceptual plan in 2002 and so one of the directions was to come back and take that to a greater level of detail just to make sure it can work. Primarily the transitions and just to ensure that functionally it would work. Lloyd linly is going to explain to you how it's going to function. Also, in 2002 we told council that we believe there is about \$500,000,000 of economic development. Council said please go back and examine them more carefully and we've done that in partnership with portland development commission. And Lew Bowers is going to talk about the economic benefits of the project. And finally there was a request that we fine tune our implementation process strategy and I'm going to talk about that as well. So I'm going to turn it over to Lloyd who's going to speak to how functionally the system works on the eastside.

Lloyd Linly: Thanks bill. Mayor, commissioners citizens. I'm going to review the urban design concept and the physical improvements that are proposed for the eastside. Our basis for design was placed on the central city gateways at 12 sandy burnside and at the burnside bridgehead area and that was in part due to the lower burnside redevelopment strategy that was done in 1999 by the portland development commission that outlined the development project at the east end of the bridge called block 76. Which is now as you might know the bridgehead project. 12 sandy burnside provided some opportunities by reattaching some blocks and creating two new blocks which gave us our second anchor at our other central city gateway. The idea there was to provide revitalization or continue to stimulation revitalization and infill in between those two gateways and those two redevelopment opportunities. We are also very sensitive and continue to be very sensitive on the connections on both the Lloyd district and the central eastside both at 12 sandy burnside and at martin luther king jr blvd. and grand. Especially in light of the street car potential there and the future. The system is based on as bill described on two one way streets. Burnside one way east bound and couch one way west bound. Not unlike what you would find in downtown portland. The other basis for the design was to have signals at every intersection. Like what you would find downtown portland maintaining traffic speed at 15 to 18 miles per hour. If you are coming along sandy you would veer to the right on couch, follow couch down one way west bound and transition back to the burnside bridge on third avenue in the middle of the bridgehead project. Traveling eastbound you would proceed along burnside through the 12th sandy burnside intersection and onto 14th ave and either you would go proceed eastside on burnside or you would transition back to sandy. We also expanded the bicycle network. We felt it was important we had an opportunity to put a bike lane on burnside eastbound so we continued the bike lanes that had just been put on the burnside bridge along the south side of burnside which would take you to 13th avenue and transition back to the existing bike boulevard on Ankeny. We also added another parallel route on davis with signals at 12th and at MLK to provide access from sandy and 12th avenue. Those are connections to the lloyd district and onto buckman and kerns neighborhoods. And into the bridgehead project area. A little more specifically the way the 12th sandy burnside intersection works is that it goes from 3 lanes and the bike lane and on street parking on either side into a four lane cross section with parking intermittently along the way. Two lanes on the south side go eastside on burnside and the other two lanes progress to the left over to sandy blvd. and again as I described sandy blvd two lanes would come into couch. There would be a left turn lane onto 12th avenue and the other two lanes would go straight forward onto couch westbound. The typical details in our technical analysis included curb extensions, street lights, street trees and improvement to couch from 14th through the bridge head and you can see the cross section is in a 60

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foot right-of-way and includes a 12 foot sidewalk on each side. Seven foot parking and eleven foot travel lane not unlike it is today. It would be the same. Again you can see new street lights and street trees. On burnside the portland development commission invested in new street lights and street trees all along from 12th to mlk and grand and so we developed a concept where we would preserve that investment and we would expand the sidewalk two feet to provide us with 15 foot sidewalks 8 foot parking 3 eastbound travel lanes at 11 feet and a bike lane, a dedicated bike lane. We would have the same improvements at the intersection with signals at each intersection, curb extensions and narrow crossings. I'm going to show you a little video and the video path is going to take you from 9th about 8th and 9th up to 14th, around 14th northbound to sandy and couch and back down couch to 12th. This will take just a second to start up. You're right around 8th and 9th right here and will be going by hippo hardware and it should go here in just a second you can see here we have three travel lanes, bike lane on the right hand side, onstreet parking, curb extensions the existing street trees and street lights. We're coming into up to 12th sandy burnside at this point where it goes to four lanes and you can see on the left the potential of new development. These are only concept drawings, their not projects but these represent some kind of development. In the two new blocks it would formed by removing the diagonal sandy that currently goes through those two blocks. The 12th sandy burnside intersection would work pretty much as it does today only there would be more pedestrian access. More normalized access that you would see in other downtown streets, the four legged intersections. This is the transition two lanes turning left on 14th avenue. Caldwell's mortuary on the right there's a landmark. You can see we've made extensive pedestrian crossing improvements and this view looking down 14th shows an opportunity for public art installations. The public art installations aren't include in our budget but we have marked those so that the racc can deal with those when the time comes. This is a view looking west bound on sandy and you can see traffic progressing onto couch veering to the right by the 7-up bottling sign and then traffic coming onto sandy eastbound. Again couch is going to be 2 lanes on street parking on both sides 12 foot sidewalks and traffic signals at every intersection. We'll be coming down to 12th ave, 12th avenue will look very much as it does today. There be a left turn on couch curb extensions again, bike lanes on 12th and we're really not making any changes to 12th avenue. Traffic would continue in a two lane configuration on couch street trees, street lights, sidewalks, curb extensions. What this does is this allows left and right turns. Which was part of the lower east burnside redevelopment strategy which was a request for us to look at enabling those kinds of turns on burnside. I'm going to turn it over to lew bower.

