



CITY OF
PORTLAND, OREGON

OFFICIAL
 MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **12TH DAY OF SEPTEMBER, 2007** AT 9:30 A.M.

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

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

Item 1100 was pulled for discussion and on a Y-5 roll call, the balance of the Consent Agenda was adopted.

THOSE PRESENT WERE: Mayor Potter, Presiding; Commissioners Adams, Leonard, Saltzman and Sten, 5.	Disposition:
TIME CERTAINS	
1089 TIME CERTAIN: 9:30 AM – Proclaim September 15 to October 15, 2007 to be Hispanic Heritage Month in Portland (Proclamation introduced by Mayor Potter)	PLACED ON FILE
1090 TIME CERTAIN: 10:00 AM – Approve the appointment of Alissa Keny-Guyer to the Allocation Committee for the Children’s Investment Fund for a term to expire June 30, 2009 (Resolution introduced by Commissioner Saltzman) (Y-5)	36534
CONSENT AGENDA – NO DISCUSSION	
Mayor Tom Potter	
City Attorney	
1091 Authorize Harrang Long Gary Rudnick P.C. to represent the City in legal actions concerning the Oregon Public Employees Retirement System (Resolution) (Y-5)	36533
*1092 Extend contract with Cable Huston Benedict Haagensen & Lloyd LLP for outside legal counsel (Ordinance; amend Contract No. 36726) (Y-5)	181266
Office of Management and Finance – Financial Services	

September 12, 2007

<p>1093 Statement of cash and investments July 26, 2007 through August 22, 2007 (Report; Treasurer) (Y-5)</p>	<p>PLACED ON FILE</p>
<p>Police Bureau</p>	
<p>*1094 Accept \$150,000 as part of the 2007-09 Oregon Department of Transportation Work Zone Enforcement Program grant for officer overtime (Ordinance) (Y-5)</p>	<p>181267</p>
<p>Commissioner Sam Adams</p>	
<p>Bureau of Environmental Services</p>	
<p>*1095 Authorize the Director of the Bureau of Environmental Services to execute a permit with the Union Pacific Railroad for construction of Outfall 40 Consolidation Pipeline as part of the East Side Combined Sewer Overflow Tunnel Project No. 7594 (Ordinance) (Y-5)</p>	<p>181268</p>
<p>*1096 Authorize the Director of the Bureau of Environmental Services to execute a permit with the Oregon Department of Transportation for construction of the East Side Combined Sewer Overflow Tunnel Project-McLoughlin Shaft Site No. 7594 (Ordinance) (Y-5)</p>	<p>181269</p>
<p>1097 Revise the Sanitary and Stormwater System Development Charge Methodically to correct fixture reference (Second Reading Agenda 1049; amend Ordinance No. 181006) (Y-5)</p>	<p>181270</p>
<p>Commissioner Randy Leonard</p>	
<p>Water Bureau</p>	
<p>1098 Authorize transfer of assets for the McCoy Park decorative fountain from Portland Parks and Recreation to the Portland Water Bureau (Second Reading Agenda 1057) (Y-5)</p>	<p>181271</p>
<p>Commissioner Dan Saltzman</p>	
<p>Parks and Recreation</p>	
<p>1099 Authorize License Agreement with Portland Rose Festival Association for operation of the Rose Garden Store in Washington Park (Second Reading Agenda 1060) (Y-5)</p>	<p>181272</p>
<p>Commissioner Erik Sten</p>	

September 12, 2007

Bureau of Housing and Community Development

***1100** Amend Intergovernmental Agreement with the Housing Authority of Portland for \$291,000 to support the Humboldt Gardens HOPE VI project (Ordinance; amend Contract No. 37405)

(Y-5)

181276
AS AMENDED

Fire and Rescue

1101 Authorize an Intergovernmental Agreement with the City of Gresham for the joint operation of Station 31 (Second Reading Agenda 1065)

(Y-5)

181273

1102 Apply for a \$691,763 grant from the Department of Homeland Security for Portland Fire & Rescue (Second Reading Agenda 1066)

(Y-5)

181274

City Auditor Gary Blackmer

***1103** Authorize permanent bonded lien interest rates for installment payment contracts and notes financed by the Limited Tax Improvement Bonds, 2007 Series A (Ordinance)

(Y-5)

181275

REGULAR AGENDA

Mayor Tom Potter

Office of Management and Finance – Business Operations

1104 Adopt findings and grant an exemption from the competitive bidding requirements in ORS 279C and City Code Chapter 5.33 for the potential redevelopment of the 10th and Yamhill garage (Second Reading Agenda 1071)

(Y-5)

181277

Office of Management and Finance – Financial Services

1105 Authorize revenue bonds for urban renewal areas (Ordinance)

**PASSED TO
SECOND READING
SEPTEMBER 19, 2007
AT 9:30 AM**

Office of Neighborhood Involvement

1106 Amend contract with The Latino Network and provide for payment of an additional \$72,310 for the continued development and implementation of the Diversity and Civic Leadership Academy for the period July 1, 2007 through June 30, 2008 (Second Reading Agenda 1085; amend Contract No. 37318)

(Y-5)

181278

September 12, 2007

Commissioner Randy Leonard

Water Bureau

1107 Accept the Safety and Health Achievement Recognition Program award for the Portland Water Bureau from the Oregon Occupational Safety and Health Administration (Resolution)

(Y-5)

36535

At 10:18 am, Council recessed.

September 12, 2007

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **12TH DAY OF SEPTEMBER, 2007** AT 2:00 P.M.

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

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

	Disposition
1108 TIME CERTAIN: 2:00 PM – Improve land use regulations through the Regulatory Improvement Code Amendment Package 3 (Ordinance introduced by Mayor Potter; amend Title 1 and Title 33)	CONTINUED TO OCTOBER 10, 2007 AT 2:00 PM TIME CERTAIN

At 2:22 p.m., Council adjourned.

September 13 2007

A RECESSED MEETING OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **13TH DAY OF SEPTEMBER, 2007** AT 2:00 P.M.

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

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

	Disposition
<p>1109 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; Previous Agenda 1015; LU 06-181122 LDS DZ)</p> <p>Motion to deny the appeal and uphold the Hearings Officer's decision: Moved by Commissioner Leonard and seconded by Commissioner Adams.</p> <p>(Y-3)</p>	<p>APPEAL DENIED</p>

At 3:52 p.m., Council recessed.

GARY BLACKMER
Auditor of the City of Portland

By Karla Moore-Love
Clerk of the Council

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

September 12, 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.]

SEPTEMBER 12, 2007 9:30 AM

Potter: Good morning, folks. Welcome to the Portland city council. Karla, please call the roll.

*****: [roll call]

Potter: I'd like to remind folks that, prior to offering public testimony to city council, a lobbyist must declare which lobbying entity he or she is authorized to represent. Please read the first communication.

