



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **18TH DAY OF APRIL, 2007** 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; Ben Walters, Senior Deputy City Attorney; and Ron Willis, Sergeant at Arms.

COMMUNICATIONS	Disposition:
388 Request of Lyndsay Levy to address Council regarding Artful Education campaign (Communication)	PLACED ON FILE
389 Request of Sarah Quist-Mazzocco to address Council regarding Artful Education campaign (Communication)	PLACED ON FILE
390 Request of David Leiken to address Council regarding Artful Education campaign (Communication)	PLACED ON FILE
391 Request of James B. Lee to address Council regarding state of the Charter Review Election (Communication)	PLACED ON FILE
392 Request of Bill Parish to address Council regarding proposed Charter Review for the city (Communication)	PLACED ON FILE
TIME CERTAINS	
393 TIME CERTAIN: 9:30 AM – Accept and endorse the Portland Green Streets Policy and Green Streets Cross Bureau Phase 2 Report (Resolution introduced by Commissioner Adams) (Y-5)	36500
394 TIME CERTAIN: 10:15 AM – Creation of the Quality Rental Housing Workgroup (Report introduced by Commissioners Leonard and Sten) (Y-5)	PLACED ON FILE

<p>CONSENT AGENDA – NO DISCUSSION</p> <p>Mayor Tom Potter</p> <p>Fire and Police Disability and Retirement Fund</p>	
<p>*395 Authorize contract with Career Directions Northwest to provide vocational rehabilitation services for the Fire and Police Disability and Retirement Fund of the City (Ordinance)</p> <p>(Y-5)</p>	<p>180890</p>
<p>Office of Management and Finance – Human Resources</p>	
<p>396 Create a new represented classification of Electrician/Instrument Technician, Apprentice and establish an interim compensation rate for this classification (Second Reading Agenda 360)</p> <p>(Y-5)</p>	<p>180891</p>
<p>Office of Neighborhood Involvement</p>	
<p>397 Amend a grant with the Youth Employment Institute for additional funds for graffiti abatement (Second Reading Agenda 362; amend Contract No. 36229)</p> <p>(Y-5)</p>	<p>180892</p>
<p>Commissioner Sam Adams</p> <p>Bureau of Environmental Services</p>	
<p>*398 Authorize the Director of the Bureau of Environmental Services to execute an Assignment of Storm Sewer Easement to CalWest Industrial Holdings, LLC (Ordinance)</p> <p>(Y-5)</p>	<p>180893</p>
<p>*399 Amend contract to continue to provide funds for the Portland Harbor Funding and Participation Agreement for Natural Resource Trustees to implement the Natural Resource Damage Assessment and Restoration Process by Federal, State and Tribal Natural Resource Trustees (Ordinance; amend Contract No. 52429)</p> <p>(Y-5)</p>	<p>180894</p>
<p>Office of Transportation</p>	
<p>*400 Authorize an Intergovernmental Agreement with Oregon Department of Transportation for design and construction of the NE 47th Intersection and Roadway Improvements (Ordinance)</p> <p>(Y-5)</p>	<p>180895</p>
<p>*401 Amend Intergovernmental Agreement with the Oregon Department of Transportation for the pedestrian crossing improvements on SE 82nd Street at Glenwood (Ordinance; amend Contract No. 52013)</p> <p>(Y-5)</p>	<p>180896</p>

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<p>402 Authorize an Intergovernmental Agreement with Oregon Department of Transportation to fund design and construction of Portland Blvd. Bicycle Lanes, Peninsula Park Crosswalks, I-5 Killingsworth Overcrossing Improvements and Downtown Kenton Traffic Safety Improvements (Ordinance)</p>	<p>PASSED TO SECOND READING APRIL 25, 2007 AT 9:30 AM</p>
<p style="text-align: center;">Commissioner Randy Leonard</p>	
<p style="text-align: center;">Water Bureau</p>	
<p>*403 Authorize an Intergovernmental Agreement with the Mt. Hood National Forest for cost-share of fire lookout services for the Bull Run watershed (Ordinance) (Y-5)</p>	<p>180897</p>
<p>*404 Authorize an Intergovernmental Agreement and Special Use Permit with the U.S. Forest Service for replacement of two permanent bridges on Forest Service Road 1211 in the Bull Run Watershed (Ordinance) (Y-5)</p>	<p>180898</p>
<p style="text-align: center;">Commissioner Dan Saltzman</p>	
<p style="text-align: center;">Office of Cable Communications and Franchise Management</p>	
<p>405 Extend term of telecommunications franchise for MCI Communications Services, Inc., formerly known as Worldcom Network Services, Inc. (Ordinance; amend Ordinance No. 170954)</p>	<p>PASSED TO SECOND READING APRIL 25, 2007 AT 9:30 AM</p>
<p style="text-align: center;">Parks and Recreation</p>	
<p>406 Authorize contract with the Friends of Forest Park to perform trail work in Forest Park (Second Reading Agenda 372) (Y-5)</p>	<p>180899</p>
<p style="text-align: center;">Commissioner Erik Sten</p>	
<p style="text-align: center;">Bureau of Housing and Community Development</p>	
<p>*407 Accept a Supportive Housing Program renewal grant from the U.S. Department of Housing and Urban Development in the amount of \$241,074 and receive payment (Ordinance) (Y-5)</p>	<p>180900</p>
<p style="text-align: center;">Fire and Rescue</p>	
<p>408 Amend City Charter and Code to rename the Bureau of Fire, Rescue and Emergency Services to Portland Fire & Rescue (Ordinance; amend Charter Chapter 5, Code Chapter 3.22 and other titles, as needed)</p>	<p>PASSED TO SECOND READING APRIL 25, 2007 AT 9:30 AM</p>

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REGULAR AGENDA

Mayor Tom Potter

Office of Management and Finance – Business Operations

- 409** Amend contract with Architectural Resources Group to provide additional architectural and engineering services for Union Station Transportation Enhancement Project (Second Reading Agenda 377; amend Contract No. 35969)

Continued to April 19, 2007 at 2:00 PM
(Y-4; Adams absent)

180904

Office of Management and Finance – Human Resources

- *410** Create a new non-represented classification of Police Internal Affairs Investigator and establish a compensation rate for this classification (Previous Agenda 361)

(Y-5)

180901

Office of Management and Finance – Purchases

- 411** Adopt findings, authorize an exemption to the competitive bidding process to the Bureau of Purchases pursuant to ORS 279C.335 and City Code Title 5 Section 5.34.810 and 5.34.820 and provide payment for construction of the Sandy River Conduit Relocation project (Ordinance)

Continued to April 19, 2007 at 2:00 PM

**CONTINUED TO
APRIL 25, 2007
AT 9:30 AM**

- 412** Adopt findings, authorize an exemption to the competitive bidding process to the Bureau of Purchases pursuant to ORS 279C.335 and City Code 5.34.870A, and provide payment for construction of the Ed Benedict Park Skate Park Design-Build Project (Second Reading Agenda 378)

Continued to April 19, 2007 at 2:00 PM
(Y-4; Adams absent)

180905

Commissioner Sam Adams

Office of Transportation

- *413** Authorize agreement with Gmuender Engineering LLC for annual inspection services for the Portland Aerial Tram (Ordinance)

(Y-5)

180902

- 414** Amend contract with CMTS, Inc. to supply qualified construction management, capital program management inspection and project support personnel (Ordinance; amend Contract No. 36333)

**PASSED TO
SECOND READING
APRIL 25, 2007
AT 9:30 AM**

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<p>415 Authorize application to the Oregon Department of Transportation and Oregon Department of Land Conservation and Development for several Transportation and Growth Management program grants in an amount up to \$1,238,000 (Previous Agenda 380)</p> <p>Continued to April 19, 2007 at 2:00 PM (Y-4; Adams absent)</p>	<p>36501 AS AMENDED</p>
<p style="text-align: center;">Commissioner Dan Saltzman</p> <p style="text-align: center;">Parks and Recreation</p> <p>*416 Approve agreement for acquisition of 1.17 acres real property in east Portland for park purposes from Michael Jay and Linda McWhirter (Ordinance; Contract No. 52796)</p> <p>(Y-5)</p>	<p>180903</p>

At 11:37 a.m., Council recessed.

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WEDNESDAY, 6:00 PM, APRIL 18, 2007

DUE TO LACK OF AN AGENDA

THERE WAS NO MEETING

April 19, 2007

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 19TH DAY OF APRIL, 2007 AT 2:00 P.M.

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

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

<p>417 TIME CERTAIN: 2:00 PM – Consider the proposal of Steve Nobach, CE John Company, Inc. and Robert and Kristin Howell, property owners and the recommendation from the Hearings Officer for approval of a Comprehensive Plan Map Amendment, Zoning Map Amendment and an Amendment to the Central City Master Plan for property located at 936 and 925 NW Hoyt Street (Hearing; LU 06-184561 CP ZC MS)</p> <p>Motion to accept Hearings Officer’s Report: Moved by Commissioner Leonard and seconded by Commissioner Saltzman.</p> <p>(Y-4)</p>	<p>Disposition:</p> <p>ACCEPT HEARINGS OFFICER’S RECOMMENDATION</p>
<p>*418 Amend the Comprehensive Plan map designation and change zoning of 936 NW Hoyt Street at the request of Steve Nobach, CE John Company, Inc. and Robert B. and Kristin K. Howell (Ordinance; LU 06-184561 CP ZC MS)</p> <p>(Y-4)</p>	<p>180906</p>
<p>419 TIME CERTAIN: 2:30 PM – Accept Staff Report and Recommendation and Order of Council for Debra Byers Measure 37 Claim (Report introduced by Mayor Potter; PR No. 06-181332)</p> <p>Motion to approve the claim and adopt the Staff Report and Order as the Council's Direction: Moved by Commissioner Saltzman and seconded by Commissioner Leonard.</p> <p>(Y-4)</p>	<p>STAFF REPORT AND RECOMMENDATION ACCEPTED; ORDER OF COUNCIL ACCEPTED</p>

At 2:33 p.m., Council adjourned.

GARY BLACKMER
Auditor of the City of Portland

By Karla Moore-Love
Clerk of the Council

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

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Closed Caption File of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

[The following text is the byproduct of the closed captioning of this broadcast. The text has not been proofread, and should not be considered a final transcript] * * *

APRIL 18, 2007 9:30 AM

Potter: Every week we ask, how are the children? We know when our children are well, the community is well. Each week we invite a person in to talk to us about issues regarding children and youth. And today we have olive karlsen, she's in the third grade. Could you please come forward? I notice you have a dog. What's your dog's name?

Olive Karlsen: Tony.

Potter: Not tony the tiger, just tony?

Karlsen: Just tony.

Potter: Thank you. Go ahead and speak out.

Karlsen: I know kids in schools are very important to you. I also know that you don't get to spend a lot of of time with kids in schools. Because of that, I wanted to tell you about a project my class did this year that I think is important for you to know about. I go to opal school, a charter school in the children's museum. My classes are second and third grade mixed. I -- one day in october my teacher said we would create museum exhibit centered in our classroom. The exhibit was centered around helping people understand and notice nature. Later we use different materials to explain about insects. We work with clay, paint, writing, poetry, and drawing. All the second and third graders work together to write these words to tell you about our exhibit. Our exhibit helped people experience how bugs live and their perspective. It required looking close up. We talk about scheme in our school. It means what you know. If you do not have scheme and you turn away after only a minute you'll still not have scheme. If you look for a long time, you'll get scheme for that thing. You might say, oh, look, there's a grass hopper, but you need to take the time to think about why you said it in the first place. You have to see, look, and be the things you see. You must be the thing you see by understanding it. Take the time to wonder about how -- the museum wasn't only about bugs, but interdependence. How we need them to survive. How bees make honey and make the flowers bloom and the trees bud. We help people learn about the interdependence between all living things in the world and how close our relationship is between bugs of many kind. It's a very good effect on people, and how they treat each other and help all around them to make the world be better. While people are walking around enjoying the exhibits, we hope that people would see their beauty and how much bugs help us and they would think about how it can help them. Bugs are so important to life. We wanted people to -- when people left, we hoped they would say I have noticed bugs. I have helped them in every way possible. I notice the natural world. I wish you could have seen our museum. I hope this gift I have for you will give you a little idea about the work we do. I hope when we -- when you make your decisions about Portland you think about all the interdependency you affect.