Lew Bowers: Good afternoon. PDC wanted to assess - -

Potter: Sir could you please state your name for the record.

Bowers: My name is lew bowers from the portland development commission. PDC wanted to assess this project in terms of its potential to stimulate development in this area. So on the east side we adopted the fairly classic urban design of the two major catalyst projects at burnside, bridgehead and 12th and sandy and then infill between those. We did a development feasibility for the catalyst where we assessed the development feasibility what kind of uses could go there. We created massing studies. We estimated costs and then we assessed the financial feasibility. On 12th and sandy as Lloyd said, you literally create two new blocks by doing the couplet. That stimulates some significant development. It also happens to be that the other blocks colored there are under almost a single ownership. So it's a unique opportunity to create something that has a catalytic critical mass. So we looked at the entire 5 blocks as a mixed use development emphasizing residential, retail and light manufacturing. What you see in the rendering are 7 to 8 story - 4 to 8 story buildings. This density would require structured parking to accommodate it. To accommodate that density on the site, otherwise, you would be looking at much lower density buildings with surface parking. There is a developer, the property owner and the developer are currently interested in this site. They picked up on our catalyst idea and are working on it. My guess is this project is probably in the

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three to five year time frame at this moment. The other catalyst site was burnside bridgehead which has received a fair amount of publicity a five block site and here we envision more dense residential retail and flex industrial space development and it does encompass structured parking. Opus has been selected through a competitive process as the developer. PDC has been working with them and I anticipate that we will have a memorandum of understanding completed with the developer this month, which will be a milestone in the project. There is a very close linkage in the project and the couplet in that the developers believe that the couplet will be necessary to handle the traffic flow resulting from the full buildout of their site. The burnside bridgehead project is anticipated to be ready in '09 or '010 and so there is support to see if the construction of the couplet could be expedited to have the couplet open as close to the opening of burnside bridgehead as possible. We took these projects as well as some projected infill and estimated the total economic benefit which is here significant number of housing units 400,000 square feet of office significant commercial and industrial structured parking and new jobs that would be generated from this additional square footage. Next slide, we then translate that into the tax impacts, we anticipate 300,000,000 in new assessed value on buildout that would generate \$7,000,000 per year at full buildout. There is - in order to get the density of develop on 12th and sandy there is a development gap of about \$20,000,000 which basically covers the structured parking. So I want to put that in as a caveat. So overall it appears that the eastside couplet would constitute a very sound investment based on the cost even on the range of higher costs that are being contemplated. Our original goal was to see if the couplet could be used to stimulate development. And I think the concept of the couplet has done just that. And now the development is ready to go and is waiting for the couplet to catch up. I also have here and will give to the clerk a letter from the central eastside urak which express their support for the couplet and their interest in having the timing for the couplet expedited as much as possible.

Hoffman: I want to talk a little bit about funding and implementation. The cost estimate at the moment is 16.2 million. Now this is a planning level cost estimate and we call it planning level because we have not yet survey the project nor have we begun engineering on the project. Once we've completed survey, once were about 30 or 40% complete on engineering, we're able to generate a much more accurate cost estimate. So right now it's at planning level, and we would say our level of accuracy is moderate. Now, in speaking to the cost estimate, we also need to speak to the risk factors. There are some significant ones. One is time. Clearly the longer we push out implementation, the longer the gap between doing engineering and construction, we run the risk of cost of the project increasing, so in regard to keeping time and costs down, and managing the cost of the project, time is certainly a risk factor. Inflation is also an issue. There's inflation generated by events. A good example is katrina and the rebuilding of new orleans. We did -- we reran our numbers based on bid prices that came back after katrina, and immediately there was a spike in their cost estimate. What we don't know, if there's an isolated speak that's going to move down or a trend that's going to keep moving forward. Another risk factor is the availability of federal funds. As you'll see in a minute, our strategy is very dependent on federal dollars. As we all know, those are somewhat dependent on the politics of Washington. As a consequence, it's not something that we can control. And so we would consider that a risk factor. As commissioner Adams mentioned a moment ago, we are doing independent cost estimates, and have hired an outside consulting firm to look at our numbers and tell us if we're in the ballpark or not with our estimates. Just to speak to the strategy for a minute. Our overall funding strategy is to use 90% federal dollars with 10% federal match. And the this is a -- kind of a large number for federal dollars, because as we know federal dollars coming to Portland are somewhat constrained. What this means for us is that the strategy is based on spreading the -- the intake of revenue over two federal transportation cycles. Now, these are transportation authorizations going in seven-year cycles. We're currently in what's called safetea, going from 2003 to 2010. In 2010, it's called next tea, which congress will give a

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better name, going from 2010 to 2017. We're essentially accumulating funds through the course of these cycles as part of our strategy. Right now we have a little under \$5 million. And that money has been awarded to us as a federal earmark. And that was part of the current federal authorization.

Also, in the urban renewal district, the central city urban renewal district, we have money budgeted for the local match. We propose to receive -- as far as a strategy goes -- to receive additional funds -- or to make application for additional funds in 2006, 2008, and 2010, and currently have an application for an additional \$4.7 million. As part of the restructuring of the central city urban renewal district there's an application to match those additional federal monies as they come in. Other local sources could include l.i.d.'s and system development fees, are also possible.

