



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 15TH DAY OF AUGUST, 2007 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Potter, Presiding; Commissioners Adams, Leonard and Saltzman, 4. Mayor Potter left at 12:40

OFFICERS IN ATTENDANCE: Susan Parsons, Acting Clerk of the Council; Jim Van Dyke, Senior Deputy City Attorney; and Ron Willis, Sergeant at Arms.

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

	Disposition:
COMMUNICATIONS	
979 Request of Bridgette Mesa to thank Council for an internship and to advocate for Native youth (Communication)	PLACED ON FILE
980 Request of RaShad E. Arnold to address Council to thank everyone at City Hall for giving him an opportunity to be an intern (Communication)	PLACED ON FILE
981 Request of James B. Lee to address Council regarding the urgency on the Sellwood Bridge (Communication)	PLACED ON FILE
TIME CERTAINS	
982 TIME CERTAIN: 9:30 AM – Street Access for Everyone Oversight Committee report on status of City Council mandate (Report introduced by Mayor Potter) Motion to amend the report to open, in addition to the city hall bathroom, the pioneer courthouse square bathroom from 11:00 p.m. to 7:00 a.m. Moved by Commissioner Leonard and seconded by Commissioner Adams (Y-1; N-3, Adams, Saltzman and Potter; motion failed) Motion to accept the report. Moved by Commissioner Saltzman and seconded by Commissioner Adams. (Y-3; N-1, Leonard)	ACCEPTED

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<p>983 TIME CERTAIN: 10:30 AM – Create a local improvement district to construct streetcar improvements in the Portland Streetcar Loop Extension Local Improvement District (Hearing; Ordinance introduced by Commissioner Adams; C-10025)</p> <p>Motion to amend paragraph 13 of the ordinance to read \$147 million instead of \$152 million as the preliminary estimate of the total project cost of designing and constructing the improvements. Moved by Commissioner Adams and seconded by Commissioner Leonard. (Y-3; Commissioner Saltzman was absent)</p>	<p align="center">PASSED TO SECOND READING AS AMENDED SEPTEMBER 6, 2007 AT 2:00 PM TIME CERTAIN</p>
<p>984 TIME CERTAIN: 11:15 AM – Establish Code to regulate sales of graffiti materials (Second Reading 977; Ordinance introduced by Commissioner Leonard; add Code Chapter 14B.85)</p> <p>Motion to amend exhibit A Section 14B.85.010(B) Paint Pen to delete “less” and replace with “greater” regarding size of tip. Moved by Commissioner Leonard and seconded by Commissioner Adams. (Y-3; Commissioner Saltzman was absent.)</p> <p>Motion to take the second reading on the first Wednesday in September. Moved by Mayor Potter and seconded by Commissioner Saltzman. (Y-2; N-2, Saltzman and Potter) Motion failed.</p>	<p align="center">PASSED TO SECOND READING AS AMENDED AUGUST 29, 2007 AT 9:30 AM</p>
<p align="center">CONSENT AGENDA – NO DISCUSSION</p> <p align="center">Mayor Tom Potter</p> <p align="center">Office of Management and Finance – Business Operations</p>	
<p>*985 Pay claim of Amelia Paden (Ordinance) (Y-4)</p>	<p align="center">181206</p>
<p>*986 Authorize acquisition of 15 replacement 12/15-yard dump trucks (Ordinance) (Y-4)</p>	<p align="center">181207</p>
<p align="center">Office of Management and Finance – Financial Services</p>	
<p>987 Statement of cash and investments July 01, 2007 through July 25, 2007 (Report; Treasurer) (Y-4)</p>	<p align="center">PLACED ON FILE</p>
<p align="center">Office of Management and Finance – Human Resources</p>	
<p>*988 Create a new Nonrepresented classification of Police Evidence and Property Manager and establish a compensation rate for this classification (Ordinance) (Y-4)</p>	<p align="center">181208</p>
<p>989 Create a new Nonrepresented classification of Development Supervisor II and establish a compensation rate for this classification (Ordinance)</p>	<p align="center">PASSED TO SECOND READING AUGUST 29, 2007 AT 9:30 AM</p>

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<p>990 Change the salary range of the Nonrepresented classification of Sustainable Development Director (Ordinance)</p>	<p align="center">PASSED TO SECOND READING AUGUST 29, 2007 AT 9:30 AM</p>
<p align="center">Office of Neighborhood Involvement</p>	
<p>*991 Establish a graffiti abatement grant with the Youth Employment Institute using general fund dollars (Ordinance) (Y-4)</p>	<p align="center">181209</p>
<p>*992 Establish a graffiti abatement grant with The Green G Service Company LLC dba Goodbye Graffiti using general fund dollars (Ordinance) (Y-4)</p>	<p align="center">181210</p>
<p align="center">Police Bureau</p>	
<p>*993 Accept a \$26,000 Domestic Cannabis Eradication/Suppression Program grant from the Oregon Department of Justice for overtime personnel and operation expenses (Ordinance) (Y-4)</p>	<p align="center">181211</p>
<p>*994 Authorize an Intergovernmental Agreement with Multnomah County Department of Human Services for the use of grant funds from the Department of Justice, Office of Violence Against Women, Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program (Ordinance) (Y-4)</p>	<p align="center">181212</p>
<p>995 Authorize an Intergovernmental Agreement with the Port of Portland to establish guidelines to determine primary law enforcement agency jurisdiction in the Portland International Center, protocols for responding to major events and to investigate major crimes that occur on Port of Portland property within the city limits (Ordinance)</p>	<p align="center">PASSED TO SECOND READING AUGUST 29, 2007 AT 9:30 AM</p>
<p align="center">Commissioner Sam Adams</p>	
<p align="center">Bureau of Environmental Services</p>	
<p>996 Authorize a contract with the lowest responsible bidder and provide for payment for the construction of the Sellwood Reliever Sewer, Project No. 6244 (Second Reading Agenda 958) (Y-4)</p>	<p align="center">181213</p>
<p>997 Authorize an agreement between the Bureau of Environmental Services and Clackamas County Service District No. 1 for pretreatment program implementation (Second Reading Agenda 959) (Y-4)</p>	<p align="center">181214</p>
<p>998 Authorize an Intergovernmental Agreement for the City to partner with Oregon Department of Transportation on a stream enhancement and culvert retrofit project at Highway 43 culvert on Tryon Creek (Second Reading Agenda 960) (Y-4)</p>	<p align="center">181215</p>

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<p>999 Authorize grant agreement with Southwest Neighborhoods Inc. to provide education, outreach and community involvement for watershed projects in Fanno and Tryon Creek up to \$80,000 (Second Reading Agenda 961) (Y-4)</p>	<p>181216</p>
Office of Transportation	
<p>1000 Authorize an Intergovernmental Agreement with Metro for the City to receive \$30,000 in Congestion Mitigation and Air Quality funds for the CarpoolMatchNW project (Ordinance)</p>	<p>PASSED TO SECOND READING AUGUST 29, 2007 AT 9:30 AM</p>
<p>1001 Update insurance requirements for issuance of variance permits for over-dimensional vehicles (Second Reading Agenda 967; amend Code Section 16.70.650) (Y-4)</p>	<p>181217</p>
Commissioner Randy Leonard	
Water Bureau	
<p>1002 Authorize a contract with Black & Veatch Corporation to complete the conceptual engineering design services for the Bull Run Dam No. 2 Tower Improvements project (Second Reading Agenda 971) (Y-4)</p>	<p>181218</p>
Commissioner Dan Saltzman	
Office of Sustainable Development	
<p>*1003 Approve an agreement not to exceed \$17,000 with the Tri-County Metropolitan Transportation District of Oregon to continue an experimental bus pass program for the Office of Sustainable Development for FY 2007-2008 (Ordinance) (Y-4)</p>	<p>181219</p>
Parks and Recreation	
<p>1004 Delegate to the Director of the Portland Parks & Recreation bureau the authority to enter into Intergovernmental Agreements with the Portland Development Commission to provide professional, technical and construction services for parks, natural areas and recreation facilities improvements (Ordinance)</p>	<p>PASSED TO SECOND READING AUGUST 29, 2007 AT 9:30 AM</p>
Commissioner Erik Sten	
Fire and Rescue	
<p>*1005 Authorize Intergovernmental Agreement with Portland Community College for an Emergency Medical Technician Basic Course (Ordinance) (Y-4)</p>	<p>181220</p>

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<p>*1006 Apply for a \$258,145 supplemental grant from the Department of Homeland Security for Portland Fire & Rescue for the City Metropolitan Medical Response System (Ordinance) (Y-4)</p>	<p>181221</p>
<p style="text-align: center;">REGULAR AGENDA</p> <p style="text-align: center;">Mayor Tom Potter</p>	
<p>*1007 Authorize grant to Black Parent Initiative to support current and future programs (Ordinance) (Y-4)</p>	<p>181223</p>
<p style="text-align: center;">Office of Management and Finance – Purchases</p>	
<p>1008 Authorize a contract with Portland Habilitation Center, Inc. for janitorial services in eighteen Community Centers for the Bureau of Parks & Recreation for a contractual amount of \$566,903 (Purchasing Report) (Y-3)</p>	<p>ACCEPTED PREPARE CONTRACT</p>
<p>1009 Authorize a five-year price agreement with Pierce Manufacturing, Inc. to furnish seven triple combination pumpers for Portland Fire and Rescue with an estimated one-year contractual amount of \$3,691,401 (Purchasing Report - Bid No. 105909) (Y-3)</p>	<p>ACCEPTED PREPARE CONTRACT</p>
<p>1010 Authorize a contract with Fitz Enterprises dba Star Oilco to furnish biodiesel and ultra low-sulfur diesel motor fuels for City Fleet Services with a five-year contractual value not to exceed \$9,000,000 (Purchasing Report – RFP No. 106848) (Y-3)</p>	<p>ACCEPTED PREPARE CONTRACT</p>
<p>*1011 Authorize an exemption to the competitive bidding process to the Bureau of Purchases pursuant to ORS 279C and City Code 5.34 and provide payment for construction of the South Park Block Five Project (Ordinance) (Y-4)</p>	<p>181222</p>
<p style="text-align: center;">Office of Management and Finance – Revenue</p>	
<p>1012 Approve contract with Emerald's Towing and Recovery, LLC, District 2, for towing and storage of vehicles (Ordinance)</p>	<p>PASSED TO SECOND READING AUGUST 29, 2007 AT 9:30 AM</p>
<p style="text-align: center;">Office of Management and Finance – Technology Services</p>	
<p>*1013 Authorize a five-year contract with Qwest Interprise America, Inc. for Public Safety Telecommunications related equipment, services and maintenance with an option for a five-year renewal (Ordinance) (Y-4)</p>	<p>181224</p>

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Commissioner Sam Adams

Office of Transportation

1014 Amend contract with Davis Hibbitts Midghall for public opinion polling and research analyses (Second Reading 963; amend Contract No. 37067)

(Y-3)

181225

AS AMENDED

At 12:50 p.m., Council recessed.

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WEDNESDAY, 6:00 PM, AUGUST 15, 2007

**DUE TO LACK OF AN AGENDA
THERE WAS NO MEETING**

August 16, 2007

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND,
OREGON WAS HELD THIS 16TH DAY OF AUGUST, 2007 AT 2:00 P.M.

THOSE PRESENT WERE: Commissioner Adams, Presiding; Commissioners Leonard
and Saltzman, 3.

OFFICERS IN ATTENDANCE: Susan Parsons, Acting Clerk of the Council; Kathryn
Beaumont, Senior Deputy City Attorney; and Ron Willis, Sergeant at Arms.

<p>1015 TIME CERTAIN: 2:00 PM – Appeal of Jeremy Osterholm, applicant, against the Hearings Officer’s decision to deny a 19-lot subdivision and design review for 19 attached rowhouses at SE Lafayette Street east of SE 74th Avenue (Hearing; LU 06-181122 LDS DZ)</p>	<p>DISPOSITION: CONTINUED TO SEPTEMBER 13, 2007 AT 2:00 PM TIME CERTAIN</p>
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At 3:22 p.m., Council recessed.

At 3:31 p.m., Council reconvened.

At 3:39 p.m., Council adjourned.

GARY BLACKMER
Auditor of the City of Portland

By Susan Parsons
Acting Clerk of the Council

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

August 15, 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 program. The text has not been proofread and should not be considered a final transcript.]

AUGUST 15, 2007 9:30 AM

Potter: I ask how are the children and the young people? The reason I ask that question is that I know that when our community takes care of our children, our community is a better place and our children are better people. Talk to us about what's important to them. Children and youth and today, we have got four young people that have been employed in the summer youth employment program that's run by the city of Portland. The last five years we've employed over 300 young people from the Portland community. And these folks are excellent representatives of our community, and we are pleased to have them with us today. So mohammed, bridget, rashad, and rahal, please come forward.

Potter: When you speak, state your name. We appreciate it.

Mohamed Garere: Good morning, mayor. Good morning, council. My name is mohammed. I am 16 years old. I go to aloha high school. I was born in somalia. Today I come before you to talk about my great experience working for the city of Portland. Three months ago I didn't know what an intern was. But three days ago I was typing up ordinances. [laughter] at first I thought I was going to work for laurel buckman but at the days later I got moved to the front desk 12th floor city of Portland. I worked with linda raines and sharon wolf. I have, I have done the meeting scheduling, I have done the morning mail. And I also typed ordinances. I lived in the united states for six years. And I can say this summer was my favorite summer. Thank you, city of Portland, thank you all, thank you usype for an unforgettable summer. I hope to see you guys next year.

Potter: Thank you, mohammed.

*******:** Mayor, members of the council, it's a pleasure to stand before you and share my experience. My name is rahal and I am going to be senior at james madison high school. I am originally from ethiopia. I am an intern in the Portland bureau at the bureau of services and affirmative action office. I wanted to be an intern because I wanted to gain new experience. I know being an intern introduces high school student like me to leadership skills that we will need to be able to work effectively in our life. With other people from different or diverse backgrounds. But nevertheless, it's the basic principle for me working with other people in understanding the importance of leadership role that makes me want to be an intern. I know some day, I could use all the skills and leader ship I have gained toward my future because I believe, being an intern and working with other people will show my determination to planning my future. Before my internship mostly my intelligence mind is often hidden in a quiet nature. Since I have been an intern I have gained confidence in my perspective on life has changed. Moreover I want to be a leader in relation to my peers, I know I can achieve anything I put my mind into. Working in the city of Portland, I met so many sincere, honest, trustworthy and wonderful people that I will never forget as long as I live. I would like to thank you for giving me this time to share my opinions and thank you for funding this program for the future.

RaShad Arnold: My name is rashad and I live in southeast Portland. I am going to be a senior at went son high school. I am a participant in the summer employment program. I was with the office

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of neighborhood involvement. My experience was really educational. I learned a lot about youth organizations. I didn't know there were that many. Most of the time was spent on the computer updating lists of groups and festivals. Also I had the pleasure of attending a few neighborhood meetings. I people he I worked with were extremely friendly and nice. Before working for the city of Portland I didn't pay attention to people making changes for city. I have a new outlook for city hall. I would like to thank the mayor and commissioners for funding this program and you should continue to fund this program. Thank you.

Potter: Thank you, rashad.

Bridgette Mesa: Mayor and members of the council, I come before you today to tell you about some important facets of my education that I learned here at Portland city hall. I would like to express my gratitude and appreciation for the summer youth employment program and thank you all for giving me this opportunity to enhance my skills that will prepare me for the future as well as help me to become more confident in myself. I would like to talk about some key things that I have learned which include the importance of networking, community, and youth organizations, computer skills and researching. I have met many wonderful people while I had been here and learned many great things. Among of the things I have learned is that you should never pat up an opportunity to leave the office. While I have been, while I have only been out only a few times, I would skill like to emphasize this. You never know who you may meet and what connections you may make. Meeting people is important especially for young adults. Getting out there -- i'm sorry. Networking is important in order to establish a connection within community and making yourself known. The more people that you meet the more opportunities. You have an advantage over others by making these connections but u.s. Must not abuse this power. You must pep others by opening up windows for those who don't have these links within the community. My favorite part about working for city of Portland was definitely making these connection within and without the office of community of I also learned about the importance of community involvement. There are so many youth as well as adults who have no idea what is going on in the community. I am not going to lie. I myself didn't know very much before I got here. I learned that Portland is ranked sixth in the nation for the number of volunteers under 16 years old. I also learned that many of the youth organizations in Portland that have been many, many times myself and my friends could have advantaged. With my last internship I learned how to use microsoft excel and I am really glad I did because that's all i've been working with ever since I got here. I have been researching many things and I have been able to find myself, mind my way around google and I am sure that's going to be useful when i'm writing papers at evergreen. It was a long task but as I a little say if it's not hard you are not learning. I want to thank you all for your time and for all the support, for your support, for the summer youth employment program and I greatly encourage you to support it as it has been very beneficial to me in my academic career. Thank you and have a wonderful day.

Potter: Thank you all for being here. Let's give these young folks and future leaders a hand. [applause] very impressive. Thank you all for being here. Council will come to order. Sue, please call the roll. [roll call] [gavel pounded]

Potter: I would like to remind folks prior to offering testimony to city council a lobbyist must declare which entity he or she is here to represent. We will begin with communications.

Potter: You get two bites at the apple this morning.

Item 979.

Bridgette Mesa: Good morning, mayor and members of the council yet again. My name is bridgette mesa as you already know and I am a member of the mesa tribe of arizona. Currently I am an intern at the office of neighborhood involvement as I said before. I am finishing up the remainder of my days here this week. I must say when I first arrived here I didn't realize the magnitude and power that I had just by walking into the Portland city hall. Not to mention just being an intern here. Working at oni got me thinking about more person concerns, mainly having to

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do with the native american community. I am sure you have all heard this before but I feel that I must reiterate these statistics so that they may be heard and taken into consideration. Although Portland is a 25th largest city in the united states of america, the Portland metro area represents the ninth largest american indian and alaskan native community in the united states. 38,000 people live in Multnomah county while 31,000 are living in the city of Portland. The united states undercounts the urban population by 60%. 50% of the american indian and alaska native in Multnomah county live 200% below poverty level. This breaks town to \$7.22 to support a family of four. These statistics are exceptionally stark. It breaks my heart to see my people in these conditions and I am not one to stand and let this hand happen. I have goals that will prepare me to aid my people. Continuing my education, of course, establishing those connections, staying close to my people and my culture, not forgetting who I am and where I come from. But I realize that being here was my one opportunity to make a real change for them now. Even though I know I am, that I can only have the small impact I will still make sure that our voice is heard. I know that I am still young and that I have a lot to learn but I am here now and I will do what I can. I think that the youth are one of the key components to a better future for the native community. I think that one of the things we need is a more culturally specific programs. Having participated in many successful programs, I believe that this is very important to native youth and identity. On a more personal note I was for the most part disconnected with my own culture not to mention my own identity. You see, I was not raised on a reservation. I was raised in the city. I have never had the experience of hearing the creation story from my elder. I read it in a book. I never danced to that wonderful beat of the drum but I see it has my been in my hard as I feel my foot tap the ground every time I hear my people sing. I realize my attempts to get involved in the native community. I know who I am now. I am as urban of an indian as you can possibly get. But I am an urban indian. I can definitely say they've been benefitted significantly as well as many other native organizations here in Portland. Where I have done many things have prepared me for the future. Participating in native specific activities has help immediate become more confident in where I want to go, what I want to do, and so much important. I was able to keep my relationship strong as well as establish new ones. Hopefully you can see how important these programs are to may active youth here in Portland and all over the world. I hope you have learned maybe a little more about the native community here in the wonderful city of Portland. I hope in the future you decide to take a greater interest in more native american specific programs. And I hope that all my hopes are not in vein and I can make a difference for my people. Thank you for your time and I hope your days are blessed with many wonderful things to come.

Potter: Thank you, bridget.

Adams: Thank you.

Item 980.

Parsons: Did you have more? Oh, ok. He gave his message earlier.

Potter: That's fine.

Item 981.

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

James Lee: Excuse me. My name is james lee. I reside on southeast mitchell street. Thank you for hearing me today. I am speaking only for myself. First of all I have to remark that contrary to a letter published in our fascist newspaper yesterday, the mayor definitely is not a communist.

[laughter]

Potter: Thank you for letting me know that. [laughter]

Lee: We all know, mr. Mayor. Don't worry about that.

Potter: Thank you.

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Lee: You may wonder why I am here in city council talking about the sellwood bridge. Which is clearly basically a county project. Last month, I attended the citizens open house, the sellwood school which was very well done and I had been corresponding with mike paul lynn the county's point person on the project. As a result of this, I decided that the process would benefit from a specific design concept presented at this early stage in the long and for with us development process which we have to go through. So I decided to try to prepare that. If you are going to do that in the state of Oregon you ought to try to channel condi macculloch which is the handout I have given you today. I have tabbed the last page which is the design of a 450-foot short span suspension bridge. The sellwood bridge would be about 550 feet in the main span. But it was well within the capability of this theory. So what I am proposing is that we build a self-anchoring short span bridge about 30 feet directly above the existing sellwood bridge, which we then dismantle when new bridge is complete and then we lower the suspension bridge into position on a proper grade with hydraulic jacks. Presto change-o we have about a half scale version of the st. John's bridge at the southern boundary of the city. It would be very economical. It would be very functional. And I think would have far superior esthetics to any of the other proposals which are out there now. Thank you very much.

Potter: Thank you, mr. Lee.

Potter: Move to the consented agenda. Did any commissioners wish to pull any items from the consent agenda? Is there any member in the audience wish to pull any item from the consent agenda? Hearing none, sue, please call the vote.

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

Potter: Aye. [gavel pounded] go to the 9:30 time certain. Sue, please read item 982.

Item 982.

Potter: Thank you. Folks could please come forward. The save initiative was launched on may 24, 2006. Developed comprehensive community driven strategies to make Portland streets open and accessible to all members of our community. Real impact of the safe initiative is on livability issues that affect everyone. The need for public restrooms, access to shelter and services for individuals during the day, unimpeded access to sidewalks and businesses for everyone, and a place to sit and be a part of the community. As a part of the safe initiative the safe oversight committee has overseen the installation of benches in downtown Portland, showers at first presbyterian church's west house, showers and lockers also founded at salvation army women's program at harbor light facility open and operational as of august 1st. I visited these two facilities this week and I commend the good work the a women's west and the julia west house. We need more partners like this to make our city safe and our city livable for all people. Lastly restroom hours have been extend by contract in all eight downtown park restrooms from 7:00 a.m. To 11:00 p.m. City hall first floor restroom open from 11:00 p.m. To 7:00 a.m. I feel strongly that the safe oversight committee has satisfied the mandate to the council has given them and look forward to seeing the continued results that come from these you in relationships. Thank you for being here, folks. Please introduce yourself when you speak.

Mike Kuykendall, Portland Business Alliance: My name is mike kuykendall. I am the vice president of Portland business alliance and a downtown resident.