Potter: Could you describe this to the people out there so they can see what it is?

Karlsen: Yeah. This is a collage about lots of the work that my class did. We put it together to make [inaudible]

Potter: Thank you, olive.

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Karlsen: Thank you.

Potter: I'm going to hang in in my office of a reminder of your visit, and also your message.

Karlsen: Ok. Thank you. [applause]

Potter: Nice to know there's folks like olive out there. [gavel pounded] city council will come to order. [roll call]

Potter: Prior to offering public testimony to city council, a lobbyist must declare which lobbying entity he or she is authorized to represent. Please read the first communication.

Potter: I think all three speakers will be speaking.

Item 388.

*******:** Do I start now? I'm slightly intimidated by this, so if I screw up i'm sorry. The message is good.

Potter: State your name for the record. You have three minutes.

Lindsay Levy: I'm lindsay levy. I am a small business owner. I am a wife, most importantly, i'm a mom of two small kids that go to skyline elementary in unincorporated Multnomah county. The motivation for the artful education campaign was based on my depression over the last presidential election. When I really couldn't get out of bed and my husband said, if they've defeated you, they've won. We all have a voice. We can choose to use it. I'm a jewelry designer. You'll receive our vision statement and the radical mom collection that I did. First piece I did which said either fund education or pay for incarceration. Where I went from there, I contacted people and I said, you're a baker, an artist, musician. You can do this too. Will you donate some of your proceeds to the schools? Every single school in Portland public school will get the same amount of money. Everybody participating in this campaign has committed to 30 to 45% of their wholesale. We're attempting to double dip by asking the retailers to do the same. It's easy to become a pessimist, but if you can become an activist, we have change in our future. Since I went to school a long, long time ago, there's been an elimination of the arts and music programs. And I think if nothing else, this week has showed us we need to offer things to our children that are better than violence and video games. That are actually things that they can create and they can express in a nonviolent way. We need this program. This will allow us to have an independent source of revenue outside of the taxpayers. Sara and david have generously offered to step up to the plate. Sara will be looking at doing corporate sponsorships and fund-raising and david is really good at event coordination. He has lots of experience in it. Because I would like to bring the mayor's ball back and give that money to our children. I'd like to see our elected officials, our businesses, our parents, and people who don't have children genuinely care about their future. I'm really bold and i'd like to see this as something we could show to though school districts and communities. But how are the children? Their future rehabilitation in our hands. What i'm asking of you is not your money and your time, because we can get that. But I want you to join together, I want to you talk this up, be behind it, and that's it. And that's all that we're asking. I hope you can get behind this. If we step on toes, if you don't like the way things are going, talk to us. Don't nix the program, and don't say it can't be done, because I know it can.

Item 390.

David Leiken: I'm david leiken, owner and president of double d concerts, Oregon's oldest and largest concert promotion company. The first mayor's ball was to celebrate the election of bud clark as mayor and help pay off his campaign debt. Subsequent mayor's balls took the momentum from that event and brought together the music community to produce an event that was looked forward to by many thousands of people in our community. It was endorsed by an entire city from the top down. As producer of the first mayor's ball event, we took advantage of the good feelings to create an event which for a time was the envy of the national music scene. I personally signed the lease, provided the insurance, and was on the hook for the first mayor's ball produced by the Portland music association. The premise for my view was the music community in Portland could and

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should volunteer their time and services for this one event per year. The only entities that were paid were those that provided equipment services, the union stagehand and facility staff. The first ball we produced did about 7,000 people and barely squeaked by financially. But it clearly established the event. The second and third mayor's balls did each one subsequently better. It established the solvency of the Portland music association, and thousands of dollars were distributed to charities in the community. Subsequently what I call the greed factor took over with the community spirit prevailed. When numerous people started wanting to be paid in some cases unrealistic amounts, I and my company left the Portland music association and the mayor's ball and even though attendance stayed solid for another ball, the money raised dwindled and the ball died. Several people tried to keep it going, but the new mayor was not supportive. This brings us to now. We ask for the official support of the mayor and the city as a kickoff to resurrect a great community event. We will try to retain this spirit that graced the music scene for the early mayor's balls. What better cause than our schools and especially music in the public schools. We propose to provide the impetus for putting these programs back in our schools and provide funding for them. Hopefully the musicianing in the community around them can be rallied to this cause. Please give us your official support because I believe it will help rally the troops. Hopefully many of the new generation musics -- musicianless find it in their hearts to help us bring back this one-of-a-kind event and raise money and awareness for a great cause.

Item 389.

Sarah Quist-Mazzocco: My name is sarah quist-mazzocco. I have three boys in the Portland public school system. One at lincoln, two at chapman. I have done a lot of fund-raising for Portland public schools. It's been very frustrating the amount of time i've spent to keep programs, and not in the classroom. I think it's critical that we bring back programs we've lost. Something that wasn't mentioned earlier that we do have, artful education is a 401(k), so it's a nonprofit -- a 501c3. I have the fun job of raising money for it. I will be looking for corporate sponsorships for the mayor's ball. I will be looking for individual sponsors for the mayor's ball. Part of my job also will be to keep the budget down. That means having things donated. That means the musicians playing for free. That means the memorial coliseum being donated for free. So I really -- i'm very passionate about it, I feel it's a great thing lindsey has come up with, and we hope we have your support. It will make my job easier as I walk in to talk to these companies, saying the city is behind it, the commissioners are behind it, the mayor is behind it. So I will be brief, I hope you're with us, and we think it's going to be a great event for our schools. Thank you.

Lindsay Levy: We have a minute and a half left, can I add something? Portland public schools is totally behind this. It was actually vicki phillips that I went to at first, and it's been her team that has said, we have to bring in all the superintendents, which I love. Because you can't look at children just in our area. The world is a complete place. So all the superintendent were trying to bring on board, we've enclosed the vision letter, all of the designers on board, i've already approached merchants. I haven't heard a no. And I don't want to start here.

Quist-Mazzocco: It would help my job immensely.

Adams: I think this is great. We've actually got about three other groups that are working on something very similar, so what i'd like to do is working with the mayor's office, and I think the mayor's ball is a great idea to bring back. But i'd also like to make sure we're coordinating this with some other musical events, live music events and other events that are sort of dedicated to similar purposes. And I think that can be done. But -- so kevin in the mayor's office, jessie in my office, if you want to stop by on the way out, pick up his card, I think he's at a meeting this morning, but would like forward to working with you.

Leonard: Sara if you can promise me your husband john will go back in his role as one of the backup players in the band of curtis salgado, I will get on the phone and help you raise money.

Quist-Mazzocco: Perfect. I promise. I'll get him to do it.

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Potter: I completely support you folks. My wife has been working on this for several months.

You've really done a lot of hard work and you've got some great ideas. Did I have a question about the value of this necklace that you gave us.

Levy: You know, I prepared all that. They're all words under \$50. And if you -- worth under \$50.

I don't usually make them for guy necks, so if you need them longer I can add an extender to them.

If you want any more radicalization than those I have those as well.

Adams: We have to declare it as a gift, so you need to give us our contact information.

Levy: I can do that.

Item 391.

James B. Lee: James lee, I reside on southeast mitchell street. I want to thank you for hearing me this morning. I'm here on measure 2691. We've all heard a lot about that. I think I have a few original things, important things to say about it. I'm not representing any of the groups opposing it or supporting it. I'm here speaking entirely on my own. My main concern looking at the report what I first saw, was it seems there are two subjects in this measure. One which is form of government, one which is powers of government. And we all know that you can't have two subjects on the ballot measure in the state of Oregon. So I looked a little farther into some of the details on it, and I discovered of coursing that we have established a chief administrative officer and on the other hand, we have also in power -- we have empowered censorship of media, including advertising. I can't imagine two more disparate subjects than those, so I think there is something to the two subject approach to this. If I can look at a couple of contingencies. If measure passes, I think its opponents probably will go to court to try to have it set aside. On the other hand, if it fails, I think we're in a real pickle. Because the question is, do both of the subjects fail? In fact, if it does, if we -- both subjects of it do nail, which would seem to be the logical thing, the city of Portland doesn't have any more enumerated powers. I think this is a very serious situation a. Very difficult structural situation. Of course that would be intolerable. We couldn't have that. I've looked at -- i've tried to weasel around that argument and I really can't do it. I think the only sensible approach, the only functional approach to this, which would be to dodge that bullet of losing our enumerated powers, if the measure fails, would be to pull it from the ballot now if that's at all possible, reboot it, with a separate enumerated power amendment or whatever, measure, and then go forward again in november or something like that. The problem is, we're using -- we've attached the existing enumerated powers to it. If we had new powers to it, that wouldn't be much of a problem. One would replace the other. If we defeat our current enumerated powers we may be left without them. Thank you.

Item 392.

Bill Parish: Bill parish, resident of the city of Portland. The reason i'm here is to try and help encourage you to reconsider your support of the charter change. My sense is that it's really a trojan horse. The current system works, and we had a big lesson recently with neil goldschmidt and the effects of absolute power. Of course that would never happen under the current administration, but he made a science out of lining his own pockets at the expense of the community. This current system has such an ideal sense of balance in that commissioner Sten was able to lead some serious dialogue in the texas pacific group, followed up by commissioner Leonard. What's also interesting to me, there's so much great things happening in the city of Portland right now. And there's so many more things that can be done. One big controversy was the northwest parking situation. On one end you have william-sonoma and the Pottery barn, and an organization, music millenium, which may lose its lease. It's been there 25 years, has 200 shows a year, kind of a bell weather for the community. Apparently they're trying to negotiate a new lease. One of the things the city council, do, since dick singer gets benefit from bump projects, give him a call. Texas pacific was defeated, but the next question is, what next? The biggest buyouts in history occurred in texas. Clearly there will be another effort to take over p.g.e. Then we've got the linton community

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situation. That was voted down by the council. There was a bunch of activists, and at the same time, Warren Buffett, his plan is to build many new coal plants in Utah. So here we -- there was no dialogue on Pacific Power so we're financing these construction of coal plants in Utah, which they're very against, and we're worried about the environmental consequences of providing a community plan in Linton. Then my final comment, I gave a speech last week at a pension conference and it was on plan choice and fees, and there were two people in the audience of 100 who were very upset. And they were investment managers. I disclosed what was going on with some of these fees. So this is a thing that is starting to percolate around the country. It specifically writes to 457 plans. So what I might ask you and the council is to answer one simple question -- over the next year. That is, of all these vendors that are selling all these investment products to city employees, what's -- one of your staff people stack it up and say, what's the overall gain and what kind of risks are they taking and what are the fees? You might have an employee that could do a blog for all the -- which is what's happening in Los Angeles. So I appreciate the opportunity to be here, and many great things are happening in Portland. I really hope Mayor Potter that you'll withdraw your support for the charter change, because you have a consummate credibility, you're one of the most popular mayors in history, everyone is happy. Sometimes it's hard to see this is really about long after you, rather than current administration. Thank you.

Potter: [called for vote on Consent Agenda.]

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

Potter: aye. [gavel pounded]

Potter: Please read the 9:30 time certain.

Item 393.

