



CITY OF  
**PORTLAND, OREGON**

OFFICIAL  
 MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **2ND DAY OF MAY, 2007** AT 9:30 A.M.

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

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

On a Y-4 roll call, the Consent Agenda was adopted.

<b>COMMUNICATIONS</b>	<b>Disposition:</b>
<b>449</b> Request of Karl Chromy to address Council regarding Water Bureau (Communication)	<b>PLACED ON FILE</b>
<b>450</b> Request of Sonja Harju to address Council regarding street safety and pedestrian crossing especially on 122nd (Communication)	<b>PLACED ON FILE</b>
<b>451</b> Request of Holly Delaunay to address Council regarding street safety and pedestrian crossing especially on 122nd (Communication)	<b>PLACED ON FILE</b>
<b>452</b> Request of Jerry Delaunay to address Council regarding street safety and pedestrian crossing especially on 122nd (Communication)	<b>PLACED ON FILE</b>
<b>TIME CERTAINS</b>	
<b>453</b> <b>TIME CERTAIN: 9:30 AM</b> – Make Portland a more livable city for all by bringing community resources together to increase homeownership and homeownership awareness among City of Portland employees, retirees, people of color, and families with school age children (Resolution introduced by Mayor Potter and Commissioner Sten)  (Y-3; Leonard and Saltzman absent)	<b>36502</b>
<b>454</b> <b>TIME CERTAIN: 10:00 AM</b> – Combined Sewer Overflow Program Update to City Council (Report introduced by Commissioner Adams)	<b>PLACED ON FILE</b>

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<p><b>455</b> Accept Evaluation and Completion of the West Side Combined Sewer Overflow Tunnel Project Alternative Contract (Report introduced by Commissioner Adams)</p> <p><b>Motion to accept the Report:</b> Moved by Commissioner Leonard and seconded by Commissioner Sten.</p> <p>(Y-4)</p>	<p align="center"><b>ACCEPTED</b></p>
<p align="center"><b>CONSENT AGENDA – NO DISCUSSION</b></p>	
<p><b>456</b> Statement of cash and investments March 08, 2007 through April 04, 2007 (Report, Treasurer)</p> <p>(Y-4)</p>	<p align="center"><b>PLACED ON FILE</b></p>
<p align="center"><b>Mayor Tom Potter</b></p>	
<p align="center"><b>Bureau of Planning</b></p>	
<p><b>*457</b> Approve annexation to the City of Portland of property in case number A-1-07, on the east edge of SW Terwilliger near its intersection with SW Coronado (Ordinance)</p> <p>(Y-4)</p>	<p align="center"><b>180918</b></p>
<p><b>*458</b> Approve annexation to the City of Portland of property in case number A-2-07, on the east edge of NW Ramsey Drive near intersection with NW Walmar Drive (Ordinance)</p> <p>(Y-4)</p>	<p align="center"><b>180919</b></p>
<p align="center"><b>Office of Management and Finance – Human Resources</b></p>	
<p><b>459</b> Create a new represented classification of Records Specialist and establish an interim compensation rate for this classification (Ordinance)</p>	<p align="center"><b>PASSED TO SECOND READING MAY 9, 2007 AT 9:30 AM</b></p>
<p align="center"><b>Office of Management and Finance – Revenue</b></p>	
<p><b>*460</b> Authorize an Intergovernmental Agreement with Lane County for the Revenue Bureau to provide technical services regarding the Lane County Public Safety Income Tax (Ordinance)</p> <p>(Y-4)</p>	<p align="center"><b>180920</b></p>
<p align="center"><b>Police Bureau</b></p>	
<p><b>*461</b> Accept a \$35,000 Oregon Department of Transportation Multi-Agency Traffic Team enforcement grant for officer overtime (Ordinance)</p> <p>(Y-4)</p>	<p align="center"><b>180921</b></p>
<p><b>*462</b> Amend an Intergovernmental Agreement with TriMet and the City of Tigard for Tigard to provide an additional sergeant to the TriMet Transit Police and for TriMet to compensate Tigard for those services (Ordinance; amend Contract No. 52503)</p> <p>(Y-4)</p>	<p align="center"><b>180922</b></p>

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<p><b>*463</b> Authorize an Intergovernmental Agreement with Portland State University to conduct the Portland Police Bureau 2007 Community Assessment Survey for a sum not to exceed \$55,000 (Ordinance)</p> <p>(Y-4)</p>	<p><b>180923</b></p>
<p><b>Commissioner Sam Adams</b></p> <p><b>Bureau of Environmental Services</b></p>	
<p><b>464</b> Authorize the Bureau of Environmental Services to acquire a certain permanent easement necessary for construction of the SE 83rd and Harney Pump Station Project No. 6954 through the exercise of the City Eminent Domain Authority (Second Reading Agenda 439)</p> <p>(Y-4)</p>	<p><b>180924</b></p>
<p><b>465</b> Authorize grant application to fund outreach components of a restoration project in Oaks Bottom Wildlife Refuge to the East Multnomah Soil &amp; Water Conservation District (Second Reading Agenda 440)</p> <p>(Y-4)</p>	<p><b>180925</b></p>
<p><b>Office of Transportation</b></p>	
<p><b>*466</b> Authorize contract for the construction of N Killingsworth St. Phase 1B from N Interstate Avenue to N Commercial Avenue (Ordinance)</p> <p>(Y-4)</p>	<p><b>180926</b></p>
<p><b>467</b> Authorize an Intergovernmental Agreement with the Oregon Department of Transportation and Metro for the NE Columbia to NE Lombard Street Freight Connector Study (Ordinance)</p>	<p><b>PASSED TO SECOND READING MAY 9, 2007 AT 9:30 AM</b></p>
<p><b>468</b> Grant revocable permit to Dan &amp; Louis Oyster Bar to close SW Ankeny Street between 2nd Avenue and 3rd Avenue from June 15, 2007 to June 16, 2007 (Ordinance)</p>	<p><b>PASSED TO SECOND READING MAY 9, 2007 AT 9:30 AM</b></p>
<p><b>469</b> Grant revocable permit to Champ Car World Series to close NW Johnson Street between 11th Avenue and 12th Avenue on June 8, 2007 (Ordinance)</p>	<p><b>PASSED TO SECOND READING MAY 9, 2007 AT 9:30 AM</b></p>
<p><b>Commissioner Randy Leonard</b></p> <p><b>Water Bureau</b></p>	
<p><b>470</b> Authorize an Intergovernmental Agreement with Metro for digital aerial photography of the Bull Run watershed (Ordinance)</p>	<p><b>PASSED TO SECOND READING MAY 9, 2007 AT 9:30 AM</b></p>
<p><b>Commissioner Dan Saltzman</b></p> <p><b>Office of Sustainable Development</b></p>	

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<p><b>*471</b> Authorize a \$52,700 grant agreement with The ReBuilding Center of Our United Villages for a waste reduction project funded by a pass-through grant from the State of Oregon Department of Environmental Quality (Ordinance)</p> <p>(Y-4)</p>	<p align="center"><b>180927</b></p>
<p><b>*472</b> Authorize a \$15,750 grant agreement with the Oregon Center for Environmental Health for a waste reduction project funded by a pass-through grant from the State of Oregon Department of Environmental Quality (Ordinance)</p> <p>(Y-4)</p>	<p align="center"><b>180928</b></p>
<p><b>Parks and Recreation</b></p>	
<p><b>473</b> Apply for a \$270,000 grant from Oregon State Marine Board Facilities Grant Program to make major repairs to the River Place Dock (Ordinance)</p>	<p align="center"><b>PASSED TO SECOND READING MAY 9, 2007 AT 9:30 AM</b></p>
<p><b>474</b> Accept a \$100,000 Land &amp; Water Conservation Fund grant from Oregon Parks &amp; Recreation to rehabilitate the pool in Pier Park (Ordinance)</p>	<p align="center"><b>PASSED TO SECOND READING MAY 9, 2007 AT 9:30 AM</b></p>
<p><b>Commissioner Erik Sten</b></p>	
<p><b>Bureau of Housing and Community Development</b></p>	
<p><b>*475</b> Increase contract with Human Solutions, Inc. in the amount of \$9,000 for the Peer Supported Workforce Program and provide for payment (Ordinance; amend Contract No. 36854)</p> <p>(Y-4)</p>	<p align="center"><b>180929</b></p>
<p><b>Fire and Rescue</b></p>	
<p><b>476</b> Authorize Intergovernmental Agreement with Tualatin Valley Fire &amp; Rescue for apparatus refueling (Ordinance)</p>	<p align="center"><b>PASSED TO SECOND READING MAY 9, 2007 AT 9:30 AM</b></p>
<p><b>477</b> Authorize Intergovernmental Agreement with the City of Gresham for the sale of data and technology used for mapping, prefire and dispatch information (Second Reading Agenda 447)</p> <p>(Y-4)</p>	<p align="center"><b>180930</b></p>
<p><b>City Auditor Gary Blackmer</b></p>	
<p><b>*478</b> Authorize contract with Moss Adams LLP for financial audit and other professional services (Ordinance)</p> <p>(Y-4)</p>	<p align="center"><b>180931</b></p>
<p><b>*479</b> Assess property for system development charge contracts (Ordinance: Z0762, K0092, T0105, K0093, T0106)</p> <p>(Y-4)</p>	<p align="center"><b>180932</b></p>

<b>REGULAR AGENDA</b>		
<b>480</b>	Authorize contract with Dignity Village to manage transitional housing campground at Sunderland Yard (Ordinance introduced by Commissioners Adams and Sten)	<b>CONTINUED TO MAY 9, 2007 AT 2:45 PM TIME CERTAIN</b>
<b>Mayor Tom Potter</b>		
<b>City Attorney</b>		
<b>*481</b>	Pay claims of Roxie Granville and Lisa Washington (Ordinance) (Y-4)	<b>180933</b>
<b>Office of Management and Finance – Financial Services</b>		
<b>482</b>	Authorize revenue bonds to finance costs of the Portland Mall Revitalization Project (Second Reading Agenda 426) (Y-4)	<b>180937</b>
<b>Office of Management and Finance – Purchases</b>		
<b>483</b>	Accept bid of Brant Construction, Inc. for the Brownwood Floodplain Restoration project for \$3,986,110 (Purchasing Report - Bid No. 107036)  <b>Motion to accept the Report:</b> Moved by Commissioner Leonard and seconded by Commissioner Sten. (Y-4)	<b>ACCEPTED PREPARE CONTRACT</b>
<b>484</b>	Accept bid of Dunn Construction, Inc. for the Neighborhood Sump Rehabilitation project for \$723,432 (Purchasing Report – Bid No. 107084)  <b>Motion to accept the Report:</b> Moved by Commissioner Leonard and seconded by Commissioner Sten. (Y-4)	<b>ACCEPTED PREPARE CONTRACT</b>
<b>485</b>	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 (Second Reading Agenda 428) (Y-4)	<b>180938</b>
<b>Portland Development Commission</b>		
<b>486</b>	Accept approvals and denials of the Limited Tax Abated Single Family New Construction, Rental Rehabilitation, and Owner-Occupied Rehabilitation Properties from January 1, 2006 to December 31, 2006 (Resolution) (Y-4)	<b>36503</b>

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<b>Commissioner Dan Saltzman</b>		
<b>Parks and Recreation</b>		
<b>*487</b>	Authorize agreement for acquisition of two parcels of real property in east Portland for park purposes from Stephen and Dorothy Sneer (Ordinance; Contract No. 52821)  (Y-4)	<b>180934</b>
<b>488</b>	Authorize acceptance of a Conservation Easement from Oregon Health & Science University for approximately 42 acres of real property situated on Marquam Hill (Ordinance)	<b>PASSED TO SECOND READING MAY 9, 2007 AT 9:30 AM</b>
<b>Motion to suspend the rules and hear two Four-Fifths items:</b> Moved by Commissioner Leonard and seconded by Commissioner Sten. (Y-4)		
<b>FOUR-FIFTHS AGENDA</b>		
<b>Mayor Tom Potter</b>		
<b>*488-1</b>	Create two new represented classifications of Emergency Communications Call Taker and Emergency Communications Police Dispatcher (Ordinance)  (Y-4)	<b>180935</b>
<b>*488-2</b>	Authorize a Letter of Understanding with AFSCME Local 189-2 for terms and conditions of employment of represented employees in the Local bargaining unit in the Bureau of Emergency Communications (Ordinance)  (Y-4)	<b>180936</b>

At 11:28 a.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND,  
OREGON WAS HELD THIS 2ND DAY OF MAY, 2007 AT 2:30 P.M.

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

Commissioner Leonard arrived at 2:34 p.m.

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

<p><b>489</b> <b>TIME CERTAIN: 2:30 PM</b> – Direct Portland Parks and Recreation to adopt new sponsorship and naming policies (Resolution introduced by Commissioner Saltzman; Previous Agenda 356)</p> <p><b>Motion to accept Substitute Exhibits:</b> Moved by Commissioner Saltzman and seconded by Commissioner Leonard. (Y-5)</p> <p>(Y-5)</p>	<p><b>Disposition:</b></p> <p><b>36504</b> AS AMENDED</p>
<p><b>490</b> <b>TIME CERTAIN: 3:00 PM</b> – Establish a Street Access for Everyone Oversight Committee (Resolution introduced by Mayor Potter)</p> <p><b>Motion to amend the first BE IT FURTHER RESOLVED, that the SAFE Oversight Committee’s membership will be appointed as follows: The Mayor will nominate, for each area of the city included in the Sidewalk Obstruction Ordinance, representatives from the Police Bureau, a social service representative, a business leader, resident, and person with experience of homelessness. In addition, a representative from the Multnomah County District Attorney’s Office, a public defender’s office, and the Parks Bureau shall also serve on the committee; and:</b> Moved by Commissioner Adams and seconded by Commissioner Sten. (Y-5)</p> <p>(Y-4; N-1, Leonard)</p>	<p><b>36505</b> AS AMENDED</p>
<p><b>491</b> Replace Code Section Obstructions As Nuisances with new Section Sidewalk Obstructions (Ordinance introduced by Mayor Potter; replace Code Section 14A.50.030)</p>	<p><b>PASSED TO SECOND READING MAY 9, 2007 AT 2:00 PM</b></p>

At 5:05 p.m., Council recessed.

May 3, 2007

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **3RD DAY OF MAY, 2007** AT 2:00 P.M.

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

At 3:02 p.m., Council recessed.  
At 3:19 p.m., Council reconvened.

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

	<b>Disposition:</b>
<b>492</b> <b>TIME CERTAIN: 2:00 PM</b> – Belfast City Council, Northern Ireland sustainability efforts (Presentation introduced by Commissioner Saltzman)	<b>PLACED ON FILE</b>
<b>493</b> <b>TIME CERTAIN: 2:30 PM</b> – Accept Staff Report and Recommendation and Order of Council for William E. Lobdell, Measure 37 Claim (Report introduced by Mayor Potter; PR No. 06-180880; Previous Agenda 432)  <b>Motion to deny the claim and adopt the Staff Report and Order as the Council's decision:</b> Moved by Commissioner Saltzman and seconded by Commissioner Sten.  (Y-5)	<b>STAFF REPORT AND RECOMMENDATION ACCEPTED; ORDER OF COUNCIL ACCEPTED</b>
<b>494</b> <b>TIME CERTAIN: 3:15 PM</b> – Appeal of Elias Bitrous and George Bitrous, applicant, against the Hearings Officer's decision to deny a proposal to divide a 7.5 acre site into a 21 lot subdivision located at 7615 SE 162nd Avenue (Hearing; LU 06-106436 LDS EN M)  <b>Motion to tentatively grant appeal, reverse Hearings Officer's decision in part with added conditions of preservation of tree #21 and adoption of Bureau of Development Service's conditions to Hearings Officer's decision; staff prepare findings for May 16, 2007 at 9:30 am:</b> Moved by Commissioner Leonard and seconded by Commissioner Saltzman.  (Y-5)	<b>UPHOLD THE APPEAL AND OVERTURN HEARINGS OFFICER'S DECISION IN PART WITH CONDITIONS; PREPARE FINDINGS FOR MAY 16, 2007 AT 9:30 AM</b>

At 4:14 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.



**May 2, 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.

**MAY 2, 2007 9:30 AM**

**Potter:** Ask you and the folks who watch this at home on tv is question, how are the children? The reason we ask that question is that we nona when the children and community are well the community itself is well. What we do is we ask people to come in and talk about issues that are important to children and youth. And so we have asked three folks to come in today. And tiffany and akeelah and brittany, could you please come up. All of them go to jefferson high school. And I think it was active my, you were involved in the "between the lines" documentary.

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

**Potter:** Ok. Would you please tell us what you would like us to hear.

**Tiffany:** Well, good morning. Thank you for letting us talk today. We wanted to share a few thoughts with you guys regarding jefferson high school. Some of them we want to share some of our challenges and our hopes. I was one of the main helpers in the film "reading between the lines," and our point basically was to let people know our community that the media is putting us out in the wrong way. We wanted to make things be right other than what they are. The film, we shown the film at the auditorium downtown and p.c.c. Cascade and it won an award and we hope that it will continue to influence a the although of people around the world. But there are still challenges that we face today. Mostly, having to do with the instability in our school and the constant reconstruction -- reconstructing and all the changes. Our community needs a strong school. We need to keep families in our neighborhood. By speaking with the city council we hope our voices can continue to be heard and that the leadership of Portland will become engaged with us to rebuild a strong and healthy environment for us and for future generations. For the past two years we have gone through five different principals. Today we don't have a principal really. We have got three new administrators just this year. Our school has been changed into two different academies and the next coming year we will be changed into four different academies. Jefferson at this point is not stable. There are boundaries separating students from the neighborhood because of safety issues. We have a closed campus, and there's not much of us being, I don't know, I don't know. There are some good things, though. Many teachers and staff who have been here for years and years and who really cares, a the love them were sent, a lot of them had to leave my freshman year so we got a lot of new teachers in. I don't think things is really going well. I don't know. Thank you for. I don't know. Y'all can.

**Akela Auer:** Hi. My name is akela auer, a sophomore at jeff, really. I am a second person in my family to attend this school. And even since I was younger and in third grade and my san fernando went to jeff there's always been an inconsistency with our school. And I feel that it's my community and I feel that I don't belong anywhere else, but there's a level of nonstability like tiffany said that we don't have stability in our school. And without that stability, children that would otherwise be very, very successful are not. They are not going to places they need to go in life because they don't feel like they have that support from their school and from their community. And I don't want to be one of those students when I graduate from high school. I plan to do great things with my life. And I don't feel going through jefferson the way it's been running that's going to happen. And I see the most amazing students in Portland at our school. And it's small and enrollment is an issue but it seems that the select group that we have at our school is really an

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amazing group of students. They are creative. They are smart beyond their years. They are wise. And because of our benchmark levels and because of this reputation that our school seems to have they are not recognized by anyone as good students. And it's really sad. It's really hurtful that we don't get that title that we should have because we have amazing people at our school. And I feel like our community needs to be more visible in jefferson, that people need to come see what's really happening at our school. And they would notice that it's not being utilized the way it should be. And that the things that we could be offering and the things that we could be doing were not because. > is worried about small things. And I know that vicki phillips just retired and she had placed a new program into jefferson, which was our two new academies already replacing the horizontal academies we had had the year before. And now that she's gone, she has left our school with a burden that no one really knows how to handle. And our principal who was supposed to carry out this plan is gone. We now have an interim principal, cynthia harris who may or may not be at jeff next year. We have three new administrators who came from other communities who don't know how to deal with our school. So it seems that our students are the only ones who really know how to deal with things. Our seniors who have seen this change every year are, our sophomores who have seen this change just from last year, and we are not being asked. And our community is not posing the question for us what would you do? What do you think should happen? And the fact that jefferson used to be a magnet school and it isn't anywhere is devastating because we used to be a performing arts school. And I came to jefferson in hopes of carrying out that. And it's not being shown at our school that it's a performing arts magnet. So we really have become a magnet school with no focus. Meaning that we come to school every day and our students don't feel like they go for a reason. They just go to get their credits and graduate. And I am really hoping by the time we graduate, by the time it's 2009 when jefferson had their centennial celebration, that our school will finally be stable and that it will finally be a high school that can run for another 100 years, because it would be a waste of students, it would be a waste of a building and a waste of a lot of knowledge to let jefferson go. So I am just hoping that the community can come and help our school and I want to thank you guys for your time.

**Brittnie Marcell:** Hi. High name is brittnie marcell. And I grew up in the jefferson neighborhood. And i've been a part of jeff ever since I was three years old. And I just turned 16 on april 1. Going into high school from middle school I was always asked, what do you want to do? What do you want to be? Why do you think you want to go here? Where do you want to go? Because I was always the student who was determined and who was focused. I was originally supposed to go to catlin gabel. And I love performing arts and because of that, I didn't go to that school. I preferred jeff. And the reason why was because I knew that that would be a homely place for me to go to be able to get my education and to be able to focus on my own personal goals, which were performing and dance. Going into jeff, everything was great. I love the school. I love the academics that were provided but I was blinded by the media in the ways to where I didn't know that there were so many hidden secrets behind who was in control of our school and what our school was about and what we did and didn't have versus other schools. I feel like jeff has been cheated a lot. And not because of the students that go there but because of what the community, the community around jeff, what they want to do with our school. Everyone has their own opinions as to what jeff is and what it's all about and a lot of people could care less about the students that are there and would rather look at jeff as a school and as a space, and the area that it's in and that's how I honestly feel. I feel as though the students are there to go to school and the people around the school are there to go on with their lives and be able to be in this community and not help. The only help that I honestly could say that I feel like jeff is getting like akayla said are the students. We are always there for each other. There's never a time when anyone has ever come to our school and just was had openly said, well, this is what we want to do for you guys. It's always, well, you guys, let's get this together and we can proposal this and if you guys come up with ideas and maybe we got -- we'll

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help you with something. Then maybe we can figure out a plan. There's always a plan. There is never something that's sticking to jeff like glue, ever. It's always, well, maybe we can do this. And I feel like that's one of the main reasons why you don't have students who want to automatically come to jeff. That's the reason why you don't have parents who want to send their kids to jeff because there's missing academics. But everything else is there. There's classrooms, there's teachers, there's students. But there's missing pieces in the puzzle. And how are we the students supposed to come up with these pieces if they're not there for us? And I feel as though the adults are the generation who should have placed these pieces in front of us for us to be able to put them together and she haven't. They haven't done anything like they say it takes, it takes a village to raise a child. And jeff honestly to me doesn't have a community. Everything has been washed out and that is no lie. We can all see this. The children see it. The adults see it. We all know that this is the truth. And jeff is standing there barely by a string. And it just hurts me to know that maybe when I graduate with high honors that five years later my school won't be there. It won't be there for me to be able to give back. And I really pray that something is done to the point where we can know, ok, when we look back we can have a yearbook and say, well, this is the school I went to and this is what I did while I was there, the accomplishments I made, the goals I have set, I were able to achieve them at jeff. I didn't have to go to lincoln. I didn't have to go to benson. I didn't have to go to grant, I didn't have to go to catlin gabel to get to where I am today. These things should be available to us and everybody else in every other student in Portland. And I feel as though we need to all come together and you need to involve these students. The future is the students. Why wouldn't you include them in every plan that you have set for jeff? We are what's going to be here when you all are long gone and I hate to say it but you will be and we are going to still be here. I feel as though we should be the ones who are able to put in our two cents and contribute to our school to make it a better and a successful school. Thank you. [applause] moratorium thank you. -

**Potter:** Thank you. Often when young people come and talk to us it's about very specific issues. But I really, really appreciate your remarks today. I hope that the people who watch this on tv, I hope the media who is covering here this morning go out to jeff and see for themselves and see what great students are there. So I think I think you folks are amazing and I can see why jeff is still there. It's because of people like you. Thank you. Good.

**Leonard:** Can I add a couple things, mayor?

**Potter:** Sure.

**Leonard:** Mayor Potter started this tradition of having young people speak to us two and a half years ago and this was amongst the most compelling remarks we have had by young people in the community. It was excellent. And you are right. The school board and the administrators should be listening to you. Jefferson high school is an institution in the community. And we are reluctant at times to speak out on issues that the school board has responsibility for but I think it's appropriate for me to say that the school board needs to focus on how to make jefferson high school work and look at it from the perspective of people in the community. And I have had a long time concern that they are not doing that. And I have heard no better articulation of why jeff needs to be there than what I have heard here this morning. No matter how highly paid or credentialed somebody has been, you guys have given the best case i've ever heard. I really appreciate it.

**Adams:** I want to echo that. I had a chance to listen to you from the wings. And you have a very, very bright future in front of you. Should you ever want to run for public office -- [laughter]

**Leonard:** Apparently we're going somewhere. So there's going to be an opportunity. [laughter]

**Potter:** Out that door. Well, I am very impressed and I look at some of the information you folks are carrying a g.p.a. Of 4.0. That's very impressive considering what you labor under. Thank you all. I think these folks deserve another hand. [applause] maybe next year you can come back and

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visit us again and tell us if things are going well. Thank you very much. [gavel pounded] city council will come to order. Karla, please call the roll.

**Adams:** Here. **Leonard:** Here. **Sten:** Here.

**Potter:** Here. A lobbyist must declare which entity he or she is authorized to represent. Please read the first communication.

**Item 449.**

**Moore:** He called and will need to reschedule.

**Potter:** Please read the next.

**Items 450, 451, 452.**

**Potter:** Come forward, sonja.

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

**Moore:** I should read the others.

**Sonja Harju:** Good morning. I would like to thank you for listening to you today. That is very important issue. It's about public safety and human welfare. I am sure that you are all aware that the challenges that the physically impaired -- i'm sorry. My name is sonja harju.

**Jerry Delaunay:** I'm jerry delaunay and citizen.

**Holly Delaunay:** I'm holly delaunay, citizen.

**Harju:** I was contacted by the delaunays in their efforts to make southeast 136th safe. This was many months ago. And certainly the delaunays have been working on this project for quite some time. The issue is, is that sighted people face challenges every single day in crossing the streets but the physically challenged -- the blind and the deaf -- being deaf at least you can see the oncoming traffic. Being blind, I mean, you can hear and it's too late. I have walked southeast 136th myself and I am well sighted. And I was nearly hit. This was last august.

**Leonard:** Are you talking about between powell and foster? 136th?

**Harju:** Division and --

**Leonard:** Division and foster.

**Harju:** Right. When you get off the bus on division, you get off in front of the dairy queen. You walk up a block and cross. Trying to cross 122nd is a work of art.

**Leonard:** Right.

**Harju:** I find it interesting that the city or whomever did build an overpass for children because there were so many children being killed. The real issue is here southeast 136th. The bottom line is, it's filled with potholes. It's filled with a partial sidewalk from new construction, new housing. But in walking that area is lethal. I walked it last summer. And then I also walked it in wintertime. There are potholes, immense potholes. There are, that fill with water and ice. The key of my participation here was that I called in our camera crew and I taped holly and jerry walking 136th without any interruption. I didn't fell them when cars were coming. I didn't tell them anything. We just followed. Holly fell because she fell in a pothole. There's a section of 136 where you are walking north, and the sidewalk protrudes and then a fence protrudes. You can't see this. You can't imagine what it would be like to walk this blind. I remember you, mayor Potter, when we had the meeting on the december abled at the church. You were in a wheelchair. To go through that experience gives a little inkling of what it's like. But try wheeling down 136th in a he'll chair and do it at night when the hours get late and you are in a wheelchair.

\*\*\*\*\*: Keep him mayor for a while. Lets not have him do that.

\*\*\*\*\*: The really is trying to wheel down the gravel potholes, set rae, is lethal. There needs to be sidewalks. We had a meeting on saturday with mr. Andrew aebi of the local improvement district administrator. And he's emailed me cost issues, set rae. My bottom line is is that I have been involve with legislation -- on the state level and federal level since 1987. I know that there's money somewhere. It's simply the matter of achieving where that money is for this purpose. We are

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talking human life and we need to do something about this. Listening to saying that we don't have money is redundant because we do. It's just accessing the money and I know that state transportation money has helped to fund 92nd. I have been watching the progress on southeast 92nd. If we can do 92nd we can do 136678 it's the will to want to do it. Jerry?

**J. Delaunay:** All right. The best thing that I can do is I would like to also have you look and the audience because we brought a couple good friends with us. One of the things that happens in life for all of us we have good friends that come and visit us in our home and we like to have access to our home and friendly access to it. And we put up a ramp to our house so willie thornbrew who is in the audience in a he'll chair can get here. He's fallen over literally on the potholes and had to be helped up in his he'll chair. There's also john fleming who is the former president of the american council of the blind of Oregon. He came over to visit us to stay overnight and walking over the 4 bus and he fell down on the street and he has excellent mobility and a guide and he got his foot caught in one of those potholes and fell down. I think holly and I have had more experience than naught in swimming in the morning in lake 136th as we call it to try to get to the bus stop. The street is extremely dangerous. There's no way many places of the street but to walk snack dab in the middle of the traffic lane. And frankly, I think from talking to several of the council members, this is a problem that's not only 136th but it's also a problem throughout the city and is something when maybe budget time comes around you need to seriously think about the infrastructure and ways that maybe you can contribute and can change the budget around, move a couple priorities here and there to be able to not only improve 136th but many of these streets throughout the Portland area. And I feel very strongly about this. I was one of these husbands when my wife contacted me that's, oh, ok, fine, whatever. But then finally I found out that there were, that she got hit on the street, and I began to start this process and this discussion. And I am hoping to continue this discussion so that not only 136th is improved but also that you take a look at this very important area of human, of your citizens' safety. Throughout the state -- throughout the city of Portland. This is a real safety issue that is not going to go away. The more density you put into a neighborhood, the more imperative it is that you provide the infrastructure to be able to support that neighborhood and that development that you are putting in, that it's not just the rich developments by the river. It's also the guys out here in southeast Portland that, you know, maybe a little quieter and maybe we don't raise our flag quite as high. But, you know, when people are being hit by cars time in and time out, it's time to take some action.

