



CITY OF  
**PORTLAND, OREGON**

**OFFICIAL  
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **4TH DAY OF JUNE, 2008** AT 9:30 A.M.

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

Mayor Potter was excused to leave at 11:46 a.m.

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

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

<b>COMMUNICATIONS</b>		<b>Disposition:</b>
<b>686</b>	Request of Lawrence H. Bishop to address Council regarding the sit-no lie law and camping (Communication)	<b>PLACED ON FILE</b>
<b>687</b>	Request of Laura Spitze to address Council regarding the homeless protest and sit-lie ordinance (Communication)	<b>PLACED ON FILE</b>
<b>688</b>	Request of Wesley Flowers to address Council regarding sit-lie and camping ordinances and 10-year plan (Communication)	<b>PLACED ON FILE</b>
<b>689</b>	Request of Pete Munyon to address Council regarding sit-lie and camping ordinances (Communication)	<b>PLACED ON FILE</b>
<b>690</b>	Request of Robert Barrett to address Council regarding hardships of the sit-lie and camping ordinances (Communication)	<b>PLACED ON FILE</b>
<b>TIME CERTAINS</b>		
<b>691</b>	<b>TIME CERTAIN: 9:30 AM</b> – The Difference of Community Involvement – Open Meadows City Corps Youth (Presentation introduced by Mayor Potter)	<b>PLACED ON FILE</b>

**June 4, 2008**

<p><b>692</b>    <b>TIME CERTAIN: 10:00 AM</b> – Council to convene as Budget Committee to approve a budget (Mayor convenes Budget Committee; Previous Agenda 606)</p> <p><b>Motion #1 to adopt the changes outlined in the change memo:</b> Moved by Commissioner Adams and seconded by Commissioner Leonard.</p> <p><b>Motion #2 to amend the previous motion to set aside \$300,000 in the Rainy Day Fund contingency for the purpose of providing homeless self-sufficiency services:</b> Moved by Commissioner Leonard and seconded by Commissioner Adams. (Y-4)</p> <p><b>Motion to vote on motion #1 as amended:</b> Moved by Commissioner Adams and seconded by Commissioner Leonard (Y-4)</p> <p><b>Vote to approve the budget</b> (Y-4)</p> <p><b>Motion that the City shall levy its full permanent rate of \$4.5770 per \$1,000.00 of assessed value; and \$8,105,449 for the payment of voter-approved General Obligation bond principal and interest; and \$111,152,436 for the obligation for the Fire and Police Disability and Retirement Fund:</b> Moved by Commissioner Leonard and seconded by Commissioner Saltzman (Y-4)</p>	<p align="center"><b>PLACED ON FILE</b></p>
<p><b>693</b>    <b>TIME CERTAIN: 10:30 AM</b> – Council to convene as Portland Development Commission Budget Committee to approve the annual budget (Mayor convenes Portland Development Commission Budget Committee)</p> <p><b>Motion to accept the Portland Development Commission budget:</b> Moved by Commissioner Adams and seconded by Commissioner Leonard.</p> <p>(Y-4)</p>	<p align="center"><b>PLACED ON FILE</b></p>
<p align="center"><b>CONSENT AGENDA – NO DISCUSSION</b></p>	
<p align="center"><b>Mayor Tom Potter</b></p>	
<p><b>*694</b>    Authorize an Intergovernmental Agreement with Multnomah County for partial funding support of the Mental Health Public Safety Committee (Ordinance)</p> <p>(Y-4)</p>	<p align="center"><b>181851</b></p>
<p><b>*695</b>    Authorize an Intergovernmental Agreement with the Centennial School District 28J for financial support of certain activities and programs (Ordinance)</p> <p>(Y-4)</p>	<p align="center"><b>181852</b></p>
<p><b>*696</b>    Authorize an Intergovernmental Agreement with the David Douglas School District No. 40 for financial support of certain activities and programs (Ordinance)</p> <p>(Y-4)</p>	<p align="center"><b>181853</b></p>
<p><b>*697</b>    Authorize an Intergovernmental Agreement with the Parkrose School District 3 for financial support of certain activities and programs (Ordinance)</p> <p>(Y-4)</p>	<p align="center"><b>181854</b></p>
<p><b>*698</b>    Authorize an Intergovernmental Agreement with the Portland Public School District 1J for financial support of certain activities and programs (Ordinance)</p> <p>(Y-4)</p>	<p align="center"><b>181855</b></p>
<p><b>*699</b>    Authorize an Intergovernmental Agreement with the Reynolds School District 7 for financial support of certain activities and programs (Ordinance)</p> <p>(Y-4)</p>	<p align="center"><b>181856</b></p>

**June 4, 2008**

<p><b>*700</b> Authorize an Intergovernmental Agreement with the Riverdale School District for financial support of certain activities and programs (Ordinance) (Y-4)</p>	<p align="center"><b>181857</b></p>
<p align="center"><b>Bureau of Housing and Community Development</b></p>	
<p><b>*701</b> Authorize a subrecipient contract with Human Solutions to access to the Bureau of Housing and Community Development Risk Mitigation Pool (Ordinance) (Y-4)</p>	<p align="center"><b>181858</b></p>
<p align="center"><b>Bureau of Planning</b></p>	
<p><b>*702</b> Accept Historic Preservation Fund grant of \$10,500 to supplement the City historic resources program for the federal grant period October 1, 2008-August 31, 2009 (Ordinance) (Y-4)</p>	<p align="center"><b>181859</b></p>
<p><b>*703</b> Authorize Intergovernmental Agreement with Multnomah County for up to \$150,000 for planning services for Metro Expansion Area 93 and provide payment (Ordinance) (Y-4)</p>	<p align="center"><b>181860</b></p>
<p align="center"><b>City Attorney</b></p>	
<p><b>704</b> Authorize City Attorney's Office to file an amicus brief and participate in court proceedings in Sprint Telephony PCS, LP v County of San Diego (Resolution) (Y-4)</p>	<p align="center"><b>36606</b></p>
<p align="center"><b>Office of Emergency Management</b></p>	
<p><b>*705</b> Authorize contract with CH2MHill to develop the Regional Disaster Preparedness Coordination Assessment Report for the Urban Area Security Initiative five county region (Ordinance) (Y-4)</p>	<p align="center"><b>181861</b></p>
<p align="center"><b>Office of Management and Finance – Business Operations</b></p>	
<p><b>*706</b> Pay claim of Jennifer Viuhkola (Ordinance) (Y-4)</p>	<p align="center"><b>181862</b></p>
<p><b>707</b> Rescind resolution which covered volunteers of the Portland Office of Emergency Management under the Workers' Compensation laws of the State of Oregon (Resolution; rescind Resolution No. 34841) (Y-4)</p>	<p align="center"><b>36607</b></p>
<p><b>*708</b> Authorize acquisition of vehicles for use by City Bureaus (Ordinance) (Y-4)</p>	<p align="center"><b>181863</b></p>
<p><b>*709</b> Authorize a contract for catch basin cleaners and provide payment to furnish replacement vehicles (Ordinance) (Y-4)</p>	<p align="center"><b>181864</b></p>
<p align="center"><b>Office of Management and Finance – Financial Services</b></p>	
<p><b>710</b> Statement of cash and investments April 03, 2008 through April 30, 2008 (Report; Treasurer) (Y-4)</p>	<p align="center"><b>PLACED ON FILE</b></p>

**June 4, 2008**

<p><b>711</b> Approve issuance of bond by Hillsborough County, Florida for Shriners Hospitals for Children with respect to facilities in Portland (Resolution) (Y-4)</p>	<p align="center"><b>36608</b></p>
<p><b>*712</b> Authorize extension of line of credit for streetcar alignment from Portland State University to RiverPlace (Ordinance) (Y-4)</p>	<p align="center"><b>181865</b></p>
<b>Office of Management and Finance – Human Resources</b>	
<p><b>*713</b> Create a new Nonrepresented premium assignment, Fire Marshal, to replace the current Fire marshal classification and establish a compensation rate for this premium assignment (Ordinance) (Y-4)</p>	<p align="center"><b>181866</b></p>
<p><b>*714</b> Approve cost of living adjustments to pay rates for Nonrepresented classifications and Elected Officials, specify the effect upon employees in the classifications involved, effective July 1, 2008 and provide for payment (Ordinance) (Y-4)</p>	<p align="center"><b>181867</b></p>
<p><b>*715</b> Authorize an Intergovernmental Agreement with Portland State University for a summer internship program for college students (Ordinance) (Y-4)</p>	<p align="center"><b>181868</b></p>
<b>Office of Management and Finance – Purchases</b>	
<p><b>716</b> Authorize extensions of term to Information Technology Flexible Services contracts (Ordinance; amend Contracts)</p>	<p align="center"><b>PASSED TO SECOND READING JUNE 11, 2008 AT 9:30 AM</b></p>
<p><b>717</b> Authorize a five year contract with Coalfire Systems, Inc. for industry-mandated security auditing services for City centralized payment card processing gateway (Ordinance)</p>	<p align="center"><b>PASSED TO SECOND READING JUNE 11, 2008 AT 9:30 AM</b></p>
<b>Office of Management and Finance – Revenue</b>	
<p><b>718</b> Extend contract with Poorman-Douglas Corporation dba EPIQ for lien billing and mailing services (Ordinance; amend Contract No. 33691)</p>	<p align="center"><b>PASSED TO SECOND READING JUNE 11, 2008 AT 9:30 AM</b></p>
<p><b>719</b> Extend contract with Scan One, A Corvell Company for document imaging services of the Multnomah County Personal Income Tax Program (Ordinance; amend Contract No. 35088)</p>	<p align="center"><b>PASSED TO SECOND READING JUNE 11, 2008 AT 9:30 AM</b></p>
<b>Police Bureau</b>	
<p><b>*720</b> Authorize an Intergovernmental Agreement with the City of Gresham for the 2007 Justice Assistance Grant to fund law enforcement technology and support and prosecutorial personnel (Ordinance) (Y-4)</p>	<p align="center"><b>181869</b></p>

**June 4, 2008**

<p><b>*721</b> Authorize an Intergovernmental Agreement with Multnomah County for the 2007 Justice Assistance Grant to fund law enforcement technology and support and prosecutorial personnel (Ordinance) (Y-4)</p>	<p align="center"><b>181870</b></p>
<p><b>*722</b> Apply for a \$2,000 Target Corporation 2008 law enforcement grant for Crisis Response Team volunteer training (Ordinance) (Y-4)</p>	<p align="center"><b>181871</b></p>
<p><b>*723</b> Accept \$123,713 in gang prevention funding from Multnomah County provided by the U.S. Department of Justice Project Safe Neighborhoods Anti-Gang Initiative Firearms grant (Ordinance) (Y-4)</p>	<p align="center"><b>181872</b></p>
<p><b>*724</b> Authorize an Intergovernmental Agreement with Multnomah County for the 2007 Project Safe Neighborhoods Initiative Firearms grant (Ordinance) (Y-4)</p>	<p align="center"><b>181873</b></p>
<p><b>*725</b> Amend an Intergovernmental Agreement in which Multnomah County will reimburse the City for the Project Safe Neighborhoods Anti-Gang Initiative grants (Ordinance; amend Contract No. 52859) (Y-4)</p>	<p align="center"><b>181874</b></p>
<p><b>*726</b> Accept \$40,288 in youth gang outreach and prevention funding from Multnomah County provided by the U.S. Department of Justice Project Safe Neighborhoods Anti-Gang Initiative grant (Ordinance) (Y-4)</p>	<p align="center"><b>181875</b></p>
<p><b>*727</b> Accept a grant from the Oregon Department of Justice and the Oregon High Intensity Drug Trafficking Areas Program for \$75,000 to fund Portland Police Bureau Metro Gang Task Force efforts (Ordinance) (Y-4)</p>	<p align="center"><b>181876</b></p>
<p><b>*728</b> Apply for a \$69,960 Oregon Department of Transportation Safety Division, DUII Intensive Supervision Program grant for officer overtime (Ordinance) (Y-4)</p>	<p align="center"><b>181877</b></p>
<p><b>*729</b> Amend an Intergovernmental Agreement with Multnomah County to continue to reimburse the County for personnel expenses of a program-dedicated 0.5 Full-Time Equivalent Deputy District Attorney (Ordinance; amend Contract No. 37114) (Y-4)</p>	<p align="center"><b>181878</b></p>
<p><b>*730</b> Authorize a \$40,288 agreement with Northeast Coalition of Neighborhoods, Inc. to provide short-term advocacy and educational intervention services for at-risk youth (Ordinance) (Y-4)</p>	<p align="center"><b>181879</b></p>

**Commissioner Sam Adams**

**Bureau of Environmental Services**

**June 4, 2008**

<p><b>*731</b> Authorize the Bureau of Environmental Services to enter into agreements for the conveyance of properties located within the East Lents Floodplain Restoration project area (Ordinance)  (Y-4)</p>	<p><b>181880</b></p>
<p><b>*732</b> Authorize the Bureau of Environmental Services to execute a permanent tunnel easement on property necessary for construction of the East Side Combined Sewer Overflow Tunnel Project No. 7594, including an indemnification from the City to the Portland Development Commission (Ordinance)  (Y-4)</p>	<p><b>181881</b></p>
<p><b>*733</b> Amend grant from the Lower Columbia River Estuary Partnership to enhance wetland and riparian enhancement in the Lower Willamette River (Ordinance; amend Ordinance No. 180116)  (Y-4)</p>	<p><b>181882</b></p>
<p><b>*734</b> Amend Portland Harbor Funding and Participation Agreement to provide resources for Natural Resource Trustees to implement the natural resource damage assessment and restoration process (Ordinance; amend Contract No. 52429)  (Y-4)</p>	<p><b>181883</b></p>
<p><b>Office of Transportation</b></p>	
<p><b>*735</b> Authorize Intergovernmental Agreement with Metro for the South Corridor Phase II: Portland - Milwaukie Light Rail Transit Refinement Study and Supplemental Draft Environmental Impact Statement (Ordinance)  (Y-4)</p>	<p><b>181884</b></p>
<p><b>736</b> Grant revocable permit to Museum of Contemporary Craft to close NW 8th Ave between Everett St and Couch St and NW Davis St between Broadway and Park Ave between July 11<sup>th</sup> 2008 and July 13<sup>th</sup> 2008 (Ordinance)</p>	<p><b>PASSED TO SECOND READING JUNE 11, 2008 AT 9:30 AM</b></p>
<p><b>737</b> Grant revocable permit to NECA/Mississippi Business Association to close N Mississippi Ave between Fremont St and Skidmore St and N Shaver St between Michigan Ave and Albina Ave and N Failing St between Mississippi Ave and Albina Ave Alley on July 12, 2008 (Ordinance)</p>	<p><b>PASSED TO SECOND READING JUNE 11, 2008 AT 9:30 AM</b></p>
<p><b>738</b> Authorize agreement with Portland State University to acquire research and evaluation services related to transportation safety (Ordinance)</p>	<p><b>PASSED TO SECOND READING JUNE 11, 2008 AT 9:30 AM</b></p>
<p><b>Commissioner Randy Leonard</b></p>	
<p><b>Bureau of Development Services</b></p>	
<p><b>*739</b> Increase contract with Roxana Vargas Greenan and Trent Greenan in amount of \$15,000 to provide for future cost of fees for permit-ready Living Smart designs (Ordinance; amend Contract No. 35977)  (Y-4)</p>	<p><b>181885</b></p>

June 4, 2008

<b>Water Bureau</b>		
<b>740</b>	Authorize an Intergovernmental Agreement with Multnomah County Health Department to administer the LeadLine, provide free blood lead screening and provide for payment (Ordinance)	<b>PASSED TO SECOND READING JUNE 11, 2008 AT 9:30 AM</b>
<b>Commissioner Dan Saltzman</b>		
<b>*741</b>	Authorize a grant to Self Enhancement Inc. to support foster care youth participation in the Core Youth Development Program (Ordinance) (Y-4)	<b>181886</b>
<b>City Auditor Gary Blackmer</b>		
<b>*742</b>	Amend the fee schedule for land use review hearings provided by the Hearings Officer (Ordinance) (Y-4)	<b>181887</b>
<b>*743</b>	Assess property for system development charge contracts and private plumbing loan contracts (Ordinance; Z0767, K0102, T0115, K0103, T0116, P0080) (Y-4)	<b>181888</b>
<b>REGULAR AGENDA</b>		
<b>744</b>	Authorize Intergovernmental Agreement between City of Portland and Portland Development Commission to promote consistent legal counsel on issues of mutual concern (Ordinance introduced by Mayor Potter and Commissioners Adams and Saltzman)	<b>PASSED TO SECOND READING JUNE 11, 2008 AT 9:30 AM</b>
<b>Mayor Tom Potter</b>		
<b>745</b>	Reappoint William June to the Mt. Hood Cable Regulatory Commission for term to expire May 31, 2011 (Report) <b>Motion to accept the Report:</b> Moved by Commissioner Leonard and seconded by Commissioner Saltzman. (Y-4)	<b>CONFIRMED</b>
<b>Office of Management and Finance – Business Operations</b>		
<b>746</b>	Amend contract with MCA Architects to provide additional architectural and engineering consulting services for the remodel of Fire Stations 15, 24 and 43 (Ordinance; amend Contract No. 35694)	<b>PASSED TO SECOND READING JUNE 11, 2008 AT 9:30 AM</b>
<b>Office of Management and Finance – Human Resources</b>		

**June 4, 2008**

<p><b>*747</b> Increase wage rate for Parking Meter Technician and Parking Meter Technician Lead classifications under the District Council of Trade Union's Labor Agreement Article 26.5 (Ordinance)  (Y-4)</p>	<p align="center"><b>181889</b></p>
<p><b>*748</b> Authorize a Supplemental Settlement Agreement with Portland Police Association to provide disbursement of funds pursuant to evaluation of a previously authorized settlement for continuation of benefits under Clause 49.2 of the Labor Agreement (Ordinance)  (Y-4)</p>	<p align="center"><b>181890</b></p>
<p><b>*749</b> Authorize a Letter of Agreement with Portland Police Association to extend pilot project resolution of Grand Floral Parade distribution of overtime dispute to 2008 Rose Festival (Ordinance)  (Y-4)</p>	<p align="center"><b>181891</b></p>
<p><b>*750</b> Authorize a labor agreement with Portland Fire Fighters Association Local 43 for terms and conditions of employment of represented employees in the bargaining unit (Ordinance)  (Y-4)</p>	<p align="center"><b>181892</b></p>
<p align="center"><b>Office of Management and Finance – Purchases</b></p> <p><b>751</b> Accept bid of Moore Excavation Inc., for the Downtown Mall Sewer Rehabilitation project for \$5,795,610 (Purchasing Report - Bid No. 108703)  <b>Motion to accept the Report:</b> Moved by Commissioner Adams and seconded by Commissioner Leonard.  (Y-3; Potter absent)</p>	
<p align="center"><b>Commissioner Sam Adams</b></p> <p align="center"><b>Office of Transportation</b></p> <p><b>752</b> Vacate a portion of SE 42nd Ave south of SE Crystal Springs Blvd subject to certain conditions and reservations (Hearing; Ordinance; VAC-10034)</p>	
<p align="center"><b>Commissioner Randy Leonard</b></p> <p><b>*753</b> Authorize a grant to the Portland Rose Festival Association to support placement of temporary restrooms, additional seating and related activities along the parade route (Ordinance)  (Y-4)</p>	
<p align="center"><b>Commissioner Dan Saltzman</b></p> <p align="center"><b>Office of Cable Communications and Franchise Management</b></p> <p><b>754</b> Amend boundaries for Portland State University franchise to include newly acquired properties (Ordinance; amend Ordinance No. 177529)</p>	

**ACCEPTED  
PREPARE  
CONTRACT**

**PASSED TO  
SECOND READING  
JUNE 11, 2008  
AT 9:30 AM**

**181893**

**PASSED TO  
SECOND READING  
JUNE 11, 2008  
AT 9:30 AM**



**June 4, 2008**

<b>Office of Sustainable Development</b>		
<b>*755</b>	Apply for a grant from the U.S. Environmental Protection Agency, Regions 9 and 10 for the West Coast collaborative diesel Emissions Reduction Program (Ordinance)  (Y-4)	<b>181894</b>
<b>Parks and Recreation</b>		
<b>*756</b>	Authorize contract with KemperSports Management, Inc. for management and development at Heron Lakes Golf Course (Ordinance)  (Y-4)	<b>181895</b>
<b>*757</b>	Authorize agreement with The Trust for Public Land to acquire 4.5 acres of land in east Portland for addition to Cherry Park (Ordinance)  (Y-4)	<b>181896</b>
<b>*758</b>	Authorize non-exclusive stormwater facility easement with Eastman Pkwy, LLC on and over a portion of the Springwater Corridor in the City of Gresham (Ordinance)  (Y-4)	<b>181897</b>

At 11:51 a.m., Council recessed.

