



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **10TH DAY OF DECEMBER, 2008** AT 9:30 A.M.

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

Commissioner Adams left at 11:00 a.m.
Commissioner Leonard left at 11:41 a.m.

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

On a Y-5 roll call, the Consent Agenda was adopted.

COMMUNICATIONS	Disposition:
1680 Request of Don Baack to address Council regarding planning in Maricara and Marshall Parks (Communication)	PLACED ON FILE
1681 Request of Glenn Bridger to address Council regarding planning in Maricara and Marshall Parks (Communication)	PLACED ON FILE
1682 Request of Keith Liden to address Council regarding planning in Maricara and Marshall Parks (Communication)	PLACED ON FILE
1683 Request of Louis Wachsmuth to address Council regarding parking fees (Communication)	PLACED ON FILE
TIME CERTAINS	
*1684 TIME CERTAIN: 9:30 AM – Authorize settlement of claims with Northwest Natural Gas Company (Ordinance introduced by Commissioner Saltzman) (Y-5)	182408

December 10, 2008

<p>1685 TIME CERTAIN: 10:00 AM – Establish the 82nd Avenue Prostitution Advisory Committee to provide oversight for City anti-prostitution efforts on 82nd Ave and to advise the Police Bureau and City Council (Resolution introduced by Commissioner Saltzman)</p> <p>Motion to consider friendly amendment to include representatives of the public health profession and sex industry survivor advocacy group: Moved by Commissioner Adams and accepted by Commissioner Saltzman.</p> <p>(Y-5)</p>	<p align="center">36653 AS AMENDED</p>	
<p align="center">CONSENT AGENDA – NO DISCUSSION</p> <p>1686 Authorize School Funding Agreement with Parkrose School District for the Parkrose Teen Parent Daycare Center (Ordinance introduced by Commissioners Leonard and Saltzman)</p>		<p align="center">PASSED TO SECOND READING DECEMBER 17, 2008 AT 9:30 AM</p>
<p align="center">Mayor Tom Potter</p> <p>1687 Appoint Dan Pierce to the Housing and Community Development Commission for a term to expire June 30, 2011 (Report)</p> <p>(Y-5)</p>		<p align="center">CONFIRMED</p>
<p align="center">Office of Management and Finance – Financial Services</p> <p>1688 Adopt City of Portland Investment Policy (Resolution)</p> <p>(Y-5)</p>		<p align="center">36650</p>
<p align="center">Office of Management and Finance – Human Resources</p> <p>*1689 Create two new Nonrepresented classifications of Technology Capital Project Manager I and Technology Capital Project Manager II which are exempt from classified service (Ordinance)</p> <p>(Y-5)</p>		<p align="center">182396</p>
<p>1690 Create a new Nonrepresented classification of Human Resources Cost Analyst (Ordinance)</p>		<p align="center">PASSED TO SECOND READING DECEMBER 17, 2008 AT 9:30 AM</p>
<p>1691 Change the salary range of the Nonrepresented classification of Cable and Franchise Operations Manager and approve the recommendation to exclude future employees in this classification from the classified service (Second Reading Agenda 1657)</p> <p>(Y-5)</p>		<p align="center">182397</p>
<p align="center">Commissioner Sam Adams</p>		

December 10, 2008

<p>*1692 Authorize a \$50,000 grant to Creating Assets, Savings, and Hope to support its efforts to provide free tax preparation services to low income taxpayers who may be eligible for federal and state earned income tax credits (Ordinance) (Y-5)</p>	<p align="center">182398</p>
Bureau of Environmental Services	
<p>*1693 Authorize the Bureau of Environmental Services to acquire certain temporary construction easements for construction of the NE 32nd and Weidler Sewer Replacement Project No. 7419 through the exercise of the City's Eminent Domain Authority (Ordinance) (Y-5)</p>	<p align="center">182399</p>
<p>*1694 Authorize the Bureau of Environmental Services to acquire temporary and permanent easements for construction of the Balch Consolidation Conduit Project No. 5510 through use of the City's Eminent Domain Authority (Ordinance) (Y-5)</p>	<p align="center">182400</p>
<p>*1695 Authorize acquisition of two lots from Asqhar R. Sadri and authorize acceptance of deeds and payments of expenses as a component of the Grey to Green Initiative (Ordinance) (Y-5)</p>	<p align="center">182401</p>
<p>1696 Approve a contract with ICF/Jones & Stokes to model the effectiveness of restoration actions in Johnson Creek to meet obligations under the Endangered Species Act and the Watershed Management Plan (Ordinance)</p>	<p align="center">PASSED TO SECOND READING DECEMBER 17, 2008 AT 9:30 AM</p>
Office of Transportation	
<p>*1697 Authorize procurement of six traffic signals for the East Burnside/Couch Couplet Project (Ordinance) (Y-5)</p>	<p align="center">182402</p>
<p>1698 Authorize Intergovernmental Agreement with Oregon Department of Transportation to define roles and responsibilities for real property to be obtained and used as part of right of way for road, street or construction of public improvements for the East Burnside/Couch Couplet project (Ordinance)</p>	<p align="center">PASSED TO SECOND READING DECEMBER 17, 2008 AT 9:30 AM</p>
Commissioner Nick Fish	
Fire and Rescue	
<p>1699 Authorize City Attorney Office to file Writ of Review challenging the Civil Service Board erroneous acceptance of jurisdiction (Resolution) (Y-5)</p>	<p align="center">36651</p>
Commissioner Randy Leonard	

December 10, 2008

Water Bureau

***1700** Authorize contract for construction of water main installation on SW Cardinell Dr (Ordinance)
(Y-5)

182403

Commissioner Dan Saltzman

1701 Create the Commissioner's Spirit of Portland Awards (Resolution)
(Y-5)

36652

Parks and Recreation

***1702** Authorize a contract with the lowest responsible bidder for the South Waterfront Neighborhood Park Project (Ordinance)
(Y-5)

182404

***1703** Authorize contract with Cumpston Bros., Inc. for concession services at Eastmoreland Golf Course (Ordinance)
(Y-5)

182405

1704 Accept a donation and authorize agreement for the development of the fountain and deck portions of the Waterfront Park-Ankeny Plaza and Street Improvements project and name the new fountain the Bill Naito Legacy Fountain (Second Reading Agenda 1661)
(Y-5)

182406

1705 Amend Lease Agreement with Summit Properties, Inc. for the Bureau of Parks and Recreation South Maintenance District Building (Second Reading Agenda 1662)
(Y-5)

182407

REGULAR AGENDA

1706 Amend the Business License Law to accelerate the timing of the First Year Adjustment Credit to one tax year, clarify special industry apportionment rules and clarify the effective date of the change to an after the fact tax (Ordinance introduced by Mayor Potter and Commissioners Adams, Fish, Leonard and Saltzman; amend Code Sections 7.02.610 D and 7.02.860 C)

**PASSED TO
SECOND READING
DECEMBER 17, 2008
AT 9:30 AM**

Mayor Tom Potter

Bureau of Planning

***1707** Authorize Intergovernmental Agreement with Portland State University to carry out the Communities of Color Research Project (Ordinance)
(Y-5)

182409

Office of Emergency Management

December 10, 2008

<p>1708 Further define the emergency management system of the City as managed by the Portland Office of Emergency Management (Ordinance; amend Code Title 3 and Title 15)</p>	<p align="center">PASSED TO SECOND READING DECEMBER 17, 2008 AT 9:30 AM</p>
<p align="center">Office of Management and Finance – Human Resources</p>	
<p>*1709 Establish Excused Time (E-Time) Pilot Program for employees of the Bureau of Development Services for a period to end September 30, 2009 (Ordinance)</p> <p>Motion to amend Exhibit A to add protection for employee seniority: Moved by Commissioner Adams and seconded by Commissioner Fish. (Y-5)</p> <p>(Y-4; Adams absent)</p>	<p align="center">182410 AS AMENDED</p>
<p align="center">Commissioner Sam Adams</p>	
<p align="center">Office of Transportation</p>	
<p>1710 Vacate a portion of SE Knight St and SE 38th Ave subject to certain conditions and reservations (Hearing; Ordinance; VAC-10002)</p>	<p align="center">PASSED TO SECOND READING DECEMBER 17, 2008 AT 9:30 AM</p>
<p>1711 Assess benefited properties for street improvements in the North Winchell Street Local Improvement District (Hearing; Ordinance; C-10019)</p>	<p align="center">PASSED TO SECOND READING DECEMBER 17, 2008 AT 9:30 AM</p>
<p>1712 Assess benefited properties for street improvements in the NE Winchell Street Local Improvement District (Second Reading Agenda 1670; C-10024)</p> <p>(Y-4; Adams absent)</p>	<p align="center">182411</p>
<p align="center">Commissioner Dan Saltzman</p>	
<p align="center">Office of Cable Communications and Franchise Management</p>	
<p>1713 Update Public Utilities code policies and practices (Ordinance; replace Code Chapter 7.14)</p>	<p align="center">PASSED TO SECOND READING DECEMBER 17, 2008 AT 9:30 AM</p>
<p align="center">Office of Sustainable Development</p>	
<p>1714 Authorize Intergovernmental Agreements with local governments to accept funding for the Green Development Resource Center to be housed in the Office of Sustainable Development (Second Reading Agenda 1654)</p> <p>(Y-4; Adams absent)</p>	<p align="center">182413</p>
<p align="center">Parks and Recreation</p>	
<p>1715 Accept the Cully Park Master Plan as a guide for future development and management of the park (Resolution)</p> <p>(Y-3; Adams and Leonard absent)</p>	<p align="center">36654</p>

December 10, 2008

<p>*1716 Authorize acquisition of approximately four acres of property in the Gateway Regional Center Urban Renewal District in accordance with an Intergovernmental Agreement authorized by Ordinance No. 182361 (Ordinance) (Y-4; Adams absent)</p>	<p>182412</p>
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At 12:33 p.m., Council recessed.

December 10, 2008

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **10TH DAY OF DECEMBER, 2008** AT 2:00 P.M.

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

At 2:42 p.m., Council recessed.

At 3:03 p.m., Council reconvened.

Commissioner Fish arrived at 3:04 p.m.

Mayor Potter was excused to leave at 4:23 p.m.

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

<p>1717 TIME CERTAIN: 2:00 PM – Citizen Review Committee and Independent Police Review progress report (Report introduced by Auditor Blackmer)</p> <p>Motion to accept the report: Moved by Commissioner Saltzman and seconded by Commissioner Fish.</p> <p>(Y-4)</p>	<p>Disposition:</p> <p>ACCEPTED</p>
<p>1718 TIME CERTAIN: 3:00 PM – Improve land use regulations through the Regulatory Improvement Code Amendment Package 4 (Ordinance introduced by Mayor Potter; amend Title 33)</p> <p>Motion to accept staff amendments to remove Title 17 references and adopt changes to Exhibit A pages 177 and 179, 33.810: Moved by Commissioner Fish and seconded by Commissioner Leonard. (Y-3; Saltzman absent)</p> <p>Motion to delete “or industrial pipelines” from Exhibit A page 179, 33.810.050 A.3.d.: Moved by Commissioner Leonard and seconded by Commissioner Fish (Y-3; Saltzman absent)</p>	<p>PASSED TO SECOND READING AS AMENDED DECEMBER 17, 2008 AT 9:30 AM</p>
<p>1719 Revise Retail Sales and Service regulations for Division Main Street through the Regulatory Improvement Code Amendment Package 4 (Ordinance introduced by Mayor Potter; amend Title 33)</p>	<p>PASSED TO SECOND READING DECEMBER 17, 2008 AT 9:30 AM</p>

At 5:44 p.m., Council recessed.

December 11, 2008

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **11TH DAY OF DECEMBER, 2008** AT 2:00 P.M.

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

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; there was no Deputy City Attorney; and Ron Willis, Sergeant at Arms.

<p>1720 TIME CERTAIN: 2:00 PM – Honor recipients of the 2008 Spirit of Portland Awards (Presentation introduced by Mayor Potter)</p>	<p>Disposition: PLACED ON FILE</p>
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At 3:45 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.

December 10, 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.

DECEMBER 10, 2008 9:30 AM

Potter: ... Here today from a different university, leaders from china. They include presidents and vice presidents and I think perhaps one of them is a poet. They come from a province meaning auspicious forest. They're here in Portland for two weeks as guests of Portland state university to learn how higher education is funded in the u.s. today they came to city council to learn about our city government and we're pleased to welcome them. Could you please stand and we can recognize you? [applause] the second is the reading, today, December 10th, is the 60th anniversary to the date of the united nations universal declaration of human rights and I have a proclamation to read in that regard and I would like to ask dr. Frankel and donetta frey to come forward. We, the residents of the city of Portland, recognize that the diversity of our population is vital to the character of our city. City code states that the city of Portland is committed to improving the lives of all of its residents and discrimination poses a threat to the health and welfare of our city. The city of Portland reaffirmed it, whose work is guided by the u.n. declaration of human rights. The united nations adopted the u.n. declaration, a document that continues to promote and protect human rights and fundamental freedoms. Whereas, an essential element of the protection is a widespread knowledge and understanding amongst people of what their rights are and how they can be defended. And 2009 shall be celebrated as the year of international human rights learning with the theme dignity and justice for all. And today we pay tribute to the declaration's authors and the many human rights defenders around the world. Now, therefore, i, tom Potter, mayor of the city of Portland, the city of roses, do now hereby proclaim december 10th, 2008, to be human rights day here in Portland and I encourage all people to observe this day. Donetta and dr. Frankel, if you would come forward. Thank you for being here today.

Donita Fry: [inaudible] proclamation to the city. As a member of a federally recognized tribe, i'm aware of each nation's unique heritage and celebrate the fact that we're all different. Historical trauma and oppression is part of our ancestry. There's an investment required for every individual who seeks to create a better community to recognize injustice, identify origin of prejudice and work to prevent it. Making a conscious acknowledgment through this proclamation. People helping people of all abilities will move us toward a future that does not compromise the prospects of our children and elders. I thank you for bringing human rights department to our city. Weeks away from a dawn of a new era, this is a step in the process of mutual understanding and deepening respect of our communities and our inherent rights. Thank you.

Potter: Thank you.

Dr. Herman Frankel: Mayor Potter and commissioner Leonard and commissioner Saltzman and commissioner fish, and guests of the city council. Forgive my back. I'll face toward the commissioners, but my comments are directed to all of us.

Potter: And you'll tell us your name, too.

Frankel: Dr. Herman frankel. I ever the privilege, with my wife ruth living in Portland since 1965. Portland mayor's tom Potter proclamation of december 10th, 2008 as human rights day in Portland identifies 2009 the year of international rights learning with the theme dignity and justice for all. Today's formal proclamation by the mayor provides us with an opportunity to honor him for

December 10, 2008

his courage and actions during the past four years and to express public support for his values and accomplishments. The mayor's vision p.d.x. Program engaged 17,000 people in the process of expressing their values and shaping a vision for Portland's future and led to the vision into action coalition, a broad community-led alliance of organizations, businesses, government and individuals acting collectively to ensure implementation of Portland's community vision. Mayor Potter has been a defender of all who live, travel or worship in Portland. For example, he refused to allow. To join the joint terrorism taskforce because federal officials would not allow them to be fully apprised of their activities. He's defended the rights of all Portlanders regardless of skin color, immigrant or refugee status, housing status, sexual orientation, income, religion, age, and disability. He was the guiding force behind the development of the children's bill of rights and began the tradition of city council meetings by asking, "how are the children?" and he led to the process of creation of Portland's new human rights commission within the office of human relations that builds on the work of the former racial profiling committee and the immigrant and ref jew taskforce. Mayor Potter's actions have been daily affirmations of the commitments of his office bringing us together. Thanks, mayor Potter.

Potter: Thank you. [applause] I wasn't aware they were going to do that, so -- [laughter] [gavel pounded]

Potter: The city council will come to order. Karla, please call the roll.
[roll call]

Potter: I'd like to remind folks that prior to offering public testimony to city council, a lobbyist must declare which lobbying entity they're authorized to represent. Please read the first communication. First three, I guess.

Items 1680, 1681, and 1682.

Potter: Please come forward, folks. Because of this unique presentation, they've requested to have each of their three minutes compiled into a total of nine. And because don baack is such a tireless worker, i've made an exception to the rule for them today. Don, please proceed.

Don Baack: Thank you, very much, we're here to talk about the planning process that was used on maricara park. We're going to focus just on maricara and tell you why we think the process needs to be redirected back to parks to reconsider their plan and to address their document distribution policy as well. We'll start with glenn bridger and follow by keith liden and i'll follow.

Glenn Bridger: Good morning, mayor, commissioners and certainly a welcome to the leaders from china. My name is glenn bridger. I live in southwest. I'd like to call your attention to a map I placed on each commissioner's table. Maricara park is not one of the better known parks within our city but it's a truly delightful natural area park located in southwest Portland. You'll see it circled with a dotted line around it. It's located between southwest 25th and approximately southwest 30th and approximately a mile south of the i-5 barbur corridor. Located five blocks to the west of this park is jackson middle school, one of the important schools in our community. Like so much of southwest Portland, there's no network of streets crisscrossing our neighborhoods. That means there are limited places for -- [inaudible] -- sidewalks -- well, there aren't even streets in this area. They're not the streets or sidewalks or bike paths. This is a super-block that sits in the midst of an area -- and it's appropriate for a natural park. But we want it to be a more friendly to the community. I mean, even of us knows that, when we look at southwest Portland, there is no community that's a part of southwest community called flats dale. Instead we have communities called hillsdale. Because the topography is rough and it goes up and down and we build our streets and paths to go with that area. Looking at this, you say, should a natural park have bike paths? We have worked with the parks to have bike paths to be part of george highs park. In a world that's limited in its public quantity, we need to build to fit the entire community. We need space in our parks for bike paths just like we have space in our street rights of way for swales and trees. I ask we build this plan as a whole community.

December 10, 2008

Keith Liden: Good morning, my name keith liden. I live in southwest Portland. 36th place. And just to build on what glen was talking about, while this work on maricara park was going on, southwest trails was also busy putting together what we've called a bicycle facility strategy to reach plat number status. It explains what we're after and you have a copy before you. So while we're taking a look at this area, it was not just a casual observation. We combed the neighborhoods to take a look at how we can improve bicycle conditions, in southwest. Looking at all possible routes and one of the things we found in this area is that there really aren't any good east-west connections between lancaster and jackson school. We did suggest to parks that a bicycle route through maricara while doing this work would be a tremendous route to have, it would be a great safe route to school. This idea was rejected not really even evaluated and we were told, well, huber, which is an east -- huber would be fine. If you're not familiar with huber, doesn't have a lot of traffic, but apparently enough to warrant a center stripe. It doesn't have a continuous shoulder so for middle school kids that wouldn't be an ideal route but that's the best of the bunch. Also when you get to the four-way at 35th, it's a busy stop and there's still no bike connection or facility to get to the school. So really, we felt we provided good information that we wished parks who have considered and think it's important when we have tune to spend some public money that we should, whenever possible, see if we can meet multiple objectives instead of focusing on one thing and kill two birds with one stone, so to speak. Go ahead, don.

Baack: Thank you. Well, we haven't gotten formal designation of the route through maricara and a safe way to school because it hasn't been addressed as a safe route to school program. It's falling off a log easy to determine anyone who wants to get from jackson middle school would use this route for both pedestrian and bicycles. When parks was talking about this, one of the things they told us was, i'm quoting, wink wink, we don't have any bicycle police. That in my mind is terribly inappropriate because we're building in conflict from the get-go. Where people say we're got to obey the rules and then if we have bikes there to accommodate kids they're going to endure the wrath of people who think they shouldn't be there. Second thing is the entrances to the trail, if you're doing a pedestrian trail, they can be steep and not endanger the people who are walking but if you're on a bicycle coming down a steep connection to a street, you don't want that because they're going to speed right out into the street and they're going to be hit by cars occasionally. The actual impact on the park is minor, in my opinion, because we'll be using the same terrain that's been laid out with possibly a little different switch back at the end. Compact with gravel and it would serve as an a.d.a. Trail. This is the most beautiful park when trilliums are blooming, it has great wildflowers and it's important that we try to accommodate the people to see them. The -- we're asking that the Portland city council to reconsider their plan and to include a bike trail and a.d.a. Access for this park. The final issue, I asked for copies of the report two times. It's in color. And it's important to have something like that to talk to our community and others. I got back after the second request, a one page black and white cover page of the report. I think that's totally inappropriate and needs to be changed. You don't need to spread it to the wind, but copies to the key organizations working on things like that, sweeney and the neighborhoods adjacent should have available and people who are involved should be able to receive copies. The color is important because it communicates the information quite well. I want to point out one other thing. Parks said we can use this right-of-way along the north side of the park which is there is a 30-foot right-of-way there. The problem is to a man, what I -- the people I talked to that live along there, said we don't want a trail along there. It takes out more open space than we would have if we had the one trail rather than build two. Second, the bicycle trail would be expensive to build. You might take out the big trees, you might have to. And the terrain goes up and down, whereas the trails through the park follows the contours. And finally, it would be more expensive and if we spent a little bit more money in the trail in the park, we'll end up with a facility we can be proud of and be part of the community. Thank you very much.

December 10, 2008

Potter: Thank you, folks. Please read the next.

Item 1683.

Moore-Love: He called in and is not able to make it.

Potter: Ok. Thank you. We'll move to the consent agenda. Do any commissioners wish to pull any items from the consent agenda? Any member of this audience wish to pull any item from the consent agenda? Please call the vote.

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

Item 1684.

Potter: Commissioner Saltzman.

Saltzman: Thank you, mayor and members of the council. After a lot of hard work, the city and northwest natural gas have reached agreement on a modern franchise and this is an considerable accomplishment. The franchise will establish terms and conditions for northwest natural's use of the streets within the city for transmitting and distributing gas. What's interesting, the original legal relationship between the city of Portland and northwest natural has been unchanged since 1859. And, in fact, the territory of Oregon, I guess six weeks before we had a state, the territory, granted henry d. Green, northwest natural's predecessor, the authority to operate a gas system in Portland. So under authority of this territorial grant, northwest natural has operated in Portland for almost 150 years. I'm pleased that the city and northwest natural has been able to development an agreement that helps better serve the citizens of our city and pleased that the franchise reflects the city's energy policy and clearly delineates the rights and responsibilities of both parties. I want to thank mark dodson, margaret kirkpatrick and we'll have mark up here in a second but wanted to bring up the cable office staff and then, we're you going to come up? And mary beth henry will give us a brief description of the franchise and then mark dodson, the president of northwest natural gas also come up.

