



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

<p>PORTLAND CITY COUNCIL AGENDA City Hall - 1221 SW Fourth Avenue <u>WEDNESDAY, 9:30 AM, MAY 30, 2007</u></p>	<p>Disposition:</p>
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DUE TO LACK OF A QUORUM
THERE WAS NO MEETING

<p><u>WEDNESDAY, 2:00 PM, MAY 30, 2007</u></p>	
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DUE TO LACK OF AN AGENDA
THERE WAS NO MEETING

May 31, 2007

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND,
OREGON WAS HELD THIS **31ST DAY OF MAY, 2007** AT 2:00 P.M.

THOSE PRESENT WERE: Commissioner Leonard, Presiding; Commissioners
Adams, Saltzman and Sten, 4.

Commissioner Saltzman was excused to arrived at 2:30 p.m.

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

Item 623 was pulled for discussion and on a Y-4 roll call, the balance of the Consent
Agenda was adopted.

595 TIME CERTAIN: 2:00 PM - Accept Staff Report and Recommendation and Order of Council for Jeffrey A. Davis, Debra L. Carey and Thomas G. Karter—successor trustee of the Shirley J. Davis Testamentary Trust, Measure 37 Claim (Report introduced by Mayor Potter; PR No. 06- 169704) Motion to adopt Staff recommendations: Moved by Commissioner Adams and seconded by Commissioner Sten. (Y-3; Potter and Saltzman absent)	Disposition: STAFF REPORT AND RECOMMENDATION ACCEPTED; ORDER OF COUNCIL ACCEPTED
596 TIME CERTAIN: 2:20 PM – Declare the week of May 30-JUNE 10, 2007 to be Great Blue Heron Week in Portland (Proclamation introduced by Mayor Potter)	PLACED ON FILE
597 TIME CERTAIN: 2:30 PM – Extend moratorium on development within commercial and industrial zones on Hayden Island (Ordinance; amend Ordinance No. 180475)	PASSED TO SECOND READING JUNE 07, 2007 AT 2:00 PM
CONSENT AGENDA – NO DISCUSSION Mayor Tom Potter	
598 Appoint James Elliott and reappoint Doug Henne, Joe Markunas and Patrick Richardson to the Business License Appeals Board (Report) (Y-4)	CONFIRMED
599 Amend an Intergovernmental Agreement with Portland State University Survey Research Lab to extend contract and provide additional data collection and data analysis services to visionPDX (Second Reading Agenda 561; amend Contract No. 36764) (Y-4)	180985B

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600	Amend contract with Decisions, Decisions to extend contract and authorize additional meeting facilitation and general consultation services for visionPDX (Second Reading Agenda 562; amend Contract No. 36982) (Y-4)	180986
Office of Management and Finance – Business Operations		
*601	Authorize acquisition of six 5-yard dump trucks for use of City bureaus (Ordinance) (Y-4)	180987
*602	Authorize the acquisition of two greens mowers for the Golf Department (Ordinance) (Y-4)	180988
*603	Authorize acquisition of 34 vehicles for the use of City bureaus (Ordinance) (Y-4)	180989
*604	Authorize Intergovernmental Agreement with Tualatin Valley Fire & Rescue for registered nursing services (Ordinance) (Y-4)	180990
605	Amend contract with David L. Tucker for Risk Management computer consulting services to extend termination date and increase hourly rate (Ordinance; amend Contract No. 34304)	PASSED TO SECOND READING JUNE 06, 2007 AT 9:30 AM
606	Amend contract with WaterLeaf Architecture to provide additional architectural consultant services for The Justice Center remodel project (Ordinance; amend Contract No. 34437)	PASSED TO SECOND READING JUNE 06, 2007 AT 9:30AM
Office of Management and Finance – Human Resources		
*607	Authorize agreement with the District Council Trade Unions for terms and conditions of employment for certain represented employees in the Local bargaining unit in the Water Bureau (Ordinance) (Y-4)	180991
608	Change the salary range of the Nonrepresented classification of Benefits Supervisor (Ordinance)	PASSED TO SECOND READING JUNE 06, 2007 AT 9:30 AM
609	Change the salary range of the Nonrepresented classification of Vehicle Maintenance Supervisor I (Second Reading Agenda 566) (Y-4)	180992
Police Bureau		
*610	Apply for a \$30,500 Bulletproof Vest Partnership grant from the Bureau of Justice Assistance, Office of Justice Programs for the purchase of body armor (Ordinance) (Y-4)	180993