**Potter:** Thank you.

**Holly Delaunay:** I'm holly delaunay. And I as a citizen, I feel that 136th is very unsafe walking. I've been hit on the street with my guide dog. I have fallen when walking home on the street at least once, maybe twice, three times a month in the potholes. You have to walk out in the middle of the road in order to walk so that you cannot walk on such a rough surface on the street. And it scares me to walk out in the traffic lane during rush hour because what happens is that the people don't think that you know what you are doing. You are driving down the street and you are honking your horns and they are, because for you to get out of the street. And you have no other place to walk because there's parked cars along the street where the potholes are. And six-inch puddles in the winter time. I have also walked along the street and slipped and hit, fell on slipping on black ice and hit the back of my head on the street when walking because it was so rough. There's very uneven areas, like what sonja said in the where the sidewalks ends and there's curbs. There's no line along the street to follow. And I had one incident one day where I was walking down another street and didn't even know I was walking down another street. And somebody alert immediate to it. And I thanked him and this happens on a daily basis. And it needs to be fixed. It's a safety issue. And i'm very scared at walking this street. I am a working citizen every day. And I have to walk down this street to get to my job. And I have no other option.

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**Harju:** I would like to add a foot note that when we were taping, jerry nearly got hit as the cameras were rolling, there was a driver speeding down 136th and with the cameras going jerry nearly got hit. It's amazing.

**Leonard:** I thought I would add that the, just so the council can understand better, that 136th between division and foster is a through street. It's not a side street. It's heavily traveled.

**Harju:** Right.

**Leonard:** It's a street actually I use quite a bit when I bike home. And it is everything that you describe and more because it is probably one of the worst main streets actually traverse. And it really does I think bring up something that i've been thinking about a long time that I would really like maybe this company cause the council to discuss. But this existing paradigm that we use to put in sidewalks and what not doesn't work for some parts of the city clearly because it doesn't exist and I won't wore you about how we do that. It isn't just 136th in outer southeast. It's powell. Powell boulevard is a main arterial with no sidewalks on most of it, east of i-205. That's very hazardous. As well for pedestrian and bikers. And I would really like to be able to sit and particularly with sam and talk about other ways that we can come up with a strategy to begin improving streets starting with like I would agree 136th is probably the worst out there in east Portland. There's southwest has a lot of the same exact kinds of problems. But it's just not working the way that we're currently planning to improve sidewalks and what not.

**Harju:** Powell and division have audible signal bus getting off the bus on powell is lethal. You can have audible. Have but if you are blind --

**Leonard:** Well, and I particularly appreciate that. But even for sighted people it is very hazardous.

**Harju:** Even sighted.

**Leonard:** Children, bicyclists.

**\*\*\*\*\*:** I did it for the experience and it is. It's scary.

**Leonard:** Thank you.

**Harju:** I thank you very much for giving us this opportunity.

**J. Delaunay:** Thank you for your time.

**Potter:** Commissioner Adams?

**Adams:** Yeah, I want to thank you for your advocacy. And you and I have talked about this before. And I hope that it will continue. The most dangerous streets in the city of Portland are west burnside and 122nd and 82nd. More people are killed and injured on those streets along with foster than any other streets in the city by far. When I took over as transportation commissioner two years ago, and I asked to see for the bureau to pull together data on the most dangerous intersections and the most dangerous stretches of streets, the information I just conveyed to you leapt out. And yet the attention that we have provided and been able to provide to those streets has been really limited. So I ask the city council last year to pursue a straight -- safe streets initiative that would take property taxes, which are not traditionally used for transportation projects, and to devote almost \$11 million to address the most dangerous places in the city. And 136th is definitely a street that needs work. And we now have lots of options in terms of what you can do to improve a street. We no longer have a single standard where the city used to have a single standard that every street had to be exactly the same as downtown streets. That's no longer true. In particular, on the most dangerous intersections on 122nd which are northeast halsey, glisan and division and stark, where a significant number of injuries, deaths, and crashes occur, we as part of what the council approved with the safe streets initiative or hope will approve the final funding package in the budget we are considering right now is \$1.7 million to replace all four signals. And the signals would include both audible and viboral tactile for low vision pedestrians, it would allow for the latest technology in signals so that if a car enters the intersection on a dark yellow light or a red light, it does not allow the sequencing of the cycle to go through. There has been tremendous improvements in technology

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and engineering at intersections that we do not have on 122nd and 82nd until this council stepped up and said yes. Will that solve the problem? Absolutely not. There hasn't been an increase in the gas tax on the state level since 1993, while the cost of basic materials of transportation have gone up 70%. So you are absolutely right. There is no excuse for seeking at least to talk about the problem. And your effort today continues to help us with that. And this city council is devoted property taxes to something that it has never devoted property taxes to before. But if you said in your testimony very eloquently all three of you, we have a long ways to go. So yesterday, I was down in salem -- monday, I was down in salem for most of the day supporting two bills, 2653, house bill 2653 and house bill 3018 that would allow for an increase in the vehicle registration fee. It would increase the gas tax that would allow us the real resources to begin to address issues of maintenance back log, like potholes and to help residents in specifically economically on strained parts of the city like east Portland to partner with them financially to improve their streets. I just want to thank you for your advocacy and hope it will continue.

**Harju:** I thank you very much. I would just like to stress, I would like to thank commissioner Leonard for your conversation. And I would look forward to active communication with results in mind. My history tells me working within the state of Oregon, that there is money somewhere. This is history. I understand we have to go behind bar tick doors. I understand this commission, that commission, but the bottom line is there is money somewhere. And I do know of history where the state transportation department did, in fact, help fund local entities.

**Adams:** You are absolutely right on that. In fact, 122nd, 82nd and powell are all state roads. We are invest -- we are trying to make up for investment gaps in what should be state funding and jason tell at region x odot, I think he would do us a lot of good if you could continue your advocacy with odot.

**Harju:** Very good. Thank you so much. Thank you, commissioner Leonard. Thank you, mayor.

**Potter:** We move to the consent agenda. Do any of the commissioners wish to pull any items off the consent agenda? Does anybody in this room wish to pull any items off the consent agenda? Please call the vote.

**Moore:** We need commissioner Leonard.

**Potter:** Please call the vote on the consent agenda.

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

**Potter:** Aye. [gavel pounded] please read the 9:30 time certain.

**Item 453.**

**Potter:** Commissioner Sten.

**Sten:** Thank you, mayor Potter. I think we have a short presentation. I think everyone knows the city council has been focused very hard on an effort called operation home, which is to increase minority home ownership in the city of Portland. There's a huge almost 20 point disparity between the home ownership rate between minority communities and the majority community. A related but not exclusively tied to operation home effort is something that we are trying to reinvigorate with our friends at hometown bank. A faux years awe go start and employer assisted home ownership program to try and help our employees get their first home. We are a big employer. One of the largest in the city. And we think we pay good wages and our people even in appreciating housing market out to be in a position to buy a home. This is an effort to reinvigorate that program. There's a fair I think taking place today. We are going to work with our bureau of managers, our police chief, fire chief, everything throughout the city to try to get this opportunity in front of our folks so not only is it the right thing to do and we believe it will help stabilize Portland and our schools, it's I think going to help inspire, we hope, some. Other employers working with operation home. So danielle, are you going to lead us through? Thanks, mayor Potter. Do you want to introduce?

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**Potter:** I want to thank you folks for what you have done, both with operation home as well as asking questions about how we reinvigorate our city wide employee home buying. Because I know it has helped many folks. And I would like to see even more help. So danielle. Please go ahead and start.

**Daniel Ledezma:** Good monk. My name is danielle ledezma. I am the coordinator of our affordable home ownership program. I will like to thank the city council and the mayor for your support in our efforts to increase homeownership. As you are aware homeownership is one of the primary ways folks can build wealth for their families and their communities. As well as stabilize their families and housing and we are seeing more and more how stable housing is an important factor in being able to increase students' success because of student mobility. We have seen how students' grades can go down. We have also seen as we have heard from students from jefferson about the low enrollment numbers. So the city is involved in two home ownership efforts. One is operation home, that commissioner Sten referred to. We are trying to increase the rates of home ownership for folks as well as the family housing initiative. We are trying to better coordinate housing policy and planning working with the schools. And in both of these efforts, we have in our planning efforts we have been able to see the importance of that employers play in being able to increase awareness about home ownership in that employers provide wages as well as opportunities to create awareness. That's why we thought it was so important to really invigorate the city's employer assisted program. And we are so happy to have really good partners with us. In home street bank and the staff there that have just went really great in helping us relaunch this. As well as folks that out of Portland development commission and in the treasury department. So we have a couple folks here today to testify. We have felicia tripp, the deputy director of Portland housing center. We have jenny millious who is a state employee as well as rich binion who is the executive vice president of home street bank who will talk about how the city has utilized the program. Felicia.

**Felicia Tripp:** Good morning. Thank you for inviting me to speak today. First I want to thank commissioner Sten for setting some a good example in our community by leading the way in promoting affordable homeownership. As you know my name is felicia tripp, the I am in the commission improvement association, a host board member and a member of the african-american alliance for home ownership. And I am here today to talk about homeownership and how we can make this an option for more Portlanders and especially people of color. Between 1995 and 2005, the homeownership rate for people of color grew at more than double the pace for the general population. And as rise from 43.5% to 51.2%. Having said in, there still remains a 25% point gap nationally in the homeownership rates between whites and people of color. And we need to do more to continue to close that gap. One way we can address this gap is through employers being more engaged in assisting employees to purchase homes like when the city of Portland is doing today. In the Portland housing center is here to assist the city of Portland in home street and preparing these new home buyers to purchase. Second, we have the issue of an affordable gap between house prices and incomes for our moderate and middle income home buyers. City's initial if I have to close the gap presents an opportunity to increase marketing, education, and lending opportunities. Third, Portland's experiencing an influx of young home buyers to the market. Some of which are people of color to afeared the housing market. This gives the city an opportunity to work with local builders to create affordable homeownership options close neither city for people who want to be lows to downtown corridor. I know sam is working on an option for people in the creative industry and we are seeing quite a bit of people in the creative industry trying to purchase as well. In the last nine months I have seen 303 people purchase their first homes. Unfortunately, half of those people had to have to buy on the outskirts of the city instead of the inner corridor. In the last month I have seen 77 people sign up for our services and 50% of those being people of color. As interest rate continue to stay low, and employment rate remains recommend actively



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stable, this gives you as our city leaders an opportunity to lead the way in creative innovative solutions to address challenges that face our city. In closing you should pat yourselves on the back because the city of Portland is demonstrating that government and the private sector can work together in an innovative and effective way when it comes to affordable home ownership. Your dedication and commitment stands as an inspiration and we truly appreciate all that you are could go -- doing. Thank you.

**Jenny Melius:** My name is jenny. And I work with the city of Portland in the bureau of housing and community development. About a year ago my husband and I bought a house through the home street home loan program in partnership with the city of Portland. We were recently married and young. We are 26 years old and we knew that we wanted to make an investment in homeownership now rather than later instead of paying our money towards rent each month and the home street program was able to do to do that. We took a class in getting ready to buy a house but we knew we didn't have enough money for a down payment. At the end of 2005 we went into home street bank and talked with general inner larsen and she gave us a lot of different opportunities and ideas for loan programs and tips on budgeting on how we could save for the home. And within three or four months we were actually starting to lock for our own house. We got our house in the beginning of 2006 and at that point it was really tight housing market. It estimate is. But timing was a big issue for us. We needed to be putting a bid on a house within hours of it going on the market for us to even have a chance to be in competition for it. Jennifer was really great. She got us our preapproval letter fast and we were able to put in seven offers. I think our eighth offer was finally accepted on a house but it took a while. We remember finally able to get our own home. The advantage of the home street program is that we were able to get a loan with lower fees and closing costs than we would have anywhere else because of the city of Portland partnership. The big incentive of that was we used money in our savings accounts towards our house rather than on the fees and closing costs and we were able to have a little extra money left over at the end for moving and for starting projects on our house. We actually were able to refinish all of our floors before we even moved in. Aside from the financial incentives through home street jennifer was a big help giving us advice how to budget ourselves and save up money for that down payment. She gave us the idea that we don't know what it's going to feel like to have a mortgage payment to pay. We are paying rent right now. It's lot lower than what we would ever get on a mortgage payment so she told us to pretend we are paying mortgages right now. Take an idea of what we think we can afford and spend that much money on housing each month. Put one portion of that towards rent and put the rest of that portion directly into a savings account. So that gave us the sense of feeling what it would be like to have a mortgage payment, feeling the financial constraints and gave us the opportunity to realize what we thought we could afford was actually much higher than we really could afford in real life and we got to learn that lesson with a safety net of not having that burden hanging over our head of not knowing how to pay our mortgages pavement. The other advantage to that was we were able to build our savings account much quicker than we thought we could. We were thinking it would take nine months to a year to save up for a down payment and with the advice from home street bank we were able to save up for a house within three to four months. And get into a house quick. So the home street home loan program and the city of Portland partnership was a big advantage us to. It was a huge resource for us being able to move into a home quickly and it's a good feeling to feel like I work for the city of Portland, I live in the city of Portland, and that was able to help me get into my home. Thanks.

**Rich Bennion:** My name is rich bennion. I am with home street bank. I don't have much to say after that testimony. Thank you very much for, mayor Potter, and members of the commission, for having us and for supporting this program. I think everybody recognizes the benefits of city employees being able to live in the city close to their place of work and home street is pleased to play a small part in making home ownership more affordable for them. And the hometown home

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loan program is a good example of how public -- how public and private entities can leverage their resources to accomplish more than what either one can do on their own. Since its inception, 157 city of Portland employees have utilized the hometown home loan program including 72 first-time home buyers. Home street is happy to regularly provide the city with important demographic information on the program users, as such information like household income, ethnicity, and the geographic location of homes purchased to help operation home and the schools, family housing, and schools family housing to meet their goals. Once again, thank you very much for your support.

**Ledezma:** Just really quickly we will wrap up. There is going to be a press conference at 11:30 today at the Portland building as well as the city of Portland homeownership fair. We hope to see a lot of folks there and again thanks for your leadership and your commitment to this. It's been great to work with such great partners and the housing center and in home street bank and other company partners. Thank you.

**Potter:** Thank you, folks, very much. Do we have a sign up sheet?

**Moore:** We did. That was all who signed up.

**Potter:** All right. Any questions from the commissioners? We will take a vote. Please call the roll.

**Adams:** I was going to say. Thank you for all your great ongoing work on this. Congratulations to commissioner Sten and the mayor for this resolution. And look forward to much more to come. Aye.

**Sten:** Well, it's not easy to buy a house right now in Portland. With this hopefully we will make it possible for some people that aren't getting there. I think I stay hometown bank. I want to say home street bank. It's the hometown program and they have just been terrific. And looking forward to getting there and, of course, the flip side of it is, I don't think Portland's market is going to slow down. I was predicting that every year for about 10 years and quit about five years ago. I think it's going to keep going up. In part because we've all worked as a community to make it a nice place to live. The flip side of how tough it is to get in it's really once families in they are building a lot of equity and have a chance to change their position financially. Hopefully we can help people get there and thanks to hope treat once again. I am obviously glad to volt aye. Thanks to mayor Potter for his help.

**Potter:** Thank you, commissioner Sten, for your leadership on this issue. I really appreciate all the folks in the city who are working to provide more home ownership. It is one of the few ways just average folks can begin to build wealth and something to pass down to their children. So this is really important. I appreciate businesses like home street bank stepping forward to provide these kind of opportunities to our employees. Sometimes we are so busy out in the community we forget that the folks in the city also need some of the same kinds of assistance. And so we are having a press conference at 11:30 plus an open house for employees so that they can look to see what is available and what different programs and activities that they can get into a house with. So thank you all very much. It's greatly appreciated. Aye. [gavel pounded] please read the 10:00 Time certain.

**Item 454 and 455.**

**Adams:** Thank you, mayor. B.e.s. is here to report to the council on two important elements of our willamette river renaissance. First we will hear some very positive news regarding the employees of the west side c.s.o. big pipe, the closeout of that portion of the project. This four-year project has a budget of \$3.8 million and is complete and operating for \$306 million. It was completed on time and put into service in the time to catch the rain events of last november. We will also hear about the other elements of the west side project important to the city council including job creation, the utilities of women, minority and emerging contractors, how we engage the public in getting their help and partnership with meeting our goal of a clean river. Second item we will get

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an update on how things are going for the east side big pipe currently under construction. As you know this tunnel is bigger and more complex than the westside tunnel. And finally we will hear from representatives of the east side c.s.o. review committee. This committee put together by the city council was established to provide us with independent citizen feedback and input as the project unfolds. I'm pleased to introduce the leader of bureau and environmental services, dean marriott.

**Dean Marriott:** Thank you, commissioner, mayor, members of the council. I am dean marriott. With me is paul gibbon, our engineer in charge of both the west side big pipe and east side big pipe projects and you will hear from him in just a minute. I first want to thank a host of other city agencies that is have helped us as we move forward with the west side project. Purchasing, who is here today, was very helpful. Fire bureau, that worked with our contractors to make sure that the workplace was safe and that we knew we could be rescued in case something happened. The city attorney's office, obviously, helped us with a lot of our legal issues. Pdot with transportation issues, development services with various permitting matters and parks for allowing us to be disruptive to waterfront park. Also the Multnomah county with the coordinating activities regarding the bridges. Obviously, a host of contractors and subcontractors and I want to thank the city council. I'm sorry commissioner Saltzman is not here because much of the work associated with the west side project was done while he was the commissioner in charge of environmental services. And, of course, last but certainly not least, I want to thank the staff of the environmental services bureau. Couldn't find more dedicated and professional group of people. And I want to also thank my colleague paul gibbon who is sitting next to me for shepherding this project through successfully. The first thing you see on in front of you is the time line where 16 years down, four years to go on a 20-year program. And we are moving from left to right across this time line. And we're approaching the finish line. Just recall that before we started, Portland had about 100 c.s.o. Events a year where untreated wastewater was getting into the river. And the target is to have that down to no more than four events per year. Three of those in the wintertime when we are finished. So it's a robust goal and we are well on our way of getting there. Just to mention because people want to know how we stack up against other cities, I just came back from a national meeting where c.s.o. Communities get together annually to compare notes on how they are doing. We will be finished before most other major cities in the country to complete their work. The cost is anywhere from \$500 million to about \$3 billion, and what's not on this list is chicago. They will approach about \$4 billion when they are finished. So it's a national issue. And we are certainly not alone in this. We take, can take some solace we will, in fact, be finished before most other communities are. Our program, of course, just to refresh your recollection involves cornerstone projects. It's getting storm water out of the sewer system. Most of those efforts are now complete. We started with those. We then moved to tackling the project associated with the columbia slough in north Portland. That project is finds. It was brought online in the fall of 2000. The willamette was next with two parts, the east side, west side, we are happy to report today is completed. So that leaves us with the east side projects to finish. Here's the famous ski slope chart that shows what kind of progress we're making. After all, what's important that is cleaning up the willamette. The river is now cleaner and is getting better as we progress. We, bringing the west side project online has taken us to the 65% of c.s.o. Volumes are now controlled. If you look at when chart, when we started back in 1970, we discharged about 10 billion gallons a year of c.s.o. To the river. We are down to about two. If you look at it from historical perspective since 1970, we have improved by about 80%. So it's a significant improvement. This slide just quickly shows you how many outfalls. We started with 54 combined sewer outfalls into the river and the columbia slough. 36 are now controlled. The last 19 are associated with the east side project. It wasn't all tunnelling. It hasn't all been tunnel willing. We have had some other very challenging projects. One of them is the tanner creek project. Tanner creek started in the west hills, flowed through the city and out to the willamette. We decided to take

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that clean stream water out of the sewer system and put it in its own conveyance right to the river. The next map will show you, you may really we did a lot of work downtown in the pearl district. We had to close burnside a couple of times. We did upper burnside from 23rd all the way up to the top of the hill. We did work along the sunset corridor along the sunset highway just in the past year. Very complicated. Very difficult and challenging. This work is now finished and this line is now in service. I want to thank everybody for showing us a lot of patience with their driving habits and neighborhoods for putting up with the construction over the years. But happy to say that that project is finished. I want to just say a word about how we engaged citizens. And the best way we engaged citizens is through the downspout disconnection project. Probably the most cost effective thing we have done is take 1 billion gallons of c.s.o. out of the river by keeping all this water out of the collection system. We have got engaged citizens. We either paid them directly \$53 a downspout to do it themselves. For they didn't want to do it we paid a community group to do it. We paid \$13. They could earn money by getting trained and doing the work them self. We found this to be a very significant way of engaging people. If you were going to do this work on your property you learned a lot about clean rivers and what role you could play in doing so. So we not only educated a lot of people we took 1 billion gallons of water off the system and we did it for just \$9 million. Incredibly cost effective. I am going to turn it over to paul now who will summarize the completion of the west side tunnel and bring you up to date on where we go from here. Paul.

**Paul Gribbon:** Paul gribbon, chief engineer for environmental services for the tunnel program. First I want to talk about the final contract closeout report for our contract with the west side. Just briefly the west side is a 3.5 million tunnel, 14 feet in diameter. We have five large shafts. 220 million gallon a day pump station. The contract itself in 2002 dollars was \$293 million. In places over the four-year contract period was just over \$15 million so our subtotal or our contract cost 2006 dollars was \$308 million. The actual contract came in at \$306. So as commissioner Adams said we came in basically under our original contract amount. Oregon revised statutes require for any contract that was done under other than a competitive low-bid approach there be a public summary at the end summarizing the outcome. And we have to compare the actual costs with the original estimates. The number of project change orders, narrative description of successes and failures and an objective assessment of the process compare with our original finds of fact. That's what we are going to do right now. That is final cost summary. It shows you a cumulative cost curve for the project. Where or original, the dark gray line is the original cash flow for the project cumulative with time. And then the blue line shows what you the actual costs were and how they mesh with what we projected. So we came in basically right where we had originally projected. We did carry just under \$15 million contingency to cover risks in the job but we ended up not having to use it. Contract changes, there were a total of nine change orders to the contract itself. Six were basically amendments to the general conditions that did not involve any time or cost. Two extend the contract time noncompensible time extension of 50 days. We did add one piece of work, the electrical sump staying at swan island which was originally going to be done by peg. It turned out to be quicker and cost effective to add to it original contract. Successes there were a number of them. But in summary, this type of contract allowed a lot more cost and schedule control than a normal low bid would have. It was a cooperative effort between b.e.s., and healy and we always knew we were on cost. We could always project where we would end up. There were a number of design change that is had on made. One was the value engineering selection to change the way we approached the pump station walls which was probably a close to \$20 million saves by itself. We also changed the construction to the operations and maintenance building and saved about three months on the schedule. There was a lot more flexibility with minority women and emerging small business procurement. We originally estimated \$13 million at the start and we found out opportunities came up that we hadn't anticipated over the fours years so we ended up exceeding what our goal. And this type of contract just allowed a partnership with imbrolio healy and allowed

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us to solve problems. We never had to take a position 'whose fault it was. We went right into solutions. There were no contract claims. Unresolved claims. And we never needed a dispute review board which is pretty much standard, dispute review boards are standard for the tunnelling industry and we didn't need one. Failures, failure is kind of a strong word. There wasn't anything that we would consider was a failure. There was an area of concern in that type of contract and that is subcontract management. We did have situations where there were additions to the scope of subcontracts that got ahead of approvals. There were some subcontractor extra work issues that we had some difficulty in resolution of. It's easy to get scope creep. In other words, the scope of a subcontract starts to increase because it's easy for the prime to add work to a subcontract rather than put another subcontract out on the street. So these are some of the issues that we had to wrestle with. And learning from this, we will reapply on the east side. The basic assessment of against the original findings ever fact, what's highlighted in yellow are the subjects that we had to address in our findings of fact in white was how it actually panned out, this did not limit competition in any way. The alternate approach created significant schedule savings. And contributed to the on time completion. The public benefits included a cleaner river, timeliness and our least cost approach. Value engineering, contributed significantly cost savings ideas. There is my experience there's no substitution for having a contractor on board before you are done with the design. They just have a whole different way of look at things that ended up saving us quite a bit of money. Specialized expertise the qualifications base procurement ends up awarding the contract to the most qualified contractor. The market conditions, this type of contract actually opened it up beyond the u.s. Market. So we had interest from european contractors that we would not have had under the low bid situation. The technology that was used, the mining technology had not been used in the u.s. Before. As far as funding scores sources are concerned it was fully funded by capital bonds but our rate be as improved partly because of the success of this contract. Then on a local level, i.h. Had well over 200 subcontract. 170 of them were with local minority, women, and emerging small businesses. We were shooting for 13 million. We had over \$19 million in mwsb contract. We had over 900 vendors and suppliers. \$85 million went to Oregon-based vendors and subs. Over the four year they had over 900 people employed and at peak 450 construction jobs on site. That is a wrapup of the west side. So we are done. Came in time. Under budget. And so with that, we will move into a quick update on the east side. Longer tunnel. Big are tunnel. Six miles long. 22 feet in diameter. Seven large shafts along the way. We have another a number of other pipelines and structures to do. Currently underway, right now the tunnel boring machine is in place. It's assembled at the base of the opera shaft. Pending some electrical work they expect the actual mining against the shaft wall will begin by mid this month. Other shaft work is also underway. Pipeline work is about to start. Other structures have already begun and right now the work is on schedule and it's currently under budget. This is a current cost curve. That shows you again the original cash flow which we project out to 2011 and where we actually are and you can see that we are under the budget. There's two main reasons for that since we are still on schedule. But some of the pipeline work, the contractor originally planned to do last summer they moved to this summer because it turned out that their schedule was a little too aggressive and it took more planning. It doesn't affect the schedule at all. It affects the cash flow. The second reason was the same on the major subcontractor for the slurry walls. They were going to do two sites at a time. The money is being slow are but you the didn't affect the schedule. Minority women and emerging small business participation, in the first 13 months, contract time, there was 143 local subcontracts award, 124 of them minority, women and emerging small businesses. \$15 million in subcontract value to mbsb firms and \$8 million in other local subcontracts. That's where we stand now. Our goal on mbsb's was \$26 million so in the first year, kiewit has already done more than half. Significant challenges upcoming in the near future, as I said the initial mining operation will start in the next couple of weeks. It will be very slow. It will be very careful. Breaking out of the shaft is very risky work so

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they will be moving very slowly and very carefully. We have also got pipeline work coming up along southeast second avenue in the heart of the central east side industrial district. And that's going to take a lot of coordination with the local businesses. So it's going to be difficult work. And our public involvement focus is continue personal contact with individual businesses, especially in the central east side. And our focus will be on maintaining business operations in all our work sites. Traffic notifications, interpretative signs and we will also meeting regularly with businesses from. And with that that concludes our report. We do have two people from the eastside review committee who will give you their look at the east side project.

**Marriott:** You want us to report and we will come back up?

**Potter:** Yes.

**Marriott:** We will come back up.

**Potter:** Thanks for being here, folks. When you speak, please state your name for the record.

**Bil Martinak:** Good morning. I am my name is bill martinak. I am here with derek chisholm. We are members of the east side c.s.o. overflow project review committee. And we are here to give our second report as to how the committee is functioning. So good morning, honorable mayor and commissioners, and interested members of the public. Our committee was put together last year. And since that time, we have met about 12 times now. We did do our initial report back to the council in september of 2006. And so we would like to take a few minutes this morning to just give you an update of how our committee is rat operating and what we have seen and heard since that time. Probably what I could do is just say, well, you heard all of it from paul because he gave you a very good update of where we are at right now. So just to take a minute. The -- we feel very fortunate that we are working with an extremely talented group of individuals, both in members of the b.e.s. committee and also with the contractor with kiewit billfinger. It's a great group of highly talented individuals who have come together for this project so the city of Portland is extremely lucky in that respect. And the project is moving ahead as planned. A couple of few of the items that we are reviewing, we look at, of course, the schedule. We have looked at the, seen the timely delivery. Tunnel boring machine. Again, as paul stated, the machine is down in the initial pit at the opera site. And final preparations are getting ready to launch that machine out of its initial shaft. So that's a big step. Also there have been good efforts put in place to put in effect an emergency response program and that has also been tested one time with various emergency response members, local fire and rescue and other agencies coming together just to practice what will need to take place in case there is an emergency at the site. We have also reviewed the project's critical path, and as paul stated, we are in the very initial stages. But all of the items that are on that schedule have gone very well up to this date. And the acquisition of permits and right of ways has gone out ahead of the actual work. So it's coming along as was planned. And there has been a lot of work done by the business outreach committee to make sure that all of the impacts to the east side businesses have been addressed. And we have talked about that numerous times in our meetings. That's just how well that's going and whether there have been any complaints and we have not addressed any complaints to this date. But we are moving into a time when there's going to be a lot more activity on the surface streets there. So that's something that will really kick into gear this summer. Also the contractor has done an excellent job, as if you looked up at the slide there as far as being able to identify and break down portions of this project to bring in the area, smaller area contractors, especially the minority, where I am, and emerging small businesses, the contractors have done an outstanding job. They are already halfway to their goal for the whole job and we are only in our first year. It's been amazing how they have been able to identify portions of the project that could be accomplished by local contractors and bring them into the project. We've also talked about making sure that the utilization of labor and operators and the apprenticeship part of that is going tracked right now and identifying areas where apprenticeship labor, not only operators but also laborers and carpenters, can be brought into the project. It's, that's somewhat of a

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challenge. This is an extremely difficult project and a lot of the work does not lend itself to the on site rain training of apprenticeship employees. So kiewit is working very hard to identify the areas where apprentices can be brought on to the site and be utilized in a safe manner. So with that I will turn over to derek and --

**Derrick Chisholm:** Thank you. Good morning. Derek Chisholm, I work with parametrics in the lloyd district. You reviewed most of the major items and paul did as well, so we track things systematically on a monthly basis and we look into issues as they arise. There have been three very minor safety incidents. So we've been talking to the contractors about how they intend to tighten up the systems. There's still well within industry standards and meeting state goals but once something arises then we talk about it and set plans in place. Most of those are big issue items like the critical path. And so that's really going to be our focus now as the t.b.m. Is about to start its work and the most serious work of the project and the most challenging work is about to begin. That will be our focus but not at the sacrifice of any of the other issues regarding are you apprenticeships and mwebs hiring. That's all the comments I had.