Moore: We have no communications this morning.

Potter: Ok. Let's see. Commissioner Sten, you asked to pull item 1100?

Item 1100.

Sten: Right. I have a technical issue. Did we give that to you, Karla?

Moore: Item 1100. Mm-hmm.

Sten: Did we give you the substitute?

Moore: The amendment? Mm-hmm.

Sten: I would move the amendments that Karla has put in front of everyone.

Moore: I should read the item first.

Moore: [reading agenda item]

Sten: I would move the amendments that the council has in front of them.

Leonard: Seconded.

Potter: Call the vote.

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

Potter: Aye. Now we'll vote on the consent agenda. First of all, are there any other items that any of the commissioners wish to pull from the consent agenda? Any items that anybody in this audience wishes to you will from the consent agenda? Please call the vote.

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

Potter: Aye. Please read the 9:30 time certain.

Item 1089.

Potter: I think we have some presenters this morning from the water bureau, bureau of maintenance to come forward and discuss this.

*****: Good morning.

Barbara Rice: Mayor Potter, if you'd read the proclamation first?

Potter: This is the proclamation. Whereas the hispanic heritage of the united states extends historically over five centuries, which has been a consistent and vital influence in our country's growth and prosperity and whereas Portland has one of the highest hispanic populations in the state with an estimated 43,000 residents from over 20 spanish-speaking countries and whereas the hispanic residents of Portland provide the entire community with culturally rich information centers and associations, top-rated media outlets, thriving businesses, outstanding artists, and theaters as well as nationally recognized festivals, whereas Portland's proud to continue its sister city relationship with guadalajara, mexico, whereas the hispanic heritage contributes to our diversity,

September 12, 2007

thus enriching life and culture, cuisine, the arts, civic leadership and education, now there for i, mayor tom Potter, do hereby proclaim september 15th to october 15th, 2007 to be hispanic heritage month in Portland.

Rice: Thank you. Good morning, mayor Potter, commissioner Leonard, commissioner Adams, commissioner Saltzman, and commissioner Sten. I'm barbara rice, and i'm from the water bureau. I, along with the bureau of parks and bureau of maintenance, have formed a committee to celebrate this month, and I also would like to encourage the mayor, commissioner Adams, commissioner Saltzman, and commissioner Sten to extend and encourage their bureaus to attend this event, september 18th, tuesday, from 11:30 until 1:30 p.m. The reason why I did not mention commissioner Leonard's name is because he has already encouraged his bureau to attend this event. It is something that we worked hard on in trying to put something together for the city to celebrate its hispanic heritage and its culture. I think it's going to be a fun event. I think people will enjoy the festival, the dancing, the food, and the music. So I encourage all of you to encourage your bureaus to attend and have fun that afternoon.

Potter: Thank you.

Derreck Brooks: I'd just add to that it's going to be at overlook park this year. Last year we were at peninsula and had a very fine turnout. So we'd like to encourage all commissioners and their bureaus to show up, the bureau of directors as well. We've already sent out invitations encouraging them to come as well as our own folks. That would be marvelous. Peninsula park, september 15th.

*****: Overlook park.

Rice: And overlook park is located conveniently on the max yellow line. It runs every 15 minutes, so there's no excuse why you can't come up there and have a little food and dance and go back to work full and happy.

Adams: What was the time again?

Rice: The time is 11:30 a.m. to 1:30 p.m.

Brooks: Overlook.

Rice: Yes. Located on the max yellow line, again, and also accessible by car from the parks and maintenance bureau. It's not very far. And also I wanted to mention that the address, if you don't know it, is north fremont street and interstate avenue, so that's right on the yellow line. Thank you very much.

Potter: Thank you, folks.

Brooks: Is there a birthday today?

*****: Mayor Potter, happy birthday today.

Adams: Should we all sing?

Potter: I don't think so. ¶ happy birthday to you, happy birthday to you. Happy birthday, dear mayor Potter. Happy birthday to you ¶

Adams: Yay:

Potter: Thank you.

Adams: Somebody in the parks did not sing on that one. Shocking.

Potter: They've got to maintain their neutrality, and I understand that.

Leonard: They've got to remain impartial.

Potter: We're early for the 10:00, so I would just move to the regular agenda and start with that until we get to 10:00 a.m. Please read item 1104.

Item 1104.

Potter: Second reading. Please call the vote.

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

Potter: Aye. Please read 1105.

Item 1105.

September 12, 2007

Eric Johansen: Good morning, mr. Mayor and commissioners. I'm eric johansen, the debt manager. The ordinance authorizes up to 277 million of bond in order to provide interim financing for urban renewal projects in nine of the city's urban renewal areas. They're typically funded through draws on lines of credit we've established for each area. These lines of credit are later refinanced and the proceeds from long-term bonds are paid from increment revenues. The existing lines of credit we have are due to expire at the end of december, so it's necessary at this time to reauthorize and reissue those lines of credit in order to provide continuing financing for the projects. The amount of the authorization is expected to be sufficient to fund projects through fiscal year '09, '10. Upon the effective date of this ordinance, the o.m.f. will solicit proposals from commercial banks to provide the lines of credit for these projects. With that, i'd be happy to any answer questions.

Leonard: I have a question. Do these bonds, in essence, authorize the construction of projects that the p.d.c. has indicated they want to have done?

Johansen: They authorize the lines of credit that provide the initial financing for the projects. And I should clarify. Bond in this case is kind of a generic term. The bond will actually be in the form of lines of credit, so these are short-term obligations that ultimately get refinanced from long-term bonds.

Leonard: We oftentimes have been told here, as we raise questions about various projects and our inability time pact whether a project happens or not that our opportunity to do that is when these bonds are sold. And so, taking that advice, i'm looking through the packet, and I don't see the projects that are going to be funded by this authorization.

Johansen: Correct.

Leonard: Why is that?

Johansen: The reason why is that the projects are not specifically identified at this time. They are included, I think, within p.d.c.'s budgets going out to '10. We haven't specifically identified it is this project, this project, and this project that will be funded. So I think this provides the financing, but it doesn't necessarily control which projects are ultimately funded or not funded.

Leonard: But does that mean, just so I understand -- does that mean that we're authorizing funding before a project is given the nod and that a project may be built then with these funds without it coming back to council before it's actually initiated?

Johansen: I think the answer to that is that the control that council would have would be through the budgetary process. This is stabs a line of credit and an amount it can be drawn against, but it doesn't trigger the financing in and of itself.

Leonard: Help me understand the distinguishing characteristics of having a line of credit, authorizing expenditures, and the actual financing.

Johansen: The lines of credit provide the funds for the projects initially.

Leonard: Right.

Johansen: When p.d.c. requests a draw from the city, the project gets funded. At some point in time then, the balances on the line also of credit get refinanced to the form of long-term bonds.