Adams: I'd like to, for the record, thank congressman earl blumenauer for his champion of federal funding for the east burnside couplet.

Hoffman: Next steps. We're recommending that we begin engineering on this project as soon as the federal funds are released. We believe that's going to be as early as june of this year. We have adequate funds for engineering, and we have both federal funds and local match. There is such an importance placed on this project right now in terms of addressing the needs of the redevelopment opportunities that are available to us, that we believe it's critical that we begin the design work. We need to concurrently design the street improvements while the bridgehead development is designing improvements for their site, because the coupler is going to transition to third, which is west of m.l.k. And on the bridgehead, essentially within the bridgehead site. We also believe we need to go back to our funding strategy and retool it and look for ways to more quickly secure the funds necessary to construct the project. If we go back to the risk factors, all of our concerns are magnified over time. Federal monies become more risky over time. The issues of inflation and other contingencies increase over time. So our belief is, is that the way to control price, the way to ensure the project can get built, is to accelerate the funding of the project.

Potter: I have a question. I was just talking to sam about it.

Hoffman: Sure.

Potter: The \$16.2 million, planning cost level estimate, is that cost to finish for the project or only a part of the cost?

Hoffman: No. That the everything from this point forward. It basically includes the engineering and the construction.

Potter: And the engineering and construction?

Hoffman: Yes.

Potter: But no design?

Hoffman: Well, i'm calling design engineering.

Potter: Oh, ok.

Hoffman: We've already completed the planning mark and the project development mark. Let me be absolutely clear, the \$16.2 million will change, change as soon as we did an outside estimate, and certainly change as we understand the trend of inflation post-katrina. So if we were to say what is the cost today based on the post-katrina numbers for our most recent projects that we bid, I would up to number that \$2 million. What I don't know right now is -- is that a spike that will come down, is it a spike that will continue to climb from that point. Not until we see a pattern develop will we know which way it's moving.

Adams: And engineering.

Hoffman: And engineering will also give us a much finer detail.

Adams: The 4.9 and some change on the slide, does that include the 4.7?

Hoffman: No, no.

Adams: Ok.

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Hoffman: The 4. That we're requesting now would be in addition to the 4.9. Just so you know how money moves, it was actually 5.2 when we received the earmark, but evidently a federal regulation that gives us 85% of what we're awarded. So the number's come down.

Adams: Thank you.

Hoffman: We're happy to continue answering more questions. I know there's quite a bit of interest and testimony as well.

Adams: We'll take testimony. Thank you.

Potter: Next, please.

Moore: We have 17 people signed up to testify. Come up three at a time.

Potter: Because of the large number of people to testify, keep your comments to two minutes as close as possible. State your name your name for the record.

Patricia Gardner: I'm patricia gardner, here for the pearl district neighborhood association. Our planning committee has been working on this plan for over five years, and very heartened to this see project before council again. Committee has been through -- through the years has been a very strong supporter of the coupler plan on both sides, as it has the potential to make such a difference for pedestrian, bike and vehicle communities to connect safely to our entire neighborhood and connect us with the entire city. So the potentials are great. We've been honored to be part of such a historic committee that brought east and west sides of our city together to create a vision of a vital connected downtown, a vision of one city. We are very happy that the east side of the couplet is moving forward, but have to stress that the west side is a critical component to the plan and needs to be addressed as quickly as possible. We are asking you to commit to a date today to resolve the west side. Frankly, the lack of resolution for west burnside is choking off numerous plans in the pearl district alone that addressed the entire neighborhood beyond the two-street vision of this particular thing. We need to know what's happening at burnside one way or another way, because we have six plans, six plans that are being held up by the lack of resolution. Specifically we have to look at street capacity with pdot. Then after we get the street capacity, we need to evaluate density specifically so we can deal with the north end of the pearl district. We need to look at our cctmp evaluation see what our streets are used for. We've held up the freight master plan waiting for what's happening. And so we really need some resolution. So basically, you know, we've got the Portland streetcar, which is desiring a couplet at northrup and lovejoy as well, and to look at all of these things we need to know what's happening at the other portal street. So we're urging you to please move it the project as quickly as possible. We can't seem to get ahead. This is only delaying it further.

Adams: Thanks, patricia.

Bob Wentworth*: I left my note at work. I want to ask for your support for this resolution. We appreciate you voting on it today. East side couplet I think is a huge thing for Portland. The concern that we still have is the funding. We hope that the resolution, mentioned that staff will look at alternate methods to finance this without hanging our hat on the federal money that's so far out in the future. There's two or more tremendous development opportunities that hinge on the success of this. And so it's just -- we really feel it's important. Hopefully we come up with a resolution for the west side that's positive so we can get forward and get rid of this barrier north/south for pedestrians and traffic finally forever. So we're in favor of both sides. Thank you for moving forward on the measure, hopefully.

Adams: Thanks.

Phil Kalberer: I'm phil kalber, representing the old town/chinatown neighborhood. Richard harris wasn't able to make it today. I don't think he could cross burnside. He got snowed in. [laughter]

Adams: That's good, snowed in.