Monica Goracke, Oregon Law Center: I am monica, staff attorney at the Oregon law center and

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Jared Spencer, Mayor's office: Jared spencer, staff assistant to the mayor's office.

Goracke: I want to thank you, mayor, and commissioners for giving us this time to talk to you about the work that we've done. Jared has the power point which I would like to go through with you and the first -- is it up? Yeah. The first slide just basically gives an overview of what the mayor just described. On the left you can see the items that you directed us to work on back in june for specific items and then on the right you can see the actions that we took us in conjunction with the

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city and all the partners to try to fulfill that mandate. The benches, the showers at Julia West House, the showers and lockers at the women's program, West Women's Shelter, at Harbor Light, the restroom hours at the downtown parks restrooms and City Hall first floor restrooms. The next page is an overview, a map of the public restroom locations throughout downtown. You see them listed and then marked. At parks and garages and Pioneer Courthouse Square and City Hall. The next page kind of gives you a breakout of public restroom access. On the left we have the restroom locations that are contracted to be open 7:00 a.m. to 11:00 p.m. 365 days a year. And then on the right, there's additional public restroom access in Portland. Some of these have more limited hours. We wanted to spell that out for you. More specifically, on overnight restroom access, Portland City Hall has opened the first floor restrooms to the public from 11:00 p.m. to 7:00 a.m. The benefit of these restrooms is that they are safe and very central location for people who need a restroom who are maybe in the area south, east, and west of City Hall. To come. And then independently of our initiative, but also worth noting, the Portland Rest Could You Mission has restrooms available overnight at the West Burnside facility. Those are specifically for people who are homeless.

Kuykendall: The next slide details some of the information we thought would be important for you for the Julia West House. I as well have visited that location and it's nothing short of fantastic in my opinion. They do a wonderful job serving the community in downtown. Their capacity is between 40 and 60 people at any given time up to 150 a day. We have provided funding to them in that figure of \$166,000 effective July 1 and are now operating an additional 62 hours a week providing showers and many more services. There was some concern in June about the water heater there because after four or five showers, they actually were cold the rest of the day if there was a continuous flow of people seeking a shower. So we paid for and installed a very expensive elaborate water heating system so now the water is warm all day long no matter how many showers that are given out. At this location they are going to be providing over 100 showers a week in addition to what they previously had been doing. And this total package of showers here and at Julia West and the Transition Projects incorporated location, which will be expanding its hours shortly. We have about 340 extra showers a week for homeless people so we think we have knocked it out of the park on that one. That's great way for homeless people especially to get cleaned up before they go to work or before they go to look for work or before they go looking for services. So we are very happy about in particular about our partnership with Julia West.

Goracke: Next we have more of a focus on the West Women and Children's Shelter Safe Program. And this is operated at Harbor Light facility, which is in downtown Portland, Salvation Army is the overarching entity for West Women and Children's and they are also operating at overnight shelter there with space for 34 women. And before the funding that safe was able to allocate, that, the day space there was only available until noon on weekdays, and then they didn't have any ability to do day hours on the weekends. So with this funding, now they have been able to open day shelter operations from 7:00 a.m. to 11:00 p.m., which is possible for both the women staying in the dorm to stay there and also women in the community to come. And they are offering hospitality, showers, towels and hygiene supplies, restrooms and relationship building. And they can serve about 60 women at a time. So that, in combination with the housing and the day program, that facility is able to be open 24/7. And I know that they are working with other community partners to offer other types of services to women in the community there. So that's a really great new project as well.

Kuykendall: The next slide is about Street Roots funding. Street Roots puts out a very popular newspaper every other week, 26 weeks a year. Inside of that newspaper, there's always a resource guide. It's two-page insert that's put in there. And the committee thought that it would be a good idea to expand on that resource guide so we could get information out to homeless individuals and to those that support ending homelessness to try to direct them where they can find shelter services and food and clothing and even more important, access to services that might help end their

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homelessness. We feel like this particular piece really does support the 10-year plan to end homelessness. So what we have determined we are going to fund street roots with \$30,000 this next year and a pilot project where we are going to take that insert that they put in the newspaper and actually put that into a publication that would then be handed out by service providers all over downtown including the police bureau and our sidewalk ambassador was the alliance and other location. And we think we can provide that information to homeless people that they will actually be able to access those services and begin the road back to ending their homelessness.

Goracke: The resource guide is going to be a smaller size so it can easily fit in a pocket or in someone's things. And it's going to be updated quarterly. So the information will be much more up to date than anything that's really happened so far.

Kuykendall: Even more importantly, and I talked about this in december, but really the focus for the safe, the original work group and now the overnight committee is, what can we do to make sure that the 10-year plan is on target in terms of funding the permanent day access center. That's a critical component as we know, we have reduced homelessness from 2300 to 1400 in the last two years. And we are going to continue dropping that number but when we really drop that number I think is when this permanent day access center is open so people have a place every day they know is open and in one location or maybe a multiple locations around downtown to get access to services. So we have put aside from the funds the council gave us back in december \$100,000 to support the siting of a permanent location. There are a lot of complications with that as you can imagine in terms of where the best and ideal place would be and so I am personally been working with mayor's office and with the homeless community working on locations that will be appropriate and as well as with the business community to make sure that everyone's needs get met in terms of this shelter. So we are really happy to have that money available to support that very important effort.

Goracke: Ok. Moving on to public seating, another important component of what we have been doing, as you know, this is really important for people to have a place to sit on the sidewalk that isn't on the sidewalk but it's still in the same area where people want to be. There are 431 benches in the downtown area and lloyd district. As you know there were six additional benches in february 2007. And 25 more this month. And the next page gives you a map of those locations. The benches that were removed from the bus mall are not on here but they will be reintroduced in 2009 when that construction is finished. You can see those benches that were added under safe's program in blue. I don't know how clear that is to you.

Kuykendall: Actually, the 431 are number in downtown. If you include the lloyd business district as well, there's well over 500 benches in those two areas. I would like to introduce the members of the oversight committee that are here. As you know we met as a work group for six months with 28 individuals representing all different entities that had a stake in coming up with a great plan which we believe we did back in december. And then council formed an oversight committee that's been meeting almost on a weekly basis since january. I would like to have them stand up and identify themselves if they would and their agency. Jenny. [inaudible]

Kuykendall: Thank you, everyone. And you can see that the comprehensive list there on this slide and I want to point out that the report that we are providing to you today was unanimous. Everyone on this committee endorsed this report in its entirety.

Goracke: So finally, as mike pointed out, we have got a pretty diverse group of stakeholders. We worked in good faith with the best of intentions, and the most I think diligent attention to all the different pieces and making sure that everything was what it was supposed to be and that everything was carefully done and thoughtfully done. And we believe we tried to meet what we understood to be the mandate that you set for us in june of 2007, and if you accept this report, that would acknowledge and affirm that mandate has been satisfied. So thank you very much.

Potter: Thank you. Did council have questions?

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Leonard: I do.

Potter: Mr. Leonard.

Leonard: I first of all want to acknowledge the great work you've done on getting the benches installed since June. And the showers, in particular the showers and the locker rooms. That's I think a great achievement. The 7:00 a.m. To 11:00 p.m. Bathrooms, again, are very much appreciated. I want to acknowledge that. My concern is in regards to the overnight bathroom. And, Monica, you mentioned that you considered it central. Central to what? Is my question.

Goracke: Well, my understanding, and I know that Patrick Nolen and Mark Jolin can talk about this as well. They have talked to a lot of homeless people in their respective organizations so they can give you better information than I can. But there are a the will have homeless folks who are living outside in areas that are just east of city hall, that are south, that are to the west --

Leonard: Can you tell me exactly what? When you say east? East meaning I 405 east?

Goracke: No, that's west. Right? East meaning --

Leonard: Excuse me.

Potter: That direction.

Leonard: Yeah.

Goracke: Mark and Patrick are probably better to answer that but my knowledge is that people do, because there aren't other safe places for them to sleep, they are needing to find places that are like south of P.S.U., that are under the Ross Island bridge and some of the other bridges, and then in northwest as well.

Leonard: But, and I have paced this off. City hall is eight blocks from Pioneer Courthouse Square and 15 blocks from Old Town. I am down here often at night at 9:00 and 10:00 at night. And I take a variety of bus lines which puts me on different sides of city hall and the only people in this area, and I mean the only are the people standing at the bus stop. Versus at, for instance, Pioneer Courthouse Square which has a restroom. And honestly, when I introduced this ordinance and brought it before council in June to suspend the enforcement until everything was in place, I honestly just assumed that would be the one you would pick. Pioneer Courthouse Square, of course, is called Portland's living room and what better place to have a restroom than next to your living room. City hall, I am interested to hear, has been used how much since we opened it? A staff person of mine since it's been open came to city hall at night, buzzed the door down stairs, the same door a person would have to buzz to use the restroom and waited 10 minutes for the security person to open the door. Because the security person was patrolling. So I am just at a loss to understand how we should think city hall is a viable overnight bathroom.

Goracke: Well, I can address some of those concerns. So we did consider a variety of locations. City hall is seen as a both symbolic place. It's the most important building in the city. And that's a huge message of support for the homeless community and acknowledgment that the city really does care about homeless people.

Leonard: I appreciate that but I wasn't looking for symbolism when somebody wanted to relieve themselves. I wanted for a place they could go to conveniently.

Goracke: I just wanted to mention that first. You are right. If symbolism, that's not most important thing. The practicality of it is that city hall is a safe and it's a secure building. And security is probably pretty much the number one concern for people that need to use a restroom late at night. And the fact that there's security here and that it could be added with a pretty reasonable amount of effort, was very important. And I understand about the 10 minute wait. I mean, the security --

Leonard: 10-minute wait is after you walk 15 or eight blocks. I am saying as a person who has an advanced degree in locating restrooms, that would not be a viable choice for me if I were eight blocks away particularly if I knew when I got there I might have to wait 10 minutes to get admitted. I would not even consider it an option. Versus the great restroom that is at Pioneer Courthouse

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square. And I absolutely understand your concern about security. That's a legitimate and the discussion that we are having here, we agree that that's a legitimate concern. Some of the others I will have to tell you, I am feeling a little bit as though this was a cynical choice. I can explain that more if you like or you can just accept that's my impression. However, the issue of security, I think you are right. But pioneer courthouse square has a restroom that is actually set up in a way that would make it convenient to have security there. There's a glass window outside of entrances. There are a number of places that would be convenient for security to be. And again, the issue here is serving a population that's being displaced. I have never lost cited of that. I mean, it's not about symbolism or anyone feeling as though their feelings were hurt because the council pulled back on this. It's not about that. It's about serving the people that we targeted to be the subject of the sit lie ordinance and offered other amenities to try to balance that out. And a very important consideration for me is the able for human beings to relieve themselves. And I am again going to ask, you know, to what extent has this restroom been used? I know a reporter reported the first night two people used it and both were people who used it because of their association with safe and were just curious. And that was it.

Jared Spencer: I have a specific number for you. As of I believe yesterday, there have been a total of 51 people who had used the rest rooms from its opening on august 2nd to yesterday. That would be in between the hours of 11:00 p.m. And 7:00 a.m.

Leonard: 51 people? What's the date today?

Spencer: Today is the 15th.

Potter: Through yesterday morning.

Leonard: So in two weeks, 51 people have used it.

Spencer: Of course, 13 days. So that would be an average of four per night.

Leonard: I think that's more like -- yeah. I mean, four people per night.

Spencer: In between those hours specifically.

Leonard: I really think we should rethink having an best restroom access to to more people. I am sure people thought we would have it there a place where more than four people can use it.

Spencer: I think as time goes on and it becomes more known, then, I think the people will become more comfortable with using it.

Leonard: I need to have you respond to the issue of, why a person who oftentimes is mentally ill or under the influence would walk 15 blocks one way to use the restroom?

Potter: We have testimony later that will address that.

Leonard: These guys --

Potter: We have other folks who will speak specifically based on their knowledge and that's what you are asking for.

Leonard: I am asking for and I will ask my questions my way to who I would like to ask. Thank you. But you brought the recommendation. I would hope you would have asked these questions when you considered this recommendation. Is this a practical choice? Does it serve the population that we are targeting? And are there other viable alternatives? I have asked those questions since I heard the recommendation and I am not one that likes to just criticize. I also like to provide a solution so what I have offered to the mayor and to the Portland business alliance is, I know you considered a 1st and davis option which sounds viable. I don't know if you considered the pioneer courthouse square option or not. But just intuitively, that's viable to me. Why can't we just agree now that we will pick one of those two? And leave city hall open as far as I am concerned? That's fine if it's serving anybody and we think it's a good idea, I would recommend leaving it open but it doesn't meet, I mean, I brought the ordinance in june. I know what I was thinking and what I was thinking all these amenities should be in place and you have done with the exception -- this is a unfortunately that we are having to have a disagreement because it's a very minor in a context of

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your success. And so it would be nice if today we could agree that, ok, we are going to open pioneer courthouse square. And city hall as well.

Goracke: Commissioner Leonard, I appreciate your concern, and I really wish before, you know, deciding that city hall is not a good alternative that you would, you would hear from both mark jolin and patrick nolen who, as I understand, have spoken to a lot of people in the homeless community who think that city hall is a good choice, that it is useful for them and that they are happy that it's open. So I mean, you know, I am not homeless.

Leonard: For people at night?

Goracke: And I also think you need to give it a little bit of time to work out. I mean, something like this isn't obviously known to people right away, especially when they may be camping. I think you should give it a chance to work a little more.

Leonard: Again, I wish you would have had this discussion at your committee. The point of having an accessible recognizable bathroom you shouldn't have to advertise it. You shouldn't have to go inform people there's a bathroom. It should be obvious on its face to a person who doesn't have any prior training that here's a bathroom, it's open, I can use it. Even if you know city hall is a viable choice I will tell you it's, it's not a welcoming place to come at night after dark. You have to know which side to come to. You have to press the button. You have to identify yourself and tell the security guard what you want if the security guard is present. I'm just saying as a practical matter, I can't believe you guys actually discussed all of these pit falls. I would choose to believe you just did not discuss these pit falls and made this recommendation in good faith rather than it being my first impression which was that it was a cynical recommendation and not really intended to fulfill the spirit of the ordinance with passed.

Goracke: Respectfully, we did have a lengthy discussion. The vote to have city hall be the location was unanimous. It was for all the reasons I have discussed. I think it's something, maybe if you hear a little more testimony, you'll understand what our thinking was. I can assure you there was no cynicism and there was no attempt to thwart the mandate. We honestly believe that city hall is a good choice.

Potter: Is there somebody else that you wish to have come forward? Mark? And who is the other person? Could you folks come forward and discuss the location?

Leonard: Do you have any folks that are actually homeless that will be here to talk about it?

Potter: Mark, come forward, please.

Leonard: Did you say you had folks that were from the homeless community, mayor?

Potter: These are the folks who work in the homeless community. You heard the issue at hand.

Patrick Nolan, Sisters of the Road: My name is patrick nolan. Homeless for eight years in the city of Portland.

Potter: Go ahead, patrick.

Nolan: We wanted to discuss the 24-hour restroom.

Leonard: The overnight restroom. I want to be very specific about what the issue is. The issue for me is if we would agree here, for instance, to open the pioneer courthouse square restroom from 11:00 p.m. To 7:00 a.m. My issue is resolved, and I have nothing but good things to say about your work. If we insist on keeping the bathroom as the so-called overnight bathroom, I have significant issues and will continue to have issues with your work.

Marc Jolin: This is my recollection, because the issue of all of the park restrooms, including the pioneer courthouse square restroom, did come up. My understanding of the big obstacle there was that the park closes. And so the parks --

Leonard: Meaning the pioneer courthouse square?

Jolin: Right. And, again, there's probably somebody else in the audience who can address this better but that the tension came up with, well, the park is technically closed. How do you give people access into the park?

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Leonard: So you're using the word "park" synonymous with pioneer courthouse square?

Jolin: Yeah. I believe it's a park and subject to the park closure regulations.

Leonard: That's what we do here. We change rules. We pass rules.

Jolin: I'm just telling you --

Leonard: Did you honestly think we wouldn't amend the hours if you recommended to us pioneer courthouse square?

Jolin: This was the nature of the conversation. It wasn't -- again, I mean, my -- my thought on city hall is that it is a good option, and so --

Leonard: Because?

Jolin: What's that?

Leonard: Because?

Jolin: Well, for some of the things that monica laid out. I mean, we do a lot of outreach to people who camp in these areas near city hall, closer to city hall than to old town. I agree with you that the highest concentration of homeless people who are camping downtown is in old town, but we've got folks under the morrison and hawthorne bridges. We've got folks in the field of dreams, on p.s.u.'s campus, in the southwest blocks, along third and fourth in the doorways, so while the concentration issue was one consideration, safety was a big one. And when I talked to folks about -- you know -- what their concerns would be with using overnight restrooms, safety was the first issue that came up. I had folks say "will there be a security guard," especially amongst some of the women I talked to, and when I said would city hall be a place you would feel good about going to, they said yes.

Leonard: That's a totally legitimate couldn't certain, and I share -- concern, and I share that. If you didn't have the concerns about whether there were park hours or not park hours but you had a pure mission in the sense that tell us what you think the best restroom would be, the location, would you, if you hadn't had the concern about hours of operation of pioneer courthouse square, have picked the pioneer courthouse square restroom for some other restroom?

Jolin: I should just identify myself for the record. I'm mark jolin from join. I think I actually would have chosen city hall because I think -- and patrick can speak to this a little more probably, but I actually think there are more people -- city hall is quite close to waterfront park, and there are typically a lot of people in waterfront park.

Leonard: 30 to 40 people a night have been using it.

Jolin: That I understand. The concern you have about the 10-minute buzzer, that is an implementation concern for sure if people are having that experience. There is the issue of getting the word out on the street that this is an available option. We've only just started to do that through our outreach team at join. I would expect the numbers will continue to go up. At the end of the day, there isn't -- one 24-hour restroom isn't going the need the needs of the folks out there. I think the expectation is that there will be a new restroom constructed down on third and couch or davis in the old town area. If we're only going to have one 24-hour restroom in the long run, having it there makes sense. And I expect that this city hall restroom -- this would be my expectation -- will be open and available until that restroom is online.

Leonard: And when is it scheduled to be online?

Jolin: Based on the conversations I understand, they're talking eight to 10 months.

Leonard: What about the first and davis restroom?

Jolin: As an option for folks to go to in the interim? Go ahead.

Patrick Nolan: I don't know if you've ever been to that particular restroom. I have. I've used it both currently and over the last few years. First of all, i'd like to speak to the fact that it -- after dark, it's not a very welcoming place with the cage around it.

Leonard: Mm-hmm.

Nolan: The door is about three and a half-foot-wide. I don't know about you, but I feel very uncomfortable going into a place where i'm not sure of my safety.

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Leonard: When I have to go to the bathroom, I don't care what it looks like or smells like as long as it's close, and that's my issue that you guys are describing amenities and qualities and ambience, and i'm talking about the opportunity for some person, with dignity, to relieve themselves. I totally agree with your security concern and am more than happy to provide funding requesting for any of those conditions. I believe the entire council would vote to hire security to be at pioneer courthouse square, do whatever needs to be done to make this as welcoming as possible on first and davis, but i'm just saying I am really focused on it being available for people without a lot of publicity, that they know that it's there. I will tell you that four people a night are probably using this restroom because news paper article, talk show programs, news programs and I would predict in a year from now, if it's four now, it will be one because people won't know it's here and it's inconvenient. That's, I would hope you'd understand, a reasonable concern on behalf of the people we're targeting with the sit and lie ordinance. I just want it to be convenient, accessible. These other issues, hours of operations, we'll fix. If it's funding, we'll fix that.

Potter: I want to ask, patrick, you were homeless. Are there people that are homeless within city hall within walking distance?

Nolan: Nor about four years, I slept out in front of the keller auditorium which is a short walk from here.

Potter: Have you seen in your work with sisters of the road people that are homeless in that area.

Nolan: Probably half of our outreach is done in the PSU to the river area.

Potter: So both of you folks acknowledge, from your experience, that there are significant numbers of homeless people in this area, that they're not walking from old town. They're walking from this area to use the public bathroom.

Nolan: Yeah. Yes. And i'd like to speak to the numbers, if possible.

Potter: Sure.

Nolan: And meaning no offense to anybody here, but there is an obvious line between the population that i'm from and that lives without housing in Portland and the city itself. It's illegal to camp in the city of Portland. It's illegal -- we're going to make it illegal to sit on the sidewalk. I am not sure that I would trust -- you know -- city hall's restroom being a safe place for me to be. That security guard there -- you know -- on the one hand, it says, I can trust that i'm not going to get hit over the head when I use the bathroom, unlike going someplace where i'm not sure I can get out of, but it also says am I going to be able to trust that i'm not going to have the cops called on me because obviously there's somebody sleeping in Portland if I come rolling up with my shopping cart or my backpack. It is a situation where we are going to see more people using it once the trust is built.

Leonard: Why can't we do both? Why can't we leave city hall open and open the pioneer courthouse square? Why can't we do both?

Nolan: That would -- I would certainly support that. I think, at the end of the day, there's no question folks aren't going to walk from old town up here to use the restroom and the folks up here aren't going to walk to old town to use the restroom there. We've got homeless people camping throughout downtown in significant numbers and are going to need more than one overnight restroom if we're going to provide meaningful access to everyone. I think that the charge that we had initially under this mandate was to provide overnight restroom access. And when city hall was proposed as an idea, it made sense to me certainly that this would be a place that would be accessible to a good number of homeless people who are out there, and I do think that it is significant that city hall is being opened to meet a basic need of homeless people in this community. I think it is significant that we're able to have this opportunity to show that you can use a public building to meet the emergent needs of homeless people without unduly interfering with the other designated uses of the property. This is a conversation that in my experience, over time, we've had multiple talks about we don't have emergency winter shelter lined up. As recently as last year.

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Could we use a public building? I'm not saying that happens, but I think it's very important as an effort to say, yes, as a community, we can make those public resources like city hall available under the right circumstances to meet these kinds of needs. I just think it's -- and it's not symbolism and it certainly wasn't cynicism from my perspective. It was about saying, yeah, this is an opportunity to really send an important message to meet a basic need and, at the end of the day, we are going to need more than one 24-hour restroom.

Leonard: For the last two winters in a row, I have brought forward an ordinance to provide sleeping beds for people in the same population, so this isn't a brand-new subject for me. I don't want anybody to think that I'm trying to find a problem. This has been a consistent concern of mine that the most helpless and the most vulnerable of these populations have basic human needs. And when I haven't seen it coming from the bureaucracy, I haven't been shy to bring those initiatives forward. And they haven't been popular with everyone on the council, by the way, but it's been important to me. I feel just as strongly about this. If you want to stick to the symbolism of city hall as a place, I get that. That's fine. But I'm more concerned about having people have a place to pee. And I'm not worried about the symbolism. And I'm happy -- and I hope my colleagues here will join with me today in directing that whatever needs to be done in the next 30 days, for an example, to open overnight the pioneer courthouse square be done. And I don't mean the business community should take on the expense but we will. We'll provide the security. We'll provide what needs to be done to make it a safe place. But that's my interest is making sure we're doing real things to help people with real problems and not doing symbolic things that don't really get to the issue.