Mary Beth Henry, Office of Cable Communications and Franchise Management: Thank you, commissioner Saltzman, i'm mary beth henry with the cable office. We're pleased to have you that concludes an audit with a pavement to the city of \$350,000, but more importantly, updates a franchise relationship with northwest natural that stems from 1859. The september agreement represents over two years -- the settlement agreement was made possible by the dedication of many people and i'd like to recognize some of those people today. From the city of Portland, ben walters, from pdot, christine leone, alex and don gardener and from the office of sustainable development, michael armstrong. From northwest natural, i'd like to thank mark dodson, greg cantner, sandy hart and janis and their outside counsel, jeff conduit. Northwest natural has a franchise granted by the territory government. This is a franchise from 1859, this, a bit more lengthy document, 20 pages, represents the modern franchise. I'm sure you can appreciate in today's busy crowded right-of-way, there are a few more rules and responsibilities that we might want to outline. Some of the challenging issues that we faced included relocation. Addressing hazardous substances, indemnification and placing above-ground facilities in the right-of-way. We were able to find common ground and bridge our differences on these and many other issues. This agreement represents a win for our city and our citizens as well as northwest natural and its customers. And i'm happy to answer questions.

Potter: Questions from the commissioners? Thank you.

Saltzman: Thanks, mary beth and I would like to have mark dodson, president of northwest natural, if you would.

*******:** Good morning, everyone.

Mark Dodson: My name is mark dodson, i'm for a few days, until the end of this month, the c.e.o. Of northwest natural. With me is margaret kirkpatrick and sitting next to her is the president of the company. And he will become c.e.o. Of the company january 1. Henry green founded a

December 10, 2008

corporation, one of the first corporations in Oregon. It was a corporation six weeks before Oregon became a state and operated under the territorial franchise and we will be celebrating, and all of you are invited to the 150th on January 7th at the art museum. We're going to have a number of Oregon musicians celebrating the event. That's one of the firsts in the state of Oregon. If you'll indulge an old man on his way out the door, I'll highlight three that Northwest Natural is known for. We were the first to replace the cast iron system and one of the safest units in the nation right now. If we were to be introduced nationally or even internationally, people would recognize us as the first gas utility, to be coupled. We separate the revenue from the amount of gas we're required to sell to make a profit. That allows us to be leaders in the nation in terms of energy conservation. And Commissioner Saltzman has presented us awards for that. And in today's climate, we're an important, significant player in the discussion on climate change. All of that is because of the first coupling move. The third one is nearest and dearest to my heart, this year, J.D. Powers announced we're no. 1 in the nation in terms of customer service. And every year, they take all of the utilities and rank them all, and last year, we were no. 2. We got edged out by San Antonio. This year, our customer service was so high we were definitely no. 1 in the nation. It was a nice outgoing gift for the C.E.O. as he's leaving. One thing we were never able to do was negotiate a franchise agreement with the city of Portland. And Commissioner Saltzman -- have known each other for decades and the audit gave us an opportunity to sit down and put a team on the field. And Mary Beth and I -- to see if we couldn't slog through. You operate for 150 years, there's a lot of legacy issues out there. Federal safety standards. We wanted to slog through that and I wanted to get a modern negotiating agreement before I left office. So it's with a certain sense of completion that I appear in front of you this morning. I very much appreciate your attention this morning and appreciate the recognition, Commissioner Saltzman.

Saltzman: I just wanted to take this opportunity to thank you for truly distinguished service in the public sector and private sector in our state and city over the many years and I know when we talked last year, going to be playing an active role on climate change issues and we all appreciate that. We know you're going to stay involved but I wanted to take this opportunity to thank you for your long tenure and having been a corporate citizen, too. I think Northwest Natural truly fits that definition.

*****: Thank you.

Fish: I would like to join my colleague, Mark, in thanking you for your service. I will dispense with comments about your role as head of the company. In an area -- community service. I was not an elected official when you served as the head of the P.B.A., but I thought you built bridges between the P.B.A. and folks in the community and I also know that every time you're asked, you or Greg, you step up and help. And most recently you got behind our Homeless Connect, connecting homeless families to churches, you made a leadership gift on that and I want to thank you. And I know while you're retiring from Northwest Natural, you're going to stay active in our community and we look forward to working with you.

Potter: You were one of the first C.E.O.s I met with and I thought you were gracious and I had appreciated what you had done for our community. And I wanted to congratulate Greg. He has a large pair of shoes to fill.

Dodson: Thank you. I appreciate your time this morning.

Adams: Absent from your list and embrace and -- everything that's been said thus far, when you and I sat down soon after I was assigned the Bureau of Environmental Services and we talked about the opportunity to fast track some cleanup of pollution done long ago by your predecessor companies, and you, as fast as -- you would have been the fastest to respond of any company that has potential liability in the harbor and that's a standout and I just wanted to thank you. Add to the thanks the fact that you did that so fast and you really are -- you really do walk the green talk. It's very inspiring. And I look forward to working with you and Margaret and everyone on the team.

December 10, 2008

Dodson: Thank you, we grew up here and we want to leave it clean. Thank you very much.

Potter: Is anyone signed up to testify on this matter?

Moore-Love: No one else is signed up.

Potter: Anyone here who wishes to testify to this specific issue? Please call the vote.

Adams: Thanks to staff, for your great work. Aye.

Fish: Aye.

Leonard: I do appreciate all of the good work. Thank you and [inaudible] aye.

Saltzman: I want to thank our team, marry beth henry, david and amy trieu in my office and the northwest natural for making this happen by the end of the year. Aye.

Potter: Aye. Thank you, folks. Please read the 10:00 a.m. Time certain.

Item 1685.

Potter: Commissioner Saltzman.

Saltzman: Thank you, mayor and members of the council. This resolution establishes a citizen's advisory committee charged with providing oversight and advice on the city's antiprostitution efforts on and around 82nd avenue. We've begun the impacts on prostitution on the surrounding community and to provide services to address the impacts on the workers themselves. An important role of the prostitution advisory committee will be to evaluate and assess the social programs funded by the city geared toward prostitution and other street crimes occurring on or around 82nd avenue. Residents and businesses and neighborhood associations surrounding 82nd avenue have been actively engaged in helps to deal with prostitution and the city's efforts and the creation of this committee is born out of a desire to continue to engage these citizens and grant their inputs as we continue to address the issues surrounding 82nd avenue. It will be comprised businesses and citizens and city staff from the police bureau and the office of neighborhood involvement. Also the Multnomah county city attorney office. Others will participate on an as-needed basis. So i'd like to bring up commander michael krebs of east precinct and brian wong who is part of the action team. Who will talk about this a little further.

Michael Crebs, Bureau of Police: Good morning, i'm mike krebs. The commander of east precinct and i'd like to thank the mayor for their prostitution support. I've never been more excited for the support i've been given. I want to thank commissioner Saltzman for this resolution. I think it's going to be a real centerpiece not only for 82nd avenue to look over the -- for 82nd but if we start to pushing it to other corridors, such as burnside and m.l.k., we have to pay attention to that. We're not in a vacuum. I think by having the neighborhood associations involved, and we'll invite other neighborhood associations to be part of this because prostitution, i'm a commander of east precinct, but I see the big picture citywide. And this is a good step forward and I wholly support it. I think it will be great. The citizens on the east side, madison south and montavilla, all four of them, they want something done and I ask your yes vote.

Bring Wong: Good morning, i'm brian [inaudible], i've never been to city council before. And a appreciate all of you guys helping out. Dan Saltzman's office and the resources ago indicated. As a resident that lives just up 82nd, the impact has been tremendous and i'm part of the monitor villa neighborhood association and the presence of prostitution has certainly decreased is appreciated and i'm extending their appreciation to you. And i'm excited about the advisory committee being formed. Hoping that we can keep moving forward and also get resources allocated to these women to let them exit the prostitution field. I feel is the most important key and hopefully target the johns and pimps that help these women continue in this trade that i'm sure she don't want to be a part of madison south put together, take back 82nd, put together a couple of town hall meetings and I did distribute the packet, an executive summary of the meetings and there's questions and suggestions in there. It's going to take a large effort of all the neighborhood associations to tackle this so they don't have displacement. So I encourage you to have a yes vote and I appreciate your work thus far.

December 10, 2008

Potter: Questions from the commissioners? I really appreciate the work of the neighborhoods. I know we always haven't seen eye-to-eye but I think we have the same common goal. And that's to eliminate prostitution, both at the source, but also ensuring that the neighborhood is safe and your children can use the streets safely.

Wong: And I appreciate you coming to our -- coming out and addressing us even though it was a contentious effort. But people are passionate and upset but I appreciate you being gracious with us and your office helping us out.

Potter: Are there other folks signed up to testify on this?

Moore-Love: We have five people signed up.

Potter: Please call the first.

Potter: Please come forward. Thanks for being here. When you speak, state your name for the record and you each have three minutes.

Lila Lee: I'm lila lee, the executive director for Portland's council for prostitution alternatives and I would like to thank the city for stepping up to the need these women have for services and I want to thank the whole montavilla community. We've -- montavilla community and we've had a wonderful understanding of the complex problem of prostitution how we have to help the women and give consequences to pimps and johns and reduce the demand element. I want to tell you about c.p.a. We provide a place for women to talk about their experiences. I don't know how many women have told me they've never been able to talk to someone about what it's like to be in prostitution. Our clients as a rule share cofactors that got them into prostitution -- the horrific childhood, economic problems, homelessness and addiction. Most are mothers, supporting other people. They don't wind up enriched from the sex trade. They tend to be conduits from the money that flows from the johns to the pimps. They have multiple problems -- medically, depression, post-traumatic stress disorder. I work with 54 women, despite we're word of mouth. Tell me the same thing. I would love to get out of prostitution but who is going to hire me? I want to thank the city and montavilla and this is a big problem and the need is great.

Emi Koyama: Hi, mayor Potter and members of council. I'm a member -- I live on the southeast 87th avenue and a member of an organization called 82m cares coalition. We're a group and our allies and support who feel that the -- while we appreciate all of the attention that this issue is receiving and the effort our neighbors and the city and the police is putting into this issue, that's focused only to -- you know, on the law enforcement aspect and not enough on the economic and social conditions that result in the situation on 82nd avenue. I'm not talking about all prostitutes in general, but what happens on 82nd is a reflection of policy, it's a reflection of discrimination and a reflection of the lack of housing and treatment and all of the different things. So that what we'd like to see happen, if -- at least give as much attention as the law enforcement, and it's a beginning that the city funded some of the services but it still has to go through the law enforcement and still has to be arrested through the [inaudible] and the whole process. And proposed commission, for example, is calling for inclusion of the police representatives and the d.a.s representatives and neighborhood association, we'd also like to see people from social services and public health department and those people who are actually addressing the real life needs of the women who work on 82nd and I would also like to announce that our organization is opening a drop-in, walk-in place. A support group on the upper southeast close to burnside and there's another organization, the catholic church that provides meals once a week in the area. And we're opening on the south end of 82nd, so near foster is where we're opening. A drop-in center. Our purpose is to provide a meal and coffee and things like that. And hygiene, etc. But also to gather information from the women who are there and to distribute information that's useful to them. I just wanted to announce that and appreciate your help with this issue.

Chenis Remines: I'm shirley. Good morning to the mayor and council. I'm a student at Portland community college and I also live near 82nd and i've had many friends that have worked as

December 10, 2008

prostitutes. I feel the problem in the community today is not the law's. It's the lack of social awareness and the stigma that happens and takes place in our society. My fear what will happen with the 82nd prostitution coalition is they're not going to be properly trained to not buy into the stigma of society. Therefore, alienating these women from receiving proper services. I think the coalition needs a more diverse group to be effective. I get scared listens to the people that are going to be on the board. That doesn't make me feel safe. Like my friends will be safe. I feel like the needs that need to be addressed is welfare and social services. Recently welfare cut most of the funding that had to do with women getting their ged. And in this day and time of or economic decline, I see it's important that we learn more information to help these woman and better offer social services to prevent this instead of addressing it as a shame factor in our community. There's a big stigma behind prostitution and most of the people don't understand that an indecisive culture that goes into it. Because they're suffering from many "ism's" themselves. I'm asking you to vote against the committee until it can be reworked and more people can speak about it. I'm asking this as a person that lives in poverty and that knows many of the women and is empathizing with them. I think more outreach programs are needed and more help is needed, more educational programs is needed and I think there needs to be some type of training that anyone that will be on a coalition like the 82nd prostitution association coalition that is to go through before they can even work on the coalition board. Thank you and that's all I have to say. Hopefully you'll vote no.

Saltzman: If I can just respond to the thrust of your statement about no inclusion for other organizations like public health, social service, the committee representation spelled out here is the minimum. The neighborhoods the police. The d.a.s office. Office of neighborhood involvement. It's by no means meant to be limited. So other people who have an interest can join in on those meetings and commander krebb is the co-chair and he would be the one to talk to. But it's not to limit. It's to spell out the minimum composition.

Koyama: I understand that and appreciate that. But it's a minimum of the -- what's required. Yet, by listing those people in particular, it sets the characteristic of the committee in a way that adversely affects who will be -- feel that they're comfortable enough to participate in the meetings. So I was just making that point about that.

Lee: It would be useful to specify that the sex industry survivor be a member, I think.

Remines: I with like to make one more statement. I feel like inspired by mayor Potter's human rights. I think this is so pertinent to square one of human rights and the social needs in our community and not addressing our stereotypes, labeling the products of that.

Potter: Thank you, folks. I also want to thank the council for prostitution alternatives. I've known sue u susan for many, many years and worked with her when I was a police chief and know you're on the line. And it was a inspiration when I was in the police bureau, recognizing that there's more than one way to solve this problem and a more humane way. Than just arresting people. Thank you for coming in.

Adams: Would you consider a friendly amendment to include representatives of the public health professionals and sex industry survivor?

Saltzman: Sure.

Remines: And a training program to better understand -- I don't believe it's fully developed but to better understanding the diversity and needs. I think it would be helpful, if you do vote for the coalition, be informed or have to go through training to better understand the diversity and needs and not buy into the stigma of prostitution and the hate.

Potter: Thank you, folks, very much. Were there others?

Moore-Love: Two more.

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

December 10, 2008

Mark White: My name is mark white. The chair of the powellhurst neighborhood association. Thank you for the opportunity to present testimony. Southeast 82nd between southeast powell and division. Despite its small area holds the majority of our commercial development. We're very concerned about anything that may jeopardize the robust commercial activity in the area and concerned about the impact of prostitution on east 82nd has on the quality of life on our residents and others who live in the vicinity. We applaud the efforts to provide oversight to the issues surrounding prostitution and look forward to participating in a vigorous community effort to maintain the quality of life of our neighborhoods. Our newly created public safety committee is poised and ready to participate and we believe will be a strong collaborative effort. And powellhurst gilbert is proud to have the only sanctioned bike patrol in the city and we believe our contributions can be of equal caliber. We strongly endorse the establishment of this committee.

Dawn Rasmussen: Good morning, my name is dawn rasmussen, and our focus is liveability from the get-go on 82nd avenue and we would like to support the establishment of this committee. And I would like to address the young lady's concerns. As one of the people who spearheaded the conversations that took place earlier n this fall, the main purpose of that was to start a conversation and not vilify anyone and the purpose of that conversation was to come together as a community and create positive solutions on a lot of levels and from what I heard from feedback, this approach was one of the most collaborative that brought in businesses and residents and city agencies and the police to create a well rounded approach and as someone who compiled the feedback comments from the people who participated, I have to say the document you have in your hand dollars a compilation of those comments and there are a lot of solutions that are not vilifying at all. They're very much understanding the human issue here. And the social services. So I would just urge you to look at this document as a really good guide for this committee and urge you to support this committee. Thank you very much for your support.

Potter: Thank you, folks. Was that the end of the folks who signed up?

Moore-Love: It is.

Potter: Anyone here who wishes to speak to this specific issue? Please call the vote.

Adams: Well, I appreciate the -- commissioner Saltzman willingness to include a friendly amendment that provides the recognition and respect that's intended by this, so I think manifesting that in the document is great and I appreciate that. Also appreciate the commander's acknowledgment of a conversation we've had about making sure we have a citywide monitoring of the areas that in the 17-18 years i've been around here, we know when you squeeze a balloon on 82nd avenue, it tends to pop out in other areas around town. Sometimes the trade goes to new areas but more than often it goes to [inaudible]. So keeping the monitoring on that is smart and i'm impressed with the neighborhood representative speaking to a complete solution and I know you have from the beginning. I'm not sure if you've been involved with all of the conversations. Some of the other testimony. But this kind of -- i've been through a number of these conversations over the years and that has motive always been part of the desire of the neighborhood so I want to commend you for looking for that complete solution that I know the mayor and commissioner Saltzman and the police bureau also are passionate about because rearresting the same people and turning them back out, prostitution-free zones or not, it's a victory for about 15 minutes that they're in the booking station so going over and trying to address all the issues I think is the right way to go and I commend you for the partnership you've put together.

Fish: I'm pleased to support this next step. Before I got elected and reading the newspaper and talking to friends, I was led to believe that every one of these meetings was a battle. In the five or six months i've been here, what i've come to appreciate is we have more meetings like this than the other and it's because this is a group of people who are responsive and accessible and committed to finding solutions in the neighborhoods. So I -- maybe this is an evolutionary process, but i've been very impressed and it's an example of what I think is good communication and good collaboration

December 10, 2008

and frankly, what I come to expect from commander reece, who I think -- excuse me, krebs, and commander reece. They were separated at birth. But the one thing I do want to just underscore is that when you and I talked about this issue, we talked a little bit about the prevalence of underage girls who have been brought into prostitution. And you said that there was an active recruitment process going into our schools and these low lives would go to schools and look for signs of low self-esteem among girls in our community. Now, what consenting adults choose to do whether it's legal or illegal, I think we all agree is of a different magnitude of order when you're talking about children. Because teenage girls cannot consent to this behavior. And it is, to me, the most deplorable part of this story that there are younger kids engaged in this street traffic. So I would just make a special plea that as we think about how we can protect our children in the schools, that we engage the broader community, because I assume the recruitment goes on in not just any particular area, but throughout the city. But I think that's the ugliest aspect of what we're here -- the ugliest aspect. And I have a particular urgency to me as a father of a teenage daughter who goes to public school and the idea of some pimp, you know, recruiting at any of our schools is just abhorrent. So thank for your good work and I'm pleased to vote aye.

Leonard: When I arrived on the council a little over six years ago, the discussions we had around this subject were about extending prostitution and drug free zones and every time they came up for renewal, they passed and every time, I voted against them. I started out voting by myself. We progress from that level of discussion in how to deal with prostitution and how to deal with drug addictions and drug sales to a much more thoughtful place. The reason for my opposition to prostitution and drug-free zones which I've stated often, is -- includes civil rights concerns, but also just as importantly, operational concerns. It didn't make sense to me. To tell an individual who was dealing or using drugs or being a prostitute, you want be in this neighborhood. And -- they had to show up somewhere else and they did. And those arguments fell on deaf ears until Tom Potter became mayor and almost immediately upon his arrival, I slipped -- one of the first things he read as mayor was a resolution asking him to join with me to set some conditions on participating in a joint terrorism taskforce. He readily signed it. Immediately, we began to talk about the prostitution and drug-free zones, and he has been consistent in his approach since he's been there. I want to acknowledge that and how grateful I've been for his human approach to these problems that others characterize as bad people or people who were doing harm to neighborhoods. Yes, that's true, but if you take it to another level, you have to understand that there are a lot of good people who are stuck in those places and unfortunately, until recently, the police bureau has not evolved to that place until commander krebs and others at the police bureau embraced the idea of providing services and not just kicking people out of neighborhoods. And I want the council and everybody to recognize it take two or three steps back from this particular issue we're talking about and recognize how different it is in the city of Portland, Oregon to have a city council and a police force who is beginning to understand the efficiency of not just arresting people and kicking people out of neighborhoods, but offer them services and in some ways, nudging them to accept those services and then turning their lives around. I won't bore you with the statistics other than to say we've seen a dramatic drop in downtown Portland, and those addicted to drugs and finding lives and finding a better way. So I'm not only pleased to support this resolution, but it's also really important to understand what it's taken in the last years to get to the place where we're having this discussion and a resolution like this and guys like Mike Krebs who has been an advocate in east Portland and my hat is off to you. I can't say enough about Mike and it's easy to confuse you with Mike Reece, because you're both problem solvers, you're not throw them in jail and throw away the key. And people need to understand that approach and appreciate it and I'm going to use this opportunity to tell you, I do understand it. I probably spent more time out with east precinct officers in the last few months riding with them, talking to your lieutenants and officers and I couldn't be more impressed. I was convinced, all we had to do was give you the keys you needed. And you

December 10, 2008

whispered in my ear, if you give me it in 30 days -- I think commissioner Saltzman has taken the right approach and I support what he's done. Thank you, mayor Potter and council. Aye.

Saltzman: I want to recognize the need for balanced approach to have services as well, and I wanted to thank the commander and others in southeast Portland who have taken the direction from mayor and commissioner Leonard and put into place things that are makes a difference and the purpose of this oversight commission is to continue to edge gauge with service providers and others to make sure we're continuing to take a holistic approach and also that the issue doesn't get lost on the radar. I want to thank shannon callahan from my office for her work. Pleased to vote aye.

Potter: I want to thank all of the people who came in to testify. I thought it was excellent testimony and things worthy of consideration. I really think this is a great idea. I'm glad that the incoming police commissioner has brought it forward because it's so important to have the community engaged in this process. I think if there's any lessons to be learned, the more we -- the sooner we engage the community, the more effective and it will work. It did get out of hand and we're now gaining some control over it, but the fact is at the basis of all of this are a class of people, prostitutes, who have not really been treated fairly. I don't think this -- that prostitution is an issue of consenting adults. I think it's white slavery. I think it's a type of servitude that the constitution and congress banned many, many years ago. I think we need to do something about this issue. On a scale we haven't done before. And this is where I think commissioner Leonard played such an important part in terms of the early stages of how we address this had problem. And how we secure the funding for it. So thank you, randy, for doing that. It's so important. And folks like mike krebs and the members of the east precinct. They get what we're talking about. They get this isn't about enforcement only, about locking them up and throwing the key away. I can tell you as a former police chief, if we don't do something about it like this, it's going to be in other areas. If you really want to do something about crime, go to the source and deal with the source, and in this case, it's how do we effectively support prostitutes on leaving prostitution? And white frankly, I don't view it quite as nicely about the johns. That's one of the areas I would like to lock them up and throw the key away. But we can't do that. Definitely, we've got to have our male population understand what is happening here and what they're responsibility is. So thank you, commander krebs, thank you, community. I look forward to the day when this is no longer an issue in Portland, Oregon because we treat it in such a way that we deal with the issues and not the symptoms. So i'm very, very happy today to vote aye. [gavel pounded] thank you all for being here. I'm going to move to the regular agenda. Please read the first item.

Item 1706.

Potter: In august, the city council approved changing the business license fee to an after-the-fact change. As a result, over 31,000 businesses were scheduled to receive a credit paid over a five-year period. Fortunately, we recognized it was an opportunity to make a difference with the current business climate. To make sure we do what we can do to help our business community, particularly our small businesses. I asked the office of management and finance if it was possible to issue a full credit this year, rather than spreading it over five years. To their credit, o.m.f. Reviewed it and its impact on the general fund and found in doing it in one year, it could be revenue neutral. The amounts vary from business to business, but in the spring, a total of \$7.8 million will be turned to local businesses here in Portland. I'm proud of this council for taking this action and making these funds available at once. I think it will provide not a total relief, but some to our business community and I think it's a wonderful action on the part of the council. So folks, please proceed.