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<p>*611 Accept a \$7,664 Bulletproof Vest Partnership grant from the Bureau of Justice Assistance, Office of Justice Programs for the purchase of body armor (Ordinance)</p> <p>(Y-4)</p>	<p align="center">180994</p>
<p>*612 Apply for a \$40,000 Victims of Crime Act grant from the Oregon Department of Justice Crime Victims' Assistance Section to pay a portion of personnel expenses (Ordinance)</p> <p>(Y-4)</p>	<p align="center">180995</p>
<p align="center">Commissioner Sam Adams</p> <p align="center">Bureau of Environmental Services</p> <p>613 Authorize grant application for Stephens Creek Confluence Habitat Enhancement Project to the Lower Columbia River Estuary Partnership (Second Reading Agenda 571)</p> <p>(Y-4)</p>	
<p align="center">Office of Transportation</p> <p>614 Extend contract with TriMet through September 1, 2009 for Fareless Square Extension (Ordinance; amend Contract No. 51564)</p>	<p align="center">PASSED TO SECOND READING JUNE 06, 2007 AT 9:30 AM</p>
<p>615 Grant revocable permit to PREM Group to close NW Couch Street between 11th Avenue and 12th Avenue on July 26, 2007 (Ordinance)</p>	<p align="center">PASSED TO SECOND READING JUNE 06, 2007 AT 9:30 AM</p>
<p>616 Amend Intergovernmental Agreement with Oregon Department of Transportation for NW Davis St to SW Market St-Naito Local Public Agency Certification Supplemental Project Agreement (Ordinance; amend Contract No. 50661)</p>	<p align="center">PASSED TO SECOND READING JUNE 06, 2007 AT 9:30 AM</p>
<p>617 Call for bids and authorize contract for the SE Foster Rd bridge, traffic signal and waterline project (Second Reading Agenda 573)</p> <p>(Y-4)</p>	<p align="center">180997</p>
<p align="center">Commissioner Randy Leonard</p> <p align="center">Water Bureau</p> <p>*618 Authorize the Portland Water Bureau to acquire easements necessary related to the Conduit Trestle Vulnerability Reduction Project at the Sester Farms site (Ordinance)</p> <p>(Y-4)</p>	
<p>619 Authorize a contract with CH2M Hill, Inc., Brown and Caldwell and Black and Veatch Construction, Inc. for on-call services for Water Bureau Capital Improvement Program (Ordinance)</p>	<p align="center">PASSED TO SECOND READING JUNE 06, 2007 AT 9:30 AM</p>

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<p>620 Authorize a contract and provide payment for construction of the California Mains Package (Second Reading Agenda 576) (Y-4)</p>	<p align="center">180999</p>
<p align="center">Commissioner Dan Saltzman</p> <p align="center">Parks and Recreation</p> <p>621 Authorize \$20, 000 payment to Friends of Trees to support the planting of 200 trees in low-canopy, low-income neighborhoods (Second Reading Agenda 577) (Y-4)</p>	<p align="center">181000</p>
<p>622 Authorize an Intergovernmental Agreement with Multnomah Department of Human Services Area Agency on Aging, for the period July 1, 2006 through JUNEE 30, 2007 for senior center services and development (Second Reading Agenda 578) (Y-4)</p>	<p align="center">181001</p>
<p align="center">Commissioner Erik Sten</p> <p align="center">Bureau of Housing and Community Development</p> <p>*623 Amend subrecipient contract with Housing Authority of Portland by \$11,000 for rental assistance programs and provide for payment (Ordinance; amend Contract No. 36884) Motion to accept amendment to the Fiscal Year: Moved by Commissioner Sten and seconded by Commissioner Saltzman. (Y-4) (Y-4)</p>	<p align="center">181002 AS AMENDED</p>
<p align="center">REGULAR AGENDA</p> <p align="center">Mayor Tom Potter</p> <p align="center">Office of Management and Finance – Business Operations</p> <p>624 Authorize contract with Peck Smiley Ettlin Architects and provide for payment for architectural and engineering services to remodel Fire Station No. 1 (Second Reading Agenda 585) (Y-4)</p> <p>625 Authorize a contract and provide for payments for City property warehouse tenant improvements (Second Reading Agenda 586) (Y-4)</p>	<p align="center">181003</p> <p align="center">181004</p>
<p align="center">Office of Management and Finance – Purchases</p>	