Jolin: I respect that.

Potter: Could I ask you folks a question?

*******:** Sure.

Potter: I want to find out -- I understand the Portland rescue mission has a bathroom that's open overnight. Is that true?

Jolin: That's our understanding. They have restrooms and will allow access to people who come during the night to request access.

Potter: Has anybody been turned away, are you aware?

Nolan: There are barriers to that success, yes.

Potter: What are the barrier?

Nolan: If you smell alcohol or visibly intoxicated, if there is a presumption that you have been using drugs or if you do not approach it in the right manner sometimes.

Jolin: And we weren't relying on that restroom in any way in -- in fact we didn't know that that was an available resource when we were having this conversation.

Potter: And that the plan for the long run is to build a permanent facility set on third and couch?

Jolin: That's my understanding. And I think there's someone here from the restroom committee, Carol, who could probably speak to that better than I can.

Potter: Thank you, folks. Do we have a sign-up sheet for this?

Parson: Yes. Patrick and Mark, before you go, you're my first two on the sign-up sheet. Did you have any more remarks?

Jolin: I have. Because here's the piece. My testimony was addressed largely concerning about the motivations for having the overnight restroom temporarily at city hall. The first point is that I do think that whatever happens with additional restrooms for 24-hour access, continuing to have city hall would be great, because there are absolutely people in this area. And I also want just as someone working on the issues for a long time to sort of talk about how exciting the Julia West and the West Women's Day spaces are. These are two places that people are going to go to because they feel welcome there, and they're going to be places that people can go to get basic services, but they're also going to be places where folks can engage the more intensive services that they are

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going to need to help actually end their homelessness. I think it's truly -- and i've gone to both of those spaces and join, as you know, runs a day space over in inner southeast. These are two programs that are very much philosophically in line with the way join does its work, and i've got an enormous amount of respect for what they're doing there. I think it's a really exciting addition to the system. I also want to acknowledge that, as safe oversight members, we've got an enormous amount of work to do. If the ordinance goes forward, we'll have an enormous oversight obligation monitoring how that ordinance is being used. We've obviously going on obligations with respect to making sure the service side of this equation is being respected and that those services stay online and that we improve what's downtown and in lloyd for people who are homeless. And i'll just say that -- and I think i've said this before -- that maybe the biggest piece of our work is to take advantage of the unprecedented relationships we've formed through the safe process to expand the number of people, organizations, and businesses that are working on the only real solution to the issues we're all talking about, and that is to help people move off the street and into permanent homes of their own. Thanks for your time.

Potter: Could you read the names again?

Tim Greve: Obviously i'm not tim grew. I'm tim greve, but it's a pretty common occurrence actually when i've spoken at city council.

Parsons: Oh. Tim greve. I'm sorry.

Potter: I was wondering about that other jewelry store.

Greve: Tim greve, president of carl greve jewelers. Carl greve is a downtown business that has been in business 84 years. We recently moved our downtown location to another downtown location, and this would not have been possible without the efforts of mayor Potter and commissioner Adams as well as those at Portland development commission, and we thank you very much for that. However, businesses in downtown are feeling the pressure of being at the hub of this city, and we need to do everything we can to assist both independent retailers like myself as well as national retailers to be successful in our downtown. We need to provide liveability service, advocacy, advice on policy, and engage government when we waver from excellence. We have a loyal customer base and continue to attract new business to downtown because of our unique offerings. However, we'll not be able to retain those customers and provide that positive experience alone. We count on the services of clean and safe and the support of the city to ensure downtown continues to offer that unique and pleasant shopping, dining, and entertainment experience. The efforts of the safe committee have proposed a walk obstruction ordinance, will supply services to those in need, provide benches to lockers to day shelters, but it will also keep our sidewalks clear to pass, welcoming an inviting for our workforce, visitors, residents, and regular downtown customers. This proposal will inform the public and give the police force tools to protect and serve. The passing of this ordinance finally will encourage retailers that are here to stay, encourage new businesses to relocate downtown, and Portland will have greater economic development, downtown vitality, and positive downtown experience for all. Soon we will have a new retailer in downtown, a new retail vitality in brooks brothers opening up in the galleria which has been identified quite often as a linchpin in west end vitality. The ordinance going through like this will help ensure their success and the expansion of retail and economic growth in Portland. I'm here today not only as a member of the business community but as a Portlander. I support this ordinance because it's supports those in need and supports those in business. As the added service criteria of safe have been met, I ask you to have the sidewalk obstruction ordinance enforced and enacted. Thank you very much.

Potter: Thank you.

Potter: Thanks for being here, folks. You have three minutes to speak. Please state your name for the record.

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Mark Hanson: I'm mark hanson from the lloyd center. I've been on the safe -- part of the safe group from the beginning, and now i'm on the oversight committee. It's been a long process, nearly a year. I think we have now met the mandates that have been laid out and updated by city council throughout the process. What originally started off to deal with an ordinance that was getting ready to expire, from my perspective, and why I was invited to be on this group has now expanded and continued to expand as early as june where we were given the challenge of dealing with some other issues with this as part of the implementation project. I believe we've met those obligations. I know there is some frustration and bathrooms has been a major issue along with showers and other things for the oversight committee to deal with and the safe group as a whole. Different challenges were put before us. We talked about -- and I want to address this for randy is that we did talk extensively about pioneer courthouse square as well as some other locations that fell within the park bureau. It turned out that it was a challenge with the park bureau indicating that it would be a process to change the hours, and that's what was put before us. And -- you know -- fortunately, mr. Leonard, even though he did present this and feels that it was his intention, unfortunately his intention was not clearly made to us, so we understood that we had him as an advocate or strong advocate for changing the hours. And whether or not that was a fault of his or ours, i'm not sure. It's mark hanson from lloyd center. But we worked very hard at this. Was city hall considered a symbolic gesture? Possibly. But more importantly, it was a place that we felt, because of the city council being here, that we could get a bathroom online in a fairly short amount of time and something that was safe and accessible for everyone, not just the homeless people at that time of night. As far as the fact that mr. Leonard keeps saying that there's only x number of people that are currently using it -- and that's probably so -- it takes an education piece for people to understand where bathrooms are no matter where you go. If I walked into mr. Leonard's house today, I would ask him where his restroom was if I needed to use it. I wouldn't automatically know where it was. And so it's the same thing here. Whenever you go, you need to know and ask where restrooms are. It's not just an automatic thing, and it is an education piece. And I think, as we move along -- and i'm sure that, once this bathroom is known to more and more people, more and more people will utilize it. Thank you.

Jan Oliver: Hi. My name's jan oliver. I'm associate vice president at the university of Oregon, and i'm here speaking on behalf of the university of Oregon. As you know, we've had a very long, 30-year history, in Portland, and our beginning -- and are beginning sort of a new identity in the white stag block. We are very pleased to be a member of the old town, chinatown neighborhood, clearly one of the most vibrant neighborhoods you have in Portland. And today, because one of our concerns from the beginning of our decision to locate in the white stag blocks had to do with issues around public safety and the perception of public safety, we're here to say -- i'm here to say that the university is very appreciative of the work that the safe oversight committee has performed. I really think this community should be extremely proud of that work, because it is so broad, and I think it's more than a small thing to have a park bench or a bench in a place in a city and a bathroom and access to a shower. I think those are issues of quality of life that really do lead people towards improving quality of life, and I would say the health of the city. That's the kind of participant and collaborator we would like to be in Portland. We'd like to be helpful when opportunities arise, and we felt that my showing up today to say "thank you" to the committee and to lend our support for the ordinance moving forward was just one way of doing that. Thank you very much.

Potter: Thank you.

Dan Handelman: Good morning, mayor and commissioners. I'm dan handelman from Portland cop watch, and i'm glad there's been a little bit of discussion this morning that's not just been focused on bathrooms, been focused on the fact that, if this report is accepted, the sit/lie ordinance is going to go into effect. It's frustrating that there hasn't been more discussion about the ramifications of that, and I know we've discussed this a few times already this year, but the

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amenities have been discussed and whether it's in city hall or in other places, too, we're all hoping that there's more places for people to find shelter and find bathrooms, and all this work is good and important and should be done because it's the right thing to do. The question is whether or not it's ok then to tradeoff people's civil liberties because we've been doing the right thing. And i'm sure i'm going to take flak for making this analogy, but it's as though we're enacting some kind of jim crow laws after freeing slaves. We found someplace good for our homeless people to go, and now we're not going to let them sit on the street anymore because we don't want to look at them. We freed slaves, but african-americans are going to have to use different facilities from everybody else 'cause we don't want to have to see them or interact with them. So I think you really have to think about whether that's -- this whole deal, this package deal is something that is necessary. And we've raised concerns many times before, and i'm going to raise it again today about the issuing of warnings, the verbal warnings that are going to be happening that won't be noted down in a notebook by a police officer or by the Portland police or Portland patrol, the downtown clean and safe I understand won't be enforcing the law, but they'll certainly be telling people about it and saying, do you realize that there's a law that says you can't sit or lie on a sidewalk? And since they look very much like police officers, people probably will get up and move away, and there will be no record of how many times that happens. What we've been saying since the beginning is that this law is just about moving people along, and it's not necessarily about enforcement. We won't know how many times it's being used and against what population it's being used, but we can predict that it's going to be used mostly against poor people and homeless people and probably young people. So, again, I urge you to consider whether or not you've done the right thing. That's great. We applaud this, the bathrooms, the day centers, the showers. It's terrific. But you haven't addressed the civil liberties issues and particularly i'm reminding you again that a part of this ordinance is that first amendment activities have to include three or more people, sort of these arbitrary rules that you're making up about people expressing their first amendment rights. Thank you.

Potter: Thanks, folks.

Doreen Binder: Doreen binder, transition projects. Transition projects was the first publicly funded shelter in the city, and we've been operating for almost 40 years now and listening to the previous testimony i, too, agree that I believe when what was burnside projects at the time -- when burnside projects first opened, it really was more to alleviate the old town entertainment district of having people on the streets at night, and the objective was to open a shelter at 5:00 in the evening and close it in the morning to make sure people were off the street. I'm not sure that we were as kind or conscientious of why we were doing it. I think we were doing it -- and I use "we." I wasn't here at the time, but nevertheless I think the community was doing it more to clear the streets so that other people could come. We have come a tremendous distance from those days. Transition projects then moved almost, I think, 15 years ago now, 17 years ago to changing its name and doing a 24-hour shelter and recognizing that just getting people off the streets and out of sight was insufficient, that it was time to actually serve the homeless and do for the homeless, not just for the entertainment district. And we have come a tremendous distance, and I think that started with mayor clark at the time who we're very fortunate to have on the board right now and debra kafoury and others. We're very fortunate to have a very conscientious community and for you, mayor, aren't randy and sam and everybody else on the council who is looking at this very differently than we did 40 years ago. And I appreciate that. And as much as I hate meetings and I hate -- that's not true. I love controversy, but as I get older, i'm getting a little less tolerant of it and becoming less like -- I like controversy less, and i'm beginning to appreciate consensus less and compromise more. And I think that this process -- and i've been asked this numerous times, was the process a pain in the ass? Absolutely. Did the end result produce what we needed? And i've said this to mike himself. For the Portland business alliance to come forward with money, which I believe was not their intent in the beginning, and for the city to come forward with money for an issue that's critical, I applaud you

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for. I mean, we have struggled -- our agency joined sisters of the road, central city concern. I'm sorry I have to go over. I get phone calls, and I sit at meetings whereas if the social service agencies are looked at as if they're the criminal, and we get yelled at because you are doing this and you are doing that. For the community to come together and look at this as a community issue is imperative, and I applaud you. And as far as the bathrooms, randy, I appreciate -- I was in paris one day watching jim morrison going there and trying to figure out where the hell I was going to find a bathroom, but I had money to walk into a cafe down the street and buy my way into a bathroom. I'm looking to see -- excuse me -- whose grave am I going to pee on? And it was very comfortable. I'm going to be honest here.

Leonard: Hopefully not jim's.

Binder: Never. And it wasn't colette's either or gertrude stein's, but I have to tell you it's really -- I appreciate this, and this is a great start. So when I lack at you and your concerns about the bathrooms, one bathroom in this town isn't sufficient. This is a great start. And what mark Jolin said is true. This has created more community partners than we've had before. It's raised the consciousness of what this community needs, and this is not the end. The poverty level is increasing dramatically as the rich get richer and the poor get much more poorer. We're seeing a middle class that's coming to us now than we've ever seen before, and the creation of the next step, the permanent facility, is important, and I want -- what i'm asking is that it's going to be a community involvement. I will convene hopefully a meeting with all the social service agencies to make sure it's done right, that we will have every part that's needed and that we do it as a community regardless of whether or not we are the person who operating it. At that point, I have to tell you how much I appreciate what you have done. And, randy, all your concerns and questions are critical, because we need to keep moving forward. Thank you.

*******:** Good morning, mayor, commissioners. Nice tie, mayor Potter.

Potter: Thank you.

Teresa Teater: I took this photo -- I know you can't see it from there-- sunday morning during bridge pedal. 10,000 people rode past these people sleeping in the police station shadow on the ramp up there. Two or three people were actually scattered out with their bikes and their shopping carts. At the bottom of this bridge is a nice empty restaurant called mccall's restaurant that's owned by city parks. I keep coming to you folks about it. It has a bathroom in it. It's easy for these folks to get their bikes and their carts over there that use a restroom, and i've suggested it as a day watch center as well in the past, and i'll still insist tempt about this. I've talked to quite a few homeless people. I've been gone during the summer for about a month in nebraska and iowa, talked to a lot of folks when I got back about the bathroom in city hall. My concern about pioneer courthouse square is a lot of people have parks exclusions so they can't even go into pioneer courthouse square so they wouldn't even be able to use the bathroom at pioneer courthouse square. When you go into pioneer square, like myself during the day, I have to go lock my bike up out at the curb. You've got to go to the bathroom fast. With my arthritic legs, i've got to walk out there, lock the bike up, go in there, go to the bathroom, and go back to the bike. You can't lay a bike down in pioneer square or even put it near that brass railing -- you know -- by the entrance there to the restrooms in pioneer square or lay your stuff down and walk off. Everything's considered a terrorist threat anymore. These are things you need to consider. One person by themselves, they have to find somebody to baby-sit their stuff, and i've done that a lot across the street from pioneer square from people that know me so I can run over fast and get back fast. Most homeless people that I tell about the city hall bathroom, they state that they're down for the night in their encampments under bridges and stuff and they're just going to use the bushes. Why should they walk from hawthorne back up here to go to the restroom. You said you shouldn't have to advertise it. Homeless people don't have tvs. I posted long distance in nebraska watching city council long distance the day that you announced the bathroom was going to be open, and you got a bunch of phenomenal postings thanking you the day

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you announced you were going to do it, including me. I also want to mention there's a tv show coming on this fall called "kid nation." all these children are going to be put in this town by themselves and are going to have to run it. The previews are showing how it's kind of interesting they're going to have difficulties and stuff. You might want to take note of how they're going to try to pull this off. Kids 14 and under. And if these kids can do it, then we've got to find a way to have our homeless here be able to do this. Although "the Portland tribune," this woman is doing incredible things on her own and has hooked up with another gentleman who wants to open a farm to put our pioneer square children -- give them jobs and things. I think somebody ought to be giving her a citation and pay attention to how she's solving the homeless problem. Thank you.

Genny Nelson, Sisters of the Road: Hi. I'm genny nelson with sisters of the road. I didn't think I was going to testify, but I realized when I was putting my hand in the air that I wanted to clarify some things as a member of the committee. So i've worked on this issue for years, and I just want to say a couple of things. And mark identified some of them. On the oversight committee, we have in fact had a person from parks come and address our concerns, and I just want you to know that -- all of you to know that we asked those questions about pioneer courthouse square, and what we were told us that, because it's the jurisdiction of the park, that if you open one park for hours beyond what the ordinance says, they're all open, so you open a can of worms. I'm happy to hear that you all can change those laws and ordinances. I want you to know, as a committee member, that we're sitting there and asking these questions and being told that a whole bigger issue occurs. So, randy, that's what I heard sitting there.

Leonard: I appreciate that.

Nelson: We also were told about tri-met, because of the light rail proximity to pioneer courthouse square, and that's another whole can of worms. So if you can address the parks people's stuff to us about the tri-met issues and if we let pioneer courthouse square be open after 11:00 at night, bathrooms, then we open the whole thing for people coming our way to say, well, you should keep this other park bathroom open. I also, I think, on the bathrooms, if pioneer square was open -- you know -- for the record, sisters of the road would like to see a creatively done porta-potty -- you know -- all around the city. You know, people are homeless. They've been homeless for a long time. And we need them in all parts of the city. So as far as that goes -- you know -- one or not, i'm going to ask for a couple more seconds to just end that. I was here in 1972 when burnside projects opened their shelter, the everett street service center, and it was not a kind and gentler time in terms of how skid row was perceived, around obviously we're dealing with that perception to this day. But in terms of why that shelter was opened and who was running it, it was a catholic worker presence in the city of Portland that we've never had again until sisters of the road opened, and it was very much about addressing folks who were on the street at that time as human beings and not asking them to have to go through a mission service or any other kind of expectation before they could get a place for the night. And just for the historic record, I wanted to say that.

Potter: Thank you.

Carol McCreary: Good morning. My name is carol mcreary. I have had the pleasure to serve on the implementation committee. I thank you for that. In addition, I chair the old town, chinatown neighborhood association, and we have a group of activists. We call ourselves flush. And three of us, who are on the old town, chinatown board, have the pleasure of serving on the mayor's restroom implementation committee, and this is where we get into a lot of the nitty-gritty. But before we get into the nitty gritty, the reason we're doing this is we're really a city with a vision, and my vision is that the right to urinate and defecate is a human right. Basic human right and something on which our dignity and our entire identity of human beings is at stake. Now, the human rights that we have to speak, to express ourselves to, assemble, to be out in public are protected by the u.s. Constitution and also by the constitution of the state of Oregon. And thank god we've got people like mr. Handelman also to monitor those rights. What is not protected -- and i've been doing some research

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on this recently with the american restroom association. The right that is not protected is the right to use a toilet. There are policy gaps at the federal level regarding h.h.s., which i'd be happy to talk about some other time with you or with your staffs, and also there are some gaps in the plumbing codes. And I think that we're going to see some motion on the plumbing codes that's going to be coming within the next five years actually down some implementation level. But I would like us to stay centered on the big vision just a little bit the way people do on trees. You know, this city has policies on trees. I'm not sure we have one on restrooms. We have tree experts in parks. We do have people, I think -- I think mr. Bob downing is probably closest that a restroom expert we have, and we're proud to serve with him on the restroom committee. In addition, I notice now that tree experts are being identified in every neighborhood. Why do trees work? Why do we have such a beautiful tree-filled city in it's because the city has put money into training people in the implementation of the tree policy. And someday down the line I have a vision when we'll be doing the same thing for public restrooms. Thank you for the opportunity to work with you. The specific questions about implementation that you brought up, commissioner Leonard, they're really dear to our hearts, and we look forward to discussing them with you. Thank you.

Potter: Further discussion?

Leonard: From council?

Potter: Yes.

Leonard: I want to move to amend the report to open, in addition to the city hall bathroom, the pioneer courthouse square bathroom from 11:00 p.m. To 7:00 a.m.

Adams: For the sake of full discussion, i'll second that.

Leonard: Pioneer courthouse square has security 24 hours a day, seven days a week. We don't -- it's not, as it's been characterized, shut down at night. There are security guards there. The entrance to the restroom is actually not centrally located in the square itself but actually is accessed right off of the sidewalk on sixth avenue near the light rail tracks. I don't want to get into debating what parks did or did not say. I will say that I have disagreed with a number of their characterizations on a variety of issues since i've been on the council. You could just add their characterization that the parks could not open the restroom to that list. The council has the authority to open a restroom overnight if it so chooses. The intent of my motion would be that we could go ahead and implement the report and the ordinance on the condition that the restroom be open 30 days from now and would augment the existing restroom that's being open in city hall that I don't think adequately serves the population that we're targeting. And I just think it's the right thing to do. It's the humane thing to do, and it shouldn't be a point of controversy. I think the last speaker spoke very well to my kind of philosophy about using the restroom and that people be able to use the restroom in a dignified manner is important to me.

Potter: Further discussion? Call the vote on the amendment?

Adams: I'm going to vote no, but I definitely appreciate the sentiment behind commissioner Leonard's amendment and wanted to make sure that we had an opportunity to talk about it. I'd like to actually see more focus on an additional restroom facility occur further towards old town and chinatown. I think that you made a persuasive case in terms of locating facilities where there are needs, and I think that finding a facility in the old town, chinatown, pearl district area would be closer in proximity to where the greatest need is, so I vote no.

Leonard: I want to thank commissioner Adams for seconding this to give me the opportunity to discuss it. Aye.

Saltzman: Well, I think that this is a -- I think we've reached the milestones that we set out for this committee, and to keep moving those milestones is like changing the goal post. As laudable as the idea may be of pioneer courthouse square or some other location in old town, it's time to accept this report as is and move on. This committee has labored long and hard, and the city -- we've heard testimony that city hall is a good choice. I happen to think it's a good choice for a lot of reasons.

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Whether there's -- I think there will be others. There's a need for more locations, and this committee is not going away, I have a hunch, nor is flush or anybody else who's concerned about these issues. So it's time to move on, and I vote no.

Potter: I think almost every person that testified today testified to the fact that there are not enough restrooms in the city of Portland. So I think that goes without question. In this particular instance, I would have preferred this go back to the committee to once again discuss and come back with a recommendation to city council, because that's the purpose of the committee is to look at these very issues. So with that I vote no. Please call the vote on the -- actually, I need a motion to accept the report.

Saltzman: So moved.

Adams: Seconded.

Potter: Please call the vote.

Adams: I want to thank everyone who has taken their time to participate in this discussion today. I want to thank the members of the committee and flush and all the stakeholders who have participated in this process. I want to thank the mayor and his staff and their good work in bringing this forward. This is a huge leap forward for the city of Portland in terms of providing the necessary basic human amenities in the public realm and our work will continue and I hope it will continue. Aye.