**Adams:** I just, this is very laborious work to serve on a committee as our extra eyes and ears and brains and I just want to thank you and pass along back to your fellow committee members a big thanks. It is very important project this big and this complicated with so many judgment calls based on the best information we can get together as only improved by your work and I want to thank you.

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

**Potter:** Thank you, folks. Is anybody signed up to testify?

**Moore:** No one else signed up.

**Potter:** Item 454 requires no council action. Further questions for b.e.s.?

**Adams:** I could just take the opportunity to thank you, dean, for your work on this project over the years. And big thanks to the thin edge of the wedge on this project. But doing a great job, paul, you've absolutely been fantastic. And on this project and I really have grown to appreciate just how good you are and how lucky we are to have you on such an incredibly difficult project. So thank you.

**Potter:** I need a motion to accept.

**Leonard:** I was listening.

**Adams:** On time, on budget.

**Potter:** Motion to accept the report.

**Leonard:** So moved.

**Sten:** Second.

**Potter:** Call the vote.

**Adams:** Aye.

**Leonard:** Thank you very much. It is great work. Aye.

**Sten:** Perfect work. Aye.

**Potter:** I'm just very impressed with the work that was done. I really want to compliment you, dean, and folks for keeping it on budget and, in fact, under budget and I look forward to completion of the east side pipe as well. So thank you and please convey that to your staff.

\*\*\*\*\*: Thank you very much.

**Potter:** Aye. [gavel pounded]

**Moore:** We need a vote on 455. We need a vote.

**Potter:** That was 455.

**Moore:** 454.

**Potter:** 454 is just a program update.

**Moore:** It's a presentation. I'm sorry.

**Potter:** Commissioner Sten and Adams.

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**Item 480.**

**Sten:** I just -- did you want to set it over? Is that right?

**\*\*\*\*\*:** It's my understanding this matter was going to be set over for hearing on next -- I think.

**Moore:** May 9 at 2:45 at time certain.

**Sten:** May we set it over?

**Potter:** Any objection? Please read item 481.

**Item 481.**

**Potter:** Commissioner Leonard.

**Leonard:** Thank you, mayor Potter. You want to come forward in case there are any questions? This is a settlement of a variety of claims by two employees of the bureau of development services.

As you recall last year, I actually asked that we appeal this. And the intervening time with the further conversations i've had with city attorney's office, with bureau of development services and the staff, I didn't change my mind. In fact, I became more convinced that paul scarlet and his top managers would not be motivated and are not motivated by any employees, race, sex, or religious affiliations. But what became, did become clear is that, as is in the case sometimes of large organizations, that the rules were not of the organization were not as -- enforced as consistently as I think reasonably should be expected. And for that reason, the issue that arose to the lawsuit appeared to be an unusual circumstance that some concluded was motivated by these women's race.

I concluded that it was because we needed to do a better job as an organization supervising employees and enforcing rules consistently, evenly, and without exception. Because of that we have made some significant changes at the bureau of development services. The e.e.o., the employment equal opportunity officer is no longer a person in the chain of command that also would be responsible for discipline. I felt that that was a conflict. So we've created a new position, hired, promoted from within michael shabazz who is now the e.e.o. And on par with the top managers and works with issues of workplace problems and he is the person employees should now be comfortable going to. And having issues discussed and resolved that could be, for an example, like what we are dealing with here. We are making other management changes, including coming developing a systematic assistant training program for all supervisors, which I think this case points to the need of. So it was after much, much discussion and negotiation and I think soul searching that I came to the place where this was a fair settlement for the organization, and for the women involved. And I think that as a result of this, the bureau of development services is going to be a much more healthy place for all employees to work and supervisors on down. So I would appreciate the council support of this resolution.

**Potter:** Any questions?

**Moore:** No one signed up.

**Adams:** For record for anyone who might be listening in, judging from commissioner Leonard's comment that the settlement, in your opinion, is less likely to be less like costly than pursuing some other action?

**Harry Auerbach:** I am harry auerbach with the city attorney's office. It is -- the settlement accomplish as lot of things. It resolves more than the lawsuit. So it's difficult to say, you know, just a pure dollars whether we did settle or didn't settle the lawsuit. We are paying a premium above the judgment, but we are getting additional benefits in return for that. And so the answer I can give you is that based on conversations that we have had with risk management, with b.h.r., with the bureau and with the commissioners office the package is in the best interest of the city.

**Potter:** Emergency vote. Please call the vote.

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

**Adams:** I voted the twice.

**Sten:** I just wanted to note for the record, I did abstain from the last vote because the simple reason ms. Washington is someone I went to high school with. As it was contested I didn't think it was



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appropriate. Given it's an emergency ordinance and we need four votes and both sides agree to this I don't see any reason not to vote aye.

**Potter:** Aye. [gavel pounded] We've got a couple of issues I think that we should deal with the emergency ordinances first. we've got two and then we have 2 four-fifths items to vote on so what I'd like to do is move ahead to those and then pick up the others as we find time. So I think the next emergency is 487.

**Item 487.**

**Potter:** Is anybody from parks bureau here? Any questions from the commissioners regarding this property? 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 on this matter? Emergency vote, please call the vote.

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

**Potter:** Aye. [gavel pounded] please read item 488.

**Item 488.**

**Potter:** Is there anybody from staff here to testify on this?

**Riley Whitcomb:** This is an agreement that we had had with ohsu through the marquam hill plan that was approved several years back, in 2002, that had to do with rezoning residential property to open space, and it was agreed that the city would accept from ohsu conservation easement, and this is the document that provides that.

**Potter:** Any questions? Is there anyone signed up to testify on this matter?

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

**Potter:** Is there anyone here who wishes to testify? This moves to a second reading. Thank you. I need a motion to suspend the rules and to hear two four-fifths items.

**Leonard:** So moved.

**Sten:** Second.

**Potter:** Call the vote.

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

**Potter:** Aye. [gavel pounded] please read item 488-1.

**Item 488-1 and 488-2.**

**Yvonne Deckard:** For the record, Yvonne deckard, director for the bureau of human resources. Can we take both of those ordinances together?

**Potter:** Yes. Go ahead and please read 488-2.

**Deckard:** These two are one piece of cloth. I was before you about a year ago -- for the record, my name is evonne deckert for the bureau of human resources. About a year ago I was before you and asking council to support a resolution which was to put in place a pilot program out at the bureau of emergency communications between bureau management in their labor management process to deal with the recruitment and retention issues, long-term and recruitment and retention issues that's impacted that organization for quite some time. Council did endorse that and the bureau in cooperation with the bureau director, along with commissioner Leonard's office and b.h.r., has worked over the last 12 months to bring together this recruitment and retention project. What you have before me today -- before you today is the work out of that committee. The first ordinance is cause for us to -- calls for us to create two new classifications by which developing a series of classifications that will enable the bureau to have more flexibility in being able to assign and utilize the talents and the expertise of the employees at the 9-1-1 center. We think that's very critical in order to deal with our long-term retention and recruitment issues. It will establish two new classifications that -- one that will be -- that is a call taker and the other that is an e.c. Police dispatch. So by adding those in we'll have a series of four classifications which would be -- which would allow us to decrease the rate of washout for the employees during training, and will allow us

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to staff up fully I think in the long term. The other ordinance is a change to the labor agreement and this tentative agreement has been ratified by the 9-1-1 operators and now is before council for ratification. To give you some idea of the changes in this memorandum of agreement, it will call for some revisions in the overtime premium upon working 12 hours of voluntary overtime in one pay period it would allow an employee to get a \$50 premium. This is not to apply to supervisors, or attending classes -- for extending classes or meeting a special detail. It's really to try to deal with the overtime stress theme employees have in that operation. Ordered over time it increases -- it establishes a bonus for ordered overtime for employees with the exception of what I would call high peak times, such as fat tuesday, st. Patrick's day, cinco de mayo, halloween, christmas, christmas eve, and new year's eve, and new year's. It will allow for anniversary benefits as it relates to how employees actually bid for vacation time that will be that would allow employees to have more control for lack of a better term, over their life, and -- in being able to plan for time outside of work. It once again creates the call-taker classifications. There is -- in developing these series of classifications, it actually calls for a 6% increase in the range over the range for those classifications in the labor agreement. So that's a 6% increase to the ranges. So at this point i'll see --

**Leonard:** Maybe I can just summarize kind of -- I probably should have done this first and your comments would have probably fit better. There has been historic problem at the bureau of -- bureau of emergency communications and staffing. It used to be, if you will remember when we used to get the annual survey of what employees earned in city, we historically had an emergency communications operator always be the number one employee in the city. And the reason is because we have this historic shortage of operators. We have tried various strategies in the last four years to try to get to how to get more operators through training. We have the spots, we have the funding, we can't get the people trained and certified and into the spots, and as a result, we have employees working a tremendous amount of overtime and something that is really unusual, forced overtime. Actually being told you can't go home. You have to work overtime. Because obviously this is not one of those services that it's ok to shut down even for a short period of time. When somebody calls 9-1-1, they have a reasonable expectation somebody is going to answer the phone. So the result has been a lot of workplace issues. And so what we've done here is we've actually created a position, recreated it that used to exist of a call-taker. So it used to be up until we adopt this, that we would hire a person to be a 9-1-1 dispatcher, they begin going through training, do call-taking great, but as soon as they hit the phones for police or fire, those skills that are so important for those jobs were not there. So we'd have to let the person go. Although they did fine taking calls. So what we recognize was important was to be able to keep those people hired to take calls, because that's a vital function. That's the first step in the police, fire, and emergency, police, fire, or medical, when you pick up the phone and when you call 9-1-1 and somebody picks up the phone, that's the first thing that's said, and that's that person, the call taker. And so we've created a position now for those people to be able to fill that will relieve them taking experienced dispatchers off the front line and coming to take calls. We expect over time to go down as a result of that. We also sat with the union and came up with this more fair compensation, even though it's not -- the collective bargaining agreement was not up, we were trying to address the entire issue of forced overtime, morale, and this the package reflects that with these call takers, with these 6% spreads between positions and we're hoping that when the council adopts this, this will be the first day of a brand-new history for the bureau of emergency communications, that people can predict how many hours they're going to work and promise their family they'll be home right after work. That's important. People canning -- one of the things you heard evonne mention was summer vacation. People with not a lot of seniority should be able to have some days off in the summer. And particularly in a job like this. This gives us that. So we're really hoping that this package, which lisa and sara and yvonne and others spent a year --

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**Leonard:** This is a result of one year of sometimes daily discussions and sometimes acrimonious discussions to get to this the point that we have really developed finally a strategy we think that shows us some light at the end of the tunnel in terms of maintaining our staffing levels at a predictable level, hiring people that we don't have to let go who have some skills, and -- in the 9-1-1 process. So I really appreciate how hard this has been. This has been one of the most difficult things we've accomplished at the 9-1-1 center since i've been assigned it 4½ years ago, and at times we thought it was going to fall apart, and it didn't, and yvonne was a big reason why it didn't. Thank you very much for your work, but thank you sara and lisa for your dedication. If they hadn't had their cool approach to this and was ability to withstand some of the stuff that was thrown their way, we wouldn't have this the package. So I know maybe not all recognize that, I certainly do, and I certainly appreciate it very much.

**Potter:** I notice that it will cost about a half million dollars a year. Do you have that already built into your '07-08 budget?

**Lisa Turley:** Yes, we do.

**Potter:** Good.

**Sten:** E.

**Adams:** How many positions?

**Turley:** It's not additional positions. We created a four-step career ladder with the call-takers, fire dispatchers, police dispatchers and senior dispatchers, and to be a senior dispatcher you have to have all of those skills. And they are the people that we gave the 6% increase to.

**Potter:** Other questions? Thank you, folks. Is there anybody -- do we have a sign-up sheet?

**Moore:** I did not have one.

**Potter:** Is there anybody here to wishes to testify on this matter? Beginning with 488-1, emergency vote, please call the vote.

**Adams:** I want to thank you all for your work on this, and congratulate you, commissioner Leonard, having been around the government for a long time, and seeing 9-1-1 and the issues of 9-1-1 and just how difficult they are, and how important overcoming them are to the community, this is -- this will not probably be in the newspaper, it will probably get no coverage in the media, but it's a life or death issue that you're making an improvement on. And I want to thank you, commissioner Leonard, for your perseverance on this issue, and I want to thank the team before us and everyone behind you for working on it so diligently. I really appreciate it. Aye.

**Leonard:** It's very important as each of us know when we hire a director, that it's somebody that reflects our values that we trust, that we know that we're not going to have to be embarrassed by it at some point in our political futures. And lisa has requited herself very well on this issue. This is one of the tougher things one does in a leadership position, try to mediate the angst of the work group with supervisors and come up with an agreement, especially one that costs money. This is a very, very significant improvement, and i'm not surprised. I obviously had a lot of faith in you, but you certainly requited yourself well with this the agreement, and thank you, sara, for all the work you did as well. Aye.

**Sten:** Aye.

**Potter:** I want to thank you folks too. I just -- having been around even longer than commissioner Leonard, watching boec and how difficult it is, the environment there, the stress that goes on, I think both commissioner Leonard and I have acknowledged over the years it's actually a tougher environment than police or fire. So we recognize that. And I think this agreement recognizes that, and provides an opportunity for folks to be recognized and rewarded for their efforts. So I want to thank you. I vote aye. [gavel pounded]

\*\*\*\*\*: Thank you, mr. Mayor. Thank you all.

**Potter:** 488-2.

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

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**Potter:** Aye. [gavel pounded] going back, item 482.

**Item 482.**

**Potter:** Second reading, vote-only.

**Adams:** Just to comment, on may 17 we'll be having an update to the public, and everyone else on progress on the construction of the transit mall. Aye.

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

**Potter:** Aye. [gavel pounded] please read item 483

**Item 483.**

**Christine Moody:** Good morning, mayor Potter and members of city council. I'm christine moody with the bureau of purchases. Before you is a purchasing agent report recommending an award on bid number 107036 for the brownwood floodplain restoration project for the bureau of environmental services. To brant construction in the amount of \$3,986,110. B.e.s. Along with purchases identified 11 divisions of work for a potential mwsb participation, and participation for this the project represents 4% of the identified subcontracting dollars. And I will turn this back over to the council if you have any questions.

**Adams:** This should be of no surprise to anyone, the 4%, there is none going to mwbe, is that correct?

**Moody:** Actually, the 4% is going to the either a wbe or an es barry enders.

**Adams:** I look below, you've got two dots below on your memo to the calendar, and it looks like the bulk of it is going to a wbe and not going to minority-owned business, and --

**Moody:** That's correct. The bulk is going to a wbe.

**Adams:** And none to the minority business. Any idea why we did -- we have no success in getting to it a minority business enterprise?

**Moody:** I'm not sure on this particular project. I know this project brant is self-performing most of the work. And so that they are subcontracting with three firms. They're all certified, so there's no subcontracting dollars going to a noncertified firm. They just don't have subcontracting going to a minority business on this project.

**Adams:** These somehow get on the council calendar without me ever getting to have a crack at it ahead of time. Sort of ask these questions, and I don't necessarily like to take up the council's time with this, but this is a bureau of environmental services contract, so I just like to follow up with you again and jeff if we could make it a matter of protocol that they would come through my office before they actually get on the calendar so I can ask questions.

**Moody:** For the supplemental staff report?

**Adams:** These go from the purchasing agent to the city council, so I don't ever get to see them. So i'd like to work with them and more importantly probably with the bureau of environmental services to make sure they come to me beforehand. So i'll work on that. Thanks.

**Potter:** Other questions? Has anybody signed up to testify?

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

**Potter:** We need a motion to accept.

**Leonard:** So moved.

**Sten:** Second.

**Potter:** Please call the vote.

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

**Potter:** Aye. [gavel pounded] 484.

**Item 484.**

**Christine Moody:** Good morning. Christine moody, bureau of purchases. Before you is a purchasing agent report recommending an award on bid number 107084 for the neighborhood sump rehabilitation project for the bureau of environmental services to dunn construction in the amount of \$723,432. And b.e.s. along with purchases identified six divisions of work for potential mwsb

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participation. Participation for this the project represents 2.8% of the identified subcontracting dollars. So I will turn this back over to you for any questions.

**Potter:** Questions? I need a motion to accept.

**Leonard:** So moved.

**Sten:** Second.

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

**Potter:** Aye. [gavel pounded] please read item 485.

**Item 485.**

**Potter:** Is there something you wanted to read into the record, commissioner Leonard?

**Leonard:** About commissioner Adams' eating devices?

**Potter:** Second reading, call the vote.

**Adams:** Democracy can be very cruel sometimes. Aye.

**Leonard:** If not true. Aye.

**Sten:** No comment. Aye.

**Potter:** Aye. [gavel pounded] please read item 486.

**Item 486.**

**\*\*\*\*\*:** Good morning, mr. Mayor. Council members. Nice to see you.

**Leonard:** In solidarity.

**Andy Welch:** Yes. Andy Welch, p.d.c. Director of housing and John is handing out a little bit of information, copies of the power point, I believe. And I know that we have a big kick-off at 11:30. On the employer assisted, so I'm going to be as brief as I can on my presentation and clearly answer any questions that you might have. This is approval of city -- city approval of single-family new construction and owner occupied owner occupied rehabilitation tax abatement. This o.r.s. Code requires the city approve these tax abatements in year packet of information is a pretty long list of 281, I believe, addresses and homeowners, property owners that have received either the single-family new construction, or the owner-occupied rehabilitation tax abatement this past year. One of the things I want to note is that by statute the council should approve this by April 1 of every year. That is in the statute. It's not been observed in our relationship with the county ongoing, however, clearly it's a statutory provision. We're working with the county to try to figure out how we can solve that issue and some other policy issues that have come up, and I want to assure the council that we have every ability to ensure that we meet that April 1 deadline and we will in the future, we didn't this year, we haven't always in the past, but it wasn't a problem, quite honestly. But we will ensure that we do that. I just wanted to put that on the public record. The program's purpose, stimulate neighborhood revitalization, help Portlanders become homeowners, and clearly support the city's initiative to eliminate the minority home ownership gap. New single family construction family requirements, single family or condominium units in designated home buyer opportunity areas. Household income not to exceed 66,900. And the sales price limit of \$258,000 for 2006 by the way, in 2007 that sales price limit will be \$275,000. With the maximum income staying the same. There is several examples of housing units that have received us in the new Columbia, almost 100 units of homeownership housing where units and individuals that received a tax abatement helping the new Columbia to be much more affordable with a small amount of resource. The property must be located, the second piece of the program is owner-occupied rehab, which property must be located in designated home buyer opportunity area, must be owner-occupied in the rehabilitation improvements must exceed 5% of the assessed value. There's hopefully a map that shows the home buyer opportunity areas, primarily in east Portland, southeast Portland, north-northeast Portland. This is set by you the council. Recently -- last year they were reestablished. Specific owner benefits of the programs, exempts property taxes on the assessed value of the improvements. Property owners continue to pay taxes on the value of the land and the previous improvements to the land. One of the interesting uses of this tool is there's an empty lot in St. Johns

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that clearly didn't have much market activity. The next slide shows the cathedral condominiums where 11 of the 14 units were recipients, owners of those units were recipients of the limited tax abatement. So it's a great revitalization tool as well as a homeownership tool. For 2006 there were a total of 281 abatements, 271 for the new construction program. And 10 the for the rehabilitation program. We wanted to take a moment knowing that we need to use our tools strategically in support of broader community goals. We wanted to take a moment to look at a few demographics of the recipients and the beneficiaries of the programs. The first slide there is a demographic slide by income. You'll notice fully 75% of the home buyers and recipients have limited tax abatement were earning 80% of median family income or less. The next slide which is a recap of race and ethnicity, I think it's important to note over 50% of the households that were recipients of the limited tax abatement are households of color.

**Sten:** Do you have any observations on the relatively high number of asian-americans?

**Welch:** I don't. The next slide was the first-time home buyers. These programs are not inherently only for first-time home buyers, they're for income eligible individuals that make less than a certain income per an up. First-time home buyers, 148 out of the total, 51% are first-time home buyers. We did want to account for the nature of providing economic opportunities for single parent households in particular. So this next slide shows that 20% of the recipients are female head of household. That's just a snapshot on the demographics. We have more information, happy to provide that at any time, and I would entertain any questions.

**Adams:** How do you decide where the boundary is?

**Welch:** Barbara sack can go into -- it's a complicated formula, but it's based upon stressed income areas, distressed areas and income levels associated with poverty.

**Adams:** Thanks. That's fine.

**Potter:** Other questions? Is anybody signed up to testify on this matter?

**Moore:** No one's signed up.

**Potter:** Is there anybody here who wishes to testify on this matter? This is a resolution, please call the vote.

**Adams:** For those of you that might just be listening and seeing the word tax abatement this, is very different than each of our tax abatement programs, and this is very different than some of the more controversial ones. I'm going to enthusiastically support it because it focuses the benefit on the folks that need it the most. So thank you for your work on this. Aye.

**Leonard:** I second that. As some observers may recall, don't consistently support tax abatements, but this is an outstanding program, and actually uses abatements to do what otherwise could not be done, and that's provide homeownership opportunities for a lot of people in the community. So this is a program that p.d.c. does, it's tremendously successful and i'm tremendously supportive of it. Aye.

**Sten:** Aye.

**Potter:** Good job, folks. I appreciate it. Aye. [gavel pounded]

**\*\*\*\*\*:** Thank you very much.

**Potter:** Thank you. We're recessed until 2:30. [gavel pounded]

At 11:28 a.m., Council recessed.

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**Closed Caption File of Portland City Council Meeting**

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

Key: \*\*\*\*\* means unidentified speaker.

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**MAY 2, 2007 2:30 PM**

**Potter:** Prior to offering public testimony the city council or lobbyist must declare which entity he or she is authorized to represent. Please read the 2:30 time certain.

**Item 489.**

**Saltzman:** This is a continuation of the april 11 hearing where the parks and recreation department first presented to council its draft sponsorship and naming policies. We heard good input from the council and the public, and at the request of members of this council, my office and the parks staff held a meeting the evening of april 19 to take further input from the public. Parks staff will go through these changes in a minute, but I just wanted to remind the council that -- how important -- what an important role the private individuals and companies play in our parks system the. Portland parks has a long history of leveraging private dollars to help us meet the ever-increasing needs of the public we serve. From the first donations of land by william w. Chapman and daniel h. Lonsdale in 1852, to the gifts of today's corporate local corporations, nike, freightliner, and columbia sportswear. Our park system the has always been dependent upon the generosity of private benefactors. It's important to point out we have been successful in this in the way we've managed these relationships and the recognition attached to them. This is an important statement that we support this work by parks and appreciate that they obviously -- the respect they have for our public spaces. I now want to bring up senior manager bob schultz who will walk us through these changes from our april 11 version. And following that I would ask for a motion to accept these new and improved policies as a substitute exhibit and then a roll call on the resolution itself.

**Bob Schulz:** My name is bob schultz, business and marketing development manager for Portland parks and recreation. In Portland parks 2020 vision, our citizens outline an ambitious future for a parks and recreation system. The needs call for additional parklands, trails, community centers, and other facilities totalling \$750 million. Reaching these goals for vision 2020 is important in the continuation of the legacy left to all citizens of Portland by visionaries who preceded us. We know we cannot achieve that needed success without the ability to leverage outside dollars. We've enclosed a map, I want to take a break and show you so we don't get lost this time, if you turn to the very last page of your booklet, i've got a table of contents which pulls out. It can remain open during the presentation. Behind tab four there's a map i'm referring to and it pulls out. So you can address the map as we go through this. And i'll be pointing to it. Reaching these goals is important for the continuation of the visionary who's preceded us. We've enclosed a map which shows a map for future development. Most apparent are the underserved locations where we purchased lands but have not had the resources to provide the improvements there. I want to refer you now to our map. We have outlined with stars two sites which we would really love to develop as community center sites. One of them at the the Washington monroe site, and one at the whitaker middle school site. Other areas on the map, these large pink areas, are areas we'd like to have in the future for more defined study. These are areas where we know the demand is great, but we don't have the resources or land purchased. Also on the map in the tan areas you'll see land we have purchased but we don't

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have the current resources to develop into parks. We believe that we have created documents to serve the need of the public. We've heard what the council said last time we met. We have listened to citizens concerns at public meeting and invited additional comments at our web. As commissioner Saltzman mentioned, we've held another public meeting on the policy since the last time we met and we've also reopen the our website for comments. And our last presentation to council you asked us to make changes and additions to the policies which we've done. Those are changes highlighted in yellow and they're included in your booklets. The naming policies behind tab one sponsorship is behind tab two. If you have any questions in those changes, i'm open for those now.

**Saltzman:** I think the important part is the change we made on sponsorship with respect to the council's role in those decisions is that for any sponsorship in an aggregate value of \$500,000, whether it's multiyear or single year, would come to council for approval, and as was in the naming policy originally, naming policies do come to the council for approval. So I think that was the major concern that was raised by commissioner Sten last time about -- and that we did build in -- council has the ability to waive the policy that a person has to be deceased for a certain number of years before something can be named after them.

**Schulz:** That's correct. Any other questions? Thank you, commissioners, and mr. Mayor.

**Potter:** [inaudible]

**Saltzman:** I would move the substitute resolution and ordinances.

**Leonard:** Second.

**Saltzman:** We do have several members of the parks board if we could afford them an opportunity.

**Adams:** The notification of neighborhoods for naming and renaming, I just want to clarify the intended purpose, and you only have neighborhoods, not business associations here. You're notifying them of renaming proposals and is it speak to somewhere else in this document and i've missed it? What the rules of engagement are? You notify them and then what?

**Schulz:** Basically what we heard from citizens in our meeting was the fact that we had a part in where we have a standing committee that's got neighborhood associations and we'd get their comments and approvals for any naming situation. But they mentioned to us in our meet canning, while we can only comment to our neighborhood associations if we're aware of the fact it's coming through, so what we said is we'd put in extra step that we made sure we notified neighborhoods up front when something like this is coming available so when we did have a representative from the neighborhood association on this committee, they could get input to that person before we got to the meeting stage.

**Adams:** Could we have the letter of record of this procedure show that you would come up with some further details on what the process would be and that you would include business district as well?

**Schulz:** Absolutely.

**Adams:** You're going to give them two or three weeks notice, so neighborhoods and business associations know they have a certain amount of time to reply. I don't need to change anything --

**Schulz:** I think that's a great comment. We'll be happy to add it, sir.

**Adams:** Thank you.

**Saltzman:** Reverend bethel?

**Linly Rees:** May I ask for one clarification on your motion? You aren't substituting the resolution, correct, you're just substituting the exhibits?

**Saltzman:** Correct. Sorry.

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

**Joey Pope:** If you prefer to vote first, that's ok too.

**Potter:** When you speak, please state your name for the record.



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**Reverend T. Allen Bethel:** Good afternoon. I am reverend dr. Bethel in Portland. Serving on the parks board as the vice chairman, incoming chair. I want to give thanks to you and mr. Mayor and the count for the great support you're giving to Portland parks and recreation and my thanks to the staff and zari santner for their involvement with the community and what they're doing. One of the things we're very much aware of is the amount of dollars are increasing for the demand and cost of delivering and providing services at a consistent level. And that is going to continue to increase. As you can well know from reading the sponsorship and naming policies that are before you, the partnership with private citizens and businesses help us to leverage the dollars for the particular services and development of parks and getting things and those particular parks done that perhaps otherwise we would not be able to get done in an expeditious manner because of the draw and the demand for the dollars. We also believe and urge you to support and vote very affirmative for the sponsorship and naming policies because these also help us to the be a partnership with businesses, private individuals, and corporations so we can make Portland parks and recreations more beneficial to all our citizens as well as to our visitors. Thank you for your support.