Adams: Thank you, Mayor, Council members. I am pleased today to bring forward for Council consideration a green street report and policy. The reasons for doing this are many. They fundamentally stem from the fact that we get average 37 inches of rain a year, producing over 18 billion gallons of storm water. Water that hits pervious surfaces, often times collecting chemicals before it goes into a pipe or a watershed or a river. And much of that is -- comes from the streets and roads that we as city government own and are responsible for on behalf of taxpayers. What today's policy does is move forward some very excellent research and development work that has been underway in the Bureau of Environmental Services, the Portland Office of Transportation, with help from the Office of Sustainable Development, Bureau of Planning, Bureau of Water Works, Bureau of Parks, and other bureaus, moves it from the R&D, the piloting, which is sort of broken ground nationally and internationally, and moves it into the realm of policy the way that we will do business day in and day out. Its benefits are, you're going to hear in greater detail, but its benefits include the fact that we have the opportunity to save money. That instead of just building bigger pipes in parts of town that are right now experiencing basement flooding, that we can take the storm water off the system, keep it out of those pipes, and save significant resources at the same time we achieve another benefit, and that is recharging the groundwater. Not well known up to 30% of our watersheds in the Willamette River come up from below. And we want as much water coming up from below from groundwater, because it is cool, it is as in cold, not only cool, but cold, it is also clean. And that in turn helps heat the Willamette and our watershed streams and rivers clean, as everyone in this room probably knows, but for those viewing, we have significant environmental challenges with the Willamette River, given that we have two species of salmon that are listed as endangered, and we have a designated superfund site that we are in the process of -- that we're in the process of ascertaining the exact pollution factors and what it will take to clean it up. It improves air quality. It improves air quality by reduce can the heat island effect. And with the heat island effect is where we get air pollution trapped. And so storm water, swales, green areas, trees, those all reduce the heat island effect and therefore the pollution. It also provides for urban green space and greenways in -- that are possible in every part of the city. Especially those parts of the

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city like in the central city or main streets that are built out. Such as clinton and division that you might hear someone from today. It also is an important opportunity to expand urban habitat. The city of chicago has even gone one step -- skipped over this step and gone to having an urban strategy. -- autobahn strategy. Those are issues we're looking at as well. For those of you that aren't convinced with any of those, i'll leave you with, before we hear from some key staff in the public, if a generation ago had sought this approach, we would not be spending the \$1.4 billion that we are spending now on the big pipe and the c.s.o. Program. Because we wouldn't have the kind of storm water-related overflows into the willamette river. So we are saving money now, we are improving the environment, and we will be saving money for the next generation because we're going to make that big pipe project last many more years than has been anticipated. Portland is looked to as a national leader in this area, and commissioner dan Saltzman and commissioner erik Sten were part -- were commissioners in charge when this effort got going, the r&d got going, and along the way has been dean marriott, the leader of environmental services, and linda dobson, who has been working on this issue, and I want to thank you both for your leadership, your hard work, and moving us from innovator and r&d to widespread application on the ground.

Dean Marriott, Director, Bureau of Environmental Services: With me is linda dobson, who is in charge of our sustainable storm water section. I just have a few brief remarks to make. First i'd like to note just to underscore what commissioner Adams said, monday I was invited to Washington, d.c. To make a presentation on the afternoon session. Portland, chicago, and Washington, d.c. Were participants. We really are trailblazers to borrow a phrase, in this arena, and were proud to be serving in that role. Linda will describe for you the process we've gone through. It's been very collaborative. We involved all of the different bureaus of the city, involved a lot of citizen participation and outside expertise to bring this report to you. We identified obstacles, many of those solutions are already underway. Just as an example of what the commissioner means by taking it from the occasional demonstration project, which I think a lot of you have seen in your own neighborhood, to more full-scale implementation, we're now working on a subbase of our system in southeast Portland, we call it the taggart drainage area, but for many of you it's from mount tabor to the river along the division and hawthorne corridor. It's 2.3 square miles, it's about 2% of the city's land area, 7,000 Portlanders live in that area. So we're really stepping up to implement this in a targeted area, but in a big way. I'll talk about that for just a moment. In the predesign for solving the problems associated with that part of the city we've identified over 500 green street opportunities. We're going to be moving forward in the next few years to get those on the ground. These include over 450 curb extensions, and you'll see pictures of some of those in a moment. And over 40 vegetative planters. What this is going to mean is it's going to mean less basement flooding in this area, it's going to mean a modernize sewer collection system, a healthier environment, it's going to mean more Portland citizens coming back into connection with nature. So all of those benefits. Just to give you an idea of what we have to accomplish between now and 2040, our goal is to take off of the right of way over a billion gallons a year of storm water. The commission -- commissioner mentioned we were having to deal with about 18 billion gallons a year of storm water that hits our impervious surfaces. So we think green streets in this technology and this approach will be very effective and very cost effective for helping to set us up for a bright environmental future. Linda?

Linda Dobson, Bureau of Environmental Services: Linda dobson, bureau of environmental services. I wanted to review a report in the resolution and the citywide policy which we're proposing for adoption. A little history, I wanted to remind you in the fall of 2005, we started this effort, a two-phase effort, and we came to you in march of 2006 with the first phase report to be adopted. So you've already endorsed that report. You've heard that this has been a multibureau effort, that's very true. We have worked very closely with all our partners, and I wanted to take really an opportunity to specifically thank a steering committee composed of individuals from those

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different bureaus, byron estes from p.d.c., susan hartnet from water works, liz moorhead and steve townsend from pdot, dave mccallister from parks and recreation and joe zender from planning. It was really a multibureau effort. I also want to thank julie wilson and lindsey smith. The charge was to move into full-scale implementation and to find out what were those opportunities and challenges that would either help us get there or keep us from getting there. So I mention what you have today before you is the product of that effort. But this city and the many staff and people associated with the bureaus have been working on green streets for some time. And this effort has really expanded beyond just the cross bureau effort. So I wanted to acknowledge all the people and all the staff in the bureaus who are working to make this happen. And when I say we, from the rest of our presentation, I really mean that full complement of city staff. As a reminder, green streets are using a analysis item approach to storm water management. We're using the plants and the soil to detain and filter and infiltrate the storm water where we can. We're doing it in such a way that is creating an urban amenity. I think this is a good example of a green street in front of new seasons on southeast division. It's clearly enhanced the streetscape, and some folks back east are beginning to talk in terms of restorative redevelopment. We say the city redevelops every 40 years. We have a great opportunity through these kinds of projects to really bring the nature, the environment, all those environmental benefits back into our urban areas as we redevelop. So a green street is a vegetated facility that manages storm water on site at the surface. And at this time that is our definition. It's more. It's been fun to see the evolution in our process since our beginning. In the beginning we just started with a definition that included the storm water benefits. But over time we've changed that to recognize the multiple benefits for the city. Obviously we have water quality benefits, we know we can replenish the groundwater, but we can also attract -- create attractive streetscapes, enhance bicycle access, we can create new urban greenways, linking parks and neighborhoods and businesses -- and we can increase the community value and we believe the property value of adjacent neighbors. So it's an important transformation in thinking of just a storm water facility to a larger urban amenity. We mentioned that in the beginning we started to identify what are the opportunities and challenges to getting us to this full-scale implementation. We surveyed ourselves internally as well as those in the business community and the development community. And we heard back three main points. Show us, show us how it's done. Give us some information. Outreach to us so we can better understand what green streets are. And that was voiced by the professional community, the development community, the neighbors, and the neighborhoods as well. Also we heard give us that technical guyians -- guidance to show us how to build it. Show us how you'll look at it so we can get these approved through the permit process. And then lastly in this line is the storm water master plan. Show us how you can take a comprehensive look and guide the development. Instead of having one developer come in, one parcel at a time, show us an example of what it would look like to take a full scale approach. On the challenge side, we heard a constant refrain of how are we knew we had to address that question. We knew also that we needed to protect our underground infrastructure. If we're going to be infiltrating water in places where we didn't infiltrate before, how could we protect the underground infrastructure? And as we move in to this new way of doing things, what are the resources that we're going to make available to really make sure this happens? In phase two, I think the strongest direction was create a policy, create a citywide policy to be the framework or this green street implementation. That's what you have before you today which is a part of the resolution. Why did we feel the policy was so important? Well, we do have storm water regulations and we do have regulations that require going to a green street approach as your first preference. Quite honestly, without the strong underpinning of a policy basis, there are ways to find around that. When you come to a push and a shove about competing uses in a public right of way, we wanted to be sure that the green street as a facility had equal standing with the pedestrian and the bicycle, so we were really charged to combine those together. We wanted to raise the expectation among all bureaus

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among all developers, among all citizens that we were committed to green streets as a policy. That's why you have the policy here today. I have rung through -- run through a little bit of what is in the policy. You have it before you. As I mentioned, we already have a storm water manual that requires on site surface storm water treatment. This policy gives additional emphasis to that. We've also created a new piece to that which we're calling the 1% for green street fund. Many of our projects automatically trigger the storm water manual requirements there. Are some exceptions to that and very small projects do not trigger the manual. We wanted to make sure that for every piece of work in the right of way we were able to capture some dollars to contribute to a green street fund. And so that's a piece of this policy, we have details still to work out. For those projects occurring in the right of way that are publicly funded, we're asking a 1% contribution into a green street fund. The other subjects here talk about getting out in front and planning and designing together as a city, having better communication, really looking large scale at what it means to do green streets on a neighborhoodwide basis, to continue to use innovation and design and to evolve our standards and incentives. We want to make sure we're leveraging dollars to get the best money. The best work that we can in specific geographic areas. So at thef we have the bureau of environmental services in an area, we might couple with the transportation bureau, with our water partners, to advance green street projects. We've spent some concentrated time now, look at what works, what doesn't and we continue to monitor them. Woe want to report back to you every year what our response -- what our evaluation is of our green street. To touch on some of the projects on the effort and beyond, I mentioned the policy. We knew that on the outreach was very important. People said, what about if people move? You have new neighbors in the area. How are they going to know that's a green street? We have created facility mark there's will go in and be attached. We've created door hangers that will be left every time maintenance work is done at their facility. We've created a newsletter, we have a power point presentation we're using to educate the professionals as well as the neighborhoods and we're developing a website that will be specific to green streets. We've clarified our maintenance policy. We've also created and the bureau has worked -- the bureaus have worked very hard to create specific technical sheets, so people know how deep, what kind of cubs to put in place, what are the soils so people know how to build these, both publicly and privately. We've gone ahead and we've started work on a storm water master plan for the gateway central district. We're working closely with p.d.c. And transportation on this master plan. As developers come in piecemeal we want to take an overall look. We want to profile these green streets for the layperson. Not just the technical standards, but what will these look like so people can begin to envision what their neighborhood might look like. And we've requested an e.p.a. Appropriation of 3.1 million to help us in our work. That will be 1.65 million for 2008 and 1.5 million for 2009. We also know that if we don't get together early on in our own capital improvement programming between the bureaus, we won't be a successful in identifying projects. An example of this, at people's co-op, the transportation folks were out looking and working on pedestrian safety concerns on southeast 21st. We coupled with them and where they would have put in a typical curb extension, we were able to work with them to put in a storm water curb extension that was -- as well. So you've solved pedestrian safety issues as well as storm water issues, and we incorporated bicycle parking which was badly need at this location. We have a full spectrum. We're also work can with the water bureau on southeast 59th where we can couple some of their project work with some of our project work for taggert predesign and some of our own pipe replacement and end up with a green street at the end of the day. That is still in the plan can phase. There's more work to be done. We've identified southeast clay street as an excellent opportunity to create a route to the river. And I should say we. The neighborhoods have long had this on their list of a wish list to be able to better walk and bike from ladds addition to the river. Woe have new opportunities with redevelopment of the holman building on the esplanade to really create a linkage between those green spaces. And we can do that with storm water facilities as well as enhanced

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bicycle and pedestrian ways. That project is just beginning and our partners are p.d.c. And pdot, buckman neighborhoods and the central eastside industrial district. Just a quick image of what it might look like. I'll wrap up with some images of what some newer projects, these are along sandy. They are recently completed. This was a pdot project. Again, multieffort between the different bureaus and outside consultants. This really shows you what you can do when you have an expanded right of way. We hope to see these kind of facilities in our planning and designs for burnside-couch as we have more work and more area to work in. You can see you create stopping places in areas of interest. There are six planters on northeast sandy. This is the third. I'm sure you're all familiar with the hap and the city project at new columbia. We have 132 separate facilities at this location. Clearly it's an enhancement to the neighborhood, and to the streetscape. I couldn't resist putting this photo in. It's hummer meets the green street. We really hope to maybe get a different billboard here that can be educational, which would be nice.