Leonard: Two points. First the mayor's closing remarks on the motion with respect to his desire that this had gone back to the committee be discussed, if you recall, mayor Potter, that's exactly what I asked you to do last thursday in our meeting is to take my concern, send it back to the committee, let it come back ad this being their recommendation and I would support it. And finally I would say I appreciate how hard it is for people that are advocating particularly for the homeless to find receptive audiences to their concerns and, in that, once you're in that process, you have to compromise. You have to find a middle ground. You have to make sure that you're not throwing the baby out with the bath water. I mean, those are skills that any of us that are involved in the positions that we are in advocating for have to have to succeed. And I mean no disrespect in not supporting this report to those folks who are advocating for this population because of my vote, but I hope you'll take my words seriously, and you can them advice or call them based on my own experience, but I often times have to go out and check my frame of references with the community that I represent, because if I sit in this building and listen to only the people that come in my office and lobby me and have the time to testify, it skews what it is i'm here for. I'm often called outspoken. I'm often called -- I say thinks different than other people. And there's a reason for that.

It's because I often times check in with the people who are not involved in politics, who know nothing about what happens at city hall to keep my frame of reference correct because, in spite of our best goals and desires, it's easy to somehow at times lose sight of why you do what you do, because you get involved in discussions and debates and compromises and the next thing you know you've lost sight of who you're advocating for. It's a hard thing to do, and I hope maybe this will discussion will help maybe frame that advocacy better in future discussions. I'm here to assist and help in any way I can, but I also feel it's my responsibility, if I don't agree even with my friends, to say so. And to be clear about that. And I hope -- but respectful. And I hope i've done that today. No.

Saltzman: I want to thank mayor Potter and the safe commit for their leadership. I don't think anybody -- any mayor has taken this issue so seriously as mayor Potter has, people's right to go to the bathroom, to have showers, to take showers and to have a place to sit. And, yes, it is in conjunction with the passage of a sidewalk obstruction ordinance, and I think again the mayor has shown leadership in crafting what I think is a fair, responsible ordinance that passes constitutional muster. And it's a good balance, and I really think the city should be proud of what we've done in the last year or so with all the benches, the shower facilities, and the restrooms that we've done.

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We're not through, but this is a good, solid start, and at this time, as I said earlier, to move to the next step, which will be the monitoring and oversight. So I'm pleased to vote aye.

Potter: I think, for the oversight committee and the original committee that was put together to look at this whole issue, you folks have done a superb job, and you have met my expectations. You know, there are two things that I think come from this. We see new partnerships forming that have not formed before and more people interested in the issue and how to find solutions. Not to suppress but how to find solutions to the problem. I see what we're doing today as part of the 10-year plan to end homelessness. I am committed to seeing us do that. And recollection is that we've got about seven and a half years to go on the 10-year program, so we've got a lot of work to do in front of us. My commitment is to work with the community, with the businesses, with the service providers, with this council to make sure that, as we move along, that we do it as much in collaboration as we can. And the other thing that struck me is the fact that, in addition to having new partners in this is that we're focusing on solutions, not just a single issue. And we're looking at the people that we are talking about, I believe, in a more humane and a more inclusive fashion. So I really support what you folks have done. I appreciate it. I know that there are differences about different parts of this. But I see this as just a next step. It's almost as if we've just sort of opened the door. We've not solved this problem, but we've opened the door to other ways to solve problems in our community other than some of the past practices. So I am very pleased with that. I am very thankful that we've got folks in the community like you that each day you go out there. Probably the most telling thing for me this week is when I visited the salvation army shelter and saw that, prior to this program, they'd had no temporary shelter. And their temporary shelter is designed to get women into permanent, long-term, supportive housing. It was kind of a shock to me to find out from the executive director that, of the 34 women staying now at the salvation army shelter, all of them had been assaulted when they were on the street. Sexually assaulted. And now they're safe. I think that's what this is about is making people safe and getting them into permanent housing. So for those of you in the trenches that have been telling us this for years, I think we've got the message, but I just think we need to move forward, and so I'm very pleased today to vote aye. Thank you all very much. Please read the 10:30 time certain.

Item 983.

Potter: Commissioner Adams?

Adams: Thank you, mayor Potter. Today is a follow-up from the discussion that we had yesterday regarding the finance -- assembling the financing package for the east side streetcar project. What we're discussing today is a private sector contribution to the project of \$15 million that will help to leverage \$134 million in other funding. As I discussed yesterday, it's an important project in terms of our ability to meet our peak oil, our global warming goals. It will establish affordable options for east side transit riders. It will incent an estimated 2.4 million square feet in new development, just the streetcar portion of it, and the 15 million-dollar investment being made by the private sector will help leverage \$54 million in increased property valuation. So it is an investment by the private sector that will yield improvement in property values for the private sector. The estimates in terms of cost, as we discussed yesterday, because we are still early in this project, should be viewed with a low confidence. Preliminary engineering will be available in december, january where we will know more about the cost of this project. It's necessary for us to take no action to have a first reading today so as to be able to meet the deadline of september 7th. We have a hearing on -- the vote on this will actually be september 6th, but that will allow us to meet the federal deadline for applications for new start funding. Further presentation will be made by vicky dide and greg jones. Just vicki diede.

Vicky Diede: For the record, I'm Vicki Diede with the city of Portland as of transportation. I have several things to submit to you. One of them is an amendment to the formation ordinance that would be in paragraph 13 of the council finds section, and it would revise the amount of the

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preliminary estimates from 152 million to 147 million, which is our current estimate that we are using. In addition to that, I have exhibit d, which is a list of remonstrances and shows a level of remonstrances, and I have exhibit e, which is summary of those remonstrances and the responses.

Saltzman: Is the l.i.d. capped at a total aggregate amount?

Diede: The l.i.d. Is capped at \$15 million. There is a provision within the l.i.d., however, that --

Saltzman: I didn't mean to interrupt.

Diede: That's ok. I'm just trying to find my place here. There's a provision within the l.i.d. that if, for some reason, the project costs changed and we shorten the alignment the or whatever that the amount of the l.i.d. would be limited to 10% of whatever the council adopted budget would be, and there's a mechanism for how you would do that without having to reform the l.i.d.

Saltzman: Would that apply if the cost increased as well as decreased?

Diede: If the cost increased, I believe we would have to go out and form a new local improvement district.

Adams: Allows for a 10% reduction?

Diede: It allows for a reduction with the l.i.d. Amount being 10% of the total.

Adams: It does not allow us to go over \$15 million is my understanding.

Diede: Not as it's written. Right.

Saltzman: Can we set a rule saying that, if the costs go up, the l.i.d. portion goes up as well? I mean, it just seems like we're at a low confidence estimate here of the total cost, and yet we're capping the l.i.d. contribution, and we already heard yesterday at our briefing, although I wasn't there but I read the handout, this is going to put a stretch on urban renew value areas and perhaps general fund.

Diede: I would ask the city attorney --

Saltzman: Are we within our legal rights to craft --

Diede: No. The resolution -- it's only been a resolution of intent to form the l.i.d., and this is the creation ordinance.

Saltzman: I guess the second reading isn't until september, but I guess I want to flag that right now as an issue I want to pursue if we have the legal authority to do so.

Diede: Ok.

Saltzman: Because I think it's only fair that, if the costs do increase, there should be a greater local contribution as well.

Diede: On june 27th -- i'll just kind of back up a little bit. On june 27th the council adopted the resolution of intent to form the Portland streetcar loop extension l.i.d. Since that time, the office of transportation has mailed notices to the property owners, giving them the estimated assessment by property along with other information required legally. On july 30th, we posted six notices within the district. On the 30th and 31st of july, notice of a formation was published in the d.j.c., the "daily journal of commerce," and on august 8th the remonstrances were received from the property owners. The remonstrances are listed in the exhibit d that was handed out to you by property owner, property i.d. Number, and by estimated assessment for each one of the properties. The total of assessments that the remonstrances represents is \$302,094, which is 2.01% of assessments in the l.i.d. For some perspective, prior streetcar projects or remonstrances have varied between zero percent and 7.5%. Exhibit e provides more detailed information and lists the reasons for each of the remonstrances for the properties as well as the staff response to those remonstrances. In general, the remonstrances were made for the following reasons. One being a concern about the ability to pay for the assessment. Some of the property owners were unsure of the benefit to them, especially for the industrially zoned properties, and others thought that the boundaries should be expanded to spread the cost over a greater area, including several property owners that thought that this should be a city, a county or a region-wide initiative. Responses to those specific remonstrances include the fact that the city does offer financing at the time of final assessment, that the only properties

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exempted in this l.i.d. are federal properties, railroad properties, public rights of way, and owner-occupied residences in r-1 and r-2 zones only. R-1 and r-2, the properties are very, very small, between 1000 and maybe 1200, 1500 square feet, and they are in the Elliott neighborhood.

Adams: Can you give the ability of the finances? Over what years and what terms?

Diede: The ability to finance over time depending -- it's for five, 10 or 20 years are the terms. I believe to go out to 20 years the assessment must be at least \$2500, but the city will finance any amount for five or 10 years. And the terms, I don't know what the going bond rate is, but they're tax exempt bonds, and it's a pretty favorable rate, which is a way to help people with the cash flow issues and this feeling of dealing with their own capacities. The methodology provides for a reduction in the rate based on the distance from the streetcar for residential properties. And this is kind of a nuance. It's for properties in a zone that's designated as an industrial sanctuary in Portland's comprehensive plan. Additionally, the limits of the boundaries are really consistent with prior streetcar l.i.d.s. We've run them with three blocks on either side of the streetcar tracks. The intensity of the development within one block versus two or three blocks on the west side adds further weight to how this boundary was set and the zones. There was one remonstrance where the information presented in an informal property owner meeting changed by the time we got to the resolution of intent that was adopted by council. Initially the property owners were told that all industrial-zoned properties would be assessed one-third less than the commercial properties. And this methodology was changed to apply the reduction only to those industrial-zoned properties that have an industrial sanctuary designated in the comp plan. Properties that have a zoning of ig1 but have a comp plan designation of ex were assessed at the same rate as the commercial properties, and the reason for this is that a higher comp plan designation of e.x. affords more opportunities for higher density use of the property. And that is my report. The remonstrances were at such a level that council retains the jurisdiction over whether or not they form this, and then I believe we'll hear from property owners and others.

Adams: Questions from council for Vicki before we hear testimony? Thanks, Vicki. We don't have invited testimony? Just sign up?

Diede: And we have members of the p.s.i. Board in the audience also.

Adams: Let's just do invited testimony.

Parsons: We had nine people signed up.

Potter: Call the first three.

Potter: Good morning, folks. When you speak, please state your name for the record, and you each have three minutes.

Markus Smith: My name is Markus Smith, and I just wanted to come by this morning and relay what I had found when I canvassed the neighborhood. This is -- in my opinion, it's a good idea, but we're in the industrial zone over here. I'm a property owner. I have three separate properties on Southeast 7th zoned ig 1. And I went to my neighbors just on the 6th and 7th of this month and, out of 46 of the 46 neighbors that I spoke to, property owners, they all oppose this, 'cause we're all in the i.g.-1 district. And what we wanted to hear more of is how it benefits the industrial zone, having a streetcar out there. We did get some letters in by the 8th, and I guess I just wanted to relay what I heard from the property owners in the i.g.-1 district.

Mike Bolliger: Honorable mayor and other members of city council, my name is Michael Bolliger and I'm a property owner and business owner in the central east side. I've also served on -- I'm a board member of the central east side council and a board member on p.s.i. As well as an active member on the east side alignment committee. The central east side does offer some unique challenges for doing this alignment on the east side of Portland because of the industrial sanctuary. As a matter of fact, to my knowledge, I think we've only had one l.i.d. in our district that I'm aware of, and that's around Water Avenue. So we work very, very hard, as you know, to try and maintain the preferred alignment in our commercial retail corridor, which is Grand and M.L.K. Which offers

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some transportation challenges to work with the streetcar. But all of our reviews and so forth at this point look very, very favorable. So going forward, I think the l.i.d. Was met with some skepticism initially and still is because of the questionable economic benefit. I think it's very, very strong to the commercial corridor, and I think we have a consensus from the property owners i've talked to in grand and m.l.k. Areas. I think rick gustafson has done an excellent job in answering a lot of the concerns. The major concern we have or was the limit of \$15 million that we would agree to on this l.i.d., and I share the mayors' concern yesterday at the workshop after reading about the tram and some other interesting projects that seem to go on and on -- you know -- how far we're going to get involved in this. So I think the intent here with rick and p.s.i. Is to have a firm commitment at the 15 million-dollar level. That's what we've agreed to. And I think also in connection with the fact that all five of the segments that p.s.i. Has done with the west side streetcars so far have either been completed at or below their proposed budgets is very encouraging to us. At any rate, individually as a property and a business owner on the main alignment -- we have properties on belmont and grand -- I individually look at this as a great opportunity for the private and public sectors to join forces and, I think, put together a project that is going to be economically significant to downtown, and I really appreciate the support of city council. Thank you very much.

Rick Parker: My name is rick parker, and I have a family business on grand and east burnside at 515 east burnside. Our business has been there since the late 20s, and this -- you know -- I want to thank you, mayor, and the commissioners forgiving me the chance to speak here and ask your support of the l.i.d. To extend the streetcar to the southeast side. This may look like an advertisement piece, but it's not. What i'm trying to show you here, this is the streetcar going in front of our building in the late 40s. That's the intersection at grand and burnside right on the front cover of this little brochure. And so the streetcar is something that we've had. It's unfortunate that years ago it was discontinued, but I believe we have kind of a once-in-a-lifetime chance here to get it back over onto the east side, and I appreciate all that everybody has done. Not only the commissioners and the mayor and helping us get the funding set forth here. Also congressman blumenauer and his staff for getting the federal funds and us really moved to the top of the list on the east side. That doesn't happen very often. And getting the funding set for the streetcar over there. I joined the Portland streetcar board about four years ago. I joined not only to hopefully get the streetcar on the east side but it's one of the few boards that I have been on in my life where projects have always been brought in under budget and on time. And I would like to say I know there are some concerns about being over budget, but the streetcar now has been around for about 10 or 15 years, done several extensions, and I realize in the past most of it has been done with private funding and we're switching now to more of a public funding, but this group has just done a tremendous job estimating the costs and bringing them in under budget and, knock on wood, I think the way things are set up this should come in the same way. I've also talked to several owners up and down the street. I will say there are more family businesses but, for the most part, the streetcar was there before and they've been in support of it. Once again, i'd just ask your support for this l.i.d. I really do believe it's a once in a lifetime chance. Thank you.

Adams: Mike and rick and hank, thanks to you for all your work in helping put together the l.i.d.
> [names called of those testifying]

Daniel Deutsch: Hi there. My name is daniel deutsche, and i'm a property owner on broadway and weidler right over the broadway bridge. I just wanted to give a very brief statement of support as a property owner. I prepared kind of a brief statement because I think that, as an individual property owner, the landowners suffer a much more direct impact, often thousands of dollars in assessments with no perceived direct benefit. As a property owner I am inherently wary of any arbitrary tax on a property, and I just feel that it's something that needs to be addressed very carefully. One of the biggest fears of citizens that is a proverbial goliath will come along and tax you on your property because these are larger amounts. That being said, I think this one has the potential to really benefit

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landowners, much more so than any other l.i.d. I've ever seen and directly. If the existing Portland streetcar is an accurate indicator, it's likely that properties on this route will experience a significant increase in value as a direct consequence of the streetcar. And I think that's a really hard thing to express to a lot of property owners who are rightfully wary, and I understand on kind of the industrial zone that that happens, but it's just a reality and the statistics are there. Unfortunately we had this experience on the west side. So -- you know -- even though I emphasize from the fellow landowners who have been saddled with this unexpected cost, I guess my vision is the potential asset of appreciation will offset any perceived financial inequities. In conclusion, I believe that particular l.i.d. Does serve the public and private interest as it will increase community access, liveability, integrate the east and west sides of Portland, and I strongly support the passing of this l.i.d. Thank you.

Chris Smith: Good morning. Chris smith appearing in my capacity as chair and authorized representative for the streetcar citizens advisory committee, the committee commissioner Adams appoints to advise him and council on streetcar issues. The committee is strongly in support of this project and of the entire funding strategy, including the l.i.d. We'll have a little more to say about the operating strategy when you take that up, but we are appreciative to the property owners who are going to constitute this l.i.d. L.i.d.s have always been the first step in funding our streetcar projects with the property owners along the alignment recognizing the benefit this will bring to them, and we're delighted to see that repeated again. I would like to speak to the benefits. I think we have come to think of streetcars as a development the tool, and I think sometimes we forget it's transportation benefit, and certainly the property owners in the industrial areas adjacent to the commercial corridor are going to see those transportation benefits as well. Whether that impacts our customers or not will probably depend on the type of business, but I think we can certainly say it will benefit their employees' ability to get to those jobs. My experience, as someone who lives and spending a lot of his time along the streetcar alignment, it intensifies everything that happens around it, and I would be surprised if it didn't intensify the industrial uses of the sanctuary as well. As c.a.c. Chair, i'm also a member of the p.s.i. Board. There's a link between the c.a.c. And the board. Professionally, I do software project management for a living. I have been incredibly impressed with the project management capabilities p.s.i. Brings to streetcar, and I will echo my fellow board members who have great confidence that this can be brought in on time and under budget. Thank you.

Michael Powell: Good morning. I'm michael powell. I'm here in my capacity as chairman of the portland streetcar, inc. I would like to say a few words from the existing streetcar. I'll put this into a little context. Next friday, day after tomorrow, we're inaugurating the fifth segment increase on the streetcar. As you've heard today, each of those segments have been built on time and on budget. Four of the five projects had carry-over on the contingency funds to future projects or returned money to the funders. We now have 3 million people plus riding it a year, over 10 million. I think probably now 11 million people have ridden it. We've never had a single safety incident of record, so it's been safe. It's been reliable. The equipment we purchased from the czech republic has proven to be extremely sound and reliable. The manager of the project has been sound. It's caused no embarrassment to the city and no embarrassment to those of us on the p.s.i. Board. It's been done in a professional and businesslike manner, delivering on our promises. Development, I think you've heard some. Development along the corridor within a block of the streetcar is over \$3 billion and counting at the moment. And over 50% of the development in the central city has been in that competitor the corridor. We built out at f.a.r. to about 92% against the average of about 45%. We're helping achieve some of the density bonuses at the same time reducing reliance on the automobile. In that context, briefly i'd like to say that i've insisted that we do a study on the carbon footprint of this project, because I think the untold story of 3 million rides not taken in an automobile, an electric project obviously -- I think the carbon foot print issue is something we're

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new to, but I think it would be dramatic in this case, and I look forward to those numbers. We've achieved 6000 units of housing. Certainly hundreds, if not thousands, of new jobs. The pearl district business association, which had it been formed 10 years ago would have had three members, probably myself and the brewery and one other, now has 260 members. Over 90% are locally owned and locally run businesses. And that's just in the pearl. We're now seeing new excitement and new development on the west end, certainly around Portland state and of course on the south waterfront. So the I.i.d. Experience we've had, I chaired the original I.i.d. I went to people and said, you can have two things here. If you go to the beach for a week and come back, you'll have a streetcar in front of your property, i.e. The buildouts are modest and low impact, and I said your property will be worth twice as much as it was the day you left. I was wrong on one account. Property probably turned out to be worth four times as much as the day they left. Certainly the appreciation and value along the streetcar has been dramatic. It brings 3 million customers, eyeballs onto your business. I think the impacts are clear. I urge your support of the I.i.d. Thank you.

Dick Cooley: My name is dick couley. I'm a property owner and a member of the Portland streetcar board. I'll be very brief. I support the streetcar because I think it's a tremendous investment for me as a property owner. \$150 million will be invested in the system, and 85% of it will be paid for by people other than the property owners, the other 15% by or 10% by the property owners. 90% by others. As a property owner, that's a tremendously leveraged deal for me. It's clear. It's proven that the value of the property is going to go up as a result of this. It's going to cost me one-half of 1% the value of my property as an investment. I'll get that back in six months. I get it financed. I don't pay for it until the day that the product is delivered. So it's just a tremendous investment from a business standpoint. I think there's a couple of other really good reasons. One is the connection it makes between the east and west side. And I think the other is it further establishes Portland at the forefront of the transportation system. It's creating a loop that will create radials when there's just a line there. All of those things are wonderful, and so I support the project.

Potter: Thank you.

Adams: Maybe to follow up on the gentleman's concern from industrial property, a very fair question. I would add to the response that has already been given by members of the stakeholders and the public that this project actually is one of a select number of projects in the central east side industrial district that actually would produce increment that could then -- the proceeds of which can then be used on any project in the central east side. And not all the budgeted projects within the central east side tax increment district actually produce increment like the streetcar is estimated to do and has been proven to do in other tax increment districts around the city. I think that the other benefit Chris mentioned, increased opportunities for affordable transit for the workforce -- I think on the e.x.d. Zoning, and I think Michael or somebody mentioned, the number of housing units that can be built with existing zoning are significant, and we will have -- if we can match that with the resources, then we can have workforce housing, which the adjacency of both industrial and the workforce housing would be unique within the city. With this project does come additional investment in transportation control, lights and signals. That should improve the through put in the neighborhood. With e.x.d. That we've focused the alignment on will come more services that will make it an even more attractive place for workers and business owners in the central east side. So I appreciate all the testimony today. And back to you, mayor.

Potter: Further discussion? It's a nonemergency, moves to a second reading. Please read the 11:15 time certain. Ad at the amendments?

Potter: Wait a minute. The amendment. You do have an amendment.

Adams: I move the amendment from Vicki Diede's memo dated August 15th.

Potter: Hear a second?

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Leonard: Second.

Potter: Please call the vote.

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

Parsons: Saltzman? [not present]

Potter: Aye. Moves to a second reading. Please read the 11:15 time certain.

Item 984.

Leonard: This is a second reading, but in going over the ordinance since last week, I want to hand out an amendment and provide copies for the audience. That will need to be amended into the ordinance, and it isn't an insignificant change, although it was a mistake in the drafting by the city attorney. And the change says a two-marker or other pen-like instrument with a tip of a quarter inch in diameter or less. It should have said "greater" which has a substantially different impact. That contains paint or some other fluid, an internal paint container. I'd like to move the amendment.

Adams: Seconded.

Potter: Call the vote.

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

Leonard: That will move consideration of this to another hearing because it's a change.

Potter: Pardon?

Leonard: We can't actually vote on it today now because of this amendment.

Potter: It will be moved to another --

Leonard: I mean, we'll have the testimony as we planned today, but we can't vote on it today because of the amendment.

Potter: Do we have folks signed up to testify on this matter?

Saltzman: Could I have the amendment?

Potter: Did he get a copy of the amendment?

Leonard: Here. It was an error on the part of the city attorney, but it wasn't an insignificant error. It was actually a very -- the substance of the change is quite significant.

Adams: We already voted.

Saltzman: Then never mind.

*****: [laughter]

Potter: Do we have a sign-up sheet?

Parsons: Clerk: We do. And we have six people signed up.

Potter: Ok.

Potter: Please state your name for the record.