**Josephine Pope:** Josephine pope, I come before you today, I am on the parks board, but I am speakingo in behalf of the Portland parks foundation. And the Portland parks foundation, as you know, raises money privately for park programs and the acquisition of parklands, particularly in disadvantaged areas. The park foundation strongly and the members unanimously support this the resolution. These -- both these resolutions, both policies. We feel extremely strongly that the ability to appropriately recognize is an essential tool, not just an add-on, but it is essential in our work. Two quick things that I wanted to cover. One is reality. And that's been spoken to and you know it better than I do, that public money is nice as it is, and -- is simply not sufficient to the meet the needs, desires, and indeed the demands of the public. Another issue is that private individuals, businesses and corporation, want to contribute to their city. They're proud to be part of our community, and they want to be able to the add value to not just their lives personally, but to the public sector. However, another aspect of reality is recognition. And i've lived long enough that I can remember when organizations didn't have development offices, when if there were development offices, and there were private donations, it was considered not necessary, maybe even georgie holsheimer, to list -- gauche, at least amounts of money. The reality is if you look for instance through a symphony program or the art museum annual report, or community music center, you see very few words "anonymous." most everyone today would like to have himself or herself or corporations acknowledged. Second area that i'd like to the briefly touch on in addition to that reality, is the appropriateness of recognition. Please be assured that the Portland parks board, the foundation, believes to our core that public parks belong to the public. And the idea of any commercialization or the idea of any undue influence because of donation would be anathema to all of us. I think the history of the park bureau has been that the recognition has been tasteful. Off-site recognition and flyers and annual reports, and also the logos on signs. It seems to me that the record from the park bureau has been really fine in striking a balance between recognition and tasteful necessary. So thank you for your consideration.

**Potter:** Thanks, folks.

**Moore:** We have one person signed up, amanda fritz.

**Potter:** When you speak, please state your name for the record. You have three minutes.

**Amanda Fritz:** Amanda fritz, speak only for myself. I think you should listen twice as hard considering I had to come through the hail and thunder and lightning to get here. I'm still -- i'm concerned that the 500,000 threshold for reporting to council and getting council approval is too high. There is a number of 500,000 in the chapter five rules on when contracts have to come to city council, however, there are also. Other numbers, 5,000, 150,000 seems to be a popular number. And 500,000 seems a pretty high threshold before council gets to approve a sponsorship. Particularly when the other part i'm particularly concerned about in this is allowing logos on

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interpretive the signs, which can be permanent signs. And putting a logo on an educational sign seems particularly unfortunate when we're trying to teach people something about the park than having a corporate logo on it seems to suggest that that corporate entity has more stake in the park than the taxpayers who are actually funding the park itself and who own the park. Someone suggested yesterday to me that we should expand this policy to have a policy for when volunteers are recognized in parks. Hundreds of thousands of hours are donated by Portland citizens to pull ivy and weed and do all kinds of things in Portland's parks, and yet there's no mention in this particular the policy that those volunteers deserve some recognition also, and that as I say, the taxpayers are funding the majority of parks programs, and that's how it should be. Thank you for work on this. I would note that the second public meeting was called with only about 24 hours notice, so only three of us were able to get to it. And in future parks policy projects, it's going to be very important to do things differently that one public meeting before the first council hearing and then one before this one is not really an extensive citywide process to look at, an issue I think many people would be interested in and could learn how our parks are funded if there had been more public outreach to explain what levies pay for, what taxes pay for and what these corporate sponsorship does and don't do. That would have been helpful for citizens to understand. While I'm grateful this policy is coming to council for approval, I would like to suggest that there can be some improvements in the process in the future.

**Moore:** That's all who signed up.

**Potter:** Further questions?

**Leonard:** I did, when commissioner Saltzman, when you mentioned the 500,000, I was wondering why it was so high. Is there a reason we couldn't have it, say, at \$100,000?

**Sten:** I --

**Saltzman:** I think as practical matter, 500,000 is the right number, and also as Amanda Fritz just said, in chapter five of our code it talks about a threshold of \$500,000. So it's consistent with how we approach contract approval by the council right now. And I do think -- I think it's an aggregate number that is large enough to be significant enough to have council input. I think 100,000 is too small. We're talking in aggregate over a multiyear. For instance, if it was a \$500,000 commitment over 10 years, it's 50,000 a year or less. It could involve annual amounts being that -- as low as 50,000.

**Leonard:** So you would at the point at which the aggregate amount of a contribution reached 500,000, then would you bring it to council?

**Saltzman:** There would be a multiyear agreement with a potential sponsor.

**Leonard:** And if that --

**Saltzman:** If that is over 500,000 then it comes to council.

**Potter:** Further questions?

**Adams:** Is there an automatic check-in on how the policies are going?

**Saltzman:** With council?

**Adams:** Like a year or so.

**Saltzman:** We can certainly do that. We hope to have some tangible achievements to show you in a year. Or to bring for your approval before then.

**Adams:** I just mean policy working, any tweaks we want to make after your check-in on the amount.

**Leonard:** I really appreciated what Joey Pope had to say about the parks board overseeing this process, not allowing something untoward to occur and that I find some reassurance in that. But I just have to say that -- I know nobody here, I don't think was here when Civic Stadium was named P.G.E. Park, but that to this day bothers me a lot. Sorry. It just is disturbing. To have a civic monument take the name on a private sector enterprise. And I guess when I'm having this discussion that's what I'm thinking about, wanting to avoid happen again.

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**Sten:** I think I suggested at the last hearing that these do come back to the council for exactly that reason. I think that was -- whether it was the right vote or wrong vote, it was an affirmative vote of the council that named that park. That stadium. I think that's the right venue to do it.

**Sten:** Yeah.

**Leonard:** And your \$500,000 threshold would can which your that kind of thing?

**Saltzman:** Well, yeah. Civic stadium, or p.g.e. Park is not a parks -- was not a parks resource.

**Leonard:** I understand that.

**Saltzman:** The amount of money p.g.e. paid for that naming right was considerable.

**Adams:** 500,000 a year for 10 years. If I recall correctly.

**Saltzman:** That's like a \$5 million --

**Leonard:** On that subject, what happens at the the end of 10 years?

**Adams:** They have to renegotiate with the city or the name comes off.

**Leonard:** When is that 10 years up?

**Adams:** I can't remember.

**Leonard:** Will it be theoretically --

**Sten:** You weren't on the council --

**Leonard:** Will it be theoretically when i'm on the council?

**Schulz:** If I could interrupt for a second, I wanted to point out that as commissioner Sten pointed out, we made a change in the sponsorship policy that says any naming benefit associated with any sponsorship will come to council for approval.

**Leonard:** No matter what the amount?

**Schulz:** No matter what.

**Sten:** So it's any name, and any sponsorship above 500. If we're going to name a facility, it comes before the council.

**Schulz:** Right. But any naming benefit is going to come here. It goes through a committee first and then here.

**Sten:** I think that's an important distinction.

**Leonard:** It is. That's helpful. Thanks.

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

**Adams:** Thank you to everyone who worked on this. Thank you commissioner Saltzman, look forward to -- thanks to the foundation and the board, look forward to sort of checking in with you to see how things are going, see if there are any tweaks that need to be made in a year. Aye.

**Leonard:** As I said, I do find reassurance in what joey said today, that the integrity of our system comes first before any remuneration is teased at us. So I appreciate that. Aye.

**Saltzman:** I want to thank bob schultz and zari santner from the parks bureau and the council for its earlier review and the public for its review on this policy. I think we do have a policy that gives us the flexibility to make things work, but also do it in a respectful way and do it with full council approval under certain naming and sponsorship conditions. So I think it strikes a fair balance and we look forward to -- our purpose for showing you the map where we have desired community centers and where we do not have parklands acquired yet is to demonstrate if we're going to fulfill the visions of our 2020 plan it's going to take more than public resources to do it. It's going to require engaging in partnerships and leveraging the resources of the private sector to get our full build-out of our 2020 vision. So i'm pleased to vote aye.

**Sten:** I agree. Thanks to commissioner Saltzman and the board and citizens. I think this is the right balance, and i'm -- I stand ready to help and hope you'll be successful in helping raise money. Aye.

**Potter:** I want to the thank commissioner Saltzman, the parks bureau, but I really want to the thank the parks foundation board. What you folks do for our city is nothing short of amazing, and i'm very grateful to you for spending the time and effort that you do to try to the increase the number of

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parks and enhance the beauty of our city. So I want you folks to know you are appreciated and that we support you and that I think this is a good balance between ensuring the integrity of the system but also ensuring that we have a system there. So thank you all for your hard work and I vote aye. [gavel pounded]

**Moore:** That was -- we have the amendment, we didn't take the vote on that.

**Potter:** Ok.

**Moore:** That could be the amendment vote and now the resolution.

**Potter:** Ok.

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

**Potter:** Aye. [gavel pounded] thank you, folks.

**Item 490 and 491.**

**Potter:** Please read the 3:00 p.m. time certain.

**Moore:** Did you want them both read or just one of them? 490 and 491?

**Potter:** Yes, read them together.

**Potter:** First i'd like to thank the members of the original street access for everyone work group and thank the members of the safe oversight committee, including the many social service providers and members from the business youth and homeless communities. For the months they have spent working to implement the safe recommendations, specifically I would like to thank mike from the Portland business alliance and monica from the Oregon law center. Cochairs of the safe oversight committee for their outstanding work in bringing this initiative forward. Without their spirited collaboration and leadership, we would not be where we are today with the implementation of safe. I'd also like to thank the rest of the oversight committee, including jenie nelson and patrick nolan of sisters of the road, noleen binder of the transition projects, daniel of new avs for youth, richard harris, carol of the old town-chinatown neighborhood association, mark jolan of join, commander mike reece of the Portland police bureau, mark hanson of the lloyd center security, lori abraham of the Multnomah county district attorney's office, the numerous other people from my staff and other council offices that have helped with the implementation to safe recommendations. The safe initiative began almost a year ago to address livability of our streets in a way that respect and empowers all members of our community. Many members were asked to address not simply the symptoms but also the root causes of issues and identify possible solutions. Back in january when the sidewalk obstructions ordinance last came to council, I made a commitment not to proceed until certain minimum conditions were met, including opening a temporary day access center, building public benches, and opening more public restrooms. Based on a letter sent to council yesterday from mike and monica, cochairs of the oversight committee, I believe tremendous progress has been made and the minimum conditions have been met. It's important to remember that the safe recommendations are not an attempt to either address the causes or effects of homelessness in Portland or to target the homelessness in any way. Safe's mission is to identify how we best address industries guess order that affects every Portlander. The safe recommendation does, however, support the city's 10-year plan to end homelessness and the work being done by commissioner Sten and the bureau of housing and community development to establish a permanent day access and resource center. I am committed to supporting commissioner Sten as he leads the effort to site that permanent center. I am committed to working with the Portland development commission to make funding the permanent center a priority. It's my understanding that efforts are already underway between p.d.c. And the city's bureau of housing and community development to site and build a permanent center. These efforts have my full support. I'll now turn over the presentation to maria rubio.

**Maria Rubio:** Good afternoon, mayor. Commissioners. My name is maria rubio. Mayor's office, policy manager on public safety. Before you is a resolution to officially establish the street access for everyone, or safe oversight committee to oversee the implementation of the core consensus

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recommendation and an ordinance to approve the obstructions as nuisance city code. This panel and the next will address the work of the work group and the oversight committee. Commander Mike Reece and city attorney Woboril will address the ordinance.

\*\*\*\*\*: Good afternoon. I'm sorry.

**Rubio:** The street access for everyone work group convened June 21, 2006, and met approximately every two weeks until the end of October, 2006. The report does not review all of the work done, but is intended to summarize only the final recommendations of the work group. The work group was established by council on May 24, 2006, to assess citywide problems associated with street disorder and sidewalk nuisance and recommend strategies for problem-solving. As our committee met, it became clear that while some behaviors are consistently understood as both disorderly and illegal, plainly criminal behavior, other behaviors were perceived as disorderly and harmful by some work group members while equally seen as appropriate or acceptable by others. As such, rather than attempting to judge, categorize, or define each exemplar of the second type of behavior, we attempted to focus on what we all agree mattered more. The question of how best to reduce the harmful impact of behavioral complex that prevent a sidewalk or street from becoming welcoming and open to all, regardless of whether the root of the problem rests in behavior that is illegal, annoying, or simply misinterpreted. As we began our work, we identified some underlying principles to which we all agreed. First, that the solutions offered in this report are intended to make it easier for people to remain in our public areas peacefully, rather than to be excluded from them. Specifically we do not support approaches that would push people away from our business districts and recommend instead methods to make it easier for Portland's diverse residents and visitors to share our public areas with less conflict. Second, that the best way to deal with street disorder is to help remove the conditioning that make some types of disorderly behavior more likely. Followed by courteous encouragement to consider the value of greater tolerance and civility towards each other, and then and only as a last resort, the applied use of laws to address narrowly defined unacceptable behaviors. Implementation of approaches to address street disorder problems that are in conflict with these principles are not supported by this work group or the oversight committee. We define seven key goals that comprised component parts of addressing the conflicts and problems associated were ensuring that Portland streets remain safe, welcoming, and livable for all. The goals were divided into those elements on which it seemed appropriate to focus the work group's efforts and those which while also necessary, are more appropriately pursued through other ongoing efforts such as a 10-year plan to the end homelessness, the procedural and probation department, and public safety action committees run through the police bureau. We identified seven key goals within our scope of work, not already being worked on by others. First goal was to help visitors and locals understand and enjoy an active diverse city. Number two, make daytime life less hostile to those without a home. Solutions under this goal are not necessarily intended to reduce the rate or number of homeless individuals. But simply to make life as a homeless person more tolerable with more options to attend to personal needs in ways that are more comfortable for the homeless person and create less discomfort for others. Number three, to help law enforcement be effective while consistent with community values. Number 4, establish a common or consensus way to measure the problem in progress. Solutions under this goal are intended to create a greater common understanding of the scope of the actual problem. Members of the work group have questioned the degree to which a problem exists and recommend that better, ongoing data about the scope of the problem and its rate of change be documented through nonanecdotal means. Number five, implement better place management problem solving. These goals are also being addressed by other efforts, yet they're critical to the success. Under this solutions -- solutions relate specifically to ensuring earlier identification and more effective problem-solving response to chronic problem locations. Number six, implement better offender management problem-solving, solutions under this goal relate specifically to ensuring earlier identification and more effective the problem-solving

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response to chronic offenses by specific individuals. And number seven, provide more help for persons experiencing homelessness, persons with mental illness, disconnected youth, and daily -- day laborers. Solutions are intended to reduce the length of time a person is without appropriate assistance and to ensure more immediate effective and accessible services to begin that process. The work group decided that the lead role of much of goal number seven is more appropriate to other city of Portland efforts under way to address elements of this such as home again and the 10-year plan to end homelessness. As you can see, we took a broad approach to looking at street disorder, and as we -- as a discussion continued, we narrowed it down to the two areas that were located in high pedestrian zone areas. So today in front of you we have the actual core work group consensus recommendations that we as the safe work group decided should be carried forward together and implemented together, and those five are implementation of a day access resource center plan that meets minimum criteria set forth in this report. This report identifies basic services such centers should provide and recommends a time line for a phased-in method for developing temporary and then permanent center solutions, and funding for those options in coordination with other efforts, planned through the 10-year plan to end homelessness. Faith one was a six-month process to identify funding and faith two was another six-month process to open a temporary day center. Number two is to provide adequate public seating and benches in high pedestrian traffic areas. This would provide the necessary public seating in the proximity of places where persons otherwise elect to sit or lie on the sidewalk. We realize that there are over 400 benches in the central city, but we needed to place benches where people want to be. Number three is implementation after public restroom plan. Number four was to let the obstructions as nuisances ordinance expire and enact a high pedestrian traffic area ordinance. Such asyrians would regulate certain conduct on the public sidewalk in limited high-defined -- defined high-pedestrian traffic areas. For example, with various exceptions, sit little, lying down, or leaving one's belongings in a high-pedestrian sidewalk area during a specific time would not be permitted. Only specifically trained Portland police officers would enforce such an ordinance. Citations could only occur after a written warning notification that involves information about available day access centers and other services. Sanctions would be noncriminal, nonarrestable, and various oversight elements described in more detail in the report would be in place to monitor the application of the ordinance. And last of all, we had number five, which is to create an oversight committee for implementation of the core work group consensus. This oversight committee has been working hard since january to the move this work forward. As you will hear, we took the position of thinking outside the box even since january. Considered new information and changed to meet new needs. I will now turn this presentation over to the safe oversight cochairs who will update you on the status of these recommendations.

**Monica Goracke:** I'm monica goracke, from the Oregon law center. And I want to thank you for considering this the proposal today. From my perspective as an attorney and an advocate for homeless people, the safe initiative is about bringing different groups of people together, getting them to listen to each other, and understanding what the needs are for various stakeholders in the community. After working within this process for close to a year, I think we've taken some very productive steps forward. We've written a better ordinance that regulates more narrowly and fairly. We have sat in rooms together and looked at each other and heard each other as human beings and not as stereotypes. We've gotten beyond the rhetoric of us versus them. It's something I think is pretty rare and I really value living and working in Portland especially because it has allowed me a chance to do that. I feel like implementing a comprehensive -- as comprehensive a set of recommendations as safe as not surprisingly hasn't been ease so I far, and I think it's going to continue to be challenging -- but that's maybe a reason to keep doing it. We've made a huge strong effort to keep our implementation efforts community-based, and as an example, when we had trouble finding a second day access center besides the julia west house, we decided that we needed

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to recommend a modification to the original consensus that maria talked about. And before we just did that as an oversight committee, we went back to the safe work group, the original members, and we also went back to the community of people experiencing homelessness and talked about our ideas and tried to get a lot of feedback about what people thought was needed. It was from the community the proposal to focus on showers and lockers. The letter is long and i'm sure you've all poured over it, but i'm really happy to answer any questions in it and I would like to also correct an error in the letter toward the end of the letter, we mentioned the responses we've got from a couple of organizations including the aclu. And I want to correct a misstatement in the letter that the aclu had concerns about the ordinance. What it should have said was that the aclu is opposed to the ordinance, and to the recommendation to go forward, and this has been expressed multiple times. So I just want you to know that. And I apologize for any miscommunication that that entails. So i'll stop now and i'm really happy to answer any questions you might have about what we've been doing.

**Mike Kuykendall:** Thank you. My name is mike kuykendall, i'm with the Portland business alliance. I'm also a downtown resident. I want to talk to you about what an exciting time I think this is. I'm already getting calls around the country about how in the world did these diverse interests sit down for the better part of a year -- how to proceed with dealing with livability issues in downtown. So it's exciting and i'm happy to have been a part of it. Though it has been an interesting and long year for me. Let's step back a second and go to 2004. There was a group, the livability committee that was convened back then and they met for a year, and at the end of that year they came up with one recommendation which council adopted and that was for an ordinance. A sidewalk, a nuisances obstruction ordinance. And that was their recommendation. That recommendation was that it be made a crime, that it's a criminal offense to sit on sidewalks and certain circumstances in downtown. And think about how far we've come with these recommendations. They all build on each other and make the support for livability in downtown around the city of Portland that much better. It's just exciting. I also want to remind you that back in april of last year I sent you a letter from the chair of the downtown business improvement district asking the ordinance we have, informing you we thought it wasn't a good ordinance, asking that we set the -- it's been a -- spend a few months talking about it and other livability issues and try to come up with a better plan to deal with all the issues involved. Here we are today in may of 2007, and let's talk about what we have. We have 413 benches in downtown, and next year's budget we have 25 more going in places so that people don't have to relocate. They're not going to have to leave downtown or leave the lloyd business area. They're going to have a place to sit. And that's what we're after. We don't want people to have to vacate the premises. It's not about that. It's about everybody enjoying these locations together, cohabitating peacefully and keeping our diversity present in all areas of our city. So we're excited about that. We -- this time last year we had no -- virtually no public restrooms downtown, now we have a plan for eight new restrooms to be up and running between now and the middle of the summer. That's good for everybody, not just the homeless. So it's pretty exciting to see that come to the forefront. We also have a plan for a new shelter right now that the city going to fund, is currently funding as of two weeks ago. That's going to provide a day access center for people, and not just a flop house. It's a place they can get a shower and something to eat, needed services to help them towards their goal of hopefully ending their homelessness. So that's exciting. In addition, this plan we come to you with today has additional showers for people downtown and lockers, so that people that want to go out and try to find a job, or that they have a job, or they want to go to services canning go that in an easy uncompromising way. They can leave their stuff in a locker or lockers around the counsel town area and go get cleaned up and go to work. Nothing could be better. Nothing could be more important for ending homelessness in downtown. The ordinance itself we're coming to you with today is a noncriminal ordinance. It's not going to be a crime, we're not criminalizing sitting on the

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sidewalk. It's a violation of a law, which would only be -- only occur after a written -- an oral warning and a written warning and a citation. If someone is cited, which we are hoping will never happen, or very sparingly, if they're cited they're going to community court, where they'll be ordered to do community service in downtown. So that to me is a great solution. Unlike the seattle ordinance which made it a crime, that ordinance has been upheld as a reasonable time, place, and manner restriction, down here it's simply a violation. So that's an exciting and interesting approach to dealing with the issue. We're just giving the police a tool, and that's what it's all about. And finally the oversight committee, we're setting this up. We've already been meeting for the last four months and we actually as a result have made changes that I think have made our five recommendations to you in december now even better than then. So we're excited about that as well. The bottom line is the Portland business alliance, our goal was to come up with an interesting, innovative way of dealing with livability issues. It never was to say let's get a new ordinance and flake it tough on people. It's always been about being innovative and trying to do something different so people could coexist peacefully and everyone would have respect in downtown and in other parts of the city. That we would approach this in a compassionate manner. The Portland business alliance is here to stay, december might what you might hear from some publications. We've committed for two years of funding at \$150,000. We've committed ton part of the permanent day access center relocation plan, which previously hadn't been express and we're going to work really hard with p.d.c. And the city and bhcd to make sure we have a right place, and it does the right thing for us. I look forward to the continuing partnership, myself as the cochair of the committee and on behalf of the Portland business alliance and Portland downtown services, inc. king rated, the bid downtown, and the lloyd bid, we're glad to be here, we're looking forward to a great partnership with the homeless advocates, with the city officials, and ultimately with the Portland police bureau as well. It's a team effort and I think we're on the right track here. Thank you.

**Rubio:** I'd like to invite mark from the join community services.

**Leonard:** Do we have an opportunity to ask questions of these? Did you want to wait?

**\*\*\*\*\*:** Let's wait until they make their presentations. Do you mind?

**Leonard:** It's up to you.

**Mark Jolen:** Good afternoon. I'm mark jolin the executive director of join. I was asked to give my perspective on the process that the oversight committee has gone through. We weren't part of the original work group that came to the consensus around those five points, but we did offer to be on the oversight committee in part to help with implementation of the services, but also to help with the implementation of what I think is a new policing philosophy downtown. From my perspective, though i've got concerns about it, the sit-lie ordinance is not what's most significant about the safe process. We've had a sit-lie ordinance for several years and we have numerous other ordinances that can be used to make life difficult for homeless people in Portland. The park exclusion ordinance, the drug-free zone ordinance, the anticamping ordinance. The real issue for the people we work with isn't so much that these ordinances exist, it's how they're enforced. That is where I think the safe process represent as really worthwhile experiment for all the stakeholders involved. As I understand it, safe represents a commitment by the Portland business alliance and the Portland police bureau to work with people on the streets, advocates and providers, to prioritize real solutions to the problems faced by homeless people downtown. And a recognize that siting people for conduct in behavior they have no choice but to engage is isn't a real solution. There is a sit-lie ordinance attached to this, but it is drafted with exceptions and limitations on enforcement and more importantly there's a commitment that it will be used sparingly. In addition to the change in policy, there's a commitment of time and money to provide services in the downtown area that will mitigate the need to sit on the sidewalk, but more importantly will help people overcome the barriers they face to getting off the streets. In the short term we'll see showers, lockers, a significant number of additional benches, additional day space, but the business alliance and other members



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have committed to support and push forward the siting of a permanent day access center in the downtown area. A place where people can engage services they need to permanently end their homelessness. The oversight committee process over the alexsander savelieff three months has given me no reason to doubt the commitment of the stakeholders involved in the safe agreement. We made significant efforts to create 150 temporary day spaces but we could not get all the way there. Rather than walk away we look for alternatives that were consistent with the safe vision. The committee heard feedback from people living on the streets. The result was a proposal to significantly increase the money for basic services, a focus on getting lockers and showers -- in showers, and a committee tomorrow getting a permanent center up and running as soon as possible. Because of the oversight committee we were tasked with implementing the consensus once we had a set of proposed alternatives to the 150 temporary space, we sent those proposals back to the full work group for their consideration and approval. This is an experiment, in my view. Fortunately we have an oversight committee tasked with monitoring the implementation of the sit-lie ordinance and the basic services. We'll do regular reviews of all warning and citations under the ordinance, we'll oversee the basic services, and hold a hearing once a year to get public testimony on how the process is going. If the spirit in which the sit-lie ordinance was supported by the safe work group is not respected, fits aggressively or selectively enforced against homeless people, if the stakeholders don't stay fully committed to implementing all parts of the safe agreement once the ordinance is in place, we'll be required to come back to you. But at this point I am comfortable with the process that got us to this point and I believe everyone at the table is committed to fully implementing all the elements of the safe agreement.

**Marvin Mitchell:** My name is marvin mitchell, i'm the julia west advocate a. Full-time position. Julia westhouse is owned and operated by first presbyterian church. It's a 13th -- at 13th and alder. They bought the building ball game 15 years ago and for a number of years they operated the food box in the morning and we were open limited hours. Four days a week from 9:30 until 11:30, providing coffee and a social setting. A couple years ago we secured in significant grants and were able to renovate the building, an old residential storefront kind of building. And that gave us more space inside, a better space, much brighter, also allow to us adh add a courtyard so our guests could come in, be part of the program, still go outside and smoke, not be on the sidewalk, and continue to participate in the program. The courtyard has been one of the best benefits of the renovations. Last year we started workshops and in the workshops we offer literacy programs, g.e.d. Prep, computer training, open computer labs every day, ready to rent class, meal planning and prep classes, and other courses. Part of what we do on a computer lab, a number of the people of our guests look on craigslist, find day work, go out and get a job. We also have some equipment that they can check out to take with them for some of the hazardous jobs because we had somebody go out and got a day's worth of work and he wound up with concrete chips in his eye and that kind of stuff. So we've got some equipment that we can give them when they go out on those jobs. It's been a dream of mine to expand our services, because we are a living room for the neighborhood, we serve homeless and low-income people out of the sro's. And a lot of the s.r.o.'s have a place for people to stay, but there's no place to socialize. So we fill that function at julia west by allowing people to talk, have coffee, in fact, after we open one of our guests wrote a letter and said this, is just like starbucks, except people talk to each other. And last november they talked about what it would ask, what it would cost for us to expand our hours. So we started in on that. Unfortunately we are working with very two deliberately very deliberate of organizations, the city and the first presbyterian church. It took longer to get it underway than I would have liked. In march we started expanded hours. We're open until 8:00 a.m. To 4:00 p.m. Monday through saturday, except thursday when we close at 11:00. And that's for some maintenance, for some food box things, and also because we run a toastmasters club. It meets at julia west house. And some of the guests that participate in the julia west programs are members of the toastmasters club. This is one more thing we offer. The city and

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Portland business alliance dollars are buy can two part-time staff and a slight payment for increase in utility costs for extra water and electricity that we use because we do have a number of showers a day. Unfortunately we can only offer five showers because we have a small water heater. We're working now with p.v.a. And the city to see what it would cost for us to open at 6:00 a.m. In the morning, which is something I think we dock fairly easily, it's going to require a little more staff, but our interest in opening at 6:00 in the morning is to provide a place for people that have jobs, that are homeless and can go shower before they go to their job. Capacity at Julia West is 45-55 people, inside, outside, and on the second floor. Sometimes it's more than that. When I left there just an hour ago, there were 38 people. They're including some that were outside. Some people go outside whether it's raining or not. So I want to thank the city and mayor and the council, and Portland business alliance for giving this -- giving us this opportunity to increase our services, and as I was walking out today, one of our guests that -- he didn't know where I was going, said, "thank you for getting the grant to be open so on a day like this so we have a place to come in off the street." thank you.

**Potter:** Thank you. Is that it? Did you have questions, commissioner?

**Leonard:** I did. Monica for sure, maybe they can listen to the question and decide who else may help.

**Goracke:** Yes?

**Leonard:** I just wanted to start off by saying -- acknowledging how much I appreciate some of these recommendations. They seem simple and common sense but clearly they have been very tough to come up with and I think they are just in their simplicity brilliant recommendations. And I really appreciate it. So the day access resource center we just heard about is the kind of common sense but we haven't had that, and it's just a fabulous recommendation, one I'm pleased to support. The public seating and benches and high pedestrian areas are again, kind after simple idea, but I'm pretty much sure that people who have no place else to sit would prefer to sit on one of these benches, and you won't find the need to have to do enforcement for those individuals because of this idea. Simple but really brilliant and it's an attempt to get at that issue. And my personal favorite, the public restrooms. That will be anybody who knows me nainoa hoe well knows why that is my personal favorite.