**June 4, 2008**

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **4TH DAY OF JUNE, 2008** AT 3:00 P.M.

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

Commissioner Leonard arrived at 3:06 p.m.

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

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**759**    **TIME CERTAIN: 3:00 PM** – Approve the Multnomah County, Oregon Plan Regarding Use of Deadly Physical Force (Resolution introduced by Mayor Potter)  
(Y-4)

**Disposition:**

**36609**

At 3:34 p.m., Council recessed.

**June 5, 2008**

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **5TH DAY OF JUNE, 2008** AT 3:30 P.M.

THOSE PRESENT WERE: Mayor Potter, Presiding; Commissioners Adams and Leonard, 3.

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

<p><b>760 TIME CERTAIN: 3:30 PM</b> – Appeal of Pleasant Valley Neighborhood Association against the Hearings Officer’s decision to approve the application of David Douglas School District for a conditional use with an adjustment to build a new elementary school at 7010 SE Deardorff Rd (Hearing; LU 07-139994 CU AD)</p> <p><b>Motion to deny the appeal and uphold Hearings Officer’s decision with the condition that sidewalks and/or safe walking sanctuaries be constructed and /or designated north from the site to the top of the hill on SE 134<sup>th</sup> on the north side of Johnson Creek and south from the site to SE Flavel:</b> Moved by Commissioner Leonard and seconded by Commissioner Adams.</p> <p>(Y-3)</p>	<p><b>Disposition:</b></p> <p><b>DENY APPEAL AND ADOPT HEARINGS OFFICER’S FINDINGS WITH A CONDITION</b></p>
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At 5:07 p.m., Council adjourned.

GARY BLACKMER  
Auditor of the City of Portland

By Karla Moore-Love  
Clerk of the Council

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

June 4, 2008

## 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.

**JUNE 4, 2008            9:30 AM**

[roll call ]

**Potter:** A lobbyist must declare which lobbying entity they must represent. Please read the first communication.

**Item 686.**

**Moore-Love:** He's not going to make it today.

**Potter:** Please read the next.

**Item 687.**

**Potter:** You have three minutes. Please state your name for the record.

**Laura Spitze:** Laura spitze. Good to meet you. You probably have my letter, but I wanted to read it before council. Mayor Potter and members of our city council. It is often said a society is judged not in how it treats its greatest but how it treats its least. I understand the pressures and burden the city council has to endure with local business leaders impeding the resolution of consensus on the issue of the homeless. But our loving community of hiewrms and advocates watch in horror as our fellow human brothers and sisters need are truly left in the cold. To be clear, these people do not demand a privilege. Rather the right to exist. To sit or to sleep. With no demand for further rights I believe are deserved. But the rights have been criminalized and their crime is poverty. I know how it feels to suffer the burden of poverty. Its devastating weight takes a toll on your spirit like nothing else imaginable. The constant stress of simply how one will survive is monumental. Without the kindness and support of others never mind my nerves of steel, one could easily give in to the despair and frustration that creates our broken, our addicts, our criminals, and our lost. It is easy to see the perspective of the business community in opposition to the homeless that panhandle and loiter on the public sidewalks. But we must realize jawt laurie girtman this -- outlawing this is not going to create the solution. It has only highlighted the problem and it will escalate as thousands more of our country's homeless are rounded up and given tickets to Portland. We have become the dumping ground for our schizophrenic society's moral dilemma and economic fallout. Their actions the rest of the nation has assumed our local couple which your and local valueless respond and care for these people. I say our city much proudly accept and courageously surmount this problematic obstacle found a noble solution. We do not expect -- we have the creativity of the community. We are in one of the most sustain bring driven and intellectually enlightened regions of the world. A rich network of visionaries, inventors, engineers, trerps, advocates, and eager volunteers ready to contribute our enthusiasm. We have the teachers and necessary technology and the critical mass motivation to create a seven-sustaining economy producing self-regulating citizen-owned solution. Ecobuilt shelters with window -- collectively work and shared farmland and crops, even volunteer workshops and self-esteem, how can we better address this crisis --

**Potter:** Your time is up.

**Spitze:** -- and learn to nurture those. Have you the rest of my letter. This is an exciting opportunity for us to bring together the noble spirits of humanity and compassion. The world has been watching and now it's up to us to show what the character of our city is. [applause]

**Potter:** No clapping. If you want to demonstrate support, you can raise your hands like that.

June 4, 2008

\*\*\*\*\*: [inaudible]

**Potter:** You're out of order. Please call the next person.

**Item 688.**

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

**Wesley Flowers:** Good morning. My name is Wesley Flowers. I sleep outside. On Sunday night I slept at the Salvation Army extended shelter which is administration provided as a response to the protest outside. And I'm appalled that you would even suggest that someone sleep in those conditions. Two-foot-wide mats on the floors next to each other with no shower facilities and blankets that get washed and reused until they're so dingy that they're thrown out and replaced with new. I am less likely to get sick outside. I am less likely to get 68 business outside, to get rolled on to, slept on, and drooled over if I don't have some guy six inches of either side of me. These are inhumane conditions. The sit-lie and urban camping quality of life ordinances have already been found unconstitutional by the Ninth Circuit and people still have to sleep. There are not enough beds for the people who want them and those that are available on a limited basis are unsanitary and overcrowded and even those who are sleeping in those beds are not afforded enough time to get a good night's sleep. To criminalize the act of sleeping in a public place due to lack of other available or rationally dignified options could be nothing other than cruel and unusual punishment. This is turning a social problem into an invalid one and it simply doesn't make any sense. Considering that Portland is only one out of 97 cities with virtually identical problems, it also seems that there is a state of class criminalization and permanent displacement for millions of people nationwide. This is not coincidence; this is premeditation and it is looking more and more like social cleansing based on policies that induce an economic apartheid and it sickens me this could possibly be going on in my country. A 10-year plan was developed three years ago while six months ago we experienced the beginning of a recession, which is looking increasingly like a depression and the 10-year plan is not equipped to respond to that contingency. You cannot truly focus on permanent housing firsts when the country is in the middle of a housing crisis and record job loss. People are coming on to the streets faster than the 10-year plan ever envisioned and they are being swept around like trash and forced into the criminal justice system faster than they can figure out what to do. This is not right. Social cleansing is a crime against humanity and this needs to stop now. Is this the legacy you're planning on leaving behind? Your last few months in office being hounded by bums, demanding the most basic of human rights. The opportunity to get a good night's sleep. A potential federal lawsuit for the incoming mayor during his first term? It's almost like leaving as big of a mess as Bush will when he gets out of office too. Repeal the sit-lie ordinance and establish a green zone now. Not tomorrow. Today. Thank you. [applause]

**Potter:** Please don't clap -- clap. Please call the next.

**Item 689.**

**Pete Munyon:** It's nice to see so many people from different backgrounds today, interested in how we can all live together. Because Portland belongs for all of us. One of the biggest issues right now, like we've been hearing, is that there are people in this town who have no place to sleep. I have the city's numbers here. Its most recent count there were 575 individuals who were turned away from shelter opportunities. They were told you cannot have a bed tonight. 575 people. All of Portland's city numbers show there are more homeless people in this town than there are beds. The enforcement of the no camping and sit-lie ordinances as I have personally witnessed it and have videotaped it consisted of in one instance an officer coming around and simply telling people they had to get out of their sleeping bag. That was the enforcement. They had to get out of their sleeping bags. He woke them up and told them they had to lie on top of their sleeping bags. That it was erecting a structure to have a tarp and a sleeping bag over them. This is Portland. It rains. You get wet. You get wet, you lose heat much faster. I have a couple of quotations for you from the U.S. Army survival manual regarding that. To begin with, quote -- a shelter can protect you from the

**June 4, 2008**

sun, insects, wind, rain, snow, hot or cold temperatures, and enemy observation. It can give you a feeling of well-being. It, help maintain your will to survive. In some areas, your need for shelter may take precedence over your need for food and possibly your need for water. For example, prolonged exposure to cold can cause excessive fatigue and weakness. Exhaustion, and exhausted person may develop a passive outlook. There by loose can the will to survive. It goes on to state that when at rest you lose as much as 80% of your body heat to the ground. A sleeping bag and a tarp are not unreasonable, gentlemen. There's nothing unreasonable about a person curling up in a sleeping bag and pulling a tarp over themselves. That's what the enforcement of this law is about. Whether or not people have the right to sleep. You've heard plenty and you'll hear more about the ninth circuit decision, i'm sure. I personally read that opinion and it looks pretty conclusive to me. I just want to sigh again, this is about how we can live together as neighbors. And that has to be the fundamental question we consider we have to think about this as neighbor-to-neighbor-to-neighbor , all 500,000 of us or however many there are in this area we call Portland. Thank you very much.

**Item 690.**

**Robert Barrett:** My name is robert barrett. I can tell you who we are. We are the ones who fell through the cracks of capitalist greed. We are the ones that exist in the shadows, shunned by humanity. We are the ones the lowest social spectrum only truch bide helpers and the mentally insane. I can tell you also that we are not all diseased. We are not all drug addicts and begging degenerates. Fathers and mothers, brothers and sisters, daughters and sons, we are forced to live a nomadic life, cat and mouse, never finding rest or solace and fear of that inevitable wake-up call by the boys in blue. Our entire lives attached to our bags, the weight after system crushing us with every step. To alleviate this, to take off that pack and sit, to stretch out and nap from sleepless exhaustion, to leave our things in a place that serves no useful purpose and to sleep full well throughout the night is a luxury that is not afforded to us. We are a problem only because we are made to be a problem. We are tired. We are tired. From the man who stands in solidarity with a sign in front of city hall, to the woman who works 40 hours a week but has no house to go to, we are tired. From the woman who cannot rest her aching joints in fear of citation, to the man who is slowly going crazy from paranoia and cold, we are tired. We have been swept from city hall, we have been swept, and we have been swept. However, the dust is building up. What was once out of sight and out of mind is now making us stand. We are here, you can see us. United in a single goal. We grow strong. We call for the repeal of the sit-lie and camping ordinances. We call for an end to what is in itself unlawful, unconstitutional, and above all, inhumane. We are human. We feel hunger, cold, loss, fear, and hope. Do not let us lose this last thread of sanity. We are no longer asking for a handout. We are demanding our rights as citizens and human beings. The 10-year plan is a start in the right direction. However, it does not solve the immediate crisis of the current houseless population unable to find shelter. Our voices might have died down, but rest assured they will remain, starting only as whispers behind your back, but they will grow stronger every day until have you no choice but to listen. We will not rest, and that is currently impossible to do so legally. We will not sleep until our rights as citizens of the great united states of america are recognized. I personally challenge the members of this council, mayor Potter and mayor-elect Adams, to attend the next event at the burnside bridge. It is easy sitting behind a desk to deny people their rights. But I challenge you to look people in their eyes -- we will not run and with will not hide. We are prepared for a long battle and I hope you are as well. We will rise up. Thank you. [applause]

**Potter:** Don't clap, folks. Do not clap, please. Is that all the folks who signed up?

**Moore-Love:** That's all the communications.

**Potter:** Ok. Consent agenda. Do any commissioners wish to pull any items from the consent agenda? Do we have a request?

**Moore:** From mike dee to pull all the items from consent.

**June 4, 2008**

**Potter:** As presiding officer under the roberts rules and Portland city code I rule the request to pull all items off the consent agenda as a dilatory motion intended to delay or obstruct the proceedings of council. Doing so would unreasonably interfere with the order of the council. Unless any council member has an objection, I deny this request and we proceed at today's meeting.

\*\*\*\*\*: [inaudible]

**Potter:** Excuse me, i'm asking the council members. Hearing none, please call the vote.

\*\*\*\*\*: [inaudible]

**Potter:** Excuse me. Excuse me. I've ruled you're out of order. Please sit down.

\*\*\*\*\*: [inaudible]

**Potter:** Please sit down. You have to sit. You have to sit.

\*\*\*\*\*: Do I have a chance to respond --

**Potter:** You do not talk from the audience. Have you been ruled that we're going to proceed and that we're going to overrule --

\*\*\*\*\*: [inaudible]

**Potter:** Please call the vote.

\*\*\*\*\*: [inaudible]

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

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

**Item 691.**

**Potter:** Please come forward.

**Yvonne Deckard, Director, Bureau of Human Resources:** Good morning, council. Yvonne deckard, the director for the bureau of human resources. Council adopted an ordinance in january of 2007 to renew the city corps youth program coordinated by open meadows alternative school. The presentation today concludes the successful consecutive year of this program between the city and open meadow. The city youth -- the city corps youth program established in 2005 was designed to teach youth about the city government and increase their involvement in the civic process. This past year more than 40 youth between the ages of 16-21 worked with city staff in various bureaus. After receiving instructions in problem-solving techniques, students, teams, employed their newly applied knowledge to solve problems and present results and solutions to bureau management and ultimately the city council. The five projects that you've involved were involved in what the office of youth violence prevention, a youth survey youth and other -- and made recommendations to curb the problems of youth violence. The office of sustainable and development six students create add focus group, built a sustainable garden, surveyed the community, blogged about their experiences, created a webpage, and resources of information for other young people who wish to turn brown space noose communities gardens. Bacd, created a positive homeownership message and marketed that message to young people of color. Parks and recreation 12 youth studied and applied to crime prevention through environmental design process to offer recommendations to make areas like peninsula crossing and holladay park more accessible for public youth. Office of neighborhood involvement aid youth create add short film about community involvement and explored the meaning of community, the importance of involvement, and the different ways community organizations create positive change. I like to thank council for their continued support for the city corps youth program and introduce andrew mason, executive director of open meadow alternative school.

**Andrew Mason:** Andrew mason, executive director of open meadow. Thank you each for the work that you do. It's a challenging endeavor. My task here today is to say thank you and to introduce our students. So i'm going to -- i'll come back up and do a little more potential next step if there is time remaining. But i'll just move on to the introductions first to say I don't want you to underestimate the impact that your support of these students has and that given -- giving them voice to speak with you today and to work with members of the bureaus has. So i'm going to -- you're

**June 4, 2008**

going to hear from two students who helped to create a video and partnership with the office of neighborhood involvement there were more students involved in this project, but they did it earlier in the year and the editing process has taken some time along the way. I'm going to introduce sara, ed, and two students from her city corps project.

**Potter:** Thank you. When you speak, state your fame for the record.

**William Sites:** William Sites. We're going to show you the film before we do our speeches.

**[start - video presentation]**

\*\*\*\*\*: Community to me means --

\*\*\*\*\*: Togetherness. Whether it's the school community going together -- .

\*\*\*\*\*: The people who come together and have something in common. Something that they identify with.

\*\*\*\*\*: People coming together around something, whether it be a cause, or whether it be family, or whether it be a neighborhood, a region, or food. But it means people coming together.

\*\*\*\*\*: Community means to me understanding that we're all connected by that magical golden thread, and if we forget we're connected by, that we lose our sense of place and space and time.

\*\*\*\*\*: [inaudible]

\*\*\*\*\*: I team very full. There's a lot of activity in the community.

\*\*\*\*\*: [inaudible]

\*\*\*\*\*: Community coming together, helping each other. One of us is failing or we're not surviving as well in the community, we all come together to help that person.

\*\*\*\*\*: Trying to maximize the number of people and the number of voices that are heard, and are being tapped into as far as helping to create that community that could be positive.

\*\*\*\*\*: Looking after the place you live, making sure that people feel safe.

\*\*\*\*\*: Having everybody engage and feel welcome can, but also to be proactive, not just reactive.

\*\*\*\*\*: I think people get involved in community out of passion, or anger, or concern. And I think more often people need to get involved in the community assets. If you understand you have kids in your neighborhood, then you want to figure out programs to help bring them together.

\*\*\*\*\*: First off getting to know your neighbors. Making sure that the neighborhood you live in, that you know the people. And they know you.

\*\*\*\*\*: Together you can make a big change. It's lots of fun, it's very important. Learn about it, get involved, educate it. See how much it can do. It can do a lot.

\*\*\*\*\*: Not being afraid, lots of other people care about the same things, chances are. The same things are important to them. Once you start to get talking, you'll find that there's maybe things going on you don't know about.

\*\*\*\*\*: Definitely do things that are interesting to the people you're working with. Sometimes a community might have an idea of what they want to do and it's different from yours. People are afraid to go with that idea.

**[end - video presentation]**

**Adams:** That's great.

**Potter:** Well done, folks.

**Adams:** Really nice.

**Casey Davis:** Casey davis, i'm going to talk to you about the film that you just saw. This film was created for a program called community connect. Community connect is an effort to improve community involvement in the city of Portland. Their goals are to increase the number and diversity of people who are involved in their communities. Strengthen community capacity and increase community impact on public decisions. Now that you know a little bit about the program that we made the movie for, here is a little bit about the program that helped us make the movie. The program that helped us make the movie was Oregon learning lab for information. It is run out



**June 4, 2008**

of Portland community media and metro east. Olli is a program to help give underprivileged children the chance to make a video. The process we took to make this video happened, first we went to olli for two classes on photo shooting. In this -- in these classes I learned that someone's face should be in the upper two-thirds of the screen. We also learned techniques to make filming easier. That's enough about what I learned in these classes. Let's see how I used it to make the video. Before we could do any filming we had to create a story line. All of our story boards, then combined our ideas into one. We decided to show people doing work in their communities and people who worked in their communities, talking about the communities. This film was important because it showed me the lack of people getting involved in their community. This was important to me because if more people got involved in their community, they could find someone who wants the same things in their community. And two people are better than one. It also opened my eyes to why people should come together in their communities and how much of an impact one person can have. The one quote that stuck out to me was, just get out and get involved, Elizabeth Beenman, an open meadow senior, said this. It is the first thing I think of when I think of community involvement. Now I'd like to introduce to you William Sites, who will be talking about the editing process and how he can use what he learned in the future.

**Sites:** My name is William Sites. I'll be going to tell you about the computers, software, editing and how I can use this knowledge in the future. First of all, the computers. Thanks to Olli we were able to use a nice Apple laptop. For the editing we needed to do. Now, the editing, that was a very hard, but at the same time it was very fun. We had to find the perfect times to do voiceovers, make sure that there wasn't any gaps in between the scenes, and most importantly, make sure that the words wind up with people's mouth movement. All the stuff I've learned from making this video I think will help me a lot in the future. Especially because I plan on opening my own mechanic shops. And it will benefit me to know how to make my own commercials instead of paying someone else a ton of money to do it for me. I'd like to thank Mayor Tom Potter and the entire city council and all of the people that helped me create this film. I would also like to thank all the people who made City Corps possible. Thanks again and have a lovely day. Pyrotechnic thank you very much. --

**Potter:** Thank you very much.

**Mason:** In a remaining minute or two I'd like to suggest a couple of next steps. The thing the students walk away from City Corps with. They get their diploma and learn the skills they need to succeed and what comes next for them, and there are students who are living in cars, and leaving the public system who may come to Open Meadow. What they walk away from is talking about the impact they had. They talk about the voice they had, they talk about the opportunities to impact their community and things like City Corps. This is what they remember, and it's what they talked about, and this is where I'm saying please don't underestimate the impact. I think the Oregonian argued fairly well earlier this year in an editorial in terms of good next steps with the school system. I want to recognize how I feel like is the city's essential role for these students in getting to use a bully pulpit to make sure we're focusing on populations in our schools that may not otherwise get a voice. I think it's been well used and can continue to be. But I think also that there are partnerships that you can cultivate, like the City Corps program, but both the Oregonian called on strategic planning and cooperation with the district and I'm -- I look forward to that occurring and I think that can help to promote programs like City Corps that best leverage the strengths of the city, things that advance the city's essential missions, and ultimately add value to the youth. So I will just say that at children have minds of their own and we all know our job is to keep it that way. I hope you all keep the spirit relentlessly and I thank you very much for your support of this project and for our city's youth.