Saltzman: Where is that one?

Dobson: On sandy. I wanted to close with a quote from mike lindquist. This is not mike shown in the picture, but his quote to me, having lived next to northeast siskiyou for three years, is that he loves his street garden. And where else are you going to have someone talking about loving their street, where else would you find someone referring to a storm water facility as a street garden? So I think these have been tremendously successful and we do have someone from the neighborhood here to testify as well as others.

Adams: You want to thank you for all the work you have done&before I got the assignment and since i've been the commissioner in charge, you're considered a national expert and rightly so.

Marriott: We have folks here to talk with you, if you do have questions we would be glad to come back.

Greg Baker: I'm greg baker, and mike lindquist is my neighbor, the one that loves his bioswale. My wife rebecca bower and I have lived on siskiyou for over 23 years. We think the city for inviting our neighborhood to participate in the green street project. Thank you for installing these attractive bioswales in our neighborhood. I'm a bird watcher, and a card-carrying member of the Portland audubon society. Though I have to admit that I don't have my card on me hee at the moment, however, i'm happy to report are that birds appear to really like our green street bioswales. Our neighbors across the street watch birds too, and we both have been planning our yards for years specifically to attract urban wildlife. So when presented with the city's offer to put in these amenities to replace concrete parking with wetland like habitat, it was a no-brainer, a resounding yes. People of all ages stopped by and read the interpretive sign. They pause to ponder these curious yet simple engineering marvels of storm water management. The questions that I most often here are how did you get the city to put these in? And, how can we get some on our street? Maintaining these systems has been easy, fun, since 2003 i've probably spent a couple hours pulling some weeds and picking up occasional piece of litter. Many small children in our neighborhood use siskiyou street as a playground with their kick ball and sidewalk chalk. The street is now safer because the traffic entry into siskiyou off 35th place is single lane. So cars have to slow down. To date we haven't witnessed any traffic accidents or parking conflicts, none. Last evening as I parked on a green street I thought, what a huge difference such a small effort can make. I wondered how the landscape appeared 150 years ago? Like the center of the mural above, perhaps. A few dirt roads and plank roads, plenty of stumps, lots of mud. Our sidewalk is an original, it was stamped 1912. So 100 years back hard surface roads were already beginning to spread across the landscape to accommodate the automobile. And back then road engineers apparently didn't spend much time anticipating and managing the foreseeable impacts storm water and its potential effects on water quality and wildlife. And so today we find ourselves dealing with the consequences of the past inadequate local planning. But on a broader and regional scale. It's the same old story. We should have been thinking globally and acting locally. Presently our little green street corner on siskiyou

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association up about a quarter million gallons of storm water each year. If not for the city's recent green street improvements this, run-off would otherwise continue to contribute to peak river flows which scour out river bottom habitat, increase turbidity, deposit silt and chemicals and to sensitive habitats. Today the program offers a cost effective opportunity to make a simple course collection on how we collectively manage Portland's storm water. Once implemented on a larger scale, the program promises to yield substantial community and environmental benefits for generations to come. My family and neighbors are in favor of the green street program, we applaud the city's efforts thus far, and we encourage your continued support and expansion of this fledgling program through whatever resources available. Thank you.

Linda Nettekoven: Linda Nettekoven, Ladd Avenue. Vice chair of the neighborhood association. I wasn't planning to testify today, but I can't resist. Coming up to express the incredible gratitude and appreciation our neighborhood has for being involved with B.E.S. In creating quite a number of these storm water features. I wanted to stress that our neighborhood remains incredibly ready to step up to the plate and help in any way we can in this effort. We have been committed to it since the beginning, we've been pushing since the beginning for this inter-bureau collaboration. We would be watching paving and no opportunity to talk with people about how we might incorporate storm water as that street being redone. We're very delighted at the collaboration that's occurring here. The notion of roots to the river, that's more than a wish, it's a mantra. We've been, ever since the esplanade was built our neighborhood is on the inter-- inner tier have been promised access to the river. That also incorporates something beautiful as well as getting us there safely is wonderful.

We just really want to find ways, we're bothering staff with, could we put one here, there? We have another neighbor interested. If anything there's a question of resources and can we keep up with the demand once the idea spreads. And we're definitely willing to help spread it. So thank you.

Bob Sallinger: I couldn't say it any better than the young lady that testified at the beginning of the session today when she said I hope when you make your decision about Portland you think about the interdependent web of life. I think that says it all. Cities have an incredible role to play in reversing not just reducing, but reversing the environmental trends that are plaguing our planet. I had good fortune of testifying last Friday when they delisted peregrine falcons. What could I tell them, Portland has played a significant role in recovery. Not just that we caused more decline, but we're representing 5% of the known sites in the state. It's an example of the fact we can make a positive difference. I think too often we try and reduce the problems. The big pipe reduces the problems. Green streets reverse the problem. We're here to strongly support the green streets program today, to congratulate Commissioner Adams, B.E.S. And particularly Linda Dobson on their work on this. We participated in a variety of different ways on B.E.S. Committees over the last four years and I want to emphasize we have incredible staff owns this stuff. We have some of the best scientific minds working on this, the agencies, we know as much as we're going to know. We need to now learn by doing. And we're pioneers and we need to start doing it on a landscape level scale. We've done the pilot projects, what's upsetting is we are converting to that landscape level approach. There'll be problems on the way? Of course. For too long we've hesitated because the science isn't perfect. It never will be. Green streets make sense from a livability perspective. They've also make sense in terms of meeting multiple agency mandate and breaking down bureau silos. I want to make one significant point today, that is that we've been here before. We were here last year talking about the watershed management plan. We talk a very, very good game in this city. We don't always follow through as well and I would point to the green efforts for storm water as one of those cases in point. When it comes time to actually fund these projects, we're much more hesitant to do so. When it comes to hold the bureau's feet to the fire, we're hesitant to do. So I would point to a couple of things. When the city listed its cross-bureau priorities this cycle this, did not pop out. We really need to force the bureaus to work together and do this on a landscape level of scale. We really need to look for long-term funding strategies. We scrounge for \$1.5 million

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this year for watershed investment fund, but we need to be thinking broadly. The 1% for green streets is a great start but we need to think about capitalizing green street trees, storm water, penalties for environmental crimes. Working with the foundation. Working with the agencies. Audubon and other groups stand ready to partner with the city. I would suggest we shift from some of the advisory committee focus we've had to date to an implementation committee that really looks at broad scale funding getting ---- let's move this thing from 1.5 million to the 50 million it's going to take. There's a huge amount of willingness to invest, but I don't think we're leveraging all the support, and there's nothing but support, we hear it from all of our members, it's popular. Let's turn this into something that's phenomenal and exemplary. I'll end there.

Adams: I want to publicly thank the audubon society of Portland and you personally bob for all your advocacy on this issue and a whole host of other issues we work on. Thank you.

John Tyler: My name is john tyler, i'm the vice chair of the Portland utility review board. I want to say thank you, mayor, and commissioners, for the opportunity to the speak with you today. Also for the ongoing opportunity that the purb has to discuss with you the issues that we see that have the potential to have utility rate impact for the citizens that pay those rates. I'm happy to be able to say that Portland utility review board has reviewed the green streets initiative. We have kicked it around. Many times in a number of different meetings, and i'm glad to say we're able to support it. I need to be fair and say that not all members of the -- of our group voted for it, but the majority did.

And so in -- to -- for the benefit of those people who aren't here today, i'd like to read the statement which you're getting a copy of now, which is the words that we agreed to in our main -- I wanted to -- before I read the statement I wanted to say thank you to commissioner Adams' office, also to linda dobson, bureau of environmental services, for helping us learn more about this important topic and feel like we're praying part in what I see is a great opportunity, and I think mr. Salinger put it very well, that we have done a lot of thinking on this issue, and putting some of those thoughts into action will allow us to better understand how those actions may be of benefit to the citizens. I'd like to read the statement the purb has agreed to. The purb supports the concept of the green streets initiative. We believe this will benefit the city of Portland, its citizens and utility ratepayers.

Implementation of this policy may lead to a policy -- positive rate impact by encouraging city bureaus and departments to work together on projects that have overlapping service and maintenance responsibilities. Treating storm water on site or where it falls can result in a cost savings. It reduces the amount of storm water that must be transported and treated at facilities that are owned and operated by the city. Reducing the amount of storm water flowing through the storm water system could extend the life of this expensive infrastructure, meeting multiple policy objectives and compliance obligations, federal, state, regional and local through one set of actions can result in a net benefit to the city and its utility ratepayers. Treating storm water on site where appropriate and within the watershed where it falls allows for groundwater recharge. This can have a positive environmental effect when groundwater contributes to surface water run-off. The purb further recommends monitoring nan sis of future projects including the proposed burnside and couch street project be conducted to better understand cost savings and construction and maintenance, sediment of soil and water quality and volume control, tracking problems associated with particular green street design features. Sorry to run over.

Tom Puttman: I'm the watershed watch coordinator for tualatin river keepers. I wanted to come and give the a view from the suburbs. We're very appreciative of the leadership the city council has shown. Commissioner Adams your command and knowledge of this issues here and the benefits of low impact development and your eloquent talk of this is leadership that we don't see in too many elected officials, so we are very appreciative of that. We see that caring down to your staff. A cross bureau communication involved in this project is what's going to make it a success. We know if we manage for just one objective we're going to have unintended consequences, but by involving multiple bureaus in developing this plan, you have avoid those problems and actually

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increased the benefits. We'd like to talk -- i'd like to talk about the ripple effect of Portland's leadership on low-impact development and green streets. The first effect we're seeing is in my hometown of Tigard, Tigard has now committed to making green streets a key future of their downtown redevelopment project. We think Portland's leadership had a lot to do with that. And of all the benefits that we've heard today about green streets, one of the ones that has not been mentioned is it is an engine for economic development. We see Portland's leadership is changing the economy and growing local industry by doing this. One example is Teufel Nursery, they have what's -- a separate division that specializes in plants just for ecoroofs. We see Portland landscape architecture firms getting awards and attention, and customers from outside the region because of the expertise they have developed here. We see suppliers like Glacier Northwest increasing their product line to include pervious pavement and mutual materials changing their product mix they sell to local retailers to include pervious pavers. When I was an employee at Pacific Detector, one of our executives gave a speech about leadership and adopting new technology. And he said PacificCorp wants to be the first to be second. Portland has stuck his neck out and taken the risks to be a leader in this and because of that leadership we're hoping that the cities of Washington County will line up to be the first to be second and adopting what we have today.