**Adams:** [inaudible]

**Leonard:** You shouldn't begin to be talking about too much information. That's not a subject you want to open. And the showers. Another -- that we just heard talked about at Julia West. Fabulous idea. So I'm happy to support each of those. Monica, I was happy that you acknowledged that there was a mistake in terms of the characterization of table will you's Pogodzinski. Because if you recall -- the ACLU's position. When the four of us met, you three and me, I asked what their position was, and then of course at that meeting I was told as well that they weren't opposed to these recommendations. And Astmaery and others from the mayor's office know, I withheld committing to supporting this until I had that discussion with the ACLU, and I have, and so I appreciate you clarifying that position. And specifically the question leads from the discussion that I did have. Albeit brief. It's basically brief. In the ordinance section b, subparagraph one, it says that it would be unlawful to sit or lie down upon a public sidewalk or upon a blanket share a stool or any other object placed upon the public sidewalk. That's contrasted to the exemption in subsection d sub6, that says that does not apply if the individual is assembled with others to participate or observe an expressive event if the assembly has lasted less than eight hours and so on. So the concern is that you would have a situation where a singular individual, and I'm thinking of one I see quite often on the corner -- on the corner of Madison and Grand, so if you're actually taking the bus and you stop at that very busy bus stop, there's a man who quite often by himself displays the signs that says "impeach president Bush," or a variation of that. If he was sitting on the sidewalk doing that in a chair, under this ordinance, if he was in one of the zones, that this applied to, then that

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would be a prohibited conduct if he happened to be sitting there with another person doing that, and often he does have somebody there with him, and he was in one of these prohibited zones that would be acceptable conduct. I have a fundamental concern about the -- that very specific provision that would allow it in one instance but not at another. Can you respond to that and why you drafted it the way you did?

**Horacke:** Yeah, it wasn't exactly my drafting. I think -- .

**Rubio:** I'm going to ask --

**Leonard:** That's fine for Dave to do, that but I'm also thinking about what the thought was behind the language.

**David Worboril:** David Worboril with the city attorney's office. The exception existed in the code that's expired already. It was placed in there to make clear the code wouldn't be used against assemblies of people. There was limited, very limited discussion in the safe work group about the exception, the safe work group I think assumed that the exceptions from the previous code would just be grafted on to the new code and there was no complaints that the exception wasn't broad enough, real li no sub 75 discussion at all. The exception was broadened slightly in that the previous version of the exception I think says that a person assembled with others, the code will not be enforced against persons assembled with others. And there was some ambiguity about how many that takes. It certainly takes three, could it take 10. We resolved that ambiguity by -- I'm going to be wrong. We resolved it to say assembled with others, which sets a limit of three. The larger context is important, when you're going to decide --

**Leonard:** How do you get to three?

**Worboril:** With others certainly requires at least two other people. The larger context is that the city has the ability to place reasonable time, place, and manner restrictions on speech. And decided to make very, very clear that this code provision would not be used as a reasonable time, place, and manner restriction on assemblies of three or more people. The fact there's an exception for three or more people does not prohibit the speech and sitting to engage in speech by one or two people. It still puts the city in the position of requiring the person to negotiate a reasonable time, place, and manner restriction on that conduct that's associated with speech by discussing witness an officer, discussing it with the permit people. So it isn't a prohibition of speech, it really isn't any change in the city's imposition of its authority to regulate speech, it is an exception from regulation at least by means of this code provision of conduct associated with speech.

**Leonard:** I appreciate that observation from your perspective as the attorney advising a group that had these drafted. So that gets me to the policy question. It is not influential to me that this language may have preexisted. And it is not influential to me that it may in fact pass constitutional muster. My job is to pass on things that I think are good public policy in addition to being constitutional. So although it may have addressed the constitutional question, arguably from your explanation, Dave, I am curious about the example I gave, whether it's two people who would violate the ordinance, or one, but three wouldn't really doesn't change the concern that I have. So I'm just -- I'm looking for an explanation or a rationalization as to why that language is in there from those of you that were crafting the idea, and if you are open to changing the language to address my concern.

**Worboril:** I've lived with this exception longer than anybody, and I think I can tell you the practical concerns that have been raised in support of current form of the of exception, you can decide if you want to keep the exception, because a claim of speech is so easily made, even when the speech is not a substantial motivation of a person, the city over the years has decided that there's going to be a certain -- it's going to require a certain threshold of -- civic center in a situation before waiving the requirement that the person negotiate with the city about this particular conduct in association with the speech. And that threshold has been put at a very low level as a practical matter at the level of three people engaged in a concerted speech activity. To reduce it lower, I've

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heard the -- there will be claims of speech for all sitting that occurs, and that as a practical matter. -  
- in will be an achilles heel those are hardly legal concerns, more practical concerns.

**Leonard:** Did I understand you to say you didn't think would be an achilles heel?

**Worboril:** I think it may. It may well be. If in fact everyone who is sitting in violation of the code claims that the sitting is an act of speech, we're going to be in a pretty messy legal situation. And it is a vulnerability if the code is a practical matter.

**Leonard:** Let me ask you this. Under that section I cited, is a person standing potentially in violation of the ordinance, or does one need to literally sit or lie down?

**Worboril:** It's a regulation only of the conducts of sitting in association with speech. Very narrow.

**Leonard:** The example I gave, if this gentleman was on the -- to be more specific, on the west side of the willamette in the downtown zone, and standing at the bus stop, the very first bus stop downtown holding the sign up, that would not literally violate this ordinance?

**Worboril:** Absolutely not.

**Leonard:** But if he pulled up a chair and sat down and held up the sign, that would violate the ordinance?

**Worboril:** Yes.

**Leonard:** If two, if he and his partner of which he has different ones that are with him sat down, that would violate the ordinance.

**Worboril:** Yes floodplain they cajoled one more person to-to-sit down that would not violate the ordinance?

**Leonard:** The two people or single person could talk to the city and ask for a permit.

**Leonard:** I'm just saying, absent that, two or fewer would violate ordinance sit ok a chair, three would not.

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

**Leonard:** Ok.

**Goracke:** I would just add to that that I think the city attorney has gotten to the heart of the reason why you would want exception written the way it is, which is that you want to not have people just say any time they're approached to not be sit can on the sidewalk, they say i'm exercising my free speech rights or something. I don't know, you know, whether that would happen a lot. I guess it's sort of trying to predict the future, knowing how people are going to respond to it. I also see the point that especially that the aclu is making that it seems a little arbitrary, and I think that's -- we didn't as a safe work group, we really -- we put in that there should be free speech exceptions. We didn't get as into the specifics of the language as maybe I wish we would have now. But we kind of left some of that up to the implementation. So when we got to implementation it was, let's look at the old ordinance and see how it came across. So it's a policy matter, and I think you are the ones setting the policy, we're making recommendations. So it's definitely something for you all to consider.

**Leonard:** I appreciate that explanation. And that causes me to think I need to be very specific about my concern. I actually appreciate and don't know that I disagree with the characterization that you made that an individual who is sitting down on the sidewalk could claim they're expressing free speech rights. I get that. The part that jumped out at me, which I think you might hear from the aclu, is i've never had it explained to me that would include somebody bringing a folding chair and opening that up and sitting on that. There are very few homeless that I recall, and i'm downtown walking through the streets every day, that I can think of and as soon as I say that somebody will give me an example, but I can't think of what I would characterize as a homeless person or somebody that's living on the streets that folds open any chair and sitting down. They do lay out sleeping bags and blankets and that kind of thing, so I just want you to know that I get what you just said in terms of they sat down and a police officer came up and said, you are violating the

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sit-lie ordinance and they held up a sign and said i'm exercising my free speech. I'm not talking about that. I'm talking about who I think would be the more practical expresser of free speech such as the man i'm alluding to that has the impeach bush sign that -- impeach bush sign that could, if they stood a long time, take advantage of a portable chair -- in other words, it feels a little bit to me like we're not getting at who I think it is that you're talking about getting at, but rather maybe people that are truly protesting by sitting in a chair.

**Goracke:** Do you think that person would object to getting a permit? Or do you think it's reasonable for them to get a permit to do that?

**Leonard:** I'm saying I have a concern about requiring them to get a permit.

**Worboril:** I can comment --

**Leonard:** They may not, but i'm just saying as a matter of the vote that I need to cast on this, i'm influenced by whether or not we require somebody in the city of Portland to get government permission to truly protest, not to abuse it, to sleep on the sidewalks.

**Worboril:** A couple of points. One, the city permit would not be to protest, but to engage in certain conduct in conjunction with a protest. Safe didn't get into this in the depth we're getting into it now. I anticipate if they did they would hue to the principle they followed in many much of their discussion, which is that there should nobody differentiation between people when you're creating a sidewalk obstruction ordinance, other than the different kinds of obstructions they cause. In other words, if the obstruction to traffic is the same, you treat a person that looks like this the same as a person that looks like that. And the speech, the fact that speech is occurring doesn't really affect the nature --

**Leonard:** If you remember how I characterized my concern, I didn't include people who sat on the sidewalk or laid on the sidewalk. From a just completely physics point of view, that person will take up more space by definition than a person sitting on a chair. So I think I have distinguished between the two groups by making the distinction sitting in a chair versus a person on a sidewalk. I don't necessarily find myself in the place of objecting to or finding it abhorrent regulation if we were to say, if you're sitting on a sidewalk with a sign that violates our ordinance. I think i'm ok with that. I think I do have a problem saying, if you sit in a chair by yourself with your sign and you and a friend, or you and a partner, that violates our ordinance. If you can get a third person to sit in a chair with you, you're ok. I could have a problem with that, and I see it different than people literally sitting or laying on the sidewalk.

**Worboril:** You're drawing a distinction between on the sidewalk and elevated sitting, and that's not an area that was precisely discussed by safe. And i've heard since then that the safe recommendations don't anticipate elevated sitting.

**Leonard:** I think what i'm arguing is consistent with what you've augustine calcagno knowledged what I consider to be part of the did ih -- I call it brilliance, the simple act of providing public benches. You're doing what I would argue makes it ok and -- by allowing for public benches that incentive vise people who would otherwise sit on the sidewalk. I'm consistent with that saying on saying whether we should probably not regulate people who sit on a chair is the upshot of what i'm concerned about.

**Goracke:** The only thing I i'm thinking about in response to that is, when we went around a subgroup of us to figure out where the first group of six benches should be located, we walked around with someone from pdot who knew exactly what the code requirements for the loading zone and the width for a.d.a. accessibility and that type of thing. Ask we actually found it difficult to find a lot of free space that isn't already been taken up by loading zones and sidewalk amenities like boxes and telephone poles, etc. So i'm really sympathetic to what you're saying about the guy or two people in a chair with a sign, but i'm just thinking in the downtown area corners are a tough place to just put a chair. In some ways it makes senses to me to regulate where chairs can be in some way. Maybe it's too much of a restriction, but when you think about how limited it was for

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even the benches we were looking at, and then right on a corner where people want to cross, there's the concern about the free movement of traffic I think. So in some ways it might make sense to still have a little more regulation around chairs.

**Leonard:** I don't want to beat this to death, but the problem with your argument, if you have three people who decide to sit in chairs, it's ok. And -- but if you only have two, which would seem to me to be less of an obstruction, it's not ok. So there's --

**Worboril:** It's balancing.

**Kuykendall:** I would just add, commissioner, that one of the of things that we discover when we went around to benches is we had a tremendously difficult time doing that, there are so many benches in downtown, there's 407 and now 413. So I think what we're trying to get at, we're not saying to people you have to leave, you can't do that here. We're gist saying you can't sit on the sidewalk here. But there are places for people to sit if they want to do that. But they're established by the city either by the siting of the benches or by permanent process. I hope that helps.

**Adams:** I'm missing something here. That commissioner Leonard knows, I don't -- tell me why the trigger is three is ok, but two is not and one is not.

**Worboril:** It's lost in the mist of time. I think originally we said a person assembled with others. And then changed the language to make it clear that three was the trigger. The idea was to lower the trigger as low as possible, but not to be impractical, and people were thinking to the extent there was a lot of concerted thought about this, that two would be a practical problem and create essentially an achilles heel for the code. And one certainly would. So it's a generous lowering of the threshold. If you encounter one person who really isn't motivate bide speech but makes the claim of speech, you have difficulty enforcing the code. A couple of people, you still have the same difficulty, the city recognizes wynn three people are doing that, the city will recognize it without question. It's a waiver, essentially, of the city's use of this code provision to impose reasonable time, place, and manner restrictions. The city -- the exception's probably not constitutionally required. Some adjustments required for constitutionality, but a threshold this low is almost certainly not required.

**Adams:** Additional legal policy questions, is now the time to do that?

**Potter:** Sure.

**Adams:** And if -- you'll find they're sort of -- questions are on all sides, i'm trying to fill in gaps in my knowledge. How did you all decide where the boundaries would be for the two districts?

**Worboril:** I pushed the group. It was difficult to taulk about it block by block. Very complex issue. We had looked at draft language about the criteria for designation of areas as high-pedestrian traffic zones. And I put it to the group, after a lot of struggle to go boo block by block, they agreed that the boundaries of fairless square made sense, given the criteria, and that the boundaries essentially -- I don't want to mischaracterize the lloyd business district, but there's a certain area around the lloyd center that people recognize was a high traffic area with -- that would benefit from application of the code. It was sort of we know it when we see it. With a lot of anecdotal -- conversation about anecdotal information, and experiences walking and living in these areas.

**Kuykendall:** We also met with a representative from tri-met who brought in graphs, maps showing activity of buses and light rail in these areas. All over the city. And it was firly obvious, that these areas are high pedestrian areas.

**Adams:** There are other high pedestrian areas in the city that i'm familiar with through thy my work through pdot, 21st, 23rd, arguably hawthorne, these are -- belmont, there are other the areas in town that are high pedestrian that I get complaints about activities in the right of way that are either illegal or perceived to be unpleasant by somebody. How much did you look in other areas as part of this work before us today?

**Goracke:** I know that there were people from other districts than downtown and the fairless square -- lloyd center area that were invited to be part of the group, and they came -- either didn't come for

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came for a little bit and stopped coming, and so we talked about the fact there were other areas, but we didn't think it was appropriate to extend the high pedestrian specific zones to those areas without the same process that had been gone through around down town and fairless square and the lloyd district. So it may be those areas could use an ordinance too, but is it fair to impose that on them when they didn't have that community process? They can certainly come back and say, you know, we think this is so great and it should be in our areas too, but I feel a lot more comfortable with just starting as pilot project with these two rather than just put it on other areas without that process.

**Adams:** That's a good answer. I don't want you to do anything that doesn't have the input of other folks, but I would be interested in if the group would, after six months of sort of getting this together, if you would talk to and the city has supplied funding for a new full-time staff at the association of Portland neighborhood business associations, so hopefully you'll have someone to the deal with in the next six to 12 months. I'm trying to recall, trying to, in my mind remember if any of the -- if there are any off ramps in the boundaries that you have down here and would this apply to folks that worry me, i'm worried as transportation commissioner for folks on the off-ramps that are darting out into the travel lanes for getting potential -- having interactions in the travel lanes on foot. Is this -- does this address that at all?

**Worboril:** It's limited to public sidewalks. To the extent you have a public sidewalk in conjunction with a ramp, yes. There are ramps off the steel bridge that are within the outer limits of the area. I'm pretty certain there must be ramps over in the lloyd district within the bounds of that area as well.

**Kuykendall:** This would cover people that are sitting on those ramps, not standing or walking out into traffic.

**Adams:** And sidewalk is a legally defined -- a leekly defined area from a road, or the concrete or how do you define sidewalk when it's in a ramp sort of situation?

**Worboril:** This is a refinement that can be made to the code. Currently i'd expect it to be interpreted as the concrete paved area next to a street.

**Adams:** Most of these areas do not have sidewalks. The other question I had is, on number e, or letter e on the ordinance, or the language, I think it's ordinance language, it says that no person shall be cited under the section unless the person engages in conduct prohibited by the section after having been notified in writing by Oregon peace officer that the conduct violates the section. Does that warning -- it's an operational issue, but sort after fit and finish issue, is it a warning within an hour, a day, one's lifetime?

**Worboril:** There's no time limit on the warning.

**Adams:** If I get a warning once, then that constitutes the warning for the second phase of --

**Worboril:** Yes. We've tried in the past of sunsets on warnings, and the administrative problems are significant.

**Adams:** You believe it's legal to have one warning in your life and then you're subject to the citation forever, or do you go back and have to -- do you start over and get a warning and then another citation, or how does that work?

**Worboril:** We think it's legal. If the person has been notified, that notification lasts for keeps. Notification is sufficient, and doesn't expire with time.

**Adams:** Is it location specific?

**Worboril:** It is not location or behavior specific. And the group specifically, at least the oversight group specifically addressed that issue in reviewing the warning form that's being developed. I think that the oversight group expects if a person engages in behavior that's in violation of the code, the person then is warned about all of the behaviors prohibited by the code, and if subsequently found violating the code existing any behavior, they could be cited for the behavior even though it's different than the original behavior that attracted the cause -- that caused the warning to be given.

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**Adams:** Thank you, I appreciate that. On letter k, it says violation of this section subjects a person to a maximum penalty of \$250 fine only. It's an odd construction of a sentence. Does that mean they're subject to \$250 for their lifetime, or for that incident?

**Worboril:** Per instance. A violation. I like letter k, to say in passing. On the resolution, the -- the new sidewalk object construction -- the safe oversight committee replaces this oversight committee? This is the -- it's got Jared's name at the top, so -- are these the same, supposed to be the same thing? Two resolutions?

**Adams:** This is the oversight committee we have now.

**Worboril:** Yes.

**Adams:** And then is it the same membership called for in the resolution, then?

**Worboril:** Maria can address that better than I can. The oversight group has been working, and I think this resolution would just authorize it or require it to continue working.

**Adams:** It would be the same committee. And could you -- would you mind talking about how the oversight committee in your opinion is working? From your perspective?

**Rubio:** I believe the committee is working very well. We have diverse group of representatives from all disciplines of law enforcement and the -- in the business community and the city, and we have -- most of the people on that committee were also on the safe work group. So they're very familiar with the history and how we came up to this process there. Are only a few people who are new who have brought in fresh perspectives, and have helped guide us very well.

**Adams:** I could you be in the resolution, maybe it's just -- I counted an eight-member safe committee, and I count more than eight members on the roster.

**Rubio:** I think as we went through the process of identifying the scope of work for the safe work group, oversight committee, we realize we need representatives from other areas we did not anticipate originally. For example, someone who would represent the restroom committee that was already in place working. Reinventing a group, we just brought them under the auspice of the oversight committee. So we added new members.

**Adams:** Then the -- on the resolution letter be after the second -- on the second-to-last, therefore be it further resolved, talks a little bit about how the oversight committee will basically judge progress on this issue, and I can imagine that that's a hard thing to define what success is, and then to measure progress against it. It does, however, say whether the ordinance is having a disproportionate impact on vulnerable groups such as those who are homeless and whether continuation of the ordinance is recommended, in some of the other work we've done, and this is probably implied, our concerns are about impacts of communities of color, gender, so it does talk about homeless, I'm not sure how you define that, and are you going to also be looking for sort of keeping track of other constituency groups that have been historically sort of underrepresented in decision making something.

**Rubio:** That's a good recommendation for the oversight committee. We'll incorporate that. Address those are my questions for now. Thank you for your answers.

**\*\*\*\*\*:** You're welcome.

**Potter:** Other questions? Thank you, folks. How many folks have signed up?

**Moore:** 12 people signed up.

**Potter:** I would appreciate it if folks could keep their comments to two minutes, because of the large number of people. Let's go ahead and call up the first three people.

**J E Isaac:** Vice chair of the Lloyd business improvement district. I'm here on behalf of our board and in support of the adoption of the ordinance. We have followed this closely and think it's an absolutely wonderful group of approaches to making things better not only for homeless people, but also for everyone that's coming downtown to shop or to visit all the many things that the central city has to offer. As was mentioned previously, this does apply in the Lloyd district and we think it will be very helpful. We are particularly happy with all of the new opportunities that will exist for



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the homeless, including the day access center is tremendous, the public restrooms. And the new benches will be very helpful as well. So briefly we just wanted to say that the group that work order this has done an excellent job, and we hope you'll support their recommendations. Thank you.

**Veronica Reinard:** Mayor Potter and commissioners, thank you for the opportunity to talk with you today about the safe plan and the sidewalk obstruction ordinance. I'm veronica, i'm the director of community relayings for the Portland, Oregon, visitors association. Our c.e.o. Jeff miller can't be here this afternoon, he is in a board meeting over at omsi right now. Pova represents more than 1,000 member businesses related to the tourism industry, and our job is to market the city and the region to bring visitors meet cans and conventions to our city. We support the proposed sidewalk obstruction ordinance as part of the safe five-point plan. We see the safe plan as a holistic approach that fits in with Portland's reputation for finding progressive solutions and for maintaining a high quality of life, and those are things we're known for, and things that help to draw visitors here. We also see it as something that improves the safety and the ease of movement for feds, including our visitors. On the sidewalks and high traffic areas. And the increased public restrooms and benches included in the plan make the central city more comfortable for our visitors as bell as for our residents and in fact those are items that visitors in the past have said that were kind of lacking, so we're happy to see those as part of the plan. So I thank you for your leadership on this issue. I encourage you to continue moving the safe plan forward by approving the sidewalk obstruction ordinance. And pova has a board meeting right now. I -- made up of a lot of business representatives from Portland and the region and I hope I can report very soon to them on a positive outcome on this. Thank you.

**Michelle Martin:** My name is michelle martin, representing ashforth pacific a. Large real estate company. We would like to voice our support for the ordinance. We commend the city's approach to dealing with this important livability issue and appreciate the time you've taken to address all of Portland's residents' needs with this process. With the addition of the new benches, restrooms, and the day access centers, this ordinance takes into consideration both residents and business needs creating a win-win situation. Ashforth pacific urges the council to pass the new ordinance.

**Potter:** Thank you, folks.

**Lisa Schroeder:** I want to say how much I appreciate being in a city where all stakeholders have a voice and where we can come to the table and learn about each others' needs and be heard, listen, and learn, and I learned a lot being a part of this committee. And for that i'm very grateful to having been included. And because of that, I really feel very confident that the -- this resolution, this ordinance is something that all stakeholders can believe in, and as a member of the downtown retail council, the Portland business alliance, a business owner downtown, and someone who cares about the people I share the city with, I think this is something that takes everybody's needs and consideration and hope that you will therefore approve this ordinance. Thank you.

**Chris Finks:** Mr. Mayor, commissioners, i'm chris finx, and I head up the downtown marketing initiative. I would say this follows up many of Portland's tradition of innovation and compassion, and we should be proud of that, and i'm -- based on that I urge your support and approval of the safe initiative. Any initiative that ensures that our city remains accessible to everyone and that it's compassionate is good for business, and it's good for our community. My job is really to promote the vitality of the central city and I think that this allows us to deliver on that promise, and I am hoping that you consider this and approve this today. Thank you.

**David Margulis:** Good afternoon. I'm david margu lis, a member of the downtown retail council. I'm from the jewelers on broadway, we've been there 75 years. I live every day with the problem of people oftentimes urinating in our glass entryway during work hours, after work hours, people defecating in the handicap alcove to our store, and people blocking our windows of our store. So I am here because I feel it's vitally important that this ordinance gets through, and I think it's been

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wonderful how it has brought the attention of many parties together, the merchants as well as the affected people who are citizens who need services and until now, with this discussion, they've been ignored of human needs of having access to toilets and other facilities which would makes it so they aren't blocking the windows of stores and businesses, and harming business when they don't intend to, they just don't have another place to go. So I feel that anything you can do to further this along and help us particularly because the warm weather is coming, summer visitors are coming, we want people to come from all over the greater community downtown and not be harmed by people who block them on the streets or block the windows so they can't have access to see the merchants. I've had quite a few customers who have come in to our store often times somewhat escaping because they felt threatened by groups of two or three or four people gathering, and it's been exacerbated by outlawing smoking in the square, now they've all come over to our side of the street and all the adjacent businesses. So it could help in many ways.

**Leonard:** Before the three of you leave, I appreciate your remarks, and i'm hoping you were here earlier when I was asking questions about the sitting on a chair and demonstrating. In any of your experiences has any of the issues that you've justified that are of concern to you included people that are sitting in chairs?

**Margulis:** Yes. Earlier this year there was a legitimate demonstration in front of the fox tower of a union which had a very large sign and chairs. In the beginning of their demonstration they blocked the windows of banana republic so banana republic was being harmed by it, then they moved the signs out to the street's edge and they were good demonstrators who had folding chairs because they were there all day long. If they weren't up against the buildings, that's free speech.

**Leonard:** Three or more chairs?

**Margulis:** I saw from time to time two chairs sometimes three chairs, five chairs. So there were multiple chairs. After a while I think you have to put a limit to how much chairs you could have.

**Leonard:** You understand from the dialogue that we have, I learned this myself, actually what you've described is actually legal. Three or more sitting in a chair demonstrating are legal, liss than three would not be. My more practical question to you, I probably didn't frame it right, i'm assuming that a -- if we didn't have the issue of folding chairs at all in the ordinance, and it just spoke to people literally sitting on the sidewalk or lying on the sidewalk, it would address 99% of what you are describing are problems. Is that a fair conclusion for me to make?

**Margulis:** Yes. It's seldom we see people with chairs.

**Leonard:** That's all I was trying to get at.

**Finks:** Unless it's the rose festival.

**Leonard:** They get out of hand, too. Maybe we need to throw a few of them in the tank for a while. Straighten them out.

**Finks:** Thank you.

**Potter:** Thanks, folks.

**Andrea Meyer:** I will be trying to be speaking quickly. I was also a member of the original safe working group. And I am here in opposition. I want it noted, I also speak highly of the process that was done with the safe groups and that shouldn't go without saying. Aclu did vote to endorse the report. Because we were -- rereled on detailed language set forth, almost a page and a half. But we were never shown the ordinance until afterwards and with all due respect if we had been shown the aclu would have issued a no vote to the report. Mr. Woboril assumed the old language would be the same language when it came to the free speech provision. With all due respect I have never even for the last two years looked at the old ordinance. And had no idea that we would be relying on that. But I want to touch on a few of our concerns, some of which have been mentioned. The scope of sitting and lying has been extend beyond what we had agreed to in the report. Which stated in the report that the ordinance would have the following characteristics and oversight elements. No one will sit or lie down on a public sidewalks. And that ordinance includes chair,

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stool, or other object. In addition we've also have concerns about the free speech provisions. The report said there will be exceptions will include spree teach assembly. However, the exceptions have seen today first requires a person to either obtain a street use or some other permit which we believe is not consistent with chapter 7.22 of the Portland city code or second three or more people only if they're under eight hours. We think this -- raises serious constitutional issues. With all due respect to the analysis of time, place, and manner restrictions, it's my understanding that's really a first amendment constitutional analysis, and I am not familiar with court cases under article and section 8 of the Oregon constitution which adopt that same standard. In concluding I would say it should not be a crime or violation to engage in lawful activity of sitting and lying on our sidewalks. Unless someone fully blocks access in the sidewalks. In our downtown should remain available and vibrant for all people, whether they're standing, walking, sitting, or lying. We think this ordinance goes too far and certainly beyond what we were comfortable agreeing with as a participant in the safe work group. Thank you.

**Dan Handelman:** Good afternoon, mayor Potter, commissioners. Dan handle man, with Portland cop watch. And this ordinance is supposedly based on high pedestrian traffic areas. But the drug-free zone ordinance shows that there's a problem by having the number of arrests in the areas. Not that we agree with that, but at least had you to prove there was some kind of drug activity before you imposed draconian laws. You're saying these are the high pedestrian traffic areas which mr. Woboril said i'll know it when I see it. So people arbitrarily drew these lines and there's no data saying that there are people sitting and lying on these parts of town more than any other. So this isn't ever -- don't even rise to the same level of standard to as the drug-free ordinance. The level of criminal activity of dealing drugs I would think would be more serious than sitting or lying on a sidewalk which I don't think anyone has proven has been an out-of-control problem in the city of Portland. I've been downtown at least once a week since the old sit hashim ibrahiml-lie ordinance elapse and I have not seen a proliferation of this because there's no ordinance. I also testified last time this came before you that there seems to be a big rush to put in place, even though all the elements of the safe report are not yet implemented, it feels like the rush is happening again. This is going on the spirit of everything being implemented and the projectises of commitments that are going to happen, and even in the future the safe oversight group is going to be reporting back once a year on whether these elements are in place, but there's no guarantee that this ordinance will not be enforced if any of these elements disappears. And that's a very drastic concern. When you're putting something in place that will give the police this much power, and then not double-checking on it more periodically than once a year, you have people who are looking for homes for a lot longer than that. So in short, we're hoping that you'll prove a problem or else institute the whole report before you institute this ordinance. And you should narrow the scope so that it doesn't affect people who are just engaging in simple activities of sitting and lying, which should not be criminalized. Thank you.

**Genny Nelson:** Good afternoon, mayor and commissioners. My name is jenny nelson and I work with sisters of the road. I can't imagine a time when sisters community, women and men, youth and children, with experience being homeless, would ever say they supported a sidewalk obstructions ordinance. For themselves, or for any other citizen in Portland. What I can imagine and what I know is that they organize themselves and won and continue to win seats at the tables where issues are being discussed, policies determined, and laws enacted that affect them. In these society cans that they are candid about their situation, generally attempt to build relationships with the people who have the power and the will to make ending homelessness a priority, and work collectively and diligently with them on the solutions. They go to the root of the problem 24 hours a day, seven days a week, and they do the economic and political analysis and the subsequent teaching about what they know. I and all of sisters take our leadership from people who are without housing. Everyone we have outreach to have indicated they will be responsible for not being the reason

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another person cannot navigate one of our city blocks. But they do not want a sidewalk obstructions ordinance. Thank you.