**Potter:** Thank you, Andrew.

**Moore-Love:** We've had a request for public testimony on this.

**June 4, 2008**

**Potter:** This is a presentation. There is no public testimony. Please read the 10:00 a.m. Time certain.

**Item 692.**

**Potter:** I'm convening the council as the budget committee for purpose of approving a budget. We now have fpd present a summary of the changes of the budget committee wishes to incorporate.

**Casey Short, Office of Management and Finance:** Thank you, mr. Mayor. Casey short, financial planning manager and with me is nancy hartline, the budget coordinator. You have before you what we endearingly call the change memo which is a list of changes to the proposed budget that are before you for approval today. We have had an extension of our deadline to submit the budget to the Multnomah county tax supervision and conservation committee. That deadline is tomorrow. So we hope to get this to them by then. I'd like to just go over a summary, not everything, of the changes included in the change memo, because there are a number of them. What i'll be focusing on will be to changes made in the programmatic area. One technical adjustment and new budget notes that have been added to this list since the proposed budget. The major items to cover in the program a tick changes are that this budget increases funding for the service coordination team for more treatment beds, increases bond proceeds -- for the public safety system's revitalization project and a reduction in one-time funding for that in the '08-09 budget. A reduction in anticipated bond funding for the emergency coordination center from \$6 million to 4 million, and the direction that bureaus will absorb the cost through the overhead model to pay the debt service in ensuing years. We're increasing funding for the Portland office of transportation by \$2.4 million, \$2 million of that is backfill for anticipated and coming shortfalls in gas tax revenue and an additional \$150,000 for the bike program, and \$250,000 for safe routes to schools. In parks there are a number of changes, the major ones include a reduction to the backfill of the parks levy reduced by 94,000 from the original 2.7 million, so it's a little over 2.6 million. There is an addition of \$164,000 for the tennis program, i'm trying to cover here the things that were brought up at the budget hearing on may 8th. Tennis was visible there. That's 94,000 for ongoing support and \$70,000 to match other contributions for tennis court resurfacing. There's increased funding for the mount tabor master plan and funding for the interstate firehouse cultural center. In the fire bureau, there's increased funding to cover the contract with the Portland firefighters association which I understand the union has ratified and is on your agenda today. We are having to eliminate one rescue unit and we're also adding one inspector position. In special appropriations one thing that was discussed at the budget hearing was a request to increase funding for downtown marketing in relation with the opening of the new light rail on the mall, that's \$300,000. And there's \$500,000 -- \$50,000 for support for the Oregon food bank. The major technical adjustment is to establish a \$5 million rainy day fund consistent with the resolution council adopted last month that is composed of \$2.4 million from balancing, including moving \$1.8 million for police vacancies from the general fund contingency into this portion of the contingency. And adding \$2.6 million in additional funding balance we anticipate will be available at the start of the year. Budget notes there are five new budget notes, two are requested by the Portland utilities review board, one directing water to study the base charge and another having the office of sustainable development look at low-income assistance for residential solid waste customers. There is a budget note to fund a new i.p.r. Position a half-time position in the auditor's office for three years, and there are two others, one is to establish council's intent to concert one-time funding to ongoing funding for programs and positions funded as ongoing in the mayor's proposed budget. This includes the office of human relations, the youth violence prevention program, a labor relations position in human resource and a grants analyst position in financial services, and also in that note is the same direction intention to restore \$94,000 to parks that is reduced in the programmatic that I discussed a moment ago. Finally there are in the \$5 million rainy day reserve a number of set-asides, the first is a \$1.8 million for police vacancies if the police bureau needs that. That would be available to them if they come to council

**June 4, 2008**

and demonstrate the need. There is \$1.75 million for the potential purchase of land on top of \$250,000 that's in the budget for the regional public safety training center and \$568,000 for city hall reconfiguration. My understanding o.m.f. facilities will be coming to council when they have a plan for how to make the move work and what the cost will be. That's the summary of what I wanted to bring to you today. There are many other things in this budget, but i'll just open it up to questions.

**Potter:** Questions from the commissioners?

**Leonard:** At some point I want to propose an amendment. Whenever that appropriate time is.

**Potter:** Just after this part. Any other questions?

**Adams:** A minor suggestion.

**Potter:** Ok.

**Potter:** Commissioner Leonard?

**Leonard:** In the mad world that is putting a budget together, it's not uncommon to miss something, and I want to describe this first and i'll propose the amendment. Mayor Potter and I have been discussing a \$300,000 item that would fund homeless self-sufficiency services program that central city concern provides. There are some outstanding questions not whether or not to provide for it, but I think it's fair to characterize some outstanding concerns about the administration of that. So what i'm going to be proposing would be \$300,000 that would actually go into the rainy day contingency fund that we are creating. The idea behind it is after the new housing commissioner comes on board he sort out these details for us to release that money he would have to come back to the council with an ordinance that would authorize us to release that money, but at least what we've done is identify it and put an as strifg by it in that fund. So the motion would be to move to set aside \$300,000 within the rainy day fund contingency for the purpose of providing homeless self-sufficiency services.

**Adams:** Second.

**Potter:** Discussion?

**Short:** Mr. Mayor, we haven't had a motion on adopting the changes outlined in the change memo.

**Potter:** Excellent point.

**Adams:** So moved.

**Leonard:** Second.

**Potter:** Ok.

**Leonard:** So I move to amend that motion with the previously stated motion.

**Adams:** Second.

**Potter:** Call the vote.

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

**Adams:** Mr. Mayor, council, two items that -- in consultation with Casey suggested that I mention them, if council is interested to come back between now and the adopted discussion. One of them is the \$250,000 for enhanced wellness program that would be funded with overhead charges among all the bureaus, and to come back to council with the three weeks between today the approved and three weeks until we consider the adopted. And then also to come back, i'd like the council to consider, it has no budget impact, but between now and the adopted becoming to council that any resources above what has been forecasted in the five-year financial plan for the utility franchise fee, so this again doesn't affect any revenues in the forecast, anything above that would go to pdot maintenance. So those are -- i'm flagging those items. Those aren't any amendments, but to see if there's any council discussion on either one of them.

**Potter:** I assume we'll be having discussion between now and then. Ok. Is there anybody signed up to testify on these amended changes to the budget?

**Moore:** We have four people signed up.

**June 4, 2008**

**Potter:** Only those changes that were discussed today are the ones that would be commented on.

**Marc Jolin:** I'll withdraw my request to testify. I just had a more general statement.

**Potter:** Ok.

**Andy Seaton:** Good morning. My name is Andy Seaton. I actually have a home. I'm glad to live there. A couple of items on the changes. One that it is good to see you're setting aside \$300,000 for homeless self-sufficiency fund program. It's a little fuzzy as to what that would actually be, but I'm glad to see you folks are at least making a token effort. Pardon me, first things first.

Congratulations, Sam. This is the first time I've seen you since the election on becoming the next mayor of this fair city of ours. I hope the issues won't have to be dealt with so divisively in the upcoming administration. For however long you care to run. I will certainly vote for you each time. I was noticing that we are spending an -- an attachment d, item number 154, which is the golf fund. There's a change being proposed where adding 1,634,934 dollars to the budget. I'm a big fan of golf as much as anybody else, but I'm not sure the city should be in that business, when are you talking about rainy day funds have to live out in the rain. And Portland is a rainy place. The \$300,000 pales in comparison to the \$1,634,000 and change. And the total budget for golf is almost 10 million. So it's really a question of priorities and what's important to the council. And it is clear that if you want to measure it this way, that the homelessness isn't even close to being as important as keeping our golf courses green and keeping the world safe for golf. That's just one item out of here that really makes me wonder. The other thing is, the way as folks who eloquently testified earlier this morning, the city is not only criminal in assessing homelessness and --

**Potter:** You're out of order. Keep it to the testimony at hand or you can stop.

**Seaton:** Well, so the question is how much money would it take to actually solve the homeless problem? And how much more money -- I would recommend taking the --

**Potter:** You're out of order. [gavel pounded] you're done. You're done.

**Seaton:** Thank you very much.

**Veronica Bernier:** Good morning. Nice to see you looking so well this morning, looking healthy. Good morning commissioner Saltzman, Dan, you're looking well. Good, nice color. [laughter] Good morning commissioner Sam Adams, doing a great job on transportation. I just wanted to send you some kudos, we all know what those are. It's not candy bars to eat, but definitely doing a number one job on transportation. We see obvious evidence of it already. And commissioner Leonard, a-ok. I would just like to comment just briefly on the budget item just real quickly. The budget is great. I just wanted to say you're doing a great job, and it looks a-ok for me. One tiny thing I would recommend in terms of the budget is just having that open door policy that you have been having. That's so important. We in public health know that even as part of the latest -- with the red cross, they're beginning to build bridges. That's the biggest thing in Portland. It makes it different than any other city in the United States. Building bridges and bridging a gap in dollars and cents. So keep it going. It's the city that works well safely.

**Potter:** Keep your comments restricted to the issues at hand, which are the amendments to the budget, now the -- not the full budget, but the budget that's been discussed today.

**Mike Dee:** Did you give out that list today?

**Potter:** That's the discussion today, and that's what the testimony has to be on.

**Dee:** I'm confused whether you're talking about the 50 items on the consent agenda related to budget issues --

**Potter:** No. No, it's the budget itself.

**Dee:** There was a lot of issues today that were discussed --

**Potter:** No.

**Dee:** You're right, they weren't discussed regarding the budget.

**Potter:** You're out of order.

**Dee:** I didn't start yet.

**June 4, 2008**

**Potter:** You did, and you finished.

**Dee:** I thought --

**Potter:** You're out of order. You're not here discussing the amendments to the budget. Were you discussing the consent agenda. That's already been voted on.

**Dee:** I was asking about it. I asked if you gave out a list of the amendments of the budget today. I have all the things from the agenda, so I don't have it -- I might have it here. Usual talking about item 692. I have it right here. Are you ready to start my time?

**Leonard:** Go ahead.

**Potter:** It's going.

**Potter:** Amendments to the budget.

**Dee:** Ok. I think taxpayers may be concerned that you're raising -- that you're -- you have a raid against their property for a thousand dollars of 4.5770. And there was a voter approved general obligation bond, principle interest. And then there was a lot -- \$111 million-plus for fire and police disability retirement funds. So when usual talking about the amendments, are you talking about the four attachments?

**Potter:** Talking about the amendments that was discussed at council previous to the public testimony.

**Dee:** There's --s that a -- that's a lot of things.

**Potter:** That's what you're to testify on.

**Dee:** Ok. I think it's pretty vague what you're talking about. But i'll make an attempt -- part of my -- I guess part of my reason for not having -- ok. I'm concerned about the increase in the street access for everyone funding from 292,000 to \$492,000 to provide additional day access for people who are homeless. I think that's great, but it's -- the way the enforcement has been, it isn't working the way it's supposed to be. People are being targeted because they're homeless, they're being swept off the sidewalk in the name of the sit-lie-stand obstruction, sidewalk ordinance, and people aren't -- the police aren't using the state law requirement to interact with the social service agency. People are getting camping ban notices, and cited for interfering with police officers and structures.

**Potter:** Time is up.

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

**Potter:** We have a motion on the floor? Please call the vote. We voted on the amendment to the amendment. We have to vote on the amendment.

**Potter:** Ok. Please vote on the amendment. Please call the vote on the amendment.

**Adams:** I'll save my comments for the full motion. Aye.

**Leonard:** Aye. **Saltzman:** Aye. **Potter:** Aye. [gavel pounded] please call the vote.

**Adams:** Just a clarification for the record for those folks that might be listening in. The golf fund is an enterprise fund. It must pay for itself, so the -- as I understand it, and so the -- it is self-supporting, so resources that could go to homeless programs or housing, they don't compete. Is that an accurate summary if.

**Short:** That's correct. The funding for the golf fund is entirely generated by revenues raised at the golf courses. There are no tax dollars that go to support that.

**Adams:** Thank you. I'm ready to vote.

**Potter:** Call the vote.

**Adams:** Aye.

**Leonard:** Well, this is a budget that probably took more work than any other budget, at least since i've been on council. And I think it's -- go ahead i'm sorry, are we voting on the budget?

**Potter:** Yes.

**Leonard:** Ok. And it's I think an excellent product. The irony of this budget in the current context of some of the homeless advocates is, we probably spend more in this city -- I don't say probably, I have been -- spend more on homelessness and housing issues than any other city per capita in the

**June 4, 2008**

united states of america. Probably have no more focused people on the council to create decent places for people to live, permanent housing than of the people here and obviously a person who is not here, former commissioner erik Sten. We consume huge amounts of general fund dollars to provide permanent housing for people. We consume huge amounts of general fund dollars and increasingly so to provide services that are the responsibility of the county and state for drug and alcohol treatment and mental health treatment. But we know it's the right thing to do and so we do that. And so I think a number of us are scratching our heads, feeling a little bit like some of those that are criticizing our efforts, don't really understand what we're doing, and have spent -- would spend as much time researching and asking questions about what we're doing, probably wouldn't find themselves objecting to the city's multitude of approaches. And I would put mayor Potter at the top of that list, too. I mean, he absolutely believes in providing services and the funding thereto for people who can't help themselves. It's a little frustrating to sit here and listen to some of what we have, but all that notwithstanding, I am proud of this budget, i'm proud of the work we all did to produce this budget, and I think as a result going to create a basis upon which the new administration that takes office next january can have a very successful four years. And I want to acknowledge that, and I want to acknowledge mayor Potter's work to make this a good balanced budget, and publicly express my appreciation to him and his efforts. Aye.

\*\*\*\*\*: [inaudible]

**Potter:** I thought we did.

**Leonard:** We did. Because remember, I -- casey mentioned that when I made the motion for the 300,000 that we hadn't had the motion yesterday.

\*\*\*\*\*: [inaudible]

**Potter:** He said we didn't have a motion to adopt the budget.

**Short:** Yeah. I think I was wrong when I told you earlier -- yeah.

**Potter:** I'd be glad to repeat it.

**Leonard:** I'm done. Thank you. Aye.

**Saltzman:** I want to thank what started out as a five-person council of commissioner Sten had a big role in shaping this budget, but in the final analysis it came down to the four of us here. And with great support from our staffs, from financial planning who really worked above and beyond the call of duty, I want to help -- our citizen members too, what we've got here is a budget that reflects the pressing priorities facing this city. And probably first among those are some major significant investments in our public safety operating systems. So that our police and fire and our emergency operations center can stay up to date, operate on state of the art equipment and serve, keep our citizens safe. So I want to acknowledge those. Thank mayor Potter for his leadership. But there's truly an important investment here for transportation, for parks, as commissioner Leonard said, for housing, and ending homelessness. This reflects a lot of good work, and a lot of significant city priorities are being invested -- are being addressed by this budget. So I really want to thank again the entire council. I'm pleased to vote aye.

**Potter:** I think it's important that the community hear that this is a united council around this budget it's united because it meets many different needs, but it does go to the core issues as commissioner Saltzman indicated, the core issues and mission of the city. And we do have additional money in addition to the \$300,000 set aside for homelessness, we also have another \$500,000 additional dollars for rental money. So that we can move people into long-term housing. So there's a lot of things in there, please go over the budget as a community and see what areas you would like to be involved w we have a big 60 -- city, a big budget, but we also try to make room for people to become engaged in helping us implement the budget, because it does take citizens to really make that work. And so I want to thank the council members. It was -- whenever we have a lot of spare money it tends to be more difficult than when we have to make cuts, but be as it may, I think it's a budget that is well balanced and meets the needs of our community. With that, I vote aye. [gavel

**June 4, 2008**

pounded] i'd like to entertain a motion that the city shall levy its full permanent rate of 4.5770 per \$1,000 of assessed value and 8,1054449 for the payment of general -- principle and interest, and 111 million 152,436 for the obligation for the fire and police disability retirement fund.

**Leonard:** I'll make that motion.

**Saltzman:** Second.

**Potter:** Please call the vote.

**Adams:** Aye. **Leonard:** Aye. **Saltzman:** Aye. **Potter:** Aye. [gavel pounded] did we handle the state revenue sharing issue on may 14th?

**Short:** We did.

**Potter:** Good.

**\*\*\*\*\*:** You held the hearing and that's what was required.

**Potter:** I'm adjourning the budget committee and we'll return to the regular council meeting. Please call the 10:00 a.m -- the 10:30 time certain.

**Item 693.**

**Potter:** We convene the budget committee for the purpose of approving the budget. Are there any questions from the commissioners for the p.d.c. staff regarding there budget? Please take your conversations to the outside. Excuse me. Are there any discussion or questions for the p.d.c. staff? In that case, i'll entertain a motion to approve the budget.

**Adams:** So moved.

**Saltzman:** Second.

**Potter:** If we could get commissioner Leonard back in. Was anybody signed up to testify?

**Potter:** Please call that person.

**Moore-Love:** Mike dee.

**Potter:** Keep your remarks to the p.d.c. Budget.

**Dee:** I guess I forgot to ask how much free speech was at the budget part. I guess I thought this might be the proper explanation time --

**Potter:** Do you want to address the budget or not?

**Dee:** I am.

**Potter:** No, you're not.

**Dee:** At the Portland development commission when I testify over, there it's pretty cool because they don't make a statement about me testifying specifically on the item. And we actually cover a lot of stuff. So on this p.d.c. Budget, the Portland development commission concerned that there's a lot of urban renewal areas and the tiff fund, the tax enam funds, the way stuff is being spent and not being spent, and the way certain people are taxed and certain people aren't taxed. It doesn't seem like it's done properly, and it affects the community negatively. More specifically, like the fire department, for example. They don't get the local --

**Potter:** The fire department is not part of this budget.

**Dee:** How could that -- how could funds that go --

**Potter:** Portland development commission budget. We just approved the city budget.

**Dee:** But the p.d.c -- the Portland development commission decides where all the money is going. Like they have --

**Potter:** It's not -- keep your remarks specific to the p.d.c. Budget.

**Dee:** Ok. I'm sure you understand how it works. I'm concerned that the Portland development commission has a habit of gentry identifying areas that they let buildings -- they have a storefront grant program which is pretty nice, and a super storefront grant program which is nice. They let people fix their buildings, and make it look good. But sometimes at the cost of gentrifying an area.

Whole blocks and city neighborhoods and stuff like that. I'm concerned that the big continued -- that they continue to let areas that have historic preserved buildings be an eyesore, so when people

**June 4, 2008**

come up with a proposal to smash it and build a new one, that everybody is like, oh, that's a great idea. It's something that happens in --

**Potter:** What specific budget item are you referring to?

**Dee:** Talking about -- like the cindy store buyout. That's not actually probably --

**Potter:** Not in this budget.

**Dee:** Ok. I guess one thing that happens is hotels that are historic are left to be an eyesore, p.d.c. says it's ok, and they end up giving it to an agency like central city concern. Central city concern does good work, but --

**Potter:** Your time is up.

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

**Potter:** I have a motion to accept the p.d.c. Budget.

**Adams:** So moved.

**Leonard:** Second.

**Keith Witcosky, Portland Development Commission:** He'll be in shortly.

**Potter:** Someone contact his office, see if he's available. We have a motion and a second to adopt the budget.

**Adams:** I want to take this opportunity to -- for both budgets to thank mayor Potter for his leadership and because I was a lot of my discretionary time in recent months has been used up for another project. I also want to thank randy Leonard and davenport street for doing really the heavy lifting -- lifting on this budget. In my period of relative distraction. I think also single out the chiefs of staff and specifically austin and ty for their excellent shuttle diplomacy through this. O.m.f. has continued to serve as well in this budget process, specifically casey has done a great job. In terms of the substance of this budget, sadly because of cuts in federal funding and cuts in state funding and also because of deteriorating revenue sources in the additional resources, the additional investments that this city council is making in important areas like affordable housing, like transportation, are simply helping us keep our head baischly above water, helping us maintain the status quo. So I hope the regime change happens on the federal level soon so that we can start using our local resources to be -- federal government and state government in the city's success. I just underscore transportation I want to thank the city council for stepping forward to fill a funding gap of \$2.8 million in transportation that has seen a \$42 million cut in the last seven years. That's a one-time resource, and when it goes away, it goes away. So we work outside of this process for additional revenues for transportation, both on a local level and the state level. But I want to thank the city council for stepping up and filling the gap in this particular breach. Aye.