Andrea Pearson: Andrea Pearson. I'm representing Division Hardware, which is a southeast Portland hardware store that sells these products. When it comes to this ordinance, at Division Hardware, we oppose it. We feel that, as a retailer, we should not be responsible for the time and the expense it would take to keep track of the people who buy these products and, like, how we would keep track of it. In order to, like, contain it, we would have to buy more products, and we feel that -- we understand the problem, and we feel that there needs to be action taken, but we don't think it should be on the expense and time of the retailer.

John Lambert: I'm John Lambert. I'm from Division Hardware. I represent my dad who would like to be here today. His name is Glen Lambert. I'm John. I'm the owner's son. I am representing the management. Mr. Leonard, you had a -- wanted to bring up issues with, like, zip ties, duct tape, paintbrushes, and now it's spray paint. So moving on with that, I believe that this would decrease the sales on spray paint if we did lock them up, make people show I.D. for them. I believe for how we're kind of managing the spray paint issue now is we're not really selling to people under the age of 18. We do get tagged on our building often. What we've done is we've taken pictures with our digital camera and then sent them in to Officer Miller and as well as his assistant, and they've been

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more than happy to look into the issue. We -- I really don't see any incentive to us other than just making our building maybe a little bit cleaner or stuff like that, maybe a little bit less work for us, but I -- if there is any other incentive to us, I'd like to see that. If we really did have to go forward with this, it's a lot of red tape, making people sign things. I know like kind of the methamphetamine problem that is now cleaned up and being controlled, that I'm perfectly fine with, because that is, again, a controlled substance. This really isn't a controlled substance. And our manager of division hardware couldn't be here today, Ron MacDonald. He stated in the Oregonian that what if people get spray paint stolen from them? Then you have that problem. And they use it to spray paint a building. Or if they have something downstairs in their little shelves downstairs in their little shop at home, they can just go out and do that. There are many problems with that. Not just purchasing it from a retail location. And I guess -- what was the fine you said for the first offense if this did go through? Like around \$5000. So that -- I think that alone is way too steep for the problems to be solved that way. That money should be set aside or something like that so that we can have more graffiti patrol or gang patrol. And I think our chief of police has done a really nice job since the time that she's been here helping out the city, kind of being better, and I can see that it has improved substantially since she has been here. And I know that Mr. Leonard is up for reelection, and this will be one thing that myself as a voter I'll be looking at when he is up for reelection. So I know, Mr. Leonard, you have done many things -- good things -- for this city, and I appreciate the things that you have done. I just think that is one more thing that you need to get your hands off of along with the duct tape issue. I think it's just a little bit crazy to think about it at this time.

Potter: Thank you.

Ty Baxter: Hi. I'm Ty Baxter representing my family-owned business, Baxter Auto Parts. I became aware of this hearing yesterday, so I apologize about not being 100% prepared for this. I think the idea of getting graffiti controlled is very important. I've traveled around a lot, and it's a scar on our beautiful cities we have in this country of ours. But as a business such as ours, it's a little more of an intimate business -- intimate business. It's not a big-box store. Our stance on this is that this is a bad move for a business such as ours. Number one, there's going to be a cost involved per store. Right now we have five stores with a Portland address, five in the metro area, and I just did a rough math here of about \$2000 per store, and that doesn't sound like big money to maybe a big-box store but, to a company like ours, that's a little bit of work there. Also the tracking issue. Our stores, we employ oftentimes part-time high school kids during the evenings, and sometimes they might not be as familiar with how the world works and how to work with people as we are, so I hate to put them in a position to make them be the law, to get the identification, say who can and can't buy paint. If one of the more experienced people in our store isn't available for that, that's something I have an issue with there. The other thing, looking at a couple of cans of paint there, you're asking us to write down serial numbers it says on this piece of paper I got. They're batch numbers. I don't know if that's really an accurate way to track it also. We would have some other issues involved in our businesses. We have wholesale customers that we deliver cased quantities to and things like that. Boy, they'll have a lot of guys in their facilities, and we're going to be ultimately responsible for a lot more people than just someone buying a can of spray paint retail. It is going to knock down the amount of sales we have a little bit there. If you come in and see one of our stores, our Baxter Auto Parts stores, which you're more than welcome, you can see how people will come in and purchase more than one can of paint, and that's going to affect our bottom dollar, our bottom line a little bit there. And I think that's about all I have to say. Thank you for hearing me.

Saltzman: We heard some testimony last week about shoplifting being a primary source of obtaining spray paint. I'm just curious if your stores have had --

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Baxter: Yes, it has for sure. Especially since our spray paint's kind of close to the door. So we've been trying to keep an eye -- we've put actually a security camera on it and been keeping a closer eye on it. But it has.

Lambert: And we've slowed that down personally at our store.

Saltzman: It is --

Lambert: That is a problem.

Saltzman: Existing shoplifting in the store.

Lambert: Definitely.

Baxter: For our stores, it's not a huge issue. We have one-way turnstiles, and we do that to direct the flow of sales, not for theft prevention, but we don't have a huge problem in our stores on that, so I think it's going to be a neighborhood to neighborhood thing. One of our stores potentially might be a little bit worse than the other because of the neighborhood it's in, but we haven't noticed that as being a big problem from the retail store.

Saltzman: I think commissioner Adams brought up a point. In 1998, I guess, mayor vera katz voluntarily asked stores, including I think all of you, to put the spray paint behind the counter. Do you recall that? Was it something you decided not to do?

Lambert: I recall something. I hear we got a letter or something like that, and that -- and we really didn't take much into it. We did put a camera on it. We did -- that's when we kind of said no people under 18 or something like that.

Saltzman: You don't sell to under 18?

Lambert: More or less, no.

Pearson: Unless they have, like, a parent.

Saltzman: Thanks.

Adams: Just to follow up on that, are you familiar with the responsible retailer program that commissioner Saltzman alluded to? And do you know if you're following its provisions? No. So 1998, mayor katz and the police bureau and oni undertook a comprehensive effort at trying to address the issue of graffiti, both preventing it, enforcing the laws, and cleaning it up as quickly as possible. And part of that was a discussion with retail industry, and she contemplated a very similar ordinance to this at that time, and there was a lot of pushback from the retail industry that would be affected and settled on a voluntary program called the responsible retailer program. So my sort of knowledge of this issue and tracking of this issue goes back a number of years, and I think that that initial effort failed, and one of the reasons that i'm looking to support this effort is that I would treat everyone more uniformly, I think make it clear that these are the expectations now. Is it the panacea? I don't think that commissioner Leonard is promoting this as a panacea to the issue but as a step in a series of other steps that we need to take on the issue. I do appreciate that it would potentially have some hardship on you and potentially affect your sales, and we're trying to strike that balance, and i'm a big fan of -- i've been in both of your -- some of your locations, and i've been in your store. We're trying to strike that balance between letting you be as successful as you can free of regulation but also trying to keep the community as graffiti-free as possible. I was wondering if you had any comment on my observation.

Lambert: I think there is a better way to do that without going after retail business. If we left Portland, what would you guys have? You guys would have no city and just have people. And I know the property taxes is what your main income for Portland, but, I mean, the business -- people have to go to their store, to our stores so that they can get the products to survive. I mean, you guys aren't going to sell those products, I mean, to people. And I think that, if you're hurting us, you're ultimately hurting the people who are paying taxes towards -- for the city and state and federal. But it --

Adams: Wouldn't you like to have all retailers doing the same kind of responsible efforts that you are? I mean, right now, we have retailers that are not making the effort that you are --

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Lambert: Right.

Adams: -- to address this issue and that also puts you at a competitive disadvantage.

Lambert: Ok. I think it's kind of different for us. I don't know if anybody from home depot or fred meyer's is here, and I guess it would still affect them as well.

Adams: It would affect everyone equally.

Lambert: Well, it's still a lot of red tape. I mean, if there was -- if we were given money or something like that so that we can kind of promote and we can feel like we're still welcome to put out -- you know -- locked cases and whatnot on that, then we probably would have less of a problem with it, but -- but this his our sense now.

Adams: And I really appreciate your input.

Lambert: Thank you.

Potter: Thank you, folks.

Michael Nelson: good afternoon. My name is michael nelson. I represent parkrose hardware. After reading the council's proposed ordinance, I understand the council's frustration. Indeed, we've been victims of criminal activity on our own properties. With that in mind, I applaud the council's willingness to address this problem, but we respectfully take issue with the council's proposal of shifting the responsibility for the crime from the criminal where the responsibility lies and shifting it to the retailer who has nothing to do with the crime being committed. As a long-term business that has been serving the peoples of Portland for more than 38 years, we sell tens of thousands of dollars of spray paint a year. As a responsible business, we do not sell spray paint to individuals younger than 18 years of age. Not only do we do this with spray paint but strictly limit the sale of other products used for the production of illegal substances such as meth. Sorry. This is a strong issue for us. Meth. We take our responsibility to our community seriously. This is why we oppose this proposed ordinance so strongly. To modify 40 feet of counter space in our stores will cost us thousands of dollars. The labor requirements to change out the counters, stock products in locked cases, and keep all these records will incur ongoing costs of thousands of dollars. If one of the 100 or so employees that work for us does not fill out a form correctly, our business is subject to a 5,000-dollar fine. This is all bad, but that's not the worst thing. Resentment that our business will face from our legitimate customers that resent the additional government intrusion in their private lives for the purchase of a can of spray paint is the worst thing that we have to deal with. We respectfully propose that you pass ordinances that punish the criminals that do the crime in our communities and not shift this punitive ordinance to businesses that already work in a difficult and challenging business environment. I'm grateful for the chance to speak before you today. Thank you very much.

Lois Hankins: I am lois hankins. I have two hardware stores in Portland, one in southeast, one in northeast. I'm a responsible retailer. When they asked us to do something about it before, we rearranged our paint departments. We have all of our spray paints in line of sight of our front counter clerks. We do not sell to people under 18, and we count it every morning so that we know if there's any shoplifting. We do not have an accountable amount of shoplifting in that area at all. I worked in a retail store for 22 years where we had to keep track of ammo that was sold for guns and for gun sales. Gun sales we did have problems once in a while. They did come back and check our books. With ammo, in the 22 years, I can remember two cases that they checked. Neither one of them could they bring it as evidence, because there was no proof that those shells came out of that box they had purchased. And the same problem would be with the spray paint whereas lots and batch numbers are for thousands of cans are spray paint, not to identify an individual can of paint. I feel that also we are being blamed for something that's not our responsibility. I, too, have spent hours cleaning up graffiti. When I was on the lease to the building next-door, I was out there every morning with my paint. Thankfully now I sit back and don't bother to get back to my store. There

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are other places it would stand out more. But I feel i'd like to see the people that are guilty doing it being punished. And please take us into account when you decide on this. Thank you.

Joan Bohee (spell ?): I am actually reading two letters that I received from people who had been informed of this. The first one is from uptown hardware, who does business as pearl hardware and as woodstock hardware. He's in northwest and southeast. He writes, we have come to the conclusion that there is really no way to calculate exactly how much time or money it would take to lock up our graffiti supplies. These items that are being targeted as problems are used every day by hundreds of builders, property managers, and homeowners in the city. The consumer inconvenience would be equal to or greater than my own, and that is my first concern. If and when such a policy takes effect, I question its ability to effectively track those that are actually doing the graffiti. How does a name, phone number, and address indicate a guilty party or a person of interest? It is our company policy to question questionable spray paint purchases such as a person under the age of 18 buying outrageous quantities. We have gone so far as to request letters from parents in such situations, and that alone has deterred many. The problem here is obvious. As a business owner in Portland, there is nothing more aggravating than having somebody deface our property and cost us time and money to clean up the mess. It has always been our priority to cover the graffiti as soon as possible in order to discourage further problems. The theory has worked for us. However, the problem tends to move down the block to the next building. I don't know the perfect solution to this problem, but this proposal is not the answer for many reasons beyond the cost and time issue. If someone were to present me with a piece of software that is compatible with my existing point of sale software that tracks identification and does not create confusion and expensive time for the consumer, I would be open to discussion. It would be my suggestion to the city council that we spend more time and money on educating our youth and giving them incentive to do something more creative with their time than defacing the city they live in. The problem starts at home and not in my hardware store. The other one is from peter rosing, who sells arts supplies. He writes, I constantly see the effects of tagging all around town, and I feel strongly that this is a problem that warrants the attention, cooperation, and participation of business people. I have made the decision at my business not to stock several products that might be used for tagging, including spray paints and oil-based paint markers. I have, however, ordered these products as special order items for customers that I have gotten to know or whose work I am familiar with. I realize this method is easier for a small business than for a large one, but I see it as an opportunity to provide personalized service rather than viewing it as a restriction shun on my sales. If I do decide to stock products such as spray paints in the future, I would definitely keep them locked up as a safeguard against tagging as well as against theft since this type of product in the art materials industry tends to be much higher priced. He would like a specific list of affected items, particularly as it relates to permanent markers, e. Guest oil-based paint markers versus acrylics versus fine tips. There are a lot of products. I guess there was a short list of the usual suspects. I am not familiar with the policies beale proposed, but if there are penalties for business owners, I am also strongly in favor of that. In my own experience, it only take as few minutes to paint over tagging, and doing so seems to be a strong deterrent. One more thought. There is growing interest, especially among young people, in legitimate graffiti art. I think it is important to identify tagging as a sort of vandalism. Some art forms do not fit the comfortable aesthetics. Thank you.

Potter: I have a question. You represent the apnba. Correct?

Joan: Correct.

Potter: Were you contacted for the crafting of this ordinance?

Joan: No. I got a notice from jackie babaky from the small business advisory council asking if we knew about this, and I had not. I'm sorry. I missed the entire first meeting that you had.

Potter: Either of you folks been consulted? Thank you.

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Leonard: Before you all leave, I would like to ask officer miller to come up and respond to some of what you said and maybe marcia as well. I was in communication with division hardware in the crafting the ordinance, heard these objections early on, and I appreciate that each person who testified today talked about voluntary not selling to people under 18. That's commendable. Instinctively or intuitively, when I started crafting this, one of the first things I thought we needed to have in the ordinance was a prohibition to sell spray paint -- graffiti materials -- to people under 18. When they learned a year ago, as I started drafting this, is that's not the problem, believe it or not. It isn't people under 18 that are the problem. It's actually the age range which you'll hear from a second, 18 to 30. So it is people coming in that are over the age of 18 and, yes, they do shoplift, which is a problem, so I appreciate what division hardware has done to try to address that. But they also just purchase and leave. I hope you can stay and hear the folks on the frontline that are having to deal with this, what is really an epidemic particularly in some parts of Portland.

Officer Miller: I would just say that specifically 80% of the graffiti we see here in the city is committed by adults between the age of 18 and 30. I look at this ordinance as a small part after bigger picture. Of course it's not the end-all of ordinances to stop the graffiti problem, but the majority of these guys go into these stores and they steal the paint, and it's an easy way for them to get ahold of it. My feeling is that the ordinance is going to act as more of a deterrent to these guys who are going into the stores to purchase the paint to commit illegal acts. I don't think that those guys want to come in and write their name down and identify themselves, and I think it's going to deter them and I think it will affect sales of paint at all of these retail stores, but it's going to affect their sales because those are the people that primarily we don't want to purchase the paint anyway. The legitimate customers that are buying the paint for legitimate reasons I think will still go. This problem that we have here in the city is something that we all have to work together to solve. It can't be handled alone by the Portland police bureau or the graffiti abatement office. We have to work together. Some concessions have to be made by everybody. And I know it places an incredible hardship on our tax-paying business owners, but I think it's going to have an effect, and I think, if we work together with the business owners, I think that we'll see that there will be a decrease in the amount of graffiti-related crimes we have around the city.

Saltzman: We heard testimony about requiring serial numbers and lot numbers. I guess I'm surprised spray paint has serial numbers. What is the thinking around that?

Officer Miller: I would have to divert that question to commissioner Leonard, because I'm not totally familiar with all of the aspects.

Leonard: Marcia do you want to address that?

Marcia Dennis, Office of Neighborhood Involvement: Well, I just looked at the ordinance, the copy that I had of the proposed ordinance, and it doesn't say serial numbers. It does say lot numbers. And I don't know how effective that would be, because it sounds like lot numbers -- I don't think we can trace one lot number going to one store. It sounds like they go to lots of stores.

Leonard: But it gives us the ability, the means by which -- and it's language frankly adopted from other communities that have found it effective to trace back where the paint came from and narrow down who sold it.

Saltzman: From a can or from the paint itself?

Leonard: From a can and the paint.

Dennis: There's nothing that says serial numbers.

Leonard: They can actually analyze the paint and determine where it came from.

Saltzman: So serial numbers --

Dennis: Serial numbers is not part of the language.

Potter: Which one of you folks, the last time we heard this, talked about the fact that the majority of spray paint is bought over the internet?

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Miller: That was one of the people from the graffiti abatement clean-up crews. That was their perception.

Potter: What's your perception on this?

Miller: That's not my perception. In fact the stack of reports I have on my desk now, which is about 80, at least four of those reports officers were able to find evidence, like receipts, from local businesses where the graffiti was purchased legitimately. And in two of the cases, the suspects admitted that they stole the paint from various stores. So I think it's going to make it extremely difficult for these guys to get the paint here, and it's my desire to -- and I hope to, if this ordinance passes -- I want to meet with city officials from the other surrounds cities, and I would encourage them to adopt the same ordinance so that, in a way, we can create a small circle or safety zone where it would make it extremely difficult for those guys to leave the city of Portland and go to the city of beaverton and get the paint. I think it would be beneficial to all the cities.

Leonard: And last week I alluded to doing the same thing for the same reason and have since met with a member of the gresham city council who plans to introduce this upon passage in Portland and then carry it to -- apparently there's a meeting she goes to regularly that is suburban cities surrounding Portland that she will take that to, and I will go with her and ask all of the cities to adopt this. She felt very much as you do, that this was unfortunate but necessary as a step to take.

Miller: And we hope to gain additional support at which point in time, additional resources to also battle the problem, not just the ordinance itself but other things that we can do in creative fashion at the bureau and at the abatement level to try to continue to do things to battle the problem to get a handle on it.

Dennis: I guess, adding onto what matt said about the online supplies of graffiti materials, there is an online industry in sales of graffiti materials. Those things are -- many of those things come from europe, specialized spray paints and things, and they're extremely expensive. I'm sure some of them are being used, but I think the majority, based on particularly what the police are finding when they interview these vandals when they're arrested, is that it's either purchased locally or it's shoplifted.

Potter: Thanks, folks. Is that it? And so it moves to a second reading. I would like to have it read early september. Would that be ok?

Leonard: It would not be ok. It's going to be on the august 29th calendar, and that will have been the third time, and I had planned on it being voted on then.

Potter: So you won't make it a few extra days?

Leonard: I will not.

Potter: I would move that this be heard on the first wednesday in september.

Saltzman: I'd second that, because I also won't be here on the 29th.

Potter: Is commissioner Adams here?

Saltzman: Yes, he is.

Potter: I've moved and seconded to have this hearing in the first week of september.

Leonard: I've opposed it. It's scheduled to be on the august 29th calendar, and i'd like to have it heard and voted on then.

Potter: Commissioner Adams will be gone that day -- I mean commissioner Saltzman.

Leonard: It needs to get done. This has already moved to a third week, and we want to get it implemented.

Potter: Call the vote.

Adams: I'm voting on exactly what?

Parsons: To have the seconding reading on september 5th.

Adams: No.

Leonard: No.

Saltzman: Aye. **Potter:** Aye.

Adams: So now what?

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Potter: So it moves to the 29th?

Adams: So that's the automatic date. Ok.

Potter: It would move to the regular agenda. I have an excused absence from council at 12:45. Would it be ok with the council members to have the emergency votes heard first?

Leonard: Sure.

Potter: Please read item 1007.

Item 1007.

Potter: Thank you for being here. Please proceed.

Charles McGee, CEO and President, Black Parent Initiative: Good afternoon, mayor and city council. First we want to thank you all for this opportunity again to come before you. About two years ago -- well, really, i've heard about a tradition here at city council where we ask the question "what about the children," but today I want us to sort of take a step back and take a deep breath and ask yet another question. "what about the families?" in Portland, we know that just about 43% of our african-american kids are graduating from Portland public schools each year. As we talk about gentrification and changing the economy, we know there are a lot of things being hit especially in our communities of color. About two years ago, we asked ourselves this question. What about the family? And we created what is now the black parent initiative. The black parent initiative focuses on two areas -- primary areas -- as of now, and that's assistance done by concordia university where twice a week students from concordia go into african-american churches, 11 churches over the next year, and they tutor students and work with them getting cultural competency training to really work to develop students' competency and for students to feel more comfortable. Last year we had everything from students getting help with college applications and students getting help with that tough subject and coming back and showing that a paper. Show that was a wonderful partnership with concordia. We're also talking about leadership development. We've done a partnership with matt g, talking about power dynamics. We're going into these churches and talking about how do we build parents and their individual stories and voices so that a year from now, six months from now, these parents can sit in this seat and can express to you their need, a need in the community not only for more transparent but more servanthood leadership. What we're trying to build is not build our names or build our images in this community but really to build the parents and voices and to help ultimately close the educational achievement gap. There's a ton of research. The bill and melinda gates foundation just did a huge piece around adult -- parental engagement and the effects especially on low income and children of color, and so the 100,000-dollar grant will be going to supporting a noble cause. It will be going to support the development and the constitutional building of our african-american community in a different way.

Johnell Bell, Black Parent Initiative: mayor, members of the city council, john l. Bell, secretary of the black parent initiative organization. It's a pleasure to be here with you all today in support of this grant. Just to sort of give you a synopsis of where we stand on behalf of the board of directors is this is certainly a huge piece of importance for us for a number of reasons, one of which is this grant will help to build leadership capacity of parents to become active participants in their child's education and school. We often know that to be engaged in your kids' education, to be active in p.t.a. And others all play a role in terms of the success. But the question becomes why aren't african-american parents traditional engaged? A lot of it speaks to culturally specific services. A lot of it speaks to how we are really outreaching to those parents and providing avenues for their engagement. Really what our goal here is to have opportunities to utilize the church, which is a historical mechanism for african-american engagement and leadership. And so it's really captivating on that relationship. It's not a teaching doctrine, but it's really utilizing those capacities. That's historic. The other piece is this funding will help to leverage other sources, both public and private, so we really see the city of Portland's grant as a leveraging tool. Not the be all, end all but really a leveraging tool to have conversations with private foundations as well as other

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organizations. On behalf of the board of directors, we're really in support of this and want to thank the mayor specifically and his office for helping us develop this proposal.

Adams: I think it sounds really promising. The part it wanted to hear you expand upon is the notion of teaching leaders. To what extent? This is just a one-time grant. To what extent do you foresee being able to teach parent leaders who can then go on and be available to teach other parents?