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<p>626 Accept bid of Kodiak Bengé Construction for the Road Rehabilitation 2007 project for \$1,841,841 (Purchasing Report – Bid No. 107147)</p> <p>(Y-4)</p>	<p>ACCEPTED PREPARE CONTRACT</p>
<p>Police Bureau</p> <p>*627 Authorize an agreement to grant Brother's and Sister's Keepers, Inc. \$35,000 for the operation of a gang outreach program (Ordinance)</p> <p>(Y-4)</p>	<p>181005</p>
<p>Commissioner Sam Adams</p> <p>Bureau of Environmental Services</p> <p>628 Revise sewer and drainage rates and charges in accordance with the FY 2007-2008 Sewer User Rate Study (Second Reading Agenda 557; amend Code Chapters 17.24, 17.32, 17.35 and 17.36)</p> <p>(Y-4)</p>	<p>181006</p>
<p>Commissioner Randy Leonard</p> <p>Bureau of Development Services</p> <p>629 Amend fee schedules for electrical, facilities permit, land use services, neighborhood inspections, noise control, signs, site development, zoning and certain construction permits (Second Reading Agenda 555)</p> <p>(Y-4)</p>	<p>181007</p>
<p>Water Bureau</p> <p>630 Authorize the rates and charges for water and water-related services during the fiscal year beginning July 1, 2007 to JUNEE 30, 2008 and fix an effective date (Second Reading Agenda 556)</p> <p>(Y-4)</p>	<p>181008</p>
<p>Commissioner Dan Saltzman</p> <p>Office of Sustainable Development</p> <p>631 Revise residential solid waste and recycling collection rates and charges, effective July 1, 2007 (Second Reading Agenda 558; amend Code Chapter 17.102)</p> <p>(Y-4)</p>	<p>181009</p>
<p>City Auditor Gary Blackmer</p>	

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632 Assess property for sidewalk repair by the Bureau of Maintenance (Ordinance;
Hearing; Y1062)

**PASSED TO
SECOND READING
JUNE 06, 2007
AT 9:30 AM**

At 2:57 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 31, 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.

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

MAY 31, 2007 2:00 PM

Leonard: We have a time certain, 2:00. Item 595.

Sten: If I could have one courtesy. I did want to introduce the 10th and 11th graders of the lincoln civics class.

Leonard: Welcome. You guys are ready to finish for the year, right? Good luck. Go to the library like commissioner Sten and I did all summer between school years. Welcome.

Item 595.

Chris Dearth: Chris dearth, the city's measure 37 program manager. I'm here to present a claim brought by jeffrey davis, deborah carey, and thomas karter. The claim is the claim property is located in rose city park in northeast Portland just north of i-84. To summarize the claim for you it's brought by jeffrey davis, deborah carey, and thomas kkater who jointly own the property. It's at 4835 northeast pacific street at its intersection with i-84. Submitted in october of 2006 and I should point out the reason we're hearing this claim despite the year-long extension that the legislature just passed was because this was submitted before the november 1st deadline. So anything submitted november 1st and later we have cancelled and postponed. This was submitted before that. The compensation demanded is \$1.488 million and the preferred resolution of the claim is the allowance of the requested sign. The regulations challenged in this claim are title 32, sign and related regulations. But specifically as it relates to the construction of a 300-square-foot, 35-foot-high changing image sign that was requested. The orange star shows where the existing nonconforming sign stands right now. You can see northeast pacific, i-84 and the max line are adjacent to the property and providence hospital is across on the other side of the freeway. This photograph was taken from the providence parking garage. The max line goes directly by the property and the existing nonconforming sign. It would be a changing image sign is what they've requested. I think the computer is just slow. B.s. Is doing a soft -- b.t.s. Is doing a software update. Sorry about that. Our measure 37 analysis encompasses these six aspects of measure 37. I'll walk through each one individually. First the ownership dates. The original family owners of the property were conrad and shirley davis who purchased the property in september of 1985. Then the estate of shirley davis transferred ownership to the three family members in july of 1996. And thomas carter joined ownership of a trustee of the shirley davis trust in november of 1999. So therefore our conclusion is the current ownership dates from july 10th, 1996, and november 5th, 1999, and i'll explain in a little more detail why the current ownership is relevant here as opposed to the family ownership. Still slow, sorry. Under section 8 of measure 37, it states that in lieu of payment of just compensation under this act, the governing body shall modify -- may modify, remove or not apply the land use regulation or land use regulations to allow the owner to use the property for a use permitted at the time the owner acquired the property. Then later in the act, section 11 defines owner as the president owner of the property. And since council has only considered a waiver of regulations in the past, you've never considered compensation, the definition that we have always used has been the current owner as defined under measure 37. And indeed several circuit court cases have