Leonard: And the projects have already been contracted -- contracted and initiated. We have been told as criticism a number of times as we question various projects your opportunity to do that is when the bonds are sold. So I want to learn from that criticism and have an opportunity to look at what it is i'm agreeing to fund, which it sounds like I am doing by this vote.

Johansen: I think the concern is a good one because, at the time that we take the draw on the line of credit, we've committed to building the project.

Leonard: And then, if I raise it then, am I incorrect that you'll come back and say, well, you know, when you had that vote back on september 12th, 2007, commissioner Leonard, you didn't say anything, and that's when we authorized these various projects.

September 12, 2007

Potter: I think, if you read the second page, maximum principle amounts only by urban renewal area, not by project.

Leonard: I understand. But what i'm hearing is that that is the mechanism by which they actually fund the projects within the urban renewal area by having that line of credit and that they're going to enter into contracts and then come back to us and then -- at that point, all we're doing is basically technically agreeing to what it is they've already committed to. So contractually -- I guess what i'm trying to do is this has been a concern that has been brought up, and I have in my mind filed that and said, the next time one of these come up, i'm going to ask about what it is i'm agreeing to fund, and it sounds like this might be the opportunity to do that. Not because I don't necessarily support the various projects. I don't have any idea what they are. And i'm actually voting on a fairly hefty amount of financial commitment that takes money from the school districts and the county and the various jurisdictions without knowing what i'm getting for it. So I guess i'm asking is it unreasonable for us to set this over until we can see the projects and what it is that --

Johansen: We certainly have time to set it over. The expiration of the existing lines is at the end of december, so we do have a little bit of time.

Leonard: And I guess i'd also like to ask that in the future, understanding that this has been accredit; of us -- I mean, i'm not looking to create extra work for you or me, but i'm also wanting to honor legitimate criticism, and it has been about this very vote we're ready to take, and I feel as though I need more information before I can rationally vote.

Johansen: I think the right party to be at this table to answer that is going to be p.d.c.

Leonard: I totally agree. But I think they have an obligation, when they're asking for us to commit ourself financially, to tell us what it is we're financing. I'd be interested in what the rest of the council thinks about that.

Adams: Well, I think it would be useful, having sat through those conversations that commissioner Leonard mentioned as well -- I think it would be useful to break down sort of the relationship a little more, examine a manifest, bring out in the open the relationship of budgetary commitments. Sometimes the comments in the past is we can't change a list of projects because the bonds were let or whatever with the assumption that these would be the projects. I think it would be useful to just sort of tease that issue out a little more and bring it to the office for discussion. I think it would prevent future misunderstandings.

Johansen: For clarification --

Potter: Effective july 1st, the city became the budget committee for the p.d.c. Even though this allows the issuance of bonds, they still have to bring individual projects back for approval to the city council plus the budget preparation, which would include next year. This runs, I think, through 2010.

*****: Mm-hmm.

Potter: And so all of those budget issues have to be resolved before the city council approves that budget. So, for me, this is a technical issue to allow the city to borrow the money, but the approval process is still in place.

Leonard: I'm confused, 'cause that's not what I heard you say.

Johansen: This establishes an amount -- a maximum amount of financing that can occur in each district. It does not identify the projects that may or may not be funded from that amount. It's based on p.d.c.'s future budget forecast right now, but it is a projection and is subject to budgetary approval by council. So we're establishing the amount but we're not saying that this project is getting funded, this one is not.

Leonard: What I thought I understand you to say when I asked that question was that the p.d.c. Will in fact make commitments based on this authorization to do projects. And the council won't vote on those.

September 12, 2007

Johansen: I think the commitments they make have to be consistent with the budgetary prose st. Patrick.

Adams: This is a first reading so, at a very minimum, we have a week to sort of have some explanation about the issue.

Leonard: I guess i'm also asking a bigger question. Is this the vote that the critics say you have an opportunity to weigh in on or is it some other vote relative to bonds?

Johansen: I think, in my mind, the place for -- once the borrowing occurs for a project, then yes, the train has left the station. But I think the control the council has is in the budgetary process.

Leonard: I've heard over and over from p.d.c. You do have an opportunity weigh in on projects, and it's when you sell the bombs. Is that this vote?

Johansen: In my mind, this doesn't identify projects. This identifies the maximum borrowing amount for whatever projects end upcoming out of the budgetary process?

Leonard: What is the vote that we have here at council that critics have said we have an opportunity to weigh in on, aside from the budget stuff, which is brand-new? What is that issue that we vote on?

Johansen: From time to time, we have brought lines of credit that were for specific projects, make things related to projects in south waterfront, for example, where we've authorized the interim financing for specific projects.

Leonard: Would we do that again on the projects funded by this vote? Would we bring them back again?

Johansen: Only through the budget process.

Leonard: Which is a relatively -- not relatively. It is a brand-new process.

Sten: I guess, from my perspective as one of the people who worked really hard on getting the ballot measure passed, I actually think the budget process trumps -- this is part of why I thought we needed the budget process, to be blunt, because the arrangement was always, well, the council has control. You sell the bonds. But then there was a counterargument that always came back in that said, yeah, but once we've done a project, we can't pull back, and we can't do a project unless we have the bond authority, so essentially we would pass a blank check.

Leonard: Is that this vote?

Sten: It doesn't matter anymore, because now the projects have to come through us?

Leonard: Is that what we envisioned in the budget process to have happen?

Sten: Yeah.

Leonard: We will actually get specific projects we'll vote on?

Sten: That would be my expectation. I mean, I think it's a work in progress, but at this point the authority rests with the council and historians, so we need to shape the process and decide our expectations I and I think there's some very reasonable room to debate, for example, should we budget x amount of money? Let's take something I know a lot about, support of housing. Should we stay completely out of the question of where that support of housing is built, who the developer is? We could make our decision in the middle of that. I tend to lean a little more towards sign off on this is what you're supposed to do with the money, give the development commission room to make the decision, but technically speaking we could say we want the line item detail in front of us as to exactly what the project is. I think the argument of authorizing revenue bonds more broadly on the front end makes a lot more sense frankly now with us having the budget authority later. This would have troubled me greatly up until the may vote. It's part of why i'm pushing for the may vote. I don't necessarily think you're wrong on this. It's something we haven't worked quite through yet.

Leonard: I appreciate your explanation, but what i'm still looking at is a total amount of \$277 million. We're authorizing a line of credit with this vote broken down very specifically by districts.

September 12, 2007

So i'm assuming they went in and identified projects that add up to those amounts within urban renewal areas.

Johansen: I think they've looked at their financial forecast, have a sense of the projects they think are going to happen, but until they're authorized through the budget process --

Leonard: I don't think it's an onerous request to have whatever it is that they used to develop those numbers given to us as well. I mean, i'm just uncomfortable having a vote like this notwithstanding that we can get involved more detailed in the budgetary process without having the documentation that supports the \$277 million. They must have work meets or something.