Kalberer: Burnside has obviously been a priority for the old town/chinatown neighborhood for many areas. It was a number one priority in our 1997 vision. It was our number one priority in our

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1999 economic development plan, both of which were passed by council. We really appreciate the step you're taking today to start the project on the east side. It's a very important project in order to help unite the east and west side, but it also is important to make sure we take care of the safety, accessibility, and economic development potential that is on the west side. So we hope that you will put a timeline together so that we can make good economic decisions of what will happen on the west side as patricia's has outlined. Again, i'd like to thank you for taking the first time, but I want you to know it's very critical for the old town/chinatown neighborhood that it proceed with a project on the west side that will make good economic sense and bring safety to the area and destroy the barrier we now have between north and south Portland.

Adams: Thank you.

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

Richard Parker, Jr.: Thank you. My named is richard h. Parker jr. My address 515 east burnside. We've had a family business on the corner there since 1920's. I'm here today to ask your support for the burnside/couch couplet, both east and west side. It was said a few minutes ago why richard couldn't get here. Actually I don't think it was the snow. It was he couldn't make a left-hand turn to get over here. Anyway, we've had many problems on burnside over the years, and that's one of the things that I think is really critical for both east and west side. There's several things with this project, but that's one of the things that will change so that people can make those turns and slow the traffic down to make it a more friendly street. I also want to thank congressman blumenauer for all his efforts in getting this project completed. It's critical, as he's already gotten some federal money. It's critical that we get your support, too, to finish this, and keep the federal money coming in. We have two projects. One at the bridgehead and one at sandy/12th that are totally dependent on getting the burnside/couch couplet down. I'd like to finish by saying once again it really is important that the west side moves along with this. It's been a total project all along. I appreciate your time and hopefully we can get your support for this burnside/couch couplet. Thank you.

Adams: Sue?

Sue Miller: My name is sue miller. I'm here representing the pearl district business association, approximately 260 members currently in our business association. I'm here to just express overall dismay about the fact that the -- that the project has been segregated now into two factions, east side/west side. It was always one project. Our business district has been very much in support of the west couplet, and feel it is a necessary part of the project overall. The businesses in the district have expressed concerns over the increased competition outside the district. Some of our businesses are struggling. We have a very high percentage of small businesses in the district who are struggling. And part of that struggle is the fact that we have a -- a street, which segregates us from downtown. Is not pedestrian friendly and does not allow left-hand turns into the district. And with the advent of competing projects such as bridgeport, the expansion of Washington square, we're feeling definite impact of those surrounding centers. We feel that the west burnside project is as, if not more important, than the east side. It is equally as important and should be treated with the same expedition as the east side.

Adams: Thank you.

Ann Niles: My name is ann miles. I've been on the burnside/couch project from the beginning. I'm chair of the joint transportation committee with the pearl district neighborhood association and the business association. I want to speak about the resolution today that's before you. Seems to me there's two reasons for going ahead with the east side project, which is important for economic development, and also that there's a budget for preliminary engineering. Both of those reasons apply equally to the west side part of the project. As sue miller has indicated, and as patty indicated, that we are a huge economic generator for the city, but we're being strangled now. The

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golden goose of the pearl district is being strangled by traffic that cannot get across burnside. We're not connected to downtown. Three blocks of burnside absolutely is closed to traffic at park, eighth, and ninth. So there's no cross. We can't line up with the grid system. We need to do that in the burnside/couch project solves that problem. In the area of budget, we're actually in very good condition for completing the west side part of the project. We have \$5 million from the river district u.r.a. designated for the burnside/couch project. The waterfront u.r.a. has another \$5 million. And \$3 million has already been -- is in the way of being committed by business owners along the distance of the burnside west side project. So that would be about \$13 million of the \$17 million we're talking about. So we're not waiting for risky federal funds. We've got money that we can use right now. As far as the capacity issue that sam mentioned, I would just like to say that any capacity studies that we're talking about on the west side would apply to the east side as well, because we need to know where that capacity's going to go. Are we going to stop it before it gets to 14th on the east side or stop it at third on the east side, or cross the bridge, and then on the west side where's this capacity going to go? I don't see how we can start this project without answering that question. I'd like to urge you just to hold off, either until may or june until we have resolution on this capacity study and then do the project as a whole, or else if we're going to go with the project today, then let's do it as a west side/east side completed project as it was designed in the beginning.

I urge you to amend the resolution, that it will include both sides today. Thank you.

Bruce Wood: Good afternoon. My name is bruce wood. I'm an east side resident. I'm here today to support of the proposal to bifurcate. I appreciate the testimony just heard. Just quickly, three points. Our design for the burnside head project is for the most part treading part until the when, where and how of the burnside couplet is determined. Not enough to say we can design it now and figure it out later. There's a tremendous amount of energy, political will and private desire at many levels to get this project really off the ground at this time, however a project of this scale needs certitude, and a clear road map with the development parameters. Without burnside/couch we can't answer the puzzle. Point two, our team has studied the plan, and believe it will have a significant impact on the east side. It's the right project for the area, and if completed in its current concept it will, in our opinion, lead to significant private redevelopment efforts throughout the area. And finally, time is really truly the essence. We talked about it earlier. It's not just katrina. It's so many factors. The cost of construction have gone up in our world anywhere from 15% to 30% in the last two years. So this \$200 million project, we start it now, is \$230 million, \$240 million. We don't see an end to that. Every month when you have costs going up 1% or 2%, it has a significant impact on the feasibility of the project moving forward. So with that, again, please, I support the resolution as it is written.