**Leonard:** This is the p.d.c. Budget? This is the first budget since the amendment passed before the voters last year. Giving council authority over the Portland development commission budget. That is a change that I felt strongly needed to happen in order to have the p.d.c. better reflect the values and the goals of the city. And I think the p.d.c. as I told them in their committee hearing before commissioner Sten and I -- it was transparent, we got the information that we needed in a timely fashion, we're spending even in the p.d.c. budget historic amounting on housing for people without the means to buy housing. 30% set aside in each urban renewal area. It's historic in the state and the nation that the budget of the p.d.c. is focused on spending that money. I have seen the p.d.c. certainly exhibit growing pains. They haven't -- I am not going to any time soon be getting a birthday card from anybody at p.d.c. and i'm fine with that. Because what I recognize that in the long term this is going to be a more nimble agency, this is going to be a more proactive agency, a less defensive agency this, is going to be a more transparent agency, and this is going to be an agency that really puts the needs of all Portlanders first as we move into the future. And that's all I need for my satisfaction is to see that happen. And i'm very proud of the work they did, I would be remiss if I didn't acknowledge the work of commissioner Sten before he left on this budget with me and the subcommittee. And i'm very proud to be able to support this and I vote aye.



**June 4, 2008**

**Saltzman:** I want to thank the staff for their helpfulness, and recognize my chief of staff for his great work on this as well. Pleased to vote aye.

**Potter:** I want to complement the p.d.c. You folks in the last few years have done a tremendous service to our community. Have you resolved issues that have been sticking in the public's craw in terms of prevailing wage, how you interact with minority women and emerging small businesses. A lot of the development issues that p.d.c. is a transparent agency today and will be more so into the future and that I appreciate the work of p.d.c., the commissioners as well as the staff. And so please pass along my compliments to the employees of p.d.c. I think they do a tremendous job and that we will -- our commitment is to work with the p.d.c. And to make sure you folks fulfill your mission but also that we assist in that. So thank you very much and I'd like to thank the council for their support as well. Aye. [gavel pounded] thank you. Move to the regular agenda.

**Moore-Love:** We'll reconvene as the city council.

**Potter:** Yes, we're -- I'm adjourning the p.d.c. budget committee and we'll now do business as the city council. Please read the first item on the agenda.

**Item 744.**

**Potter:** I think that commissioner Adams wanted to introduce this particular ordinance.

**Adams:** It simply seeks to put some consistency to what already exists in terms of the ability of city council to ask for information from the Portland development commission. This just provides for a uniform process for doing that, and sort of outlines how the perspective legal shops will work with each other in resolving issues related to the use of bond resources and how to ask for and get information relating to everything else that the Portland development commission does on behalf of the city. The legal opinions of the city attorney relating to the use of bond resources as defined in this intergovernmental agreement will be binding on both the city and on p.d.c., and the results of inquiries on everything else will be advisory to the Portland development commission. This information will be as is already required by state law will be a matter of public record.

**Potter:** Is there anyone here to testify?

**Adams:** I didn't ask anyone to -- unless we want Keith to come up here.

**Potter:** Is there a sign-up sheet?

**Moore-Love:** We have one person signed up. Mike dee.

**Potter:** Mike, you're not going to be allowed to testify on this matter. Council provides the opportunity for public testimony so that members of the public can share information regarding specific matters pending before the council. The abuse of the opportunity for public testimony in order to speak on extraneous matters or for the purpose of hindering or delaying the council is a breach of order and will not be allowed. I'm ruling you out of order because you've engaged in such abuse and have misused the opportunity for public testimony. So with that, let's -- unless council feels differently. That the only person signed up?

**Moore-Love:** Yes.

**Potter:** This is a nonemergency and moves to a second vote. Please read item --

**Leonard:** Can I say something about it? While we still have the p.d.c. here? I think it's important to acknowledge at least for people watching what we're going to be voting on next week. And my interest has been from the beginning as I made clear in my remarks relative to the p.d.c. budget that the p.d.c. be transparent, open. One of the ways I thought would make that work better would be to have the p.d.c. attorneys be an adjunct of the city attorney's office. I try to remind myself the advice I give to others often, which is, understand when you have succeeded. Sometimes you can get -- dig yourself in so deep you lose sight of the goal you're trying to achieve, and when you pass the goal line you're caught up in so much of the detail of trying to win, you neglect to see you've actually won. I think that this is a win. That this language is a win. My interest has been not necessarily that the p.d.c. attorney work for the city, but the p.d.c. than transparent, open, above board, and cooperative. And I think this agreement achieves that. So to the extent the p.d.c. keeps

**June 4, 2008**

that in the back of their mind on this and other levels as we move forward, you will find a friend and a support I in me. To the extent anybody might view this as an opportunity to continue business as is, which I don't think is happening, but I just want to make clear, i'll be back. And i'll be more than focused on another approach. But what i've seen in the last few months, on the part of the p.d.c., I had the opportunity to testify, I don't know fit was the last p.d.c. meeting, there's been -- ended up being there for three or four hours. What I observed was really good. I saw the city attorney and the p.d.c. attorney sitting side by side speaking to a very controversial issue. On the same page. And I want to acknowledge I saw that. I saw that they worked together and I felt like at that meeting that we were at a place that i've been trying to get to since i've been here. So I want to acknowledge before we move on, and thank the p.d.c. for doing the hard work to get to the place we are now, but don't get too comfortable. Keep pushing, keep doing the same things you r. Because we'll be watching. Thanks.

**Potter:** Mike, you're going to have to sit down. Shall disrupting the council meeting.

\*\*\*\*\*: [inaudible]

**Potter:** You're standing and you're blocking views, so please sit down.

**Dee:** Is there a rule --

**Potter:** Yes, there is.

\*\*\*\*\*: [inaudible]

**Potter:** It's an order of the presiding officer. I'm the presiding officer and i'm requiring you to sit down.

**Dee:** Am I required to sit down or can I leave?

**Potter:** You can be excused if you wish to leave.

\*\*\*\*\*: [inaudible]

**Potter:** Please read item 745.

**Item 745.**

**Potter:** Commissioner Saltzman?

**Saltzman:** Pleased to bring the appointment of -- reappointment of bill june to the mount hood cable regulatory commission. He's served one term already and had an earlier history with the mount hood cable regulatory commission in its early days. Bill has done a good job, pleased to reappoint him.

**William June:** Thank you. I appreciate reappointment and I want to compliment the city on the high quality of the staff that supports this commission. And I would be pleased to answer any questions you have.

**Potter:** Questions from the commissioners? I appreciate the fact that you serve on the committee, and it's really important to the city, every time I turn on cable, I realize how important that is for people to be able to watch city council meetings to be able to actually provide education entertainment. So I appreciate what you folks do.

**June:** Thank you very much.

**Adams:** Thank you.

**Potter:** Is anyone signed up to testify?

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

\*\*\*\*\*: [inaudible]

**Potter:** No. The same order applies as before.

\*\*\*\*\*: Why is that?

**Potter:** This is a report. I need a motion to accept.

**Leonard:** So moved.

**Saltzman:** Second.

**Potter:** Please call the vote.

**June 4, 2008**

**Adams:** Aye. **Leonard:** Aye. **Saltzman:** Aye. **Potter:** Aye. [gavel pounded] I have to leave at noon. Would it be possible to proceed with the emergency ordinances first?

**Adams:** Sure.

**Potter:** First emergency ordinance is item 747.

**Item 747.**

**Steve Herron, Bureau of Human Resources:** My name is Steve Herron, labor relations manager. This matter arises out of a revision to the job duties and responsibilities for the parking meter tax that was necessitated by the move to the new pay stations. Class comp and b.h.r. reviewed the existing job duties, concluded that the work -- scope of work changed and provided notification to d.c.t.u. of the intention to change the job responsibility description. Dctu requested to bargain the wage rates and that was undertaken in January of '06. Bargaining broke off in late '06. We resumed that in -- we resumed discussions about bargaining in late '07, and undertook bargaining again. The first round of bargaining had gone to a mediation, and unfortunately had been protracted. The parties have reached an agreement on a revision to the wage schedule for the parking meter tech and parking meter tech lead classifications, and the settlement is set out in the packet. The new and revised duties warrant an increase of 5% to the classification rate over what it previously had been, and on --

**Leonard:** We have a number of emergency ordinances. Could you get to the bottom line?

**Herron:** You bet. We're requesting approval of authorization to execute a labor agreement authorizing this change -- authorizing this change.

**Leonard:** Thank you.

**Potter:** Questions? Could you please take your seat, sir? Anybody signed up to testify?

**Moore:** Mike Dee requested to speak.

**Potter:** Same thing. Please call the vote.

**Adams:** Aye. **Leonard:** Aye. **Saltzman:** Aye. **Potter:** Aye. [gavel pounded] item 748.

**Item 748.**

**Herron:** In early '06 there was a settlement agreement. It authorized -- it established how particular language in the police union contract would be interpreted. It established an identified number of claims that needed to be reviewed. All of those were reviewed save one documentation was still being collected. This is a supplementation of that prior settlement adding this individual to the approval because this individual's claim has now been reviewed, the documentation has been reviewed and deemed established.

**Potter:** Questions from the council? Anyone signed up to testify other than Mike Dee? Call the vote.

\*\*\*\*\*: [inaudible]

**Adams:** Aye. **Leonard:** Aye. **Saltzman:** Aye. **Potter:** Aye. [gavel pounded] please read item 749.

**Item 749.**

**Herron:** Thank you, Mr. Mayor. Steve Herron, labor relations manager. This matter is an agreement whereby dispute related to assignment of overtime is addressed in advance, and it relates to assignment of re-detailing of senior officers to the Rose Festival parade and assignment of overtime to junior officers. And dispute between the city and the police association over the seniority rights and the distribution of that, and it's a resolution in anticipation of that, which has been an ongoing dispute.

**Potter:** Questions from the commissioners. Has anyone signed up to testify, other than Mike Dee?

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

\*\*\*\*\*: Why is this an emergency.

**Potter:** Call the vote.

**Adams:** Aye. **Leonard:** Aye. **Saltzman:** Aye. **Potter:** Aye. [gavel pounded] item 750.

June 4, 2008

**Item 750.**

**Yvonne Deckard, Director, Bureau of Human Resources:** Good morning mayor and council. Yvonne Deckard, the director for the bureau of human resources. We began bargaining in march of '07. We concluded that in august of '07, august 31st. Even though the parties both parties declared impasse, we continued to work on trying to reach an agreement. In may of '08 pffa ratified a tentative agreement that we had signed. It's a good agreement, it's good for the city, I think it's also good for the local, i'm here to recommend that the council ratifies this tentative agreement on behalf of the city. This is a quick overview so council can understand the highlights of the tentative agreement. It is a three-year tentative agreement that will have the contract period will go from july 1st of 2007 to june 30th of 2010. It calls for cola increase of 2.74 fiscal year '07-08, a colane crease of 3.8, and a c.p.i. Increase of 4.2% and a ceiling of 5% for fiscal year '09-2010. It also calls for an increase, total increase premium for apparatus operation with 2% being effective july 1, retroactive to july 1 of '07, and an additional percent being effective july 1 of '08 for a total of 3% for all local members who maintain a valid driver's license and their apparatus state certification. There are three additional premiums for land-based, water-based and dive teams of 6% each. We have a stand by, we moved our stand by pay from -- from the minimum wage when it was 4.75 to the current minimum wage of 7.80 and we also add justed our longevity to a similar longevity of police, which is 2% at 15 years, and 6% at 25 years of top firefighters and then we have other minor adjustments that we made to the contract and some changes in language. I think that for -- it was a long time getting here, but we got there. I think we are now moving in a positive direction as far as implementing, being able to implement this agreement once council ratifies it. And once again, I recommend that council ratifies this agreement.

**Ken Burns, Fire Bureau:** Ken burns -- burns, Portland firefighters association president. Eel keep my comments brief. I wanted to take time today to thank everybody involved in this negotiation process. Portland firefighters association members appreciate the hard work and determination that took from everybody to come to an agreement. The process basically did take a long time there. Was some movement on both parties, but arbitration was -- did not happen because we continued to communicate, we continued to look for alternative ways to come to a mutual agreement, and we all appreciate that. Portland firefighters will continue to serve the citizens in a safe and effective manner, and we appreciate you taking the time today to consider ratifying our contract. And then on a personal note, I would like to thank miss Deckard and mr. Heron for their efforts during the negotiation process. And I would also like to thank commissioner Sten, who was a critical component in the process early on. And also commissioner Leonard, which his participation was also very critical to the success of reaching an agreement.

**Leonard:** Thank you, ken.

**Saltzman:** Ken, did you apologize for the inappropriate tone and demeanor of your correspondence to commissioner Sten in his last day of office?

**Burns:** Commissioner Sten received an email from me about dish believe on monday, his last day was on friday. And I emailed him and I spoke to him that following week, and I apologized for what appeared to be a disrespectful demeanor. It really was not intended. That was a 5:00 in the morning email.

**Saltzman:** Thank you.

**Leonard:** I accept that as well. Thanks. I appreciate that. It's very much appreciated by all of us.

**Potter:** Other questions from the council? Is there anyone signed up to testify?

**Moore-Love:** No one else besides mike dee.

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

**\*\*\*\*\*:** We have an amended page to the ordinance.

**Potter:** What are you asking?

**Moore:** We were going to put that as a reviesd --

**June 4, 2008**

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

**Potter:** Please call the vote.

**Adams:** Thank you to ken and ed, and -- it's great to get this done. Aye.

**Leonard:** I guess this is more on a personal note. I don't think i've changed from the day that -- days from when I was a firefighter to today, though there were a couple of times during this process I had to ask myself, have I changed? And not been aware of it. But I don't think. So I honestly believe this is one of the most proactive, best agreements for firefighters in this city ever. Under anybody's present company, so i'm really proud to support. This I very much appreciate your remarks today, I think it allows us to start a new beginning. You have friends up here ch. Has been the hard part for me. These are all friends of all labor, but particularly firefighters. And police if I might say. You have a group of people here who want to do well by firefighters. Not even for any political favor than we just believe it's the right thing to do, and it's been hard getting through this knowing that exists on this site, and with b.h.r. for that matter. Yvonne and steve as well, I appreciate your help. So I really think this is a great agreement and provides firefighters in this city what they deserve, which is first-rate pay, respectable hours, great health benefits, great working environment. And we're all here to make sure that that happens. And i'm really happy to get to this point and to be able to support this. Aye.

**Saltzman:** I'm pleased to support this agreement. I think it's much -- I want to thank our labor relations, the firefighters union, city council, I know this was perhaps headed for an arbitration which probably wouldn't have served any of us that well. So it's good to work this agreement out. I think it's a fair and it's a good agreement. I'm pleased to support it. Aye.

**Potter:** I want to thank both sides as well. I appreciate the fact you stuck with it. It certainly will make the job for the incoming fire commissioner a little easier, to start his job next week. So -- and I think we owe it to our firefighters to make sure they're treated fair, and that they're taken care of. So I vote aye. [gavel pounded] next emergency item is 753.

**Item 753.**

**Potter:** Commissioner Leonard?

**Leonard:** This is to authorize disbursement of the funds I believe to support -- we're adding 313 restrooms along the rose festival parade route. We've gone from zero to 313. Assists it's becoming clear to the entire community, I love restrooms. And I think this is -- I may use each of the 313 on the rose festival day, by the way. And I just think it is -- this whole debate in this last year has been healthy as often times they end up being when it appears otherwise. Because what it's allowed for us to do is recognize parades are not comfortable places for people to go, notwithstanding the duct tape issue, because of a lack of certain basic needs. This helps fill that need. So i'm happy we're that the explais look forward to this ongoing relationship with the rose festival association to continue our support of these kinds of activities, including restrooms. Thank you.

**Potter:** Has anyone signed up to testify.

**Moore-Love:** Three people signed up.

**Potter:** People coming up to testify, you're required to testify to the specific issue. It's a -- mike, you're not going to testify again. I've already given you the chance, and you blew it. Tell these two folks, if you speak to the specific issue, if it's my perception, mike, you're not allowed to testify.

**Dee:** I didn't say anything.

**Potter:** If you -- if it's my understanding that you're trying to obstruct or delay the operationing of the city council, I will rule you out of order and not allow you to testify. So you have to testify to the specific issue at hand and you're limited to three minutes. State your name for the record and anyone can start.

\*\*\*\*\*: I feel like we're being targeted as criminals, even though we're citizens, just here concerned and wanting to share information.

**June 4, 2008**

**Potter:** It's not the issues, it's one issue. It's the fire union's contract. The rose festival association regarding the temporary restrooms, excuse me.

\*\*\*\*\*: I'll speak following mike.

**Potter:** He's not going to speak. You can speak or you don't speak.

**Katie Nilson:** Why are you so rude? The reason I have to -- the reason I came up here, goodness, gracious, was because I think it's interesting that we are so interested in providing bathrooms for housed people on the streets during a parade when bodily functions, human basic needs just as you said, are really important. And we're not looking at the emergency of the homeless that are out there right now. You guys promised bathrooms and day centers, and what else, benches, that you haven't come through with. So i'm wondering why we're so interested in offering bathrooms to housed people. I also think it's really interesting that if we did have some sort of natural disaster, we would make a way to house people who have been previously housed. But the disaster, the natural disaster of current homelessness is not important to you, I guess. What's the immediate answer, I guess, is my question. If you have victims of hurricanes, who had houses, you'll find somewhere for them to sleep. If you have -- I think there's actually --

**Potter:** Address the specific issue at hand, which are the restrooms along the parade route. That's what we're voting on.

**Nilson:** So I think that if you're able to find money for the bathrooms on the parade route, you should be able to find some money to provide bathrooms for folks in old town or all through the city. I don't think it should be something that happens two years down the road. I just think it's very reflective of this council that you're more interested in -- it's a class issue, serving the people to flake -- who are already comfortable, sleeping their eight hours a night or whatever in their houses, and who have access to bathrooms, but not being willing to service the people who don't have access to restrooms, and to also make that a crime for people who have to use the restroom, have to go behind a bush, and then you're going to ticket them or cite them for money they don't have. So I just think it's very reflective of the classism that is involved in all of this.

\*\*\*\*\*: You said everything I was thinking. My name is --

**Nilson:** My name is kathy nelson, by the way.

**Potter:** Emergency, please call the vote.

**Nilson:** He hasn't spoken yet.

**Potter:** He said you said everything.

\*\*\*\*\*: Pretty much.

**Potter:** Thank you.

\*\*\*\*\*: You have three minutes.

**Potter:** You folks are done. Thank you.

\*\*\*\*\*: He has three minutes, sir.

**Potter:** He said you said everything.

\*\*\*\*\*: Do you want to say your three minutes.

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

**Potter:** Excuse me, he can do his own talking. Not you.

\*\*\*\*\*: Go ahead.

\*\*\*\*\*: He's still got two minutes --

**Potter:** Excuse me. What did you want to say?

\*\*\*\*\*: [inaudible] please return to your seats.

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

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

**Potter:** The next emergency vote is 755.

**Moore-Love:** We need a vote on 753.

**Potter:** Excuse me.

**June 4, 2008**

**Adams:** Aye. Thank you commissioner Leonard for all your work to make the parade more comfortable for both those in it, those watching it, and the businesses along the route. Thank you. Aye.

**Leonard:** Thank you, commissioner Adams. And just address the issue of bathrooms, the frustrating part for me is listening to some of what was said is, we have in the budget three-quarters of a million dollars to build restrooms in old town. It's been probably one of the most widely publicized efforts the council has undertaken recently. We are in the middle of having the first model constructed, it will be installed bite middle of august in old town on northwest third and couch to be followed shortly thereafter by I think more public restrooms than what any major city in the united states has. In the downtown area. And so again, i'm a person that's very open to listening to the issues that are here, but I do expect people if they're going to go so far as to disrupt our proceedings, to at least know what they're talking about. Because it destroys your credibility with a sympathetic ear if I know you're not at least doing your homework. So i'm appreciative of the support of the council on this effort, on this ordinance and others related to public facilities. Aye.

**Saltzman:** Good work, commissioner Leonard. Aye.

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

\*\*\*\*\*: [inaudible]

**Potter:** Excuse me. You're out of order. You're out of order. Please read item 756. Excuse me, 755.

**Item 755.**

**Potter:** Commissioner Saltzman.

**Saltzman:** The u.s. e.p.a. is awarding grants for diesel emissions, reduction programs. As the county has already been doing work in this area, the city has teamed up with them for this application for one of e.p.a.'s grants.

**Potter:** Is anyone signed up to testify?

**Moore-Love:** Just mike dee.

**Potter:** Please call the vote.

**Adams:** Aye. **Leonard:** Aye. **Saltzman:** Aye. **Potter:** Aye. [gavel pounded] mike, you're not allowed to sit up at the table unless you're testifying.