Johansen: I can get the background for the number we came up with. I should point out that, of the 277 million, about 98 million of that is rolling over balances on existing lines of credit.

Leonard: I would just like to see that identified. There's nothing here that lets me know that. I would like to see whatever they had in putting this together.

Sten: I certainly have no argument with that. I think that's actually part of the building process towards having a collaborative budget. The goal, I think, is to build a budget that the p.d.c. And the council are confident in, not to have a power struggle over. My observation over the 15 or so years i've been working on this is that you need that final vote to get to the collaborative budget, and I think that's what we have now.

Potter: Further discussion? Did we have anybody signed up to testify on this matter?

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

Potter: Is there anybody here who wishes to testify to this matter? Ok. It's a nonemergency, moves to the second reading and the information being provided next week. Is it next week we'll hear it?

Leonard: I'm hoping I can get it further than that.

Johansen: I'm hoping to get it out by the end of the week.

Leonard: Great. Thanks.

Potter: Please read item 1106.

Item 1106.

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

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

Potter: Aye. Please read the 10:00 a.m. time certain.

Item 1090.

Potter: Commissioner Saltzman?

Saltzman: Thank you, mr. Mayor, members of council. I think many of you know the Portland children's investment fund has a five-person allocation committee that makes decisions about which programs we invest in. That committee consists of a city commissioner, a county commissioner, a citizen nominated by the Portland business alliance, a citizen nominated by the Multnomah county board of commissioners, and before us today would be alissa kenya-guyer who would be our citizen representative, replacing dr. David willis who has served us well for four years. The children's investment fund was created in 2002 by city voters to help thousands of Portland children who might otherwise grow up without a healthy start in life and the positive influences that lead to success in school and beyond. We fund with about \$9 million a year 66 programs throughout the city, focusing on early childhood, after school and mentoring, and child abuse prevention and intervention. The majority of the children we do serve live in low-income households and face many barriers such as poverty, abuse and neglect, and school failure. But through programs we support, they are entering school ready to succeed, attending class, and showing improved behavior and better grades and living with families who are growing stronger through more resources to reduce violence and abuse. As I said, the allocation committee oversees the spending decisions of the fund, and we're very pleased to have alissa kenya-guyer joining us as a city-appointed member if the council so votes. I think many of you know alissa. She comes highly recommended and regarded, having spent much of her professional life devoted to improving the lives of others,

September 12, 2007

especially the young in our society. Many of you know her dedication to children's issues and her passionate wish to invest in youth. She's always been focused on ways to offer help and opportunity to future generations. So, with that, I want to turn it over to alissa keny-guyer.

Alissa Keny-Guyer: Thank you very much, dan, for that introduction and also all of your hard work to make the children's investment fund become a reality. I want to do a side note here and say happy birthday to the mayor. You share this day with my sister, cynthia guyer and also with the mother of my husband, Neal.

Potter: I'm in good company.

Keny-Guyer: You're in good company. I always vote yes on your beard.

*****: [laughter]

Keny-Guyer: Research has shown over and over again that the investment that we put in early children's education, after-school programs, child abuse and neglect have shown vast returns in terms of societal benefits, higher income rates, which helps our tax base, which goes to support potholes and bridges and fire and all the other kinds of things, so it's not just directly related to children. The Portland's elected officials and citizens worked together five years ago to pass the initiative, a great collaboration between the city and officials as well as private funders to make this a success. I'm honored to be considered a part of that. Five years ago, I was the director after foundation for a local business that really saw the benefit of that, and so i've really followed this very closely for the last five years, and i'm delighted to see the kind of impact its had to help our local organizations expand their services to kids in need. Aside from the direct services, I just want to give one example of something that i've seen that you may or may not be aware of. It's been very exciting to me. In one of the early allocations rounds, the money that went to early childhood went predominantly to headstart services because they are evaluated, and part of the ballot language was this has to go to proven and effective programs, but very little went to child care. As you know, there's a lot of children in our community who are in child care, both licensed and nonlicensed, and the quality across the country tends to be not very high in child care because these services are not funded to the extent that they need to be. And when the children's investment fund made its early allocations -- and I was on the Multnomah county commission on children, child care committee -- we saw that as a real gap, that there wasn't a lot of funding going to child care other than a few centers that did have good evaluation in place. This was not chif's fault, but we saw that as a real gap. And so the Multnomah county commission has been working with the child care division at the state, with Oregon state university, and others who have worked together to put into place, to develop a quality assessment program called the quality indicators project so that early childhood education and care starts to have something that our public schools have now where parents can decide where their kids want to go to school. So this information will go to parents which means, we hope, that the demand will start increasing the quality. It will also give information back to child care providers so that providers can make decisions about where they should improve their services, how they compare to other providers, and how they compare to national recommendations. And it also gives feedback which is really important to funders, both private and public, so that they can see if there are needs in the child care community, where those dollars should be directed. If you have a baseline, they can you can see whether dollars invested actually pass a result. So chif really categorized this without spending a money on it. The fact that the local community is willing to invest in kids but we weren't ready to take those investments means that the whole system now has been developed -- it's been piloted in Multnomah county, and it's now starting to roll out statewide, so actually Portland is a great example of how a local community can look at needs, fund its needs, and we're providing an example for the rest of Oregon, and I hope other local municipalities start to invest their public dollars and find private funders who will invest that using this new quality indicators tool for child care. That's something i've been involved in the last few years, and I really attribute the whole start of that to chif. I'm a part of the private funding

September 12, 2007

community. I was the director of a private corporate foundation. I've also been on a family foundation and have chaired their youth and family funding, so i'm a. Part of the network of private funders who's really turned a lot of its attention now to how can we elaborate together with private funders and elaborate with the public. I know the children's investment fund has a leverage fund where it invited private funders to match one to one some of the children's investment fund dollars. That's really helped expand services. And i'm looking forward to working with the private funders who look at how we can collaborate programmatically and also administratively. Why are we all doing the same due diligence on these groups? Is there a way we can support that, we can collaborate that so that more dollars can go directly to services for kids? So on the more immediate level, i'm looking forward to joining this board and making sure that the dollars that have already been invested are very wisely used so that we can make the case for that back to our voters and we authorize this in november, '08. I'm really passionate about this challenge and delighted to be considered for it.

Potter: Questions? Thank you. Please call the vote.

Adams: Thanks for all you do, and i'm really happy that you're willing to serve -- continue to serve. Aye.

Leonard: I appreciated your remarks. You are passionate, and that's a great thing to have in this task. So i'm very happy to support you. Aye.

Saltzman: Thank you, alissa. We do look forward to working with you on the allocation committee during the next few years and welcome your enthusiasm and dedication for Portland's children. Thank you. Aye.