McGee: So what we are doing in that supporting of the 11 churches, we essentially go into a church and start what is called a parent network. The simplest way is a p.t.a., and before we do that, we go through leadership developing at looking at what is a leader. What's the power dynamic? Who are the players out there in the education need? We're really also speaking to what are our interests? Because we understand and believe as an organization and really it's been made clear to us in the last year that a lot of our parents -- i've never met parent who said I want my child to be a drug dealer, end up hopeless in the street. But a lot of parents especially from low-income and distressed communities do not have the opportunity to volunteer three or four hours at the school. Because of the mitigating issues in their lives, they do not, because of other pressing issues, and so going to the church site and building this relationship and doing it with a small cadre of parents, 10 to 15 parents who then will start to really build and say, what are the barriers to my engagement in my child's education at the church site and then using the church institution to really start to build a movement to say, ok, at one church last year, parents said it was adult literacy, so they went out and created a partnership with p.c.c. In which they start to get tutoring through p.c.c., learning how to read. How can I teach my child to read if I can't read? So building that is what we hope to do. But really taking a gradual approach and being extremely methodical and holistic in our thought and how we do the work.

Bell: Commissioner Adams, just to answer your question and add onto what Charles just mentioned, we believe the leadership potential is there. A part of the study we worked with Adam Davis and one thing we found out early on is parents wanted to be engaged, but the way of that engagement, both through school and other avenues, was not conducive to their engagement. We had a couple parents say, I want to be engaged. I've never been asked. Or when I show up to the school reception, I'm not greeted with a friendly atmosphere. We're utilizing places where folks are comfortable, which is the church, to really captivate on that leadership potential.

Adams: This is just one-time money. Once it goes away, the lasting benefits of training trainers is built into this?

Bell: Our hope is to be back here in six months or so and to really present to council and to explore from there. We're getting funding currently from the district as well as individual philanthropists.

Adams: So you might be back to ask us for more money.

Bell: We just might be.

*****: [laughter]

*****: Just may be.

Adams: I'm just thinking ahead this morning.

Bell: Further than that, Concordia University has added a lot of leveraging. We foresee this program -- Charles and I have talked about this going on is we weren't interested in another fly-by nonprofit, because I think that does a disservice to a lot of kids and a lot of parents who depend on those services you have today and you don't have it tomorrow. Really we're being very methodical in terms of the approach of how we build this. We're asking for funding from private sources over a few years, not just one. The city of Portland, we wanted to first show you what we're going to be able to accomplish and then come back and have a meaningful conversation.

Adams: So there is a nonprofit that's been created?

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McGee: Miller, nash law firm is helping us go through our nonprofit process, and we are incorporated in the state of Oregon and are waiting to hear back from the i.r.s. So we have assistance from concordia university and their c.p.a. They're helping us do our stuff as of now.

Potter: Further questions? Thank you, folks. Is anybody signed up to testify on this matter? We have to wait for commissioner Leonard to come back, and then we'll take a vote since it's an emergency. Please hear the next emergency vote, which is item --

*****: Thank you.

*****: Thank you very much.

Potter: Item 1011.

Item 1011.

Jeff Baer: Good afternoon. I'm jeff baer, the director of the bureau of purchases. Before you is a request to authorize an exemption for the south park block 5 project on behalf of Portland parks and recreation. Under Oregon law, we're required to come before you to get an exemption from the traditional low-bid process of which we've made the findings attached in exhibit a. Primarily we have to show that it will not diminish competition. Because of that, we're going to do a competitive request for proposal process in order to select the contractor to perform the work. And then it will also show substantial cost savings. And those findings are attached in the packet of material that you should have before you. So, with that, i'll just pause. If you have any questions about the process, i'd be glad to answer them. I also have represents from park here, too.

Adams: Back when mayor katz was part of the team that worked on this, if I recall correctly, the estimated cost of the park at that time, the cap of the park, assuming the garage below, was 2 million. And now I see here that it's estimated at 4.5 and just wanted to air out the difference in the price.

Robin Grimwade, Portland Parks & Recreation: That's correct, commissioner Adams. The original price was 2.1 million. And at the public involvement process, as a result of that process, the public said, we are looking for more than just a routine sort of neighborhood sort of park. We want a truly significant park. It's a signature park. It's in the context of pioneer courthouse square. And that necessitated us to relook at the budget and to secure alternative sources of funding. And our project manager, explain more on that if council requires.

Adams: This is a low-confidence estimate? You obviously, in the documents, make the case that, given the 4.5 that you have, it's a low confidence estimate that the gcmc is the best opportunity to achieve the public expectations for the park within the resources we have? Do you want to talk a bit about why you think the cgmc is the best way to do that?

Alison Rouse, Project Manager, Portland Parks & Recreation: Allison rouse. I'm the project manager for south park block 5. First i'd like to correct one thing about the 2 million dollar figure. That was the total project budget rather than just the construction cost. And because we're building on structure, the per square foot cost of constructing a park on structure meant that that budget would go not as far. And, again, the public expressed clearly to us, as well as our steering committee in our process last year, that they wanted a signature park. So now we have arrived at a schematic design for that, and we --

Adams: I apologize, but at the time that we inked this deal way back when, are you saying that the structure underneath it was not contemplated?

Rouse: No. I'm sorry. I misspoke. What I meant by that was that we knew that the structure was there, and the 2 million dollar budget that we had would indeed build a park, but it would build a basic park rather than the more significant feature that the public had asked for. So we have arrived at a schematic design. And the challenges of building on structure and meeting the schedule of beginning construction after the garage is completed and the difficulties of staging them on such a tight downtown site we think will require a contractor who has been involved while the documents - the construction documents -- are being completed, and the cmgc would allow that.

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Adams: Talk to me about the amount of money you see devoting to public art, the 2% for art requirements and your hopeful desire to go beyond that.

Rouse: We would like to go beyond that. We will certainly meet the 2%, and we hope to make sure that the park has a significant art element. Again, that is in keeping with the expectations of the public process. How exactly it works out above the 2% I can't say at this point.

Adams: And then I noticed in terms of who's on the selection committee -- and this is, if I recall correctly -- this is a contract for both the parks and the right-of-way improvements, same contractor. That is correct?

Rouse: Yes. Although the right-of-way improvements, we're still exploring the feasibility of that, so that is not -- that is not a part of the 4.5 million.

Adams: So the sidewalks would be separate?

Rouse: Correct. We're still exploring how that might be done and how that might be paid for.

Adams: Tell me more.

Rouse: Well, we have a schematic design for that and a multibureau coalition has come forward to say that we would like to fulfill the park avenue vision for this, which is a planning document adopted by council in 2004.

Adams: Midtown block?

Rouse: Correct. Correct. It was park avenue vision is another term for those same blocks which calls for a special street treatment certainly at south park block 5 but hopefully also on those blocks between salmon and burnside. So we have begun the process of seeing what that might look like, but exactly how it gets implemented is still up in the air. We just -- because the street rate at south park block 5 is open due to construction of the garage, there's an opportunity that we would like to take advantage of to reconstruct that street to the special standard if it can be all hammered out in time before the park opens. And so this contractor needs to have expertise in building that sort of street and meeting the challenges of the traffic flow, et cetera. But that is -- we have not yet begun to figure out how that would be implemented.

Adams: Do you at least have resources in the budget to replace sidewalks -- standard-issue sidewalks -- on alder and yamhill?

Rouse: It would just be the right-of-way at park avenue and then to repair the little bit of the sidewalk that was damaged during construction at yamhill and taylor. And the builder of the garage is responsible for that, and there is -- they have bonded with the city and have a budget to repair that.

Adams: Thank you very much.

Baer: To add onto that, once we go through the contractor selection process to the evaluation phase, we will be back before you with a recommendation to award the contract, and I think we'll have some more of those details that you're asking for.

Adams: So the final price tag comes back to us? Ok. Thank you.

Potter: Other questions? Thank you. Is there anybody signed up for testimony?

Parsons: I'm sorry. I haven't picked up the sheet. Is anyone here to testify?

Potter: Please take a seat.

Veronica Bernier: Veronica vernier, p.s.u.

Potter: You have three minutes.

Bernier: I'm familiar with the area that you address, and I support the plan to fix the sidewalks. I think it's representative of a lot of things that need fixes in our area, and certainly the funding should be made available. Also I would like to add a little bit of thought -- my thought -- authorities it, and that would be to reserve a little bit of money for insurance for the workers. We find that sidewalk maintenance, specifically areas that are under the control of rosemary bostwick and steve taylor, do -- they do incur a lot of interest from sidewalk superintendents so i'd just like to say, if there's any extra money available, maybe give these guys a little extra support, because they

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are doing a good job for the city, and we support that. And also the trees, too. The tree people. I just wanted to put in a plug for those nice people that water the trees during hot august nights. Anyway, so generally speaking, we support all that work and also thank you for doing such a great job, city council, mayor Potter and commissioner Saltzman and sam Adams and of course randy Leonard and erik Sten, who isn't here. We really appreciate your work during this time that's so politically volatile. Thank you.

Leonard: Thank you, veronica.

Potter: Please call the vote.

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

Potter: Aye. Would you turn to item 1007? We've heard the testimony. Please call the vote.

Item 1007 vote.

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

Potter: Aye. The third emergency ordinance is item 1013.

Item 1013.

Mark Gray: Good afternoon. My name is mark gray, the manager of communications for the bureau of technology services. You have before you an ordinance to authorize a contract with qwest for public safety telecommunications equipment and maintenance. This contract is the result of 18 months of negotiation to consolidate multiple contracts for services to support the 911 center and the services they provide. Currently the services that are covered under this contract are being provided on a time and materials basis, which has greatly increased not only the cost but it's increased the difficulty in accomplishing some key strategic initiatives in order to maintain and implement new projects.

Potter: Anything further? Anybody have any questions?

Leonard: Could you identify yourself?

Maureen Kinzel-Grubbs, Bureau of Technology Services: I'm maureen kinzel-grubbs. I'm the project manager on this contract. And I am also a project manager for boec and for the bureau of technology services.

Leonard: From qwest?

Kinzel-Grubbs: I'm from the city of Portland.

Potter: Further questions?

Leonard: I think it's appropriate for me at this point to be able to talk about some of the issues related to this contract that we've been trying to deal with at 911, and maureen was invaluable in helping us address an issue that I need to publicly acknowledge her for that, in my view, will end up saving lives. And as most of the council knows, we've had a struggle in the last few years with how to deal with calls on hold at 911, and I put an enormous amount of pressure on the center to figure that out that culminated there in a meeting that maureen was involved with and officials at 911. And maureen was instrumental in us implementing a new technology that will happen right after labor day that will essentially allow us to put calls back on hold that are nonemergency tharp not able to be put on hold prior to our discussion. I want to thank you very much for your help. I was being told that it couldn't be done until I had the meeting with you present and then magically, within a week, it was done. So I am really convinced it's going to ultimately cause somebody to have the phone answered that would otherwise be left on hold that is trapped in a house that is on fire or somebody is kicking a door in with a gun. And that was -- I really appreciated your help and ability to get this done. So thank you. And i'm happy to support this contract.

Adams: Good work. Good work.

Potter: Do we have a sign-up sheet for testimony?

*******:** Clerk: I did not have a sign-up sheet for this one.

Potter: Please call the vote.

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

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Potter: Aye. I have an excused absence. I'm turning over the gavel to the president of the council.

Adams: Thank you, mayor. We're on item 1008.

Item 1008.

Jeffrey Baer, Director, Bureau of Purchases: Good afternoon. Jeff baer with the bureau of purchases. You is a request to execute a contract with Portland habilitation center for janitorial services to provide these for 18 different community centers for the Portland parks and recreation. Under Oregon law, we are required to contract with a state-certified, qualified rehabilitation facility in order to provide the janitorial services for facilities, and we sought out a proposal from p.h.c. They're in full compliance with our e.e.o. Program, business license, and our equal benefit requirements. They're in full comply witness with that as well -- compliance with that as well.

Adams: Did these items get voted on today for move to second reading, purchasing report?

Parsons: They get voted on today.

Leonard: Voted on.

Adams: If there are no questions from council, sue, please call the roll.

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

Adams: Item number 1009.

Item 1009.

Jeffrey Baer, Director, Bureau of Purchases: jeff bayer, city of Portland. Bureau of purchases. This is a request to execute a five-year agreement with pierce manufacturing for -- to purchase these triple combination pumpers for the Portland fire and rescue operation. And one of the benefits of this, having a multiyear agreements is that we also open this up to other public agencies around the state of Oregon, so others outside of the Portland area can actually utilize our contract and purchase the product -- the machine at the same price we're actually buying for, so they get to take advantage of our buying power in order to purchase these. I'll be glad to answer any questions you might have related to that.

Adams: Any questions from council? Anyone that would like to testify on this issue?

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

Adams: Item 1010.

Item 1010.

Adams: Do you have introductory remarks?

Leonard: Today is the day that the retail outlets in Portland are required to have biodiesel coming out of their nozzles into people's cars. The july 1st ordinance went into effect, and so wholesalers couldn't sell anything but biodiesel on july 1st, but today is the first day you can count on, if you drive a diesel-powered vehicle, pulling up to any pump in Portland and having it be a mixture of b 5. This contract, while not directly related to that, is related in that it's a part of the city's broader effort that we've undertaken with the office of sustainability, the water bureau, the bureau of development services, and others to innocent regional production of the feedstock that will be the basis of the biodiesel we use. This contract essentially is us purchasing our biodiesel from an Oregon farmer and being processed by an Oregon -- the only Oregon-based biodiesel manufacturer in Oregon. And i'm just exceedingly proud that we have got to this point where we've established relationships really on both sides of the cascades that are business relationships that are good for not just Portlanders but really our entire -- and more than just Oregonians. Our entire region, including eastern Washington farmers and farmers in idaho and northern california that produce a crop that will meet that ever-increasing demand of biodiesel that Portland is going to become known for. And so -- and jeff's been invaluable in helping us put this together, and if I haven't said it before, I appreciate your creative work in getting this done, 'cause this was not an easy contract, and I know that. I want to acknowledge your excellent work in getting it done.

Adams: Anything you'd like to add?

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Jeffrey Baer, Director, Bureau of Purchases: This is just the culmination of the ordinance that you heard back on July 25th, and this is just a wrap-up to kind of say, here's what we concluded the process and are awarding the contract to star oilco. I just attended a national conference back east. This is getting quite a bit of recognition gnash hallie about how we were able to come up with the criteria to look at the environmental impact of actually delivery of the product, the base feedstock, to the actual refineries. So it's actually getting a lot of recognition.

Leonard: Excellent.

Adams: Questions from council?

Leonard: And I want to make sure that I recognize commissioner Saltzman's office of sustainable development, as I try to do every time. They've been equally invaluable. I just don't think we'd have got this done without their great help. They continue to be a can do bureau that we just really appreciate working with. And we work with them a lot.

Adams: Is there anyone that would like to testify on this issue?

Parsons: I didn't have anyone signed up.

Adams: Call the vote.

Veronica Bernier: Veronica. Still here.

Adams: Welcome.

Bernier: Biodiesel. Just to refresh my memory correctly, biodiesel comes from fruits and other things?

Leonard: Well, it comes from --

Bernier: Could you explain for the audience what that means?

Leonard: It can come from animal fat, but what we're focusing on in this contracts the plant canola or soybean is another --

Bernier: Derivative.

Leonard: Yeah.

Bernier: I just wanted to know that. I wondered. Ok. I have smelled from fruity -- oh, this sounds awful. Some smelly cars. Wait a minute. Just bear with me for a second. I have smelled some cars that are offgassing something that smells a little fruity, just like apricots for something -- apricots or something like that. In the hot weather, is there an advantage to biodiesel? Does it have more octane if you compare it to, say, high octane, low octane, low leaded? Where does it fit on that scale? Depends on compression of the car, in terms of pickup on the freeway, are you meeting the gap or bridging the gap in terms of power?

Leonard: Those are great questions. Actually biodiesel is -- it actually has the same amount of b.t.u.s per gallon roughly as a gallon of petroleum. It has the same power, the same miles per gallon. The smell you're smelling probably is, if you think about it, more like french fries. That's what most people think when they smell a car that burns biodiesel. It reminds them after restaurant smell and generally a fried food. And mostly what I hear and whey think when I smell it is --

Bernier: That's what I smelled, yeah. Something fruity. But I wondered in terms of compression. High compression, especially during the weather when people are going to need to use high octane fuel in order to get that pickup on the freeway.

Leonard: This does that.

Bernier: Where it ranks is equal to regular high octane?

Leonard: Yes.

Bernier: That was my question. Thank you very much.

Adams: Thanks, veronica. Any other public testimony? Sue, please call the roll.

Adams: Congratulations, commissioner Leonard. Thank you to jeff. Great work. Aye.

Leonard: Aye.

Saltzman: This is great work, and also it's great to have the first day of the implementation of the biodiesels here. I know it wasn't easy.

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Leonard: No.

Saltzman: Aye.

Adams: Item 1012.

Item 1012.

Adams: Sorry you had to wait.

Marian Gaylord, Towing Coordinator: Hello. I'm marion gaylord, the towing coordinator for the city. And I think it's fairly self-explanatory. I'm really here to answer any questions that any of the commissioners would have?

Adams: This is a first reading. Any questions from the council? Anyone in the audience that would like to testify on item 1012? Thank you. Passes to second reading. That leaves us with the last item for this morning, 1014. Second reading only.

Item 1014.

Adams: Please call the roll. Add.

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

Adams: All right. We're adjourned then until thursday at 2:00 p.m.

At 3:39, Council adjourned.

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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.

AUGUST 16, 2007 2:00 PM

Item 1015.

Adams: To kill a little time here before we get started, there's no clapping in city council. If you want to make sure that we know that you agree with something and you're not sent up to testify, you can do this.

*****: [laughter]

Adams: Jazz hands.

Leonard: With all fingers extended. Very good.

Adams: That means you like it. It's a substitute for clapping. And what else? No signs.

Leonard: No throwing anything.

Adams: No spitting. Just the basic --

*****: [inaudible]

Adams: If you didn't like it, then I guess you can do this. Yeah. [laughter]

Adams: No hitting each other.

Saltzman: We've never had that happen before.

Adams: Yeah. That's never happened.

*****: [laughter]

Adams: Never. No. That happens a fair amount here. Almost all the issues that come before the city council are contentious, so occasionally we get issues that everyone in the room loves, but that doesn't happen very often.

Leonard: Not too often.

Adams: If it's made us to us, land use issues, that means there's been disagreement through a number of different steps making its way to us. I guess the only other thing I could say is, because it's a quasi judicial process, you're required to keep your comments to the nature of the appeal. And so, if I interrupt you during your presentation or the city attorney interrupting you or even the opposing side, depending on which side you're on, they can interrupt you if you stray from what is before us. I'll just prepare you for that.

*****: [roll call]

Adams: Commissioner Saltzman has some special words for us today.

Saltzman: Thank you, mr. President. As some of you may be aware, sandy diedrich, a parks and recreation employee, passed away yesterday morning at good samaritan hospital. She was the creator of the no ivy league, and we actually have this summer's crew of the no ivy league in the back of the chambers here today. A passionate protector of our parks and national areas and a tenacious advocate for the young people of our city, sandy's active mind, creativity, and keen sense of humor will be profoundly missed. Her legacy remains in all of the people, especially the youth, that she touched. The programs she nurtured, and the passion she ignited. As I said, we have some of these youth with us today in council. Thank you for your efforts in fighting invasive species in our natural areas. Our thoughts and prayers are with sandy's family as they adjust to this loss, and I ask that, in honor of sandy's contributions, take some time this weekend and attack some ivy or another invasive plant to your yard or in your neighborhood. Her legacy will live in through all the people she has touched. Thank you, sandy.

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Adams: If we could have -- there you go. She was a great person and an inspiration to, I know, many of us in what it means to be a citizen of the city of Portland. Let's just have a few minutes of silence. Thank you. All right. Sue, would you please read the agenda item and the agenda number and description?

*****: Clerk: [reading agenda item]

Adams: The city attorney now will make some procedural announcements at the beginning of this hearing. These announcements are required by state law and describe the way that the hearing will be conducted, including the kind of hearing, the order of testimony, and the scope of testimony.

Kathryn Beaumont: Thank you, commissioner Adams. I have several announcements to make at the beginning today. First, as to the kind of hearing we're holding, this is an on-the-record hearing.

This means you must limit your testimony to material issues in the record. 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. Second, as to the order of testimony, we'll begin with a staff report by Nizar Slim 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. In today's hearing, the appellant is also the applicant. Following the appellant, persons who support the appeal will go next. Each person will have three minutes to speak to the council. Next the principal opponent will have 15 minutes to address the Council and rebut the appellant's presentation. If there is no principal opponent, the council will move directly to testimony from persons who oppose the appeal after supporters of the appeal conclude their testimony-- again, each person will have three minutes. Finally, the appellant will have five minutes to rebut the presentation of the opponents of the appeal. The council may then close the hearing and deliberate and take a vote on the appeal. If the vote is a tentative vote, the council will set a set a future date for the adoption of findings and a final vote on the appeal. If the council take as final vote today, that will conclude the matter before the council. Finally, I'd like to announce several guidelines for those who will be speaking to city council today. Again, this is an on-the-record hearing, which means you must limit your remarks to arguments based on the record compiled by the hearings officer. You may refer to evidence previously submitted to the hearings officer. You may not submit new evidence today that was not submitted to the hearings officer. If your argument includes new evidence or issues, the city council will not consider it, and it will be rejected in the city council's final decision. If you believe a person who addressed city council today improperly presented new evidence or presented a legal arrangement 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. I'd like to make one note for the council which has to do with the 120-daytime limit. The 120th day is August 30th, two weeks from today. So, depending on where we are at the conclusion of this hearing, we may need to request the applicant to grant an extension of time if there is a need for additional time to bring back findings or to continue the hearing. And I just wanted to flag that so you're aware.

Adams: Thank you. We now have a few more preliminary matters to go through before we open the public hearing. First is potential conflicts of interest. Do any members of the council wish to declare conflict of interest? Hearing none, do any members of the council have ex parte contacts to declare or information gathered outside this hearing to disclose?

Saltzman: I do actually. Probably about three weeks ago at the Gresham Eagles, I was approached by a woman who lives in the neighborhood, and she expressed her concerns against this development.

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Adams: Thank you, commissioner Saltzman. Are there any members of council that have questions or other preliminary matters that need to be addressed before we begin the hearing? Hearing none, we will begin with the staff report by the bureau of development services. That will last for approximately 10 minutes. And, again, following the staff report, the city council will then hear from interested persons starting with the appellant. Good afternoon.

Nizar Slim, Bureau of Development Services: [inaudible] with me is eric engstrom, advisor of that section, and kurt kruger with development services, bureau of transportation. With your permission, i'll begin. As stated, the purpose of the hearing here today is to consider an appeal of the hearing's officer's decision to deny a 19-lot subdivision.

Saltzman: Have you prepared a power point presentation? We're not getting that. There we go.