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confirmed this reading of the law. Then we look to see whether the challenged regulation is a land use regulation. This regulation was enforced by the city when it rejected an application for a 300-square-foot, 35-foot-high changing image sign in december of 19 -- 2006. This is the letter indicating that rejection. Then we look to see whether the use of the property was restricted by the regulations being challenged. We look back to see whether that 300-square-foot sign would have been allowed on this site in 1996, 1999, and currently, and in each case it would not have been allowed. We look to see whether the 35-foot-high sign would be allowed on this site and in each case it would not have been allowed, whether a changing image sign would have been allowed, and in each case it would not have been. And then whether a freestanding sign would have been allowed within 100 feet of the freeway. In 1996 that kind of sign that close to the freeway would have been severely limited in size, in 1999 would it not have been allowed at all and currently it's not allowed. So our conclusion is that if this sign of this size and type were requested in 1996 and 1999 at the current -- when the current owners gained ownership, it would not have been allowed then, it's still not allowed, and therefore there's been no restriction of use between then and now. Finally we look to see whether the value of the property has been reduced to fair market value has been reduced, and we conclude that because the property, the use of the property has not been restricted, the value has not been reduced either. So to summarize for you, the requested 300-square-foot, 35-foot-high freestanding sign with changing images would not have been allowed at the time the current owners gained ownership of the property in 1996 and 1999. And therefore there's been no restriction of use of the property and no reduction in value of the property. And therefore our recommendation to you would be to deny the claimant's measure 37 claim. I'd be happy to answer any questions if you have any.

Leonard: Thank you. Council, any questions? Thank you. We have the appellant.

Doug Bragg: Good afternoon. I'm doug bragg.

Leonard: One second. You have 15 minutes.

Bragg: Ok. My name is doug bragg, i'm here on behalf of the claimants, jeffrey davis, deborah carey, and the shirley davis testimony trust that thomas karter is the trustee of. With regards to the 1996 and 1999 ordinances that were just covered, we don't have -- if you don't -- we don't have many objections to the report that was given. There's a possibility, i'm not familiar with how the city of Portland interpreted its 1996 code, but the definition of -- first let me back up. The sign requested, the moving image portion of the sign, is mechanically operated so the -- after a period of time a couple minutes, it can rotate the image to show one of three different designs. Much like a movie poster display in theaters these days. You walk in and it changes. That would be I believe the city is looking at that as moving parts. And the moving parts definition in 1996 was dealt with features or parts of sign structure which threw mechanical means are intended to have motion. And my first reading of this, my thought was, that's referring to barbara shop poles, a kentucky fried chicken sign that turns, constantly moving. This sign isn't constantly -- wouldn't constantly be in motion and therefore it might have been allowed, that portion might have been allowed under the 1996 ordinance, depending on how this was interpreted. Otherwise, it would have to be -- the maximum of 250 square feet and 25 feet tall. That would be -- if a waiver was to be granted, that would be the most that could be asked for. Under measure 37, there's two ways of approaching it. The first is if you're looking for strictly a waiver, then the city staff is correct, you're limited to what the current owner could have gotten while they owned the property. So this would be going back to the 1996 ordinance and whether or not they could have done it then. Alternatively, and the section 1 of the -- of measure 37, states that if the -- there was an ordinance adopted that reduces the fair market value of the property, then the owner is entitled to just compensation. If you go into subsection 3-e, that limits the fair -- the -- you go back to a family member who was the predecessor in interest of the current owner. In this case the family owners own -- family members own the property, the parents of the claimants own the property in 1985. So the question is what were the

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ordinances in 1985. And did those ordinances allow this sign. And reviewing the 1985 ordinances, the city of Portland was not restricting the size or height of the billboards specifically and as far as moving signs goes, they were specifically allowed this type of changing sign that was specifically allowed in 1995. Under measure 37 we're asking for compensation in the amount, the fair market value that's been reduced, the loss of the rental value of the property, of the billboard due to the fact we're not allowed to put the sign up that the family would have been able to put up in 1985. And that's essentially the claim, and unfortunately the waiver aspect doesn't apply at least in measure 37, does not apply to previous -- to what the previous owners could have done. What the family members could have done. Though there might be some way under the city of Portland's ordinances to grant some sort of exception to allow the sign to be used instead of having to pay the just compensation. That's essentially what we're asking for. I don't know if you have any specific questions about the sign or the claim.

Leonard: Questions by council? Any public testimony?

Moore: He didn't sign up, but you can go ahead and come up.

Howard Solomon: 4913, ne pacific street. I'm directly impacted by any signage that's on the property. I'm steps away from the property. This is on the edge of a very nice residential neighborhood. Pacific street and fraser park directly borders the houses. Any sign of moving parts I would have to look at out my front window. The existing sign, if it's nonconforming, I would request that it be removed completely. And if this homeowner is required to do any upgrades or improvements, they need to put in some curb street gutters, lighting improvements along their property, perhaps a landscape buffer. The location of the property really is a buffer between a business buffer between i-84 and the tracks and a nice residential neighborhood with a park and a school right up the street. And rather than being a nuisance with commercial signs look nothing our neighborhood, they should be more of a buffer to the corridor.

Leonard: Any closing remarks by staff? Council discussion?

Adams: I move adoption of the staff recommendations.

Sten: I would second that motion.

Leonard: Tracy, it has been moved and seconded. Tracy, do you have something to say?

*****: [inaudible]

Leonard: Ok. Moved and seconded to accept the staff recommendation. Discussion? If not, Karla, please call the roll.