*****: We're submitting a letter to the commission which you've just received. I'd like to read that letter. On behalf of the city of Portland storm water advisory committee, we are writing in support of the proposed green streets policy and green streets cross bureau phase two report. The storm water advisory committee has worked for many years to identify and promote measures that will improve storm water management of the city's transportation system. Recognizing that the city streets are significant contributor of urban runoff and pollution, the storm water advisory committee presented its storm water management recommendations for transportation-related development to the city council in 2004. That report strongly urged expanded implementation of green street approaches as a cost effective way to reduce runoff and pollution. The storm water advisory committee provided input to both phase one and phase two work of the green streets cross bureau team. The phase two report and policy reflect a number of elements that are very important to both effective storm water management and Portland's overall commitment to sustainable practices. The multibureau cooperative effort, a watershed context, and an inat the g.r.e.a.t. grace of multiple city goals such as neighborhoods livability, improved habitat and connectivity. Incorporation of the green streets policy into the city's "CBS Evening News" plan transportation plan, is also essential to ensure the green streets are a consideration in all of city programs. We strongly support making the policy binding and urge the city to pursue funding sources that maintain green street projects throughout the city. We encourage -- we are encouraged to see the city's commitment to prove watershed health and urge city council to accept and endorse the phase two report and policy. On behalf of the city of Portland storm water advisory committee, it's -- and its co-chairs, I thank you. Now that i've got a couple seconds left I personally would like to thank the commission and the work of Linda Dobson and her work over the last four or five years on this. And PDOT and B.E.S. It's over the last decade it's been tremendous growth to see this move from just test pilot projects into potential city policy. I thank you.

Adams: Thanks for your service. And convey to the storm water advisory committee my thanks as well.

Brett Vandenheuvel: I'm with Columbia River Keeper. We wanted to thank the city of Portland for their efforts in storm water management. We encourage the city to expand the green street program, pursue other innovative technology to manage storm water. As you know, storm water -- E.P.A. has recently stated that it is the major source of water quality problems in the United States today. Columbia River Keepers is involved in a lawsuit regarding storm water permits with Oregon Department of Environmental Quality, including Portland -- we don't think the Oregon D.E.Q. is leading in the difficult issue of storm water. However, we think the city of Portland can fill this

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boyd void and is filling this void to a certain extent. Portland is the leader right now in green street technology. It's the leader in storm water management. And we want to thank the city for their opportunity effort and encourage the city to continue to expand this for water quality problems. Portland is one of the few cities that has a political will, that has a community support to become a leader on this. The key now is to implement all of the resource we've done. We recognize the costs of green streets, but as you know, it's been said 100 times, the benefits far outweigh the cost of investing. We recognize there's going to be continued cost of green streets, but always keep in mind the cost of treating it at the treatment plants and the cost of water quality degradation to our rivers. The water quality benefits of treating storm water at its source are preventing storm water are tremendous. It just makes sense to stop this water from reaching -- this polluted water from reaching our treatment plants and reaching our rivers. Thank you for your time.

Moore: That's all who signed up.

Potter: I have a question for the staff. There's reference to off-site management fees. Could you explain those two issues, both where the green street fund would be sited and that does private development projects, are they included in this? When it's in the right of way?

Adams: That's our phase three. We wanted to get this done, and we will pursue that from here. right now proposed to be just public agencies that do work in the right of way that are notice otherwise -- that do not otherwise trigger the storm water manual. The storm water manual does apply to private development. We've talked a lot about green street features, about the bureau and pdot's efforts in this area I should mention that work that we're doing and the trail we're blazing is leading a lot of the private developers in this direction too, so a lot of the projects you'll see around the city are donald graham being done by private developers, which is encouraging to us. Sorry, mayor, I forgot the other part of the question.

Potter: The off-site management fee, and then the green street fund as to how that would work.

Marriott: Ok. Do you want to talk about that? The green street fund is 1% fund would be money that we would then spend in the bureau to either contribute if pdot was doing a project and they need add little extra money to make it greener we would potentially contribute to some of those efforts. There might be projects that we the bureau would do, some of our storm water projects associated with school property and so forwards we fund out of ratepayers' money. So that's how the green fund would be used. In lieu of fee is a fee that's currently part of the storm water manual that if someone is proposing to do development that triggers the manual and they can demonstrate to us they have no feasible method of handling their storm water on site, it might be a steep slope, clay soils, it might be a tight property line situation that they just can't -- so they go through that hierarchy, they can't meet those on-seat site treatments. They have the option of paying into this in lieu of fund, and then the bureau invests that money to help solve these problems off site.

Potter: Ok. Further questions? Please call the vote.

Adams: There are three bureaus that are responsible for the right of way in the city of Portland. The office of transportation, the bureau of environmental services, and the bureau of water works. And someone who has been behind the scenes incredibly supportive on this issue has been commissioner randy Leonard, so in closing I wanted to thank you are of for your willingness to support this. I think it's very complimentary to all the work you're doing in other areas of biofuels and hydroparks, helping to green the city, and keep the air clean. So I want to thank you. I also want an opportunity to introduce to the audience lisa libby, raise your hand. She's the new senior policy director in my office related to the environment and our utilities. So welcome aboard. And with, that i'll just vote aye.

Leonard: I am very pleased with this effort, and in fact at the first hydropark in east Portland we have a green street growing in that we've done in cooperation with b.e.s. And it is a very cool amenity to the neighborhoods. The neighborhood loves it. So thanks for all this good work. Aye.

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Saltzman: This is great work. I want to commend all the bureaus, commissioner Adams, for really taking this from the r&d stage to sort of an accelerated implementation. I think bob salinger's comments were particularly apropos, that you can only r&d something so much. This is going to take it to that next plateau is it's going to have substantial impacts, benefits for our environment, for our water quality and livability. So it's great work. I really am pleased to support this. Aye.

Sten: I agree. This is very exciting. I think it's really -- we needed to get a couple of these types of major innovations really pushing harder to get ourselves to the next level. I think we've been out in front of green strategies and at the same time if you look at the sum total of our very impression -- reductions in emissions, greenhouse gas, and pollutants and other pieces, we're still short of changing the fundamental trends. And at the end of the day if we do a lot but don't change the trends, we have failed. And I think trying to take the street issue head on like are you in this case could get us there. I'm very excited about this and prepared to make any votes that commissioner Adams and the team brings forward to try and get the implementation in place. I also think that as the gentleman from evans and associates said, I think this is also another place where the primary motivation needs to be environmental, but there's an economic piece here that if we can put this technology together there isn't a city in the world that couldn't Portlandly benefit 40. And woe ought to be doing some work from p.d. C. And the office of sustainable development to market the expertise of evans and associates and the folks who are going to build these and tends to them. We need to look at ways to export our work to bring in dollars to employ our citizens, and I think this is one where if we continue to be ahead we might have that benefit as well. Terrific work, and I love walking by these as well and look forward to seeing more of them. Aye.

Potter: I think this is a very effective way to deal with our wastewater management. But it also embraces a number of other values and policies that the city has. I'm pleased to see the bureaus working hand in glove on this issue. And I think that 20 years from now Portland will look different as a result of these activities. So I want to thank everybody that's been involved. Thank you. Aye. [gavel pounded] please read the 10:15 time certain.

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Sten: We have a short presentation that is going to come forward. This is a project i've been working with commissioner Leonard on. The idea is to focus in on what are the most effective strategies to tenants out there to make sure their rentals are up to par. The rental market has changed so we want to take another look. There's some serious health issues we've seen ranging from mold and other things to a series of other things to how best to work with the industry. There's been years and years ago there were proposals to license all landlords and a sense say maybe that's too much for landlords doing the right thing. We need to focus on those who are not. It should be clear commissioner Leonard has not waited for the creation of any group to go out and go after landlords that are doing the wrong thing as well. It's not a delayed action, but more institutionalizing action was this work group.

Leonard: I appreciate those comments. We have the point person here that helps me do that. It is amongst the most challenging jobs in the city including police and fire work. It is really tough to find that balance between making sure housing is acceptable even for people who are really struggling to survive and have that done without losing the housing. It's really a difficult, difficult balance as commissioner Sten knows in helping me with a lot of these things. It's just really a testament to the housing folks. Really good work. I appreciate all the work you guys are doing. Thanks. Go ahead.

Andrea Matthiessen: Good morning. We really appreciate both the support that you've given both the bureau of housing and community development as well as the bureau of development services in working on this issue. We also appreciate the grasp that you have on the delicate balance that this issue entails in terms of retaining the affordable housing stock for Portland's most vulnerable populations while at the same time ensuring that that housing stock is good quality and

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not substandard. So we're here today to talk about the quality rental housing work group that bhcd is working on convening. As you probably have seen from recent media coverage, both channel 2 and in the tribune, some of our affordable housing complexes here locally, it's becoming more commonly accepted that housing is an important determinant of health and safety of its occupants. We know that issues of habitability and housing condition are directly connected to issues of poor health, including lead poisoning in young children, increased rates of asthma, exacerbated by poor indoor air quality, incidents of respiratory infection as a result of mold and mildew, even injury. And the city of Portland, through the bureau of development services, neighborhood inspection program, does have a role in ensuring that rental property owners are providing housing in accordance with property maintenance, regulations under title 29, this code language exists largely as ed will go into further detail on to protect the health and safety of occupants, but local data, some grounded in numbers, some in anecdotal evidence, tells us there are potential improvements that can be made to this complaint-driven program. The data cries its ability to ensure that renters are living in units that are in compliance with the city's housing maintenance requirements. The community survey found 7,000 households living in Portland had units with multiple or repeated problems with heating, plumbing, or electrical systems with approximately 97 or so rental units. That's 7% of renters living in units that are either substandard or in poor condition. The Multnomah county the office of legal aid estimates that it receives an average of 600 calls per year, that's approximately 65% of all of their calls from low-income tenants with habitability concerns or that are seeking repairs to their unit. And then lastly just to touch on a piece of information from ed's program, in 2005 the neighborhood inspection program opened approximately 1500 housing cases due to violations of the property maintenance code title 29. Just giving you a sense of 1500 households utilize the complaint driven system so we are left wondering how many households did not utilize that complaint driven system for fears of retaliation from their property owner, landlord. And on average 50% of housing cases remain open up to six months later with unresolved code violations. So then again, that's up to six months where low-income -- we're not sure that those households are low-income, but that 50% of those cases are remaining open with repairs that are not made and households are being left with issues that may impact their health. Just a little bit about the bureau of housing and community development's role on this issue. This is one that we have not been involved in, we've been watching for several years. During that time with the council's generous support, we have been able to provide relocation assistance to rental households living in substandard housing, so when a rental household is living in a unit that's received a vacate order for issues identified from the neighborhood inspections program, the bureau of housing community development is able to go in with some relocation assistance so that they are then relocated to another unit. However, in recent years demand for these services has increased, and we now believe that it's time for a more systemic approach to addressing the problem of substandard housing rather than just addressing one of its symptoms which is the potential displacement of low-income families and children. I wanted to highlight a couple of the processes that also have led bhcd to the point of realizing it's time to convene working with group to look at these issues. The community alliance of tenants recently completed a report actually about a year ago, that staff in your office received a copy of the report and had the opportunity to talk to the community alliance of tenants about it. They interviewed 65 low-income renters who 50% of whom said that they had issues with substandard house can and an inability too get repairs made upon request. Additionally, there was some indication that these households were also afraid of retaliation from their landlord in terms of utilizing the existing complaint driven neighborhood inspection program. The bhcd is required to complete a h.u.d. Mandated document called the analysis of impediments to fair housing. This comprehensive report looks at just exactly what it says it looks at, impediments to fair housing, and that report also indicated that housing quality was a significant barrier to housing choice for low-income households in Portland. And then lastly probably a couple times a year

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there's media coverage on substandard housing issues, habitability issues, mold, mildew, sometimes lead-based paint. On a larger scale in affordable housing complex necessary Portland, most recently by the tribune and channel 2 news. Bringing this back to the housing work group, we envision is that bhcd will knish ---- and jurisdictions, city of Portland and Multnomah county, the Multnomah county health department has been a vital partner in this initiative. We would like to examine more closely the reported incidences of substandard housing in Portland. Examine the efficacy of existing programs and achieving compliance with title 29. As well as create an effective toolbox to make sure that we have that effective toolbox at our fingertips to increase the ability of the city to effectively enforce the housing maintenance code and provide resources to tenants to secure repairs without the fear of landlord retaliation. So with that i'll turn it over to ed, who manages the neighborhood inspection program for b.d.s.