Sue Klobertanz, Director, Revenue Bureau: Mayor and council, i'm sue director of the revenue board and I have scott. Terry williams would have loved to be here, but she's broadening her tax expertise at the tax institute. You can tell scott is the tax expert, because he doesn't bring any notes. [laughter] beyond that, you said everything that I was going to say. So let me just quickly reiterate that this is the next step in the process. We came to you in january of '07 and the council was very

December 10, 2008

specific and told us to go back and look for changes in the business license law that would encourage the growth of small businesses and reduce tax burden inequities and better tie city services to tax received and preserve the financial health of the city. We came to you in march with increases in the gross receipts exemption and then again in august with the going to the after-the-fact tax and this code you have in front of you, also, in addition, to accelerating the credits to -- at last count, mayor, it's to 50,000 businesses. So as we work on that. But also this code in item 8, if you note, directs the revenue bureau very specifically continuing to work on the analysis of the impact of a tiered minimum tax structure to offset increases in the owners' compensation. We're continuing to work on that and wanted to include that in the ordinance so that you know that we know that that's the next step. So the change to the after-the-fact tax was a major step to fairness and simplicity and we believe this is the next one and look forward to coming back probably in mid-2009 with the next piece. Let us stop there and you can ask questions.

Potter: Any questions from the commissioners? It's a good thing you folks were so well prepared. Thank you very much.

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

Potter: Folks signed up to testify on this issue?

Moore-Love: We have two people signed up.

Potter: Please come forward. State your name when you speak and you each have three minutes.

Jon Turino: Good morning, commissioners, mayor Potter, i'm john and i'm speaking on behalf of apnba. We would like to go on record on enthusiastically supporting the city council's decision from the previously approved 20% per year over a five-year period to this full rebate in the spring of 2009. We think providing immediate cash to the financially strapped businesses in Portland who are trying to survive is indeed an excellent next step in the city's broader plan to provide economic stimulus mechanisms to help our business owners weather these tough times. As mayor Potter said when he announced the action at the laurelhurst club, the amounts vary, but in total. \$7.8 million is a nice -- \$7.8 million is a nice chunk of change. And we hope in eliminating the refunds payable for another four years will reduce the workload at o.m.f. That's a lot less to keep change of. The change made in august, reflects favorably on the city's desire to have its attitude viewed as more business friendly, which will provide much needed economic stimulus. Leads credence to being business friendly. While we support this action, I would be remiss if I failed to remind council we're on record as supporting the continued implementation of the city's resolution to increase the owner's compensation to \$125,000 and working with you and pleased to amend my prepared remarks in light of the previous testimony that you're obviously continuing to work on that and we very much appreciate it. Thank you for providing this opportunity to testify before you and thank you for the continued support of the 25 business districts we support and the tens of thousands of businesses that comprise their member.

Potter: Thank you, john.

Kathleen Lansing: I'm kathleen lansing. With lansing linoleum company. My family's business has been on foster road for 60 years and i'm here to thank mayor Potter and the council for speeding up our refund in the spring. It's a lot of pleasure for us to see something positive coming out of the city council that we can agree on. Great idea and thank you very much. I also want to note that i'm a past president of the foster area business association. A member of the apnba. And thank you so much.

Potter: Thank you. Kathy, thank you for talking with me when I came out to the foster folks and talked to them. It was informative to hear what was going on and you were eloquent in your presentation. Thank you.

Lansing: Thank you.

Potter: Is that it?

Moore-Love: That's all.

December 10, 2008

Potter: Please call the vote.

Adams: Aye.

Moore-Love: Sorry, this is a nonemergency.

Potter: I apologize. We've got one vote in the refrigerator.

Adams: That's right.

Potter: Ok. Anyone want to make any comments? It will go to nonemergency and move to a second reading next week.

Fish: Are you going to be here next week?

Saltzman: I would like to say good work, mayor Potter.

Potter: Thanks, folks. Please read item 1707.

Item 1707.

Steve Dotterer, Bureau of Planning: Steve dotterer from the community of planning. I'm -- I don't have a prepared presentation.

Potter: Could you describe the project?

Dotterer: First, it's of assistance to us in the Portland plan, it's the tie. And the minority communities are currently described by census statistics and those are rigid and they're not the way the communities describe themselves and this project is a project for p.s.u. to work with those various community groups to come up with descriptions that are as inclusive as they would like in terms of the description so we can work with that as we're going forward with the Portland plan. It potentially has some impact as we evaluate, for instance, our affordable housing programs and who is served. If we use a census definition, that produces one balance of who is getting the programs. If we're using the community, we may get a different balance of how the programs are distributed. That's a way it may play out in terms of specific programs in the future.

Potter: I think on top of that, the 2010 census will be the first time that they have had the -- allowed the respondents to self-identify and that will reinforce what p.s.u., you folks will be doing. Provide the city more tools to make better decisions with. So thank you, steve. Anyone signed up to testify -- any questions?

Fish: I have one question. Attachment b on the project budget, it indicates there are two different contracts we're authorizing. One with p.s.u. and one with naya, is that correct?

Dotterer: We're authorizing a contract with p.s.u. and they have a subcontract with naya to give them work as part of that. Is that --

Fish: Ok.

Potter: Other questions? Thanks. Can I -- did I ask if there's anyone signed up to testify?

Moore-Love: No one is signed up.

Potter: Anyone here who wishes to testify to this specific issue? Thank you. Emergency. Call the vote.

Adams: Aye. **Fish:** Aye. **Leonard:** Aye. **Saltzman:** Aye. **Potter:** Aye. [gavel pounded] Please read item 1708.

Item 1708.

Patty Rueter, Office of Emergency Management: Mayor, council, i'm patty with the Portland office of emergency management, planning manager. In preparing for the update of our basic emergency operations plan, are updating city code and we're updating city code because, for one reason, congress has passed public law 109-295 and Oregon legislature o.r.s. Prohibits seizure the firearms and in our code it states that we -- it says that under declaration of disaster, we can seize firearms and so we've taken that out of the language. So that it -- see if I can see what it says. To the extent allowed by law prohibit the sale, carrying or possession of explosives of any kind or weapons other than firearms on public streets or places. City code and the basic plan combined give the authority for the mayor to act in areas where the mayor would not normally have those powers. We've also changed basic grammatical errors and added the bureau the emergency

December 10, 2008

communications to our disaster policy council, which is our key group of representatives during disaster that would be giving the mayor direction. So those are the main changes.

Adams: Did I understand that the old language allowed the mayor, under certain declared emergencies, to take firearms and under the new language, that is removed? Is that because of legal reasons or -- is that accurate?

Rueter: To prohibit the sale, carrying and possession. It doesn't say anything about taking. Is just says prohibit the sale.

Adams: What's the distinction between the old and new language?

Rueter: The old language says that they -- the mayor could say you couldn't carry guns. And in the new it says that that's ok. But all other explosive devices you can't carry.

Adams: Why is the change made?

Rueter: Because of the state -- congress passed a public law and so we in turn make sure we're in alignment with public law.

Potter: But mayor Adams will still be able to set the price of food, won't he. [laughter]

Fish: Why are we all getting a little nervous up here?

Adams: Me included.

Fish: The disaster policy council established, I assume if the mayor is incapacitated or otherwise cannot serve, does it go down the line to the next designated official?

Rueter: Goes to the president of the council and then goes to the councilmember with the lowest number. And then it goes down the council and then it goes to -- you have to remember what number you are.

Fish: What does that mean, the lowest number.

*****: One, two, three -- each position has a number.

*****: [inaudible]

Fish: That probably doesn't mean a whole lot to the public in terms of understanding the chain of command. I just wanted to offer a suggestion, not to amend this to today. Since we rotate the president of the council every six months, and talking about an awesome responsibility to be the designated no. 2 in the event that the mayor is incapacitated. I would think a more permanent rotation where someone serves for maybe a year so you don't have a new commissioner having to get up to speed. It may or may not be something that the rest of the council is interested in, but i'm not sure if makes sense that we rotate every six months a person who would be the backup in the unlikely event that the mayor is incapacitated.

Rueter: The only reason is to spread of wealth of experience and education of being a part of the disaster policy council meetings and to have it on the forefront of job responsibility. That would be the only benefit of changing it every six months. But it is important that each councilmember understands the gravity of the situation that they could be in charge, if there was something to happen to any of the other members of council. So we like to keep the education process up to date. That's why we would change of but it's up to you, of course, if you would wish us to change it to standard -- a different way of identifying the succession, we're more than amicable.

Fish: As long as al haig doesn't get elected to council. Just food for thought. After guesting the last briefing on disaster preparedness and the fact that there's a big one coming down in the next 50 years or so, whatever is predicted, I think we might want to have more continuity and experience, but I understand the counter argument about rotating. Anyway, something to think about.

Rueter: I really appreciate your input and I hope that the council, mayor, take it under consideration, any new thoughts.

Potter: Other questions? Thank you.

*****: Thanks.

Potter: Anyone signed up to testify on this matter?

Moore-Love: No one signed up.

December 10, 2008

Potter: Anyone who wishes to testify to this issue? Nonemergency. Moves to a second reading. Please read item 1709.

Item 1709.

Anna Kanwit, Bureau of Human Resources: Mayor and commissioners, Anna Kanwit. Paul Scarlett is here with me today for this ordinance. Before we get into the actual ordinance, we do have an amended exhibit A in your packet as a result of discussions that I had with the president of the city of Portland [inaudible] employees on this program and because it's an amended ordinance, then we do need an -- amended exhibit, we need a motion to amend the ordinance to change the exhibit.

Adams: So moved.

Fish: Second.

Potter: Please called vote.

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

Kanwit: Thank you. The ordinance before you establishes a pilot program. Something called excuse time or e-time. That existed back in the '90s and was a surprise to me because when the bureau first came to me to discuss implementing it, I said I never heard of it and found out I was the city attorney who signed off on it in the '90s.

Adams: Welcome to the club.

Kanwit: I have understood the commissioner's joke. Anyway, under the current human resources administrative rules, an employee is not allowed to take time off without pay if they have accrued leave on the books that they could use to cover that absence. In addition, if an employee does take unpaid time, unless it's some form of protected leave such as family medical leave, that unpaid time can adversely impact the amount the city pays for health benefits and adversely impact their seniority. So the point of this program is really to address the ongoing economic issues facing the bureau and is simply one tool we're making available to development services to achieve some salary savings during this economic slow down. We are recommending it as a pilot program that would go through September of '09 to be able to evaluate the effectiveness, the salary savings, impact on operations. And if it is effective, we would come back to council at that point if we want to continue the program no longer as a pilot and can also roll it out to other bureaus at that time. Basically, under the program an employee can take time off without pay, without impacting their seniority, city benefits, accrued leave banks in increments of 5 work days or more. And it is the eligibility requirements right now are non-represented or represented employees whose unions agree to it. I did have a very productive conversation with the president of Coppea and that's as I said why we amended the exhibit. They wanted to be sure it was absolutely crystal clear that an employee's seniority would not be impacted by their taking time off without pay. You see with the program, a week would not impact somebody. But if they took up to the maximum amount under our normal rules, that time would account to their total seniority. So we were able to work that out and Coppea is very supportive of the program as are its members in moving this forward. At this point it would be offered to both non-represented employees and Coppea employees in the bureau. *****: And Dctu?

Kanwit: We have not yet had a discussion with Dctu on the program. If they agree, it would be offered to Dctu employees as well.

Leonard: Would it be helpful if I gave you some background? Anna alluded to it, but let me expand a little bit. Bureau of development services is completely dependent upon fees from building permits to support our activities. There has been a precipitous drop in applications for land use reviews and building permits which has been mirrored in a drop in revenue. Paul and I have been meeting, crunching numbers with my staff, with Denise Kleim in the back. We are rapidly drawing some very unpleasant conclusions about how we're going to have to address the drop in revenue. One of the things I've asked Paul to do is be as creative as you could in thinking about

December 10, 2008

other strategies beyond simply laying people off that might help us reduce the personnel expense that we're having at the bureau. This is one of those strategies. I'm meeting with the unions next week to give them the latest financial data that Paul and Denise and I continue to work on to try to develop a broader strategy than just this. But I want to include them in this discussion. So this is a piece that we hope will be taken advantage of by employees. We have a number of employees who request time off. We're thinking there may be more if it doesn't harm their standing at the bureau and it would help us avoid making some very unpleasant decisions here rather soon.

Saltzman: How did you come up with 80 days? I'm just curious. Is it 80 days in a calendar year?

Kanwit: Yes, we really looked at the prior policy to look at the amount of time. It was basically taken from that and also in discussions with the bureau in terms of the amount of time a person should be back to be productive. The bureau has some concerns about if you are gone a week and come back for 2 days and were gone for another week, the 2 days the person is back is not a very productive time. So that was really part of that discussion. My understanding too, and Paul you can chime in, that this is something that was discussed in your lmc meetings as well and was supported there.

Paul Scarlett, Director Bureau of Development Services: Yes, Commissioners, Paul Scarlett, BDS. The cost measures that are being evaluated and really are necessary—this is one of the tools. And by the way of extension, I do want to express appreciation to hr, in particular Anna Kanwit and Linda Louis who has worked with us and brought this ordinance forward. We have heard from a number of employees that they would be more than willing to utilize this option along with other cost saving measures we've been reviewing and implementing, such as reduction of overtime and some other measures in place. We are faced with as Commissioner Leonard has said, some major slow down in the work load and the revenues correspondingly. And I do believe we have, as Anna alluded to, a pretty collaborative process. We're not bringing this to you just as managers. We've talked with the union managers, with employees. There is strong support for it. Other cost saving measures that are embraced by employees, by BDS. And we by extension, discuss with our industry partners and customers as well.

Fish: Anna, just to put the human face on this, because Commissioner Leonard, I think I understand it now much more clearly. If I am an employee working in Paul's shop and I chose to work a 4 day work week instead of a 5 day work week and wanted to cut back, this would allow me to continue my benefits while working a reduced number of hours?

Kanwit: Not exactly. This ordinance won't do that.

Leonard: But we are working on something.

Kanwit: Right, we're looking at that as well. Right now an employee can cut back to 72 hours in a pay period, so in essence that's one day off every other week, or a half a day off a week. In that case there is no reduction. But we are looking at changing that as well. Looking at whether that should be lowered.

Fish: So in effect it is a tool that would allow the bureau to maintain its professional staff while also dealing with the decline in revenues by being more flexible by how we assign the number of hours and other things.

Leonard: And hopefully in combination with these other approaches amounts to enough savings that we do not have to make more dramatic decisions.

Scarlett: Right, it's a balancing act of course.

Potter: Any other questions from the commissioners? Has anyone signed up to speak on this matter?

Moore-Love: No one signed up.

Potter: Is there anyone here who wishes to speak on this specific issue? It's an emergency, call the vote.

December 10, 2008

Fish: Well, after getting the most recent briefing on our overall budget, looking at significant potential cuts and services that may be impacted. So I very much appreciate that you are ahead of the curve in thinking about ways we can maintain or complement our professional staff while also adjusting to the new economic reality and I have a feeling that this and other innovative ideas you are working with will probably migrate to some of the other bureaus. So as the housing commissioner I appreciate learning about this tool, as we also have the same concern. I'm pleased to vote aye.

Leonard: It is distressing to me, the discussions Paul and I have had lately, as I know it is very distressing to him. We will look for every opportunity to find ways to reduce our cost. Particularly in collaboration with the employees there. We have an outstanding group of people working at bureau of development services and we hear it daily. What we're attempting to do is be sure to minimize this economic impact on their lives. And their working together and with Anna, as Paul pointed out, I'm hoping we can get to that place. It's going to be tough. Thank you both for being so creative and coming up with this alternative. Others will be coming with later to hopefully get to a place where we end up not having to lay anybody off. Aye.

Saltzman: Well this does sound like a creative approach under challenging circumstances that we hear, so I'm pleased to support this. Aye.

Potter: And I also concur with the other commissioners also. It is a very humane way to address this issue and I agree with commissioner fish that this will probably be looked at by other bureaus too, as a means to reduce the impact of the slow down in our economy. Thank you folks. Aye. Please read 1710.

Item 1710.

Potter: Staff?

Linda Birth, Office of Transportation: Good morning, Linda Birth with PDOT. This street vacation request before you today is a portion of some streets in the southeast corner of Reed College campus. There are both unimproved. Planning commission and city engineer both recommend approval with conditions, one of which will be a pedestrian connection from Woodstock through the campus, an improved pedestrian bicycle connection. So it's a good benefit that we obtain.

Potter: Questions? Thank you. Is there anybody signed up to testify on this issue? It's a non emergency, it moves to a second reading. Thank you. Please read item 1711.

Item 1711.

Andrew Aebi, Bureau of Transportation: Good morning mayor and commissioners, I'm Andrew Aebi local improvement district administrator. This project is 14 blocks away as the crow flies from the northeast lid that you'll be voting on after this agenda item is complete. We did not have any remonstrance's against lid formation when council approved the lid two years ago and we also did not receive any objection to final assessment by the deadline of 5:00 PM last Wednesday. The final assessment rate which is on a linear footage basis is 10% below the amount estimated of lid formation. Those savings are being passed onto the property owners. What I just passed out to you is an email I got from one of the property owners, she just wanted me to forward her appreciation to council for approving the project and she's attached some before and after photos to show you the change in the neighborhood. I'd be happy to answer any questions from council.

Potter: Questions from the commissioners?

Saltzman: Looks like dramatic improvements.

Potter: Thank you. Is there anyone signed up to testify on this matter?

Moore-Love: No one signed up.

Potter: Is there anyone here who wishes to testify to this specific issue? It's a non emergency, it moves to a second reading. Please read item 1712.

Item 1712.

Potter: It's a second reading. Call the vote.

December 10, 2008

Fish: Aye. Leonard: Aye. Saltzman: Aye. Potter: Aye. Please read item 1713.

Item 1713.

Potter: Commissioner Saltzman.

Saltzman: Thank you mayor, members of the council. The utility license fee or ulf as we refer to it often, contributes substantially to the city's general fund. It's been in place since the 1940s and has not be revised since 1990. The current code contains significantly outdated language and lacks orderly procedures for administration, collections, financial review and appeal. The primary objective here is to update the utility license fee to match the structure of our business license fee. In the future, the council may want to discuss, talk about the scope of the utility license fee but first we need to clean up the code and make it consistent with modern practices. Council's adoption of these revisions will not create a greater or lesser class of payers that exist under the current license utility fee. Thus these are house keeping amendments and are revenue neutral to the city. After more than a year of work and consultation with the industry, the cable office is now bringing forward these amendments and we have david olson, the director of the office, ben walters, the city's attorney to explain these amendments in a little more detail.

David Olson, Director, Office of Cable Communications and Franchise Management: Thank you commissioner Saltzman and council members. I'm david olson of your office of cable communications and franchise management. Your utility license fee is a tax, like your business license fee, it is a pillar of the general fund, part of your three legged stool that supports your ability to pay for police and fire fighters and all the things the general fund pays for. As such, this is the overall franchise fee is in the neighborhood of \$60 million a year but 80% of 50 million or so a year of your general fund is absolutely dependent on this section of code, this utility license fee in your code, very very important. The scope of the application of this tax hasn't been changed since 1990 which I might add is before any current members of this council were on the council. However it's important to say that both the utility license fee and your business license code, as you know from earlier agenda item, are housed in title 7 of the code. The business license code, as you've already heard, has quite a large number of payers I thought, there was quite a large number of payers under your business license code. And your business license code has been updated a number of times, as it was on your agenda earlier today. Your utility license code, I mentioned the scope of it hasn't changed since 1990. The procedures under which it's administered have not changed since it's formulation under the harry Truman administration. And therefore there is significant lack of updatedness in this extremely pillar of your general fund. Your current ulf code refers to telegraph and steam utilities. It has no real audit procedures or records retention procedures. There's no requirement that the payers retain records or provision for inspection of those records to verify payments of this very important revenue resource. There's no collection process set forth. It retains inaccurate definitions left over from the 1940s, it doesn't accurately refer to the bureau that administers the section of code, it doesn't even refer to the proper bank, the city's bank. It doesn't have time limits in it for record retention and for audits. And there's no modern appeals procedure for assessments under what you do for business licenses. The list goes on, mayor and commissioners. The results of this lack of update to it is that the city has ended up not being really having sufficient tools in our tool kit to administer and defend it when it's contested and many council members may recall that indeed it has been contested. In 2001, when one of our major payers challenged it and withheld payment under it and the city prevailed in the court proceeding. And currently in an audit, we have an audit underway which has been underway for six years, I believe we'll settle it with qwest, hopefully within the next several months, but again, if you had sufficient tools in your tool kit, the process simply goes better. So these are some examples of the needs to have code revision on which so many of your revenues depend on it updated. This council has discussed as many of you recall the scope of the code, expanding and limiting the scope of the code in recent years, 2004 under commissioner Leonard, 2006 mayor, under you. While there's not

December 10, 2008

a consensus yet on those issues, but the house keeping issues, items that are missing have remained regardless of whether the council wanted to address the scope of this. And so in 2007, with commissioner Saltzman, we received the charge to clean up the house, fix the basement, chalk the tiles, in other words, update the code and put in modern state of the art provisions for this code section on which so much of your revenues depend. And that's what was our charge from commissioner Saltzman, that's what we've spent the last year doing. This process over the last year has involved multiple meetings with the payers for the utility license fee, lots of information and comments collected. It's fair to say not everybody loves a tax but on the other hand we did receive comments relevant to the house keeping charge we had and other comments more relevant to scope but scope was not within our charge. We considered and incorporated the comments related to the house keeping items wherever we could, we listened very carefully to these. We had comments on scope, we still have, and at a future time the council may want to return to that but again the scope of this is not in front of you. Only the administrative aspects of it. And again as commissioner Saltzman said, the financial impact of this code section is not going to change on any payer under this code regardless of these house keeping amendments. These house keeping amendments do not change the financial impact of this code section on any payer. What it does it clean house administratively and correct things. Our last round of comments from industry was constructive in many ways, we responded individually to all these letters and provided time for industry to get back to us. The result of all this is these house keeping amendments are in front you, they are important, they are long overdue. This utility license fee structure functions on a calendar year basis so our hope is to have this in place when a new calendar year begins which is why we're in front of you at this time. Among the overdue tasks, we now under these amendments will track on the utility license code the same structure as your business license code, we'll comply with formatting, we update the administration of this to be consistent with your business license program, we set the rate of interest to be consistent with your business license program, we get rid of steam and telegraph utilities that no longer function in town. We are consistent with our reference to revenues, we establish time frames for auditing, collections, records retention, not in there previously, we have a modern practice of appeals under this so appeals don't come directly to you, they are handled the way they are handled elsewhere, they go through a code hearings process so that they may be processed in an orderly manner. And we have specific criteria and processes for when and if any penalties are assessed, there's no process for that, an orderly process, appeals will make all of these things that simply make it a better administrative mechanism and put it in the 21st century where it belongs to be consistent with all of your processes, your other processes for these significant items for the city. Included among other things is a confidentiality provision for the industry payer, that was not there before either. So that when we do have to audit or verify financial records, they'll have an expectation of confidentiality to the extent we can provide that. All of these are administrative improvements to this code, house keeping in accordance to our charge from commissioner Saltzman.