**Dee:** I signed up to testify.

**Potter:** You're not going to testify on this matter. It's already been voted on. Please return to your seat.

\*\*\*\*\*: I filled out the dilatory practice --

**Potter:** Please return to your seat. Please read item 756.

**Item 756.**

\*\*\*\*\*: [inaudible]

**Potter:** I said return to your seat.

**Potter:** Commissioner Saltzman.

**Saltzman:** The ordinance under consideration today is to authorize Portland parks and recreation to sign a contract for the management and development of heron lakes golf courses. Two excellent courses in north Portland. With kemper management. Heron lakes is a wonderful asset. The golf courses are a wonderful asset to our community and have tremendous potential to reach even more golfers and visitors through the provision of affordable, high-quality golf experiences to Portland's residents and visitors. Portland parks and recreation coordinated a process to select the next operator of the course, and the golf manager and our business development coordinator are here to explain that.

**Todd Lofgren, Portland Parks and Recreation:** Good morning, todd lofgren. I'm here with my colleague, john, the golf manager. We wanted to highlight the process we went through for the

**June 4, 2008**

selection and evaluation process of the bids, and then John is going to highlight some of the key points of the agreement. Heron Lakes Golf Course and the players and visitors, it's been a desire to have a permanent clubhouse, so we're pleased to be here this morning to present this agreement to you. About a year ago with citizen input, the citizen-led golf advisory committee, and Portland Parks and Recreation staff, we designed a request for proposals with the Bureau of Purchasing that went out in June of 2007 for about 130 firms that reviewed that on the Bureau of Purchasing website, individuals, architectural firms, golf management firms. We ended up receiving two responsive bids, one from Heron Lakes Management, the current operator at the course, and one from Kempersports Management. We had an evaluation committee of three citizens, our finance manager of Portland Parks and Recreation and three staff of Portland Parks to evaluate those bids. They conducted interviews and then scored those proposals and the results of those interviews. The outcome of total of 600 available points, 300 points went to Kempersports Management and 292 points for Heron Lakes Management LLC. Per the request for proposal procedures, we entered into negotiation with the highest scoring proposer, so that was Kempersports Management. We believe what we present to you today is a favorable agreement for the players and visitors at Heron Lakes Golf Course as well as the city. Some of the highlights I just want to point out to you that will be carried out under the agreement is that we will continue the current operating structure we have at Heron Lakes, there will be no additional cost to the city based on this agreement. And we hope to increase the level of play of the agreement, improve the services for the visitors and players. Part of this also will be the first step in having a new clubhouse. We'll be doing a consent wall design and cost estimating for the new clubhouse there. And we'll be following the Mayor's Bureau Project, public involvement procedures for that to ensure we have adequate public involvement through that process. So John going to highlight some issues for the agreement.

**John Zoller, Portland Parks and Recreation:** Good morning, director of golf for Portland Parks and Recreation. I'll paraphrase this, I know there's a time crunch. Our Bureau believes this agreement with Kemper will meet our golf program's needs of improving the facilities continuing to offer affordable high-quality golf experience to residents and visitors and improving the overall health of the program. Kemper is an industry leader with an excellent record of success and customer satisfaction. We can provide the letters of recommendation if the Council wishes to review them. In taking on Heron Lakes operations, Kemper will meet with and assist the current staff and their job functions in consideration of retaining them as Kempersports Management employees. They have committed to provide all the necessary services associated with the management of day-to-day golf course operations as well as services necessary to complete -- complete the planning, design, and development of the new clubhouse and the other amenities at Heron Lake. In these efforts they have partnered with locally based small business entities, including various architects, and Michael McCulloch, architecture among others. The term of the agreement is five years. And may be extended for an additional five years at the city's discretion. In addition, the agreement may be terminated without penalty on its third anniversary. To ensure affordability high quality customer experiences at Heron Lakes, Portland Parks and Recreation has structured this agreement such that the Bureau will continue to set greens fee rates and the policy for golf course operation. In addition, city staff will continue to provide the maintenance on the golf course. In closing, I certainly would like to thank Heron Lakes LLC and their staff for their continued professionalism and dedication to providing a high quality service to our customers at Heron Lake.

**Potter:** Questions from the commissioners? I do have folks signed up to testify?

**Moore-Love:** Yes, we do. Five people signed up.

**Potter:** Thanks for being here folks. Please state your name when you speak and you each have three minutes.

**Kevin Beebehiser:** I'm Kevin Beebehiser and I'm the president of Heron Lakes Golf Club. And I want you to know that the association we've had with the existing concessionaire which is Heron



**June 4, 2008**

lakes management llc has been a very viable relationship for both of us. I see a successful, functional opportunity. I know you guys are blessed with a very nice opportunity between the two recipients that have proposed the rfp, and the idea that I can see is that I like what I see and I can touch that. I'm sure the mens clubs and the ladies clubs will be able to continue to work with whoever you choose but the idea of it is that I do know what I like, I do know what I see, and the opportunity that we have with the existing concessionaire has been very nice. Very favorable for everybody. They came in and they took this thing over in my opinion without a lot of future and they were hopeful that their efforts would be rewarded. I respect that. I know kemper has a distinguished history in the golf business. I like the fact that Heron lakes llc is a local organization, and I see nothing but success for their future as I do for the city of Portland many that's what i've got to say.

**Mary Kinnick:** Good morning. My name is mary kennick, president of the heron lakes womens golf club. I'm not here to endorse the proposal before you, because our members haven't reviewed it, so it's really my thoughts i'm sharing with you this morning. Mostly I want to share a perspective on the process to get to this point, and also raise a couple concerns about the management contract. The women's club submitted a letter to heron lakes llc the other bidder to include in their proposal to parks. While we did not endorse the proposal because we didn't have the opportunity to review any of the proposals before they were submitted, we did acknowledge they were the only bidder to initiate a meeting with us to seek our views regarding the future design of the clubhouse and other enhancements. While parks relies on the golf advisory committee to serve as the eyes and ears of the public regarding the welfare of our golf courses and their meeting are open to the public, we had hoped there would have been more scheduled opportunities for us to participate early on in the process, especially when the rfp was being developed and reviewed, but I will comment that we were very pleased with the content of the rfp. I have two concerns related to the proposed management agreement with kemper sports. On page 13, section 5.21, regarding phase 1, the design and planning -- the project planning process, reference is made to the requirement of sufficient public involvement in the process. My understanding is that the bureau innovation project number nine provides details of the public involvement tool that will be used to meet this requirement. Women's club members trust this is the case and are very excited about the prospects of participation in the conceptual design phase of the new clubhouse. My other concern, and just was spoken to, I think, by john zoeller, shared by many of our members, has to do with maintaining the long-term affordable of play on the two courses at heron. We're uncertain about the green fees associated with constructing the new clubhouse and other enhancements worked out between kemper sports and the city. We understand that city council will need to approve and review this before moving forward to phase two of the process, so there will be time to consider consequences at that time. I think i'll move to one final comment. I want to acknowledge the terrific improvements heron lakes llc has made to the current facilities and dedication of the current staff in supporting the needs of the women's club. Conditions have improved significantly since they came on board. In conclusion, we're excited about moving forward on this project. Thank you.

**Dale Bernards:** Dear mayor and commissioners, i'm dale bernhard. I hope that everybody has had the opportunity to read the rfp and evaluate the proposal made by kemper sports and heron lakes management. Thank you for giving us the opportunity to manage heron lakes for the past year. We invested a lot of our money into the facilities. We extensively remodeled the kitchen, painted the exterior and replaced the deck coating. We assumed over \$200,000 worth of payables and brought them all current. Our pursuit in the redevelopment in response to the welcome we received from the men's club, women's club. These people are the heart of the city of Portland golf environment. We took the time to meet with each of the clubs realizing their importance to the success of this golf operation. We talked about their needs, designed our project around their needs, and more importantly listened to their understanding. Our understanding is that kemper sports didn't meet

**June 4, 2008**

with the above. Why? Is that what the city of Portland wants to see? It is important that you understand the rfp process was flawed. It was set up in a way where no one can compete with a national golf course management company. Was that the intention of the city? My first meeting with the city when we took over the course from byron woods enterprises involved a conversation with robin grimwood where I quote, why are you guys interested in taking over the operation? The city is looking at consolidating the management of all of its courses. Was there a decision made before the rfp? We've built a staff committed to the the success of heron lakes. They want to come to work in the morning because they enjoy their job. We've made the operation profitable for the city and people of Portland. Here are other objectives we'd like to you consider. During a meeting in 2007 it was announced by the city of Portland that the company was awarded the contract would be expected to take over the operations at the expiration of the existing agreement with byron woods. Part of the requirement was that the new concessionaire was to reimburse the old concessionaires. Heron lakes llc agreed to to do this. We have not been apprised of the final agreement between kemper and the city of Portland. Subsequently the city of Portland extended the approval time and entered into a management agreement with heron lakes llc. It was made public that heron lakes management was willing to pay this amount. Are you expecting a check to be returned to you of \$212,500? Currently the situation we have at heron lakes is a management agreement. While it provides for stability and for the concessionaire it puts 100% of the burden on the city to control expenses. Just leave the city at a severe disadvantage concerning expenses. Kemper has no incentive to control expenses. I quote from a san francisco paper. It created the equivalent of a city credit card and kemper pushed the card to its maximum.

**Potter:** Are you about ready to conclude your testimony?

**Bernards:** Yes. I ask you, mr. Mayor and commissioners, what it takes to make a successful golf course. It's not the clubhouse, it's not the driving range, it's the people. We extensively outscored kemper in this category. In closing, if by chance you decide to reject this appeal, i'd greatly appreciate your efforts to insist that kemper continue to provide employment to my staff. I hope you've read the following, the rfp, the kemper proposal and proposal from heron lakes management before you make this decision.

**Potter:** Thank you, folks.

**Don Carlson:** Mr. Mayor, members of council, my name is don carlson. I'm the chair of the citizen golf advisory committee for the parks bureau. Our job is to provide advice counsel to the golf director, to the park and recreation director, the commissioner in charge, and ultimately on this situation to the council. We met yesterday and reviewed the contract with the golf director and park bureau staff, had a long two-hour discussion about the ins and outs of the contract. And as a result of that meeting your golf advisory committee voted unanimously to recommend that you adopt this ordinance and enter into a contract with kemper sports. I served on the selection committee, along with two other golf advisory committee members, felicia trader and bill mcallister. We were impressed with a couple of things with the kemper proposal. One is their experience in terms of operating municipal courses throughout the country. And two, their ability and experience in delivering a clubhouse. One thing that struck me about their advice to us when we met was that we really need to pay attention if we're going to build a clubhouse that it be a appropriate size facility, one that we can afford, and that meets the needs of the golfers, but that we don't have overbuild and we don't get a return on their investment. So that was part of my decision-making in terms of the recommendation I made in that process. Now, about the agreement. This is a c change in a sense for the golf program in this community, the city's program. One, we're bringing in -- first time in my experience as a player over 30 years and a member of the golf advisory committee, we're bringing in a national committee to operate one of our venues. Two, the nature of the agreement, it a different kind of agreement than we've used in the past. It's essentially a management agreement as distinct from a lease agreement where we lease our facilities for somebody to operate it as a

**June 4, 2008**

business. And I think one of the concerns of your committee is that we feel that with this new kind of agreement it's going to put more pressure on the city staff to pay attention to more of the transactional stuff in the operation of the system. We have to -- all the revenue comes through. We have to control the expenses, too. We had a long discussion with the -- with your staff about this, and they feel sufficiently comfortable that the terms of the agreement, plus their ability to do this, will lead to a successful relationship. So again, we're recommending that you go ahead with this. We do have concerns, but we do feel like your staff has costed this out, has said, if we function correctly with this concessionaire, it will be a net benefit to the program, and there will be net revenues at the end of this agreement. So i'd be glad to answer any questions.

**Adams:** Who's responsible for the day to day supervision of the contract?

**Zoller:** I would oversee the administration of the contract. We have a financial analyst that will on a day-to-day basis pay attention to the expenditures and revenues.

**Lofgren:** As don mentioned, the function of this contract we will get almost all of the revenues, and however we'll have responsibility for the costs. And on the cost question, we'll approve an annual budget that kemper sports management will adhere to. If they exceed that they'll be in default under the contract. That's one control mechanism. We'll have monthly meetings with kemper sports management because we'll actually be making payments up front on a monthly basis for the cost of operations at the course. On a daily basis, revenues will be deposited by kemper sports management to the city.

**Adams:** In terms of building the clubhouse, how do we prevent it from -- well, how do we make sure it's the clubhouse folks want, but it's within the budget?

**Lofgren:** Right. That's a really strong part of this agreement rather than a long-term lease agreement. The city is in control of making decisions, both on the -- approving the form and amounts of contracts that are given under the development portion of the agreement, as well as giving final approval of the design and scope of the facilities. So the city will make the decision. And in our agreement we have a phase two where we'll be coming back to city council for your approval for how we'll be financing the clubhouse and the scope of the facilities.

**Zoller:** And in order to get there, we will use citizen involvement and kemper's experience to come to the proper design and size of whatever clubhouse we wind up wanting to build.

**Adams:** Thank you.

**Potter:** Further questions?

**Leonard:** Anybody else signed up?

**Moore-Love:** Just mike dee.

**Potter:** It's an emergency. Please call the vote.

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

**Saltzman:** Well, I want to -- first of all, I want to thank heron lakes llc. They've done a great job in managing our heron lakes golf courses. I want to acknowledge that publicly. With he did a competitive process, and kennick won that square and fair. I acknowledge heron lakes for their work, and looking forward to kemper sports management coming on board. Aye.

**Potter:** Aye. [gavel pounded] please read item 757.

**Item 757.**

**Saltzman:** To acquire land in east Portland for the addition of cherry park. I think it's a good agreement. And I really don't think there needs to be elaborate discussion on this. More parkland. In east Portland.

**Riley Whitcomb, Portland Parks and Recreation:** I'm here to answer any questions you may have.

**Potter:** Any questions? Okay. Has anyone signed up to testify before mike dee?

**Moore-Love:** No one else.

**Potter:** Call the vote.

**June 4, 2008**

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

**Saltzman:** Well, I want to acknowledge and thank again the trust for public lands, but I also want to specially thank the crasswell family, longtime owners of the Portland sand and gravel site for working with the trust to make this opportunity for the hazelton neighborhood a reality. Aye.

**Potter:** Aye. [gavel pounded] we have one more emergency. Please read item 758.

**Item 758.**

**Potter:** Is this yours?

**Saltzman:** No.

**Potter:** Is it parks?

**Adams:** Yes.

**Saltzman:** Oh, it is. I know nothing about it, so --

**Adams:** At least he's honest.

**Steve Planchon, Portland Parks and Recreation:** I'm property manager of parks. This is a stormwater easement, perpetual in the springwater corridor, basically supporting adjacent development to the springwater corridor. It's consistent with the nonpark use of the springwater corridor, and we urge approval.

**Saltzman:** Thank you.

**Potter:** Any questions? Anybody signed up?

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

**Potter:** Does anyone here wish to testify to this matter?

**Dee:** I'd like to.

**Potter:** Well, you can't. Please call the vote.

**Adams:** Aye. **Leonard:** Aye. **Saltzman:** Aye. **Potter:** Aye. [gavel pounded] I excuse myself, turning the gavel over to commissioner Adams.

**Adams:** Karla, by the checkmarks here, we have to go back to item 746.

**Item 746.**

**Adams:** Good afternoon. Can you give us a quick overview?

**Rich Attridge, Office of Management and Finance:** Question yes. I'm with the facility services division. The approval of this ordinance will allow omf to make a final payment to mca architects for additional services that were required as a result of the default of the contractor on the project, and the surety company's takeover and subsequent hiring of another contractor. In the ordinance I stated we would seek reimbursement for this expense. Approval of this ordinance will allow us to go ahead and make that payment.

**Adams:** All righty. Any questions from the city council? Has anyone besides mike signed up to testify?

**Moore-Love:** No one else has signed up.

**Adams:** Is there anyone in the room besides mike that would like to testify? That moves to a second reading. That gets us to item 751.

**Item 751.**

**Moore:** Yes.

**Adams:** Good morning, jeff.

**Jeff Baer, Director, Bureau of Purchases:** Good morning, city council. I'm jeff bayer with the burr of purchases. Before you is a request to execute a contract with moore excavation for the downtown mall sewer renovation project in the amount of \$5,795,610. A couple of facts about this. They do have 5.7% of the subcontracts awarded to minority women and emerging small businesses, and they are in compliance -- they're in full compliance with the equal benefit requirements. I'll stop there.

**Adams:** Any questions from the city council? Has anyone signed up besides mike to testify?

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

**June 4, 2008**

**Adams:** Anyone in the audience like to testify?

**\*\*\*\*\*:** I would like to testify.

**Adams:** Besides mike. That moves to a second voting.

**Moore-Love:** This is a report.

**Adams:** We need to vote on it.

**Leonard:** Move to accept the report.

**Saltzman:** Second.

**Adams:** It's been moved and seconded to accept item 751. Please call the vote. Aye.

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

**Adams:** That gets us to 752.

**Item 752.**

**Adams:** Hi. How are you?

**\*\*\*\*\*:** Good morning. I'm good.

**Adams:** Can you give us a quick overview of this nonemergency ordinance?

**\*\*\*\*\*:** Yes. Actually i'll give this here to Karla. The petitioner, who requested this street vacation, is steven cookson, private property owner. You can see from the aerial that it's been being used as private property by he and the adjacent landowner. So we're just trying to make it legal. He would like that portion vacated and the property will revert back to the petitioner and his neighbor. So it's pretty straightforward. No objections from anybody.

**Adams:** Any questions from the city council? Has anyone signed up to testify besides mike?

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

**Adams:** Anyone in the room that would like to testify except for mike? This is a nonemergency and moves to a second reading. All right. Item 754.

**Item 754.**

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

**Adams:** Thank you. This is a nonemergency, first reading. Is there staff here?

**Saltzman:** I can handle this. In 2003 Portland state university received a franchise to provide utility services to its campus. However as we all know, since 2003, psu's boundaries have expanded. This amends the franchise for psu to provide telecommunications and backup electrical power to its new properties as well.

**Adams:** Anybody signed up to testify besides mike?

**Moore-Love:** Did not have a sign-up sheet.

**Adams:** Any one in the room besides mike? [gavel pounded] unless there's other business, we're recessed until 3:00 p.m. this afternoon. [gavel pounded]

At 11:51 a.m., Council recessed.

June 4, 2008

**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.

**JUNE 4, 2008            3:00 PM**

[ roll call ]

**Potter:** I'd like to remind folks prior to offering public testimony to city council a lobbyist must declare which lobbying entity they're authorized to represent. Please read the 3:00 p.m. Time certain.

**Item 759.**

**Potter:** This was enacted in the last legislature. Senator gordly is the primary driving forward, and got the support of the other members of the legislature. With that we will ask folks to come up and speak. Mr. District attorney and other folks who wish to speak to this, please come forward. Are you going to explain the --

**Mike Schrunk:** Good afternoon. Mike schrunk, district attorney. Mr. Mayor and council, we're here to seek your approval of the plan on -- created under senate bill 111. And a brief history of this goes back a long time. Senator avel gordly did a lot of work in the legislature with a lot of other legislators and crafted this. And it required that all 36 counties create a plan. This was meant to be a template for the use of deadly physical force by law enforcement agencies. It required the sheriff of each county and the district attorney of each county to raw point a person to serve as cochairs. With that, I appointed senior deputy district attorney don reece, who is here on my right. Sheriff bernie appointed lieutenant mccain. We worked with all the police chiefs in the area, and i've asked don to go ahead and make a presentation about the number of meetings, public meetings we've had, and the plan has been presented to you through your staff, I believe. Is that correct?

**Potter:** Yes.

**Schrunk:** So other than that, let me turn it over to chief sizer for any preliminary comments, and don reece.

**Rosie Sizer, Chief, Bureau of Police:** I think i'll reserve my comments after don explains the work that's been done, and i'll explain where we are in terms of that work and what more we would be doing.