Ed Marihart: Thank you. I'm the program manager, the manager of the neighborhood inspects team at bds. We recently went back to b.d.s. from the office of neighborhood involvement. Prevent deterioration of existing housing, and also to contribute to neighborhood livability. As andrea mentioned, we've been integral partner in working in conjunction with the community alliance of tenants on their safe housing project. We've participated with the Multnomah county homes healthy initiative grant and the county pace grant project which stand for protocols for assessing community excellence in environmental health. Mold, moisture, water, leakage, lead paint, garbage, berrmans, and its impact on housing. We have also been working with bhcd on issues relating to the safety and habitability of affordable rental housing, and also preserving of existing housing for vulnerable populations, low-income owner occupied, and also tenant relocation assistance for low-income renters. Sometimes a property is so bad that we have to go to the code hearings officer and request a vacate order. Because of the conditions serious fire life safety issues, and if we do get a vacate order from the code hearings officer, if the tenant is low-income, they can access the tenant relocation assistance program that bhcd funds. Neighborhood inspection is a complaint driven system. We received approximately 1500 housing complaints a year that we inspect. The average housing case is open five to six months before all violations are corrected. And currently we have outstanding revolving liens of approximately five to five and a quarter million. I want to lend my support to the resolution and the work group. We view ourselves an integral part since we're the enforcement arm for the city, for affordable sustainable housing, and we view this as an opportunity -- for possible improvements, maybe different approaches, possible code changes. Increasing our toolbox that we have. Better maintenance standards for indoor environmental health hazards. Fees and funding issues, time lines for making repairs, and possible additional collection mechanisms of fees. And also improved landlord education programs. Bottom line is we're looking -- we welcome the group looking at the current enforcement system and seeing if it can be beefed up or to affect -- further affect the quality of rental housing or come up with a new different system. We look forward at relook can at some of the recommendationing commissioner Sten had alluded to from the 1992 citizens advisory committee on quality rental house can that we're not -- were not adopted. Some were not adopted back in 1992. But we welcome relooking at some of those to see if they are more appropriate and should be adopted. That's all that I have and i'd like to make ever mention there's several community members that wish to testify in support of the resolution.

Saltzman: The issue of mold seems to have become a lot more serious since 1992. I've talked to people who are knowledgeable in mold issues, they talk about most a lot of mold is due to -- due to inadequate ventilations n. Bathrooms and kitchens in particular. Do we have mechanisms in place or is this something we would like at in terms of developing new code that would address retroactively issues of inadequate ventilation and kitchens and bathrooms.

Marihart: We currently have the current title 29 -- maybe not quite as comprehensively or as it could, but, for example, it does deal with required ventilation. Often times when we go out to mold -- we get mold complaints, sometimes it's combination of structural issues like lack of ventilation, it

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can also be sometimes tenant habits, having too much stuff not turning the fans on. Etc. A lot of times 8th two-way street, tenant education, and also which we go out and inspect on mold and moisture complaints, we take moisture meters, which we haven't done. Bhcd helped to purchase those and we try to find the moisture source. That's our key thing, is looking for the source to correct that.

Saltzman: Title 29, we have the ability if ventilation is found to be inadequate or not maintained properly --

Marihart: Yes.

Saltzman: To do -- to require the landlords to replace it or improve it?

Marihart: Yes. In conjunction with -- we can't require them to put a fan in if they have -- for example, in the bathroom if they have a window that opens, we want to make sure the window can be used and can stay open. But of course we can't force the landlord to require the tenant to open the window when they're using the bathroom or shower. But we can't require them to upgrade to put a fan in. It wasn't in -- if the fan is not working we can require them to maintain that fan and make it working.

Saltzman: The other issue that I think was played up in the t.v. Coverage was the issue of simply being able to spray paint over mold and avoid any subsequent consequences.

Marihart: Our practice is if we find mold on walls, etc., they have to have the mold removed with bleach, if we want to remove it that's fine, so we do require them to remove the mold.

Saltzman: How do you know if you come back in and -- whether it's been painted or bleached?

Marihart: We can tell if it's been -- that's a good question. We go back in, if we don't see the mold we see it's been cleaned off, we see it hasn't been painted, that's ok. If it's been repainted, that's another issue. We talked to the tenants to see if they collaborate what the landlord is saying, the mold was removed first.

Marihart: That's something I think the group as a whole is going to be looking at some debtor standards for us.

Saltzman: I think it's important that we have the ability to independently verify mold has been removed. I don't know if putting it under a microscope or whether there's some other test, I just don't know anything about that. It seems like there has to be a way to do that. It's certainly something I strongly support.

Matthiessen: We anticipate mold will receive quite a bit of attention from the work group. On many levels.

Saltzman: Right. But you've got to push beyond some of these issues of simply not knowing whether it's been remediated or not.

Matthiessen: Right.

Saltzman: Have a way to verify.

Matthiessen: There are a number of housing advocates that are on top of the mold and mildew issues that have ensured us they will push us to explore all of these issues that you just brought up.

Potter: Is there a legislative side to this? It seems like with folks we have in salem now, and on a federal level, there may be some opportunities to introduce legislation to begin to control some of the particulates and mold that are in rental housing. I know that it's a significant contributor to children missing school. And the development of asthma. So there's a lot of things I think we could work with, but is there any legislative agenda as part of this?

Matthiessen: There is not a specific legislative agenda that's been detailed. We haven't ruled out creating a legislative agenda. Mold, mildew, lead, are all regulated on some level at the federal level. Landlord tenant law doesn't speak in language that is detailed enough necessarily to allow tenants to easily use it to create change or to have issues addressed in their own unit. There is a statewide landlord tenants group that as I believe if not talked about these issues, has decided not to

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talk about these issues at various points in the past because they are complex. And it is difficult to come to consensus on them. Scientific data is also not as strong as it could be, which mold is hazardous to children. Back to your children question, we haven't ruled out creating a legislative agenda at the state level, no.

Leonard: I'm going to have to leave at 11:30. I don't know if we have emergency votes.

Potter: We have three of them. Is this -- is there any testimony sign-up sheet?

Moore: Nine people signed up.

Potter: Would you call the first three people?

Potter: Please state your name for the record. You each have two minutes.

Deborah Imse: I'm here representing metro multifamily housing association. Safe affordable housing is an important part of the association's goals and its something its members are very committed to. We're proud to provide over 100,000 safe affordable units in the Portland metro area as well as throughout the state of Oregon. While the vast majority of affordable housing providers offer a clean and safe environment to their tenants, some may fall short. It's important that the study pinpoint, verify problems, focus solutions, where the problems actually are and make the enforcement fair and effective. Having said that, let me assure you our association's members believe that that actor -- bad actors should receive firm and swift results when it's been proven. In the resolution we look very much forward to working on this important study group. Of.

Lila Wieldram: Good morning. My name is lila, i'm the director of environmental health for Multnomah county health department. And I am here to support the quality rental housing work group because I believe it will convenient people with housing and health expertise and will create better solutions. Just to -- for a brief background on public health and why it would be involved in housing, some of our corporate -- supporting policy decisions that are based in science and community driven. So hence we would be obviously involved in something as critical as the housing. As andrea mentioned, 2002 Multnomah county put together a community engagement process to identify what are the environmental health concerns from the community. The house can community came forward as a result of that engagement process. And our work with the affordable housing community identified mold and mildew, trash, lead, and an overarching feeling of being ignored as their primary issues and concerns. As a result of those findings, the health department put together a housing and urban development grant to work with low-income families of children with asthma to identify how we could support those families to overcome the asthma triggers. Some of which are behavioral and some of which are housing related. And it is our hope that those findings will support some of the policy recommendations that will come out of the work group. On may 17 we're convenienting a housing summit to bring together the diverse partners who will -- can support recommendations about health and housing.

Aaron Bong: My name is aaron, I was previously -- i'm here to talk about indefensible rights of tenants. I was here a year ago to talk about changes in title 29 because my landlord was turning off my heat at night. Thankfully all voted -- all of you voted to pass a resolution that required him to keep the heat on, which made our 47 degree apartment go up to 68 degrees. The changes were made in announcements by radio, newspaper, and television, an important thing to remember. The heat was restored for a small amount of time and then he started turning it off again. I made phone calls to the bureau of neighborhood inspections under commissioner Leonard and was told if it didn't happen on monday-friday when an inspector was there it didn't happen. Frustrating. Four months and seven days after I was here I requested a change in city code, I received -- I was told by the manager to my face that he would not tolerate troublemakers in his apartment complex. This is michael mcneil acting as an agent telling me this. I contacted norris and stevens and left messages with the overseer of residential properties who refused my phone calls and sent me to voicemail from his secretary. He was aware of the situation, he had been in my apartment when other repairs were made after the changes occurred in the code. During this time -- during the time after

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receiving the 30-day notice I sought out alternate places of living. Finally on the 19th of may more than 20 days after issuing a 30-day notice I received a letter in the mail with one line in it. Disregard the 30-day notice. He'd received enough information to realize what was happening was illegal and was immoral and shouldn't be happening. I should not be evicted for asserting my rights. This is snag has to happen. We need a -- we need rights that do not exist, and that's the state of tenant law right now. Tenants do not have an opportunity to defends themselves. I was told by six attorney firms that I did not have a case, even though kgw informed my manager, cameraman with him, who was it that changed the code and the code had been changed. Gentlemen, I don't have any rights as a tenant. Not the way they stand now. Thank you for your time.

Micky Ryan: My name is mickey ryan, i'm an attorney with the Oregon law center. And I represent low-income tenants and housing matters. I also served on the committee that reviewed the analysis impediments recently. It's very important that the committee support the work of this committee. The council support the work of this committee. This work is critical to the future of Portland. I was on the committee that ed referred to 15 years ago when it became clear that we were -- our housing stock was deteriorating and big changes were happening in housing in Portland and we need add better system. And that committee took some small steps to fix the system and thanks to the housing inspection team and community alliance of tenants we've had other improvements, the fine system that ed referred to that we now have a lot of liens on apparently, when the landlords don't comply with the city's order. There's more work to do, you've heard the statistics that come out of the legal aid offices and community awry answer of tenants. If we don't pay for this now and enforce our housing code, we're going to pay again and again for the rehab of this housing. I commend commissioner Leonard's work because much of the housing we acquire to preserve as subsidized housing or to keep it low-income we spend tremendous money rehabbing. And if we keep private housing in good condition now, if we acquire it, if we subsidize it, we'll reduce those costs. I also think that we need to look at enforcement against the other things that we're funding such as tax credits, tax exemptions, make sure that those are kept in good condition so they aren't coming back again and again. I think -- I wanted to address a couple things. You mentioned changes in state law. I think there may be some structural requirements that we can make in a building code that requires more ventilation issues. I also want to talk, support the tenant about the risk to the tenant of complaints and that we have to figure out a way around a complaint strictly complaint driven system. Thank you.