Adams: Aye. **Leonard:** Aye. **Sten:** Aye. [gavel pounded] passes. Item 596.

Item 596.

Leonard: This is a proclamation that ordinarily commissioner Saltzman would read. Whereas 2007 marks the first anniversary of great blue heron week, the annual official recognition that healthy natural ecosystems in our urban environment are critically important for fish and wildlife and people. Whereas last november the citizens of Portland and the metro region chose to protect quality quality in natural areas through a 227.4 million dollar regional natural areas, parks, and streams bond measure, and whereas the metro bond measure enables the city of Portland to continue to work actively with metro to protect land along the columbia river slew, johnson creek, and other creeks in southwest Portland to continue to protect land in and around forest park, marquam, and terwilliger, mocks crest and east buttes and the Portland metro bond measure also enables the city of Portland to continue work with metro to complete the regional trail system, restore natural resources to acquire land for neighborhood parks and to reintroduce nature into nature-deficient urban neighborhoods and great blue heron week celebrates the collaborative efforts of parks and recreation, the bureau of environmental services, the planning bureau, and the bureau of water works to protect and enhance water quality and natural resources in this great city. Is whereas great blue heron week features an incredibly wide variety of family friendly events, including nature walks, river slew paddles, bicycle rides, and ecoroof tour, your water trail dedication, and a

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sternwheeler cruise, now therefore I tom Potter, mayor of the city of Portland, Oregon, the city of roses, and commemoration of the 21st anniversary of great blue heron week, do hereby proclaim may 30th-june 10th as the 21st annual great blue heron week. Thank you.

Dave McCallister: City manager, Portland parks and recreation. A few comments for the commission today. And the council. The great blue heron week is a great celebration. It really does celebrate one of the things that makes Portland such a wonderful city. And that is the abundance and quality of our natural environment. The opportunity for this celebration is the result of our forefathers' vision, our past and present government leadership, and the cooperation between government and partners, including our business partners, our n.g.o.'s, neighborhoods, friends groups, and involved citizens. And we do move the ball collectively this, isn't simply a government activity. I'd like to point out this year's group of events represents probably the most diverse array of opportunities to participate in this celebration that we've had to date. And as the proclamation says, this is celebrating the passage of the metro natural area's parks and streams bond measure. Its passage will enable the city to continue its good work, protecting important natural areas in collaboration with metro government. And I want to thank the boaters -- the voters of the city and the entire region for the passage of that measure. Finally, it doesn't look like we'll catch up with the rose festival, but you know, it is the 21st celebration of this event, and it's starting to feel -- there's a little permanence to it now. So we hope to look forward to many other years of this celebration, and I want to thank you.

Leonard: Thank you very much.

Jim Saljin: I'm jim saljin with parks. This is my final appearance with great blue heron week since i'm retiring soon, but --

Leonard: Congratulations.

Saljin: And I gave away all my speaking points to my boss here. So I would just invite you to go out and enjoy some of these events. There's a river cruise, there's the annual sir couple navigation of ross island by canoe and kayak. I think that's on the second sunday, that's a great event. And you would enjoy it. So I would urge you to attend some of the events.

Leonard: Thank you. So how many years have you worked for the city?

Saljin: 29.

Leonard: Thank you for your service. Enjoy your retirement.

Adams: Thank you.

Leonard: We appreciate it very much. Thank you.

Bob Salinger: Good afternoon, my name is bob salinger, the conservation director for Portland audubon society. I want to thank you for passing this resolution for the 21st great blue heron week. I think it's an incredible testament that the city has for its natural areas. I also want to express my appreciation to jim, he's been an incredible partner on great blue heron week and other projects over the years. It really is a testament to how much we are committed to our wildlife. I think it's outstanding relative to any other city in the united states. In the next couple months audubon, b.e.s., parks and other partners will be bringing forward a bird agenda that will kind of package all the different things the city is doing for the birds and so we're very excited about that and look forward to that. A couple things I want to put on your radar screen. -- this afternoon. I think the city is committed to its wildlife, but there are some people who aren't. We got two pieces of bad news. The first was this morning. The idea of giving ross island to the city has been rejected. I want to express my disappointment. I want to praise the city over the last couple years to try to get this deal done. He expressed concern about the city's process. City processes are bureaucratic in nature. We think the city has been diligent in pursuing this in good faith and we are disappoint. We hope he will reconsider. The second thing is the raptor killing that's been occurring in the united states. And u.s. Fish and wildlife services out of l.a. Release add press release last week talking about roller pigeon fanciers killing birds of prey. In los angeles they're talking about 1,000-2,000 birds a

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year. There have been seven arrests and multiple citations. Some of those citations were in the Portland metro area. So basically roller pigeon fanciers have pet pigeons, they tumble backwards and attract birds of prey. And unfortunately some of the pigeon fanciers have taken it into their own hands to kill birds of prey when that happens. What was never known was how pervasive this was, and apparently it spans Oregon, California, and Texas. Where the citations and arrests have occurred. But there will be information out of Portland as to more detail about the activities that have been occurring here, and we hope at some pointed city council will weigh in --

Adams: They shoot them?