**Potter:** Thank you.

**Don Reese:** Good afternoon, mr. Mayor, commissioner Leonard, commissioner Saltzman. My name is don reece, and i'm a senior deputy district attorney in mike shrunk's office. Back in july of 2007, the governor signed senate bill 111 into law after it was put together by senator gordly. And we began putting together our proposed plan in the month that followed. As you may know, the law set forth who would make up a planning authority in each of Oregon's counties. And it was to be the district attorney, the sheriff, who in this case appointed lieutenant mccain and myself to take the lead, a citizen representative, and in our case a gentleman named zakary ingles, who is a former member of avel gordly's staff and had a background in law enforcement, and is currently a student at Portland state university in the black studies department. So he was our citizen representative. There was a representative of the Oregon state police. Lieutenant rich evans, a representative of all of the police chiefs in Multnomah county who is chief phil clan from port of Portland, and a representative of all of the sworn peace officers in Multnomah county in nonmanagement position, and that was robert king from the Portland police bureau. So then we

**June 4, 2008**

began meeting, and although it was not required by the bill, we wanted to hear from members of the public, but what their concerns were, what they thought, and so through the series of meetings that really got underway in the fall and continued through the winter, we heard from a number of different people in the community. Those people are recognized and thanked for their participation in the draft plan on page 2, and you'll see that we heard from Oregon action, the latino network, dan handelman, bishop a.a. Wells from emanuel temple church, and many other people who had an interest in this issue of officer use of deadly force. Following that, pursuant to the statutory requirements, we held public hearings on our proposed plan. The law requires one public hearing, but at the direction of d.a. Shrunck and the sheriff we want to make sure we covered as many different areas within Multnomah county as possible. So we had three public hearings during the month of april, downtown in northeast Portland, and out in the rockwood area so we could hear from different folks in the community. There's a deadline of june 1st, 2008, to submit a draft plan for final approval to the attorney general's office after two-thirds of the local governing bodies within the county approve the draft. As you may know, may see in the draft, there are seven different specific areas that have to be addressed in the plan. Most of those areas, such as the requirement, have an outside agency involved in the investigation after officer use of deadly force, are already in place in Multnomah county. There are already m.o.u.'s in place, reciprocity agreements that that would happen. But that wasn't true across the state. There's a requirement for written policies by police agencies regarding officer use of deadly force and the aftermath of investigations. And that was in place, though that wasn't true across the state. The goal of senate bill 111 is to get all these agencies, all across the state, into some kind of more uniform practice. The one area where we felt we had an opportunity to do something more than has been in place was the area of education, training, and outreach to the community. And the law requires that there be efforts made to begin really a three-way dialogue between members of the public, government attorneys, and peace officers who discuss issues related to the officer use of deadly force. And although in other counties in the draft plans we've seen, they really have left that completely at the discretion of the agencies. We wanted to make some level of commitment as far as possible to be proactive in those areas. So one commitment is that the district attorney's office will hold as part of our continuing legal education requirements, a program related to the officer -- this issue of officer use of deadly force. Not just to talk about the law, but to talk about community concerns. And it's kind of the social context as it relates to officer use of deadly force. We'll be developing a roll call video for use by county law enforcement, and members of the planning authority are meet can next week with the training division of the Portland police bureau to discussion this video production, which will be shown to all of the peace officers in Multnomah county addressing issues related to officer use of deadly force. And the third component, which has yet to be planned, but it will be community outreach and creation of a dialogue a. Three-way conversation. Not just citizens talking about the issue or just peace officers talking about the issue, but what we heard from members of the public is that they want to have a dialogue, a discussion. Not at a time of crisis that may erupt following the use of deadly force by the police, but at a time when people can talk about these things in a level-headed way and hopefully reach better understanding on all sides. That's an outline of where we've been and what we've been doing since this law went into effect, and thank you for your attention.

**Sizer:** Mayor, commissioners, rosie sizer from the Portland police bureau, and don reece stole some of my thunder talking about some of the more proactive things that go beyond what we currently have in place. Clearly we have a currently deadly force directive, we have been working around the force issue a lot of late. We have reformed our use of force review boards in the last couple years to include citizen and peer members, which historically was not the case. We collect data on deathly -- deadly force, we collect data on use of force, and we also report forced data publicly starting last year. We have long had in place provisions to place members involved in

**June 4, 2008**

deadly force incidents off on administrative leave for varying length of times, and some members given the level of involvement in an incident, are required to go through a mental health consultation, and that's provided by the police bureau. Other than that, we're happy to assist the planning authority with the creation of the first video to educate officers about this bill and subsequent educational office efforts, and then we'll be happy to participate in additional community dialogue around deadly force.

**Schrunk:** We have sam sacks present. Citizen member of the committee, the former staffer, senator gordly, robert king is present, and they can weigh in and answer any questions, or if you have any questions for the three of us at this time, I see dan in the back, and I suspect he will want to weigh in too. It's important for you to remember that this is a statewide plan. Ours is a county wide, but it's a senate bill 111 applies to all 36 counties. The question has come up, can a municipality or can an agency have a more strict, restricted plan? Can they add things to it? The answer would be, yes, you can add to your own individual policing agencies within, but we need this passed by the municipalities within the county here, or adopted.

**Potter:** Commissioner Adams?

**Adams:** As I understand the bill, and I got briefed by the assistant or deputy chief --

**Sizer:** Assistant chief.

**Adams:** This plan, the state legislation only applies to public policing agencies, and doesn't speak to private or nonprofit efforts that might be authorized to carry weapons or use deadly force. That was her impression, it's my impresentation. Does that sync up with yours?

**Reese:** That's correct. It only applies to peace officers. It does not include private security guards which I think you're referring to, and it does not apply to corrections officials that might be used deadly force in the line of duty.

**Adams:** Do you have an opinion, if you do, whether something like this should apply to those additional groups?

**Schrunk:** I think that's a matter of policy. I would say a plan similar in nature would be good and healthy. This is a start, putting things on the table and being more transparent with protocols, training, etc. So, yes. And it could be when you contract with them you could impose those requirements.

**Adams:** Do you have any opinion, chief?

**Sizer:** Not really.

**Adams:** Ok. Thank you.

**Potter:** Other questions? Do the other folks want to testify?

**Adams:** Thank you very much.

**Potter:** Dan, did you wish to testify? Was robert king here?

**Adams:** He left. Did you want to come up? We're taking -- please go ahead.

**Sam Sachs:** Good afternoon mayor, city council. My name is sam sachs. I was appointed by senator gordly to be the community citizen representative for senate bill 111. Really the only thing I have to offer is that I was given the task, we were given the task as planning authority to reach out to the community and to get feedback from the community on the concerns of use of deadly force, and what education outreach and training looks like to them, what they expect from police officers from district attorneys, and so what we tried to do, the planning authority as a whole, was reach out to various groups and community members in Multnomah county as don reece said, we were tasked with having one community forum, and we had three dr. One at Portland state university, in the gresham area, and northeast Portland. Unfortunately we didn't get a lot of people to those meetings, but it was our goal to get input. I just want to say though i'm a community member and was tasked with doing that, everyone from the start that was their goal, was to hear from the latino network, the black community, the mentally ill community, homeless, and that really was our task, and I think we achieved that. It's a starting point, there's still a lot of work to be



**June 4, 2008**

done going forward as far as education outreach and training, but I feel confident that the planning authority is committed to that, and that was their goal. And that's all I have to offer.

**Robert King, Bureau of Police:** As a member of the senate bill 111 committee, as has already been said, we worked through the various component pieces of the legislation and I think made improvements in different processes that play out in Portland. I think there's another advantage to the bill in that it's standardizing some of the critical component pieces of the investigation of deadly force, and the treatment of officers in communication with community following the use of deadly force throughout the state of Oregon. So I think the work has been positive and will be valuable, and I think has gone a long way to making improvements here locally around the state, and I sigh more dialogue I think coming as a result of the rules that we put in place that can I think only do good.

**Dan Handelman:** Good afternoon, mayor Potter and commissioners. I'm dan handelman from Portland cop watch. I was one of the few people that attended those outreach sessions, and I just want to be clear, i'm not sure who wrote the resolution that you're working on passing, but it says that those public hearings were done -- I got a news release about it on a friday before a monday session, and I wasn't able to mobilize a lot of people. Similarly, I just happen to look at the city council agenda every week to see what's going on, and I found out about this on friday. A lot more people in the community are interested in what happens with the use of deadly force than are here in the chambers today. I was hoping there would be more time for dialogue, and i'm hoping you'll consider making some amendments in having more hearings on this before it goes back to the state.

As a finally approved plan. Amongst the things we were concerned about, it basically only has been said, cod fiez things that have already been done in Multnomah county. The d.a. will have scruggs whether to hold a grand jury, whether or not the community feels it should be one every time. We would like to see a mandate for there to be a grand jury held every time there. Were two shootings by Portland police officers within two days in may, and I don't know that i've heard anything about a grand jury on either case, but I think there should always be a grand jury held. Officers now being required to take two psychological counseling sessions. We're very supportive of that. We think it's a good thing. Officers have had traumatic experiences afterwards and it's caused problems for the city. The listening sessions, we're hoping those are going to be aimed at true die losmght i'm hearing a pledge for dialogue, but it sounds more like there's an explanation, this is the law, you this -- this is why the officer used deadly force, and the community is going to be asked to accept it, that this is the way things are. Rather than stop what it was drawn on the attorney general's plan as a circle, never ending cycle of a shooting community outcry, changes made to shooting. Someway to stop that cycle. So other things we talked about is that there's a conflict of interest in the district attorney's office. They work with the police on a daily basis to prosecute criminals and they have rarely if ever prosecuted police officers for on-duty use of force. It might be a good idea to look for an independent prosecutor for deadly force and other serious police use of force crimes. We also ask the committee to consider talking about the use of supposedly lesley that weapons, like tasers. There's was a hearing in 2006. One can consider that when police use a taser, yet tasers won't be part of this plan. And we'd like to see them included. Along with beanbag gun and other less lethal weapons. They collected statistics when an officer pointed a taser but didn't pull the trigger, but they've stopped doing that. We think when somebody sees a red light pointed at their chest, that is a serious use of force. Especially because tasers' safety is unknown. They should continue to keep track of that. We would hope that would be countywide. This is the first time I heard corrections officers aren't covered by this. I think commissioner Adams's questions were quite on target about asking about them and about the private security guards. Another very serious question that we have. Just a couple of other things. One thing that it wasn't talked about in the plan that I raised, I saw the police do well in the shooting that happened last august. It's to come out, the police bureau to say we're not sure what

**June 4, 2008**

happened in this case, we're going to have to wait until the investigation is over to comment. A lot of times we hear public information officer come out and say, where the officer was threatened, felt afraid for his life and that's why he shot. That's what the officer has to tell a grand jury. We want to hear a true neutral press report coming out from the bureau. We thought that was a good model and we're hoping that can be incorporated into the plan as well. Finally, your park reports. The report you ordered about use of deadly force in Portland. They called for independent, funded, civilian agency to investigate that deadly force situations. And that was kicked from the police bureau to the city council from the council to the i.p.r., and even though with all the discussion around i.p.r. and whether or not -- there's still been no movement on that park recommendation. And they repeated it in 2005. So if you have any questions, i'm happy to answer them, but thank you for your time.

**Sachs:** Mayor, members of council, i'd like to respond and add a few things. I want to thank dan for his feedback and input. I also just want to address the community involvement piece. The listening -- the forms that we had, we had three different ones. We reached out to various media outlets. I was interviewed by opb. Renee Mitchell was at one of the meetings. If there's any failure to get more community members to these meetings or outreach, I take responsibility for that. Personally I was disappointed. I think there's things that could have done differently, maybe done a little more to get people involved. It's a learning process for me that should not reflect the planning authority. I think it was a starting point, a good starting point. But obviously there are things I could have done better as a community representative to get more people out. The other thing, the listening sessions, after we met with the vaishus people from latino network, Oregon action joined the planning authority discussed those meetings in that feedback, and I can tell you they are committed to doing what those members asked them to do. One of the things that came up is they don't like power points. They don't want to be talked to or talked at. That resonated and hit home with the planning authority. So I can testify that the listening sessions, when we go forward, are not going to be talking to people or telling how it's going to be. It's going to be communication between the community of the police of the district attorney to try to learn from each other and go forward in a positive way. So actions speak louder than words, but I feel confident the planning authority is committed to that, from what i've heard and seen in thy my meetings with them. Thank you.

**Potter:** Thank you. Mike, i'm going to give you the same warning I gave you this morning. If you are doing this as -- as to hinder or debilitate actions of the council i'll rule you out of order. Speak specifically to the issue that's before the council. So if you can do that, you can speak. If you can't, then don't.

**Mike Dee:** Thank you. Mike dee. Whereas the use of deadly force by law enforcement personnel is a matter of critical concern to law enforcement agencies in the communities and citizens they serve and I don't see anything in there about the families of those killed by law enforcement. I would suggest you add that in there, because i'm sure it's a matter of critical concern for them too. I also want to talk about -- someone mentioned this was a starting point, and I agree. I don't think you're ready to pass this. It is a starting point. There's been very little notice as far as the meetings that have happened, whether they've been a meeting like this one to try to approve something, whether it's been at the county. The notice for this was last friday as far as I know. When the agenda goes out. The meeting for the Multnomah county meeting also went out last friday. So they're devolt order a a -- you heard about the opportunities for people to go to the sessions, they happened in almost like one week. It was a short time frame, very quick notice. It wasn't -- there wasn't a lot of time for people to know about it and to organize or even show up if they could. Locations were kind of sparse and varied, and it's not -- it doesn't seem like the right -- it's a start. It is only a start. This -- we need an independent police review board for this to work. When I went to the Multnomah county commissioners' meeting, they talked about the budget, and they talked

**June 4, 2008**

about the district attorney, how he didn't use all his funds, he did a good job of getting his own funds. He could have an independent person there. We could also contract to an independent agency. This plan isn't going to do much until you have independent stuff there for officers to be concerned that someone is going to follow up and find them accountable for their actions. The -- also this meeting. At 3:00, if it had happened at 9:00 this morning, when you had all the other 50-plus agenda items, there would have been a lot of people and people would have noticed it. Since it was a 3:00 meeting, and it was on the -- set aside, people probably didn't notice it. What notice did you give out for this meeting other than -- or anybody, that this was going to happen today, here, what notice did the county give out for their meeting, what kind of notice was given out for the sessions that were held for the community to listen to? We heard about the media got notified. They're not the ones that are going to testify at that meeting and they're not going to give the input that will represent the citizens. Thank you.

**Potter:** Has anybody signed up?

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

**Potter:** It's a resolution, call the vote.

**Adams:** I'm going to support this in part because it's built into the process, reviewed by the attorney general for compliance with senate bill 111, and that will I think that gives us a good third party verification that we're indeed adhering to what the legislature approved. It is a start. I know the planning authority will continue to work on it as will all of us as partners. Aye.

**Leonard:** Aye.

**Saltzman:** I want to thank the committee for its work, and this looks like a good plan. There's -- notwithstanding interesting comments from dan handelman about ways time prove it, but I think those rest on the individual law enforcement jurisdictions ultimately. To make any further changes. But this is a good plan, and I wish there had been more public involvement. It's hard to get people to show up for something. Pleased to support this. Aye.

**Potter:** I think that they'll probably be providing a more advanced notice in the future, but it is hard to get folks out to meetings. We appreciate the work and the committee, and I want to support it, make sure that in Multnomah county that we not only live up to the letter of the law, but the spirit as well. So thank you all, and I vote aye. [gavel pounded] we're recessed until 3:30 tomorrow.

At 3:34 p.m., Council recessed.

June 5, 2008

## 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.

**JUNE 5, 2008            3:30 PM**

[roll taken]

**Potter:** Prior to offering public testimony, a lobbyist must declare which lobbying entity he or she is authorized to represent. Please read the 3:30 time certain.

**Item 760.**

**Potter:** The city attorney will describe the hearing process.

**Kathryn Beaumont, Sr. Deputy City Attorney:** I have several announcements to make concerning the nature of the hearing, the order of testimony, and guidelines for presenting testimony. This is an evidentiary hearing. This means you may submit new evidence for the council, this may be in any form, testimony, letters, petitions, slides, photographs, maps, or drawings. Any photographs, drawings, or other items you show during your testimony should be given to the council clerk at the end of your testimony to make sure they become a part of the record. In terms of order of testimony we'll begin with a staff report by nan stark at the bureau of development services staff for approximately 10 minutes. Following the staff report the city council will hear from interested persons in the following order. The appellant will go first and will have 10 minutes to present the appellant's case. Following the appellant, persons who support the appeal will go next. Each person will have three minutes to speak to the council. The applicant will have 15 minutes to address the city council and rebut the appellant's presentation. After the applicant, the council will hear from persons who support the applicant. Finally, the appellant will have five minutes to rebut the presentation of the applicant. The council may close the hearings, deliberate, and take a vote on the appeal. If the vote is a tentative vote, the council will set a future date for the adoption of finding and a final vote on the appeal. If the council takes a final dote vote today, that will conclude the matter before the council. There are several guidelines for presenting testimony today. These guidelines are established by the zoning code and state law. First testimony must be directed to the applicable approval criteria. That is, any evidence you present must be directed toward the applicable approval criteria or other criteria in the city's comprehensive plan or zoning code applied to the decision. The b.d.s. staff will identify the approval criteria as part of the staff report to the council. If you fail to raise an issue clearly enough to get the council or the parties an opportunity to respond to the issue, you'll be precluded from appealing to the land use board of appeals based on that issue. If the applicant fails to raise constitutional or other issues relating to proposed conditions of approval with enough specificity to allow the council to respond, the applicant will be precluded from bringing an action for damages in circuit court to challenge the conditions of approval. That concludes the opening guidelines and statements.

**Potter:** Do any members of council wish to declare a conflict of interest? No council members have a conflict of interest to declare? Any members of council have any ex parte contacts to declare or information gathered outside of this hearing to disclose? No councilman members have ex parte contacts to declare. Do any members of the council have questions that need to be addressed before we begin the hearing? We will now begin the hearing. Staff, please come forward for their presentation.

**June 5, 2008**

**Nan Stark, Bureau of Development Services:** Good afternoon, mayor Potter, commissioner Adams, commissioner Leonard. My name is nan stark, i'm the staff assigned to this case. Which is a new school on deardorf road. 07139.994cuad. I just want to let you know in attendance are staff from bureau of environmental services and Portland transportation, there are several technical issues related to the appeal, and so you may want to call upon those staff for technical issues. I'll be showing a few slides of the site and the vicinity to acquaint you with it, and then I will review decision and describe the appeal issue. I'm not going to review in detail the 14 conditions of approval. They're in the decision that you have, and i've also included them in the power point if you want me to refer to those later on in your discussion. And we've also given you a copy just of the conditions of approval. So the proposal is a new elementary school for 600 students, 61 staff. It's a 16-acre site, 76,000 square foot two-story building, 72 parking spaces, a covered play structure, no development in the environmental zones which there are to the north and south of the site. And one adjustment was requested in the johnson creek basin plan district. There are specific regulations which limit tree removal only when trees are more than six inches are removed -- that are more than -- that are requested to be removed if they're more than 10 feet from a building or five feet from a paved surface. That requires an adjustment to that standard and in this case, they requested up to 75 trees to be removed. The zoning map shows that the site is in the a-10 zone, and there are c and p environmental conservation and preservation overlay zones to the north and south of the site. The primary area of development is in the middle of the site, it's totally outside of the environmental zones, and this overlay -- this aerial view will give you pretty good idea of what the site looks like, it's basically -- it compared to the surrounding forested area, it's really quite clear. It has been residentially developed for close to 100 years, and it's kind of sit can on 16 acres with only forested area around it separated from the nearest residential area of density by johnson creek to the north. And you can see there are some scattered residences along the road and to the south of the site, and then another concentration in a subdivision to the southeast. This is the site plan showing that building footprint is toward the center of the site with access from the north and the south, the south being access directly into the parking area and the north for school bus entry and drop-off. Deardorff there are a number of trees around that area that would be the primary target of that adjustment for the tree removal. Primarily to allow site visibility and also because of some grading that's going to occur there during construction and potentially creating hazardous trees as a result. Elevation drawings, the most visible elevation will be the west along deardorff road and the south coming south from deardorff road. Just a few pictures of the area showing it's quite rural in nature, quite forested. This is one of the two houses that are still on the property. Deardorff is a winding road. This is showing the area of the tree removal, so there's a bit of a ridge, a grade change there where the biggest concentration of trees are that are near the footprint of the building. And this is to show you part of the wall that exists along the property, and it was built during the w.p.a., so it does have some historic quality, and there is a condition of approval about its preservation. This picture shows johnson creek, which you can see looking west from the site. And this is cedar crossing bridge, which crosses johnson creek just to the north of the site. And this is looking south at the site from the bridge. So the approval criteria in this case are for conditional uses, 33.815-- a-e, and 33.805.040 a through f for adjustments. The hearings officer decision approved the conditional use for the new school with conditions that would be required prior to or during building permit review. And approval of the adjustment for removal of up to 75 trees. And conditions a-m. So 14 conditions. Three are transportation related, conditions e-j are storm water related, one is related to the neighborhood plan, and three related to the tree removal adjustments. Before I review these appeal issues, I just want to mention that during the review process and up to the publication of the staff recommendation to the hearings officer, several city staff had extensive contact with the chair of the neighborhood association, and the issues raised by the neighborhood association during the review process were primarily about the tree removal adjustment and about storm water

**June 5, 2008**

management and how that was going to be designed. At the hearing those same issues were raised and additional issues were raised about public safety and transportation related issues. And those same issues were raised in the appeal. Whoops. I didn't mean to go over that. So the transportation related issues are about site distance requirements, traffic on deardorff road, the pedestrian and bike circulation safety for all modes, and then the issue of where the sidewalk should end, potentially being hazardous. Storm water related issue about erosion and slope instability potential, and suggested conditions of approval, and the possibility for environmental review, and then additional issues raised in the appeal that policies two and seven of the neighborhood plan regarding alternative modes of travel were not supported and mitigation of 138 trees is somewhat less than a 2-1 ratio. And not listed as an appeal item, but you may hear testimony about this is a perceived -- procedural error at the hearings officer level, and if you have questions following the appellant's testimony, I can address those for you. So in summary I just want to reiterate that the hearings officer analysis shows that the proposed 600 student school can meet all the relevant conditional use criteria. It's a special site because of its location adjacent to Johnson Creek. It's in a heavily forested area, high-end natural resources, but the site itself has been residentially developed for a long time, and most of the original forest on the site itself has likely not been there for that time. I will sum up as quickly as possible. The applicant and their representatives have worked extensively with city staff and the neighborhood association for the last two years, and the proposal has evolved over time. The critical details and concerns have really been addressed. The involvement of the neighbors and the neighborhood association during this review and of the public hearing stage has really been a key element in raising important questions about storm water management, the tree removal, and transportation related safety issues, and all of the conditions of approval address these concerns, and are the result of input by the city's technical reviewers, the applicant's technical partners, and the neighborhood. Thank you for your time.