Slim: I'm actually going to read kind of the highlights to you to keep it brief, 'cause this stuff is kind of up on the screen there. Some of the proposal highlights are it is a proposal for a then-lot subdivision. It does include a new public street, and the density and development with the subdivision utilizes the a. overlay. There's also a design review that was done concurrently to take advantage of that a. overlay. Approval criteria in general are land divisions and residential and open space zones. Approval criteria for right-of-way and approval criteria for design review. Summary of the decision was a denial due to the following criteria not being satisfied, and that was approval criteria for the right-of-way specifically turnarounds, section 33.654.120.c.3, little c. Zoning map of the site and here is the site prior to the land division, existing conditions map. And here are some photos of various angles, arrows denoting the angle in which the picture was taken off of the site. Here is the original proposal, the site map of the land division and the way the lots were configured along with the street that was proposed. And this, again, is a public through street. This is just a plan of the tree preservation plan. Site map again. This is still the same configuration. This just shows the utility layout of (unintelligible) as a tree preservation plan altogether. This is a typical elevation of one of the structures that the applicant is proposing to build. Again, these structures are -- the design of these structures go through design review, and again this represents just a typical elevation. There are actually a variety, I believe, three different variety types, concerning just a two-unit -- the two-unit rowhouses, so there is variation throughout the subdivision. And, again, here's another zoning map showing the proposed through street. And here is -- this slide is to demonstrate the primary issue that's before us here. I'm going to hand this over to eric engstrom.

Eric Engstrom, Bureau of Development Services: The issue around this case revolves around the turnaround at the end of the street. The street is intended to be a through street that will eventually go through the block, but because this site doesn't connect through the block, it will temporarily terminate on this site and, depending on when and how the lots beyond this site redevelop in the future, it will eventually continue. The issue was that we've shown three options here kind of conceptually, one with that street just terminating without any kind of turnaround. The middle option being constructing some kind of temporary turnaround, usually off to the side of the street either in conjunction with a driveway or separately. And then the third option being actually building a permanent cul-de-sac that would, even though the street is continuing eventually -- that would serve in the interim. The hearings officer reached the conclusion that a permanent turnaround was required in all cases in this kind of situation. The issue of this appeal in part revolves around how you would interpret the code that discusses turnarounds. And there's going to be kind of two issues i'm going to ask you to kind of separate out. One is the abstract issue and the other is as applied to this particular site. The hearings officer concluded that the code should be read to require a permanent turnaround in all cases of this nature. The bureau has disagreed with that position. That is a slightly separate issue from whether a turnaround and what kind of turnaround is appropriate in this particular case.

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Adams: You're saying council should consider whether a turnaround is necessary or required and then what kind of turnaround is required?

Engstrom: Yeah. And whether or not this is a rule that should apply to all cases like this or whether you're making that decision on some specifics related to this site. And that has to do with how we might interpret this code in the future. Another thing I'm going to ask is that, whenever we're talking about a street that is intended to continue in the future but we're not exactly sure when and where it's going to go, you have to keep in mind that the city's street grid develops over a pretty long time frame, and we're not making this decision based on whether the adjacent property is likely to develop next week. It could be 50 years. It could be 10 years.

Adams: Is there anything in a practical or zoning way that or land use -- out of a land use perspective that would prevent the street from or prevent development along with the street connection would occur?

Engstrom: The lots beyond where this temporary street ends or where the temporary termination is are dividable under the present day zoning, so they conceivably will redevelop, and that's what we're planning for. Whether or not they actually happen immediately is unknown. So having set that context, I want to turn it over to Kurt Krueger to talk about what the applicant is proposing to resolve this issue.

Krut Krueger: Good afternoon. Office of transportation, Kurt Krueger. Just briefly to elaborate a little on Eric's comments, these turnarounds have been a little challenging for us, temporary in nature. In the past, we have had concrete areas placed that effectively look like a driveway along developments that can be used for turnarounds. They become a parking challenge. People don't realize that's intended for a turnaround purpose, so they actually get plugged up being parked on. The other challenge is, in the future, were this street to extend and develop further, who we put the burden of removing that turnaround on. We've had some challenges on permanent-looking turnarounds on these streets that are intended to extend in the future. With that said, we've been working with the applicant to consider some design options, some different site layouts that would address the turnaround issue at stake here, and most of our concern we've heard is from Portland disposal garbage company in that a vehicle comes down and has sufficient room to make the turn around and get out of the street. We've also worked with the fire bureau at this location. This turnaround or no turnaround does not meet fire bureau requirements, their requirements to sprinkler a number of houses, and we have a representative from Portland fire bureau if we need to discuss that further. The applicant has proposed a 70-foot diameter turnaround that would address the garbage disposal needs. Would still most likely need the sprinkler requirement on a certain number of lots, because it's not wide enough for a full fire turnaround, but this does address that need. It would end up as a permanent turnaround, but it also allows for the street to continue in the future.

Adams: And what's the normal diameter of a normal turnaround? You said this was 70 feet.

Krueger: Our city standards are 70 feet for a turnaround. To me, a fire bureau turnaround, I think we are looking at somewhere around 90 feet, which is a pretty extensive amount of paving.

Leonard: And what is this proposed turnaround?

Krueger: 70 feet.

Leonard: So why would we agree to a turnaround that the fire bureau said is insufficient.

Krueger: It's a cooperative effort between the fire bureau and transportation. We realize that in not all cases can we get a full 90-foot diameter turnaround. They have a provision to go through a fire bureau appeal to then put sprinklers on certain houses to deal with it.

Leonard: So you said there are some cases where we can't do a 90-foot turnaround. What limits us from doing a 90-foot turnaround here?

Krueger: Physically, I don't think we would be limited. There are a number of design challenges with putting a 90-foot turnaround, additional asphalt and storm-water runoff come into play as major design factors. We're at the end of the street, temporarily with the low point, the storm

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waters running to the end of the street. The larger we make this turnaround, the more storm water we have to deal with and remove. Additionally, the larger we make this turnaround, the farther the houses get pushed away from the cul-de-sac or the turnaround, and they get pushed further into the rear setbacks and adjacent to neighboring properties. So there was a request to keep the cul-de-sac as narrow as possible to function appropriately for the garbage.

Leonard: I'm sure you're aware of this, but so that it's stated publicly, turnarounds aren't just for the purpose of meeting an emergency. They're often times -- firefighters can end up on a street in an emergency response and need to turn around quickly to get to a different street. So just having sprinklers there, in my mind, doesn't satisfy the need. There are a number of circumstances beyond house fires and beyond what's happening in that particular neighborhood that requires the larger turnaround. I'm concerned about that part.

Adams: Anything else?

Slim: No. That's it. With that, I'll just read the last slide here basically. Your alternatives are to deny the appeal and uphold the hearings officer's decision, uphold the appeal and there by overturning the hearings officer's position, and adopt perhaps revised findings. There's just a note there regarding the 120-day waiver or the period -- review period.

Adams: Any other questions from council for the staff presenters? All right. Thank you.

Saltzman: One question.

Leonard: Could you leave that slide up while commissioner Saltzman is asking -- thank you.

Saltzman: The drawing you showed of the 70-foot turnaround, this was proposed after the hearing officer's division?

Slim: Yes. I believe it was --

Saltzman: A response to the hearings officer's denial?

Slim: It was a response. Prior to this, this configuration, just to note it -- I don't know if this got missed -- they do actually have or did have in place a condition that was recommended that came from fire bureau to have the lots basically sprinklered, and that would be lots, I believe, 9 through 15. Yeah. Just the ones that basically are sort in that -- that are surrounding that sort of turnaround and a little above.

Saltzman: These houses, you mentioned, would be sprinkled with this turnaround?

Slim: Yes. Basically there's about, I would say, 10 of the houses there that would have fire sprinklers, and that's without the turnaround there or with the turnaround. That turnaround does not undo that requirement because of the issues that were stated with regards to the maneuverability of the fire trucks.

Adams: If you could go to the slide with the second option where it was more of a chip? There were three turnaround types. What is that middle one?

Slim: That was a temporary turnaround. Initially that was kind of batted around as a solution, and that was actually discussed with the fire bureau, but it wasn't to their satisfaction. They felt that that wasn't going to be sufficient enough. There's often -- those temporary turnarounds don't work so well, because it's hard to prevent people from actually occupying that space and, in the time of emergency, you've got something there. It's hard to keep them barricaded. So they went with the appeal for the fire sprinkler, and it was ok'd for that.

Adams: Did you say that the fire bureau did sign off on the 70-foot turnaround?

Engstrom: The fire bureau signed off on the street without a turnaround.

Slim: Without the turnaround and this waiver rather to put in the sprinklers as a condition.

Saltzman: So option a?

Engstrom: Yeah. Option a is what they had signed off on.

Adams: Any other questions from council? Thank you. We'll now hear from the appellant who will have 10 minutes to present their case. Good afternoon.

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Ken Sandblast, Appellant Representative, Planning Resources: Good afternoon. For the record, my name is ken sandblast. Land-use planning with planning resources and working with the appellant, jeremy osterholm. I appreciate the staff's differentiating-out policy in sites specific in this case. I think you guys have asked the right questions. I want to focus on those specific issues, because i'm going to repeat a little bit and review and then maybe answer a couple of the questions I heard. This project proceeded, as you can see from the slides that you saw, and got approved. Pdot approved it as presented with the straight street. The fire code appeal was supported to sprinkler these buildings. And what's basically come down to is kind of this policy level of the hearings officer looking for what I would characterize from commissioner Leonard's comments a function more so than meeting all of the code. We appreciate that. Thus you see the alternative of a 70-foot cul-de-sac that the staff just talked to you about. We envision that this 70-foot cul-de-sac would still have sprinklers in all the buildings so we're sort of overdoing what was already ok before while also providing the function. I think none of this came up until this point simply because there are, if you took a look at one of the exhibits that showed some of the surrounding lotting pattern, quite a variety of opportunities for connectivity in this area. I think, as your staff acknowledged, it's going to be provided at some point in the future, although it may be in the more distant future. That was covered at the hearings officer's public hearing in some detail about just exactly what the policy of connectivity attempts to achieve, what it is. There's a lot of concern expressed about that and what it meant to some of the surrounding property owners. But the point was that this was approved and, I think, with the understanding that it would be extended. In compliance with all the codes at that point, including the fire code appeal. Subsequent to that, the hearings officer, as your staff pointed out, focused on what appears to be the garbage truck's ability to turn around. We don't see that necessarily his particular basis as the basis for denial. We appreciate the idea you have to function. Thus you see the alternative you have in front of you. We expect that we would still provide the sprinklers on those buildings. We would still provide the 70-foot turnaround. I would point out that the 16 houses are actually south. Those are all required to be sprinklered. 16 of the 19 homes would have sprinklers in them. The 70-foot versus the 90-foot issue, the 90-foot would do exactly what the neighborhood expressed they did not want, which would decrease the rear yard setbacks. Those setbacks are well in excess of the minimums, upwards of 40 feet in the rear yards of some of those lots. Obviously, with the 70-foot right-of-way, we're attempting to do two things. Not reduce that set back as much as possible and also minimize the amount of impervious surface that we're creating. This redesign results in storm swales, infiltration type facilities. Thus it actually increases that right-of-way a little bit. But it still provides 70 feet of a radius on there, which would allow the turnarounds. To a degree, this application, as I think I tried to point out, is caught a little in the policy crossfire here. I understand what connectivity is, and I understand everyone's interest from both my perspective for the future use as well as from their staff's perspective on understanding if this is going to be something that comes up repeatedly. How it's going to be dealt with. Pdot expressed concerns since this hearing officer's division, rightfully so in my opinion, that creating these kinds of turnarounds in these kinds of situations with a strong likelihood of future connectivity results in ongoing maintenance issues for the city and some other things that may not be in the best interest at a policy level. However, I want to point out that that's a little different than the specifics of this application, which is what I just addressed. And so we believe, in this particular case, the redesign actually will dedicate right-of-way all the way to the south property line of this site, so it isn't going to prevent this future street from being extended to the south. If you looked closely at either the original design or the redesigned or revised design, this street actually has the ability to extend to the east. There's a large parcel of property there, if and when that ever develops. So while we're appreciating the policy, I kind of want to continue to emphasize on the site specifics of this case, we met the code and we're trying to meet it here by still even providing the sprinkler system in those homes even after providing the turnaround. With that, I would just

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end with a couple of general remarks. In addition to the connectivity issue that came up at the public hearing, density came up at the public hearing as well as building design. The density issue, as your staff again quickly showed you, this application does not even approach maximum density of 25. It's in excess of minimum I think at 10. It's at 19. And because of the a. overlay, building design was involved and design review was included. The density question is again more of a policy level question on this particular case. We meet the code, and that's pretty clear. The building designs have been reviewed. Subsequent to the hearing officer's decision, at the invitation of the foster powell neighborhood, myself and jeremy went out and met with the land use chair and some of the leadership of the foster/powell group. We spent about an hour and most of that time reviewed in detail the building designs. At the end of that meeting and just in general, there was more information exchanged about specifically what was designed and, most importantly, that the design of the buildings and the materials that are in those buildings is conditioned, through the design review approval, and can't be changed without going back to the public process. So I would like to believe that was a positive meeting. We got to exchange some information about what appeared to be one of their larger concerns, the design of the building, and making sure that it represented what they wanted to see if their neighborhood. However, all of those issues actually aren't the basis of the appeal that you have before you today. The basis of the appeal is simply this turnaround issue. So, with that, I don't have anything else to add. Let's see if I can answer any of your questions.

Adams: Any questions from council? Thank you.

Sandblast: Thank you.

Adams: We'll now hear from persons who support the appeal. Since there is no one signed up in support of the appeal, we'll now hear for 10 minutes from the principal opponent. 15 minutes from the principal opponent to address the city council and rebut the appellant's presentation.

Beaumont: Commissioner Adams, i'm not sure there is a principal opponent in this appeal. Just anybody who opposes, if that's the case, can speak for three minutes each.

Adams: Then we'll just go to testimony.

Adams: You'll each have three minutes. The buzzer will warn you when you've got 30 seconds left. Please begin by stating your name.

Marjorie Dilworth: My name is marjorie dilworth, and actually the largest issue in our neighborhood is the density. The turnaround ties into this, yes, but it is the density. I submitted to the hearing on may 30th a petition that was gathered in the neighborhood, which I believe all of you have received. 95 of the people -- percent. 95% of the people signing that petition live either on 74th, 76th or center and are directly involved by this project. The other 5% are owners who live off property. The only ones who did not sign were either people who did not have sufficient english to speak and understand the issues or they were away from home. The neighborhood is unified that this is too many units for this small space of land. When you count the houses, there's 19 houses on the east side of 74th. There are 19 houses on the west side of 74th between powell and center. The developer is proposing putting 19 houses on a very small portion of land in the middle of all this. That portion of land is actually approximately 12% and will increase the housing by 40%. Areas that are hidden away like this, it's well-known that they do tend to breed crime, illegal activity of one sort or another. This is an area the police will not be able to patrol just driving up and down the streets. Extending 75th through to come out someplace is really not an option at this point in time especially. The people who live south of this property are not interested in selling. We like our backyards. We like our privacy. We have gardens. We enjoy that kind of life in the middle of the city, which is very unusual. Portland prides itself on diversity of all kinds. Let diversity of space be part of what we enjoy. That's part of our lifestyle. We're not against the development. We realize something needs to go in there ultimately. Just not that dense. 10, 12, 14 units would be adequate for the space. It would give liveability to everyone. One person made the comment that

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there were within 70 feet of his backyard going to be six backyards suddenly where now there is nothing. Normally he would have had one behind him, another to the side. Rowhouses or even the skinny houses on little small lots are not a good step for our neighborhood. We ask that you deny it. Just because you can do something doesn't mean it's the right thing to do for a neighborhood. Thank you.

Adams: I didn't want to interrupt you, but just for other folks that are contemplating testifying, we cannot, as part of our decision making here -- it's on whether the street has a turnaround, a cul-de-sac or something else. We cannot make the decision today based on issues related to density. We are limited by state law to just the issue of the road and the turnaround. So I just want to let anyone else who's contemplating testifying know that by state law we are limited to our decision making today just about that road. I appreciate your comments, but we have to move on to the next --

Dilworth: Can I have my last 20 seconds? It is not just the garbage trucks. There is all the other delivery trucks that come into neighborhoods that ring bells when they back up. We need a proper turnaround. If there must be a development, it needs a proper turnaround.

Adams: Thank you. Please say your name. You have three minutes.

Constance Crain: Constance crain. I would like to communicate how I feel about this issue through interpretive dance or at least I would if I thought it would get somebody's attention.

Adams: You have our attention.

Leonard: You woke me up. I was drifting off there.

Adams: Please begin.

Crain: I used to be a heavy equipment operator, and I have a lot of respect for how much room it really takes to move big pieces of equipment and large trucks around. And whoever thinks that it's not that important to get a fire truck back in there is either insane or extremely greedy. I'm like, what are you thinking? I once worked at a movie theater where vandals set off the sprinkler system. People don't seem to realize that water sits in there sometimes for years, getting extremely stagnant. When they go off, the theaters stunk for a long time. They're not as cool as you think they're going to be. What if there's a power outage and the electric pump cannot pump the water through the sprinkler system? What if there is an earthquake and there is an extended power outage? Let's zoom out for the big view here. It's -- you need to -- you need to send this design back to the drawing board for a comprehensive review. It sucks. [laughter] and if you were going to build something cool here, the people in the neighborhood would be all for it. The design sucks. [laughter] so please, quasi judicial guys, try and help us out here. You know, sometimes, like she says, if there's something that can be done technically and legally, it doesn't mean that -- maybe there's a situation where you need to step in and have real, live, human people do a reality check and say, this isn't that great for the neighborhood. And if we take a neighborhood down a notch, that's a neighborhood in our city that's down a notch. Something that's bad for the neighborhood is not good for the city.

Adams: So it would be your preference to have a larger turnaround?

Crain: Something that's in reality adequate for fire trucks. And those are long.

Adams: Thank you very much for your testimony. Hi.

Linda Goertz: Hi. My name is linda goertz. I live a few blocks from the proposed development, and I do want to thank the developer and his representative for having met with some of the neighbors beforehand. I think that willingness and openness speaks well, and we really hope that we will be able to come to a win/win compromise. I know that a lot of folks who come to speak before you have a "not in my backyard" point of view, and i'd like to suggest, instead of that, a reasonable person point of view about this turnaround issue. As commissioner Leonard spoke very clearly, 70 feet is not enough. And you don't have to worry about pushing the setback on homes for a turnaround if the developer is willing to sacrifice a unit or two. Then there can be more room for a turnaround and a little more green space in the space that doesn't have units. As it is, as other

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people have said and as, i'm sure, other people will say, going in on that sharp turn on lafayette and then a sharp turn back down in 75th is very difficult to do if you're an old lady who can't drive straight, like me, back and forth, back and forth. Meanwhile, with 19 units, how many cars would there be going in and out of there? 30, 40 just from residents and then service vehicles and so forth.

It really needs more of a space to turn around. So since I can't speak about all those other things, I would just say you are reasonable people. Please apply this reasonable judgment as you would in your own neighborhood for your own backyards. Thank you very much.

Adams: Thank you very much. Sue, would you please call the next three?

> [names called of those testifying]

Adams: Good afternoon. Welcome to the Portland city council. Please state your name and you have three minutes.

Lisa Mooyman: My name is lisa moyman. I had a poetic monologue I was going to share today about aesthetics and green space and all that kind of thing, which I think I would have gotten cut off had I started. So I would just like to make a couple of points regarding what i've heard so far today.

Someone may speak more lucidly about this later, but someone on the staff mentioned about the proposal being signed off by the fire department. My understanding, from the discussions that I heard, is that the fire department signed off on the no turnaround option because they had been instructed that the street would go through. So -- but our understanding as a neighborhood is that, yes, maybe in 50 years the street may go through, but we're pretty aware that the neighbors who are owning the property that would be slated for said street are adamantly opposed to selling any of that property, so that is so far in the future that no turnaround would very negatively impact not only the people that would live in the development but all of us around there. So the safety issue with the fire is a huge deal. The presentation of the knuckle-shaped turnaround, the 70-foot turnaround, concerns me because I noticed that the lots that are -- the lots in the back where the turnaround is, the houses have all been pushed to the back so that there is no or very little backyard. I would also like to thank mr. Osterholm for meeting with us neighbors a couple weeks ago, and I would also characterize that as a positive meeting, and we felt that you had a great willingness and declaration of good faith to work with us. So at that meeting, one of the things that we neighbors were happy with was the size of the backyards. Because of the houses that are proposed to be built, there are two-story-high houses that are bordering one-story houses, and so a lot of the neighbors were concerned about these monolithic structures looking over into their backyards. It seems like that is a real problem now if the turnaround goes in as suggested. Personally, I believe the solution would be to take out a couple of units so that there is room to actually build an adequate, ample turnaround. Thank you.

Adams: Thank you. Good afternoon.

Johannes Mooyman: Good afternoon. I am johannes moyman, and live at 3548 southwest 74th avenue directly across the street from the proposed development. This is the second old house that I have restored since I moved into the neighborhood in 1983. I believe that my house will be most adversely affected by the development. The plan calls for a new street to be built, 75th street, which will be a dead-end street. All of the traffic from the proposed 19 units into and out of the development will pass five feet away from my door. Realistically, this will mean 40 to 50 cars, each making four to five trips a day. And this doesn't even factor visitors and business into the equation. There is virtually no parking designated within the development itself. This means that most cars will park alongside by house and along 74th avenue. Parking that should be handled within the development itself would become a neighborhood problem as well as my own personal problem. Of additional concerns are lot numbers 1, 2, and 3, and I understand from today there will be no fire sprinklers in houses on lot number one, 2, and 3, dangerous for my house. It has stood there since 1874. These lots lack adequate backyards in lot 1, 2, and 3 and could present safety issues for children who will need to play in their front yards where all traffic in and out of the

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development will pass. Safety issues are not adequately resolved within the developments. A turnaround large enough to provide easy access, not just adequate access, for emergency vehicles needs to be put in place. All of the potential for problems in the development can be traced back to the essential neighborhood concern: Too much density. 19 units equal 19 families. This is far too many to pack into this space.

Adams: Sir, we're here only to make judgment on the turnaround again under the rules provided to us by state law. This is not a hearing on the density or on street parking or anything else.

J. Mooyman: Ok. Then I will conclude with my last remark. I ask that at least, at the very least, two units will be removed to provide enough space to create an ample turnaround for fire engines and other vehicles. Thank you.

Adams: Thank you very much.