Ian Slingerland: Thanks for the opportunity to talk today. I am going to keep my comments short because andrea mentioned our report that we did in 2005, mentioned some of the findings. Just really briefly, the key findings were that people did believe -- ian, i'm providing testimony on behalf of the community alliance of tenants. The folks we spoke to believe, half the folks who called us about repair problems believe the housing conditions were making them sick. And they believe that there were inadequate tools in place to allow them to secure improve conditions. The lack of affordable housing combined with the threat of no cause evictions and retaliation limit the options available to tenants. Trying to secure new housing. We have been encouraged by the substantial work that has taken place at the neighborhood insections -- inspection team time prove strategies within the constraints of existing code. But meaning 30 addressing the problem of substandard housing will require significant changes to the status quo, changes that will take further action by this council. We recognize the majority of landlords in our city treat their responsibilities with diligence and care. Universal our experience in the existing data suggests the significant minority do not. The impact is born by the most vulnerable part time in the city. We look forward to the city improving its systems and tools for holding landlords accountable where they're failing to meet the responsibilities. At the same time we believe more can be done to provide appropriate tools and resources to support lands lords working with good faith to provide safe homes for their tenants. This council has shown its willingness to break new ground when necessary and is much

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appreciated. We look forward to your continued engagement on this issue and look forward to coming back to you with recommendations that you can take action on. Thank you.

Jonathan Trause: My name is Johnathan Trause, I do a weekly volunteer shift for the community alliance of tenants renters rights hotline. I first became involved with them following a repair issue in an apartment on southeast salmon street. In October of 2005 the hot water heater developed a leak. The owner came over and performed a duct tape and bubble gum repair job. Over the course of the next three months the water heater continued to leak slowly until part of the flooring gave way and water flooded into the complex's shared basement that runs beneath the unit. The owner replaced the hot water heater and fixed the flooring, but the damage caused by three months leakage was greater. Black mold visible on the ceiling of the basement and the -- in the pattern of water stain formed under our floor. The smell was nauseating, my wife and I experienced headaches and respiratory problems. When we called our landlord, he told us that, quote, mold has no smell, and the mold you see is in the basement ceiling, not your apartment flooring. Even though they're one in the same. We moved, but before doing so I came across the renters hotline. They provided me with information about reduced rental value and gave us information for the neighborhood inspection program. We opted to move before using the program, because if we had used it our landlord would only have had to paint over the mold to fix the violation. Since then I have volunteered, answering calls to the same hotline that helped me out. At least once a week -- once a month I hear variation of the phrase I don't want to complain too much because the last few tenants have all been evicted. This is often in records to basic service repairs such as plumbing and heating. I do refer people to the inspection program, however, it can often prove difficult to convince rents to utilize the service knowing if they complain their landlord will find out. Or they can't afford moving costs. I do applaud your efforts by forming a work group have you taken the negligence first step towards achieving a viable solution but simply exploring options is not enough. You must take action otherwise housing prices continue to skyrocket, many more people will find themselves without reasonably priced well maintained places -- places to live.

Teresa Teeter: My name is Teresa Teeter. I live in Oregon city. My landlord lives somewhere in Portland, Oregon. I don't know where. I'm a shelter plus care recipient from the Washington, D.C. Grant. And I maintain the property at our building because nobody ever shows up. I write, I write, I write. I come power play, I complain, I complain. I've got mold on my bathroom window. I've got a heater that doesn't work in my bedroom. I have stripped the bad paint and green mold off the stair railing to the laundry room outside the building, and repainted it myself. I have trimmed the hedges on the property. I was informed January 10 in my kitchen by my owner, when the management switched to new people, that no, he wasn't going to thank me for involving the snow around the property, and that it was the responsibility of the tenants and he wouldn't thank me, etc. Clackamas county housing authority pays a portion of my rent to this bozo, and I pay \$250 of my social security disability to this bozo. We have water running across our laundry room floor. I current water off down, there the coin slots are jammed up on the warring machine that you have to take a hammer and crowbar to get your money in and get the slot back out so you can wash the next load. And the dryers smell like they're burning because it runs for an hour and a half. You get three loads of laundry washed and dried off one drier as long as the building doesn't burn down. I hope to god it never does. I always wonder when I come back from these meetings if the building is going to be there. We've got a man downstairs with four cars the owner said it was ok to v looks like we've got drug traffic running in and out at his apartment constantly. I found giant hypodermic needles this big with barbs on them and said biological specimens on them in u.p.s. Boxes in the garbage. I got the Oregon city police to come get those. I don't know if they're doing anything about it. I call city codes, I leave doors unlocked for them to go in and look at things and nobody respond to me. And this man is getting tax money and you're -- in your town and spending it on

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other properties or something. And I am furious. And I can't get answers. And this should not be happening to me. Thank you.

Erin McNally: Good morning. My name is erin mcnally. Many of you know our organization, we provide education, testing and resources to families specifically families with young children that are at risk for environmental health hazards. We work with a lot of immigrant refugee communities, low-income residents here in Portland. And we're very aware of the detrimental effects, especially on young children about that are absorbing environmental toxins in their environment. It has very large impact on our city. So I certainly think everybody -- thank everybody for the work group. I think it will allow us an opportunity to see what we can do to break down some of the barriers that do exist, that might be language barriers, cultural barriers, and also swift repair barriers that some of our families we work with encounter on a day-to-day basis. And certainly believe it's also a justice issue. Every family deserves an equal opportunity to live in safe and healthy housing so we can flourish. And I thank you very much for looking into the opportunity for to us make that happen as a community here in Portland. Thanks.

Rachel Langford: My name is rachel, i'm -- two years ago I was coordinating the clean air programs at the american lungs association of Oregon. One of our most driving programs is called the master home environmentalist that was providing a really needed service as we've been discussing today. It was one of the few problems that did outreach to families who were having problems with indoor air quality and believed it was impacting their health. And a large majority of the calls that we received were from renters who believe that there was something in their homemaking them sick. And the program was really unique in that we tooled up volunteers with 45 hours of training to address these concerns and the construction of the program was to give the families free and inexpensive fixes to those problems. And so some of that behavioral stuff we've been talking about today to prevent things like mold and indoor air quality problems, and me and my volunteers were continually frustrated as we went out into the field and realized they'd spend two hours in an apartment doing an assessment and realize the tools that should be available to these families to deal with are indoor air quality problems were not available. And that many families were scared to take the steps to get that bathroom fan fixed or get their heat at a level that would not either not allow mold to grow, either too cold or too hot is an ideal environment for mold. And there's just made us really understand, made us at the lung association understand that substandard housing is an environmental health issue, and it was a stretch for the lung association to get involved in substandard housing issues, but the link was so clear with kids missing school we will to get involved. I'm pleased to be here today thanking you for taking the first steps towards dealing with this issue and I really encourage you to act upon the recommendations of this work group. Thanks so much.

Saltzman: Significant as a -- does the lung association still offer that program?

Matthiessen: Master home environmentalist? They do not in Oregon. The funding was cut. So it's no longer available. I don't know that there's any program out there that meets the need.

Potter: Thank you.

McNally: We are providing the services in the cully neighborhood and look forward to expanding to help meet those needs.

Teeter: I developed asthma from the time i've lived in this building. Where i'm talking that this man makes his money in Portland, and I clean up cat excrement day in and day out from neighborhood cats using the bark dust. I don't know where --

Potter: Had you your two minutes. Thank you.

Teeter: Small children live there too.

Moore: That's all who signed up.

Potter: Okay, there's no council action required correct?

Sten: It's a report I think so we probably want to accept it.

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Moore: We have it listed as a presentation.

Sten: Okay I guess we don't have to accept it.

Moore: I can change it to a report.

Adams: Moved and seconded.

Moore: Do you want to do a roll call?

Potter: Take the roll.

Adams: Important stuff, thank you, commissioner Sten and Leonard. Everyone else involved.
Aye.

Leonard: Aye.

Saltzman: Good work. Look forward to the results of this work group. I hope they're tangible and meaningful. Aye.

Sten: Aye. Good job.

Potter: I think this is important work. Right along with the finding affordable housing we also have to make sure the houses that are occupied by low-income families do meet certain standards for protection and safety. I vote aye. [gavel pounded] we're going to move to the three emergency ordinances. Please read item 410.

Item 410.

Potter: Staff?

Leonard: I've had my questions answered. I don't need a lot of information.

David Rhys: David rhys bureau of human resources here to answer any questions. With me is chief sizer.

Potter: Any questions for the b.h.r. or chief? Thank you. Emergency vote. Is there a sign-up sheet for testimony?

Moore: I did not set out one.

Potter: Please call the vote.

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

Potter: Aye. [gavel pounded] please read item 413.

Item 413.

Adams: It's important we inspect the tram, and this allows us to do that. Are there any questions?

Potter: Any questions?

Saltzman: Sounds like a good idea.

Potter: There was a sign-up sheet.

Moore: I did not have one.

Potter: Does anybody wish to testify? Please call the vote.

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

Potter: Aye. [gavel pounded]

Adams: Is it possible to have the first reading for 414 since they waited and if we have any questions of them they're available to answer them? If you could read the title, then --

Moore: For 414.

Item 414.

Adams: Very important work. We're here to answer any questions that council might have.

Potter: Any questions?

Adams: You don't have to come up.

Potter: Did anybody sign up to testify?

Moore: I didn't have one.

Potter: This is a nonemergency moves to second reading.

Adams: Thank you.

Potter: Please read item 416.

Item 416.

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Potter: Commissioner Saltzman?

Saltzman: This is furthering of the expansion of open spaces and parks in our city. Through our willing seller agreement.

Potter: Any questions?

Saltzman: In east Portland.

Potter: Where is it located?

Saltzman: Riley? I know it's in outer southeast but I couldn't tell you exactly where.

Potter: All I need is an address.

Riley Whitcomb: Riley whitcomb, Portland parks program manager. The property is located just off 136th and mall. And it provides access to the residents north of gates park to be able to access it without walking along 36th.

Potter: Thank you. Further questions from the commissioners? Is there anyone signed up to testify?

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

Potter: Is there anyone here who wishes to testify? Emergency vote.

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

Potter: Aye. [gavel pounded] we will here the other items at 2:00 p.m. tomorrow. We're recessed until 2:00 p.m. thursday.

At 11:37 a.m., Council recessed.

April 19, 2007
Closed Caption File of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

APRIL 19, 2007 2:00 PM

Potter: This is commissioner randy Leonard over here.

Leonard: Good morning. Good afternoon.

Potter: Commissioner dan Saltzman and commissioner erik Sten. Commissioner Adams is out ill today.

Leonard: Nice to have you here. [gavel pounded]

Potter: City council will come to order. Karla, please call the roll.

Leonard: Here. **Saltzman:** Here. **Sten:** Here. **Potter:** Here.

Potter: I would like to remind folks prior to offering public testimony to the city council a lobbyist must declare which entity he or she is to represent. Before we start the 2:00 p.m. Time certain we have a few items to hear before, were carried over from yesterday's council. So Karla, please read the first item 409.

Item 409.

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

Leonard: Here -- aye. **Saltzman:** Aye. **Sten:** Aye.

Potter: Aye. [gavel pounded] on item 411, would you read item 411.

Item 411.

Potter: The date for this was published as april 25 and so for that reason this item will be continued over. If that's ok with the rest of council.

Moore: They want to continue that to april 25.

Potter: April 25. Please read item 412.

Item 412.

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

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

Potter: Aye. [gavel pounded] please read item 415.

Item 415.

Potter: Commissioner Adams isn't here, but is any staff here to discuss this? It's just an application or should say it gives permission to apply for these grants. Did we have a signup sheet for testimony?

Moore: I did not set one out for this.

Potter: Did you wish to have this more explained? Ok. Is anybody here who wishes to testify on this matter? It's a nonemergency, moves to a second reading.

Moore: It's a resolution.

Potter: Excuse me. Please call the vote.

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

Potter: Aye. [gavel pounded]

Potter: Please read the 2:00 a.m. time certain.