Brian Bennett: My name is brian bennett, senior real estate manager with opus northwest responsible for the burnside bridgehead project. I'll be brief, as I knew bruce was preparing a statement for us, and I was actually out trying to do a deal today, so I didn't have time to put a whole lot together. I just wanted to say that the burnside --

Adams: In Portland, I hope.

Bennett: For the burnside project, of course.

Adams: Oh, good, good, good.

Bennett: I wanted to say that the burnside/couch transportation project is much more than a transportation project. It's an urban renewal project that is one of the ways that creates the vision of the central east side. Without this project and others surrendering urban redevelopment projects, the best that we could hope to do is to create an island in the burnside bridgehead project. The worst is that it won't be successful in coming out of the ground. I hope that we can get your support in such a way that it will allow the project to move forward on the east side in a quick in such a time frame that meets our development time frame as well. Thank you very much.

Adams: Thank you.

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Lidwien Rahman: Good afternoon my name is lidwien rahman. I'm here on behalf of the willamette pedestrian coalition. I handed out to you a copy of a resolution we adopted in support of the burnside plan, both east and west side. I want to highlight a couple of points. A few months ago there was a little sidebar article in "the Oregonian" listing the 10 most dangerous intersections for pedestrians in the city of Portland. Shockingly, out of those 10, six were on burnside. Five on the west side, one at burnside and grand. Subsequently the willamette pedestrian coalition did its own list of 20 most dangerous intersections in the Portland metro area using slightly different dates. And out of our list of 20, five are on burnside. They're not even all the same intersections. I don't know how that happens. Must be the dates. So in conclusion, the implementation of the burnside project from a pedestrian point of view is not just a high priority, it is the number one priority for pedestrians in Portland and in the Portland metro area. So please proceed with the east side as you intend to do and come up with a solution for the west side, either implementing the couplet, or if you want to look at the alternatives, when you do so look at pedestrian safety, across and along burnside as the number one priority. Thank you.

Adams: Thank you.

Ray Mathis: I'm ray mathis I'm a resident at 1025 nw couch that's been affectionately referred to as one of the elitist that are standing in the way of the west side project. To the contrary I think myself and most of the people that reside in my building are people who've been know to work for the greater good of the community. We are not nimby's. I personally served on siting committees and know how difficult it is to have worked on a project for years as a committee has, and then have people come up at the end and testify against it. I am not saying i'm against it. I'm saying I started out being supportive of the west side project. What has changed over a period of time for me is that the circumstances have changed and they have changed dramatically in the brewery blocks where we have a very successful pedestrian-friendly environment. I think that the -- this project will undoubtedly negatively impact that. Secondly, I think that the Portland center stage is going to be a very, very successful addition to our community. It's going to be a destination spot for Portland. It's on, as you know, it's on 11th avenue. I haven't seen or heard of anything, anyone addressing the impact of the traffic around that theater. It is going to be -- what I would hate to see is see a very successful theater and then have the complaint written that, yes, the plays are good and so forth but you can't get to it because you can't let anyone off in front. The last thing is that, and I respect sue miller and the business association down there, but I can tell you for sure we have had numerous business people, along couch there, say this will negatively impact their business, as well as people in our building. And then lastly, I think that there's some good alternatives that should be seriously considered and I hope you will take time to take a look at it. Thank you.

Emily Simon: Good afternoon, my name is emily simon. I am the neighborhood land use co-chair for kerns neighborhood association. I sat on the citizen advisory committee for, since 2002 for the construction of the burnside couch project and my little law office happens to be on the corner of couch and 11th on the northeast side. So I have both a personal stake in this as well as a community stake in this. I want to address comments only to the east side of the process moves forward because both on behalf of kerns and personally, I have the following concern. And that concern is that as dollars get shorter and we do this rush to funding, for the burnside bridgehead project, that the fact that this was meant to be a street scape improvement for couch street gets lost in the desire to have a burn -- the burnside bridgehead project funded, and up and running. Every single speaker before me spoke about curb extensions, spoke about street scape, what it would look like, spoke about trees, spoke about paving, it is essential to those of you on couch street who are now agreeing to 45,000 cars going by, what previously was the norse hall, the transition projects, a drug rehab center, that those improvements take place particularly the street lights, or else what's going to happen is you will turn couch into what is now burnside, and just double the problems. It's my first point. My second point that I wanted to address regarding the interim plan, if there is going

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to be one, for the burnside bridgehead is, please do not do that. There is a tendency in this city, if we agree to either a left-hand turn into the bridgehead off of couch or to doing this project, let's say, from fourth street forward towards the river, that the rest of it will never get done. That interim will become permanent, and the problem that is 12th, sandy, burnside, I cross it every day walking, holding my breath -- will never get solved. So I know I am out of time. But if I can -- and I guess my last point would be, is to please respect the integrity of the ongoing process in the following way. That as the funding issues get resolved and get talked about in terms of the implementing of funding strategy, that the citizens committee that has worked so hard on the east side and that is forged a coalition with everyone on the east side in the room, is suddenly left out of that process as that funding strategy gets developed for what that means. And I would really encourage, particularly you, economizer Adams, to build in a structure so there is ongoing citizen impact, particularly as p.d.c. and p-dot slug it out. Thank you.

Adams: Thank you, emily. For all your work on this. What was the partial idea? Where have you heard that from?