Salinger: Shoot them, poison them, trapping them, beating them, spraying poison mixtures on them. It's gruesome. We'll get information to you, but we hope city council will aid in and make a statement as to how objectionable this is. In Los Angeles 1,000-2,000 birds a year. In Portland we don't know how the big numbers are, but they might be significant as well. And the city's made an incredible investment, especially in protecting its wildlife. But again, to get back to the point at hand, very much appreciate your passing the resolution today and really would invite you out to any one of these events. There should be some great events next week.

Leonard: Thank you. Anybody else? Council discussion?

Saltzman: I just wanted to take this opportunity to publicly also recognize Jim for 29 years of excellent service. I've worked with him ever since I was a county commissioner on taking county tax foreclosed properties and converting them into open spaces. So he's been a real trooper, and our daughters are both going off on the same program this summer. A Mini-peace corps program, six weeks. Mexico and Honduras. So we've gotten to know each other through that the last six months as well.

Leonard: Please call roll

Moore: That was just a proclamation.

Leonard: 597.

Moore: Do you want to take care of the consent agenda?

Leonard: Can I get a motion to accept? Does anybody want to pull anything off the consent agenda?

Moore: Commissioner Sten requested to pull 623 for that quick amendment. The fiscal year is wrong on it.

Sten: Sending it back to me?

Moore: We can fix it right now.

Sten: I'm sorry. Yes.

Moore: We'll take it right after the consent.

Leonard: Item 623 is pulled. Anybody from the audience want to pull any items from the consent agenda? If not, Karla, please call the roll.

Adams: Aye. **Leonard:** Aye. **Saltzman:** Aye. **Sten:** Aye. [gavel pounded] passes. Item 623.

Item 623.

Sten: I would move to amend this with the proper dates that Karla has.

Saltzman: Second.

Leonard: Discussion? Please call the roll. On the amendment.

Adams: Aye. **Leonard:** Aye. **Saltzman:** Aye. **Sten:** Aye. [gavel pounded]

Leonard: Amendment passes. Please call roll on ordinance 623.

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

Leonard: Passes. [gavel pounded] item 597.

Item 597.

Adams: Since we were here most recently, we've had very good and fruitful discussions with representatives of the shopping center and with the neighborhood association as you'll hear not as fruitful discussions with the owners of the thunderbird site. But I'm pleased with the progress that

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we collectively have made. With that i'll turn it over to jesse beeson from my staff and joe zinder from the bureau of planning.

Jesse Beeson: I apologize, we had a short power point and the computer is rebooting. So we likely won't get to that. Council gave us a charge in march of 2007 beyond making progress on the corrective program identified in the original moratorium -- excuse me, the corrective program that was adopted by council at the end of 2006. Council gave an additional charge for planning development services and transportation staff to work with major property owners on hayden island, namely jantzen beach, to address the transportation concerns and allow for redevelopment while remaining consistent with the findings and purpose of the moratorium. And over the past three months I believe you'll hear from both the neighborhood and jantzen beach representatives that we have been successful in meeting this charge. And joe will talk a little more about this. I quickly want to acknowledge the work that planning and transportation have done to get this successful outcome, particularly john gilliam, joe, mark, and patrick sweeney. The change before council today in the moratorium exemptions expands the options for redevelopment to allow for the redevelopment of the building of replacement building or buildings on any given site provided that the replacements don't generate any vehicle trips than the prior use. Before I turn it over to joe as sam alluded to, i'd also like to acknowledge that the city did also engage in conversations with the representatives of the owner of thunderbird hotel about the possibility for redevelopment of his site under the moratorium. The change before council today would allow further redevelopment of that site, however, our conversations with the representative confirm the level of redevelopment, this change would allow is not sufficient for what the thunderbird hotel envisions for the property. We also under the advice of the city attorney's office did not feel that the level of redevelopment was consistent with the purpose and findings of the moratorium as it relates to additional traffic generation. With that i'll go ahead and turn it over to joe to outline the progress that we've made in the past three months.