**Potter:** The appellant, please come forward.

**Linda Bauer:** Linda Bauer, Pleasant Valley Neighborhood Association, and Dan is here, he's going to do our 10 minutes and then I'll take public testimony.

**Dan Symons:** Dan Simmons, 13153 Southeast Flavel. First of all I want to recognize a lot of work done by the design team and staff. I know it's not an easy row to hoe. This site is located between where I live and where I work. So I go past it every day. About 12 trips per week for the last 15 years, roughly 9,000 trips past the site. So I have an intimate feel for what goes on here. I'm also a registered civil engineer. I do some drainage and street design in the city of Portland. So I feel sort of uniquely qualified to speak to this project. This project is special. I'm going to turn your attention to page one in the attached graphics. It's surrounded by a protection zone on all four sides. That's important, because it's an island. I'm going to be addressing safety zones, then environmental concerns regarding tree mitigation and drainage. There's a lot of graphics, I've got another 8 and a half minutes, I need to fly. If you have any questions, feel free to stop me. The first issue has to do with the neighborhood circulation plan. I realize the city of Portland does not require that. However, I've included a sample on another project for your reference, that's page one. Page 2 is the more pertinent one. On page 2 there are some breaks in the pedestrian pass in this area. This is a pedestrian link at the covered bridge, there's going to be a proposed sidewalk in front of part of the development. There's also public sidewalk to the south of the project on Deardorff, and then there's the dash lines, they represent underdeveloped but utilized pedestrian connections in the area. Item next is on page 4. This is also a sample of a site distance exhibit. This relates to important information on what the site distance is or pedestrians of traffic traveling to the project. I don't believe the site distance that have been accrued are adequate, and traffic engineering is not my area of specialty, but I'm relying on my gut, because I spent a lot of time on this road walking, riding my bicycle, driving a car, and all kinds of weather, all times of year. I've had some close calls, knock on wood, I haven't had any trouble, but I feel there's some evidence to prove we need to

**June 5, 2008**

stretch the site distances out. Page 5 has to do with one of the items in the appeal where the -- a consideration of grade was not taken into account for the calculated site distance. Page 6 has to do with the site distance, and something I feel would be more appropriate. 170 foot site distance approved for the project. Traffic engineering and their report recommend add 300-foot intersection site distance. The city staff approved 170 stopping site distance. On the right side there's a table that shows stopping site distances for turning roadways of 250 feet. That could be a typo. This is coming from ashdo, their document, not mine. I refer to page 7 where i've underlined on the right side the site distance, the lower -- longer site distance would be provided. On graphic eight i've also found another way to determine site distance for this -- that's related to maneuvering. One is a stop on a rural road, 220 feet. I've got that circled if you're going to move out of the way it's 450 feet, if you're going to keep going around an obstacle. Take the 220 from this table and add 30 feet, you come up with a recommended stopping distance of 250 feet. Ok. Plate nine. This is the site distances at the south sidewalk terminus. The heavy black line is where the south sidewalk stops. And pedestrians are on their own at that point. The dash line shows the probable path that a pedestrian is going to take. They're going to try to cross to the bike lane and take that bike lane until they get to a wide spot. I -- it barely makes it. I've also plotted the 250-foot recommended site distance that i'm proposing and it doesn't make it at all because there's a grade of construction on the side of that curve. This is where the sidewalk terminates at the south end. On plate 9a there's a picture where this proposed sidewalk is going to terminate. And i'm looking southbound. Plate 9b i've crossed the street, like a pedestrian would, to get to the bike lane. Still looking southbound. I apologize for going so quick. Same crosswalk looking northbound. 9d, same crosswalk, area looking northbound again. I crossed the street in that view. Plate 10 has to do with the north sidewalk terminus. It's designed to stop at the last driveway of the development. The dashed line is unimproved right of way. Unimproved pedestrian way, and the solid line is actually the sidewalk on the crossings bridge. You can see there's 170-foot gap between where the sidewalk end and where pedestrians pick up safe refuge again. In this proposal there's no way for pedestrians of any kind to use that particular stretch of road safely. Plate 10a, that same driveway end of sidewalk location where people may cross or wonder out into the street looking southbound. Plate 10b, i've crossed the street, still looking southbound, 10c, same crosswalk. I'm looking northbound towards the bridge. You can see in some of these pictures where it says 10b, the stripes are worn off the street. People have trouble staying behind the line. A look at the side wake a-- walk across the bridge. The traffic analysis report did an accident study, and it was basically the intersection at flavel and deardorff, and at 1 hundred 34th and foster. There is numerous single car accidents that happen in this stretch of road. This is evidenced bite road flares, broken plastic, skid marks, lots of different things I see on a regular basis. A lot of people crash into the bank and drive off. Sometimes they call Portland police. People underestimate the alignment, the grade, the traction, the visibility. And they get in trouble. It's a very windy road. I've got a minute and a half to talk about environmental concerns. First one is trees. Trees have been mitigated at legislation than 2-1. If you refer to e.5, when you're in an e zone, which we are not specifically, resource enhancement, the replacement ratio is 3-1. I think because this is an island in an environmental protection zone, resource enhancement ratio 3-1 is much procedure appropriate and will restore the drainage function of the lost tree as much quicker. I'm showing the ryun curve runoff for lewis and clark days. Which is a number of 70 on number 12. I'm showing predevelopment conditions as approved in the drainage calculations. That's going to undercalculate the required detention. On plate eleven I believe this project is in an area where restricted flow control is required. I've underlined the section, the poaghts-development runoff should be for the two-year event should be one-half of the predevelopment. Currently it's approved at two-year post. So in essence for the two-year event water is being released twice as fast as it should be. Plate 14, we've got -- we've got the predevelopment existing conditions. I've shown the calculated in square dot, green highlighted

**June 5, 2008**

area i'm showing the triangle, the actual point of predevelopment discharge for that particular point.

We go to the last page in the book, plate 15, we have a much larger basin three, it's all going to discharge above the e zone. Now, I don't know how much is the background information you got on the appeal, but the 33815105 e has limits on what can be discharged into the -- 10 five d.3 has limits on what can be discharged in the environmental zone. Mass mum discharge slope below discharge is 15%. I believe that's going to cause an erosion problem. Even with the flow splitter. The other problem I have is that even though the calculator is at the top of the page on plate 14, in reality it's going to be a much larger area by one acre, and it's going to be discharged higher. The proposed design shows it being discharged on a fill slope that is above the environmental zone. True, they are not discharging directly in the environmental zone, but water will roll downhill and be in that e zone within 30 or 40 feet and I think the intent of the code needs to be with respect to this particular design.

**Potter:** You're going to have to wrap it up.

**Symons:** The last item is the blue highlights on page 15. The south driveway has 2300 square feet of private runoff we treated in the public right of way. The north driveway has 2900 square feet of private runoff. I appreciate your time. Thank you.

**Potter:** Go back and sit down. I'd like to bring the staff back up so we can respond to these issues. Staff, could you come forward and respond to the issues that were raised by the appellant.

[inaudible]

**Stark:** Most of the issues raised were pretty technical. So I am asking the staff from environmental services and pdot to respond to those.

**Potter:** Try to be very brief.

**Eric Brennecke, Bureau of Environmental Services:** Eric brennecke with b.e.s. Portland building.

**Bob Haley, Portland Department of Transportation:** Bob haley, office of transportation.

**Brennecke:** I think one of the questions that came up with charging into the e zone. The april 2nd drainage report does indicate the drainage does not affect the e zone. It is utilizing an existing ditch along the basalt wall on deardorff road. So we've designed it that way so we don't have to affect the e zone area. We're utilizing existing conditions, existing ditch conditions out there in the field. Secondly, the curve number that was indicated to be 70, 74 was used and it's to mimic the lewis and clark days. And it's hard to pinpoint exactly what that is, but the conditions to engineer did the site visit to indicate what that curve number should be, was 74. That's a fair assumption at this point for this to assume what it is for the existing conditions. And it was used in the analysis.

**Leonard:** I'm sorry, i've never heard the term lewis and clark --

**Brennecke:** It's in the storm water management manual. It's to --

**Leonard:** I haven't gotten to that.

**Brennecke:** Right. People will talk about it, but it's -- it's always a debatable discussion.

**Leonard:** It literally means the era of lewis and clark?

**Brennecke:** Correct.

**Leonard:** Like 1805?

**Brennecke:** We're trying to figure out what the conditions are. But that's what it states in the manual. 70-74 for the curb number, the engineer made the fair assumption of 74.

**Leonard:** 74 represents what?

**Brennecke:** Basically the impervious area of the sites.

**Leonard:** [inaudible]

**Brennecke:** It takes into account moisture content of the soil, when you compose your run-off calculations. Also for sediment control, within our storm water manual it indicates the post half, the post two years should match the half of the existing two-year.

**Potter:** Is there a way you could put that into everyday language?



**June 5, 2008**

**Brennecke:** Those are the standard sets that the two-year storm event should match half of the two-year existing conditions. As just really to control a certain volume of water. And that's what the engineer has indicated in his storm water report.

[inaudible]

**Adams:** You're trained in analyzing technical issues, is that accurate to say?

**Brennecke:** Yes.

**Adams:** At the outside engineers assumptions, and work, correct?

**Brennecke:** Correct.

**Adams:** Have you heard that against the analysis provided by mr. Simon, the concerns that he's provided. Correct?

**Brennecke:** Correct. The issues he raised today.

**Adams:** Do you find merit with any of the concerns that he has provided?

**Brennecke:** I do respect that, I do respect his concerns that he raised. This is water resources, it's not exact science. So there's a lot of assumptions that are made. And we can only make the assumptions with the curb number, based on the land use proposal in front of us, it's a very condepartment wall project right now. So we're not dealing with final engineering drawings at this point. So a lot of it is assumption-based.

**Adams:** For those of us not versed in the technical sort of -- we're not -- we just don't know some of this technical issues that you're raising, how best judge whether or not mr. Simon's concerns are valid. I don't know who else to turn to.

**Brennecke:** I think his -- I think he's assumptions or -- the points he raised are valid. I do believe that the report that we do have for this project stands alone to be on its own merits substantial. I think it's fair, and I think it does reflect what we have outlined in our storm water management manual.

**Potter:** Does that sound like both sides are right? Are you saying both sides are right?

**Brennecke:** No.

**Leonard:** I think you're going to have to be a little mow definitive. Sorry.

**Brennecke:** I believe the report we have for this project do meet the guidelines of the storm water management manual.

**Adams:** When you say "the report" --

**Brennecke:** The drainage, the storm water --

**Adams:** Authored by who in the applicants, consultant?

**Brennecke:** Correct.

**Adams:** You think it does meet the requirements of the code?

**Brennecke:** Correct.

**Adams:** Ok.

**Adams:** Although you've said there's a certain amount of judgment involved and mr. Simons does raise some good concerns, but you still think after hearing those concerns, that the report does meet the requirements of the code.

**Brennecke:** Correct.

**Adams:** Thank you.

**Stark:** If I could interject --

**Leonard:** We're doing good right now.

**Potter:** Would you like to clarify something?

**Stark:** Just from a nontechnical standpoint of the person if a sill fating the process. The original submittal was deemed inadequate to the bureau of environmental services. And in were actually six months of the application being incomplete between july and december last year. During that time we got additional information that b.e.s. Reviewed, responded to. So there were actually several iterations of the storm water management plan that was submitted up to the day before the

**June 5, 2008**

public hearing. Which is when we received the final document. And so b.e.s. did -- was able to come to the hearing reviewed it the night before, and put together a response supporting it. So it was a pretty evolutionary process.

**Potter:** Any further questions? Thank you, folks.

**Adams:** Any comments on the concerns about transportation issues?

**Haley:** I think pdot and the school district are extremely committed to making sure that whatever facilities we conextract at here are essentially for the safety of the users and the neighborhood itself. The idea that it's an isolated section of sidewalk is something you're familiar with, it's how we get improvements in Portland. The site distance, we have a traffic engineer if you want to talk about the standards, which version and which method was used, my basic understanding is the ones mr. Symons was calling out was for the design of roadways where there's another standard for stopping distance and site distance that we use for intersections. That's what the city relied on in setting the -- analyzing the site distance for the driveways. The driveways do meet it, it's not ideal. It was a curvy road with a 7% slope. But we do with some grading and tree removal we'll need it. The minimums, the other thing that will be a slight mitigating factor, it will be signed as a school zone with 20 mile-an-hour speed zones during school. So the site distances that we're achieving now at the 85th percentile of 27 miles an hour should get even a little bit better. The exact location of where the sidewalks will terminate on the north and south is really difficult. With have been, even in recent discussions with the school district, with representatives, trying to see if we can end the standard curved swale, six-foot sidewalk, street tree, street lights on the south end and see if we can switch as we go through the environmental zone section to that hair pin turn, we might be able to cut the bank back a little bit and just put in a hard surface path that is separated from the road by its natural ditch and try to get that all the way either to the very southern end of the property or just a little bit farther to flavel. And I think we can accomplish that.

**Leonard:** That's north from the site -- excuse me, south from the site?

**Haley:** South from the site down to flavel. The northern send difficult because we've got that retaining wall that has some historic quality that starts at five feet high, but gets about 15-foot high. That's p zone. If you look on top of that there's a lot of trees. If we start cut nothing that retaining wile wall you get a sidewalk, it gets tricky. The school has acknowledged they are willing to do it if that's what we have to do what i'd like to do, we want to defer the exact location of where the sidewalks end until we get into the actual civil time engineer drawing of it. We can get detail of what the slopes are like. It gives a little bit of refuge. Or find a better place to cross. There will be signing, there will be lights. We have other options of different types of signing and different time. I know it doesn't address what will happen on weekend or evening use. I think that's something the school district can represent. They're not anticipating people walking. I know that was an assumption the neighborhood had difficulty with. The david douglas school has lowered their one-mile limitation on bus service, and they have committed to giving every single student, providing bus student to every student at that school. So there shouldn't be a reason for a child to walk.

**Adams:** Wait a minute. But we want to facilitate children safely walking to and from school.

**Haley:** Well, at this point, until there is a connection, it really isn't a place. I've been up on this site a number of times, I wouldn't dish don't even like walking it myself. We are building the facility that someday we'll connect to something that does meet the goal of providing for other modes. We are widening the road six feet on the school side. The school district and the street -- will grind that stripe out and move it six feet closer to the school to provide for bike lane up hill. We will get a bike lane, a nice sidewalk. This is -- as shown on the site plan, about 1200 feet of frontage improvement. If we can get a path connection to flavel, that will add another 200 or 300 feet.

**Leonard:** I am familiar with the site, I drive by it at least twice a day, and it is as was represented a very dangerous site for pedestrian and bicyclists. I was interested in your comments going up

**June 5, 2008**

flavel, having some pathway, it's better -- how about going back to the bridge north. What is contemplate there'd?

**Haley:** I think we want to take a close rook at where the bottom of that historic retaining wall is and the edge of the pavement. Right now they've done a lot of their storm water work to try and avoid having to do any improvements that would require removal of the wall.

**Leonard:** The wall is on the open site side of the walkway on the bridge. So people will have to cross to get there. So why -- I guess i'm wondering why wouldn't we have the flow of the pedestrian traffic stay on the same side of the walkway with the bridges, because obviously people will use that, and there's more space --

**Haley:** If you are familiar with the road and you've gotten out and stood and looked down --

**Leonard:** I have.

**Haley:** Constructing a sidewalk there would be completely engineered, cantilevered out, plus that's all environmental p zone with johnson creek. The only sidewalk is a small one as you know on the left side with a handrail. We want to -- we know it's not ideal. But at least get a crossing that is as safe as possible to the other side so they can walk across the bridge.

**Leonard:** I want to focus -- am I understanding the concern is to try to preserve the wall?

**Haley:** I think there is a desire to preserve the wall, partly on the grounds, I think the school would like -- it would have impacts on the neighborhood character.

**Leonard:** Are there any legal requirements to preserve the wall -- it.

**Haley:** Has no legal historic status as I know.

**Leonard:** Because just from my perspective, and I may get scowls for this, I think the wall is secondary to the safety. To me, if it's an issue of whether or not to have a sidewalk that's safe and preserving the wall, I would choose the sidewalk. Because it is a very dangerous, people do come flying through there. So my -- I think my interest would be in knowing the folks that I serve with here, and their focus on safe routes to schools, I am pretty confident most of us would side on safety over the, whatever historical preservation --

**Haley:** It may be that we -- is it -- if it's needed to take the sidewalk to the bridge, you just cross the bridge, or is it better 50 feet before the bridge?

**Leonard:** I was actually reassured when I heard you say that you wanted time after this process -- it is safe for me if I support this as-is you'll take all of these factors into consideration, but in any event you intend to have a sidewalk to the bridge? Some halfway of some kind to -- pathway to flavel?

**Haley:** I think we can committee to trying to get as close to those as we can if it's feasible and constructible to do.

**Leonard:** Is the reservation preserving the wall?

**Haley:** Preserving the wall is one, terminating the sidewalk where -- .

**Leonard:** I appreciate david douglas's aspirational goal to not have students walk as a practical matter I believe -- I don't believe that will happen. And I also don't believe we'll make it safe by just having a sidewalk on the south side of the bridge. I think we need to talk a little bit when we get across council creek to the north side of the bridge and there's a hair pin turn that heads west, and another hair pin turn that turns north, if we could somehow figure out how to get a route up to 134th where it's heading north --

**Haley:** The closest sidewalk to the south is 2,000 --

**Leonard:** I'm not concerned about sidewalks as I am safe -- I think if we can figure out how to navigate around those turns so we're at that straight 134 porks that goes to foster, I realize they're not sidewalks, i'm not as concerned about that. I think once people nag gave the hair pin turn --

**Haley:** Are you suggesting that we consider off-site improvements? If the school district will require --

**June 5, 2008**

**Leonard:** I'm throwing that out there as a practical matter. I know the school district doesn't want kids to be in harm's way. Knowing kids I think they will be riding bikes and walking. Not everybody will take the bus for whatever reason, so I know there will be pedestrian and bicycle traffic. I don't want to hold the project up, I think as a practical matter we need to understand that it's dangerous where that hair pin turn begins, if you can imagine being on 134th heading south, the first hair pin turn --

**Haley:** At the top of the hill.

**Leonard:** From there to the school, I think we need a safe route. Whatever that means.

**Haley:** I don't know, the school may -- .

**Leonard:** No parking, i'm throwing that off the top of my head. If you have no parking, it opens up that space for pedestrians. That's what i'm talking about.