Simon: I attend -- I attend every community meeting that I can find about burnside-couch, having put all this time into it. And one of those places where ideas get slugged identity is in the stakeholders and citizen advisory committee for the burnside bridgehead project. And one of the suggestions that has been made is as an interim solution that a left-hand turn be allowed into the burnside bridgehead project off the east side of third until burnside couch got fully developed. On behalf of kerns neighborhood, on behalf of a friend, we are 100% opposed to that. On behalf of a pedestrian, a cyclist, we are 100% opposed to that and think it will create more problems than it will solve, when what we should be doing is looking to doing full funding as burnside couch was developed where you have this huge base of community support and political will. The other thing that has been floating around has been to move the couplet east and it have transition ought 6th or at 7th. And the way in which I initially became involved in the project, in addition to the fact that all these cars were going to be zooming by, was the problem of 12th, sandy, burnside then does not get addressed.

Adams: Ok.

Simon: So those are my two main points, that as dollars shrink, that the vision of the project, the catalyst for the project, the reason for why you got the east side to buy into this, not get lost in the dollar shuffle.

Adams: Good points. Thanks.

Simon: Thank you.

Jim Kautz: My name is jim kautz. I was a stakeholder representing the east burnside business association. The e.b.b.a. Is definitely in support of the current resolution, the east side needs this project. 12th burnside sandy is a bad intersection. Burnside, m.l.k. grand is a tough place. We need it. Business people on burnside need it. And we are definitely in support of that. One of the things that people have been talking about is the barrier that burnside presents both north and south and east and west. One of the things that this process did was allowed the ebba, the kerns neighborhood association, buckman, the central east side, to work with for the last five or six years, the corresponding business associations and neighborhood associations on the west side. And that's the first time that I know of that that's really been done where we have worked in unison for a project and like at least to recognize that that process was very successful. Thank you.

Potter: Thank you.

Moore: Next we have bill tripp, rick potestio, followed by jim andrews and tim homes and peter frey.

Potter: Thank you -- please state your name. You have two minutes.

David Gold: Thank you. David gold. And I am the owner with my partner howard davis of the goldsmith blocks which I believe is the only property that is actually bisected by the couplet. We

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own the property between burnside and davis on the west side between 4th and 5th. Ok. Most of the reasons why I support this resolution have been covered. I would like to highlight the three points that are most important to me at this time. We talk about investment in, the stimulated investment in the area. And I think old town is obviously in need of some serious investment in development in the next few years. We, my partner and i, purchased the goldsmith blocks. I bought a proponent in a sense. This is the offering memorandum. And as part of it was the burnside couch project. We felt that it was essential to development that parcel and, well, I can't say we wouldn't have purchased the property but for the couplet, we did believe that that was a critical element in our decision-making. Second point is, the left-hand turnoff burnside which again has been covered but it is a priority for us. We feel that until there's access to old town, real development don't take place. And then finally, I would like to just add, that, well, things are going forward, we are sort of at a crossroads now where we have lots of interest in redevelopment of the property. Two blocks. We need to know time certain which way we are going to go so while we support the couplet we definitely want a decision as soon as possible on the west side. Thank you very much.

William Tripp: My name is william tripp. I am an architect here in town and I am a member of the consultant team for the project. And I wonder if we could, I am here with rick potestio, an architect can we combine?

Potter: Each have two minutes. We have a firm rule about that.

Trip: I will let rick go ahead.

Richard Potestio: Richard potestio, architect, Portland. Time, time to choose the direction for the next hundred years. We are at a turning point. The time has come for Portland to bear witness to its past and to confront its future. It's time for the east side to grow, to develop to connect to the water front. Time to plant other half of downtown that shares a river rather than being divided by one. The west side is connected to the river in its neighborhoods. It's time for the east side connections to be developed, not severed and sandy's about to be amputated. Is this the time to be considering a project of such magnitude without an urban design frame or plan? Without a unified transportation plan? Without a shared vision for Portland's future? Portland is a city of connections.

In the next search Portland will grow and develop to the east and some say that chinatown is already moved to the east, southeast 82nd. We didn't plan that will connect the east side neighborhoods to each other, to the river, and to the west side. It is time to do the urban design frame of plan. The vision for the next hundred years. Called for by the regulatory rethink project and desperately needed. Time for a coherent vision for the shape of Portland's future. And we need time to do the urban form plan before committing to a plan that breaks the spine of burnside and receive veers the artery of sandy boulevard. Exactly 100 years ago a group of Portland citizens organized initiative 100 to fund the old step plan. Shortly thereof a Portland endorsed the bennett plan that envisioned a metropolis of 2 million. Is it not time for a similar effort? It is time to consider the future. Comprehensively rather than piecemeal fashion. It's cutting seconds off traffic light worth 100 years of lost opportunity? In a city noted worldwide for its commitment to sustainability and alternative transportation, this current proposal is regressive and short sided. But there's been 100 years there won't be cars but there will still be pedestrians, bicycles and public transportation.

William Tripp: As I said I am william tripp, a member of the rethink consultant team. Rick and I are focusing on the portion of the couplet proposal, the east side couplet proposal that vacates sandy boulevard, the two blocks of sandy boulevard and we have serious questions about the remainder of it as well but this is especially a problem in relation to the large scale urban design of this city. To follow on rick's theme's time think of times square, think of harvard square. These two examples started as street intersections and they have become defining public places in their cities. What would cambridge be without harvard square? What would new york be without times square?