Saltzman: Ben, did you want to? Were you through?

Olson: Almost. I'm almost there. All of these tasks I say are long overdue, the needs it self evident, the unanimity, it's not just administrative bureau speaking about this, there's unanimity among your entire, your bureaus on this. I haven't had a chance to see it, I wanted to make sure you had the memo in front of you from your chief administrative officers, ken rust, and your city attorney, Linda meng regarding the important of these amendments and the importance of this long overdue house keeping. Those were sent to you but I do want you to have those in front of you. In any event, we collectively, unanimously urge you to move this forward. It's long overdue. We want to thank commissioner Saltzman and his staff, Brendan finn and amy trieu, we want to thank the city attorney's office, ben walters and all of those folks who have worked with us on this. We want to thank staffing in your offices for sitting down with us and getting inside the details of this which we

December 10, 2008

appreciate. And indeed, a thanks to industry for constructive comments that have come in from them. So in conclusion, there's no change in definitions or scope, no change in number of payers, it keeps your fiscal house in order. At some future time, you may want to remodel, expand, or otherwise, but in the meantime, fix the leaky basement, chalk the tiles, and make sure your fiscal house is very much in order for this very important component of the city's general fund that supports all of the important services this council provides. With me is ben walters who's worked with me on this and we are very happy to answer any questions.

Potter: I had two questions, one is we've had some communications from qwest and their question is will they see an increase in their fees as a result of these specific changes?

Olson: Mayor and council members, these housekeeping amendments will not change the fiscal impact of this utility license fee code on any payer. Is that the best way to say it ben?

Ben Walters, Sr. Deputy City Attorney: Mayor potter, ben walters. There's no changes proposed to the definition section which identifies what revenues are subject to the utility license fee and there's no changes to the percentage of revenues that is the basis for calculating the utility license fee. So there's no anticipated changes along those lines. There might be some impacts on the audit side because as david alluded to, we've been attempting for approximately 6 years to undertake an audit with qwest and issues regarding confidentiality arose, we've tried to address those and the ability of the city to demand and obtain records was an issue in that proceeding and it contributed significantly to its drawn out nature. As david suggested, we're hoping to draw that to a conclusion shortly but we would not want to see the city be hamstrung if we undertake an audit like this of that nature again in the future. So that's one of the reasons for those changes.

Potter: The other group that contacted us was Comcast. Their question was would these changes allow you folks to begin collections of the utility license fee from them?

Olson: Mayor and council members, our position is that Comcast in terms of its telephone services is already liable for this utility license fee on the telephone services they offer in Portland. We will bring an enforcement action to you for your consideration regardless of the outcome of these house keeping amendments because these amendments do not change that, one way or the other, and we'll bring an enforcement action for your consideration and you could cast these amendments away, we will still bring before an enforcement action for your consideration. So these amendments do not change that issue with respect to Comcast and we'll come before you in due course to have that discussion. I can say, for house keeping when you have an action such as that the city's better positioned if it's processes are improved. Both, not just for the city's sake, but also for the payer's sake including comcast's sake, should you adopt these amendments. Because you have more transparent procedures.

Walters: If I could, to repeat my earlier statement, we're not making any changes to the definitions of what revenues are subject and we're not making any changes to the definitions of what the percentage rates applicable are to those subject revenues. We have a difference of opinion with Comcast, we've had contacts with them regarding their present subjectability of revenues earned by them within the city to the ulf, there's a disagreement between us, there continues to be a disagreement between us, these amendments are not intended to address that disagreement.

Potter: Thank you.

Fish: David, we had a lively discussion recently about cell phone towers at council and I'm interested, there's some technical language in the materials you gave us referring to pole attachment revenue and joint pole use revenue, could you just describe that generally?

Olson: Yes commissioner and ben can add to this. Some of the comments from the industry, and these are primarily the electric utility payers, asked for a specific exemption for joint pole use revenue from this code. There is no such exemption in the current code. But our administrative practice has been to allow those to be excluded. This, these amendments, do not add that additional exemption because that's beyond our charge, you see because we're not expanding or contracting

December 10, 2008

what we currently have. So there is no exemption for that category of revenue in these house keeping amendments. Should we have added it, it would be an additional exemption and it would thus change the scope of your existing code. Having said that, we've indicated to the electric payers, our administrative practice has been to accept that exclusion, we've accepted it for many years, there is no proposal to change that but to write it into code would change the scope that's beyond our charge.

Fish: For my benefit or any one else's watching this, define what pole attachment revenue refers to?

Olson: The category of revenue has been my understanding that could probably also be helpful here, the above ground utilities rent pole space to each other and phone and electric sometimes share poles, they charge each other for that. There's a rental cost depending on who owns the particular pole. So there's this pool of pole attachment money that tends to move around like interagency agreements where they offset or charge each other. And the question is well, since it's a pool of money, the policy question should it be included or not. But we've just gone with the code that we have, what's referred to here as I understand it, is this cross rental like interagency among the pole users for attachments to existing poles. Ben?

Walters: No.

Fish: I'm going to ask another question which I know is very basic but it may inform some future council action beyond house keeping and that is, currently the utility license fee is applied to which telecom carriers and which carriers are not covered by the fee?

Olson: This utility license fee has been in place for many years since world war II and before at&t was broken up and before many other companies came in. To the extent, any telecom carrier has a franchise with us, a franchise for street use, remember this is a tax not street use, that's offset, but the major telecommunications companies are qwest, to the extent Comcast has communication services, it would apply to them, and those are the major payers under this which we rely on the ulf to apply.

Fish: So by extension, it currently does not apply for example to our wireless providers?

Olson: That is correct, it does not. Ben?

Walters: It does not apply. Prior to your joining the council there was a significant discussion and debate about extending it to wireless providers and that has for political reasons, political decisions, not included as part of this proposal.

Olson: Again, all of those kind of issues in a future time council may return to, we welcome that future discussion but that's not in front of you in terms of these amendments.

Potter: Other questions? Thanks folks. Do we have a sign up sheet?

Moore-Love: We did. One person signed up.

Judy Pepler: Good morning mayor potter, members of the council, I'm judy peppler I represent qwest. I really wanted to testify to ask the question you asked on whether it was going to change any of the fees because our lawyers and accountants were not clear, given the language. So not that I've heard that it does not indeed change any of the fee obligations for my company, we're much more comfortable with the changes that have been made here. We do however urge you to address the broader policy question that this license fee applies to some companies that we compete with in the market place but not all companies we compete with. And we really believe that now would be the time to do a telecom ordinance specific to the entire industry that is competitively neutral and non discriminatory. Thank you.

Leonard: Meaning to extend the tax you pay to wireless companies?

Pepler: Or take the tax off of the other companies. [laughter]

Leonard: As I said, meaning to extend it to other companies.

Pepper: If that's the policy decision, then yes.

December 10, 2008

Fish: Commissioner Leonard, I have to say that I had the same reaction you did. This is now the second time that a major business entity or organization in our communities have come before council and asked us to extend a tax.

Leonard: In hearing yesterday, I think it was jim, I don't know where I read it, we have an unprecedented amount of businesses. I want to do anything I can to accommodate you.

Pepler: On the record, I did not advocate for more debt.

Potter: Thank you. Is that it?

Moore-Love: That's all who signed up.

Potter: Is there anybody here who wishes to testify to this specific issue? It's a non emergency, it moves to a second reading.

Leonard: Mayor potter, I've agreed to speak to a group at noon. I wonder if we could do the emergency ordinance first, in case I have to leave.

Potter: Hearing no objection, please read item 1716.

Item 1716.

Potter: Commissioner Saltzman?

Saltzman: Thank you mayor. Council earlier approved a parks pdc negotiation for about 4 acres of open space in the gateway district. Primarily for park purposes. An unresolved matter was the maximum purchases price authorized by council which had been set at \$4.6 million. Per the council's request, a new appraisal has been obtained by a different appraiser and with the new appraisal supports a not to exceed purchase price of \$4.3 million dollars. Purchase and sale agreement is in place and that is the price that I'm urging adoption in this ordinance as drafted. We have representatives from parks and pdc if there's any further questions.

Potter: Any questions from the commissioners? Thank you folks. Is there anybody signed up to testify on this matter?

Moore-Love: We have one person.

Potter: Please state your name for the record and you have three minutes.

Arlene Kimura: My name is Arlene Kimura and I live in the eastside of Portland. And I'm here in support of this resolution to purchase, the joint purchase for parks and pdc. We are in an area that as you know has been rapidly developing and we have some but not enough I believe amenities. One of the reasons the neighbors in that particular area agreed to accept the urban renewal designation was that they would get some sort of public communal open space. In past, the original property that were considering was very small and there was some discussion of what can and cannot be done on it. With the addition of the extra piece, you have a 4 acre site that will be much more viable for providing communal open space in the form of either a recreational park or an urban plaza as well as being able to develop more storefront along halsey street which we desperately need. The other thing is and I think it's a key note for those of us who have the lents urban renewal in gateway has struggled for many years and we have some developments that are happening but in these economic times a lot of people have held off putting a development forward. And we hope that this will spur the proposition that this is an area worth considering. And for those of you who have, I testified before on this, this property has been up for sale about every two and a half years and for whatever reason, we have never gotten this far. And I really urge that as an amenity for the gateway urban renewal district and as a vote to the citizens to say yeah, we support your idea. I ask that you as a group support this purchase. Thank you very much.

Potter: Thank you. Is that it?

Moore-Love: That's all.

Potter: Is there any one here who wishes to testify to this specific issue? It's an emergency, call the vote.

December 10, 2008

Fish: I want to thank Portland parks and also pdc for their good work here and for getting the second appraisal and moving expeditiously. Gateway is a park deficient area, community has spoken very loudly about the need for this park and I'm delighted to vote aye.

Leonard: Aye.

Saltzman: Well I'm really pleased that we're moving ahead today and purchasing this property that will add significantly to open space in the gateway area. I want to thank both Steve and Justin for their work on this and I'm pleased to see it move forward. Aye.

Potter: Hooray for gateway. Aye. We'll go back to item 1714.

Item 1714.

Potter: Second reading. Call the vote.

Fish: Aye. **Leonard:** Aye. **Saltzman:** Aye. **Potter:** Aye. Please read item 1715.

Item 1715.

Potter: Commissioner Saltzman.

Saltzman: Thank you mayor. It's indeed a pleasure to bring this item to council for approval. Adoption of the cully park master plan is an important step to help address a long standing park deficiency, one that I know that all council members are aware of in the cully neighborhood. And a special thank you to mayor potter for requesting and championing the funding of the master planning process. This master plan that will be presented to you proposes a variety of recreational facilities that will both serve the city and the local neighborhood for generations to come. This is a former construction debris landfill so some serious restraints do exist as to what we can actually put on this site and build on the property. But many parks and even entire neighborhoods have been built on similar types of lands so safety and feasibility are really not a question. The planning process included a citizen's committee, the open houses were characterized by a broad diversity of neighborhood interests. We'll here more about this in a short presentation from david yamashita from Portland parks who will walk us through this. And then I think following david's presentation we have some members of the committee who are also going to make some remarks.

Brett Horner, Portland Parks and Recreation: Thank you and good morning. I'm brett horner, the planning manager for Portland parks and recreation. And we're happy to have this plan before you today as it is and you all know an area of the city that really needs a park. So we thank you for funding the work on this that's been done and we have a presentation for you. Again david yamashita will take us through that presentation and we'll take your questions after that.

Dave Yamashita, Portland Parks and Recreation: Thank you brett. I'm dave yamashita, I'm a planner for Portland parks and recreation and I'd like to take a few minutes to describe the project, our process, and the concepts that emerged out of the process. And following the presentation, I'd like to have comments, we are going to have comments from some of the committee members that could make it today as well as comments from two city of Portland staff people who worked with us on the project as well. As I think commissioner Saltzman referenced, the project really got a start in late 2006 when mayor potter in response to questions from the cully association of neighbors appropriated \$95,000 for a master plan so thank you very much. This is something we wanted to do for a long time. With this money we were able to retain a consultant and paul agrimis is here from vigil agrimis to answer questions. And we also worked with a ten person citizen advisory group. So our consultant team, we worked also with the bureau of environmental services, vigil agrimis, jd white which did public involvement, geodesign, a soil consulting firm, geotechnical consulting firm, and falconi consulting which dealt with traffic issues. These are the members of the project advisory group and you can see they're pretty diverse and I want to first acknowledge the hard work that they put in because many of these people either were already citizen activists and were involved in things, had jobs that

December 10, 2008

took them, required that they work at night and we had a single mom as well, not a single mom but a mother with kids who also took the time to participate in the group. And I'd like to go over the project goals. At this point, they're pretty general. What we have is a general concept for the site, it's not a detailed plan, what we're after is a plan that determined what uses can be accommodated on this site and where they could be located. We also wanted to look at how the site could meet both neighborhood needs because the whole area is park deficient as well as city wide needs which many of you are aware of. And we also wanted to identify order of magnitude costs. This is a very difficult site because it's a former landfill and they're a lot of unknowns. As an introduction, this is about a 25 acre site, it's a former landfill that closed in 1991, city acquired it in 2002. You'll notice that ne killingsworth is to the south which provides the main access, there's a rail line and ne Columbia blvd to the north as well. The area includes a variety of single family but also a lot of multifamily housing which for us, generates a lot of need for recreational facilities. This is the site. Again 25 acres. And you can see that on another slide some of the monitoring wells, it's bordered to the south by ne killingsworth, very busy street. It's also accessed, or it's possible to access the site in the future perhaps from ne 72nd avenue which is what you see here. Tree lined street with some single family houses on it. It's also access right now through ne 75th which is, you can see a gate at the end of the street. We're looking towards the site, looking north, the little photograph on the inset is on the site, looking south. And once you get on the site, it's a pretty dramatic view. This is really, it's truly one of the more unusual sites that we have. We you get to the top, you have these wonderful and expansive views of the trees along the Columbia river flood plain. You don't really see a lot of buildings and so I think everybody was excited about what could happen here at this site when it's fully built out. It will truly be a great place for recreation. Along the site, I'll start from the upper left, this is a steel yard or a site that's used for the storage of materials, to the west and to the right, you can see some of the slopes and rail yard off to the left. And across the trains that you see or the rail cars is the golf course. Then the bottom right is a photograph of some of the trailer park that's right next to the park side to the south and the lower left is another photograph of the slope conditions along the south of the park. There's also an extensive system to collect methane and to burn it and so the yellow lines indicate the general locations of the system. There's also a photograph in the inset of the methane burner, this is where the methane that's collected is burned. We had a pretty extensive public involvement process and I'd like to commend the consultant team for really reaching out and attracting people that we don't often see at our community meetings. So this is the first workshop that we had in the fall of 2007. It was held at a local church, you can see paul in the upper right and kc cooper who was our public involvement person next to him. The inset photograph also shows a newsletter that we published in both English and Spanish as well. So these are some photographs of the workshop, we not only attracted a wide variety of people but also young people as well, these kids are really great and they really got involved in drawing up ideas. I'd like to quickly run through some of the guiding principles that you'll see in the plan and these are the first three, these are not by means the only ones. But again to develop the park to serve neighborhood recreation and city wide needs, to maintain and integrate the site's landfill operational facilities into the parks development and to establish partnerships as a key strategy in the parks management, operations, programs, and improvement. We also as a guiding principle that we wanted safer connections between adjacent residential areas and the park. Access into the site is difficult right now and so we're going to have to deal with crossing ne killingsworth to get into the site when it is developed. As one of the main organizing principles in the concept was to maintain a central open space in the middle of

December 10, 2008

the park and locate parking areas along the edge. So you had this really nice open space that we didn't have [inaudible]. We also wanted to provide recreational facilities that encourage use throughout the year and throughout the day so we know for example, off leash areas tend to be used quite often, early in the morning and at night and throughout the year as well, so we have an off leash area. Soccer can also be played almost year round under the right conditions and we have walking trails that you see, the dashed lines. Walking again, like off leash areas, one of those things that people do throughout the year, at different times of the day. We also wanted to create a system of pedestrian trails throughout the park because we know that from our surveys that walking for recreation and for exercise is one of the most popular activities in the city and throughout the nation. Again as I had mentioned, we wanted to locate parking areas on the outside of the site to minimize conflicts with pedestrian circulation. And minimize impacts on adjacent residential areas. So what we ended up with are two options and they're very similar, really the main difference is where we bring access into the site. So in option one, what you see are big soccer field, little soccer field, baseball field, softball field, off leash area, play area, two picnic shelters, and two parking areas. And these are again very diagrammatic at this point, this is all we could do is look at what could be located on this site and to insure that they could fit. And then in option two, the recommendation is to acquire frontage along ne killingsworth because right now we don't have any frontage along this street, if you're driving along killingsworth it's difficult to know there's a park behind all the businesses. So at some point, this is truly an aspiration goal, it would be nice to acquire some frontage and if we did that, we could as example as we showed here, provide access that works a little bit better for the park. And that's option two. But again, essentially very similar in concept. And I just wanted to close by reading something from the plan, the vision statement. When cully park is developed, it will embody the city's commitment to restoring landscape that was altered beyond recognition. Where it once served as a repository for refuse, the park will instead provide opportunities for people to grow and to thrive. Thank you and I'd like to, if you have any questions, have paul answer any technical questions. We also have technical staff from bes and metro as well.

Potter: I had a question about the sequencing of how different elements come into the park. When I was out there looking at that piece of property with the parks director and some of the community, they said we wouldn't be able to build a heavy building on it for probably another 10 years. But it didn't preclude things such as baseball diamonds and soccer fields. So I'm curious about, sort of first things first, what's going in first because probably the largest need is for a soccer field and baseball. So I couldn't sequencing here and I wanted to know how that's going to occur and how soon will it be open to the cully neighborhood?

Yamashita: Ok, well let me answer the last question first. Right now, we don't have any funding identified for it, it would likely be a variety of things, maybe sdc money, grants, donations, partnerships, maybe a bond measure. In terms of sequencing, mayor, what we've thought about is that we have to bring in fill, first we have to do detailed engineering studies and then we'd have to bring in fill because right now there's a cap of about 18 inches or 24 inches and as you see in the plan, there's some areas that need a lot more fill. And once that was done, I think we could begin the development of things like a soccer field and we respect to the buildings, I'll let paul answer one.

Paul Agrimis: I'll start by saying I'm not a geotechnical engineer but from our team, we're proposing to place about 50,000 cubic yards as a surcharge to help accelerate the settlement that's going to occur. There's no good way at this point to predict how much future sediment is going to occur because we don't really know how much as occurred so

December 10, 2008

far. There's variable materials within the old landfill and some of those settle faster and some settle slower. I did the surcharges to spread that weight and accelerate that settlement so that it would make it easier to install buildings sooner than later. And that's going to require some detail investigation at the front end of the design to really give you a better time frame. But fields could go in very soon after, a year or two after the surcharge is placed.

Potter: Further questions?

Fish: I have a few. Do options one and two where you penciled in a community gathering place, do they anticipate restrooms?

Yamashita: Yes.

Fish: There's a project quite similar to this in salem, where they took an area that was sort of like, it was a dump, and they capped it and they built soccer fields. Are you familiar with that?

Yamashita: Is that brown or another site that you're thinking of?

Fish: It might be, I don't remember the name but it's used quite a lot now for soccer. It's set up for soccer fields and the principle challenge they had is irrigation. If it rains, it becomes flooded very quickly and they didn't, somehow when they did the design, they didn't really figure out how to do the drainage issues. And I don't know whether that is a general problem in these kinds of adaptive uses or not but it is the principle Achilles' heel of a similar project in salem.

Yamashita: Yeah, I don't know that one specifically commissioner, but as we show on the master plan and appendix, there are many other examples of parks that have been built on landfills such as this, certainly over 100. But that would be one of the things that we would look at specifically for this site because right now there's not much soil on it, it's a design problem essentially and it's something we would certainly address when we're doing this.

Fish: In your cost estimates that you attach to option one and two, on the sports fields and the courts, you put an estimate of \$2.4 to \$3.3 million. Are you assuming artificial surfaces?

Yamashita: Yes.

Fish: So this would be state of the art turf on the soccer fields for example?

Yamashita: That would be the intention. Now I should say too the option is if the money isn't there, that we would then resort to some other material. And so, for now, that's what we put in and assumed.

Fish: I mean, two examples, the challenge we have in delta park is that we have grass fields, they get a lot of use and by late fall, they're not in great shape. By contract, when kids are fortunate enough to have a synthetic field like at Lincoln or Cleveland or some other places, I mean those are year round fields. Are you satisfied that the technology is such that on synthetic fields there are no enhanced safety risks to children?

Yamashita: I'm really not the one to answer that. That one, maybe, we have andre Ashley from our sports office who could answer that one.

Fish: I don't want to get ahead of us in terms of planning but it's a concern that is sometimes raised in the neighborhoods as a parent of a soccer player, I have my own opinion but it's not based on the science, it's based on what I've observed. And I, for my own personal view is that an even field that's maintained year round is safer than the fields that are grass that are in poor condition, where there's ruts and other opportunities for kids to get injured. When you talk about partnerships, I mean it's a word we often use when we don't have the money to do something. I'm just curious, what kinds of partnerships are you contemplating, are there any that have been discussed or is there a particular partnership that you think would be well suited to this location?

December 10, 2008

Yamashita: Well the one that comes to mind most easily commissioner, we think about the baseball fields the baseball softball fields, major league baseball has a program to develop fields in inner cities so that's one specific one. Community garden certainly can be built with all kinds of organizations. I think one of the biggest ones though would be because the site is built on a landfill, it's such an exciting idea that I think we could go after money from other maybe federal agencies or other innovative foundations that are really excited about the idea of essentially restoring a damaged landscape and creating a sustainable landscape in its place. I think bes would be interested, we've talked about doing innovative storm water management in parking lots and that's certainly something I would hope bes would help us on.

Fish: Well, they've got their gray to green, this could be sort of brown to green and two just other quick comments. In either option one or option two, it does look like we have a lot of parking we're putting on this site and maybe this is what the community wants or maybe this is our experience that you need this, but I would hope there's a way to encourage access to this park that isn't as heavily automobile dependent.

Yamashita: Let me respond to that by saying it does look like a lot of parking but we did the math, there's a formula that you use to calculate how many people are going to come to a game and then you essentially double it because you've got the next group of people coming for the next game. So that's essentially how we arrived at the relative size of these parking lots. It was done in a rather scientific and accepted way.

Fish: If I could, one other question about methane because I have some experience with this issue having worked on the housing authority board. Thank you mayor. And there's methane gas that can be captured out of the new Columbia and there was some thought given to processing the gas for commercial use. Does the presence of methane gas at a site like this present any health risks to people who use the park?

Yamashita: The short answer is no but I'll let paul elaborate on that.

Agrimis: As far as we know, it shouldn't. The park is monitored currently for methane and migration off site. There are a number of procedures that could be installed to prevent the build up of methane that might leak through the liner, sub slab vents, buildings would be vented to make sure that gases didn't build up. The risk is there but it's very very minuet, very small risk.