Sten: Well, alissa, thanks for doing this. I had a little speech prepared as to why I think you're -- and I don't say this on every nomination. If I could pick one person i'd pick in the community to do this, I would pick you based on your knowledge and passion, but I think you just gave the speech for me. I think you'll do a wonderful job. I'm really glad you're willing to do this. Aye.

Potter: And I really appreciate your thoughtful approach to this, because how we allocate these funds is important because it's going to protect our most valuable asset that we have, our children. So thank you very much, alissa. I vote aye. Welcome aboard.

*****: Thank you.

Potter: Please read item 1107.

Item 1107.

Leonard: It is really a great pleasure to be able to bring a resolution before council acknowledging the water bureau's great work in maintaining a safe workplace that has been recognized by the Oregon occupational safety and health administration, otherwise known as osha, through a program they call sharp. I just want to mention a couple of the criteria that they use in designating and awarding an organization with this award. The Portland water bureau will be the only -- is the only bureau in the city to get this recognition by Oregon osha, and it only comes after they have a very comprehensive consultation that includes inspections within the bureau, an audit of all operations, a complete safety and health systems review. They want to know whether employees are involved in establishing effective safety and health programs and are involved in maintaining accident and injury statistics at or below industry averages or at least showing significant downward trends. They certify whether or not there is a management and labor system in the system to develop programs as well as helping in making decisions that affect the safety and health of the workers. They look at the development implementation and improvement of all the elements of an effective safety and health management system. The water bureau passed with flying colors on all those counts. I'm very proud of their work and turn this over now to david chaff.

David Shaff: Good morning. I'm david shaff. I'm the director of the Portland water bureau. With me are michael wood, Oregon osha administrator, and eric fullen, the safety manager for the Portland water bureau. As you know, we have two vital, important resources in the Portland water

September 12, 2007

bureau, the water that we provide, a quarter of the state's population, and the 650 people who work for us who provide that water from forest to faucet. Without them, we would not be able to do the things that we do. And it is our goal theory single day they go home safe and sound to their families. So achieving this award relies on teamwork, and i'd like to recognize a few of the members of our team, eric fullen, our safety manager, if it weren't for him, we wouldn't be getting this award and this recognition. We have a number of members of our various safety commits sitting here today behind me. If you'd all stand up, please? And, in addition, we've got james hester who is here, the council representative for afsome local 189. They are our partners in making sure that we are a safe workforce. So, with that, I appreciate very much the resolution, and we're very appreciative of a ward. Thank you -- of the award. Thank you.

Michael Wood: My name is michael wood. I'm the administrator of the Oregon department of company consumer and business services, referred to as Oregon osha. It is a pleasure to be here before you this morning to give the water bureau this award. I have been in my position for just over two years, and one of the things that i've been struck by since arriving in Oregon I was the level of energy and commitment that the city of Portland has put into safety and health efforts across the board. I've had the opportunity to be here for your recognition. I've also had the opportunity to participate in the safety committee training two years. And one of the things that has struck me is the leadership throughout the organization, and I thank you for that, and I look forward to offering similar awards to a number of other bureaus in the not-too-distant future. But we are here to recognize the water bureau, and I want to echo the comments you've already heard about the achievement. The truth is -- and this is not an exaggeration -- that we're talking about a one in a thousands and achievement. When you look at operations and workplaces across the state, only about one in 1000 can reach sharp status. It is not an easy slot. And I think eric and the other folks from the water bureau would tell you that it has not always been an easy yes slot. There are real -- an easy slot. There are real issues and challenges to address. Sometimes we have the opportunity in the conduct of our work to give awards where the work was easy. I tend to think that the awards are more meaningful where they reflect some real effort and some genuine commitment and some changes and efforts in long practices. Those are beginning to bear fruit. This is the first milestone on a continuing journey, and I know that the water bureau is aware of that, and I congratulate the city. I congratulate the water bureau. And I do have a plaque, but I guess it's probably best to give it to you.

Shaff: Thank you very much.

Leonard: Can we see that?

Shaff: Yes. How about if I bring it up?

Leonard: There you go. Thank you. Very nice.

Adams: Are you going to give that award to other bureaus, you say?

Leonard: When they earn it.

Wood: When they've achieved what they need to achieve, i'd be happy to do that.

Leonard: They don't just give them out willy-nilly.

Adams: Didn't b.e.s. get this?

Wood: The water waste treatment plan does have sharp certification yes.

Eric Fullan: And actually they set the benchmark for the rest of the city to try to achieve that status, and now it's kind of become a city died goal. It's actively supported by risk management as well. This has been a two-year -- I want to say ordeal, but it actually was a real partnership. Oregon osha and their consultation team that came out and worked with our folks in the field and in the office partners with other bureaus. I know b.e.s., the water waste treatment plan, paul shuberg was also coached. This really is a citywide effort. It was focused on the water bureau, but we certainly hope it will bear fruit citywide.

September 12, 2007

Shaff: And, mayor, i'd like to take a moment to present what we call our commissioner's coin to erik for all the work he's done on achieving the sharp award. So, erik, thank you very much.

*****: [applause]

Leonard: I don't know if the council has actually seen that.

Saltzman: Tell us more about the commissioner's coin.

Adams: Does it have randy on it?

Leonard: No. It was actually developed by -- [laughter]

Adams: With a little wreath around it?

Leonard: This is exactly why I wanted you to show it to them. It was developed by mike sture who wanted something to be able to recognize really outstanding efforts on the parts of various employees and members of the public, and they hand them out sparingly, too.

Shaff: I probably have not handed out more than two dozen in two years.

Leonard: Right. And they're pretty cool.

Saltzman: What are they going for on ebay?

Adams: They are very cool.

Shaff: I'm hoping they don't go for anything on ebay, commissioner.

Leonard: They have the water bureau symbol on them with no individual person's name on them. I want to point that out.

*****: [laughter]

*****: Eric, you've greatly earned this. Thank you for your great work. Thank you.

*****: [applause]

Potter: Anybody else to testify on this? Is anybody signed up to testify on this matter?

Moore: No one else signed up.

Potter: It's a resolution. Please call the vote.

Adams: Thanks for all your great work, and we hope to have you back for more awards earned by more bureaus. So thanks for being here and being part of this presentation. Congratulations to david and eric and commissioner Leonard. Aye.

Leonard: And I just couldn't have been more pleased than to have this assignment from mayor Potter for the last year. I've had a continuing string of great experiences with the water bureau and its staff, including their enthusiasm in opening hydroparks throughout the city. We just had the water bureau picnic sunday, our first one. It was a great event in an area that used to be closed off to the public. The reinvigoration of the entire bureau has been really a pleasure for both david and I to participate in. This is a manifestation of that, I believe, and you guys continue to do great work while delivering water to every person that we serve in an efficient and really customer-friendly way, and I greatly appreciate all the work of everybody at the water bureau. It's a great organization. Aye.