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Burnside and sandy should be our times square. Burnside is the spine of Portland. Sandy is a major diagonal artery. Where these intersect and the where it cuts across the grid wonderful things from an urban design point of view can happen. It's time to imagine. Imagine standing to this new public square, this piazza, if you will, look to the west down the hill to the river to the burnside bridge to the west hills, look to the east, past gateway, past gresham to mount hood. Look up sandy, the most vibrant street of Portland's 21st century. Look down city to the central east side downtown that rick spoke about. Look north to the lloyd center. This is at the crossroads of a space that could be a defining public place in Portland. It's time to consider the east side burnside couch couplet proposal but it's time to realize it's a mistake. Vacating these two blocks of sandy boulevard is a serious urban design mistake. It will kill the opportunity for Portland's own times square. It will sever crucial connections before they can even be made so in the rush to develop what amounts to an urban mall between the river and 12th, it will destroy the opportunity for the long range economic development for the next hundred years. Thanks.

Potter: Thank you, folks.

Moore: Next, jim andrews, peter frey and tim holmes. That's all who signed up.

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

Jim Andrews: Mr. Mayor, commissioners, I am jim andrews. I am vice chair of the citizen advisory committee for the burnside bridgehead project. I am on the board of buckman community association. Business owner, two blocks south of burnside and I live in the buckman neighborhood. I am here to support the resolution to proceed with the east side burnside couch project. On the condition that it's the whole thing. You are going to be creating a district. All of couch, burnside and couch, you are going to be looking at not only the burnside bridge'shead project as an anchor on the west end but a future important project on the east end and you need to accelerate the construction of the east side burnside couch so that it finishes when the burnside bridgehead project finishes. You can't expect the bridgehead project to design for two different traffic patterns, one that will be in place for two years, after their project is done, and then have the project -- traffic pattern change in the environment of their project. After they have been opened for two years. You need to have that traffic pattern in place at the time that they finish. And it is creating a district for new development all along burnside and couch which includes all of the street scape improvements, not just a change in the traffic flow. Thanks.

Tim Holmes: My name is tim holmes, address is 217 n.e. 8th, two blocks north of burnside. And I come here today with several hats, like jim. I am president of central east side industrial council. Chair of the burnside bridgehead c.a.c. committee. On the urban renewal study committee. And I live and work two blocks north of burnside. Basically, here, you have heard wonderful testimony. I don't need to get into a hole lot of it. The one thing I would say is I have been living in that area since 1982. I remember, we have wonderful, colorful stories of burnside in the past. And the testimony you just heard about times square makes me think of times square and people were afraid to walk down times square for years and years and years and now it is a thriving area. The same with our burnside right now. It's just beginning to take off and go. And I would like to thank you in advance for passing this resolution and keeping this momentum going in an area that deserves to be vibrant and come alive. Thanks.

Peter Finley Fry: My name is peter finley fry. My address 2153 s.w. Main. I dealt with east burnside for over 20 years. I will say the first study for 11th, 12th, sandy and burnside occurred eight years before I started working over there. So I am so glad that finally we are starting to address the problems and solve it. The west side is a grid system. The central east side is a couplet system. These systems reflect the uses that are organically growing up within these systems. Central east side has grant, king, morrison, belmont, hawthorne, madison, 11th, 12th, burnside couch couplet fits in with that couplet system and almost completes it. It allows quiet spaces

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between these couplets where industry and small activities that do not need retail pre70's to survive thrives and they can go out into the couplet and circulate. It's the exact opposite of the west side where you have a grid system, you have the uses living off of each street right on the street. These are two completely different things. The central city is like a body. It has different organs. And these organs work together. So it's very important that these the east side puts forth so happy on east burnside now. We seat big grandiose schemes and the human ego demands for grand vision but what I deal with I deal with small businesses, growing like the jupiter. I deal with people that are investing, taking a part in buildings that had enormous criminal problems with them, converting them so they would have retail ground floor space. These aren't expensive galleries. These are dress shops and stores for people that can afford it. The record shops. Cleaners. These are all new to east burnside. The burnside couch couplet supports this vitality. Strengthens it and allows the central east side to be complete and whole.

Moore: That's all who signed up.

Potter: Could staff come back up, please.

Potter: My first question is to you.

Hoffman: Sure.

Potter: 21st of february you wrote a letter to commissioner Adams with regards to this project. And made a recommendation in there that you presented today. On the second page, section 11, talks about the financial impact. Your last few sentences says, "the availability of future federal funds cannot be guaranteed and this creates risk to project completion and/or delay. In the event the project cannot be completed due to lack of full funding, the city may have to repate federal money used for engineering. This is why staff is seeking council direction define the funding strategy to more quickly security funds to construct the project." we passed the confidence level thing already?

Adams: He said it was a moderate confidence. No, we haven't but bill said he gave it his own moderate level of confidence. The press estimate. Is that right?

Potter: What I am asking you is that you feel comfortable asking this city council to approve this, knowing that we have to pay this back if we don't locate the appropriate funds for it?