Fish: Indulgence of my colleagues, the last question that I have is given the location and the fact that it backs up against Columbia blvd and the boundary line that you described to us, has the community requested that we build in lighting so that it could be used in the early evening hours, yes or no, and are there any particular land use issues which would be implicated if that was considered as part of the plan?

Yamashita: The short answer is yes to the first question and the answer to the second question is we would need a conditional use permit, conditional land use master plan.

Fish: And so for example while I know that we have some friends in grant park that have concerns about lighting on that field, then there are folks who lives across the street, I'm looking at the map of cully park and under either option, there are locations within the park that are not adjacent to any residential dwellings. So it would present a different level of community --

Horner: There's also some very advanced new lighting systems that use a lot of filters and things that really direct the light better than the older systems that we have in place right now, like at grant park.

Fish: Well, thank you for your good work, it's an exciting vision.

Yamashita: We do have committee members here, I think we have a list and I think Virginia.

December 10, 2008

Moore-Love: They signed up.

Yamashita: Okay.

Potter: Thanks for being here folks. State your name when you speak, you each have three minutes.

Virginia Salinas: Good morning city council. My name is Virginia Salinas and I'm a program development specialist with Multnomah county. And I'm here today for you to support the current progress of the cully park master plan and the needs of the community in the cully neighborhood. I've worked for Multnomah for the last 12 years but prior to my employment there, I've worked in that community for almost 20 years, I believe when you were chief of police, I worked at the American red cross. But one of the things that I'm here to say is that there, not only is this close and dear to my heart, but it also is something that is so needed for the community. Many of the families that live in that neighborhood, as you have heard today, are very diverse, many speak different languages, many have no access to parks or recreation. In order to just to get to a recreation center, they have to take a bus there and many of the kids cannot get there without parent supervision. So often times, it is an area that is deficient for a park and kids in that neighborhood just love soccer. As I work in the family center, which is a county building, and as you look out my window, I can see the kids playing soccer in the parking lot which is not a safe situation for children. Not only that, but they're playing basketball in the parking lot. There are the basketball courts, sometimes the hoop has fallen off. It's surrounded by gangs, prostitution, a lot of drugs, drug exchange, we have found syringes in the parking lot, so these kids really need a place to play, to kind of let themselves come out and openly feel free to run wild. We have a lot of diverse families, Somalis, Asians, Hispanic, and many who speak many languages. And often times are lacking a lot of times to resources. This would be a really big thing for the families because you're talking a state of the art park which I feel is so deserving of the families in that neighborhood. So I'm here to ask for you to continue to support the current progress of the master plan. Thank you.

Donita Fry: Good morning again. My name is donita fry and I not only live and work in the cully neighborhood and had the opportunity to participate on this advisory committee, I also have an ancestral ties to this area, the whole corridor along the Columbia river area there is well documented as having indigenous culture present there. And I would like to see recognition of this culture incorporated in areas like the opportunity that this park presents. Again, I've also participated in the discussion in groups with the cully Concordia planning discussion groups and there's been an awareness of the diversity of our community there and the need for places for the kids to play. And I would like to remark that when allocating dollars for this neighborhood and the city as a whole to recognize an access for potential around this park. One of the things that I remember about sitting in the advisory committee that we were asked to think outside of the box and take a look at this area years down the road when this park would actually be being built and look at the diversity of that area and what is currently there and think about the thoughts of what could potentially be there. And with the existence of the clara vista, the opportunity to provide learning space and playing space for our families would seem very essential to me. And so I want to thank you for your allocation of dollars to begin this work and ask for your continued support of this opportunity as well. And also to recognize that making available this park in the cully area does not, it will speak to all of the deficiencies in that area as well. Thank you.

Jeff Ley: Good morning, I'm Jeff Ley, representative of lakeside little league and also a member of this committee here. This is an exciting part, it's an intriguing idea and look forward to seeing it built. However as a representative of lakeside little league, being a

December 10, 2008

former president, coach, and parent of many kids coming through there, one of the things that the little league is concerned about is that several members on this board are of the idea that this park is going to replace two of the ball fields down at lakeside little league, mainly at the Whitaker pond area. We have a 90 foot baseball path for our 13-16 18 year kids that play on that and then we have what is known as falbo field, our stadium field, down in the lower part which is a little league softball field, 60 foot baseball path with a scoreboard and fence and what not. Several of the members are of the idea that once this park gets built, they will move us from that location to this location and I would just like to put in your mind the idea that if we were to take this beautiful building you work in and take this chambers and say we have a location across the city where we built an exact replica of this building for you and you can have your meetings over there and what not, granted you only spend a few hours a week in this portion of your building but by dividing you up and taking you to a different location, even though it's an exact replica and state of the art facilities, it does not enhance the ability of you to do your work here in the city hall. You would have everything need but having to take all of your stuff and pack it across town would be a problem. The major portion of the little league at lakeside is done on the falbo field and on the big league field in the back, that's where most of the games are played. We play with little leagues throughout the city of Portland and Scappoose, st. Helens, Clatskanie, all come to our park and have tournaments here and activities. One of the things that we do in a little league is fund raising and a big part of that fund raising happens in a concession stands. We have facilities where we can bring in the food and everything, and that's over a third of the money we raise. A location like this, the thought of having a concession stand but also having to share that with other groups that come in, you would have the logistics headaches of having to move that equipment and store it separately and everything else that goes along with that. Where we have that existing facility where the kids are able to come, work the concession stand, that they have equipment at their access, coaches can work the field. But it takes away from the feeling and the atmosphere of a little league to move them there. We're in support of this field and this park in general, the idea, but the idea that this going to be a replacement for the fields that are existing and have been there for over 50 years is rubbing the little league and the community of baseball in ne Portland the wrong way. Thank you.

Potter: Thank you folks. Thank you for being here folks. State your name when you speak and you each have three minutes. Any one can begin.

Curtis Falbo: My name is curtis falbo and I'm a long time resident of the cully neighborhood. First of all, I'd like to thank david yamashita, I know he's put a lot of effort into this and especially the residents of cully neighborhood, they've worked a long time on this. What I have a problem with is we've hit neighbors against each other on this thing. This lakeside little league thing, you know my father is, he's the falbo in falbo field and we have a lot of history there. I don't know if anybody from the council has been done there to see that, our field. At one of the hearings, commissioner Saltzman stated that until we find something that's equal or better, we will stay in our current location. I personally support having a new park in our neighborhood, we are parks deficient, everybody knows that. But I think one thing that is really important to be noted, population with children is cyclical as an example, Hollywood little league their numbers are way up right now because there's this boom of young children. Go into the grocery store right now all you see is babies. So we have five fields right now, there's two fields there, that's great. I think one positive sign that we've seen is colewood golfcourse, that would be a suitable relocation in our opinion and we applaud the fact that it looks like it will stay as an open space, we're hoping. I read that it's up for appeal but if we can keep that open space, that would be terrific. I guess if

December 10, 2008

nothing else for the record, we as a little league or as a organization, volunteer organization, we just don't feel that the landfill site is a suitable relocation for the ballfields. Thanks.

Jean Hand: My name is Jean Hand and I'm the executive director of Portland youth soccer. Commissioner Fish, I was able to give David the name of the place you were mentioning in Salem, it's called the Cascade FC complex and the address of that so they could follow up with that as well. This has been a wonderful experience for me to be able to sit on this council group or this study group and I've learned five things that I wanted to share with you. First of which is just a reiteration of things everybody's shared with you is that this is definitely a diverse, cultural neighborhood. Secondly, they have a strong sense of community value and this park will help to strengthen those ties of community and athletically it will provide for all cultures and all ages. The parks facility is definitely needed, definitely desired in this community and the last point that I wanted to make is this, Portland park schools have been to develop multiple use athletic facilities and soccer is extremely valuable to all ages, youth through adults, as well as all cultures. Soccer provides the foundational health benefits for our children which includes developing a sense of community when they first begin when they're young on teams, social skills, fitness, and another point is that no child is for any reason turned away from being able to participate in soccer. I love this proposal that you've been working toward and I like the idea that it provides for multi sports and I think it's definitely needed. I thank you for your consideration. It's been my pleasure to work with these other people.

Fish: Could I ask you one question, what's the relationship between Portland youth soccer and the Oregon youth soccer association?

Hand: Well currently the Oregon youth soccer has been our parent organization. Portland youth soccer has 10,000 members in the city of Portland. PCU for example is one of our clubs so we provide recreational all the way through competitive. We also have a high school co-ed program that is really strong. The Cully neighborhood has an amazing number of kids playing soccer, actually I looked up the demographics free and reduced lunches help us to understand if they need scholarships. It is our largest area going from Rose City north to south of families of free and reduced lunches and we have to have these kids travel the furthest distances for practices and games because currently we have the least amount of soccer fields in this area.

Fish: And do you also sponsor any part of the rec soccer programs with Portland parks and rec's involved with?

Hand: They actually turned this program over to us about 10-12 years ago so Portland parks does not have a soccer program.

Fish: So you run the recreational soccer programs in our parks?

Hand: That's right, I do all the leagues, assign and train all the referees, yes.

Fish: And just, I'm just curious, and when you, how to you interface with Portland parks and rec in terms of scheduling spaces within park land?

Hand: We have a partnership relationship and this is a positive partnership relationship. They provide us all of the permits, we have an agreement as far as there's a delegation of how sports work so priority season for recreational soccer is in the fall. We receive the primary soccer fields for recreational practice and games in the fall. Our secondary season is in the spring, baseball, softball, lacrosse, receive permits prior to whatever's left in the spring, we receive. We have enough fields for about 300 games and we fill that every year so we never have enough fields for all --

Fish: For example, if the children in Cully Concordia were organized in either rec soccer or club soccer program, this vision could be the home court for those kids?

December 10, 2008

Hand: Absolutely and it is so needed.

Fish: Thank you.

Rich Gunderson: Good morning. I'm rich gunderson, I'm representing the cully neighborhood association and first off we want to thank mayor potter for going on a tour of our neighborhood and recognizing the need for the money to do a master plan, coming up with \$95,000 to pay for this. Thank you. Also I want to thank david yamashita and jd white company for the inclusiveness of bringing the whole neighborhood together to have their input in this plan. The committee was made up a diverse makeup of the community, in addition the open house, an all day Saturday program to participate their ideas into the plan. It was a difficult process in that we couldn't deal with it like you would deal with any other normal plot of ground because it was on a landfill. It had its limitations and its demonstrated by this, no buildings, a 2 foot soil barrier makes it difficult limitation for how far down you can go. And it increases the cost when you do go through the barrier and want to put down pilings which everything would have to be on pilings in order to put a building in there. So every time we did anything out of the ordinary, we drive up the cost which reduces the ability to develop the park. We think this is a tremendous plan and will be a tremendous asset to the neighborhood and also to the city in general, a 25 acre park with the view lines it has will be a tremendous asset and we are hoping for consideration for future funding so we can develop it. Thank you.

Potter: Is there anybody after that?

Moore-Love: That's all who signed up.

Clark Henry, Bureau of Environmental Services: Hello, Clark Henry with the bureau of environmental services brownfield program. We were able to make some of the money stretch a little farther by using our epa grant money to provide preliminary environmental assessment on the site based on the preliminary drawings. Really to evaluate the risk that commissioner fish was referncing with the methane potential risk for people using the site, any intrusion into bathrooms or any structures, the methane collection system in the cap and the vapor barrier are all very well maintained and right now there's no risk. We're not going to totally eliminate risk but through the additional assessment work that we can also perform once technical drawings are available, make sure all the appropriate work is taken to protect the public. And we've just been very excited to be a part of it right now and hopefully will continue to be as it moves forward. So thank you.

Debbie Bischoff, Bureau of Planning: Good afternoon mayor and council, Debbie bischoff, northeast district planner for the bureau of planning. As you know I've been spending a lot of time out in the cully neighborhood in the past few years and it's really great to see one of the community's top priorities beginning to be addressed. That's wonderful. And when this park is funded and constructed, it really will take, move us a long ways towards providing the recreation that's needed as you so heard from others speaking today. To echo donita's comments, I'm pleased that the master plan includes interpretive signs and public art that reflects the sites and the areas' cultural history. These were, we heard comments during the cully Concordia assessment process from naya's youth and elder's council that they really wanted to see more this type of recognition and education in public facilities so it's great that the master plan includes that. This large future park as you know is in the northern part of cully neighborhood and it will become a major attracter and catalyst for neighborhood improvement. The park site is close to an area that I hope to be working with the community in the next year which is the cully main street opportunity study. And I think there's a great opportunity here to plan for the future of this specific little area as it relates to the park and say what are the supportive type uses that parks visitors and community members would like to see in this area. It could be a grocery store, it could

December 10, 2008

be a sporting goods store, could be a medical office maybe, you know, they get injured while playing soccer but hopefully not, but other types of uses that could enliven this part of the cully neighborhood. I want to also let you know that planning and parks and recreation that we've coordinated throughout this whole planning process and will continue to do so as we try to address the needs of the cully the needs of the area. And the action plan, the assessment and action plan that I presented to you a few weeks ago as you know, we've engaged a very diverse stakeholder group and constituency and who is very interested and available for working with parks and recreation staff and others about bringing facility development and services like this to the cully neighborhood. So I'm happy at any time connect the two together as we move forward in addressing not only this particular park but other park needs in the cully area. Finally, just on a related note that I've been working and will continue to work with parks and Portland public schools to try and bring local serving recreational programming and shorter term recreational opportunities to this area. And an example is rigler's school that has ball fields but it's under utilized. And also wellington park behind scott school is a resource that hopefully folks in the southeastern park of the cully neighborhood could take better advantage of so I'll be continuing to work on that with staff and the community. Thank you.

Potter: Thank you.

Moore-Love: That's all who signed up.

Potter: Is there anybody here who wishes to testify to this specific issue? Please call the vote.

Fish: Well this is an exciting moment, this is a master plan that I think is quite visionary. It is an area of the city that desperately needs more park land but I'd like to step back for a moment and acknowledge that we have really a history, a historical opportunity to get it right here. We have a space, which this council has already acted on, and this council voted to maintain it's open space designation. We have no control over what uses it will be put to but I believe this council made an appropriate call in maintaining the open space designation. We have the Whitaker site which we took up in connection recently with Debbie and others in connection with the cully Concordia plan. The Whitaker site also presents us with a unique opportunity to bring recreation, education, community centers and other needs of the community identified on that site. And now we have the cully park master plan. I see all three as working together to meet, to address this deficiency in open space and park land in this part of our city. Of course, the only we're short on is the money but what I'm convinced of today is that we have the will to figure that out and to move forward. As the proud parent of a daughter who's in youth soccer, I'm always struck by the fact that our friends in the suburban beltway are well ahead of us in understanding the need to invest in facilities. You go to any neighboring community from Gresham to Hillsboro to Beaverton and when it comes to soccer, the child in those communities have a plus facilities and our kids don't. And what is I think conspicuous is that soccer is perhaps the number one sport in the world and we call ourselves soccer city and we're home to a two time national championship women's soccer team at UP, we are having serious discussions about bringing major league soccer here, we're home to adidas and to nike and yet our facilities are not really world class. I sometimes find myself being skeptical about the city investing in big monuments to itself but there is no limit on my appetite for investing in our kids and in our neighborhoods when it comes to parks and recreational space. So you've given us a terrific blue print for going forward and I look forward to working with my colleagues to implement it. And I just want to take a minute to also acknowledge mayor potter's leadership on this, it did take some funds to do the master planning. I want to acknowledge the stakeholders and Portland parks and rec staff who've

December 10, 2008

worked I think in my opinion to come up with a very effective document and what looks to be a very healthy process. And I want to thank my colleague dan Saltzman for his leadership as the commissioner in charge of this bureau that has brought us to this point so I'm pleased to vote aye.

Saltzman: Well I want to thank again mayor potter for securing the funding for this master plan. You need the master plan before you can begin to develop the park and now we have that. We need to maybe figure out a few options about access and parking but you know nothing like a master plan to I think facilitate ultimate funding to make this a reality and I think all of us up here hope that will come sooner than later. It is a something we talk about now in context of the Portland plan, it seems to be a phrase gaining a lot of favor as the 20 minute neighborhood. Where we talk about being able to find a store, get a cup of coffee, whatever within 20 minutes of where you live. Well certainly being able to find a field to kick a ball around or to throw a ball, baseball, or to have your dog on an off leash area is something that's very much a part of that 20 minute neighborhood and is essential to the Portland plan as it is essential to the cully neighborhood and the tremendous park deficiencies which it currently has. This will go a long way towards solving that park deficiency but again, as I think people testified earlier, it's not going to eliminate the deficiency issues in the cully neighborhood. But it's going to go a long way towards it. So I appreciate the citizens that participated, dave yamashita for leading the effort, and I think we will take Debbie bischoff up on her suggestion to maybe cross pollinate some of the citizens she's working with, some of the citizens we're working with, if nothing else to help build more supporters for getting this park built and I think we're well on our way to doing that. So I'm pleased to vote aye.

Potter: Well I'm so happy for the cully neighborhood. These folks are nothing if they're not persistent. And I think in today's world we have to be persistent and so my compliments to them first because I think they've opened our eyes to what are the needs there in a way we haven't seen in the past. And you know, when I walked around cully, what's really impressed me were all the beautiful children. Cully is rich with children. And I think we would be remiss to not do everything we can to provide a park and opportunities for those children to play games and develop their skills and to have activities that can fill their lives with purpose and meaning and enjoyment. I think that this is an excellent first phase. When I first mentioned this to zari santner, she was right on and said you know this is a great idea as we walked around Thomas cully park. And I really appreciate the leadership of commissioner Saltzman, zari, and the parks bureau. What I've seen from those folks it's a labor of love, this isn't just about doing your job, it's about fulfilling a need for a community that has been underserved for some time. And because I won't be here to see the rest of it, I encourage the council to try and develop the partnerships to find the money as we accelerated the master plan to accelerate the development of the park to make sure we have spaces for our future soccer and baseball stars to begin their careers. So thank you all for the work you've done and I vote aye. We're adjourned until 2:00 pm today.

At 12:33 p.m., Council recessed.

December 10, 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.

DECEMBER 10, 2008 2:00 PM

[roll call]

Kathryn Levine, Bureau of Transportation: Good afternoon. My name is Katherine Levine. I work for the Bureau of Transportation. My purpose is to formally announce the postponement of a public hearing on the North Macadam Transportation System Development Charge Overlay Proposal. City staff on September 9th had sent a letter to interested stakeholders announcing there will be a hearing today, December 10, at 2:00 p.m. That hearing has been postponed. We are expecting the proposed new hearing date will be Wednesday, April 8th, 2009.

Potter: Thank you. Is anybody here for that meeting something it's been postponed and a new time will be set. I'd like to remind folks prior to offering public item at City Council a lobbyist must declare which entity they are authorized to represent. Please read the 2:00 p.m. time certain.

Item 1717.

Potter: Auditor Blackmer? Oh, please do. When you speak, please state your name for the record.

Mary Beth Baptista: Thank you and good afternoon, I'm Mary Beth Baptista, I'm the director of the Independent Police Review.

JoAnn Jackson: I'm JoAnn Jackson, the chair of the I.P.R. structural review and a member of the C.R.C.

Baptista: I also want to note that Acting Lieutenant Marshman from the Office of Accountability and Professional Standards is here. Last time we presented to Council they wanted to know if there was a member of P.P.D. here, so I want to make sure that was clear.

Jackson: Well, I'm here this afternoon to just give you a brief summary of the work we've been going with the I.P.R. structure review. This is a work group that we started in September of 2008. It was a response to the recommendation of the outlined issues in the January 2008 Luna-Firebaugh report. We have actually come up with six primary issue areas, and I'd like to briefly go over those with you. That's what we're working on in this work group. The first one is the complaint process. It includes reviewing the I.P.R. decisions and dismissals, service complaints and I.A.D. declines, discussion regarding guidelines for cases to be independently investigated by I.P.R., discussion of methods for establishing an effective review process for the formulation of allegations, and review of the appeal process, discussion regarding how to improve the system. This is a fairly big area. As I say, we began our meetings in September. We have been covering this particular topic for several meetings at this point. And let me just back up, let you know that this work group consists of three C.R.C. members, and our I.P.R. director, and another I.P.R. staff person. And we have two citizens, a representative of Copwatch, and from League of Women Voters. So it's a very diverse work group and we get a lot of energy and a lot of involvement from this group. The second primary focus area is mediation and we are reexamining the procedures related to mediation. And we were also having a discussion on how to make the advantages of mediation more clearly understood for both complainants and officers. And we've already taken some steps, particularly I.P.R. in meeting this. The third focus area is policy development, identification and analysis of policy issues, outreach to stakeholders, and public hearings on recommendation. And pulling together an implementation of

December 10, 2008

policy recommendations. The fourth area is staffing and training issues. Part of that includes, we are looking for avenues for both i.p.r. and c.r.c. members to receive training in areas that they're responsible for. One training we recently had, I want to thank mayor Potter, the three c.r.c. members, along with i.p.r. members, were able to attend the nicole conference in Cincinnati in November. I happen to be one of those members and very much enjoyed that. I had an opportunity to interact with other citizen groups from around the country and it was a great helpful experience for citizens. The other pieces here that c.r.c. is working on is we are actually assessing the length of the term for members on the c.r.c. committee. We're also taking a look at the number of members on the committee. For a couple reasons, we do a great deal of work on this committee. Greatly engaged and we -- we enjoy all the tasks in the areas that we're moving in. But each one of these nine members are involved in two or more work groups, and we're all very engaged. So we perhaps do outside reading, there might be reports to review, there certainly are meetings to attend, and the c.r.c. meeting as well. So we wonder if a few more members on this committee as well as extending the term, might be supportive of doing the work more effectively and efficiently. So we're taking a look at that to see if that makes sense. I think what's real pleasure for me being on this committee, I have almost completed one year, the commitment is about two years. I began in January of 2008 and I've got another year to go. But one of the things that has most impressed me about this committee is not just the interaction with i.p.r. and citizens, but it's the idea that everyone is truly engaged in the great work that we're doing. And it does take maybe a number of hours a week, but it's an engagement we're all committed to. And I look forward to continuing with my second year. We do have some members who came on board to complete someone else's term, so they may have a different term limit, and we have members who reapplied, so they're there longer than the two years. But in general it's two years. But with a lot of work to do we're looking forward to seeing more members would make a difference. We're also reexamining the relationship between i.p.r. and c.r.c. and that's real effective and we have some points that we'll be working on as well. The fifth area is outreach. We want to strengthen the c.r.c. and i.p.r. relationship with city council. In fact, we've already begun doing that in a number of ways, but one is that our members of c.r.c. are liaisons with the commissioners. And my cohort on the committee, Lou Ellen and I had a wonderful opportunity to meet with commissioner Fish not too long ago, and we're looking forward to some future meetings as well. But it was a good opportunity to meet and bring about what we're doing. We also wish to engage in more positive dialogue with members of Portland police, and with a real strong intent to increase our outreach to communities. And the sixth focus area is to increase transparency, and we feel it's so vital we do that in every possible way we can. And one thing that we are doing just today is coming forth with a brief summary of what we've done so far in this forum to share what we're doing. After we go through these six primary areas and come up with our comments and recommendations, the product will be a draft report that we will present to city council for your comments and your review that we will present to the full c.r.c. committee for comments and review, and to the public for comments and review as well. We hope to complete this report by mid-2009. Thank you.