**Haley:** If there's a shoulder and we can make it --

**Leonard:** Yes.

**Haley:** I think you could find a lot of support.

**Leonard:** And the answers to those things are yes. There is a shoulder they're and there is parking there.

**Haley:** I was more concerned about committing us to taking out trees in the right of way --

**Leonard:** You might have to -- i'm not sure -- you might have to do a little bit of that at the bridge, but again, to me the safety of the kids is paramount. If we needed to do something to help, we would find ways to help.

**Haley:** Any other questions?

**Adams:** I defer to my colleague, because I share his aspirations for safe as practical.

**Haley:** Thank you.

**Potter:** Thank you, folks. Are there persons who support the appeal who wish to speak? Is there a sign-up sheet?

**Moore-Love:** No one signed up.

**Leonard:** I think linda wants to.

**Linda Bauer:** There were a couple here.

**Potter:** You have three minutes.

**Bauer:** Thank you very much. It says two. Linda baur, pleasant valley neighborhood association. At the hearing david douglas school district changed their request for an adjustment for 75 trees to an adjustment for 65 trees. The hearings officer forgot to change the decision so would I like to see the city council change the decision. I mean, the school district requested 65 instead of 75. So now would be the time to make that change. Because the hearings officer forgot. And the thing on the half of the two-year, 24-hour event, when an applicant is required to do half the two-year, 24-hour event, it means he can only release half of the regular required amount of water. In order to do that he has to store the other half of the water on the site. We have to do the calculation, he has enough room on his site to store all the water that he can't release right away. He has to release it at half of the two-year event. Everybody releases their water at a two-year event. People who are releasing their water directly to a ditch or to a stream can only release half of the two-year event. Which means then they have to have a storage facility to take care of the water that they're not allowed to release at a faster rate. So that's why doing the half of the two-year storm event calculation is important. This site as you can tell from the maps, is a very tight. And so they could have some troubles down the road once they do the actual calculation, and then don't have room to do the storage. Questions? Thank you.

**Potter:** Is there somebody else? We'll now hear from the applicant, or the principle opponent. Please come forward.

**Terry Rommel:** Mayor, council member. Terry romo, the architect for the david douglas school district. With me are members of our design team in case you have any questions about how we

**June 5, 2008**

came to our conclusion and our design technically. I would like to show you seven slides of the w.p.a. Project with the retaining wall, the bridge, and other elements. So you can get an understanding of what we're talking about a little more thoroughly than the previous presentation by nan. This is a cedar crossing bridge. You can see on the left there's a stone retaining wall that goes under the bridge, there's a support for the bridge system. The next five is the west side of that wall that you saw. It's a retaining wall, there's a pull-out area for the traffic at that area. If we wind up crossing, putting in the extension of the sidewalk, that perhaps would be a good place for the crossing to occur. This is the low end of the retaining wall. You, see there's a lot of growth on it, and it actually returns and heads east along the bank for two or 300 feet. This is looking to the west at that turnout area plus you can see there's a gate post where there used to be a gate. There's a road cut in there below the bank. It's not used any more. This is the entire -- the salt wall we're talking about. As you can see, there are quite a number of trees that exist along the top sides of the bank or in the bank. This is the end of the ditch. The bank is on the right. And that opening at the end is where the water goes into a pipe and exits into Johnson creek. This is the wall as it extended around the east into our -- the e zone. It is completely covered with ferns and other plant materials. I just wanted to show you these slides to give you an idea of what exist in the space. As you're aware, the David Douglas school district it's a fast-growing district. The school board took over two years to find a site to build a new elementary school. They were able to find this one, 16-plus acres, eight acres of usable land. It's not perfect by any means, but it was what was available without condemning private residences. We started in the spring of 2006 with the intention of starting construction after a bond in 2006 but it failed. We're so long in this conditional use process, the school district decided to complete that, so that when funding becomes available, we'd have this process out of the way. Our approach was to respect the culture of the site and the neighborhood. It is within the city limits. It has very rural feeling as shown by the slides I presented. There is minimal infrastructure in the area. There are no sidewalks, no curves, minimal street lighting and no water service in front of our site. Johnson creek is the focal point of the neighborhood. The structure supporting and around the cedar crossing bridge were built by W.P.A. It is our opinion there's a great deal of heritage in all these elements. We have two lots that compose our site, 7010 and 7144, Deardorff Road. The site is 7144, the south site has been occupied or owned by one family since 1923. I'm not sure on the north side. The whole area has been farmland for quite some time. Our intent is to work with the city and the neighborhood to make sure the city design criteria is met and we become a good member of the neighborhood. Most of the issues listed in the appeal were brought up at the hearing. We did not know about them prior to the public hearing. Our process has lasted over a year and a half and we've had many meetings with B.E.S., PDOT and the Pleasant Valley Neighborhood Association Board. We made every effort to work with the city staff to meet the design criteria plus she reached out to the neighborhood association by providing them their own documents when requested. For the neighborhood we provided extra permit use documents. Linda Bauer submitted numerous emails entitled "for the record" asking how special issues were being addressed. Each time we responded in a timely manner. To answer the questions the best we could. After the hearing officer issued his report she called me, asked if we request the hearing be reopened, so that one or two community members could submit additional written information. These people did not understand they needed to request the record be held open in -- and able to do this. To ensure willingness to cooperate I delivered a written request on May 6 and received a written denial on the May -- in the mail on May 7th. On May 7th I met with the board to discuss their concerns, that that meeting, the conclusion, voted for an appeal. At that meeting Dan Simons was reporting his concerns. He had many concerns regarding storm water management, and he kept saying he didn't have a complete report yet and I don't know if he has a complete report yet. When Linda filed for the appeal she called me and S.T.D. If she could get a copy of the final storm water report to the city, and I said, yes, I'll get it for you. On May 14th I called

**June 5, 2008**

her, told her it was available. She said she would pick it up in my office and it's still there. I don't know if they have current information or not. But the final report was accepted by b.e.s. On april 2nd, and I have a letter, if you haven't seen it from the e.s. That we meet their design criteria. With pdot, safety is an issue. We talked about our first meeting was in october of 2006. And I met with bob hale and kurt kruger and his first comment was f. We could open up this corner and cut enhance the sight lines it would be a better situation. We didn't own the north property at that time. We since purchased it and we've taken care of that issue. Sight lines will be addressed very specifically in our developments. We would like in the appeals the appellant says that we're building sidewalks from nowhere to nowhere. And we feel that even if we build a bridge we're still going to have sidewalks from nowhere to nowhere. We feel the elements involved with the basalt wall have a very historic significance to the neighborhood, to the city, and even the country, because it's a w.p.a. Project. In meeting with b.e.s. starting in january, we had several meetings and some very intense exchange between our engineer and eric of b.e.s. We actually had to have three major revisions to our report. Before they finally would accept it. That was accepted april 2nd. As far as the appeal items, the 14 items on the appeal, nine of them relate to transportation, four of them to storm water management and one to an adjustment. Regarding the adjustment, at the public hearing I told the hearings officer that if 65 was a reasonable number, we could probably live witness, but we'd prefer 75 as he stated in his decision. We'd hate to not have enough trees, removal rights to stop instruction if -- construction if we find something needs to be removed. Our intent is we don't move any trees that don't have to be removed. Hopefully that's not 65. I don't know what that exact number is. As far as traffic issues, basically it comes down to sight lines and providing a sidewalk for the full extent of the property. We feel there is merit in maintaining that retaining wall, and that people probably won't be coming to school, but listening to commissioner Leonard, he's got a point. Well put the sidewalk in and we're not fighting having to put it in, we just thought it was a reasonable spot to stop the sidewalks at the time when we were doing our development. As far as the -- the pleasant valley neighborhood association policies two and seven of not creating appropriate connection -- we -- if we go to the end of our property, we were not sure that's going to be any different than if we stopped it where it was proposed. Our site lines will be in excess of a minimum submitted, or noted in the traffic study. We have at the north driveway to the north we have approximately 225 feet going uphill for a clear sight distance. At the south end, our south driveway access we're proposing -- what we were proposing is approximately 250 feet going downhill, 350 feet going uphill. The north driveway, 225 coming up, probably around 230 going downhill when we finish. These are issues we'll work out with pdot. The appellant states no estimate for special event parking. These items are only identified in the conditional use application, page eight under special events. We clearly state the overflow parking will be shuttled off to an off-site parking lot at an adjacent school. We have not side stepped the public process as noted in the appeal. Also approval issue, item c in the hearings officer report says we must provide a more detailed transportation command management plan. On the condition of getting the building permit. The appellant states sight lines were not submitted. They were not -- they are not required in the conditional use, they are required by the hearings officer as a condition of getting the building permit. And we plan on doing that. Traffic issues, the appellant states traffic report does not represent the true accident history of the area. The report is based on available data, and since that time our traffic engineer has two reports much accidents that occurred at the southeast corner of our site. One is a one-car accident that happened -- this is in a four-year between between january 1st, 2002 and december 31st, 2005. Both southeast west corner and there were no injuries. A sink-car accident that hit a fixed object, and december 11, 2005, two cars sideswiped each other, the same location according to our traffic engineer, two reported accidents in a four-year period does not indicate a dangerous condition. The intersection -- the recommended distance of 100 feet, of 170 feet is on level ground. We've revised our stopping distances for up hill and downhill from 170 feet

**June 5, 2008**

to 160 feet going up hill and 190 feet going downhill. And I have two memos from our traffic engineer to submit as evidence. We didn't need to do a circulation plan. It was not part of the criteria. The no parking signs are a part of the parking -- the permit process, and as far as the issues of storm water management, our new -- our revised -- our revised report does detain water. We have one pipe that contains 10,500 cubic feet. They're all in the calculations we meet the criteria mentioned about allowing half the flow of water under a two-year event, we meet all the criteria presented to us by b.e.s., and I just don't believe that they've had a copy of that report to look at. And I'm not sure why. Recapping, we believe that the conceptual design approved by the hearings officer meets the development criteria in the city of Portland, the safety concerns of the neighborhood, and respects the cultural heritage of the neighborhood, the city, and the nation.

**Potter:** Questions for the applicant?

**Leonard:** Yes. I'm sure you're aware in another forum, this council has unanimously agreed to take a historic action on this project.

**Rommel:** Yes.

**Leonard:** And I support the construction of the \$19 million investment. So we have obviously a commitment, we want to do this right. So I'm going to ask you, I'm not implying you should shoulder the burden, but I do want to clarify that the issue of the sidewalks, or safe spaces, however one wants to identify that. I'm not necessarily talking just about sidewalks as I was describing earlier as were you hearing on the north side of Johnson Creek north side of the bridge there's that space that runs along where Johnson Creek is that is gravel, which I think is fine. For a safe space. But I want to clarify you would not be opposed to construction and/or -- safe spaces north of the site to the area up on top of 134th and south of the site to Flavel. Even if it meant --

**Rommel:** Considering the source of funding, I would say not.

**Leonard:** That was a great answer. Very wise answer.

**Rommel:** The school district's safety is -- they want safe situations. And whatever we have to do, we felt the -- we didn't look at it from open-site development like were you talking about. We were looking at it being responsible for what's in front of our piece of property when we summed our application. And things change.

**Leonard:** We obviously are viewing this as a bigger project than just a school. We're viewing this as a community --

**Rommel:** Right.

**Leonard:** -- kind of structure. And I think in terms of the existing somewhat historic block retaining wall, I guess I'm not understanding why we couldn't cut into the hillside to create the space for a sidewalk and have a traditional concrete retaining wall, and reuse those blocks over the concrete retaining wall for aesthetic purposes to restore --

**Rommel:** If you're talking sidewalk, we could. But our understanding is that we would have to take the drainage swale, which is seven feet wide, the sidewalk, or the bike path, which is six feet wide, and the sidewalk which is six feet wide. Put them all down into the bridge. That's 19 feet to the backside of the sidewalk.

**Leonard:** I don't want to engineer that.

**Rommel:** Put in a sidewalk, we can work that out.

**Leonard:** I just wanted to be general enough so that what Bob and I were discussing when he was up there, it gives them the flexibility to do that. Whatever that is.

**Rommel:** It depends on how far we go, but certainly it is an issue or an option we can look at. We would try and make it look like it belonged.

**Leonard:** Right. Thank you.

**Potter:** Linda Baur testified that the hearings officer did reduce -- 65. I didn't get from listening to you if that was a conclusion he reached, or if that was just something you folks recommended and there's no action taken on it.

**June 5, 2008**

**Rommel:** It was part of a discussion. We did not ask him to reduce the number.

**Potter:** Neither did he say that verbally?

**Rommel:** He did not say that verbally. That I remember.

**Potter:** Thank you. We now have time for persons who oppose the appeal. Are there any folks here who oppose the appeal?

**Moore-Love:** No one signed up.

**Potter:** Ok. Then the rebuttal by the applicant.

**Symons:** Dan Symons. First I'm going to address the testimony of Eric from B.E.S. My understanding of his testimony was that all the drainage terminated at the ditch in Southeast Dearborn. There is a portion of the site called drainage basin three, which is on your drawing 14. It actually discharges directly to grade and will spill over the E zone, and that's in my opinion a violation of the Department of Regulations. Regarding the curve numbers, my assumption when picking a curve number of 70 versus 74 was simply that in Lewis and Clark days if there was dense woods all around the site probably in Lewis and Clark days that site was also densely wooded. It's as simple as that. On the restriction for the two-year storm, restricting the -- according to the storm water management manual, restricting the two-year post-development rate of discharge to half of the predevelopment rate of discharge is clearly in the books, and I do have the latest copy of the drainage report. It is dated April 2nd, 2008. I'd like to submit to the clerk a paper clip on the two pages on the front that summarize what the -- summarize what the existing condition runoff rates are for the two-year event, and the developed condition runoff rates for the two-year event. In my opinion they look pretty much the same and they haven't been factored down by half. It won't take an engineer to figure that part out. So if I can hand this off -- trial and error, and there's a way to go. And I think everybody understands that, appreciates that. The concepts aren't done. My concern is that when you prepare preliminary plans and they become part of the decision, they become part of public record and you public conditions of approval, that really steps the course for the final design. I know because this is what I do for a living. They're going to go back to those pre-conceptual plans and they're going to go back to the conditions of approval, and that's going to guide the remainder of the final design. And it sounds, and I appreciate the fact city staff is flexible to work out some of these issues, but in my mind when you set the course, it's really hard to turn it around once an approval has been granted. My recommendation is the pedestrian connection goes a little south of Flavel. And at least to the bridge. And I appreciate Commissioner Leonard's desire to get that safe zone to 134th. Once you get there, you've got good vision, wide shoulders and you can navigate that on foot or bicycle without too much danger. The reason I say we need to go past Flavel, if you go just to Flavel, you're still dealing with the sight distance issue. There's a couple of relatively new homes on the east side of the Dearborn that run south of Flavel. I would imagine there's waivers of remonstrances there that would allow the city to develop sidewalks on the frontages. That's enough necessary in order to get the south sidewalk terminus far enough south so you have good site distance from the intersection to the south -- to the north and the next set of curves to the south. I think that going to at least the bridge is necessary. It's going to get into some of the administration's rock work it's beautiful stuff. I live there, and I love it. I want to point out condition h.2. It will be necessary under that particular drainage option to reconstruct some of that wall. So I anticipate if this wall gets disturbed because of sidewalk construction or drainage improvements, that it will get reconstructed with that same stone. That is a condition of approval, part of this stone wall will be disturbed to accommodate the improvements and the condition states it will be reconstructed. I agree that kids are going to walk and bike and go to school here, and have a lot of fun. It's a lead certified building, prime territory to -- opportunity to promote walking and biking. The recommended stopping distance in my opinion is 250 feet. I really think that the 300 feet recommended for the intersections are going to work out. It's stopping distance sight distance that I'm very concerned about. And I'm out of time.



**June 5, 2008**

**Potter:** Take what time you need to finish.

**Symons:** Thank you, I appreciate that. I've only got a couple more points. I do believe because of the sidewalk improvements that would require the removal and reconstruction of the stone wall or the drainage improvement that will be allowed to go through there. There's going to be some grading like Terry said and set that wall back a ways. Going to be some additional trees lost. I live amongst the trees in an environmental zone not far from the site but when it comes to trees versus safety, I've got to vote for the safety. I think there's some grading on the north side that's going to bury a few trunks and probably kill those trees off in a matter of time which is maybe why the hearing officer granted additional trees in the approval and I have to support that additional number of trees. But I can't support is the mitigation rate of less than two to one. I really think three to one is more appropriate for an environmental zone. I think that's all I have today. Again, I appreciate your time. It's a tough project and it's a tough decision. And I wouldn't want to be in your shoes, quite honestly. Thank you.

**Potter:** Thank you. We now have council deliberation, discussion, and decision. I think this is worthy of a follow-up question. And this has to do with the, how the water will drain or the storm water. And the law behind that. Mr. Simon said that the law states it has to be half of what it was prior to the development. Occurring and it doesn't look like it's going to meet that criteria. Maybe we're not reading it correctly. And this is the report prepared for Rommel Architectural by W.H. Pacific. Are you aware of what page we're referring to, what we're talking about? Page three. Existing condition, hydrology.

**Brennecke:** That table does indicate the existing conditions of the analysis for all storm events, two, five, 10, 25, and 100.

**Potter:** And the following page on page four it shows the proposed conditions.

**Brennecke:** Correct. For basins. And the question is for basin two which is the main basin in question. They are, they are the same in this graph. However, the intent is to have the post two year match half of the existing. They have provided the analysis in the report. However, however, it's not reflected in this graph. So --

**Leonard:** There's a more recent document that is more accurate?

**Brennecke:** It should be this report. What we can do is -- I'll have to go back in the report and research and take a look at it.

**Potter:** Thanks your copy?

**Brady Berry:** Brady Berry with W.H. Pacific, author of the report.

**Potter:** Yes.

**Berry:** On page five of the same report, we indicated that we looked at the volumes based off the 25-year event as our basis of volumes. The commitment to provide the tension. Further on we said that in the final analysis of the document, we will limit the two-year, 24-post development rate to the predevelopment erosion issue, one-half of the two-year. So our analysis in the final permit drawings will conduct that full look at all the different storms and provide the attention necessary to make the system work.

**Potter:** So that means you will reduce the storm water runoff?

**Berry:** Yes.

**Potter:** How do you propose to do that?

**Berry:** We have right now, there's a sea -- three different methods of detention. We're using the swales on sight that we are using for conveyance. We are using underground piping. We're using flow through planters and what we will do, like Terry mentioned, we've got 25,000 cubic feet of underground storage, and if necessary, we will increase that storage to provide to half of the two-year.

**June 5, 2008**

**Potter:** Other questions? Thank you. We have three choices as a council. Deny the appeal, deny the appeal but ask for new information to be considered, or ask for amendment language, grant the appeal.

**Leonard:** I move to deny the appeal and uphold the officer's decision with the following conditions. That sidewalks and/or safe walking sanctuaries willing constructed or identified north from the site to the top of the hill on southeast 134th on the north side of Johnson Creek and south from the site to southeast Flavel. And I have got this in writing for the city attorney.

**Adams:** There isn't a double -- [inaudible]

**Leonard:** Sure. Instead of "identified"? Yeah.

**Beaumont:** You're proposing to go with the hearing officer's decision, the conditions the hearing officer imposed and your one additional condition?

**Leonard:** Yes. I actually wrote it as two conditions but, yeah, one.

**Beaumont:** I'm sorry. I heard just one. Either one or two conditions.

**Leonard:** Actually, I broke it up to north of the site and south of the site, two conditions. The intent being reflected -- the intent is that the conversation that we had earlier be reflected in what's - - what appeared to be agreed to by David Douglas.

**Potter:** Further discussion? Call the vote.

**Adams:** I really appreciate your testimony and your work. Very thorough. And appreciate that. Thank you for addressing some of our final concerns around pedestrian access and safety and good work on your part. Aye.

**Leonard:** Thank you. Aye.

**Potter:** Aye. We are adjourned until next week.

At 5:07 p.m., Council adjourned.