Hoffman: Yes. I do. There's a 10-year window from when you start a, when we start the design to when we finish that phase that the wording of the federal restrictions are not -- leave some room for negotiation. So it would be -- it is conceivable that we could finish the design phase and argue that it is the end of that phase and we have completed our -- we completed our obligation with our federal money. It is also possible that the federal government could challenge us on that point and ask for reimbursement. I think that it is a liability but it needs to be balanced against all that you have heard today in testimony. There's definitely risk 6789 it is not uncommon for a project of this size and magnitude and dollar amount to complete its funding as it is in motion. For instance, to start on design while you are still accumulating your funds for construction. There obviously are points where we can bail out if we want to. We can actually bail out before we even start using the federal money because there is still a window between today and when that money becomes approved for us to use it. Within that window, we are recommending that we aggressively look for a funding source that is less dependent on federal dollars, still use federal dollars but less dependent. And a funding source that can ensure a more quick completion of the project. So I think we are comfortable but we wanted to be clear to flag, there is a down side liability. Mt. Tabor my estimate is about \$13 million remaining if you factored in the two additional million dollars? Where do you see money coming from to create \$13 million?

Hoffman: I think that there's -- there are a number of partners that need to come to the table to explore this. Certainly the urban renewal district needs to take a look at what their contribution is. It's certainly necessary to take a look at point for local improvement district. We need take a look at the possibility of using system development fees. We are going back in and looking at another

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iteration of system development fees. I think these are all opportunities. There's also -- there's also private development. There's a significant development opportunities at the bridgehead project as well as the 12 sandy burnside. And they may look at to partnering on a project that so benefits their private development.

Potter: And the final question I had, bill, is that you stated in your report that there was sufficient money to proceed with the next phase. But you didn't state exactly how much the next phase would be.

Hoffman: The engineering is about \$2 million. Please.

Adams: I wanted to by way of discussion to talk about some of the issues brought up in testimony and I appreciate everyone who took the time in the middle of their day today to talk to us about this issue. I met with developers on the west side and property owners on the west side that had large tracts of land that could be redeveloped readily easily. I also walked door to door as did lloyd and bill. You missed it that day. Door to door to every business on burnside and couch to both talk to them to get input on the issue, and to invite them to a meeting that we had with basically street level developers or, sorry, street level shop owners or office owners. And in our subsequent meetings with the developers, they encouraged us to take the extra time to look at some other options than the couplet, even those that supported the couplet, a number of them suggested that the investment of four additional months would be worth while to do the traffic modeling and to get a double-check in terms of the potential costs. Although p.d.c. has indicated in the plans a total of \$10 million to the west side, it has not yet been budgeted from p.d.c. We still have to make the case for that against competing priorities. But I think for the west side we stand a pretty good chance but I just didn't want folks to think that the check was ready to be written. The freight master plan comes before city council on april 17. And I absolutely agreed that changes will be made to west burnside. I absolutely having spent a lot of time now on the street with the sort of a different eye, we will address one way or another the pedestrian safety issues and the traffic safety issues. We will address the barrier that the west burnside creates beyond pedestrian safety, there are barriers of movement of vehicles. We will address that. The mobility and we will do it with an updated understanding of what the potential costs might be. You can count on me to continue to keep an eye on the issues related to sort of partial implementation on the east side. My own paranoia is that the we are going to all of offer construction costs related to street redevelopment are just coming in so high, all across the city, so you absolutely, the citizen advisory groups will absolutely be there as we do those cost estimates and as we figure identity how to pay for this and as we look for a contributions from a potentially an l.i.d. or additional t.i.f. contributions or additional other funding sources, the citizens and business owners can count on continued involvement and complete transparency on all of those issues.

Potter: Are there any other questions of the commissioners to these folks? Thank you. Are they coming back? Would you like to say anything?

Adams: A filibuster.

Potter: Is there anyone else who wishes to testify -- while we wait for commissioner Leonard to get back?

Adams: Must be a line in the bathroom or something.

Potter: Anybody know any good stories?

Adams: A moment of s- zen.

Potter: Did you wish to ask any questions?

Leonard: I did not.

Potter: Please call the roll.

Adams: I want to thank the staff team and consultant team that have been working on this. I want to thank the citizens. Grant late folks on the east side and thank the citizens on the west side for your perseverance. We have more work to do but I am looking forward to it. Aye.

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Leonard: Aye.

Sten: This is exciting. And it's, Rick Parker testifies family has been there since 1920, and I think will be there another hundred years. This will make a lot better the next hundred years. And I think on the east sides at least, the different requests and pieces I heard today were all come together. And I think getting moving on that is the best next step, whatever the next steps on the west side which we are still working on so for me this is really exciting and looking forward to seeing it move forward and I have more than moderate confidence it's going to be a terrific project. Despite we are still at the moderate confidence on the numbers level and I think it's one of those things I think people who have not been in these transportation prong projects and I haven't been as close as many of you don't realize you have to jump in and start doing the engineering in order to be competitive for the funds. And so I think this is the right step and look forward to seeing how it works. Aye.

Potter: I am very concerned about the funding of this project. And if I felt the funds were there, I would feel more confident, my own level of confidence in voting yes for this. But with \$13 million gap, and then we have a gap on the west side as well, I think that I should be fiscally prudent and although this is past, you obviously folks are able to count, I think that we should first develop the funding before we proceed. I understand your points, commissioner, about doing this project before you can apply for the funds, but I feel that this -- this is not -- I feel uncomfortable about it. So with that I will say I vote no. [gavel pounded] project passes.

At 3:30 p.m., Council adjourned.