**Leonard:** I do have a question of andrea. So you have exhibit a of the ordinance?

**Meyer:** Yes.

**Leonard:** So section b on the first page, subsection one, has the language I was addressing. If you begin at the first word of the sentence, sit or lie down upon a public sidewalk, comma, or upon a blanket, period, if a period were inserted there, and the words chair, school, or any other object placed upon a public sidewalk were deleted, does that address the concern that you have?

**Meyer:** Mayor Potter, commissioner Leonard, that would address one important element of the concerns that we've been expressing and had hoped would be addressed prior to this coming before council, but eagerly asking that that language, and our solution to our concern about that language, be limited in the manner you've recommended. That would go to one piece. The second piece is still the free speech portion, but they are interrelated, they are also distinct.

**Leonard:** Point me to that.

**Meyer:** The speech language concerns?

**Leonard:** Yes.

**Meyer:** I think you've identified them but they would be page 2, or subsection d, and it -- there are two provisions that causes problems in total, sections five and six. So five deals with an exception, if you are participating or attending a parade, a festival, performance, rally, demonstration, meeting, or similar event on a public sidewalk, pursuant to a street use or other applicable permit. It's my reading of Portland city code, there are -- we pated in the codes about the permit use, for most use of sidewalks, you don't need a permit. The premise for the permit system, be it the sidewalk or the street, you are taking them over. So you need a permit. But this presumes these are take over the whole sidewalk and that goes too far. So people have the right to rally without a permit, be they two or three, or the folks in the union who are organizing. The second exception is as you've noted, and I have -- you're right, it's three, I always was thinking it was a person plus another, another exception is if three or more are engaging in expressive activity and for less than eight hours. We believe the restrictions on the number and we believe the restrictions on the time are very problematic.

**Potter:** Do you think they're unconstitutional?

**Meyer:** Mayor Potter, at this time I would just be comfortable saying we believe they're problematic constitutionally.

**Potter:** Have they been ruled constitutional by a court?

**Meyer:** More, i'm not aware of that. I'm not aware there's been any challenge of any sit-lie in Oregon under article one, section eight, certainly mr. Woboril can speak to it. A lot of challenges have been in federal and state court, it's something that we'll be reviewing. But I have not seen case law using time, place, manner restrictions. We'd hoped to get to a place where this a rodriguesed any of our concerns. We're certainly still willing to work on that.

**Adams:** Can I ask a follow-up question? It's following up on commissioner Leonard's line of questioning, because you've got to draw a line somewhere. In order to put an ordinance together. So there's debate between you and others about where to draw that line. So I guess it's a good question to ask, so sitting on a blanket on the sidewalk for you is ok. To -- as a prohibitive activity.

But sitting in a chair is not ok as a prohibitive activity. So prohibition on sitting on the sidewalk or blanket in between the person and the sidewalk, it's ok with aclu, that's prohibitive, but sitting on a chair that should not be prohibitive, so I guess it's fair to ask, how did you draw that line?

**Meyer:** It needs to be in the context of the whole recommendations. Aclu opposes these types of ordinances of we do oppose creating violations. However, we were part after work group that came forward with five collaborative pieces and as you'll recall in the report, it says very explicitly all elements were necessary for each various stakeholders to agree to it. We reluctantly agreed to

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what we understood would be a very narrow ordinance and that was narrow to sitting and lying on the sidewalk only with one of the other pieces, a number of the other pieces, the restrooms and the day access center, but critical for us were benches which I talked about in the group, about needing them to be close by so people would have the stunt. So it's a policy issue rather than a legal issue i'm discussing on that first part. No, you could say there's nothing consistent our position on drawing that line for city and lying -- sitting and lying. We did that as a collaborative effort with all the other pieces to a very limited ordinance. Expanding it went beyond what we're comfortable when you got two chairs and schools. It was a leap of faith we took.

**Leonard:** I understand the concern that you have in subsection five with respect to participating in a parade festival, performance, if you have a permit. But subsection 6 does allow for assemblies without a permit. As long as it's more than three or more. And less than eight hours. So I would agree with you that if we were restricting the ability of people to congregate and demonstrate carte blanche, that would cause me great concern. But it seems as though sub 6 does take that into account with the language that's been drafted. And so is the concern you have that there's a limitation of eight hours? I think with respect to the concern you articulated unless have you a permit it's not constitutionally, it was addressed by the allowing of three or more people to be together. So the only thing i'm seeing that could be of a concern is the time limit.

**Meyer:** Chair Potter, commissioner Leonard, I want to be --

**Leonard:** You spend way too much time in salem.

**Meyer:** I know, protocol, i'm sorry.

**Leonard:** I recognize that --

**Meyer:** Terminology.

**Leonard:** Yes.

**Meyer:** I've been down there too much. This is my release today.

**Adams:** We're much better, right?

**Meyer:** Absolutely. Absolutely.

**Leonard:** A pause. She actually thought about it, and agreed.

**Meyer:** Let me try to remember what your question was.

**Leonard:** I guess what i'm getting -- you raise legitimate points. As I read the language I really think the only thing I see that could be a legitimate concern is the time limit.

**Meyer:** I want to say, you included something I am not advising this body as to whether this is constitutional.

**Leonard:** I understand.

**Meyer:** There's a few. Let's give you an example of one person who wants to protest the war until the war is over until the troops come home and they want to sit down and engage in a vigil downtown until it happens. They're there, three day and night holding their sign, engaged in lawful political -- it's less than 30 people and more than eight hours. You couldn't even get them there unless under the languages they get a permit, under five. They don't even qualify under six. Two of them apparently don't qualify. Under six. So if two of you wanted to sit down and protest, you stood up part of the day, but you're engaged in a long-term vigil or you're for whatever reasons you're not able to stand, even for a full hour, and part of the time you sit.

**Leonard:** What if we removed the part -- it would help you to understand my thinking, if we remove the part with respect to the chair. If you're in a chair that would no longer be in and of itself an offense.

**Meyer:** I think there was testimony earlier that presumes there's an achilles heel, presumes that people who are potentially cited under this are going to say, i'm engaged in political speech, or protected speech. I'd rather this council and this ordinance approach it the opposite way. Let us fully embrace free speech and lawful activity. And if there is a problem, if the oversight committee determines that there's being enough abuse by folks who are either warned or violated, then come

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back to the council and deal with that. But let's not assume that there's a problem before it exists. And let's be a city that has often, and this council has often does, which embraces lawful political and expressive activity. This goes down the wrong path in narrowing it. And it doesn't fully --

**Leonard:** I'm trying to get your help to be able to do that by better understanding specifically what --

**Meyer:** Do not qualify in specific ways that have been done in this ordinance. Do not qualify it by mentioning that someone might need a permit. That's already in Portland city code for whether it does qualify for whether you need a permit and I believe that's when you take over the sidewalk. Do not qualify it by the number of participants or people it should not be less than three. Do not qualify it by the duration.

**Leonard:** To be fair, you've done that. In the work group you've agreed to compromise to allow a prohibition against people who are actually laying on the sidewalk. So we're all trying to get to a place where we can find a middle ground. What I'm suggesting along that end is that if people were allowed to sit in chairs.

**Meyer:** We were comfortable in the very fragile fabric of all the elements to compromise on the sitting and lie, but ACLU will not compromise on free speech activities.

**Leonard:** That's what I'm saying. I think I'm saying what you're saying. I'm saying -- if -- in my view of the world from the little feedback I got, if one were to show up somewhere with a folding chair almost by definition it wouldn't be one of the homeless folks that are of concern that are sleeping on the sidewalk. That they have a chair and by definition their activities would not give rise to the concerns we've heard from the business community. So if you had a chair this doesn't apply to you.

**Meyer:** I think where you and I are having a disconnect is that I chair standard isn't the standard for us when it's lawful political expressive activity or lawful expressive activity. Because we don't think that's a required [inaudible] if they choose to sit down and hold a sign not with a chair sit on the sidewalk.

**Leonard:** I thought you had agreed to that? I mean I thought you agreed to language that you qualified you hadn't actually seen the written version of that actually put limits on individuals who could lay or sit on a sidewalk.

**Meyer:** It did but the report also included language that there would be full expressive lawful political free speech activity fully protected in the report. And that element --

**Leonard:** Is not in there?

**Meyer:** Is not in there. It's qualified and as such it then qualifies the sitting in line to the same extent.

**Leonard:** How do you create that distinction between somebody who's literally sleeping on the sidewalk and then interrupt something other than what they're doing to be political free speech expression. What is that you were thinking happens to make that ok versus having somebody sleeping on the sidewalk?

**Meyer:** You know, how does it make it ok legally?

**Leonard:** I'm asking what it is they do that falls under the umbrella that you are saying you don't want to prohibit expression versus your agreement that people that are literally laying on the sidewalk sleeping probably be regulated -- what were you thinking of?

**Meyer:** What was I thinking? I don't know at this point what I was thinking. It was -- it was narrowly tied to the limited territory, narrowly tied there would be a violation and warning with very little use of this ordinance to actually cite someone and charge them a violation. That it was a very, we hoped, gentle tool but the fact it doesn't fully embrace free speech activities creates more of a problem. And so you know, it goes beyond a narrow tool. It's hard. I mean, you are correct, it's how to you distinguish between that and if it were a person saying I'm here protesting something that would be sufficient and it gets back to our approach wait until there's a problem. The whole

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point of this was to give a different dynamic so law enforcement would come up and say, you have got these available either for folks who might be homeless, the opportunities for other facilities, but other folks to be present and honor a bench and not have any difficulties. And we were really focused on that and that dynamic and don't want you all to lose site of that dynamic. The ordinance is the punishing part. And it's too broad for us because it does give the power under this to cite someone who is engaged in lawful political and/or expressive activities. And we would just wish you would go back to presume that you know it will be very few times someone will say they are not moving and argue that it's protected speech activities that they are doing. Wait until you get that problem. Before you pass an ordinance narrowing the speech activities.

**Leonard:** That's as close as I'm going to get. I get that.

**Meyer:** Well.

**Leonard:** Thanks.

**Potter:** Thank you, folks.

**Moore:** Patricia Nolan, Neal Donor -- Patrick Nolan.

**Moore:** Paul McAdams?

**Potter:** Thanks for being here, folks. Had you speak, please state your name for the record. You each have two minutes. Would you like to begin.

**Neil Doner:** Mayor Potter, members of the council, ladies and gentlemen, my name is Neil Doner. I am a member of Sisters of the Roads Crossroads Civic Action Group, a community outreach volunteer and I am currently homeless. Portland's homeless community -- men, women, youth and children -- are united in their opposition to this ordinance. While we welcome opportunities to discuss services that directly affect us we would like to see them tied to the city's stated and written commitment to eliminate homelessness rather than this ordinance. In the process of conducting outreach and education about this proposed ordinance, these items were mentioned the most. A need for showers, accessible by working men and women, a need for lockers to store people's belongings while they access services and look for employment, increased restroom access including late night hours, a need for benches in the downtown core so people aren't forced to sit on the ground and a need for day access type services to people have an alternative to being outside. The majority of people in our community would like to see these services provided in a non-programming environment. They would also like the chance to be included in the administration of the services they access. I would like to state again that while being opposed to this ordinance, we as a community feel it is our right and responsibility to be included in any and all discussions and decisions regarding legislation and services that affect us. Although we are excited by the progress made by the Safe Oversight Committee we look forward to the day when sidewalk obstruction ordinances are no longer proposed because Portland chooses to address root causes of homelessness rather than symptoms and I would also like to go outside my prepared statement to add I am uncomfortable with the notion that this ordinance is being targeted to a subgroup of population rather than the Portland citizens as a whole. Thank you for your time.

**Patrick Nolan:** Hello. My name is Patrick Nolan. I am the community organizer at Sisters of the Road, Mayor Potter, members of the city council, I would like to thank you to having me here today. Sisters of the Road has made its historic and continued on. Open positions to sit lie law on many occasions. Personally having lived on the streets of Portland for more than eight years I feel the sidewalk obstruction ordinance will not fulfill anyone's needs. I would like to thank the city of Portland and the city council for their efforts towards really and valued improvements in the lives of the people of Portland living without housing. Safe ordinance came to us on the oversight committee with five parts. Day access center, increased restroom capacity, more benches in the high traffic areas, the sidewalk obstruction ordinance, and an oversight committee. The part I am most heartened about is the safe overnight committee. This is as far as I know one of the few times that a city has invited homeless or formerly homeless people to participate in a discussion about a sit lie law. Although

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not in the original work group consensus, the addition of a large number of showers and lockers will positively affect a great number of people. Storage of personal possessions, and improved hygiene opportunities is a key component to getting jobs and eventually housing. Late night access to restrooms is important to the people of Portland. If urination behind a dumpster you must. Asking someone to hold it until starbucks opens is not an effective way to stopping this activity. We thank the city for working towards improving restroom access. Although not meeting the work group of criteria for day access center, the julia west house is a very good beginning. It services between 35 and 55 people at any time. It can provide a safe place to be other than sidewalks. Benches are important to all Portland whether they be older couple who is in need of a spot to rest or a person living wrought housing who needs the same. These benches pass the few we have placed should be in high traffic areas that would allow them to be more effectively used. We at sisters would like to see these necessary services tied to the city's 10-year plan to end homelessness, not this ordinance many thank you for your time.

**Paul McAdams:** My name is paul mcAdams and I am against this ordinance. And erik knows how long I have been involved in doing this and years ago I slept 17 days in front of the city hall. And I went to Washington, d.c., and I got arrested in rotunda of the u.s. Capitol twice. I got arrested with the homeless, around the homeless issue. And you know, I mean, I was down at t.p.i. A few weeks ago, and he went in there and the woman told him, come back in two months. He was homeless. And you know, i've seen the shelter beds, you know, I mean, the emergency shelters, there used to be a lot more. I mean, now it's programs, you have to wait, wait, wait, wait. And used to be a woman was never tushed away. Now they are. And there was a report on tv that 17,000 homeless in the state of Oregon and 40% of them are children -- are families. And, you know, i'm glad you are getting the toilets and everything. You know, I remember bud clark saying, if you are going to put in your -- european toilets and that was and they infer came about. But I just want to ask another thing. Under this chair under this thing, will this, what about wheelchairs? People in walkers, if they sit down or scooters? Sometimes I have, I have heart trouble. And I have to take a nitro and to sit down on the ground and I have to sit there for a wheel. So if I am sitting down under, I mean, isn't that a violation? Under a.d.a., you know? I mean, what about people that are under the american with disabilities act? How will that, how will that affect them? So I guess that's all.

**Potter:** And just, sir, for your information it does cover using a wheelchair, a walker or similar device as a result of a disability. So it would cover that.

**McAdams:** Would I be --

**Potter:** You can use those things, yes, sir.

**McAdams:** You can sit in them. How long? I mean -- is there no the time limit then?

**Potter:** Not on those devices.

**McAdams:** Ok.

**Potter:** Thank you.

**Moore:** That's all who signed up.

**Potter:** Discussion?

**Adams:** Quick clarification. Is the in the resolution it refers to the oversight committee basically has, ensure all parts of the core work group agreement are enacted consistent with the values expressed. Is this the also known as the core work group agreement? Yes? Ok. So this is just for the record, dated street access for everyone, recommendations of the safe work group dated december 2006.

**Leonard:** I do want to express a thought. And then make a suggestion to see if I can get support to do this. From what discussions I have had, I really don't think there's an issue with people that are sitting on chairs or stools on public sidewalks. I think the issue is, has been, people actually literally sitting on the sidewalk or laying on the sidewalk. I would like to propose deleting a couple



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of sections, not sections but parts of a sentence. First would be on the first page, subsection or section b, subsection 1. So if you looked at line one, it would read, "sit or lie down upon a public sidewalk or on a blanket." I would propose putting a period after blanket and bracket out the rest of the sentence down to the semi colon which would then take out the term "chair, stool, or any other object placed upon a public sidewalk. I think we would also have to be consistent in this ordinance then on the second page, section d, subsection 7, it would read, sitting on a chair or bench located on the public sidewalk. And then bracket out and delete the following language, "supplied by a public agency or by the abutting private owner." and then continue on with the existing language there. So I would make that, I would so move that amendment.

**Potter:** Is that the only reference to that? I thought there were other references to it.

**Leonard:** I looked. If staff is here and knows something else I would appreciate it.

**Potter:** In exhibit a?

**Leonard:** That's what I am looking at.

**Potter:** B-1?

**Leonard:** Right. That's where I proposed the first part of the amy. It would, it would b-1 would read after, if the amendment passed "sit or lie down upon a public sidewalk, or upon a blanket." and then the rest of the sentence would be deleted up to the semi colon.

**Potter:** The ordinance on the front then I thought that's what you were references to. The front of the ordinance refers to 4 sub-a.

**Leonard:** These are findings.

**Potter:** I suppose we need --

**Leonard:** See if I have a second. That's why I threw that out. Another one of my persuasive arguments.

**Adams:** A gallant effort.

**Leonard:** Gone flat.

**Sten:** It's not that we didn't appreciate it.

**Adams:** We still love you.

**Potter:** Further discussion?

**Adams:** The only -- if you want to consider these friendly amendments, I don't know if we are allowed to do that. I can't remember. You have 11 representatives instead of eight on the resolution. First therefore be it resolved. Just to keep that sort of -- on the resolution, the first, be it resolved, sorry. Second therefore be it resolved, it says, "a representative from the police bureau," I think you can say 11 representatives from, and then list the various categories of representatives. And then if on number b, the second line, it says on a monthly basis provide for at least one hearing each year, and I would like to add "and a performance report." so that the hearing is on a performance report. And that's it.

**Linly Rees:** Can I make sure I understand where the change on the 11 representatives is going, please?

**Adams:** So the third line, the second therefore be it resolved, the first page of the resolution currently reads, the mayor will nominate for each area of the city included in the sidewalk obstruction ordinance a represent stiff from." just change it to 11 representatives from."

**Potter:** Would it be better to keep some of the flexibility there, though, in case there's someone else that -- I know you did but if you don't have the number then we can add folks as necessary.

**Adams:** Representatives from? Fine. Sure.

**Potter:** You are suggesting, instead of a representative, just representatives from.

**Adams:** Sounds good.

**Potter:** Is there a second?

**Sten:** Second.

**Potter:** Second. Call the vote on that.

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

**Potter:** Aye.

**Leonard:** Is this on commissioner Adams's amendment? Aye.

**Potter:** Call the vote on item 490.

**Adams:** I am going to make my comments and votes on this. I want to thank the mayor for his leadership on this issue. The key staffers including maria rubio and stephanie reynolds and jarrett spencer. I had the opportunity to work on represented issues when I worked for mayor katz and these are really hard issues and I think that you brought forward is very creative with many, multiple dimension to it, and I recognize that and I really appreciate it. Also I am going to vote for this not only because I think it's creative, and sort of has many dimensions to it, but in part as well so the leadership of erik Sten and the mayor and others on council, we are putting more money behind our effort to 10-year efforts to end homelessness and being smarter about it than ever. And I think fulfilling this part of the commitment to go after the root causes. So because of the creative approach and because we are investing in trying to relieve the root causes, I am happy to vote aye and I look forward to the reports that will be coming forward on progress and how you define success. Aye.

**Leonard:** As I said in my opening comment before I asked questions of the first panel, I just can't even express how much I appreciate the day access resource center, the public seating and benches, the public restrooms and the showers. I think that in many ways it actually makes the regulation on sidewalks unnecessary by having these kinds of amenities. I really do. And I appreciate the work of everybody involved. I cannot support something, though, that I think even contains what some may characterize as a minor issue but something that I think is a, was -- should have been easily, I think, corrected. Council, of course, has its authority to do as it wishes. And express that. I have a responsibility to do what I think is right for the entire community. And I am kiss appointed that -- disappointed we couldn't clean up what I consider to be a flaw with respect to allowing people who happen to sit in chairs which I don't think are an issue, but are contained in the ordinance on public sidewalks. So I unfortunately find myself in the position of not being able to support this. No.

**Saltzman:** I'm very pleased to support this. I want to thank the mayor and his staff and, more importantly, the people who served on the safe overnight committee for spending a lot of time on this wrestling with these issues, the city attorney as well. It's certainly, you know, if nothing else this is a very balanced committee. I think wrestling with very sticky issues but I think the comprehensiveness of the approach. I want to thank the mayor for his leadership on that. The comprehensiveness of this approach is being to nuke a big difference. I can as mike said we are not going to seattle route even though we may have the legal ability to make these criminal infractions.

We are going to with a civil infraction approach. I think that's the right tone. That's the Portland tone. And I am happy to support this. Aye.

**Sten:** Well, I think it's a great package. And I think primarily because the different sides have worked together. My history on this is long and I have had a lot of heated arguments with people about sit lie ordinances. Whatever version you pass they are relatively meaningless to be honest if you don't have a team working together to try and make sense of them on the street. You need community policing, working very closely as officer myers does with social service agencies and others to try and figure these things out. Realistically a civil fine of \$250 against a homeless person is not going to be collected. And realistically there are laws on the books before we pass this one that will stop most of the behavior people find offensive. This is really something that has become an issue that in the best sense is symbolic to both sides. We need a new tool to find a way to come together. I think what mayor Potter has done and I think this is a real hallmark of your time in office, mayor, is brought the two sides together and figured out how do you actually come up with a package that albeit not perfect and I don't necessarily dispute some of the arguments people have about flaws in this. Not legal, constitutional flaws but sort of hear something might do differently

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but basically a package that works and all sides can work out and make happen. I think this has moved beyond what I would describe as kind of something that has to be done because all sides know it has to be done to something that really is a building block towards ending homelessness and mainly because we are going about it a different way and so much of ending homelessness has to be tied to people feeling that they are part of the community, when Jenny and her team talk with homeless people and sort of did it through long oral interviews people feel alienated and this is clearly a process to say let's meet the needs, let's have you help them. One of the reasons it's taking so long oh to enact this the council as a whole and as I raise the concern Mayor Potter took a step further and said we won't enact it until we have the package right. I think that should show people the idea is not to pay lip service to these extra pieces and just enact a law. It's to say the law just doesn't make sense without all the pieces in place. That being said, I think we fail to get the second day center open. I want to be real explicit about it because it's real easy to say to folks, hey, we kind of change the package. I actually think that a decision which I want to make sure people understand was to back off a little bit from the second day center, one that we have is working very, very well. And we are going to keep looking for places to expand it but to put the effort that was not succeeding at getting a second, temporary day center in place 100% into getting a permanent day center moving much, much more quickly. I believe if this ordinance can lead to a permanent day center which I want to remind was completely opposed by a lot of downtown interests, the ideas being you don't want some place where homeless people congregate and that is completely flipped on its head here. Now people are saying you need this place. And this place can be the actual bridge towards getting people tied into a system of housing first and I think that we are all working on to try and end chronic homelessness. I think actually going after the mayor's proposed budget which is not passed yet but I think will pass, has \$350,000 to both fund the immediate day center but also get moving much more aggressively and the mayor has worked with me and asked me kind of lead the charge to find a site. I intend to do that. And I intend to be back to this council long before this calendar year is up with an actual site that I would like to then go, well, before we get to the council go to the business alliance, go to the groups and say let's make this site work. I think that package coming out of this sort of propels I think what is a very excellent piece of work on dealing with the issue of sidewalks for everyone into actually a building block for getting the bigger vision accomplished. A lot because of relationships and I think they were probably right a long time ago when they found Sisters of the Road basically works on the philosophy that all solved through relationships. I know a lot of our police officers feel the same way and this is something that we have built a relationship here. So I am glad to support. I want to particularly thank Mike and Monica for chairing this committee. You have vocal constituents on both your sides that I know don't appreciate your compromises this much but I think the substance of the compromise really is a good one that I think really meets the needs of the both sides better than to be honest the initial position of both sides would have served each camp. And so I also want to thank Maria I know it's very difficult and you seem so calm and I appreciate it. Aye.

**Potter:** I can attest she's not always been calm. But she's hung in there and that's what it was really remarkable about this committee is how people hung in. And that it was not unanimous. But people recognize that, first that we needed to change the way we did business in terms of how we dealt with the issue of homelessness in terms of the old sit lie ordinance. And that rather than making it a crime, to ensure that there was a balance between the rights and the responsibilities of people who use our downtown. And that Mike Kuykendall said something that was very, very apropos also is that this is really a different kind of policing in the sense that you don't look for someone to arrest. You are there to solve the problem. And that has the principles in the committee stated that that's the last resort. And as you remember the old sit lie ordinance, it was used I think 18 times in a very short, in the year or year and a half that it was up. It was a handful of times. I would like to see this used even less. And ensure that our officers understand that their first job is

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to try to find the resources for the people so that if it's someone looking for a place to go, you can direct them to one of the day centers or one of the other service providers. If it's looking for a restroom that we could direct them to that as well. You know, you have yet to see a perfect legislative thing come from any, any legislative body but I think that this goes a long ways towards trying to strike a balance, trying to ensure that along with our rights, there are also responsibilities we have to work together to live together, to use our resources in a way that respects other people. I think this is, though not perfect is really moving towards developing that level of respect. I think that's one of the principles also is to ensure that people were not disrespected because they were homeless. I am really excited about this because, you know, as much as we want to eradicate homelessness today it's going to take a while. I see this as one of those interim steps that over the long haul, under the plan originated by commissioner Sten, I believe that we can eliminate homelessness. And that these issues will be something that people go to museums to look at and say, oh, isn't that quaint? But I believe that this moves us towards a society that takes better care of all of its people and I am very pleased with the hard work. Mike and monica, I think you folks were just outstanding in terms of coming from two different sides to where it's hard to tell you apart now. [laughter] I don't want to offend monica. So I thank you all for the hard work and this will be obviously watched closely by the oversight committee when it comes back to council. We will want to hear those very issues and concerns about the issues around chairs and stools and free speech. Those are the things I think that a progressive city wants to keep track of and ensure that we are not infringing on people's rights. So good job. Look forward to seeing how this all plays out and the one thing I share with commissioner Leonard is a real appreciation for public restrooms. So i'm hopeful that they will be used and taken care of by the people and that as we move forward, this is going to make a big difference in our community. So thank you all. I vote aye. [gavel pounded] only on a stool. [laughter] we are recessed until -- oh excuse me. There is. It's a nonemergency and it moves to a second reading.

**Sten:** Mayor, could I have one point of order? I was going to mention to people who are interested it so ties in to what people are working homeless got a 12 minute feature on the jim lehrer news hour last friday night and I wanted to make sure the audience knew that. I think there are people here who made that help.

**Potter:** Wow. Can we get a copy of that?

**Sten:** Yeah. I will try and find it. We asked them for a tape so as soon as we get it.

**Potter:** Excellent. We are recessed until 2:00 p.m. tomorrow. [gavel pounded]

At 5:05 p.m., Council recessed.

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**Closed Caption File of Portland City Council Meeting**

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

Key: \*\*\*\*\* means unidentified speaker.

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**Adams:** Here. **Leonard:** Here. **Saltzman:** Here. **Sten:** Here.

**Potter:** Here. [gavel pounded] I would like to remind folks prior to offering public testimony, lobbyists must declare which lobbying entity he or she is authorized to represent. Please call the 2:00 p.m. time certain.

**Item 492.**

**Potter:** Commissioner Saltzman.

**Saltzman:** Thank you, mr. Mayor, members of the council. I am excited to welcome our distinguished guests from city of belfast, northern ireland. We will hear from the delegation shortly but I would like to briefly introduce this item and invite our guests to present to the council their thoughts and plans about the future of belfast. For the past two years a group of Portland citizens and public officials have belfast connections have been exploring various opportunities to promote connections between our two great cities. Among this group are my colleagues commissioner Leonard and commissioner Adams who have been participating in the delegation's activities during their stay here: My chief of staff has been tirelessly involved and made a trip to belfast and he made a number of presentations about Portland's efforts to promote sustainable efforts and a economy. I believe in partnering and sharing successes with belfast is an important element in forwarding our international reputation as the united states' most livable city. I am confident that this delegation will have the successful visit here and will bring back many new ideas to belfast and we also hope to learn much from them. That being said I would like to recognize those who have made the trip from belfast and to invite their representatives to make their presentation. I will introduce you first and then we will call you up. As I call off your name, maybe if you could stand.

First we have the deputy lord mayor ruth patterson. Thank you for leading this impressive group. Councilor david rodway. Councilor -- thank you. Councilor bernie kelly. Shirley mckay, head of economic initiatives. Leslie holmes, economic development officer. I also want to thank those from the city vision belfast, billy mcgovern and ray kennedy and also the artist who will be showing at our first thursday events, jennifer and emma connolly. I believe they are -- they were here. Ok. We lost them.

**Adams:** They are hanging up the artwork around the buildings. It's beautiful.

**Saltzman:** And a special thanks to sitting in the back row john coughlan who has been much of the inspiration on this effort along with brendan finn. I would like to welcome deputy lord mayor ruth patterson to the table.