Baptista: I just wanted to make the point that we didn't wait for this work group to start doing some of the work that was recommended in the the Luna-Firebaugh performance review. As well as the work that was also recommended in some of the responses to that report. And so I've outlined some areas where we really started to already fulfill those recommendations and move forward. The complaint process, the c.r.c. formed a case handling work group, one of the recommendations was to review a sample of i.p.r. case handling decisions, so there's a group work that is actively looking at service complaints, dismissals, i.a.d. declines and they're evaluating the case handling done by i.p.r. There's also recommendations regarding improving the appeal process. I've decided and have agreed to putting appeal forms in all of the investigation findings that are sent out to citizens to see if that would increase appeals. We'll be starting that the first of

December 10, 2008

the year so we can track to see if it makes a difference. Mediation, when I came on I reviewed a lot of the materials that we send out to the public to see, are we using too much jargon, is it reader friendly, does it make sense to them and in the mediation context, I really did revise the letter to simplify what it was we were asking the citizen to do. I think some of the issues were that the fear of confrontation, so we made it clear it would be a neutral site and we hope that would make a difference as well. I want to make the point that Portland police are really encouraged their officers to engage in mediation, the commanders generally favor mediation, encourage their officers to do so. Without giving up any confidentiality, I had a commander agree to a mediation recently. So he certainly set the example. With staffing and training issues, i.p.r. is fortunate to have an additional assistant director. We met him last time I was here, Constantin Severe. He has been a great asset to the organization. He's really picked up the case files and helped with the case handling, and he's catching on very quickly. And that's going to make a huge difference for us. We're also in the process of developing an outreach plan by -- with the use of a consultant, and my goal is January right after the first of the year to begin the recruitment of an outreach coordinator, or a community outreach liaison. I don't know what the actual city term for it is. Someone to help me get in the community. C.r.c. and staff training, again, thanks to the mayor's office we were able to bring two additional c.r.c. members and we had -- that's the most we've ever had. We had three c.r.c. members go, I went, the assistant director went as well. Lieutenant famous from i.a.d. went on Portland police's dime, not ours, but we were happy to have him there too. It was a good group of folks. And our i.p.r. Investigators and i.a.d. investigators have come together each month and have kind of created their own training program. They've addressed issues of racial profiling, biased based, how to communicate more effectively. And I am actively seeking out ways that we can get more training with understanding that there's going to be funding limitations for the i.p.r. investigators. I think one of the biggest things we've accomplished is starting to address the issue of community outreach. That was a main point in the performance review, and when I came on we really started to address that head on. We have a consultant, enviro issues, they've done a great job of working with us. I made it clear to them that I wanted to make sure that they communicated as many of i.p.r. staff as they could, as many c.r.c. members as they could. I believe both dan and debbie met with dan handleman of cop watch and Debbie iona of league of women voters, met with the consultants and gave their input as well. We put all that together in a draft and now that draft is on our website available for public comment. We sent it out to various community groups and reached out to the public. We want the comments on there until the 11th, it's been there for almost two weeks. And at our next c.r.c. meeting, which is the 16th, the consultants will be presenting the plan and will have a public discussion at our c.r.c. meeting. So we've really moved forward in the outreach. Again, we've tried to support a more strong relationship with council with individual meetings of the c.r.c. members, and coming here to present the annual report. And another recommendation on training issues is to collaborate with members of the community, and we have brought in folks from Portland state university to work with our biospace policing group. I intend on contacting them again to work with our investigators about questions and ways to communicate with the community about bias. All of this I think leads to the other issue of increasing transparency. Another issue that was brought up in the performance review was the timeliness of i.p.r. reports. Through the great work of our staff we have increased the amount of reports in the last year we've released two annual reports covering three years, two quarterly reports that have been released as soon as possible at the end of the quarter, about four weeks out, now every month at the c.r.c. meeting the -- as a director I release statistics and reports in a written report to the c.r.c. All of that ends up getting posted on our website. And again, the outreach plan in an effort to show that we really are trying to reach out to the public and get their feedback. We've made sure that draft is available for public comment. So the point of this is to make sure the outgoing council and mayor understands that we really reviewed the performance review, we've taken it seriously and

December 10, 2008

taken some serious steps to address those issues, and have the plan and intention to continue to do so.

Jackson: Just one more comment. We have our c.r.c. meetings on the third tuesday of every month at 5:30 in the lovejoy room. We invite all of you to stop in and visit any time you'd like. Those meeting are open to the public, as are the work groups.

Potter: Is there additional testimony you folks have invited?

Baptista: No. I believe there will be public comment afterwards.

Potter: Questions from the council. Thank you. Do we have a sign-up sign-up sheet?

Moore-Love: We do, we have four people signed up.

Potter: Please call the first three.

Moore-Love: Robert Butler, Debbie aiona and dan Handelman.

Potter: Thank you for being here today, please state your name for the record. You each have three minutes and anyone can begin.

Robert Butler: I'm robert butler, 824 southwest 18th avenue, Portland, Oregon, 97205. Thank you for your good services mr. mayor, you certainly exceed my expectations and I'm very proud of your duty. To you new members, one of you is here, the other rookie, you get your work cut out for you and I wish you all the best. I have a comment about the failure of the c.r.c. and independent review board. Complete -- very concerning failure. And the best way to do it is perhaps to go through an example. So it doesn't -- and by the way I don't want help on this matter, ok? This is just an example. So I was stopped and given a citation, and I couldn't understand what the citation was for. I asked the officer, "what is this for?" "that's for you to find out in court." "why did you give me this ticket?" "that is for to you find out in court." Okay, so then I went back and wrote a letter to the commander, the st. Johns precinct, and to the i.p.d., internal police department. That -- nothing happened for about two weeks. I never heard from the commander, but did I call up i.p.d. and asked what's going on. "You need to send us a copy of the citation." so I sent that in. They said "oh, by the way, you probably don't have a matter for us, because you're objecting to getting a ticket as opposed to objecting to the conduct of an officer." So then to find out what happened, I went to a records research and made a freedom of information request of the police officer's date book. I got a statement back saying no date book. This officer did not comply with the day book. So then I went downtown, first I called downtown for records, i'd like a copy of the affidavit on the back. "You don't get a copy of the affidavit on the back until you go to court." So then I went back down and I wanted to see a supervisor. And "you don't get an affidavit copy until you back to court." Then I gave the freedom of information request to that supervisor. "Can't help you." I said "if you don't help me i'm going right up to the presiding judge and find out what if I can have this case over so I can find out what's wrong. That didn't make any difference. I did a lot of other calls like calling up c.r.c., trying to call them, couldn't find them. Called i.p.d. they said, well, could you talk to mr. Bigham, something --

Potter: I think its big eagle.

Butler: But he probably won't call you back. I said go ahead and take my name and phone number anyway. That's where this stands. There's an official request on September 22nd, absolutely no resolution at this point. The major flaw is this right here, I appreciate another 30 seconds if i've got it.

Potter: Go ahead.

Butler: One of the major flaws is that there's no requirement in this city for a police officer, in the policy and procedures of the police department -- 600-page manual, there's no requirement whatsoever to do anything more than ask for the defendant's license, insurance information, ask me to get in the car, go back to the squad car, fill out a citation, say i'm going to give you a citation, and there's no duty whatsoever for that officer to explain anything other than, well, this gal was nice enough, she said you have to find out in court, and you're not going to find out any sooner. There

December 10, 2008

needs to be a sentence in here that says an officer has a reasonable duty to verbalize what the citation is for. It's not in there. And that was a lot of the problem why -- ring around the rosie still getting nowhere on this matter. The violations, 153-048 is an officer violation, the other violation is 930. There's no question they're officer violation and nothing is happening. So I don't want any help on this matter. I want help on the fact the officers need to be told they have a duty to verbalize. The other problems, I won't get into, but this problem goes all the way to salem.

Potter: Mr. butler your two minutes over.

Butler: Okay.

Potter: You asked for 30 seconds I gave you 30 seconds and you took two minutes. So you have to - -

Butler: I am going to summarize by saying thank you for your attention, and I hope that these things proceed in a far better way. I will continue in my efforts and i'm only asking you to take advice. Thank you.

Debbie Aiona: Good afternoon, mayor and commissioners. I'm debbie iona, representing the league of women voters of Portland. The league is advocated for police oversight for effective police oversight for nearly 25 years. Successful oversight systems have a commitment to transparency and a belief in the right of the public to note public's business. They increase public understanding of police policies and procedures reduce police misconduct, and improve policies based on lessons learned from citizen police interaction. Such as the one you just heard. City employees, and citizen volunteers. We owe a debt of gratitude to mayor Potter and mayor-elect Adams for ensuring completion of the performance review of the independent police review division. The review prompted much-needed discussion of the i.p.r. and its citizen review committee. Those discussions will not be completed under this city council's purview. We urge the next council to give this issue the attention it deserves once recommendations for improvement are ready for consideration. And by the way, this year's c.r.c. recruitment is just winding up, and hopefully next year there will be some council recommended applicants that will see before us. The i.p.r. already has instituted a number of changes in response to the review, as you heard from director baptista, including the release of long overdue annual reports and the beginnings of an effective public outreach plan. We are pleased that i.p.r. director baptista, c.r.c. members, and the interested public are exploring ideas for improvements to the system and regular work group meeting. There are many important issues still on the table. The league will continue its advocacy in the areas outlined in the memo we submitted in february including but not limited to staff support for the c.r.c., increased size of the c.r.c. with longer terms, independent investigations under certain circumstances, case findings consistent with national practices, an avenue of appeal for complainants whose cases are declined or classified as service complaints. Improved outreach to the public at large, and listening sessions with c.r.c. and independents who experience frequent police conduct -- contact. Thank you for your consideration of our views. Mayor Potter, thank you for your leadership on this issue, and I see maria rubio is in the room, I want to thank her for all she did to make this happen.

Dan Handelman: Good afternoon mayor potter. Not sure if this will be the last time I get to testify in front of you as mayor so I just wanted to say hello. I'm Dan handleman, Portland cop watch hello other commissioners. Sorry that mayor-elect Adams isn't here this afternoon. It's great to be able to come back and talk about the luna firebaugh report, which was extensive, and researched and we had the discussion about it earlier this year. And some of the changes that we're recommended by council are being discussed in the work group. I know one of the things that the council made mention of was the idea of independent investigations. And just this afternoon we got a call on the incident report line at Copwatch -- I talked to somebody described this system, and at the point where I said "if they decide to investigate your complaint they're going to give that over to police internal affairs," there's a release of air, that happens almost every time when I say that. So I

December 10, 2008

cannot encourage you enough to keep getting the i.p.r. to figure out how they're going to conduct the independent investigation once the criteria are set for when that's going to happen. Because I really believe that will change how people view this system that just conducting one independent investigation will open up a lot of avenues of trust from the community. And some of the things that got mentioned already, the things that are improving without this work group even completing its work, are very useful. I know citizen review committee members have started to meet with you individual commissioners. I think that's really terrific, and needs to happen more. The whole council needs to stay engaged on this. Because in the rare case where an appeal comes before you, because the police bureau disagree was the c.r.c.'s findings, you will be part of the i.p.r. process. And so it would be -- behoove all of you to get as engaged with this process as you can. And I know commissioner Saltzman your going to be taking over the police and hoping your going to have some time maybe to come and watch and observe some of the meetings and see how this functions, I think would be very useful. We as an organization Portland cop watch encourages the city to look at the issue of i.p.r. having the power compel testimony directly, that will able them to do their independent investigations without having to have somebody from the police bureau ask the questions or to order a police officer to answer the questions. We also raise the idea earlier this year of putting i.p.r. in the charter and maybe along with the ombudsman office and the office of human relations that just got created, because there may be conflicts of interest for the city attorney advising those panels. It's unfortunate that commissioner-elect fritz isn't here today also. I really want to make sure she takes ownership of this issue as well. I know she's aware of it. But really this -- the changes are going to be made, some of them will be done in policy, and some will be done in the city code, and that will be your work and some of it will -- I hope will be in the charter. And so we look forward to more changes and I just as a last note I really want to thank director baptista for making a simple but what will be phenomenally important change of putting those appeal forms in the letters when people get them, so they don't have to could back to the office if they want to file an appeal. We've been asking that for years, and the fact she agreed to do it is a great sign.

Potter: Thank you. Bob, I would strongly recommend, I listened to your testimony, I know you to be an honest man, I would strongly recommend you -- there's several people here who can take the information from you, to at least look at what happened. I think for your peace of mind and to be fair to you, I think that would be the right thing to do.

Butler: I always appreciate your comments and I will give considerable thought to that. I will be pursuing this because of the record spark that's the state of Oregon. Unfortunately I can't get resolution completely here, because there is a relationship that is bad all the way through the state. But thank you for your comments.

Potter: Strongly consider it. Thank you, folks. Is that it?

Moore-Love: One more person. Tamara DeRidder.

Potter: Please state your name for the record.

Tamara DeRidder: Thank you name is tamara deridder, and I live at 1707 northeast 52nd avenue. I am a member of the rose city park neighborhood association board, cochair of the land use committee, and coblock watch captain for my area of the neighborhood. This is the first time that I have heard about this document being issued and supposedly out for public information. One key area for outreach that I would recommend is for these documents to go out to the crime prevention coordinators at the neighborhood association level and then disseminated to the block watch captains. I know of at least five in my neighborhood area that have not seen this document. So I would suggest maybe an extension of the time line for the deadline. Right now I think it's december 11th, I'd extended it another two weeks and make sure that the neighborhood associations have been alerted and their associated crime prevention specialist informing the block watch folks. It's an awkward time december is a horrible month. Everybody's busy but at least get it out. That's a

December 10, 2008

given avenue to get the information out. A couple other items is create a website for the c.r.c. and allow member blogs. You guys do a great job. Portland online, you guys have wonderful web sites. You reach out to the public. I admire that. I think this is a very, very important group, and I think if they had a chance to engage with people at different times of the day through a blog site, it can be done. Another area is training. I went through ethnic diversity workshop at cnn, central northeast neighbors not the filming and I wanted to thank tom Potter for instituting that wonderful meeting. We had seven different people from seven different ethnic diversity areas speaking to neighborhood leaders their experience of being a somalian, as being hispanic, as being from all these different countries and coming to Portland and what kind of problems and issues in dealing with their ethnic background in this space, in our Portland neighborhood community and how, can I continue? And how different nationalities react to police. This is a huge issue. In certain countries you do not trust the police. You run. That's a given. You don't tell the truth. It's a given. You don't look people in the eye. It's a given. All those ethnic traits can give the wrong impression to the police. And one thing that I would encourage in following up on this idea of ethnic diversity, if I may finish?

Potter: Go ahead.

DeRidder: Is to allow a face book be placed online with the Portland web. Where all the different ethnicities that are represented here in Portland who live here as well as those visiting. And giving them a face, and giving them those same questions that they were asked, how do you react to authority? What is given -- do men talk to women? It's not a good thing to send a man to a household where the women are not allowed to talk to them. There's different ethnic issues that need to be understood in approaching different problems. That's it. Thank you.

Potter: Is that the end --

Moore-Love: That's all who signed up.

Potter: Scott, did you wish to address other council? Is there anyone here in this room who wishes to address this specific area? I need a motion and a second to accept the report.

Saltzman: So moved.

Fish: Second.

Potter: Please call the vote.

Fish: Aye. **Leonard:** Aye.

Saltzman: I appreciate this update, and look forward to the report in the spring. But it sounds like you're doing a lot of good work. I like some of the recommendations, the enhanced outreach emphasis, sending appeals forms to people. It will be interesting to see how that changes, if at all, the flow of complaints that come through the c.r.c. and i.p.r., and I appreciate the good work. Aye.

Potter: Likewise. I'm very, very pleased with how i.p.r. is approaching this, and the city auditor's office. I think that the consultant's report raised a number of important issues. One, that even though I won't be here, I will be looking at closely is how in the processing of the cases the appeal processes are handled so that we provide more opportunities to the community to appeal, and I think placing the appeal notice in the letter is a good step that I think it needs more work than that. I appreciate the efforts of you folks, and also the c.r.c. You folks have an invaluable contribution to make, and I really appreciate that you folks did attend that conference and did get to see and talk to other communities as to how they handle things. So I appreciate that, and again, i'd like to thank the city auditor. I vote aye. [gavel pounded] it's quarter of 3:00. We won't be able to hear this next one until 3:00 p.m., so we're -- we'll take a short 15-minute break. [recess]

At 2:42 p.m., Council recessed.

At 3:03 p.m., Council reconvened.

December 10, 2008

Potter: Thank you.

Items 1718 and 1719.

Potter: Planning staff here?

Eric Engstrom, Bureau of Planning: Mayor Potter. My name is Eric Engstrom here with Phil Nameny, we're from the planning bureau and we're here to present the planning commission's recommendation on the regulatory improvement work plan, the latest installment of that recap four. I know there's a few people filing in from the lobby, but I'll just get started.

Potter: Please go ahead.

Engstrom: As you know, I believe the regulatory improvement process is a way for the city to improve the city's regulation and customer service and reduce regulatory costs. It's a process that's been in place for several years now. The program includes coordinating the city's regulatory improvement priorities with other agencies, managing the recap packages which come to you every roughly once a year. And it includes maintaining the city's regulatory improvement database of requests to improve city code. The planning process to some extent is an adaptive management approach. We monitor what's happening in the community and try and influence the outcomes of that by keeping track of problems that arise adjusting our approach based on what we observe, and so it's a circular process. The diagram in the lower right of the slide that I'm showing you illustrates that once we're aware of an issue, there's a number of different paths we can take to deal with that problem on different time frames. We can fix technical problems or small policy issues on a quick time frame, larger issues are on a larger time frame, for example, major policy issues are handled through periodic review or right now through the Portland plan. The recap process deals with minor policy changes and the more technical things. This particular package of code amendments, a large section of it deals with looking at the land division regulations 5 years after we passed the new regulations in 2002, and in the spring of 2007 we gave a report to the planning commission outlining issues that had arisen in the first five years of implementing that code, and the big part of the package is carrying forward some of the recommendations from that report. We did a little bit more outreach than we normally do with a regulatory improvement process because of the number of issues on this package. In addition to working with our regulatory improvement stakeholder advisory group, we also met specifically with a number of interest groups that have -- that are interested in code items on the package. We had two open houses, one downtown and one on the east side. We expanded our mailing list to let people know when the hearings and open houses would be. For example, we added to our list a whole group of regular customers of B.D.S. that go through the subdivision process so they were aware of the changes. And of course we had planning commission hearings as well. At this point I'm going to turn it over to Phil, who is going to go over more of the specifics of what's in this package.

Phil Nameny, Bureau of Planning: Thanks Eric, I'm Phil Nameny with the Bureau of Planning. After researching items for Recap Four, we came up through with amendments addressing 46 issues, and those are the issues the planning commission afforded the recommendation. Of the 46 issues, that does include the item on the Division Street retail limits. And I do want to pause for a moment to provide an update, what we would like to do on that is we are requesting that the amounts -- amendments for Recap Four be held in two stages, under two separate ordinances. The first ordinance will cover the bulk of the amendments under Recap Four. And the second ordinance will be specific to the amendments for the retail sales and service uses along Division in the main street overlay. So as part of that we've split the presentation into two short segments. The first will be on the bulk of the Recap Four amendments, and that's what I'll go into immediately after this slide. And then what we'd like to have happen is have testimony take-away on any of those issues and then jump back into our presentation on the Division Street limits. And then have testimony taken under that. I'd also like to mention for those who have come in that we do have several documents that are available for those interested in all the Recap Four amendments, there's a spiral bound

December 10, 2008

recommended draft over there. We have also created excerpts, one specific to the division street regulations and one specific to the regulations involving industrial and employment land. So we do have those over there behind the city attorney. Moving forward, although this package does contain a lot of amendments to our land division regulations, in the interest of time i'm going to highlight a few of those. Some of the issues we're addressing is amendments to our outlay regulations, which will provide the staff greater disregulars to require all lists when they're appropriate and to clarify the appropriate ownership of the alley. As an aside, the photo here shows the situation which was an unintended consequence where two private all lists got built side by side because of the lack of oversight. So we'd like to try to close that loophole. We are clarifying our -- when flag loss can be created, and once they are, we've created additional regulations that will apply to developments. We have an amendment on how to create lot width in single dwelling zones. We also are advising several of the standards that apply to new narrow lots. We're also addressing situations where people are taking advantage of the corner lot provision to add on to an existing house, build a duplex, or add on to existing houses. Finally, one land division item i'd like to point out, we are amending several of our approval criteria. There are two items in recap four that respond to changes made at the state and regional level. The first i'd like to highlight are amendments to our manufactured home and manufactured dwelling park regulations. These amendments are designed to clarify our current regulations on single manufactured homes as well as groups of manufactured homes, duplexes and manufactured dwelling parks, regulations are needed to ensure consistency between state law and our zoning code. Recap four also includes amendments to our regulations for industrial employment uses. This is intended to bring our code into closer compliance with metro guidelines, which are presented under title four of the urban growth functional plan. That title, preservation of industrial land supply. The changes we have would create additional limits on office uses so their size -- the additional limits and approval criteria that will apply to land use applications -- change comprehensive plan designations. These will help metro's regional goals by preserving industrial and employment lands that we have special features. Yes adding additional approval criteria to additional reuse review to ensure the uses will review the effect that they may have on free traffic in the area, and the last thing to highlight, we are adding additional criteria that will apply to industrial areas, to ensure larger shovel ready sites are not broken into smaller parcels. That is both sort of a metro and a state goal. There may be testimony related to the industrial employment regulations and how those regulations affect certain sites in Linton i'd like to take a moment on that. The amendment in recap four are intended to provide a set of regulation citywide that are consistent with metro policy. So as a result the regulations that we're proposing affect all the lands that are shown on the map here, which is a little hard to see, but is sort of in the gray and shades of blue. So it is intend ton something that is applicable citywide. When the linton area, weren't linton area the city has an industrial designation and corresponding zoning, and that has been the case for quite a while. During the linton plan process a couple years ago this designation was discussed to a great extent as to whether to change or not. Some of you will recall that the city council made the final decision to keep the industrial designation on this site. But at the same time that was going on, metro was expanding their employment maps to create areas of industrial and regionally significant industrial areas. Since staff wasn't sure which way the plan was going to go, they requested that the linton area not be included in metro's maps. So as a result, the metro map showed these areas as employment still. Which shows up on the map as sort of a light blue there. Although our zoning has it as industrial. At the conclusion of the linton plan there was still uncertain ti about whether the city one-on-one gauge in mediation with the neighborhood to find a solution. As a result, we have never actually requested for metro to change those maps. However, the discrepancy in essence still remains between how the city and -- has the area mapped and how metro has it designated. Although recap regulations add additional requirements citywide to quasi judicial reviews to remove lands from industrial designations, these changes do not address the

December 10, 2008

map issue. And so we would like to mention that while we do want you to consider what we're doing in recap four because of its citywide implication, that we'd like to you move forward with the recommendation on that, we'd also like to direct -- see if there is any interest on council staff for direction on the map issue. There are four options we thought of that could be considered one is that the council would direct staff to work with metro to make metro's maps consistent with the direction council made with the linton plan, which would be to have those maps become industrial at metro. The council could direct staff to open up the linton plan back through a new legislative project. Council could also direct staff to redress linton issues as part of the river plan but award a caution -- a word of caution, the river plan just went to planning commission last night, so that would severely delay that project if that was chosen. And then the last piece is just that the council could acknowledge that there is a discrepancy in these two maps, and it could be up to a future council to determine some sort of plan, whether that gets fixed or not. But I just wanted to put that out there, because we felt that the issue at linton, that the root of the problem is not necessarily recap four. Quickly I want to go through a few other things in the main body of recap four, that amendments that are affecting certain areas. First off we are revising the threshold of the size of a property that would trigger an open area requirement in the gateway plan district. Yes doing a couple amendments that affect radio frequency installation, especially those that are colocated. These are mainly clarifications. They don't change policy. We are also revising some of our tree protection fencing requirements. We are making some changes to the boundaries of the laurelhurst and east mooreland plan this is to have our maps be in compliance with the original 1937 ordinance that implemented these special setback areas. And lastly, which we will talk about later, there is the revision to the division street retail piece. But that is not going to be part of your decision with this part of recap four. So planning commission on this recommended that you accept the recommend education to approve the ordinance, the code language, and the exhibits and in addition, that you ask us to monitor the results if necessary. That finishes up the presentation on the bulk of recap four. We would like to have a couple housekeeping items before we leave. The first that we'd like to mention is -- and Karla, I believe has passed it out. We are we have created an amended ordinance for this piece. The reason for that is because we were originally amending a couple of resections of title 17. We found out that there is a separate project at b.d.s. and pdot that is going to council next week that has a considerable number of limits to title 17, and we decided to go ahead and pull o.n.i. on to that project. So because of that, we did not have to refer to title 17 in our ordinance anymore. So we amended it to take that out. The second piece we'd like to mention is we are asking that we have a couple amendments to section of our code the it's a section 33.81 zero. There was a couple pages of amendments. On the first page there was a typo that was intended to be taken out between the proposed and the recommended draft and was inadvertently left off. There were four words that needed to get taken off. On the second page there's a section that is being struck through related to approval criteria for the comprehensive plan map amendments. This was specific to jobs capacity for the city of Portland. We were working with metro sort of online -- offline while this recommended draft was out. And got permission from metro to take those approval criteria out of our code. This was partially because of the fact that we provide the metro with figures that show we're well on our way to meeting the jobs goals that metro has for the region for the city of Portland. And so the was found we didn't have to have an approval criteria for each separate case-by-case basis. Those are the only changes to the recommended draft. What we'd like you to do is consider those to changes as part of your motion as you move forward. And that's it.