Joe Zehnder: I'm joe zehnder with the bureau of planning. The two plans that were distributed to the city council really are the record of the progress we've made since our last hearing. We've had several workshops with the jantzen beach super center representatives as well as with the high noon community o. And the purpose of it was to look at putting a street grid of either -- in place that would allow the near-term redevelopment of the shopping center, but not preclude future redevelopments that could work with the columbia river crossing project that was also in sync with community notions about how the island could redevelop. Also that in the near term with the redevelopment of the shopping center accomplished community -- about connectivity and bicycle connections to and through the center. So those plans that you have are the record of where we are, which the gist of it is through a combination of potential improvements to public streets in the future, and the arrangement of the private drives and shopping center, you end up with what amounts to a 200 by 300 grid of streets, even within the private shopping center. As we do the east hayden island plan, this kind of street planning exercise is really going to be extended through the whole island. So we're going to come back with that plan with a proposal about how to integrate this thinking into connectivity for the rest of the island as well. The next steps that we have to wrap up this work is to continue to work with jantzen beach super center to really address remaining issues about what type, how wide really what the improvements are to those private drives in the shopping center and some issues with timing. And also Oregon department of transportation has an issue with the driveway that connects to east center drive at the end of the ramps off i-5. And so we're going to continue through these next weeks to work with odot to see if there's any progress we can make on that issue as well. At the end of the day odot does have jurisdiction we believe to control whether or not that access point can be -- exist under redevelopment of the shopping center, so it's going to be a real permit issue. So we'll continue to work on that. Just a quick update on the east hayden eye lend plan. The plan is to have the community concept plan workshop and concept

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plan done in the first weeks of september with the draft plan work back -- draft plan complete bide march 2008. We've met with columbia river crossing and actually this timing that we're talking about for the east hayden island plan has been really in sync in a beneficial way for them as they're rolling out their next sets of conclusions in a public process. So we're going to be in position to influence those discussions and to coordinate with those discussions nicely.

Leonard: Thank you.

Adams: I just wanted to thank you, jesse, and joe, and john, who began noodling potential improvements to the road system and the shopping center many months ago. Really appreciate your work over the past 45 days. Thanks.

Leonard: Thank you. Public testimony?

Moore: One person signed up.

Adams: I have invited testimony. Ed and steve. Another key reason why we've made great progress in the last 45 days, the two gentleman in front of you -- gentlemen in front of you, ed is the new chair of high noon and steve able was brought on by the owners of the shopping center and you both have done a great job. The floor is yours for a few minutes.

Ed Garren: That's fine. I'm ed garren, chair of high noon, resident of hayden island. There were a lot of thank yous. City council, joe zehnder's office, he's done a stellar job of providing a space in which everyone can come together and talk through our issues and really come to a lot of understanding. Particularly continue to appreciate sam, your work on making sure that hayden island doesn't get forgotten and commissioner Leonard, I appreciate your charge to basically tell both of us to go work this out. Come back with a solution, which I think we have. When we discovered in our dialogue was that the interest of the super center were very similar to the interests of the neighborhood. The type of renovation that they want to do is very much in keeping with the pedestrian friendly ambience and feel that those of us who live on the island want to have. I realize that keeping the carousel on the island is an expense to the super center people, but perhaps we can work in partnership to minimize those expenses. My own personal vision is they can put it on top of the new barnes and noble and make an outdoor park with the carousel and it will be a landmark and everyone who goes by on i-5 will want to stop and shop and put their kids on the carousel.

Adams: And I thought these negotiation were hard.

Garren: Well, we all have dreams, and then we sit down and try to make them happen. So I appreciate very much the work of the council. I'm sorry mayor Potter isn't here as well. And thank you, thank you, thank you.

Leonard: Steve?

Steve Abel: For the record, steve abel, i'm an attorney with the stoel rives office. As commissioner Adams indicated, I am the representative of the jantzen beach dynamic corporation that owns the jantzen beach shopping center. And the presentation of jesse and joe gave you is 100% fair and 100% accurate. This has been a very good process for the past pror two months or so, and we have been able to resolve lots of issues one of the phrases i've used, we've all come to the center, if you will. Are some of the concepts here 100% supported by every participant? I'd say that's probably no. But everybody has given a little bit to make this thing work. In a way that's satisfactory to the neighborhood and satisfactory to the owner of the shopping center, and satisfactory to the city. That's a great testament to the process that we've been in. That doesn't happen that often when we get into these processes and I think it's an important thing to remember that sometimes these processes do work and they work when people approach the table and in the best of good faith. They have recognized the practical problems that exist with respect to commitments already in place with respect to tenants on the site. And commitments that are just inherent in the land. We've done a good job at doing that. I'm hopeful in this process that the last remaining issue can be brought to the center, and that is the work with odot to try to get to the position where odot can

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accept the proposals being made by the center, by the city, and by the neighborhood. So with that i'll conclude, i'll be happy to answer any question and I too want to say thank you for this process.

Adams: I have a list of 20 more people. It won't take long. No, that's it. Two invited testifiers.

Leonard: Public testimony?

Adams: I also want to add my thanks --

Beaumont: Karla, this is a nonemergency. It moves to second reading.