Joe Shapiro: Hello. Good afternoon. My name is Joe Shapiro, and when we signed in today to speak, we had two choices, oppose or support, and I'd like to just say I'm a third choice, which is both, even though I signed up under "oppose" because in terms of a turnaround and if there's going to be a development there, it does need a turnaround, so I support the proposed turnaround. As it relates to the density, I cannot support that relative to pushing back the houses so there is very little backyard for similar concerns that have been mentioned. So possibly pulling out one or two units, sacrificing one or two units now, since this is considered temporary once connectivity comes through, then those one or two units can be put back in by whoever develops it in the future, that type of thing. Also I was part of the group that met with the developer and that met with Jeremy and with Ken, both who are here today, and again I felt, too, that this was a positive meeting. There was information presented that we were not aware of. We came away feeling good about it. We went back to the neighborhood association or the minutes were sent back to neighborhood association, and the issue of density raised its head again, and that has been an issue since the very beginning for this development. But, again, when we talked with them at that meetings, we felt that we had a positive meeting and there was a willingness to work on both sides. Thank you.

Adams: Thank you for your testimony. And, again, I just want to remind you that the discussion we have before us is very narrow. It's around the turnaround. We're not here to make a decision on issues related to density or design. Those have -- this is the process subscribed to us. Next three testifiers?

Parsons: We have one more.

Adams: Good afternoon.

David Dilworth: My name is Dave Dilworth. The main thing I'd like to address is probably the word "temporary." It has been used for temporary turnaround, temporary fence, temporary end of street, and temporary fire protection. The main part is I would like the city council to address the word "permanent." If we do this, under the rules that you have set up and the guidelines, it needs to know permanent. It's always easier, if you have something permanent, to tear out a street at some future date to extend 75th, if that ever happens. And, again, I'd like to address the 75th Avenue. At this particular time, after living in the neighborhood, talking with all the people that we have, there is not a chance in a long, long time that that street will ever go through. We own a half acre. A neighbor, our cousin, owns another half acre plus. That's almost an acre. Another lady owns an acre right next to the partial, and they and her daughter are not at all interested either. Either is our kids. So for the long-term, something, yes, may happen, but not at this present time, so I think we need to look at a turnaround, a cul-de-sac, not a dead end, the largest it can possibly be to handle all the circumstances that we're going to be running into as the neighbors with this many instant houses. The other thing is, on the sprinkling part, it should definitely end up a red flag to everyone. If we can sprinker, that may be the new avenue for eliminating the fire department. But I just mainly want to emphasize that we can possibly do the largest thing at this particular time when you have this opportunity to do so, and then we don't have to make changes later. Thank you.

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Adams: Thank you very much. I'd like to hear from the fire bureau representative if they're in the room. You've heard the discussion about whether this is an adequate turnaround for fire apparatus. I'd like you to speak to that.

Jim Schwager: Good afternoon. I'm jim schwager, supervising engineer for the fire marshal's office. We considered a fire code appeal in looking at the dead end. The dead end is actually about 620 feet from the connection to 74th. The standard is a turnaround is required for any street that is a dead end of more than 300 feet. We have, for many years in the fire bureau, used an option of providing sprinklers in lieu of turnarounds where we feel it makes sense. In this case, we did feel it made sense, because it is unlikely that our apparatus would be misdirected onto 75th, that there aren't any other 75th connections in that general area. So we felt that we probably would not be -- I don't have -- I don't believe any of the maps indicated kind of the neighborhood view. If I may, I'll pass one to the council members here. We felt that it was unlikely that, if we were sent to any other address, we would never use 75th as a connector or lafayette as a connector, and it would be unlikely for us to be on that street unless we actually had an incident that was reported there. So we felt that this was a case that, to assist in the city's goals of density, that we could provide adequate fire service without a turnaround if those homes were sprinklered. Our reasoning is that, in a sprinklered home, it does require fire service response, but typically we can do it with much fewer resources, and so we wouldn't be packing in the number of apparatus that we would typically need in a full-on house fire. The 70-foot turnaround, we could not turn even our engines, our smaller apparatus in the 70-foot. Their turning radius is about 38-foot radius, which means that we would need probably on the order of 80-foot diameter. Rescues, the ambulance services probably could turn in that, and so an ambulance would not have to turn around. They could get in, make the turn around, and get out. They would not have to back out. But any of our apparatus would have to back out. We've done this in a number of difficult development sites in the city. I'd be available to answer any of your direct questions.

Leonard: Good to see you here, jim. I hope you're doing well.

Schwager: Getting by.

Leonard: I wanted to ask you, just for my own edification, we're looking at the code language here that the hearings officer cited, and what this says is a turnaround is required on a dead end street in the following situations. One, the street will serve four or more lots. Two, the street is at least 300 feet long or when required by the city engineer, the fire bureau of bds. So my question is on the first two. It doesn't seem to give the option of there being a lot of -- bds maybe you want to come up. Go ahead and come on up, eric. I'm just trying to understand the reasoning or the basis of -- and I appreciate the tradeoff that you're attempting to give especially for the reasons that you are, which I very much appreciate. Density and all that is a goal of ours. But how does one find the ability to have the flexibility to not comply with what appears to be pretty straightforward criteria?

Schwager: If I could just answer that question from the fire bureau's standpoint? The city has many regulations, and so our piece is just very limited. The fire code actually establishes our -- the regulations that we apply the 300-foot limit, but it also provides us the ability to allow alternate methods and materials to accomplish the same objective, which is be able to service those properties safely.

Leonard: Sure. This will come out of the city code. Not the fire code.

Schwager: The city code is title 31 actually.

Leonard: This is actually he's citing chapter 33. Which is still you.

Schwager: Right.

Leonard: It's you. So I guess that's a better question for you, because it doesn't appear to give any -

Engstrom: Yeah. That goes to the heart of the interpretation issue between what the hearings officer decided and what the bureau has practiced for a long time, which is that there is a second

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paragraph that's in addition to that standard that applies to streets that are intended to be through streets, that provides the bureau with the option of doing a temporary turnaround.

Leonard: Do you have that language for us?

Engstrom: That was in the hearings officer's decision as well, I believe. The standards for turnarounds in the zoning code are in two paragraphs, paragraph a and paragraph b.

Leonard: Paragraph a. Ok. On the next -- on page 17 of his decision?

Engstrom: I'm looking -- I don't have his decision in front of me right now, so I'm struggling to find which page it's on. But let me read the code citation and then I'll see if I can have someone find it in the staff report. There are two paragraphs. One that deals with -- thank you, Katherine. The code has two paragraphs. It has about when a turnaround is required. For a street that is intended to be a dead end, the paragraph you read is true. For streets that are intended to temporarily terminate within the site, there is a separate paragraph that says the decision is up to the fire bureau and the city engineer and the bureau of development services.

Leonard: I suppose the logical question is how do you define "temporary"?

Engstrom: Right. And in the land use planning world, our purpose is to be looking towards the future and looking at where the street should be over the long haul. And so we're looking at a long-term horizon here, and that's how we've interpreted this code section for many years. So we do not interpret this --

Leonard: Temporary to you literally could be 50 years in your view?

Engstrom: Yes. That's the typical horizon that the street grid evolves on. Once you plat a street, it's there. And so these things happen over generations, not over the period of a few years.

Leonard: And I hear you, but I'm just asking do you have anything that emanates out of the code that gives you some comfort that that is a reasonable interpretation of the word "temporary"?

Engstrom: The comfort I have, I guess, in that interpretation is that that's how it's been interpreted for probably 15 years.

Leonard: You know that's my favorite answer. Right? That's the way we've always done it. I'm asking sincerely. Is there something that guides you to that or is that an aspirational interpretation?

Engstrom: We're guided by the fact that it talks about where the street is temporarily terminating, and the code earlier in that chapter of the zoning code asks us to consider whether we are going to require a through street for large blocks. And in this case, the hearings officer decided that he was going to require a through street. That code section sets up a dichotomy of either allowing a dead end or requiring a through street. He required a through street and then proceeded to call it a dead end, which is where we disagree.

Leonard: But the through street will only happen if the property owners who retain current ownership who have expressed an interest in not selling the property ever happen to change their mind.

Engstrom: Right. And that's where I go back to the purpose of the land use code is to take the long-term view. And that's the basis of my interpretation.

Leonard: And I'm not criticizing that, but I hope you appreciate what we're working with here may require other --

Engstrom: And that's one of the reasons I said, in my introduction, that the policy interpretation in a general sense may be different than whether it's a practical -- we're not disagreeing that, as a practical matter, a turnaround may be a good thing here.

Leonard: That's very helpful, because I wasn't quite sure what you were getting at when you opened, but now I do.

Engstrom: I'm talking about the long-term view of the larger interpretive issue and how you want us to proceed in the future, if you want us to always require a turnaround of the street even though we think we might be continuing it.

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Leonard: This is a good conversation. It's very helpful to me. It helps me understand better what the issue is. And obviously i'm a little biased, but I don't think unfairly so. Jim is accurately describing the reaction of the trained firefighter who is from that area who has an officer who's from that area, who has other people from that area. The reality, as jim is well-aware, is that oftentimes on July 4th all those folks are on vacation and then you have somebody from southwest Portland and somebody from northwest Portland who is as familiar with that neighborhood as if we plopped them down in the middle of Brooklyn. As in New York. And have absolutely no practical idea of which streets are connected to others. So from my perspective, without telling on myself too much, I have found myself on dead end streets that I should not have been on in a fire apparatus and that caused backing up and delay in response time. Not necessarily fires. E.M.S. Calls, car accidents, those kinds of things. When i'm reading this stuff, it's in that perspective. It isn't in criticism or necessarily even disagreement with your goals. But as a practical matter, if you can have a problem, it will happen. You can just count on that. Thank you.

Adams: I have a couple of quick questions. An individual that testified said, if there is a power outage, the sprinklers would not work. I'm curious, just for my knowledge's sake, is that true?

Schwager: If the sprinkler systems needed a pump to supply their pressure, that could be true. The water bureau provides adequate pressure in this area of the network that the systems would not need a pump, and so that that would not be true. Also I think that there was a concern about dirty water in the sprinkler pipes. We are encouraging, for reliability purposes, sprinkler systems to be installed as part of the domestic plumbing system. So basically, if you can flush your toilet, the sprinkler system is going to be working. And that the issue of dirty water really doesn't exist. It wouldn't be a stand-alone sprinkler system.

Adams: Then before us is one of our options to approve the development minus houses? 'Cause that's been some of the testimony is, in order to get a larger turnaround, it's a question about visibility of what's in front of us. Would that be a condition of approval that we --

Beaumont: No. Various people who testified have suggested that creating a larger turnaround might mean that the developer should think about giving up a unit or two or more. Since that goes to the density issue, I don't think it's appropriate for the council to impose that kind of condition. I think your choices are really to uphold the hearings officer's decision as is, which would flat-out deny the proposal or to overturn the hearings officer's decision and either approve it with the -- as originally proposed and originally configured or with the modified knuckle turnaround that was shown to you today.

Adams: Or could -- again, i'm just thinking out loud here. Could we require that, at the end of the street, that that be a larger turnaround and then he could either choose to try to squeeze houses in there or just wait to develop those particularly impacted lots until the knuckle is no longer required?

Beaumont: The difficulty with that is you don't have a site plan that reflects that.

Engstrom: One of the difficulties is, because this underwent design review in order to get the bonus density available in the A. overlay zone, we don't have the flexibility to change the house shape at this point, and we're to the point where, if we make the turnaround bigger, we push the houses into the setbacks to the point where they wouldn't be meeting the zoning code.

Leonard: If I could throw as a cautionary note at this point, the appellant still has an opportunity to respond. I'm a little uncomfortable with the conversation at this point until we allow the appellant to respond.

Adams: Fair enough.

Leonard: And then this conversation would be more appropriate then.

Adams: Thank you, commissioner Leonard. The appellant has five minutes.

Ken Sandblast: Again, for the record, Ken Sandblast. I appreciate that. I'll make a general comment. As you can see, we're caught. And i've tried to differentiate between this policy issue

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and the specifics of this case. We had an original design that was, for everything we understood, meeting the design standards of both the fire bureau with the code appeal as well as pdot standards. Obviously the hearings officer went to a different level, and then we've offered an alternative that provides, with the fire sprinklers, a solution that gets at the function issue. The policy level issue, I would just make a couple general responses to that. It's been generally accepted land-use planning standards for some time now that cul-de-sacs are kind of looked on unfavorably in a permanent way. In this case, I can appreciate the idea that maybe there might be something to put there. Thus the knuckle design. I want to offer a third, I guess, alternative without changing what you already see before you. What you see before you with the knuckle design is a 70-foot radius, but it includes swales for dealing with the storm water, like I referenced in my original testimony today. We can get upwards of over 90 feet if dry wells are provided instead of swales for just the turnaround portion of the site, and therefore address all the concerns i've heard today with regard to function frankly of the design of this thing. We would ask for two things if that's the case, one is that there not be a requirement for fire sprinklers anymore, because we've now provided something that satisfies the fire bureau's standards of 90 feet, and the other is a specific finding by the council that the dry wells are acceptable here given that there is a lot of uncertainty in the hierarchy of how this is all handled at the b.e.s. level. So with a direct finding that the dry well would be acceptable, because that's all what you see, the existing right-of-way for this design we've given you would not change. I was just emphasize on that particular point. By pushing those buildings back, they're still well in excess of the underlying standards. We're attempting to offer yet a third alternative I guess without changing what you see before you. And so that's what I have for you. There was other issues raised, but I appreciate the commission's diligence, if you will, in keeping it on point and the good questions that you've asked about this. So we would ask that you reverse the hearings officer's decision, approve this application, adopt the 70-foot turnaround or the 90-foot turnaround with the two specific directions that I just described. If you have any questions, I hope I can answer them.

Adams: Would you be willing to provide a swale or instead of a dry well but a swale that is of a different configuration on and dedicating an easement on one of the properties that you're going to be dividing so that it isn't necessarily in the right-of-way but it's just off the right-of-way? Providing the same benefits.

Sandbalst: Well, I guess what I would say is, without getting into the design details of it, two things. One, we would look to achieve as much swale to meet the top of the hierarchy as is possible and still meet the 90-foot radius on the curb line. So you might see some sort of combination of a different swale configuration with a small dry well. That happens to be the low part of the property, and that's where the water comes to. Our -- the reason that you see what you see before you is simply because, to this point in time, it's been extremely difficult to move down that hierarchy. And so the other part I would offer is it's my understanding that swales associated with public roads don't go in easements. You can't do that. They need to be in the right-of-way. If it was something that you found possible and would work design-wise, we would consider it.

Leonard: Well, what I won't do today is agree to design changes that are done in the context of a hearing. I am prepared to make a motion that I don't think is going to meet any of your goals. I am willing, however, with the concurrence of my colleagues, to see if there's any interest on your part and the neighborhood's part for us to hold off on taking any action today on this appeal and give you some time to sit down with the neighborhood and see if you can't jointly come up with a design that both of you -- both sides -- agree is appropriate for the neighborhood. If you're interested in that, i'm willing to talk further with my colleagues here about that. If you're not, i'm prepared to move.

Adams: And we would be prepared, 'cause I oversee transportation and b.e.s., so the right-of-way and the swale issue, to be creative in helping you provide the turnaround -- the best turnaround radius that the neighborhood wants and also stick with our storm modifications.

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Leonard: I want to be clear about one thing, that's not exactly what i'm saying. We have specific criteria here that limits what our decision can be. I don't at all expect you to limit your discussions to that with the neighbors. So what i'm describing is a little more broad if you agree to those conditions than maybe what commissioner Adams is suggesting, that you sit down and discuss a truly comprehensive redesign of what you're considering as a package. And if there is some consensus, that will weigh heavily in how I ultimately vote. But I don't -- I honestly don't think it's appropriate for us at this point to say what we will or will not agree to and do anything other than uphold the hearings officer's recommendation or not.

Adams: I want to be clear, commissioner Leonard. I'm not -- I don't think i'm straying into anything that would cause you to be concerned. I'm just saying that we have -- we would be able to provide some flexibility to facilitate that conversation were it to occur between you and the neighborhood. Commissioner Saltzman? Do you have any questions?

Saltzman: I mean, I like what you have just offered, but I understand there may be issues here. I do think a 90-foot turnaround would be what we need. But if you're still wanting to pursue this further with the neighbors, that's good, too.

Sandblast: I would just make a general comment then and request. The general comment is I think we've shown in this case that we're willing to communicate with the neighborhood and I think, from both my original testimony and some of the testimony you heard today, that it was a positive result. Do I believe that going back to the neighborhood will result in something dramatically different than you see here for a variety of reasons? Maybe, maybe not. But i'm not against meeting with them again. The request I would request is that I could take three minutes to actually talk to my client about that, and we'd get back to you. So if we could just have maybe a break for three minutes, that would be great.

Leonard: And I guess I need to hear from somebody in the neighborhood that they're interested in this.

Adams: I think, on the neighborhood side, again the discussion would be limited to the issue of the turnaround.

Leonard: Well, no.

Adams: Yes. It would have to be limited to providing --

Leonard: Here. But what i'm suggesting is -- and I hope i'm not being too nitpicky, but I don't want the discussion, after it leaves here, to be characterized as follows. Our information -- and this is the builder talking -- is the only thing we have to discuss with you is the size of the turnaround. That's not what i'm saying. What i'd like to see is, in this discussion, a broad, comprehensive discussion of all of the issues involved in the development that would allow us then to consider that at some future date. Commissioner Adams is completely right here people can only object or discuss the issues of the turnaround. I can only make a motion and vote legally based on those reasons. I can't and I won't make a decision based on density or design or any of those issues. But I can certainly suggest to you that -- you know -- i'm willing to hold off on my vote if you would agree to a comprehensive discussion with the neighbors about the development in its entirety.

Adams: I need some clarification, Katherine. I need some clarification in response to commissioner Leonard.

Beaumont: Well, I guess the question I have for staff is, because this is in the a. Overlay, it has gone through a design review, and that is a constraint at this point. So my question was, if the applicant and the neighbors were to talk and were to arrive at a somewhat different design, what the implications would be for the design review they've been through.

Leonard: Obviously the discussion i'm talking about would involve our staff working with it, and I trust them, and if there's something that needs to be done in the process to adjust the design overlay, you can involve my office. We're happy to help with that. And whatever needs to be done. But I don't want -- I mean, for this to work, in my view, we can't limit what they can talk about. I mean,

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it has to be that whatever both sides think are appropriate to come up with something that each side can come here and say, yes, we've ok with the development, that's what i'm interested in.

Adams: So it's now 3:22. We're going to take a five-minute recess, and we'll reconvene at 3:27.

➤ [recess taken.]

Meeting reconvened at 3:31.

Adams: We heard from the applicant. We are now in Council discussion. Is that right, Kathryn?

Beaumont: I think the applicant had asked to speak with his client, so you may want to hear from the applicant and from someone from the neighborhood about where they are on the notion of discussion.

Adams: So would the applicant please come forward. Is there someone from the neighborhood that would like to come forward as well? Would you step forward, sir. Have a seat. Let's hear from the applicant first. And catherine, is there a time limit on this?

Beaumont: No. Probably as brief as possible. [laughter]

Sandblast: I can be extremely brief. I will defer to the neighborhood's response first.

Joe Shapiro: Thank you. Yes, we would be willing to meet with the applicant to discuss all these issues.

Adams: And your name?

Shapiro: Joe shapiro.

Adams: Thank you. Back to you, sir.

Sandblast: I would say that's the easy response. I would like to ask a question. I have heard all day and I've actually testified all day this is about one topic. So I am just clarifying, we are jumping now to everything instead of one thing. And I am trying to understand that.

Adams: This hearing is focused on one topic. Correct. You can agree to, you can voluntarily agree to go off and talk to the neighborhood. And those discussions are not limited to just that one topic. They could cover a range of topics. You can choose not to do that. That would be your choice. In which case we would act, we would vote accordingly here on the motion before us.

Leonard: Right. I want to be real clear. I am not directing you. I can't. All I am doing is what I am required to do and I am trying to forewarn you I am prepared to make a motion, but I am offering to hold off on that without telling you what that is, on, if you are willing to sit down with the neighborhoods and have an open-ended discussion about the development. And you can talk about anything or not that you choose to. And i'm not telling you how I will vote if you both come back and agree, either. So come back with something and assuming you agree, I am reserving judgment on what it is you both agree to. Or not. So as part of this you would also have to agree on the record for an extension of time, or, again, I would have to see what my responsibility.

Sandblast: Right. I appreciate that. I appreciate the clarification. I want those clarifications -- help me further define, I think everyone further define what the expectations are when we would return. I'm interested in what kind of time line is available to get this back to the city commission, if there was a continuance. Is this weeks or is this months in time lines? I'm curious about that.

Leonard: It's based on both of you and what you think you need in terms of time and we are willing I think on our side to agree to any time extension you are willing -- because that ball's in your court. You get to decide that. So you tell us.

Sandblast: And I appreciate that. I am just kind of curious make sure there's time on your agenda so to speak.

Leonard: We'll figure it out.

Sandblast: We are in a provision right now we would entertain meeting with the neighborhood leadership. We are not interested in meeting with everyone in the neighborhood. We found the meetings with the neighborhood leadership quite productive and I think we conveyed that today, as they did. We would be willing to meet with them within the next two weeks and we would like to

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be back with you within a week or two after that. We don't really want to go further out than maybe three or four weeks. That's the time line we would entertain.

Adams: By the end of september you would like to be back before us?

Sandblast: We would be preferring more mid-September, if possible.

Adams: Ok. So you are willing to continue to what day in september?

Sandblast: I guess I would say whatever the next available date is around mid-september for the city council meeting.

Beaumont: I think sue had indicated previously that september 12th, a wednesday afternoon, was available. That's when staff will be available as well.

Adams: Is that amenable to the neighborhood?

Shapiro: Yes.

Saltzman: Does it have to be the full council?

Beaumont: Correct.

Adams: We have an agreement to continue this hearing until september 12th? Is that -- are those the right words?

Beaumont: Let's see. Two steps. First is the applicant agreeing to extend the time line from august 30th to and through september 12th?

Sandblast: Yes, we are, to an extension of that defined period of time.

Beaumont: All right. And then the council can continue the hearing date to september 12th.

Adams: Unless there's objection on the city council --

Leonard: I just want to clarify we have also asked the staff to work closely with both sides so they are involved and providing technical assistance where appropriate.

Saltzman: I don't know when in your caucus you discussed, but I just talked with curt krueger from pdot about the hammerhead option which I think is also probably within the realm of the scope of this appeal. So look at that.

Adams: We have to vote to continue or can we without objection continue it?

Beaumont: I think you can continue it by consensus.

Adams: Great.

Parsons: And, sam, excuse me. The 12th was our date if we were just coming back for a vote on the finds. Could I suggest thursday, the 13th, would be more open for you?

Adams: The applicant, appellant amenable to through the 13th?

Sandblast: Yes, I am. I just had a clarification. Did I understand there would be the full council? There would be the participation of mayor and commissioner Sten?

Adams: They would have to review the record.

Sandblast: Do they typically do that?

Adams: Sometimes they do and sometimes they don't. Is the 13th ok with you?

Shapiro: Yes it is.

Adams: Then we are continued on this hearing until thursday, september 13th. And this is the only item on our agenda so the city council stands adjourned. Thank you.

At 3:39, Council adjourned.