Saltzman: Congratulations. This is really, as the administrator said, one in a thousands and so well deserved. Keep up the good work.

Sten: Great job. Aye.

Potter: I want to thank all the men and women in the water bureau because, although you folks have led the effort, they had to be part of the solution as well. So I want to thank all of the water bureau folks for that. That's a very prestigious and water think honor. I vote -- worthy honor. Aye.

*****: Thank you.

Potter: Thank you. We're recessed until 2:00 p.m.

At 10:18 a.m., Council recessed.

September 12, 2007

SEPTEMBER 12, 2007 2:00 PM

[roll call]

Potter: A lobbyist must declare which lobbying entity he or she is authorized to represent before testifying. Please read the 2:00 p.m. time certain.

Item 1108.

Potter: Planning staff?

Betsy Ames: Betsy Ames, I'm the assistant director with the bureau of planning. With me is rodney jennings, who is the staff planner in charge of the regulatory improvement code amendment project.

Rodney Jennings: Thank you, betsy. This is a presentation on the regulatory improvement code amendment package 3 or recap 3 for short. Recap is a product of the regulatory work improvement plan, and selections are drawn from a database called the regular free improvement request database. Items are submitted into this database by citizens and staff from the bureau of planning and other city bureaus, also drawn from monitoring projects and also submitted by citizens. Some of the ideas in the database are ultimately assigned to other planning bureau projects. Some are forwarded to other bureaus. And the technical and minor policy amendments are usually assigned to regulatory improvement code amendment packages, including this one, recap 3. The code amendments we're looking at are based upon a work plan after proved by the planning commission last fall. The planning commission held a public hearing on july 24th and is recommending amendments for 33 of the items in the work plan. The amendments address a wide variety of issues. To give you a flavor of the variety, we've selected a few of them to highlight. For example, one is a clarification of existing restrictions for transferring floria to some areas located on the south park blocks. Another one is based on monitoring that we've done to refine regulations to apply to storm water outfalls in the environmental zones. A third creates what we call a level playing field so that high school athletic fields are regulated the same way that other conditional uses in residential zones are regulated. Right now they're regulated at a higher level.

Adams: It used to be level the playing field.

Jennings: A third one will tighten the exemptions that apply to radio frequency transmission facilities designed in historic overlay zones. And then a final amendment would clarify and enhance the existing requirements for developments to meet with neighborhoods prior to applying for certain higher impact building permits and land use reviews. Currently the code requires developers to schedule a meeting with the neighborhood association but doesn't explicitly say the developer has to attend the meeting. Some developers have taken advantage of this by setting up the meeting but not actually going. We're going to fix that, too. We'd move to amend the code as shown in the report and direct staff to continue monitoring an evaluation. I'm going to hand it over to betsy now to give a little more detail on one item that has generated some public input.

Adams: Wow.

Ames: The planning commission received a letter from the gateway design and development subcommittee asking for some additional amendments to the gateway open area requirement, and we have met with both p.d.c. and members of that committee, and there is a number of changes that they are recommending that will take a little bit more work for us to work through and have discussions with the parks bureau and bureau of development and services to resolve, and we've agreed to have our east district liaison set up a series of meetings with them. We also thing there's one amendment that could be considered as part of this package. We don't have the code language for that quite yet, so we'd like to be able to come back on october 10th with an amendment for you to consider, including with this package, clarify that one element, and then we'll be working on the

September 12, 2007

rest of them with the design and development committee in the coming months. And that's it for our presentation.

Potter: Questions from the commissioners?

Adams: What are you doing to athletic fields again?

*****: [laughter]

Adams: I'm just kidding. Just kidding.

Potter: Thank you, folks. Do we have any folks signed up to testify?

Moore: We have three people signed up.

Potter: Please read the names again. Thanks for being here, folks. Please state your name for the record. You each have three minutes.

Linda Bauer: Linda bauer, citizen. Should pdot oversee the safety and operation of the transportation system or, the alternative, should they just look at driveways? I would like to ask that you ask the committee whose recommendations you are adopting today to look at whether code changes need to be made to 1788050 b. Attached is pdot's e-mail explanation of how they interpret this code. B is only one sentence. Does b comply with the purpose statement above? Does it meet the mission statement of pdot? I'm not sure what else you'd like to know without a review and recommendations from all parties. I would be happy to answer any questions if you have any. Yes, sir.

Adams: Maybe it's just that time of day for me. Could you summarize your concern?

Bauer: According to b, which i've highlighted for all of you, it says that the city engineer can look at driveways but not intersections, not how things are operating safely or unsafely, and i'm very concerned that pdot should be -- your mission is to oversee the safety and operations. And why would that be limited to only driveways in the code?

Adams: So is your point in looking at driveways that pdot should be looking at applications for driveways within the larger context or that pdot should be looking at safety issues?

Bauer: I think they should be looking at all safety impacts and specifically intersections. A lot more things happen in an intersection than happens in a driveway.

Adams: And this is in terms of in the context of responding to permits for development or major remodels? Is that the context?

Bauer: Yeah, it is. [laughter] thank you.

Adams: Thank you.

Ted Gilbert: My name is ted gilbert. 1205 southwest 18th. I'm in the capacity of a property owner in gateway, as a member of urban renewal committee, and a member of the design and review development committee that helped craft the rules we're speaking of today. When those were crafted and adopted, there were gaps, omissions I and some unintended consequences. We didn't think of everything. I deserve as much responsibility for that as anybody, because a lot of the idea and input for that came from me as looking for incentives to try to create Portland's only regional center. We've met, as you heard from staff, to try to work through that. We think that, while it's not the only reason, these issues are significant reasons why Portland's only regional center is that only in name and not in fact yet. And frankly it is a question whether it will ever hit that tipping point of becoming a regional center in fact. So we met with staff, and what staff just mentioned to you is not nearly as expeditious as all of us would like but frankly represents a real accommodation and one that I want to thank them for and let them know that I appreciate and urge you to support with one qualification that I didn't hear in staff's report. And maybe it was just an omission, but my recollection is, when we met, number one, there was one item that they thought could be put in right away, and we need to craft language. Number two, they were going to take some months to look at the others. Number three, if in fact it was required, they were willing to put this into ricap 4 which, if they don't, it could be a number of years before these issues could be revisited again. Hopefully that isn't an understanding. I'd urge you to support it along with your

September 12, 2007

prioritization, if you will, that of creating a gateway into Portland's only regional center is a priority for council. Thank you.

Moore: One more. Linda robinson.

Leonard: Have we reacted to ted's concern? And where do we find that at?

Potter: Let's let linda testify.