Item 417.

Potter: City attorney, should we have the second one read as well? Please read item 418.

Item 418.

Potter: The city attorney will describe the process.

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Beaumont: Good afternoon, mayor, members of the city council. For those in the audience, I have several announcements I need to read. I am required to do this by state law. First, I would like to describe the kind of hearing we are having today. This is an evidentiary hearing. This means that anyone may submit new evidence to the council in support of the arguments they make. Evidence may be in any form, and any photographs, drawings, maps, or other items you show to the council during your testimony should be given to the council clerk at the end of your testimony to make sure they become a part of the record. Second, in terms of order of proceedings, testimony concerning the hearings officer's recommendation will be heard as follows. We will begin with the staff report by Kathleen Stokes of the Bureau of Development Services for approximately 10 minutes. Following the staff report the city council will hear from interested persons in the following order. The applicant will go first and will have 15 minutes to address the council. After the applicant, the council will hear from individuals or organizations who support the applicant's proposal. Each person will have three minutes to speak. Next the council will hear from persons or organizations who oppose the applicant's proposal. Again, each person will have three minutes. If there is any testimony in opposition to the applicant's proposal, the applicant will have additional five minutes to rebut testimony. Given in opposition. Finally the council may then close the hearing, deliberate and take a vote on the hearings officer's recommendation. If the vote is a tentative vote the council will set a future date for the adoption of findings and a final vote on the recommendation. If the council takes a final vote today that will conclude the matter before the council. And a final vote would consist of adopting the hearings officer's recommendation as the council's findings and voting to adopt the ordinance that implements those recommendations. Last, I have several guidelines for those presenting testimony and participating in the hearing. These guidelines are established by the zoning code and state law and are as follows. Any testimony and evidence you must present must be directed toward the applicable approval criteria for this land use' view or other criteria in the city's comprehensive plan or zoning code that you believe apply to the decision. Kathleen Stokes will identify the applicable approval criteria as part of her staff report to the council. If you fail to raise an issue clearly enough to give the council and parties an opportunity to respond to the issue, you will be precluded from appealing to the land use board of appeals based on that issue. Additionally if the applicant fails to raise constitutional or other issues relating to proposed conditions of approval with enough specificity to allow the council to respond the applicant will be precluded from bringing an action for damages in circuit court to challenge conditions of approval. That concludes my opening statements.

Potter: Do any members of council wish to declare a conflict of interest? No council members have a conflict of interest to declare. Do any members of council have ex parte contacts to declare or information gathered outside of the hearing to disclose? No council members have ex parte contacts to declare. Do any members of council have questions or other preliminary matters that need to be addressed before we begin the hearing? Staff, please come forward.

Kathleen Stokes: Good afternoon, mayor Potter and commissioners. I am Kathleen Stokes, land use services of the Bureau of Development Services. This is a request to reverse the actions that were taken in a previous land use review. The background of the situation is this. The regulations of the central city plan district in code section 33510230 require certain areas that have nonresidential zoning designations to include residential development. Generally, the residential portion of the development has to be completed and the occupancy permits issued in advance or at same time as an occupancy permit for any nonresidential portion of the project. Exceptions to this requirement can be approved if the applicant asks for a central city master plan and this allows the construction of required housing to either be deferred or it can allow the housing requirement to actually be transferred to another property that's in a nonresidential zone. When the housing requirement is moved to a different nonresidential site, the site is known as the receiving site, must be redesignated as residential by adopting a comprehensive plan designation of central residential

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and a zoning map amendment of r.x. In the year 2000, under land use review 00301, central city master plan was approved with a comprehensive plan map amendment and zoning map amendment to reallocate the 14 housing units that were required for the transfer site, which is a block located between northwest 9th and tenth and hoyt and irving streets. On a property across the street to the south at 936 n.w. Hoyt. This receiving site was and still is developed with a surface parking lot. The combination of minimum density for the r.x. designation that was placed on the receiving site and the 14 units that were reallocated from the transfer site equals 34 housing units that are required for 936 n.w. Hoyt. In the interim sense the year 2000 development plans changed for the original transfer site. A mixed use development with 187 dwelling units was constructed on that property. Because of this change in development plans, the applicants are now requesting that the receiving site be returned to its former status. In order to do this, approval of the following reviews have been requested for this property at 936 n.w. Hoyt. An amendment to the central city master plan to remove the transferred housing requirement, an amendment to the comprehensive plan map from central residential to central employment, and an amendment to the zoning map from r.x. to e.x. The relevant approval criteria for these reviews are, for the record, central city master plans code section 33.150.255-e1 through five, comprehensive plan map amendments section 33.810.050-a1 and 2 and zoning map amendments section 33.855.050-a, b, and d. The approval criteria for the comprehensive plan map amendment includes showing that the proposal is consistent with policies of the Portland comprehensive plan, the central city plan, the river district plan, the metro functional plan, and the statewide planning goals. This slide shows the existing zoning situation and what is proposed with the cross hatched areas, you will see the full block site which was the transfer site, which remained with an e.x. designation and the quarter block site across the street, the receiving site, which is currently zoned r.x. and is proposed to be changed back to e.x. This site plan shows that full block original transfer site and the parking lot across the street which was the former receiving site. This view shows the receiving site as it's currently occupied by a parking lot and a staging area for construction on the adjacent property to the south. This is a view to the southwest of the -- or with the receiving site in the foreground and mixed use development on the original transfer site beyond. Here you see a mix of the old and new buildings in the pearl district looking south along the central city streetcar line here. On northwest tenth avenue. Replacing the e.x. designation on the former receiving site will encourage redevelopment with transit oriented mix of uses. Now, several views here of some of the surrounding development to get a flavor of the pearl district in the area. This is looking to the north and east from the transfer site. And here is the entrance to the mixed use project on the original transfer site and another view of that development. I believe this is northeast corner. And here is the ecotrust building which is across the street from the original transfer site on the north side of irving street. This is a view of residential development on the west side of northwest tenth and irving and now we are looking at the west side of the building on the original transfer site along northwest tenth avenue. Preservation of the 34 required housing units on this site will ensure that housing goals of the comprehensive plan and central city map -- plan are maintained and it will ensure pedestrian-friendly environment with opportunities for employment and quality design. This is a couple of more close up details of that development on the original transfer site. This is the entrance from northwest tenth with a forecourt at the entrance. And then looking south at the corner of the original transfer site with, again, the receiving site beyond. You can see the commercial or retail development on the corner of that mixed-use project. Approval of the requested reviews will encourage redevelopment of the parking lot, as I said previously. It can allow uses that are compatible with the ongoing revitalization of the pearl district without requiring that additional housing be built. Residential requirements that were placed on the property at 936 n.w. Hoyt through the approval of the central city master plan in the your 2000 had the original transfer site which was subsequently developed mix-use project which included 178 housing units, that development meant that the original code

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requirements were met and exceeded. The current proposal is being made to recognize this development and return the former receiving site to its prior status with central employment as its designation and e.x. As the zoning and no requirement for housing. All of the relevant approval criteria for this request can be method with the condition that the required housing units be retained over time on the original transfer site. Therefore, the recommendation to city council is to approve the requested amendment to central city master plan to remove the residential requirement from the former receiving site and return it to the original transfer site. And to approve the requested comprehensive plan map amendment and zoning map amendment for the property at 936 n.w. Hoyt, changing from it central residential with r.x.d. zone to central employment with e.x.d. zone designation. The central city master plan amendment would be subject to a condition that the covenant must be recorded with the city of Portland to ensure that, at minimum, 34 housing units that were previously required for the former receiving site will be retained on the original transfer site for 25 years. This condition would only apply to the central city master plan amendment. The covenant would have to be recorded in accordance with requirements of code section 33.700.060. Further also recommend that, if council is approving these reviews, that they adopt the emergency ordinance so that the designations will immediately be in effect. Thank you.

Potter: Questions? We will hear from the applicant.

David Petersen: Afternoon, mayor, members of the council. I'm david peterson. An attorney at tonkin torp here in Portland, 888 s.w. 5th, 16th floor. I represent the applicant. The applicant accepts the recommendation of the hearings officer in its entirety so I am not really here to present any testimony. I am only here in the event somebody is here to challenge and rebut. So hopefully you will adopt the recommendation as is. I am happy to answer any questions.

Potter: Questions? Thank you. Are there persons here who wish to support the application? Are there persons who oppose the application? Then we will move to deliberation and decision. Evidentiary record is now closed. Council has before them two documents, hearings officer's report recommending approval of the comp plan amendment, zone change and amendment to the central city master plan and an ordinance implementing the recommendation. Now is the time for council discussion and deliberation.

Leonard: Move acceptance of the hearings officer's report.

Saltzman: Second.

Potter: Please call the vote.

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

Potter: Aye. [gavel pounded] on 418, it's an emergency vote. Please call the vote.

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

Potter: Aye. [gavel pounded] thank you. We will now move to the 2:30 time certain. Please read item 419.

Item 419.

Potter: Staff.

Chris Dearth: Good afternoon. I am chris dearth, city's measure 37 program manager. And I am here -- oh. I have the wrong one. Sorry. There it is. And I am here to present a claim brought by debra byers. Her property is located in southwest Portland in the ashcreek neighborhood. This is an aerial photograph of her property. You can see it has two houses on it. It's three lots. It could, under the current zoning potentially have three houses on it. It's located at the corner of southwest garden home and 59th. To summarize the claim for you it's brought by debra byers. At 5901 and 6001 s.w. Garden home road. Submitted december 4, just before the deadline. Compensation demanded is half a million dollars. And the preferred resolution is compensation or waiver of environmental regulations. The regulations challenged are the r-10 comp plan map designation, which eliminated the r7 comprehensive plan map designation which was on the property when she purchased it. These are the six elements that we will analyze, walking through one by one. The

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ownership, debra byers is the owner of the property and she purchased it in may of 1986. The challenged regulations is a land use regulation under measure 37. It was enforced when debra byers attended a land use division appointment in 2003, where she was told what she could do on her property. At that time, and today, she has a potential for three lots under the current zoning. To examine the potential restriction of use, in 1989, when she purchased the property on the zoning map on the left, you can see that her comp plan designation was r-7. That's in parentheses there. The current zoning does not have that r7 comp plan designation, removed as a result of the southwest community plan. This is very similar to other claims you have seen before in southwest where claimants have claimed against the change in the comp plan designation. Regarding reduction of fair market value the claimant has asserted that she has suffered a loss of half a million dollars but she has not submitted an appraisal or market study to support that. But we conclude that it is more likely than not that she has suffered a reduction of at least \$1.the change in the comp plan designation. So to summarize for you, at time of purchase, ms. Byers had the option to go through a zone map amendment process to change the zoning designation from r10 to r7 to match the comp plan designation at that time which was r7 and we believe that she does have a valid claim. We would recommend you grant this claimant's claim for waiver of the regulation and specifically restore the r7 comp plan designation to this site and this will allow her the option to request a zone change in compliance with the comp plan map review process. This is similar to the recommendation that we have made on all similar claims of this type. So I would be happy to answer any questions if you have any.

Potter: Questions.

Dearth: I should say, I don't see debra byers here right now. We did speak with her in the last week or so. She was not certain at that time whether she would attend today. And I tried to call her today and she was not in her office so I couldn't get in touch with her today.

Potter: Is there someone who wishes to speak on behalf of the claimant? Is there anyone who signed up to testify on this matter?

Moore: No one signed up.

Potter: Ok. I ask for a motion to approve the claim and adopt the staff report in order as the council's direction.

Saltzman: So moved.

Leonard: Second.

Potter: Please call the vote.

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

Potter: Aye. [gavel pounded] we are adjourned until next week.

At 2:33 p.m., Council adjourned.