Potter: Questions from the commissioners?

Leonard: Just so I understand, the recommendation on the various options you gave us in terms of the mapping, would that be a motion as well?

December 10, 2008

Engstrom: No. The decision we're making today is specifically about recap for the choices about linton was an informal direction to us about how you would want us to approach it. So it's a separate communication.

Leonard: So I inferred from your presentation, and tell me if I got this wrong, that the choice that you would make would be to follow up on the linton plan by requesting metro to change its maps to industrial to match the city's designation.

Engstrom: That would be the one that's most consistent your past direction to us.

Leonard: That would be my sense, that we would direct you to do that.

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

Fish: Would this prevent or prohibit any industrial land from being rezoned?

Gil Kelley, Director, Bureau of Planning: No. You could do it through -- gil kelley, planning drrmt you could do it through a legislative process. What this prohibits is an individual landowner coming forward and seeking that change through the b.d.s. quasi judicial process.

Nameny: Actually it does still allow quasi judicial request to change designations. This is separate from the river plan, which has more strict requirements that are being considered. But what it does, it provides -- creates additional approval criteria that have to be met that are fairly strict that metro actually put in there title. So if somebody was interested in changing from an industrial designation to a commercial designation, there's several new approval criteria, including a size limitation that they would have to apply and need for us to granite. If they weren't able to apply and meet that, then the other opportunity, say fit was a larger site, the other opportunity would be to go through a legislative project.

Fish: Let's say that the city and metro planning documents remain in conflict. And there is an application to request to rezone industrial land in Portland. Which takes precedence?

Engstrom: Well, the only place that we're aware of that there's specific conflict is the clesks sites in linton. In that case our zoning ordinance controls the direct development here. All that discrepancy does is says that metro wouldn't weigh in on that particular decision because they already show that as an employment, not an industrial designation. Whereas anywhere else if our matches are in agreement, they would also have the opportunity if they felt our decision was running afoul of regional policy.

Fish: Just so I make sure I understand this, these changes would create additional burdens on any applicant who wants to rezone industrial land. And not just linton, but everyone who seeks a rezoning. So the playing field is level going to the future.

Nameny: Right. And basically it was something that metro wanted to put these burdens on the applicant because metro basically said, we'll create a policy where you don't have to notify us in advance or work directly with metro. We'll create this policy where you can take smaller parcels that maybe are inconsequential if they meet all these requirements, and we won't care that you may be changing the map on that from industrial to employment, or to commercial. But basically they do apply citywide.

Potter: What is the latest on the linton parcels of land? We made that decision two years ago.

There was an understanding that both the of linton and the -- what's the other group?

Kelley: Working waterfront.

Potter: -- would get together and determine an appropriate industrial use for that property. Has that ever occurred?

Kelley: There were some initial conversations. I don't know if it was whatever was concluded, and I haven't checked recently, but the -- i'm aware from conversations with p.d.c. That at least one of the principle property owners has been in discussion was potential users. I don't think any agreement ordeals have been arrived at.

December 10, 2008

Potter: The other thing, just to refresh my mind, the different types of industrial use. I think metro had the linton property at a different designation than other areas. What are those two different industrial --

Kelley: From metro point of view, they designated what they called regionally significant industrial areas, and left in the second category those that would be industrial but didn't rise to the level of regional. At our suggestion they left the linton piece out because there was -- they were just beginning the linton plan process, and we didn't want to predetermine the outcome of that by suggesting the metro designation as regionally significant land. That was the reason for that designation by metro. But regionally significant do carry the extra burdens that phil was just mentioning with them. That is to say, they're of such significance to the region, the burden should be high for converting them to nonindustrial uses.

Potter: I think it was very difficult decision that we made about that, and my very sincere hope was that something would be done to develop that lands. And i'm disappointed two years later we're still -- still in discussions.

Leonard: I know some of the issues related to that land are superfund issues that are in the river. And as we have had discussions at the tiernlings you get certain industrial users that are interested in riverfront property, and then they -- the first thing they hear about are little issues relative to rehabbing land while -- rehabbing the land is the smallest part, it's the future unknown liability if future contamination occurs. If people that buy it don't want it associated with them, but know there's no mechanism by which we indemnify them, even if it's discovered and not even necessarily thought to be their fault. So we've wrestled with that I know at terminal four, I believe, and at this site as well. Trying to figure out if we cannot cleant site, at least endem any identify potential buyers that they're held harmless to contaminants found on the site.

Potter: It seems like we also put the community of linton is a difficult position. I would never want it to be residential, I don't think -- but is there some other designation that perhaps commercial or something that could be used to begin to bring some life back to that area?

Leonard: The problem you have to revisit that for a moment, is you have from a fire safety point of view, you have a very active railroad that not just has railroad cars coming and going, but often coming and stopping. So you have one egress coming from that property, so if you have people on the other side of the railroad tracks, and one side of the river and two other sides are oil tank farms, and -- what the fire bureau said was they would need to have a bridge built over that railroad in order to ensure them that you could have commercial or residential uses down there. Which is why it's been restricted to industrial.

Potter: I thought there was a second egress.

Kelley: No, not that gets you -- not one that gets you out of there -- .

Leonard: You have oil tank farms on both sides, the river on the east side partnership, and the west side is the railroad track.

Saltzman: I think there's two ways of getting to the other side of the railroad tracks.

Kelley: There's not an egress that doesn't have to cross the railroad.

Fish: The mayor raises the an interesting point. Had the linton people submitted written testimony on this particular change? The point -- has that been circulated? --

*****: [inaudible]

Fish: We'll have a chance to look at that. It feels like a catch-22. In the abstract, we want to maintain industrial land, we all get it, this may also be industrial land that may not get developed for any purpose for a bunch of reasons. I'm just curious, how do we balance the desire to maintain an inventory of industrial land and at the same time help a neighborhood like linton which clearly wants to be part of a solution to develop this land in a responsible way, against the broader challenge that it may just sit forever.

December 10, 2008

Kelley: Well, the council debated this issue extensively as to the planning commission a couple of years ago and arrived at a decision after considering those issues so I don't want to offer a new opinion about that. I would say that after the council meeting, mayor potter did convene a process by which there was discussion about action steps that could be taken and that resulted in a list that was then assigned to different bureaus. PDC was the one with the liaison to the property owners to try and get industrial development to occur there. I can ask them to furnish you with an update. There were clearly feelings on their part that there was some optimism about prospects for industrial reuse of the property. There are challenges as commissioner Leonard mentioned about any brownfield site in the city and particularly those to be used for industrial purposes so I think we'd want to give you a better briefing than I can give you today on what that process that p.d.c. Has been engaged in has looked like. But if -- I think if you want to consider non-industrial uses on the site, it's a broader conversation.

Fish: I don't want to -- there was a full record on that a couple of years ago and this is a lot on our plate today. I guess the concern that I have is that we want to see something happen there. Maybe at some point it becomes an arts mecca, a place where sculpture and other things are fabricated. Perhaps someone has an idea for -- whatever. But it seems to me that when you have this catch 22, the question is what role can the city play to aggressively seek some use that the community can embrace.

Kelley: Many of those uses you just mentioned would be allowed under the industrial zone. Residential and retail would be prohibited and any significant amount of retail but there's a fairly broad range of industrial and fabrication uses along the lines you discussed that could be allowed.

Engstrom: That's a place where the river plan may be able to help you. There's action items proposed to work on that issue on how we can find some more suitable industrial uses for that site.

Potter: I think we owe it to the linnton community to figure out how to use that land and rather than just be satisfied with a particular designation. Make sure that [inaudible] try to assist them. I now they weren't happy and -- my sense was that there was going to be some action and I just have not seen that action.

Leonard: And not to diminish the importance of that, but I think it's important to revisit the angst of the issue at the time and I certainly want it see the site developed to its highest and best use but with the understanding that there are significant safety issues for human beings that would live or spend any amount of time on that site if ever there was an accident at the oil tank farm and you had a convergence of a train going by at the same time. And it's hard to explain to people and neighbors about those potential hazards when they have a vision of something they see as very great amenity in their neighborhood like a park or housing and what not. If there's a site that has to say it's not appropriate to have people sleep there or do retail there because we should never be in the place of saying how could you have allowed that development to occur there. As much as I want to accommodate the neighbors, I don't want to have to explain how I got development to happen there when my background tells me better.

Potter: Regardless of the designation, people could work at that site.

Leonard: Yes.

Potter: So what is the difference between, say, an industrial worker versus a retail shop?

Leonard: That's an excellent question and the difference is safety training. They're required as part of the worker's comp laws and various osha laws to be trained specific to the place they work at. Police officers have theirs and with those specific hazards they have to have certain training and breathing equipment and exiting strategies and the kinds of things you would never ask of the public that was shopping or going to a movie or living in a house. So what you have is an orderly exiting of people in a very systematic way in an industrial use that you would never have if you had a commercial use which would be more characterized by chaos and who knows what else.

December 10, 2008

Kelley: One thing I could offer, mayor, I would be happy to furnish you and the council a memo apprising you of the status of that action list that we came to. After cooperation from the parks had one item and so did transportation. So we'll get that to you so you have a sense of that and eric mentioned there's a few things we've been working with the linnton community, inside the whichever plan in terms of improving waterfront access which is a big issue for them and potentially upgrades to the commercial area along highway 30.

Potter: Thank you.

Leonard: We shouldn't say we can't do those kind of things. What we were given as -- we were given soap ways to make them happen. A bridge. So that you wouldn't get trapped and certain things happened, you could change it to a mixed use piece of property but we would want to be clear that those were conditions of approval for whatever went in there.

Fish: What I think about, we've just gone through a cully concordia plan and engaged the whole neighborhood in what it could look like and made commitments for infrastructure and parks and doing that throughout the city and linnton has for a long time wanted to be proactive to make the best use of this site and I understand the argument you make against certain kinds of uses. If we do the next phase of planning could be proactive and help them break this deadlock, because it does seem like a catch 22 and find something that's compatible and brings vitality to the area, we don't have a lot of examples throughout the city of communities around industrial areas, that's proactive and wanting to be a part of the solution.

Leonard: You don't and I don't want to feel like i'm a wet blanket. But you do have the safety concerns and the issue of how much industrial land do we have, because it's a potential job base and the issue there, isn't not finding somebody who is interested in the site, it's addressing the superfund issues and if we can find out a way between our attorneys and the e.p.a.'s attorneys to indemnify a potential purchaser of the property, that's what I understand is the limitation of allowing the property to sell to someone who would use it as industrial and create jobs. So I guess even if we addressed the safety issues, I have a concern about reducing our stock of industrial land in the city. It does create a job base.

Potter: Ok. Now we'll let you guys do some talking. How many folks signed up to testify?

Moore-Love: For the first item, we have five people signed up.

Potter: Ok. Please call those five names.

Moore-Love: Come on up.

Potter: Thanks for being here, folks. When you speak, state your name for the record and you have three minutes and anyone can begin.

DeRidder: Hi, i'm tamera. I live at 1707 northeast 25th avenue and serve -- 52nd avenue, and serve on the rose city ward and co-chair for the land use committee for rose city park and a self-employed land use planner and live in the rose city park neighborhood. A couple things that I would like to point out, to the discussion about the railroad. I would only encourage you in this open time of dealing with a new administration coming in to our Washington offices, to look at a better embracement of -- with the rail system itself because everything, including the cully bike-pedestrian trail, is hampered by our negotiation and coordination with the rail administration, which acts as its own fiefdom. I would love to have a better access between them. We had terrible trouble having coordination with the railroads and access for linnton is hampered by the railway system and so I encourage a broader look and statewide look at reclaiming the rail access way and coordination especially in the urban areas. Number two, I have a number of edits I would like to propose. I don't know if you want me to go through the document or hand them in.

Fish: Since we have planning staff here, perhaps they can review them with planning staff rather than going through with us.

Potter: You have a little more than a minute left. I doubt you could get through.

December 10, 2008

DeRidder: Right, the only one I had a negative reaction to was actually one dealing with manufactured home parks and that were older than 14 years old. How are we going to regulate that as land use planners? It's not a senior facility. We're talking about manufactured home parks that do not contain 14-year-old or younger. Who doesn't go visit their grandmother? Who doesn't need a place to play? And what I'm saying we need to maintain those open spaces in the manufactured home parks and not delete that section.

Potter: Thank you.

*****: Ok. Thank you.

Potter: If you would like, you can give your recommendations to the planning bureau.

DeRidder: I will, thank you.

Ted Gilbert: My name is ted gilbert and i'm here to say thank you. First of all, thank you to you because it was you some months ago that instructed the bureau of planning to carry the issue on the gateway regional center forward and get it resolved and thank you to the bureau of planning, barry and his colleagues who worked with us over a extended period to come up with a middle ground. This one item will not single handedly kick start the gateway.

Fish: Can we thank you for one thing? I believe you're the board chair of host, homeownership one street at a time. And we took up the cully concordia plan recently and you are developing affordable homes in the heart of cully, which at least the people that I work with as a housing commissioner for the city think are some of the most attractive homes within the price point you deliver, which is about \$180,000 to \$200,000 for a three-bedroom house. And we want to thank you for your volunteer community service.

Gilbert: Thank you. I'll extend that to the staff and other volunteers at host. We really appreciate that.

Potter: I can't let commissioner fish outdo me. Thank you for your support of the Portland marathon. And your involvement. It's a great program and i've watched you in the early morning hours freezing cold doing your job and thank you for that.

Fish: Commissioner Leonard, that is an issue he wants to bring up. We're going to cut off his questioning and move forward. Before we get -- [laughter]

Thomas Dolan: My name is tom dolan. 4932 southeast taylor street and on the land use committee and mount tabor neighborhood association. And our motion is very narrow in relation to this document. And that's the width of building lots. And we support b.d.s.'s suggestion that they be set at 36 feet, rather than the current code which allows the lot width to be any width, as long as the front setback is 36 feet. And what we've seen in our neighborhood is that results in some very convoluted boundaries of new lots. The lot has 10 different boundary lines and surrounds over half of an existing house and we think that's sort of -- that sort of configuration is going to lead to a lot of conflicts in the future and it's a terrible legacy to leave to future residents of Portland. Where if it continues, what we'd see is a mismatch of illogical boundary lines. We're really pleased under the new suggested changes that this would be taken care of. As land use planner for that team, let me just state, I second that emotion. That motion. There's a -- it's a sea-shaped lot and -- it's a c-shaped lot and the reason why is so they could gather the 3,000 square feet needed for the minimum lot size.

Potter: Thank you, folks.

*****: Thank you.

Moore-Love: Next three.

Potter: How many people for the first one? Total?

Moore-Love: That's all who signed up. These last three.

Potter: Thanks for being here. State your name when you speak and you have three minutes.

Dorothy Cofield: Dorothy cofield. Southwest bonds road, Portland, Oregon, and i'm a land use attorney and I wanted to clarification and it's a follow-up to the last comment about the minimum

December 10, 2008

width size of 36 feet. And this is on page 13 of the proposed amendment and it has to do with primary structures are allowed and I wanted some clarification. Under 33110212c3, says lots or combinations of lots in the r must be 36 feet wide and 40 feet deep, whatever the dimensional requirement is, or not have abutted any lots since 1979. If I read that correctly -- and I want a clarification from staff -- is the intent, if you have ownership of lot, let's say two lots, you're combining them, if they don't meet the minimum lot, but if you have single ownership since 1979 you will be able to develop, notwithstanding you're less than 36 feet wide.

Potter: We'll have the staff come in at the end of the testimony and respond to your question.

Cofield: Ok. Thank you.

Potter: Thank you.

Edward Jones: I'm ed jones. I'm the land use chair for the linnton neighborhood association. Back in 2005, phil and I sat in front of three of you and went through the discussions that the mayor referred to earlier and I don't want to revisit all of that except to say in the course of the mediation that we did have, some progress was made. I'm not disappointed in that, particularly given how far apart everyone was to start. And most of the agreement that was reached is reflected in the current draft of the plan. Some progress was made and you'll see when the north reach plan gets to you where those agreements came up. What i'm here today to talk about is an extremely narrow point. About item 15. And there was some reference made to it already. It purports to be simply a duplication in the city code of the requirements that metro has set down for comprehensive plan changes. It's our opinion that it's not the same and that the changes are much to the disadvantage of the linnton community and there's a document -- I don't know if you have it in front of you -- but it sets out and compares the equivalent metro code sections with the proposed new city code sections, and as you will see, the differences are significant in terms of what's going on in linnton. Now, it may be that because of the north reach plan and so on, that none of this matters. But at the moment, it does matter and we're concerned about it. If you look at the second of the two examples, the metro code talks about access to specialized services, redundant electrical power. The city's version all of a sudden includes industrial pipelines. We feel there's a big target on the linnton neighborhood when we see that pipeline in there. There's not a lot of pipelines running around this town so we have genuine concerns that the city amendments are much more restrictive than the metro requirements that nominally -- we like it sent back to the planning commission for working through the Portland plan and when you have the four examples that planning offered you about how to reconcile the differences between metro and the city plan in linnton, one option they didn't give you was bump that process into the Portland plan. That's the we favor because it's -- that's the process we favor because it allows a full scale look at all of the issues rather than a subsection by subsection struggle. So that's our proposal is that we not approve item 15 now. It's much more controversial, not appropriately a recap matter. Send it back to commission. Have it come out in the Portland plan. And if i'm given a moment, I can update you on some of the things on linnton, but I realize you've spent more time talking about them than you probably anticipated spending. So i'll wait for your direction on that.

Fish: Would you bring us up to date on what's going on in linnton?

Jones: Well, actually, there are some serious negotiations between b.p., the tank farm to the south and the mill owners, as I understand it, and this is all -- perhaps phil knows more than I do. B.p. Is interested in expanding into the south end of that property. And I suspect would buy just the south end if they could convince the mill owners to sell. The mill owners, of course, want out, b.p. Is apparently going to buy the whole site. And that leaves it up in the air what's going to hand on the north end -- what's going to happen in the north end. Providing more opportunities for planning and actions on the north end. Which is the part of the site that is of the greatest concern because it's at what we might call the core of the linnton community. So i'm actually kind of hopeful, although

December 10, 2008

after all of these years, it sounds almost strange to say it, that progress is being made, not as fast as anybody might have hoped but things are going on.

Fish: Option one is we can vote on this package, including 15 up or down. Option two, you've -- your handout suggests there's variance between metro and the proposed city code.

Jones: And that's obvious. How significant those variances are is where the difference --

Fish: We get to ask that when they come back up.

Jones: My recommendation is I don't care about the rest of ricap. But pull 15 out and have that unfold in the context of the Portland plan I think is the wisest approach.

Potter: But it moves to a second reading next week so we could ask planning to take a look and come back.

Leonard: I have to ask the question. Understanding that a gas pipeline does go through this property.

Jones: It doesn't, it goes nearby. You know --

Leonard: When they blow up, it doesn't matter --

Jones: If they blow up, my house is gone too.

Leonard: Certainly a house in that property would be. Why is this inappropriate to have a gas pipeline?

Jones: I'm not saying it's inappropriate. I'm saying what happens here is -- what is restrictive under metro becomes prohibitive in --

Leonard: In terms of allowing other uses.

Jones: Against any quasi-judicial change. I'm not saying you'll be approving quasi-judicial changes, i'm just saying that metro's rules say it's really hard. The Portland version make its impossible.

Fish: You're asking us to consider whether there's a way of harmonizing those two, or your preference is to punt?

Jones: If we were talking about my preference, we'd be having a different discussion.

Fish: You're suggesting asking staff why there's apparent variance.

Jones: I'm not happy with metro, but happier than with the city's.

Leonard: To be clear. To the end that some day you could argue that some mixed use could occur. You want the possibility?

Jones: We don't know what the possibilities are until somebody comes along with a plan and cash, it's hard to say.

Leonard: You don't want to preclude that from happening.

Jones: I'm trying to keep the door open.

Leonard: What if I told you i'd like to preclude that possibility?

Jones: It wouldn't surprise me.

Fish: Do you prefer sitting up at the bench? Prefer being in commissioner Leonard's seat or your seat?