Linda Robinson: Linda robinson, and i, too, and a citizen and a member of the gateway urban renewal citizen advisory group. I met with -- i'm also on the design and review development committee. And we felt that there needed to be some additional changes to help make that happen. We don't all agree exactly on the details, but we agreed on the general substance, and we do need time as a committee to look at that in more detail and to bring it back to the full gay way urban renewal committee, so I appreciate the opportunity to spend a little more time on that so we can make the open space part work to help be an incentive to get things going in gateway. That's been our concern. I'm the chair of the parks subcommittee also for that group.

Potter: Thank you. Would you come back forward, please?

Ames: As mr. Gilbert mentioned, we did agree that any necessary code changes could be brought forward as what we refer to as the trailer to recap for, that it could come along at the same time forward to the planning commission and city council for consideration. There are also some issues of location of the open area that we'd want to work with parks and some of those may not be regulatory changes but other changes that could be negotiated. So we'll be involving parks, media, and p.d.c. in those conversations as well as community members.

Leonard: But we're going to vote on this ordinance?

Ames: We're going to vote on this ordinance. There's one small change where we want to clarify that the entire site -- part of the provision is that you can donate some off-site areas to meet the requirement rather than having the open air requirement met on your property. The site has to be vacant or used for surface parking, and the committee pointed out that sometimes there will be a building on a portion of the site but not the portion that is being donated. And so we should clarify that the entire site doesn't have to be vacant for that provision to be used. So we'll --

Potter: So that's not in this section? It will be coming with --

Ames: That particular change we think we can do within the next month and bring that back on october 10th so you can adopt this entire package on october 10th.

Potter: Is that recap 4?

Ames: That would be recap 3, so continuing this hearing for that amendment. On linda bauer's i, I think we'd like to work with pdot to assess whether that could be something considered as part of the next regulatory improvement code amendment package.

Potter: So you're asking the council to --

Ames: Pass this on or continue the hearing until october 10th for consideration of the one amendment on the gay -- gateway open air requirement.

Leonard: I guess I was getting at some specific issues brought up that sounded like you were agreeable to. Why wouldn't we do that on october 10th?

Ames: Those issues, I think as both linda and ted have recognized, might take a little more discussion, so we'll try to do that in as expeditious a manner as possible.

Leonard: When would that be?

Ames: That would be in approximately nine to 10 months.

Leonard: And all the parties agree it would take that long?

Ames: Yeah. There's some complexities and working out the details and making sure that the parks bureau and bureau of development services are agreeing that they can be implemented. So --

Potter: Other questions?

September 12, 2007

Adams: I'm interested in the issue that Linda raised, because I have always been told that the zoning is in place. The zoning designation in part was made on whether or not the adjacent transportation system could deal with the impacts of allowable zoning or the zoned allowable development. And I know that is not always the case in sort of my view of things, so I will be interested in being involved in some of that discussion. There are parts of the city where clearly the zoning allows for a certain amount of density that the transportation system that's in place cannot handle. And the S.D.C.s, we're limited in how they can be used in terms of increasing capacity and not allowed to only address safety issues with them. So it is an issue that I'd welcome your continued or welcome your thoughts on in the next package.

Ames: Okay.

Potter: Other questions? Any objection to holding this over until October 10th? We'll be hearing this on October 10th at what time?

Moore: It will be time certain at 2:00 p.m.

Potter: 2:00 p.m. Ok. We're recessed until 2:00 p.m. tomorrow.

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

At 2:20 p.m., Council recessed.

September 13, 2007
Closed Caption File of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

[The following text is the byproduct of the closed captioning of this broadcast.]

SEPTEMBER 13, 2007 2:00 PM

* * * [roll call]

Adams: We have one agenda item on the docket today. Karla, would you please read the agenda title.

Item 1109.

Adams: In consultation with the city attorney's office, the procedure today will be five minutes from the bureau of development services, five minutes from the appellant, and then five minutes from the neighborhood, at which time it will be council deliberation leading to a possible decision. So if a representative from bureau of development services would please come forward.

Nizar Slim, Land Division Section, Bureau of Development Services: Essentially i'm here today along with eric engstrom, also from b.d.s., kurt kruger from bureau of transportation, and sun noble, with bureau of environmental services. Basically I support for this proceeding. This is just a continuation of the previous hearing that was held a few weeks prior regarding this case. That's all I have at this point.

Leonard: Did you participate in the discussions?

Slim: Thank you, commissioner Leonard. I was present at the neighborhood association meeting with the developer, I believe it was august 29th. And I was there just to sort of facilitate and as a resource. If any of the proposals that were proposed were in conflict with the code, I was to basically address that part so we wouldn't go down a road that was not productive. Otherwise most of the dialogue was really between the developer and the association.

Leonard: Was your opinion that they reach some sort of an agreement?

Slim: I think there were options put out there, but I don't believe an agreement was reached.

Leonard: Thank you.

Adams: Any other questions? You're going to use much less than your five minutes, aren't you? If we could hear from a representative of the appellant, please come forward.

Sten: President Adams, I guess I should mention to the audience I was not at the hearing but I have a chance to review the full record, but I may need to ask a few more questions.

Adams: I appreciate that. For the record --

Ken Sandblast: Ken sandblast, working with jeremy osterholm, the appellant. I guess would I begin by saying, do you have any particular questions? Maybe I could see if I could answer those.

Sten: Go ahead.

Osterholm: Ok. I guess i'll summarize the meeting that we had with the neighborhood as a result of our first hearing here in front of the commission. We met for well over an hour, pushing an hour and a half. We started off talking about the primary issue here, which is the turnaround. We quickly turned from the turnaround, which was our primary issue as the appellant and the applicant, to density. There was four, five people from the neighborhood who came -- that were not at the first meeting and they wanted to focus on density and requested that there be a reduction in density to do the right thing, quote unquote. Given this is already below density, we had an extensive dialogue about that. We then turned to what I would characterize as broader alternatives, more