Adams: I still want to add my thanks to commissioner Leonard and his staff both in his office and the bureau of development services for your work on this part.

Leonard: I appreciate the message, that you're getting together and working it out. That's a great model for similar issues all over the city. We appreciate it very much. Thank you. That moves to second riding. -- reading. Item 624.

Item 624.

Leonard: Second reading.

Adams: Good to go.

Adams: Aye. **Leonard:** Aye. **Saltzman:** Aye. **Sten:** Aye. [gavel pounded]

Leonard: Passes, 625.

Item 625.

Adams: Aye. **Leonard:** Aye. **Saltzman:** Aye. **Sten:** Aye. [gavel pounded]

Leonard: Passes. Item 626.

Item 626.

Jeff Baer: Good afternoon, members of city council. Director of the bureau of purchases. Before you is a purchasing agent report requesting approval to execute a contract with kodiak binge resulting from bid number 107147 for the road rehabilitation project in the amount of \$1,841,841. Highlight the subcontractor participation they have 21.1% of the subcontract going to minority, women emerging small business, and also just want to point out that kodiak binge is a state certified women business enterprise, so in reality the whole or entire project is actually going to a state certified wbe.

Adams: Yeah. Good work.

Leonard: Discussion? Karla, please call the the roll.

Adams: Aye. **Leonard:** Aye. **Saltzman:** Aye. **Sten:** Aye. [gavel pounded]

Leonard: Passes. Item 627.

Item 627.

Lynnae Berg: Good afternoon, council. My name is lynnae berg, i'm the assistant chief with the city of Portland police bureau. I'm here this afternoon to talk about a grant to brothers and sisters keepers, which is a gang intervention and outreach program that will be based out of the cully neighborhood, which as you know, is an area that was designated by the interbureau task force as the first project that the interbureau task force would address after the establishment of the problem solving coalition in september of 2005. There have been a number of broad strategies that have been implemented by the task force, and this is one element of the strategies. There has been a significant proliferation of latino gang violence within the cully neighborhood and one of the chief underserved populations in that area are young women. There are existing programs, although limited for young men, but brothers and sisters keepers will specifically target latina youth, and provide intensive case management. And really the benefits of that are going to be exponential, because these young girls often have children of their own, and will influence good choices within their family structure, the structure of their partners. And it was a unanimous endorsement from the interbureau task force to fund this program. The director and founder of the program has a long-standing history within the city of Portland, partner agencies in the juvenile justice nonprofit area to be extremely successful or confident that everything that they have set out to accomplish will be accomplished and the results will be significant.

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*******:** Not too much more to add --

Leonard: Identify yourself.

Jeremy Van Keuren: I'm sorry, Jeremy van keuren, mayor Potter's office. This is going to be an important step for the interbureau task force, and will enrich the lives of not only the clients of brothers and sisters keep earnings but also their friends and families.

Leonard: Great. Thank you. Council discussion? Is there any testimony from the audience? Council discussion? If not, emergency ordinance, please call the roll.

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

Leonard: Passes. [gavel pounded] thank you very much. Item 628.

Item 628.

Leonard: Please call the roll.

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

Leonard: Passes. [gavel pounded] item 629.

Item 629.

Adams: Aye. **Leonard:** Aye. **Saltzman:** Aye. **Sten:** Aye. [gavel pounded]

Leonard: Passes. Item 630.

Item 630.

Adams: Second reading, please call the roll. Aye.

Leonard: Aye. **Saltzman:** Aye. **Sten:** Aye. [gavel pounded]

Leonard: Passes. Item 631.

Item 631.

Leonard: Second reading, please call the roll.

Adams: Aye. **Leonard:** Aye. **Saltzman:** Aye. **Sten:** Aye. [gavel pounded]

Leonard: Passes. Item 632.

Item 632.

Sharon Simrin: Sharon Simrin from the auditor's office. We would like to request this be passed to second reading. Allowing you'd like to request that it be passed to second reading.

Leonard: Would you like to describe it to us first?

Simrin: It's the bureau of maintenance, and my partner's not here right now. Sam can explain to you about sidewalk repair.

Leonard: Sam, can you explain this to us?

Adams: Attached in your book is a list of all the sidewalks. I fixed my sidewalks, so I was -- I fixed my sidewalks, so I did not have to -- this is -- I think we are just to give people a sense of how far we are behind, I think on the current amount of resources we have to do the kinds of inspections of sidewalks around the city it would take us I think 80 years to make our way all the way the -- around city. That number might be right.

Leonard: Thank you. Is there public testimony? If not, it pass to second reading.

Simrin: Thank you very much.

Leonard: Thank you. Council is adjourned until next wednesday, june 6, at 9:30 a.m. [gavel pounded]

At 2:57 p.m., Council recessed.