**Potter:** Thank you for being here.

**Ruth Patterson, Councilor:** Thank you very much indeed, mayor Potter, for having the delegation to this beautiful city hall this evening. I am sure brendan would have informed you that our own belfast city hall was 100 years old last year and we had wonderful celebrations in order to commemorate that very special occasion. Certainly our city hall would be slightly different to this and certainly our chairman would be slightly different to this as I am sure you know belfast city council is made up of 51 elected representatives. And there's a lot of toking and froin' across the chamber in order to agree on certain issues. [laughter] but certainly we work together for the

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betterment of the citizens that we as elected representatives represent. And certainly I would like to thank you all as commissioners for having us here today. And certainly I would like to thank brendan for putting together a very innovative few days for us. Certainly this morning we have seen a substantial amount and certainly we are delighted to have done that. We have just had a very beautiful lunch across the way. And thank you very much indeed for that. We are delighted. Our councilor is here, bernie, she is one of the chairs of one of our committees. David sis on that committee. I am not on that committee but I am chair of our time planning committee within the city of belfast, which is a very important committee on the council. But we are here to learn from you and take back with us things that certainly we can put to good use within our city. We have a very innovative, a very fast growing, and a very young city. It has come out of 35 years of conflict. And certainly that, to some degree, held us back. But now over the last 10 years, we have moved forward in a very positive way. We are growing on a daily basis. And I think if you are in belfast as we speak, the number of cranes that you see in and around the skyline of the city is testament to how quickly our city is growing. We have a development which has come to the fore. Has been wonderful. This land lay derelict, empty, muddy, dirty for a considerable length of time during the conflict. But over recent years, it has grown. Buildings have gone up. Outside investment has come in. It's wonderful to see how quickly our city is growing. And we have our titanic quarter coming very much to the fore. And I am sure everyone here knows titanic. We in belfast certainly are very proud of our titanic history. It is something that it's very, very important to us. We have just celebrated our titanic festival in the last month. And very, we had 30,000 visitors through our city hall over that week-long period. Wonderful memorabilia from the ship herself. Lots of visitors from far and wide coming over. We would the french president from the titanic society, the titanic association over. And he couldn't believe what he was seeing. He was so excited about what belfast is about to do. And certainly personally, I would like to see in the not too distant future whenever people are coming into our city on our sign post, I want to see "belfast, home of titanic," written on those sign posts because I am so passionate about the ship, about what she stands for and what she means to the city today. But we are here for a presentation and shirley, as you quite rightly said, head of our economic initiatives, is going to give that presentation for you. And I hope you will enjoy what you are about to see. Shirley.

**Shirley McCay (last name?):** Thank you, deputy lord mayor. Good afternoon, mayor Potter and good afternoon, commissioners. It is indeed a pleasure for us to be here to introduce our city to Portland, and to learn from your experience. We represent belfast, which is the capital city of northern ire land. We do see ourselves as a regional economic driver. We recognize the responsibility which we have to grow wealth not just within the city center but within all parts of the city boundary. And in died to help distribute that wealth amongst the rest of the region. Before we actually present to you on the detail of our city's profile, I would like to introduce a short dvd presentation which gives you some hopefully exciting and interesting pictures about what belfast is like today. In the european union. We have held that record over the last 10 to 15 years. We have a low unemployment rate. And we have a growing number of sectors which would previously not have been developed in the city area. Excuse me for a moment. We will get the presentation synched with what i'm saying. We now have one of the lowest unemployment rates within the united kingdom and indeed within the european union. Of course, this is in stark contrast to what belfast was known for in the last 10 to 20 years. We, of course, were known as a city which built its fortune on ship building, on the industry and on the works and I have a very belfast, one which is built on modernization, on knowledge and growth industries but one which still respects the heritage of the past. Some facts and figures for you. We have a population in the belfast city center area of just over a quarter of a million and we do represent 15% of the total northern ireland population. We have a very young and energetic population, 46% of our population is under 30 years old. 30 years age as, 30 years young. And we actually have a very healthy gross domestic

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product right now. We are one of the first regions in european union to become covered by broadband 100%. And we do have extremely competitive costs within europe. Our labor turnover is extremely low and the costs which we offer as investment base for developers are extremely competitive. We have been very successful particularly in attracting u.s. And other european investment. And over 50% of foreign direct investment which comes to northern ireland takes place within the belfast city area. We are very well connected as a location. We have two airports.

One within the city boundary and one which is 20 minutes drive away. We have over 70 air links to the rest of europe and to the united states. We have a direct air link, belfast to newspaper and very shortly a link between belfast and halifax in nova scotia is reestablishing itself. We have a very active port, one which is particularly known for importing goods which we then spread to the rest of the region. It is now becoming a very important center for freight traffic. We also have excellent universities within our area. We have queens university and the ulster university both of which have a student population of 50,000. And they specialize in biomedical sciences, manufacturing, aeronautical and mechanical engineering. And in particular in these areas we want to grow the new belfast economy and develop niche seconders which allow us to remain as competitive as we can be. As the deputy lord mayor has explained it's very important for us to be here to learn from best practices. We do want to increase competitiveness of belfast ulster city and appreciate the significance of international relationships. We have relationships with neighbor of cities. We have a relationship with another Portland, in the state of maine, but we are delighted --

**Adams:** Never heard of that. [laughter] never heard of them.

**\*\*\*\*\*:** Oh, ok.

**Saltzman:** They came after us.

**Adams:** Yeah, they came after us. [laughter]

**McCay:** We are very keen to prioritize relationships based on compatibility between the economic sectors within one city and another and we now increase leak are finessing those relationships and we already say the sustainable principles that Portland has become known for is the bedrock on which we want to build belfast's future economic growth strategy. Some more data on the local economy. We at the moment are presently led by the service sector. We are a capital city, and obviously we are the center for government, for retail, and for many of the public sector agencies and organizations. However, we are growing our private sector as a city council, we put a lot of emphasis on indigenous business and over 90% of our small businesses have less than five employees. And we know that these are the businesses which are the acorns which are going to grow for the future and we put policies in place to allow us to nurture that growth as much as possible. We are equally a center which attract as lot of commuters. Presently, we have 190,000 jobs within the city locality, and we wish to grow that in the next couple of years. The population of belfast, as I mentioned, is just around 277,000. Our metropolitan population is three-quarters of a million. This is where we can see some similarities with the Portland region. Our population has been declining for over 30 years. However, I am pleased to report that in the last two years, we are now starting to see a reversal of the slowing down of the population drift from the city of belfast. We are acting as a growth pole to populations to return to live both in the city center and within the city municipal boundaries. We have a number of key sectors and I wish to make you aware these are the areas we are keen to develop relationships in and to speak with you in more detail during the course of our visit. As a brief summary I would like to take you quickly through some of the key information which pertains to each of these sectors. Financial and business services, we have an excellent cluster which is now part of our city center product. We have recently attracted hbos and citigroup to locate in our titanic quarter in the former ship building and industrial lands. We have created over 20,000 new jobs within the financial services sector in the last decade and this is one of their most prolific industries we are going to be supporting on a policy basis. Creative industries, we now have over 1,000 companies in the belfast city area which employ over 20,000 staff and we

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particularly focus on digital media, film and television production and the expressive arts. We have many very small companies but yet they have very large contract, particularly with large companies in the united states. And we regularly bring frayed missions of companies out to our partner cities in the united states so that joint ventures can be developed, redistribution channels can be made known to local companies and deals to get done because obviously the purpose of all of our work in the council of economic development is to attract additional economic wealth to the businesses which in turn will be circulated to the communities in belfast. Moving on to life and health sciences, we have a number of very important and world renowned hospitals within the city's boundary. And we work very closely with hospitals in developing life and health sciences. We focus on pharmaceuticals, medical devices, we have a whole range of clinical trials underway and particularly we are growing the biotechnology sector. We do work with the two universities that I have mentioned, and we grow a number of spinout companies. More recently we have started to see the phenomenon of spin o-in or local companies get to such a stage that they are able to approach our universities and seek support to inject additional technology into their businesses and to develop new products which we then wish to export across the world. Manufacturing is considered a thing of the past in many cities. However, we are well aware in belfast this is where our economic heyday resulted in giving us the profile which belfast had across the world. We now know advanced manufacturing is the way forward and we particularly are working with around 500 businesses to ensure they are the forefront of technology and that they use the information which is available in technology to make sure their products are exportable. We are concentrating a present on electrical engineering, on transportation, papers and printing, furniture, and a very affluent textiles sector. Information technology is something that is particularly of interest to many of our european investors. We have employment costs that are 46% low are than anywhere else in europe and obviously, when we are speaking with american companies, we are keen to find a european base. We wish to offer and present belfast as a very progressive location in which businesses can and should be located. The council itself has a central economic development policy and as a result, we have been profiling the balance between indigenous support and foreign direct investment. And these are some of the results over the last three years about the city council's policy has resulted in developing. Belfast city council, as you have heard, has 51 elected members of our budget on an annual basis is 150 million pounds sterling. So we double the dollars and out of that, in the last couple of years, we have invested 11 million pounds directly in business development activities. We have been talking already this morning about a number of the major developments in belfast city. We are now focusing on regenerating the city center. It is excellent for us to be able to announce we have the largest commercial development scheme about to open next year. It is called victoria square. And it comprises almost 1 million square feet of retail space along with residential development. And this is going to be an important step for us in transforming belfast into a 24-hour city. In the last two years we have commenced an evening economy project and we are looking forward to hearing more about the first thursday project later today. We now have persuaded most of our retailers to open after the hours of 5:00 p.m. Every evening. We have also persuaded a number of cultural institutions to remain open and organize new trails and new itineraries to encourage people to remain downtown and keep our city alive after 5:00. Titanic quarter is most akin to the south waterfront that we had an introduction to this morning. We have 185-acre site which is going to be the home to \$2 billion of investment in the next couple of years. And we are anticipating at least 20,000 jobs for located in this area. This is the home of the titanic, the liner to which our deputy lord mayor referred. In addition to having a mixed-use commercial development, we are going to have a work class economic visit are attraction which is going to tell the story of belfast and our economic progress in the years of 1900 to about 1925. And we now are wanting to build a new economy on the new sectors and equally this is going to be one way that we are doing that through our work in tourism. The council already has a track record in brown field



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regeneration and we have been interested already this morning in hearing about the significance of brownfield regeneration. We ourselves as a council transformed the gasworks site into a business park which now is home to almost 4,000 employees. We have a number of primary companies located in this area. And we also have a number of community schemes which ensure that local areas receive employment opportunities. And of the growing wealth of belfast is not just contained within the city center. We want to make sure that all of our neighborhoods and all of the peoples of belfast have an opportunity to share in the growing wealth. Particularly we want to draw to your attention, mayor and commissioners, the north foreshore project because this is the major challenge for belfast city council over the next 15 years. We have a site of 330 acres which is allocated in the north of our city. It is very well connected and will be an excellent business location. However, it has been the site of the city's land fill for over the last 30 years. It is just recently closed and council already has an ambitious plan to transform it into an environmental ecoindustrial park. The logistics warehousing site, a waste technology park and an actively managed world class public park. We have a project underway at the present which is extracted the land fill gas from the site and we want to use that to power the industries and the activities which will take place on the site as well as export that electricity to the rest of the city region. We have plans to develop a world trade center in belfast and we hope to find a property partner within the city in the next 12 months to 18 years. In addition to having an iconic building we are already from operating as a world trade center through the council's economic services and this is our shop window on the world whereby we receive incoming missions and also whereby we make our own local companies aware of international business opportunities. And finally, to fine, mayor, I would like to make you aware of our work on the key arterial routes in the belfast locality. We are very conscious that much of central government policy in the past 20 years has been focused on the city center. Of course, it is important as a shop window for all of our cities, equally we need to be mindful of where other parts of our population live. And we have undertaken a major regeneration scheme along the key arterial routes which has allowed us to give new hope and faith to the local communities, to instill development schemes right in the door steps and to attract population which is may have left those arterial routes to now see these as places of investment and places where they can have a healthy and vibrant livelihood. In conclusion, mayor, I would like to take the opportunity to play you a little dvd of the north foreshore development if we have time. Do we have time, mayor? Thank you. We have worked very hard over the last two years as a council in identifying the many ways in which we can transform a brownfield site into an environmental asset. And we now have a project which is something that we are quite proud of. We are focusing on the public park as the giants park. And the ambition in the plans is gigantic and that is part of the reason we have chosen this name. We have also been inspired because of the author jonathan swift who traveled to belfast and who got inspiration for "gulliver's travels" from one of the hills in belfast, cave hill, and the actual north foreshore site lies at foot of cave hill. For that reason we are calling our environmental park the giants' park.

\*\*\*\*\*: Imagine a world class visitor, a facility on par with some of the stunning spaces in major cities across the globe, new york, paris, rome. An amazing outdoor space like nothing northern ireland has seen before. Imagine a spectacular urban park on the door step of our city. A place to have fun, relax, and get active. We have a wonderful opportunity to turn a stretch of wasteland on the shores of belfast lock into a safe, national environment where people of all ages can enjoy open spaces and leisure facilities. Situated in belfast's north foreshore a spectacular 200-acre site the size of 200 football pitches is simply bursting with potential. It could become a space for everyone to enjoy a dynamic range of recreational facilities if vital funding from the big lottery is received. To help secure the funding, and make this vision a reality, we need to know what you would like to see in the park. Arts enthusiasts might like chance to enjoy sculptures to touch, see, and explore. And how would you like to arrive at the park by a stunning pedestrian and cycle bridge arching across

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the motorway like the gateway to belfast? Or a cable car stretching from the very cave hill which inspires the giants' park name with breath taking views across our city.

**Adams:** We know how to build one. [laughter]

**Dvd continued:** it could ballgame a venue for family and friends with fun-filled activities for everyone. A giant play park area. Mountain bike course ornate reserve.

**\*\*\*\*\*:** If you would like to see an outdoor festival space, let us know. Giants park could offer all this and more. Would you enjoy spending leisurely afternoons strolling around lagoons with fantastic previously inaccessible views across belfast lock? You could appreciate the wildlife and rare bird life from specially crafted bird heights or lookout points. Perhaps you would like to become an equal part with the focus on the environment to create additional wildlife habitats and enable natural regeneration of the lock shore environment the park could provide tranquil get away from city life, a place with walkways or beautifully landscaped gardens. You might enjoy a cafe area to relax in after a long walk or sporting activities. Would your community group, school, or sports club benefit from a sports rather than and fabulous new facilities? A central meeting point at giants park will take the form of a beautiful building, perhaps made of timber and glass, standing on stilts and just how this is used is up to you. There's a visitor center or museum appeal to you? Or an education facility with specially equipped classrooms? Ecological conservation could be enhanced by careful planting and colonized vegetation and ponds provide a valuable habitat for protected species. Make it yours. Be part of the decision-making process and tell us, what would you put in giants park?

**Leonard:** Very nice.

**Patterson:** Mayor Potter, we hope you have enjoyed what you have seen there. That's just a taster of what is on the horizon for the city of belfast. And if you have any questions you would like to ask us, certainly we are here and hopefully we will answer them for you.

**Saltzman:** Did you say that queens university and ulster university each have 50,000 students?

**McCay:** Combined population.

**Saltzman:** Oh, combined.

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

**Saltzman:** It's all very impressive what you are doing there. Hopefully -- I think we will learn from what you are doing and hopefully we can teach you a thing or two while you are here.

**Patterson:** I think you will.

**Saltzman:** Future journeys that I know many members of this council will love to make to your city.

**Potter:** Thank you.

**Saltzman:** Mayor, too.

**Leonard:** Thank you for being here.

**Adams:** Great presentation. Thank you very much.

**Patterson:** Before we leave can I make a small presentation to yourself? And to the other city commissioners. On behalf of belfast city council, can I present to you a plaque of our crest. Sorry. Of our city hall and also a set of cuff links.

**Adams:** Oh.

**Patterson:** Of the crest. I trust that we will see you again and you will beware them. [laughter] as for the other four city commissioners and we hope you will enjoy them in your offices. Thank you, mayor, for having us here. We are delighted to come over and certainly it has been a tiring trip but i'm quite sure one of which we will take great benefit from. I present you with that. Thank you very much indeed. And to you. Thank you very much. And to you. Yes, indeed. Thank you. Thank you for being such good company at lunch. It is our pleasure. It is our pleasure.

**\*\*\*\*\*:** Thank you very much. Thank you, mayor, for having us.

**Potter:** Would you please read the 2:30 time certain.

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**Item 493.**

**Potter:** Chris.

**Chris Dearth:** Good morning. Chris dearth, the program manager and I didn't plan on going through our power point again for you. You saw it last week. I gave mr. Lobdell a copy of it. He's had a chance to go through it. We have chatted about it. He had a chance to ask questions as I did of him yesterday. He's here today so I don't have anything more to add unless you have any questions.

**Potter:** Questions? Thank you, chris. Mr. Lobdell, could you please come forward.

**William Lobdell:** I'm william lobdell. This is my friend.

**Potter:** Would you folks sit down, please. We appreciate you being here. You have a total of 15 minutes to present your case.

**Lobdell:** I have challenged apparently, according to chris, four regulations. One is downsizing of property from r7 to r20. The rationale for downsizing that, according to this, I don't know if you have all seen the staff report. In explains it all in detail. But after sifting through that, I found out the primary, the primary reason for doing that is to protect resources in the little blush in the staff report about that there are no sewers available. And that this would all have to be served by septic systems and r7 wouldn't provide enough land for septic systems. Therefore it should be down zoned to r20. Now, apparently, measure 37 has an exemption. And the one that they have added to this is section 3b. And that exemption says this act shall not apply to land kruse regulations -- use regulations, b, "restricting or prohibiting activities for the protection of public health and safety." now, they didn't in their power point presentation add what's after the comma there at the end of the safety. But it goes restricting or prohibiting activities for the protection of public health and safety, such as fire and building codes, health and sanitation regulations, solid or hazardous waste regulations, and pollution control regulations." and these, these exemptions are kind of the tone. Now, the exemptions that chris and his staff have gone on to is safety and health, and I don't see the connection between protecting resources and larger lots for septic systems in that particular one. Now, they have added after that an environmental overlay zone. And according to this pamphlet, it's because of land use regulations that limit disturbance area and therefore work to prevent floods, landslides and erosions. Further on in the power point, presentation, there's a little blush here on the overlay zone. And it's said that their plan for this -- the overlay wasn't on in 1991. It was put on later in the 1990's. And I didn't even know about it until evaluation, which had dropped down from over \$1 million down to what the metro offered me was \$274,000. And then after the overlay was put on, it was reduced to \$35,000. By metro, their offer. They offered me \$35,000. Kind of an insult. Anyway, it was adopted by the council july 1, 1991. That was the proposal, and it said part of it by decreasing runoff and increasing ground water infiltration, the forest protects downstream neighborhoods from flooding. Also by destable -- by stabilizing the soil and reducing runoff and erosion, the forest protects the community from landslides, slumps and mudflows. That's the excuse for this regulation. And downstream from mine, it goes through a 24-inch pipe there, runs under german town road, drops down to another pipe and then goes out to the river, the willamette river. There is no downstream community to protect it. And this is all, this whole area that I own is bedrock. There's virtually no top soil. There's like two to six inches at the most. And so there's not going to be any landslides or mudflows on something like that. You need huge, huge areas of top soil in order to do that. And there's no, there's no danger to the community. So that's kind of ridiculous. In fact, everything that i've seen has been presented as a reason to deny my claim is hooked up where a very thin thread of connection to the reality of danger or health to anyone. The other one is cutting down my trees. I like the idea of being able to cut trees wherever I wish. And apparently, part of this is prohibiting the cutting of trees or at least controlling it severely. And I can't see a connection between safety and health on that. And, of course, there's no connection to safety and health connected to what the attorney general has done in taking the inherent value of

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your property and causing it to be in limbo. And so I don't understand why the -- why they would recommend denying the claim. Now, they do have on one of the power point prints, they say that over here they say they have got little arrows pointing to the sides that are going to be developed or I hoped would be developed. And arrows pointing at german town court, the street that's supposed to be developed. And they say the right of way which is german town court has greater than 70% grade. And on the same map, they show there's an approximately 170-foot elevation gain and that goes to an upper portion way up above the property. In fact, it's 70 feet above the ditch that conducts the water through it. And if you consider the elevation zero at germantown road which it is at this map and 170 feet and you drop off 70 feet to get to where the ditch is at other end of the property which is about 700 feet, and you divide the rise, which is 100 feet by the run which is 700 feet, you come up with a, with an elevation of approximately 14.2%, which is well within the limits set forth by the fire department.

\*\*\*\*\*: You mention the sewer availability there?

**Lobdell:** Yeah, they said part of the reason that they suggested the land, the land to be rezoned from r7 to r20c was that like -- like here. Here's a quote on that. It says there's an inadequate water supply pressure for residential service in the area, elevation is too high to provide adequate service pressure. Now, there's a -- a hydrant, water provision hydrant for the fire department at above this which is about, oh, probably 60 or 70 feet elevation higher from the houses that would go in there. And there's another, another sewer hydrant approximately 70 or 80 feet higher than that. So you're talking about a huge head above this. It could be tapped into and the incidence of a fire. And it says here, sanitary sewer is not available to most lots. No extensions are planned. Well, on the same power point presentation, there's a map called possible sewer connection and it shows one up germantown road, 335 feet, and then it shows another one down where it does an intersection with a sewer pipe under st. Helens road at 390 feet from the beginning of the property. And they show here what it actually is, about 720 feet of sewer line that would run on up germantown road or germantown court when it's installed. Now, in that same thing that says that they shouldn't provide -- that they need to provide downsizing of the -- of the zoning regulation from r7 to 20c, they say the area currently zoned r7 -- this was from 1991. The area currently zoned r7 or r5 extends over a steep ravine and creek system which is unable to sustain development at this density. All of the zone changes areas are not served by sewer and must presently be served by on site septic systems. Well, this couldn't even use a septic system because the top soil is so thin. Wouldn't work. And the only way you can develop it is to extend it and I never -- I never, ever said that I might be willing or think it sensible to add septic systems. I was wondering if my friend louis to use the rest of my time.

\*\*\*\*\*: Ok. In regard to the lobdell property, if any -- if I can hear no objections I can surmise that the answer is yes to the following questions. All of you government employees deciding the outcome of this issue of bill lobdell's properties have taken an oath of office to support and uphold the constitution of the united states of america and that this of this state. Is that correct? Pardon?

**Potter:** You are not here to request us questions. You are here to make a statement.

\*\*\*\*\*: It would nice to know if you people are going to uphold our constitutional rights.

**Potter:** We are not going to respond to your questions.

\*\*\*\*\*: Is that a no answer?

**Potter:** We are not going to respond and please make your statement.

\*\*\*\*\*: Pursuant to your oath you are required to abide by the oaths and the performance of your official duties including those before this hearing. Again, is that correct? Evidently you are not responding. Some will say another constitutionalist, I am proud of it and they probably at least close to a dozen of my family members have fought in wars for this country and some have died, some have been wounded so I think it's great that we have a constitution to protect we the people from possibly unjust governments. We've seen stalin in russia killing his people, taking away their

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properties, taking away their rights. We have seen hit letter in my lifetime, I have seen both of those men doing that to their people. So that's one reason that our forefathers formed a constitutional government to protect the people from the government. What could be simpler? Because they have seen down through history where kings and dictators and all kinds of tyrants have harmed their people, took away their properties and their rights. We have a constitution to prevent that from happening. I'm not making any insinuations about you people. You are no doubt very good people. But when you look at polpot killed millions of his people. Those people didn't have constitution to protect them. It's happened down through history. You might give the constitution more credence once you are, when you are voting today, bill of rights and amendments state that private property shall not be taken for public use without just compensation. So I hope that you will keep that in mind when you are voting. Thank you.

**Potter:** Thank you. Thank you. You are excused.

**Lobdell:** Do we get to hear the outcome of this?

**Potter:** You can return to your seat and I want going to ask if there's anyone who wishes to testify on this matter and then we will discuss it. That's all. More than welcome to stay. Is there anyone who has signed up to testify on this matter?

**Moore:** I did not set out another signup sheet so --

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

**\*\*\*\*\*:** I have not signed in.

**Potter:** That's ok. Please come forward.

**Marian Blackburn?:** My name is marian black wood.

**Potter:** Sit down and then speak. Thank you.

**Blackborn:** My name is marian blackboard and I own some property adjoining the property that we are talking about. And this is a beautiful valley with a beautiful crick going through it. It's not what he calls it, a ditch. And there is a lot of loose soil around there. And there's a lot more soil there than he is saying two or three feet. There's a lot of the dead -- the leaves, all of the moss, the whole thing, it's, you know, turned into mulch and we have a herd of elk that come down every fall into that valley. They only stay a couple of weeks but they make a lot of noise and they are very happy there. This is -- this should be a preserved area. It's beautiful. And I think everybody should have a right to do with what they want with their property. But I also lost some property in value if you want to say moneywise if I wanted to sell it. But in beauty and preservation for my children and my grandchildren, I think it's well worth the save.

**Potter:** Thank you, ma'am.

**\*\*\*\*\*:** I will answer any questions.

**Potter:** Discussion? I need a motion to deny the claim and adopt the staff report and order as the council's decision.

**Leonard:** I would make that motion.

**Sten:** Second.

**Potter:** Moved and seconded. Karla, please call the roll.

**Adams:** I would like to thank the owner for his representative for conveying to us your point of view on the issues. However, I think that after consultation with the attorney and after having briefings on the overall structure and requirements and opportunities of ballot measure 37, that the staff recommendation is indeed valid and for that reason, I vote aye.

**Leonard:** Aye.

**Saltzman:** Well, I thank mr. Lobdell and his friend for coming here and the previous week for the neighbors and today the neighbors. I think that I thought the staff report was very good on this and I do think that the intent of the northwest hills plan that the city council adopted in the early 1990's does set forth adequate grounds for denying this claim based on the public and health, public health and safety exemptions under measure 37. So I vote aye.

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**Sten:** Aye.

**Potter:** Aye. [gavel pounded] that's it, folks. Thank you. The next time certain is 3:15 p.m. It's about three minutes after. So we will reconvene at 3:15.

At 3:02 p.m., Council recessed.

At 3:19 p.m., Council reconvened.

[calling roll] [gavel pounded]

**Potter:** Please read the 3:15 time certain.

**Item 494.**

**Potter:** City attorney will describe the hearing process.

**Kathryn Beaumont:** Thank you. Good afternoon, everyone. I have several announcements I need to make before we begin the hearing. These are required by the zoning code and state law. First is to the kind of hearing we are having today. This is an on the record hearing. This means you must limit your testimony to material and issues in the record. During this hearing you may only talk about the issues, testimony, exhibits, and other evidence that were presented at the earlier hearing before the hearings officer. You can't bring up anything new. This hearing is designed only to decide if the hearings officer made the correct decision based on the evidence that was presented to him. If you start to talk about new issues or try to present new evidence today, you may be interrupted and reminded that you must limit your testimony to the record. I would like to describe the order of testimony today. We will begin with a staff report by Kimberly Parsons from 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 appellant will go first and will have 10 minutes to present the appellant's case. Following the appellant persons who support the appeal will go next. Each person will have three minutes to speak to the council. If there is a principal opponent, the principal opponent will have 15 minutes to address the city council and rebut the appellant's presentation. If there is a principal opponent the council will move directly to persons who oppose the appeal after supporters of the appeal conclude their testimony. Again, each person will have three minutes. Finally, appellant will have five minutes to rebut the presentation of the opponents to the appeal. Council then may close, may then close the hearing, deliberate and take a vote on the appeal. If the vote is a tentative vote the council will set a future date for adoption of findings and a final vote on the appeal. If the council takes a final vote today that will conclude the matter before the council. Finally, a few reminders for presenting testimony today. Again, a reminder this is an on the record hearing which means you have to limit your remarks to arguments based on the record compiled by the hearings officer. You may refer to evidence that was previously submitted to the hearings officer. You may not submit new evidence today. If your argument includes new evidence or issues the council will not consider it and it will be rejected in the city council's final decision. If you believe a person who addressed the city council today improperly presented new evidence or presented a legal argument that relies on evidence that's not in the record you may object to that argument. Finally, under state law only issues that were raised before the hearings officer may be raised in this appeal to city council. If you believe another person has raised issues today that were not raised before the hearings officer, you may object to the council's consideration of that issue. That concludes the opening announcements.

**Potter:** Thank you. Do any members of the council wish to declare a conflict of interest? No council members have a conflict of interest to declare. Do any members of the council have ex parte contacts to declare or information gathered outside of hearing to disclose? No council members have ex parte contacts to declare. Do any members of the council have any questions or other preliminary matters that need to be addressed before we begin the hearing? We'll begin the hearing with staff.