September 13, 2007

comprehensive issues. As everyone I think would acknowledge, it all boils down to the mighty buck at some point, and we talked about, gee, what is the process or even just in general how that would even work, money needs to be generated in substantial amounts to compensate somebody to drop density when it meets the density requirements. We went as far as even talking about the property purchase outright. We also talked about, and i'm summarizing, we also talked about the fact that this particular application meets all of the codes. As your staff laid out in the first hearing, this is kind of a policy precedent issue as well as a particular application to this particular site. So maybe this isn't the actual site and I advance this, this isn't the actual application to take a stand on because it doesn't have a lot of adjustments in various things, but more importantly we talked a little bit about the fact that the codes need to be changed. If people don't like density, the a overlay, the codes need to be changed and regulations can, through the results of what this group has proven to be very organized, and thoughtful, and so I basically pointed out to them the comprehensive plan is beginning to get to undergo an update. Those are the avenues that things get changed that aren't on a case-by-case basis. Short of that, there's been no dramatic alteration in the density. The staff has a copy which was a revised plan of what I described at the end of our first hearing, and that is the same exact layout that you would have, and I don't know if you have a copy of it, if you do not i'll give you one because I have one. But it's the same right of way configuration and design as you had at your -- at the first hearing, and inside of that right of way it reflected a 70-foot diameter with some swales, and at the end of last hearing, after we heard from the fire bureau, I advanced that could you could the same right of way and do a 90-foot radius inside of that, simply as a solution to the fire bureau's express concerns. Subsequent to the hearing, that diagram or plan was advanced to be -- they have reviewed it, tentatively approved it as acceptable without the swales. So at this point in time it's our understanding focusing on the issue of the appeal as the turnaround, that there's three alternatives. One is as approved with sprinklers and a stub street for future connectivity. Another is as was discussed at the last hearing, the 70-foot turnaround inside of a full right of way configuration, which would be able to be extended further south. And then the third is the 90-foot curb line within the same right of way. So we believe as the applicant we've offered three alternatives that are all viable. And while we appreciate the concerns of the neighborhood about density, and we did actually appreciate the opportunity to meet with them and the fact they were very well organized and communicated very professionally, that we still don't believe there's any -- there's no need to decrease the density in this case. We've met all the standards for that. So in summary that's where we're at, and I attempted to summarize what we talked about at the meeting.

Adams: Any questions? Hearing none, thank you. If we could hear from our representative from the neighborhood? Good afternoon. Welcome. You have five minutes.

Marjorie Dilworth: A lot of folks were hoping to be able to speak today, and I thought I had more than five minutes, but i'll do my best. My name is Marjorie dilworth, I live on 76th. We'd like to thank you, commissioner Leonard, for arranging this meeting and we thank the builder as well, the developer, for meeting with us. We appreciated the dialogue. Very civilized, very congenial. But for all that, obviously no compromise were reached. And they still remain committed at 19 units. Not even one shingle was removed, basically. The only thing they're willing to change is the layout of the initial turnaround, and that's only been accomplished by shrinking the size of the yards. As I mentioned last month, we did circulate a petition in the neighborhood and over 70 signatures are on that petition. It's on file with the hearings officer. The vast majority, almost 95%, signed that petition. And the ones who didn't were not available to sign it, or didn't speak english. This development will increase by 50% the density of our neighborhood on only 12% of the land. Many issues are involved. The need for a proper turnaround is what brought us together. We need that whether there's the minimum 10 units, or the 19 the developer is proposing. The additional traffic on 74th is a very strong issue. There's nine congregations that meet at the Jehovah witness hall, and they all exit down 74th. There's another 5a overlay further down above center street that's going to

September 13, 2007

impact that area if that's developed. There's the police surveillance and crime on an area like this hidden away from view. There's parking, spilling out onto 74th. The concern that with time these may become rental units and neglected by their owners, and on and on and on. A street exiting is not too likely at the bottom end of that development because the people who own the homes down there are not interested at all in selling the back end of their houses. The back end of their properties. So while the issue of the turnaround has brought us together, no compromise has been made. Although the neighborhood is willing to make compromise. We suggested a number of things. We found out the 5a overlay prevents the developer from putting in single-family houses instead of attached dwellings. That seems to be a requirement. The 5a overlay seems to be a major issue, and we've been noticing in the city with other people it's becoming an issue elsewhere as well. We suggested a compromise in the middle of 14. Removing the south two structures completely, and changing the triplex into a duplex, which would relieve the mooyman's property at the top end tremendously. Right now their house is the most impacted in the entire neighborhood. And they're the most affected, yet nothing seems to be done to relieve that problem. It would eliminate the apartment row look to spread the units out. Right now the way it stands, four units have reduced yards and seven units have substantially reduced yards. In order for that turnaround to be a proper turnaround, which obviously is needed. The neighborhood association is in agreement that we are not satisfied with any of the turnaround ideas as submitted by the developer because they only degrade the quality of the development by reducing the yard sizes. So in closing, while it may be permitted, we still feel it is not right to drop a development of this size and scope into the middle of a neighborhood made up of single-family homes. Single-story homes. Most of which are of a ranch or bungalow style. I also need to mention that at both meetings with the developer that the neighborhood had, there was a thinly veiled threat mentioned several times. The threat that if this did not go through, they would come back with a larger development, or they would sell to it someone who would. I assure you if that happens, we'll be back again, because we do not want density of the size put into the middle of our neighborhood. Their product is excellent. We have no complaint with what they build. And we're not against the development of this property. It would enhance the neighborhood, we're sure. We're just concerned about the extent that's happening. So we ask, Portland's motto is the city that works. Can you find some way to make this work? Not just for the developer, but for the neighborhood as well? Thank you.

Sten: One question. Can you give me a broad sense of what you would consider an acceptable compromise?

Dilworth: Yes. This is their plan. This is coming in from 74th and the new proposed street. I'm sorry, that's my wrong sheet. It doesn't highlight what I wanted. Our suggestion is removing two structures, which would be four units, duplexes, two duplexes, plus making this triplex into a duplex. By doing that, these structures could be spread out. People would have proper yards. They would not be -- these two especially would not be pushed so close to their back yard neighbors as well as the one on the end that is a triplex. And the mooyman's house is right here, they have no room for movement. The property ends five feet from their door.

Adams: Is it your suggestion the two on the right, that if the street was punched through then those would be built, or that you would spread out the remaining development --

Dilworth: No, spread them out to eliminate apartment row look. This is not an apartment neighborhood. This is a neighborhood of single-story, single-family homes. And while, yes, these are duplexes, spreading them out would eliminate some of that apartment look.

Sten: That was very helpful, thank you.

Adams: Is there any questions from council for staff? Is there any discussion? Then let's --

Leonard: I move to deny the appeal and uphold the hearings officer's decision.

Adams: Second.

September 13, 2007

Kathryn Beaumont, Sr. Deputy City Attorney: I would note for the council if this motion receives three votes and passes you would be making a final decision today.

Adams: Please call the roll.

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

Sten: Coming in late to this, I -- and this is probably how everybody felt at the last meeting, I feel like a compromise could be reached. It seems like the neighborhood is in goodwill and it seems like the developer is trying to build something of quality, which is what we want. And i'm working on a project now to try and figure out how to get more families with kids into the cities to go to the schools, because they're being pushed out. This could be a very good project. Having reviewed and it having listened a little bit today and the hearing before, would I concur with my colleagues, that the onus is always us to overturn the hearings officer, because that's -- that is somebody who is there to make very clear decisions, and in this case I think I would support that motion and uphold the hearings officer. Aye.

Adams: All right. The appeal fails. Is that correct?

Leonard: Yes.

Beaumont: Yes, the appeal is denied, The hearings officer's decision stands. The land use application is denied as a result.

Adams: What she said. All right. And that is the only item on our agenda today. We stand adjourned. [gavel pounded]

At 2:22 pm, Council adjourned.