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**Kimberly Parsons:** Good afternoon. I am kimberly parsons with the bureau's development services and this is the presentation for the appeal of land use review 06-106436 hawthorne terrace subdivision. The purpose of the hearing today is to consider an appeal of the hearings officer decision to deny a 21-lot subdivision that included public and private streets, a an alley, common green and an open space tract. Appellant is george and elias bitrous. The appellant's representative is margie schroeder and the applicant is also george and elias bitrous. Brief summary the land division review was for the creation of 21 lots, a partial public street, two private streets, an alley and a common green. It included a 5.25 earthquake environmental resource tract. An environmental review was also requested for creation of the proposed subdivision and associated improvements. Environmental modifications were also requested to reduce lot dimensions. Reduce the site set backs, increase the impervious surface standard and waive the requirement for turn around of the private street. Relevant approval criteria for the reviews requested are 33.660.120, 33.43.250a and 33.435.280 modifications. The hearings officer deny the proposal due to two criteria not being met. First was the sanitary sewer approval criteria of 33.6 boo. The second was the environmental review approval criterion 33.430.250a 1a. The request to increase the maximum allowed impervious surface for the lots. This is a zone map which shows the site. The site has r10 zoning at the eastern portions of the propertied a jay send to southeast 162nd and southeast gabler lane. There a is a small area of zoning at the southeast corner of the site and the majority of the site has an environmental protection zone. And that covers the western section of the site where a stream is located. This property is also located within the johnson creek basin plan district south subdistrict. This is the applicant's preliminary proposed plan for 21 lots that are located in the r10 and r10c zoned areas on the site. All lots requested are outside of the resource area of the environmental zone. The maximum density of the site is 23 lots. And that proposal was for 21 lots. This is the propose the utility plan. All the services are available from mains in southeast 162nd and southeast gabler lane so those connections are outside the environmental zone. Applicant provided a clearing and grading plan and most of the grading was required for the street construction. This is the impact area plan. White the applicant shows these areas, they are within the transition area and disturbance or development is allowed within that area so they actually went above and beyond what they needed to assess for impacts to the resource area. The impacts from the development include 12 square feet of permanent disturbance on the 7.5-acre site and that's for disturbance of the street off of gabler lane at the southeast corner of the property. Also included is 250 square feet of temporary disturbance for construction and grading of that street. And then tree removal requested in the environmental zone includes one tree from the resource area and four trees from the transition area. And this is the applicant's proposed mission plan. It covers an approximately, well, nearly 26,000 square feet. Includes 115 trees and 716 shrubs. This is a 2005 aerial photo of the site so you can see the existing development on the property is located at the northeast corner. One of the homes and -- will remain on the site, on -- and the other structures which are barnes, are going to be removed. I will go through some photos quickly of the property. This is at the southeast corner of the site adjacent to 162nd facing north. And this is on 162nd facing south. This is the southern edge of the property at 162nd so this is where the partial public street location is proposed. And then this is toward the center of the site where lots nine through 15 are proposed and that existing house is proposed to remain on lot 12. And then this is the northern portion of the site so those are the structures that are planned on being removed. This is the environmental zoned portion of the property. There's a substantial amount of invasive species. This is himalayan blackberry and this is the northern portion of the environmental zone and just beyond the slope is clatsop creek. This is the southern southeast portion of the property. Six lots and a private street will extend off of this existing public street. Briefly, for the appeal summary, the appellants have raised specifically three issues in their appeal statement. However, you may hear additional issues raised from testimony from interested parties. The first issue is the sanitary

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sewer capacity. Has been verified and approved by b.e.s. Therefore, the appellant believe this is criterion is satisfied. Alternatives analysis has been provide by the applicant that includes all development outside the resource area of the environmental zone. And so again the appellant believe that is this criterion is satisfied. And the third appeal issue is the modification to impervious surface and that should be approved because the lot sizes are being reduced to dedicate 70% of the site to open space or undisturbed area. So I will go through each one of these three appeal issues in detail. The first issue was that sanitary sewer capacity has been verified and approved by b.e.s. section 33.652 requires b.e.s. to verify that sewer facilities are available to serve the proposed development. The hearings officer found that this necessitates b.e.s. to assess the system capacity. B.e.s. did provide a response approving the proposed storm water or proposed sanitary sewer system. However, the hearings officer found that there was not a clear statement that the sewage disposal system had adequate capacity. He did also include a statement in his findings that if the decision is appealed, the applicant could provide a statement by b.e.s. that there is sanitary sewage capacity sufficient to reverse the hearings officer finding for this approval criterion. I have a b.e.s. representative here, don woolsborn and he can confirm to you the sewer system capacity. The second appeal issue is that the alternatives analysis has been provided by the applicant and includes all development outside the resource area of the environmental zone. This environmental criteria requires alternative showing development outside the resource area to be evaluated.

**Potter:** Can I ask you about that?

**Leonard:** This came after the hearings officer's decision?

**Parsons:** This?

**Leonard:** The alternative analysis.

**Parsons:** No. This was included within the time that the record was held open. And so it was available for the hearings officer to evaluate.

**Leonard:** All right.

**Parsons:** The applicant submitted two plans to address this approval criterion. That's labeled as exhibit h16. The hearings officer reviewed that exhibit and was unable to find conclusive evidence that no resource area was impacted by the development. In the appellant statement I think that this error may be due to the location of the environmental zone and transition area boundaries not being labeled on the site plans. The appellant also thinks that the existing structures that are shown in the resource area may have been confusing and may have been thought to have been included as new development whereas it's existing development that's planned on being removed. So the alternatives analysis that the applicant provided shows no new development in the resource area. Before I show this plans I want to briefly go over what the resource area is and what the transition area is. The environmental zone boundary is pointed to with a green arrow. First 25 feet inward from that boundary is the transition area. And beyond that the remaining area is the resource area. So this is one of the alternative plans provided by the applicant. The red line indicates the boundary of the resource area. So all the lots and development here proposed are outside of that resource area. Here's the second plan that the applicant provided and again it shows all the lots and development outside the resource area. While they provided these alternatives they found out they were not feasible subdivision plans for financial reasons. So the last appeal issue is that the modification to impervious surface should be approved because lot sizes are being reduced to dedicate 70% of the site to open space. The site's in johnson creek basin plan district so it has a limitation on impervious surface for each lot of 50%. The hearings officer found that there wasn't sufficient evidence that the request, the applicant's request of 75% could be supported. However, hearings officer didn't evaluate the staff's recommendation of 60 to 65%. Smaller lots than typical for the r10 zone were being proposed and those were being clustered outside the resource area to provide greater protection of resources. And the hearings officer did approve those smaller lot sizes. However, allowances need to be made in order to develop those smaller lots with what you



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would typically see with home construction. I want to also point out that the difference between the 50% standard and what the b.d.s. recommendation is, is just under 2500 square feet on a 7.5-acre property. I want to also point out city council has upheld and approved similar requests to increase impervious surface adjacent subdivisions or subdivisions in the area including water leaf, hawthorne ridge and hawthorne meadows have all been approved with increased surface area when approving smaller lots. And this is a contextual map of those subdivisions that have bebb approved with increases in impervious surface. So just to summarize b.e.s. has confirmed that the sewer facilities are available and have adequate capacity. Alternatives have been provided that show resources or show lots outside the resource areas. And to support the creation of the smaller lots which were approved by the hearings officer and increased to impervious surface is necessary to accommodate development. The alternatives before council today are to deny the appeal and uphold the hearings officers addition, uphold the appeal and adopting revised findings and conditions. The 120 day review period expires june 16. A council decision is not made we would need a 120-day extension. I do also have bureau of environmental services staff here if you would like to speak to them about the sewer capacity.

**Potter:** I think it would be nice to have that on the record.

**Leonard:** Before you left I wanted to ask you one question. The hearings officer actually alluded to your -- you can come on up. She can answer this. While you are coming up. He alluded to, in the final paragraph of the his decision that if the council did overturn his decision he would recommend that we condition the project on the b.d.s. Staff report. If what you are recommending here what we just heard what it is that he alluded to? In his -- I mean, is --

**Parsons:** What the hearings officer alluded to in his findings whats that if this case did get presented to council on appeal, that b.e.s. Would need to come up and testify that there's adequate capacity. Is that your question?

**Leonard:** No. He said, and I am just quoting verbatim.

**Parsons:** Ok.

**Leonard:** Should this decision be appealed to the Portland city council overturns the decision the hearings officer recommends council consider conditioning any approval application on those conditions included in the b.d.z. Staff report. What you are describing to us what he was alluding to when he said that?

**Parsons:** Yes.

**Leonard:** Great. Thanks.

**Potter:** State your name for the record.

**Don Walsborn:** Don walsborn with the environment of environmental services. I am here to festival the bureau has always had the stance that there is adequate capacity in the sewer on 162nd and downstream from that to serve this development. There was public testimony that at the hearing stating that there wasn't capacity. I contradicted that at this time and now.

**Potter:** Questions from commissioners. Thank you. Would the appellant please come forward. Thanks for being here, folks. You have 10 minutes and when you speak, would you please state your name for the record.

**Margie Schroeder:** Thank you, mayor. My name is margoy schroeder. I am an attorney for the appellants who are also the applicants, george and elias bitrous. I would first like to thank the staff for their excellent presentation and I will try not to repeat a lot of the stuff that she went over because our position is the same as staff's and I would like to first address your question, commissioner Leonard, about the hearings officer's recommendation of the last paragraph of his decision. The appellant, if the city council upholds the appeal we are fine with the conditions that are listed in the staff report. So as ms. Parsons described this appeal is limited to three issues. First is the alternatives analysis. Second is the impervious surface area and third is the proof of sewer capacity. I am going to dispense with the third issue first because as you just heard from the b.e.s.

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represent active, there is adequate sewer capacity and as the hearings officer noted in his decision that that is all that is needed as a statement from b.e.s. in order to reverse his decision on that issue. So we are left with two issues. I will start with the alternative analysis first and I believe that a copy of my written submission has been passed around. Is that correct? The staff already referred to the maps that were submitted by the applicant at the first hearing. Those are attached as exhibit 1. I went throughout record and made copies just to make it easy. So the maps that you saw that were outlined in red on the power point presentation I have highlighted in yellow. There are a couple pages in. As you can see there were two alternative plans that were submitted. And we, it is our position that we think the hearings officer just missed this issue because the transition area was not correctly labeled or wasn't labeled at all on these maps. But if you look at them closely, as staff represented the two alternatives show alternatives that are completely outside of the resource area which is what the standard requires. So we would ask that the city council reverse the hearings officer's decision on that issue. The last issue is the environmental modification for impervious surfaces. And as staff correctly noted the applicant originally requested an increase to 75% from the 50% impervious surface standard. Staff disagreed but recommended an increase of up to 60% for lot 15, and to 65% for lots one through 11, 13, 14, and 16 through 21. The applicant, in oral testimony on the record, agreed with staff's recommendations. And there are three reasons why you should reverse the hearings officer's decision and approve the applicant's requested modifications along the lines recommended by staff. And all of these reasons were stated on the record and I have attached those as exhibits I believe 3 through 5. First, in this situation, there is an -- there are environmental zone overlays on the property. And due to that only less than a third of the entire property can be developed. Averaged over the entire site area, the proposed increase in impervious surface calculates to much less than 50% which is the standard. The site is not being developed to its maximum density and the utility plan provides for storm water managed improvements that will handle runoff from impervious surfaces. Also in terms of preservation of impervious surfaces the applicant is providing 5.2 acres in dedicated open space that will be retained in its natural condition as an environmental resource tract. The second reason is, as staff pointed out, council has approved similar increases in the impervious surface area for nearby developments including hawthorne meadows and water leaf subdivision. As we noted in our appeal statement, water leaf is similar to the applicant's subdivision proposal in that the reduced size of the lots and the clustered development warrants an increase in the impervious surface area. So a similar increase is warranted in this case. The final reason is that denial of the requested modification is not really grounds to deny the entire application. It would simply mean that the applicant will have to build smaller houses that may not be as compatible with surrounding neighborhoods. We ask to you follow the staff recommendation to approve the 60% and 65% modifications. That's all I have. I have two representatives with me. One is rick gibbons who was represented the applicant at the hearing and I have also got doug johnson here who is with sissell engineering. They submitted some evidence on the record with regard to sewer and they are prepared to answer any questions you may have as to what was on the record.

**Potter:** Questions from the commissioners? Thank you.

**Schroeder:** Thank you.

**Potter:** Is there any person here who supports the appeal who wishes to testify? Is there any person who opposes the appeal? Thank you for being here when you speak please state your name for the record and you each have three minutes.

**Linda Bauer:** does not the principal opponent have 15 minutes?

**Potter:** Are you the principal opponent?

**Bauer:** Yes. Okay I'll do three.

**Potter:** City Attorney could you give up some advice on that please.

**Beaumont:** If Ms. Bauer is the principal opponent, then she does have 10 minutes.

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**Potter:** Okay.

**Bauer:** Okay. I just gave karla maps, these are in the record. The red arrow is where you the city council decided that the portland sewer should stop. Here's the site over here where Gresham is suppose to be serving and here's another site that bes recently approved and their going to make the developer take this sewer that's not suppose to be extended all the way down here to their site. The second map is a map from the public facilities implementation plan, again adopted by you this time the portland system is in red the Gresham is in brown we still have the stars for this site and the other site and the third map is from your public facilities plan adopted in 1999 by you that shows the sewer deficiencies. Most of my testimony today is taken directly from the pleasant valley plan and the pleasant valley public facilities plan. Both of which were adopted by the portland city council in December 2004. The pleasant valley states the purpose of the pleasant valley public facilities plan is to establish a framework for identifying how urban services work including water, waste water, storm water, transportation and parks will be delivered and maintained as the area urbanizes. The plan was developed with the objectives of addressing all statutory and administrative rules requirements related to the public facilities as outlined in title 11 of the statewide land use planning program and o.r.a. 660-0011-000. Title 11 also requires maps that show general locations of arterials, collectors and essential local streets and connections as well as necessary public facilities such as wastewater, stormwater and water to demonstrate that the area can be served. That's what those maps demonstrate. Gresham can serve this area, portland can't. The pleasant valley public facilities plan map shows that the portland system in dark brown stops at the foot of hawthorne ridge and that the Gresham system in coral serves the large area including this proposed development. The red arrow shows that the end of the portland sanitary sewer system beyond which is the location of this site as indicated by the red star. The pleasant valley public facility plan states "without contributions from pleasant valley, the Johnson creek trunk is projected to carry a flow of 17,000 gallons per minute. With the pleasant valley flows added the line would need to carry an additional 3,300gallons per minute depending on the size and the area served and infiltration rates. This represents an increase of 190%. The plan says quote "the trunk line does not have capacity for this flow". The plan goes on to say "in addition to replacing undersized sewer pipes, flows from pleasant valley would be conveyed through parts of portland sewer system that are being overhauled to reduce combined sewer overflows. The overflows reductions have been accomplished by building very large deep conduit pipes that provide temporary storage for sewer during storm events". This sewage must later be pumped out of the sewage conduits for treatment. It is estimated that the sewage from the pleasant valley may need to be pumped three or four times as it traverses the portland system before being treated. This adds significantly to the costs of conveying and treating sewage from portland. Then it says "as a consequence it is estimated that portland sewer rates will be 30% or more higher than Gresham for domestic service". Because the pleasant valley plans have already been adopted and because these facts in evidence do not justify changing we feel that this site should be served by the Gresham system as adopted by the portland city council for all the reasons listed in your public facilities plans. Thank you. Questions?

**Adams:** Linda when you, you did a very effective job during my budget forums with bes, pdot and racc and you raised this issue sort of more globally not specific to this one site.

**Bauer:** Right.

**Adams:** did we did my bureaus provide you with an adequate response yet?

**Bauer:** No.

**Adams:** Sorry about that.

**Bauer:** That's all right.

**Adams:** I thought I'd been given assurances that they would but I haven't had a chance to follow up but I will.

**Bauer:** Thank you very much.

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**Saltzman:** So if this were to be served by Gresham rather than portland you'd - - the basis for your concern is limited?

**Bauer:** According to the approval criteria I don't have anything to oppose.

**Adams:** After that?

**Bauer:** Right.

**David Petersen:** I guess I'll go next. David Petersen I'm an attorney with Tonkin torp here in portland. I represent scott and Sandra Campbell. I would like to talk exclusively about the impervious surface issue. Ms. Schroeder referenced some material that she submitted. Those materials weren't available as least in a file check as of yesterday. So I'm only responding to the applicants appeal statement when they filed the appeal. This idea of using the entire 7.5 acres of the property as the denominator in factoring in the impervious surface area is misleading. It's not really what the johnson creek plan -- basin plan district calls. That says -- calls for you consider each lot on an individual basis. The port-a-potty rat calculation is the ratio of the impervious area to the developable area. This is consistent with b.e.s.'s responses on this matter where they consistently said that the concentration of impervious surface area in one part of the lot has negative environmental impacts to creeks. It's not as if all impervious surface area is equal, it's the concentration factor. So the fact that maybe as the site as a whole, is less than 50%, is irrelevant. They're seek to be maximize it on the developable area. The applicant also contend the applicant that in the alternative the land division must still be approved even if the modification is denied. That's also incorrect. If you look at the final order on page 53, which cites the staff report, it says the modification to allow lot sizes smaller than 6,000 square feet can be approved only if the setback in impervious area modifications are grant the. If you deny one, you can't deny the area. You can't just get small lots without getting the impervious surface standard also increased. The applicant also admits that the smaller homes that you would build should her analysis be accepted, are not compatible with the surrounding neighborhood, or may not be. Compatibility is an approval criteria, so she's admitting it may not be met. There's no evidence in the record in which the applicant could have scar rid the burden of proof that smaller homes meets this criteria there's never been ---- it's always homes built pursuant -- i'd like to talk abusing the waterleaf in hawthorne meadows projects as precedents. Staff and the applicant have also mischaracterized the facts. The hawthorne ridge project, this is in the staff report, on page 38, involve modification of the building coverage standard, the waterleaf project allows for maximum impervious surface area of 50% or 3,000 square feet per lot, whichever is greater and the hawthorne terrace is a 60% maximum but only for lots greater than 6,000 square feet. This project has one lot greater than 6,000 square feet, the only lot that doesn't need a classification. Thank you.

**Kathryn M. Dunscomb:** Katherine dunscomb, property owner to the south, adjacent to the property. And to support our objection to the density of the development, please refer to page five of the staff report under afterly kabul approval criteria r.a. Lots, the standard and approval criteria of chapters 33.605-33.612 must be met. Findings, chapter 33.610 contains density and lots applicable. Lots are consistent with the desired character of each zone while allowing lots to vary in size and shape provided the planned intensity of each zone is respected. Refer to page 6 of the staff report which states under lot dimensions number five lots are compatible with existing lots. Lots 1-7 are each approximately 2500 square feet, not consistent with the character of the of size or the size of the other lots in this development. They're also not even close to being compatible with the neighborhood of 10,000 to 7,000-square-foot lots. I understand that an environmental overlay on a property allows for smaller lots so as to achieve the total density allows for the total property. However, there is no minimum density requirement for property within an environmental overlay as state order pages five and six of the staff report under density standards. At the top of page six the staff report states because the site is located within the environmental zone, and potential landslide hazard area, there's no minimum density the required. 33.610.100.d.2. Because environmental

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zone can was in place when they purchased the property, the character and livability of the neighborhood and the impact on existing future properties should be taken into consideration. Most lots are located near public transportation. However, on the site there's no public transportation for approximately two miles and the only sidewalk is along southeast 162nd in front of the hawthorne ridge development even if walking the almost two miles to the bus is feasible it would be dangerous as there's no shoulder on southeast 162nd, or on southeast clatsop or southeast foster road. "the Oregonian" newspaper published an article dated october 5, 2006, titled, "high density drawbacks, gresham reassesses projects that crowd existing homes or lack curb appeal. " the article points out that there have been many complaints of the negative effects of skinny lot homes. The greatest complaint has been the fact that the skinny homes look almost identical with few variations and end up as rentals. Existing neighbors have complaints they don't want to live next to that, even if they're not opposed to development our property is for sale after living there for 24 years. If the proposed development goes in as a proposed, could it have a negative effect on the sale of our property, one developer has already told me he would have second thoughts on purchasing our property if a development that included such small lots were to be located on adjacent property.

**Leonard:** Thank you very much.

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

**Leonard:** Anybody else to testify? If not, we have a rebuttal. The applicant wants to rebut.

**Schroeder:** First i'd like to address the comments that were made by ms. Baur. And i'm going to cite to the hearings officer's decision on page 23. It looks like this -- the issue of the 1999 public facilities plan was raised at the hearing below. And this is what the hearings officer found. He said the hearings officer finds that this quote, he's referring to the facilities plan, does not state that there is no capacity but rather at some indeterminate period of time in the future, with development in happy veil and pleasant valley -- the argument, the 1999 public facilities plan supports a finding that there is no capacity for the sanitary sewage from the subdivision proposed in this case is in the opinion of the hearings officer, not supported by substantial evidence. So I think the hearings officer is already adequately considered this and he found that there was no substantial evidence, and as you heard earlier from the b.e.s., there is sewer capacity. We would find -- we would ask that you uphold the appeal on that issue. Next there was an issue raised with regards to impervious surface.

**Rick Givens:** I'm a planning consultant. This issue of impervious surface relates as you know to the johnson creek basin. And what's being asked for here is a reduction because we're clustering the homes outside of the resource area of the environmental zone, we're obviously making it smaller, if you have a 10,000-square-foot lot in the johnson creek basin you're allowed to cover up half the lot, but with impervious surfaces you have 5,000 square feet. If you reduce the size of the lot as we're proposing to do because we're clustering, down to something on the order of 25,000 or 3,000 square feet, 50% becomes a small envelope. We're trying to be as compatible with the neighborhood as possible and we think we've done a good job of designing it to do that. But the fact remains that we are obviously making smaller lots than we are -- than the r-10 zone typically envisions. However, I don't think it's fair to say as mr. Peterson did that it's only if this modification is approved that the lots themselves can be supported. There's no requirement in code that would prevent us from developing on a 2500 or 3,000-square-foot lot and comply with the johnson creek basin standard. We're simply saying we can build nicer homes if we are allowed the adjustment and the typically that has been allowed on other projects that have clustered. We're not asking for anything outside of the order here, and it makes sense given that we are preserving large amount of the site in open space. His comment regarding the 50% standard and trying to use the open space is really kind of auspicious argument. We're not saying the modification is justified because we're doing that, we're saying that the modification is justified because that's typically what's done when you are allowed to cluster. We're providing for storm water detention, storm water collection system that will

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disperse the water in an appropriate manner so there won't be any big problem of concentration. So for all those reasons we would ask that you approve the requested modification. And also would note that if you don't find that way, that the subdivision can be approved as drafted without the modification. We just would have to build smaller homes.

The discussion about skinny lots, that's a different issue. There are provisions in certain parts of the city to allow you to divide 5,000-square-foot lots in a 2500-square-foot lots, and there are standards that apply to building on skinny houses on those lots. Our lots are somewhat wider than that. And we certainly believe that we have come up with plans that will be desirable. And provide an alternative in the market that's not there right now. As far asism packs on -- as far as impacts on neighborhoods, mixed use developments are done throughout the metro area, and when you've got a mixture of condos, we're not doing condos, but all types of hosing -- housing, it doesn't affect housing values, but rather it fosters a better neighborhood and as long as it's done well. I think we'll do it very well.

**Leonard:** What is the size of the lots you're proposing?

**Givens:** They vary. I think our smallest is right around 2500 square feet, up to a little over 6,000 square feet. Most are in the range of 3,000. 3500.

**Leonard:** Are you proposing designs for the narrower houses?

**Givens:** He has looked at a number of designs and he's found some that work very well. That's not been submitted to the record, so I can't really call him out for to you look out, but there are certainly plans available. Obviously plans will be reviewed at the building permit stage by agency staff to determine if they are in compliance was applicable codes. We think that it's not unusual in this day and age to have lots that size. I'm sure you've seen a number of developments that have lots that size, and they can be done very well.

**Potter:** It's now the time for council discussion.

**Adams:** Can I hear from my colleague at b.e.s. A response to linda's concerns?

**Don Wolstrom, Bureau of Environmental Services:** Don with b.e.s. First she quoted that the e.r.a. Should be treated -- sewerage should be managed by gresham and the areas in our service area right now. And we have sewers around it. I don't see the logic in that argument. We have capacity for this development, whether there's going to be capacity at buildout, it's going to be depending on different asuch shuns. What goes to the gresham, what goes to Portland. But at this time according to the code, we have capacity.

**Saltzman:** Do we have --

**Adams:** When you said that we have capacity at this time, are you talking about buildout of the area, or buildout of the project before us?

**Wolstrom:** Buildout of the undeveloped area within happy valley-pleasant valley.

**Adams:** But that buildout of this particular project can be accommodated by what's there?

**Wolstrom:** Yes. We do have capacity for buildout of this development.

**Adams:** And this is a question in terms of what makes sense common sensewise and what's on the books in terms of of what previous council had committed to. And I assume from the answer that you just gave us that you believe that it's common sense that this particular development should be hooked up to the city. But is that common sense view consistent with what's been approved by the city council previously, which is one of the other points she was making?

**Wolstrom:** I'm not sure if I understand the question.

**Leonard:** Which sewer system is hawthorne ridge hooked up to?

**Wolstrom:** Hawthorne ridge, I believe is to the north and goes to the same trunk line that she was referring to. There's a subdivision just to the south that was just completed, approved by the city. Gabeler lane. That the sewer for the western part of this site, if you look at the five lots on the west end, five or six, that it is going to be connected to. That's a subdivision within the last year.

**Adams:** Do you work on these development requests as a matter of course in this part of town?

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**Wolstrom:** Yes.

**Adams:** Are you familiar with the documents that she's referencing or the plans that were approved by council that she's referencing in terms of -- the dividing line between gresham and city sewers are made, and are we indeed through your work and others approving according to the previously -- previous city council plans? Or do you reference that document when you're looking at these individual applications that come forward?

**Wolstrom:** No, we do not.

**Adams:** You're not referencing that document?

**Wolstrom:** No.

**Adams:** That's been a criticism that she's brought to me now for a number of months. Are we implied in her, this is a little off course, but if the council would indulge me, her concern is that we're taking on unnecessary costs related to capacity that will go away in the future because we're not adhering to the previous council policy of who gets hooked up to what as this part of the city is built out. Does that concern you?

**Wolstrom:** My understanding of the code when we go to extended services is that if we have capacity, we need to provide service to that city resident. So that since we have capacity and we have service to the property, and this developer wants to develop the property, provide the public facilities that will serve it, and we have a responsibility to accept those. Because it has been -- it's part of the code that we are upholding.

**Adams:** Even if there's a city council, and this is a little theoretical, and i'll end with this question, but even if the city council has an established policy that indeed potentially within this boundary or other boundaries that we have been approving most recently that we're approving connections to sewers that existing council policy says should be connected to gresham.

**Wolstrom:** I guess if the council has established that, there would need to be code change to back it, I guess. But i'm pretty new to this position. That's what my understanding is.

**Adams:** I didn't know you were new to this position.

**Wolstrom:** I've been with the city for about a year.

**Adams:** Welcome aboard. We'll need to follow up on this issue.

**Saltzman:** Yeah. I guess -- I can appreciate you're new to this position, but it seems to me when we adopt the public facilities plan for the pleasant valley-happy valley area, where each city sets forth where their infrastructure is going to be, and it looks like ours, this area of 162nd certainly looks to me from the information provided by linda baur, that it is supposed to be gresham serving this portion. I guess i'm confused, because it seems to me if we're going to serve this area, won't gresham conclude that Portland has got the infrastructure there? Why should gresham invest in the infrastructure?

**Wolstrom:** My understanding was this area had been added to the city since that report, and if i'm wrong, then I could be wrong, but that's my understanding. This area was annexed to the city since that report. It is an area within the city boundaries.

**Potter:** Further questions? Thank you.

**Leonard:** I'd like to move to overturn the hearings officer's decision on the following two conditions. One, that the approval of the application be subject to the conditions of the b.d.s. Staff report and two, that tree number 21 be preserved, and that's a 30-inch sitka spruce.

**Saltzman:** Second.

**Adams:** So we would deny the appeal.

**Leonard:** We're upholding the appeal. I'm moving to overturn the hearings officer's report.

**Bauer:** I would simply note if the council adopts that motion, that would be a tentative decision and we would carry this forward for adoption of findings in several weeks.

**Potter:** Please call the vote.

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**Adams:** Well, i've got to get b.e.s. To help you understand the issue, because linda's been raising this issue generally now for the past two months, and I was assured that we had -- we had an answer to her on the way and it's clear that we didn't, and if the underlying policy, if there's a conflict here between common sense and policy, we need to address that. And address the -- and within the context of capacity now and available into the future. So if my regular monday meeting with b.e.s., if you could please attend that, then we'll try to figure that out. But -- you have my commitment we'll work on the overall issue. But in the meantime, while we do that, i'm going to vote aye.

**Leonard:** Well, it just seems to me this area is in the city of Portland, and the city of Portland provides services to city of Portland residents. As far as i'm aware we do, certainly in a new buildout where we have sewer there. I'm not familiar with anything different. So aye.

**Saltzman:** I guess if -- it seems from a facility point of view it does seem very logical when you consider the pumping and conveyances to the Portland treatment plant progression to handle this sewage, so I accept on faith the fact we annex this property, mitigates the earlier public facilities plan we adopted for this particular piece of property. So I would therefore go along with the appellant and vote aye.

**Sten:** Aye.

**Potter:** Aye the motion to grant the appeal passed 5-0. The appeal is tentatively granted and the hearings officer's decision is overturned. This matter will be turned to council on what day -- will return to council on what date?

**Moore:** How much time do you need?

**\*\*\*\*\*:** Two weeks.

**Moore:** Do we need a time certain?

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

**Moore:** Put it on the morning of may 16 on the 9:30 regular agenda.

**Potter:** Come back to council on may 16 for the adoption of findings and a final vote. We're adjourned until next week. [gavel pounded]

At 4:14 p.m., Council adjourned.