Jones: I miss this part of it. I don't get to be an advocate in my current job.

Potter: You did mention it would open up the entire linnton plan by sending 15 back?

Jones: Oh, no. Sending 15 back does not open up. In another context i'm going to suggest to you that it would be wise for the council to say to the bureau, use the Portland plan as a vehicle for taking another look at the linnton waterfront. Even within the restrictions that commissioner Leonard would like to have on it. A fresh look is needed. There has been some movement in the parties and I think there's some things to be worked out. There are kinds of industrial uses that the linnton

Neighborhood could live with.

Leonard: For example?

December 10, 2008

Jones: Well, frankly, tank farms are -- you know, when you're looking for industrial neighbors, tank farms are better than most. You know, they're kind of quiet.

Leonard: Quiet, yeah.

Jones: They could use a paint job.

Leonard: They can be very loud at times.

Jones: They're there and frankly, they're already much closer to us than they would be anybody on the riverfront.

Leonard: Just to make the point, because are here, I get to ask. You knew that when you moved in and then --

Jones: So would anyone who moved on to the waterfront.

Leonard: I think people presume things are safe and presume a lot of things when they're not experts in the field and I guess I just -- we're having this debate before I was -- wrestling in this issue.

Jones: Let me just say, commissioner Leonard, that i'm confident that all of the safety issues can be worked out to your satisfaction and the city's satisfaction.

Potter: I think we've got a flood of people to testify.

Leonard: Ok.

Potter: Like this guy.

Phil Grillo: Thank you. Mayor Potter and commissioners. Phil grillo. 111 southwest fifth. I've been involved in these discussions in the linnton matter for a number of years now. Certainly not as long as many of the linnton residents, but I represent three of the nearby energy companies. B.p. And new star and kinder morgan as well as the pipeline company, and as you may know, there's a terminus of the olympic pipeline down in linnton and been in which will bridge. And i've been involved with the waterfront coalition and the effort that the mayor and city made in terms of the mediation session after the linnton decision and I will point out there was a prior mediation session that happened before, that the working waterfront financed. So we've tried to work from the out front in a collaborative way and I do agree with judge jones but I do think that since all of this has happened, there's been much more understanding in both directions and because of that, it's important to keep going in that direction as much as we can. With regard to ricap, i'm here generally to support the provisions in ricap that have been moving forward with regard to industrial lands. This is the first time that I heard, just a few memos ago becomes the potential mapping situation and I haven't had a chance to really review judge jones' comment so i'd like an opportunity to do that and get back with you. But generally what I understand to be the situation with ricap four and why it's in recap as opposed to doing some other policy work on this is that this basically is moving forward to implement with regard to the industrial lands, the metro policies. So I believe that if there was going to be a zone change that occurred down in that area, in addition to the city's regulations, you would have to directly show that you could implement title 4 in addition to the other provisions at metro. So I don't think from a text standpoint, it adds anything. With that, let me say that it is very important to keep the land there zoned industrial and the potential transaction that's going on now is very much tied to keeping that heavy industrial land. And I think one of the things that we learned that come through our discussions is that in order for something to happen down there, you've got to have the property owner at the table. This gives the opportunity to deal with this stuff with the property owner at the table. Unless and until that property and I mean the 25 linn plywood site sells, we don't have a property owner at the table and didn't have that in any discussions earlier and it's difficult to have that discussion without the property owner there. One last point to consider is there are actually three properties down there. The 25-acre site, the linnton plywood site that's potentially going to be sold now and then the two other properties, the steel and the r.k. Storage, both approximately five acres. Those are active, heavy industrial pieces with steel over most of the entire space there. So you have two very active heavy industrial operations on the

December 10, 2008

two five-acre pieces and then a brown field site. And it's important to have to view that as prime industrial land going into the future. So I want to answer any questions you have on that.

Potter: That's a good explanation. Thank you. That was for the first one?

Moore-Love: Yes.

Potter: And how many for the second?

Moore-Love: 17.

Potter: Let's have staff come back and respond to the issues that were presented.

Engstrom: I took a few notes. You can tell me if i've missed something. There was testimony about the manufactured home space and the issue of open space there and that change is being made as phil described to bring our code in conformance with the state law. The law in that case doesn't permit the city to be more restrictive than the state law and having a standard as we do currently in the code that requires more open space than state law is construed as being more restrictive than that many so we believe we're required to make that change. Dorothy cofield asked a question about 110212c3, which is the standards that have to do with whether the lot is buildable under the base lot. The reason that relates to the lot width, one of the standards that the lot has to be a certain width to be buildable. The answer to her question is yes. If the ownership has been separate since '79 you can still build there despite it's narrower than 36 feet. That's one of the reasons we have the living smart designs and other standards that apply in this situation. The linnton -- with regard to the linnton testimony, the -- there's a couple of things just to be aware of. Right now we're operating under a extension granted by metro because we're already past the compliance deadline for bringing our code into conformance with metro's title 4. So one consequence of not addressing this issue tonight would be that we would have to renegotiate that extension. The other consequence, which I think mr. Grillo might have alluded to. Until we adopt our own code, we're required to directly apply metro's policies anyway. So if you fail to adopt the

Proposed code, the bureau of development services would have to continue to apply the policy to cases that came forward in the interim. Because we haven't made our code into conformance with metro title 4. Some mention was made of the languages differences between what we're proposing in the metro title. Some of that is because we have to use different terminology to be in sync with our code definitions. Some is by necessity to make the language work within the context of the Portland zoning code and the definitions that are within it. The speck mention of pipelines, I don't think is one of those. And phil, do you want to go into that a little bit?

Nameny: One of the things that in metro's code they provide some specific examples that I think judge jones gave you about the redundant power and so on. A lot of that had to do with the fact that metro was talk about situations region wide. Certain areas out in Washington county that have certain special features not available in the city of Portland. What we were originally looking at was trying to figure out what in the city of Portland would qualify under what metro -- with the feature and we came up with the industrial pipelines and another term that I think we've finessed a little bit, which is multimodal freight facilities. Not necessarily transportation. When we talked to b.d.s., determined this would be difficult -- what is an election and what should be classified as an industrial pipeline. There isn't anything that speaks to what that is. And we talked with the economic folks in the bureau of planning and they felt using the term industrial pipeline might not gain much. We're willing if the council wishes to remove the reference to industrial pipeline --

Engstrom: The rationale for it being there, we don't want to change the zoning necessarily of industrial lands if it's adjacent to an important infrastructure that serves industrial land. You don't want to allocate that land to something else. That was the rationale. That's an example of significant infrastructure that's unique to Portland that hillsboro may not have the tank farm issue and we do and that's why our language is different from metro's but our own staff is willing to let that language go if necessary. The underlying intent of the language is still the same, that we look at the infrastructure and so the pipeline issue could still come up.

December 10, 2008

Nameny: And outside of the river area, the main feature that Portland has is the rail and Truck access. So that one we would keep in.

Leonard: Given I could end up in front of judge Jones at any time, I support removing it if it doesn't make any difference. I would use that as part of my defense. [laughter] [inaudible]

Potter: Are there any questions to ask the staff before we get to the next one? Are you going to do a presentation on the next element?

Engstrom: Do a quick walk-through.

Leonard: Did we want to conclude if we want anything changed before the next reading?

Engstrom: I think we're looking for direction so we can move to second reading on the first item.

Leonard: I guess I heard there was an objection raised by having the pipeline spoke to in the regulation because felt it was a threat to Linnton. I heard staff say it's not necessary and if that's the case I'm fine with deleting it.

Fish: I'm fine too. My sense is there's not a sense of the council to do that, I think we amend the language so it's not more restrictive than Metro's and then come back for a second reading.

Potter: Please proceed to 1719.

Moore-Love: Did you want to do the amendment?

Leonard: We actually have to move it?

*****: That was my question.

Linly Rees, Deputy City Attorney: You have a set of two amended, one was to leave the -- [inaudible] the title and also the amendments to 33810 and there were two specific amendments there.

Fish: Do those as a package or separately?

Rees: That would be up to staff. You can move all three.

Fish: I would move, Mayor, all three as a package.

Leonard: Including the pipeline issue? Or separate?

Fish: Yeah.

Leonard: Ok, second.

Potter: Call the vote.

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

Leonard: And I would move deleting the reference to the pipeline.

Fish: Second.

Potter: Call the vote.

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

Potter: Now on to 1719.

Item 1719.

*****: I'll let Phil start off with that.

Leonard: Is that 19?

Nameny: We're going to try a quick overview of the amendment that's related to the Division Street, Main Street overlay zone. First want to give a little background. 2006, the Division Street Green Street Main Street Plan was adopted. To help plan for redevelopment of sites with new mixed use development to help maintain an entrepreneurial spirit that's fostered along Division. As part of that plan, regulations were added to the zoning code to address development along the street. A limit to the overall size to the 10,000 square feet. Supermarkets were excluded. Because it was felt they would need to be bigger than 10,000 square feet since the adoption of the plan, events have led to what some feel are unintended consequences. Wild Oats decided to close. The building with the exception of its use as a political campaign office has been vacant for the past couple of years. The vacancy can have an effect on the surrounding businesses and create dead zones on the street. Including surface parking lots along Division associated with the Nature's site. The owner of the site

December 10, 2008

along with several representatives of the neighborhood association came before the planning commission at a hearing and they appealed to direct staff to revisit the existing size limits and stressed that the issue was urgent due to the length of time the building had not been used. Planning commission agreed and directed us to consider bringing a solution back as part of the recap language. The planning commission hearing, there was considerable testimony both against and in favor of the provision. Although much of the testimony was focused on the specific use of the nature's site as a health club. At the conclusion of the testimony, the planning commission agreed to go with the option suggested by the neighborhood association in conjunction with the owner of the building. Amend the 10,000 square feet under the following. The exception would apply to existing buildings. It retains the 10,000 square feet limit on the ground floor and allows greater than 10,000 square feet for uses such as the second or third floor or basement level. The amendment allows greater flexibility for fining tenants in existing buildings and reusing the buildings, which is maintaining the sustainability of the original vision. And maintains the pedestrian scale along the street. There's been a lot of arguments about the certain types of use that could go in the nature's, we do want to point out a couple of things. A consequence of the amendment. First, despite a lot of the testimony you're going to hear today, this amendment does not consider a specific retail use. In the case of the old nature's site, any retail could use it, including office supply, entertainment venues, clothing stores as well as the gym originally proposed. Second, the amendment provides an opportunity for a larger retail use to move into the neighbor without the current neighborhood oversight. Based upon the testimony we've received so far from the richmond neighborhood and abernathy neighborhood, they appear to accept this risk. The amendment has limited applications along division. Due to the overall number of builds that are over 10,000 square feet. I did a quick count and came one 14 buildings that are over 10,000 square feet based on tax records.

Leonard: [inaudible]

Nameny: No, a total.

Leonard: Total?

Nameny: Yeah, and -- but bear in mind, a lot are probably not necessarily single use buildings. The change in regulations would only apply to retail sales and service uses. It doesn't act any other uses in the commercial zones, such as office use and so on. And also limits how an existing larger retail use can expand since the ground floor would have to be limited to 10,000 square feet and in this case, an example such as rite-aid, would have to construct additional floors to move in and renovate the ground floor.

Leonard: I'm sorry to interrupt you, but I do mean to interrupt, but sorry. So to -- the picture we're looking at, when you say there's unlimited space allowed above the ground floor, is it possible for a developer to actually create a second floor that goes out over the width of the parking lot as well and use that as retail space or they're not confined to the footprint?

Nameny: They're not confined or they could dig beneath the floor.

Leonard: If you had a second story that included parking, for example, you could actually make a second story parking story beyond -- you're not limited?

Nameny: Right, there's a point with how much of the walls and so on, when this building becomes an addition, ending up being a new building.

Engstrom: The zoning that sets a absolute maximum --

Leonard: What's the height?

Nameny: Usually around 45 feet.

Leonard: And that's four stories?

Nameny: Three to four.

Leonard: For instance, at the -- not the new seasons, but the wild oats site that's the topic of the discussion, theoretically, another floor could be added on top of the existing?

December 10, 2008

Nameny: Correct, a lot of that gets into can the building support it.

Leonard: I understand, but i'm talking about the code itself.

Nameny: From a code standpoint, the wild oats could have a third floor placed on it, because it was an existing building. There's not a whole lot of buildings that have one main shell like the nature's or wild oat or rite-aid. The one thing I wanted to bring up is likely a lot of the buildings that are over 10,000 square feet would probably not be switched because they're already non-retail buildings such as medical and condos and the cost to convert that into a retail use with retail on the second and third floor would probably be prohibitive and most of those 14 buildings I found over the 10,000 square feet were generally either residential, mixed use and/or medical offices. So finishing that up, the -- on this case, the planning commission is asking council to adopt the recommended draft for the division street piece, specifically which I think is 96 and 97 in the zoning code and adopt the direct us to monitor the results as necessary. And that concludes or division street presentation.

Leonard: I want to ask a couple of follow-up questions. My understanding is that there isn't a written agreement between the property owner and any athletic facility it move into the site. So what I understood you to emphasize was that the change does not limit the ability of the property owner to lease it to just an athletic facility if I heard that right.

Engstrom: Correct.

Leonard: And then you mentioned categories of potential businesses but said an entertainment facility, like a -- potential businesses, but like a bar, would that be allowed?

Nameny: Retail services is a big category -- bars, bowling alleys, a nightclub, like an entertainment type venue and can include all manner of stores, auto parts.

Leonard: So if we pass this, anybody that falls into one of those categories can move into the store with no mechanism by which the neighborhood could raise an objection?

Nameny: If they keep under the code as it's presented and the other standards that are on there.

Engstrom: The main constraint would be more the building code and other code constraints.

Leonard: Understood, but in terms of zoning and in terms of what we would allow, there no america I am by which the neighborhood could interject itself?

Nameny: Correct, currently any retail use that's over 10,000 square feet would have to go through the adjustment process with b.d.s. And this would create another exception. Currently a supermarket doesn't have to go through that process. If the floor was going to be used on floors other than the ground floor and only in the situations that these buildings existed at the time the building plan was implemented.

Engstrom: The retail, under 10,000 don't have a restriction.

Leonard: Do we have a definition of a big box. Or is that a name we apply to home depot or -- there's no minimum square feet?

Nameny: In every sort of retail designation, you have certain size requirements. Circuit city or best buy, which some consider a big box, may get by with one size while office depot may need a different size. Or something that's a full service, target, or wal-mart, would require another size. We don't have anything in the code that talks about big box.

Leonard: If we agree to this change, we would allow, if you thought in terms of the height limit, of potentially a four-story building with a restriction being 10,000 square feet on the ground floor, unlimited on floors above that?

Nameny: It's technically correct. There aren't a lot of situations in the region that you could find where retail has been successful with those very minor street level presence and all of their story area on other floors.

Leonard: What about ikea?

Nameny: That's still a two-story building, though.

Potter: Questions? Thank you, folks. How many folks are signed up to testify?

December 10, 2008

Moore-Love: I have 18.

Potter: I have to excuse myself for a 4:30 meeting, but is it the wish of council to limit the testimony to two minutes? [inaudible] ok. The testimony will be limited to two minutes. Call the first three people.

Saltzman: Welcome, if you could just give us your name and you each have two minutes. Start with you.

Rodger Weaver: I have trouble saying my name in two minutes. I'm roger, live at 2726 southeast 21st in Portland. I came to talk in support of the proposed change. Refer to it as item 53 because that's the number that appears in the table. Among the reasons are it appears that the regulations as they now stand, an opponent to a proposed use can use the land use regulations as a way to thwart entry of a new competitor. It seems that they're not intended for that purpose and should be changed from that happening. Second, the building has stood empty, regulations should be modified to encourage commercially successful use of the building. As they now stand, the owner may wind up being forced to demolish the existing structure and replace it with one or more smaller ones. This would be a waste of resources needed to do the democrat nation and such an action should be avoided. Land use laws should be changed to avoid that. Along the same line, by using such resources, environmental impacts would be imposed if this action had to be taken and they should be prevented. Creation of a successfully -- commercially successful operation in the existing structure would add to the viability and liveability and vibrancy of the area and enhance the commercial success of neighboring businesses such as the eateries across division. This would be successful if tenants -- immediate walkable area like gold's gym and use of the part of the building might do but I note that adoption of this item 53 would not guarantee the gold's gym project. Finally, the last issue was discussed just a minute ago, I believe that 53 would neither encourage nor allow big box or non-family friendly businesses from occupying that structure. I think the council has the abilities to control the uses to which the building would be put.

Saltzman: Thank you. Sir? Who wants to go next?

Troy Finfrock: My name is troy. Managing partner with gold's gym and been in business for 20 years. My father and I as partners. He's retired. We operate five facilities in Oregon, ranging from as far south as cottage grove to far north as keizer. This project we've been working on for a couple of years. We've made a commitment through the business pledge to the community that we've gone through several planning meetings with what type of facility we would offer that would be sensitive to the community. And I think that it's an under-served market that doesn't have enough facilities for the Population. And we feel like we can fit in very well.

Fish: It was mentioned earlier there's no contract signed yet for the space. What's the likelihood if we made this -- adopt this had change that you would go to contract and use the space?

Finfrock: That would be our full intent. We actually did have a signed lease and that -- when the objection came, it had to be taken off the books. But our intent would be to go forward.

Fish: Has the intervening economic collapse changed your projections about the viability of the space there.

Finfrock: No, actually, I think the new -- the project we're looking at has downsized from the original proposal, so it actually is still viable for us. It's a downsized proposal at this point. Being the 10,000 square feet on the bottom level. So it's smaller and still in keeping with our projections.

Frank DiMarco: Good afternoon, mr. President and commissioners. Thank you for -- my name is frank dimarco, a 13 year homeowner and resident of the richmond neighborhood association and a Portland business owner is a business license. I'd like the commission to take note of the people that are sitting in this room with the tags on in support of the planning staff recommendation. We are facing a longtime derelict building here that used to be part of -- derelict building. What has happened is there's been, shall we say, a contest of wills between two competing business interests

December 10, 2008

that was referred to luba, which threw it back to the city. In the middle of all of that, are the neighbors. The residents of the richmond neighborhood. Now, with one of the things I wanted to make sure that commissioners understand is not everyone is here because wedded to the idea of a health club or gym. We're here because we're wedded to the continuity of the improvement of division. Which you know has had a long struggle to get to where it is now. And we're doing well.

But what we have here is a classic conflict between two competing interests. I think the most important thing is for council to approve this, let this thing go forward, and I think organically, it's all going to happen. There'll be a continuation of the improvement of the division street corridor within -- for something to please everyone. And thanks for letting me be part of the sausage making process. [laughter]

Saltzman: Ok. Thank you all. Karla, read off the next three names.

Saltzman: Welcome, you have two minutes and give us your name.

Michele Wong: My name is michele wong. Born and raised in Portland and lived in southeast Portland all my life and grew up across the street from the wild oats building. I have since developed the building across the street with a small café downstairs. I see what happens across the street, other than when the obama campaign was there. They were great. We've been graffiti'd four, five times. Safety issue, all of my employees are afraid to be there by themselves at night. They get a little nervous. The traffic flow, there's nothing to catch anyone's eyes. The only thing that stops people or slows the traffic down are the pedestrians or cars they're about to hit as they get to that intersection. We've had drug addicts in our bathrooms and I remember when there was a smith home furnishings store, there was more foot traffic in the early 1970s than this is now. What's going to happen if the place doesn't get developed? We'll probably go out of business. I'll probably have to rent the space where my beautiful Restaurant is. Who is going to rent it? It could be an adult video store. One of the commissioners is afraid of that. We could do that. Zoning is not meant to stop competition. I wasn't into business knows a starbucks could go in across the street from us. And i'm not about to stop them. Or stop any restaurant that could go in across the street. That's not what the zoning is meant to do.

Fish: What's the name of your business.

Wong: Café plano.

Allen Field: I'm allen. Testifying in favor of the Ricap. I'm currently on the richmond neighborhood association board and chair of at the time when the board voted to approve to allow the gym and later voted to support the revision before you today. I've also been a member of loprinzi's and i'm going to talk about them and you're going to hear them come up, this hearing should not be focused on whether this causes competition to one business owner. I think a lot of people here today who are going to testify against this, are to be members or supporters of loprinzi's. It shouldn't be your focus on whether or not a ricap should go in. As a member of loprinzi's, it will not be the cause of ruin. It attracts a entirely different facet of the market the people like me who don't like the corporate gyms, they don't go there. They go to loprinzi's. It's historically a special place. They have a unique ability to brand themselves apart from the competition. And they can capitalize on that with all of the new construction going on division and belmont of new apartments. And if a new gold's goes in, i'm not going to stop using loprinzi's. We need more gyms and incentives for people to work out and more than one gym in inner southeast so my neighbors don't have to go out to 205 or hollywood to use a gym.

Becky Doggett: Hi, I own the detour café along with my husband which is directly across the street. Our front doors face the front doors of the wild oats building and I want to thank you for hearing us today. We've had a front row seat for this entire thing and in touch with the neighborhood and many of our regulars are neighborhood residents who walk to our place. We know their names. And I want to say that my anecdotal experience is that the sense of the neighborhood is very strong, the neighborhood wants you guys to pass ricap. They want the gym.

December 10, 2008

They want that block to be developed. I haven't had, since this whole thing started, not one single customer has said they don't want that gym. And I know it's super-important to think about possible consequences of making changes to zoning law. I don't want a home depot across the street. But the actual consequence of what's going on for the last two years, no fewer than six businesses have moved away or gone out of business from that one block outside of the wild oats building and that's the reality what you're doing to the neighborhood and I don't think anyone wants that. The fact of the matter is, the neighborhood supports it and you guys should pass it.

Saltzman: Thank you, all.

Moore-Love: Next three.

Saltzman: Welcome. You each have two minutes and just give us your name before you start.

Jean Baker: I'm going to try and talk very fast because I want three minutes worth. I'm Jean Baker on the board of the association. President of the association at the time we were going through the negotiations for the plan and a member of the citizen's committee. So I've been intimately involved over the years. I'm here to support it, because it's intended to remove some -- regarding the 10,000 square foot limit. The intention, actually the limit was a result of a compromise between the neighbors and businesses to require new retailers that wanted to exceed to seek an amendment. The intention was to allow flexibility to the businesses so they could change with whatever new technology is coming up and whatever next has to be the size of a supermarket to survive and the neighbors being nervous about big box stores creeping in to the business district. The original plan received support from the Richmond neighbor and who have order Abernathy neighborhood. When Wild Oats left, we went through a long series of discussions and the Richmond and Abernathy all agreed we could live with it. As you know, it's been repealed considerably and we're back to this point. Like Becky said, there had been -- one, two, three, four -- I've got eight that were forced to close or relocate. Realize that by putting the existing building over 10,000 square feet where they have to tear down their building if they can't get adjustments. This amendment balances. We support this and we worked with the building owners and we urge you to pass this. Thank you very much.

Linda Nettekoven: Linda, former co-chair of the Hosford-Abernathy neighborhood association and the effort to move things forward in regard to this and larger issues relating to zoning. I'm not here to speak in favor or against a second health facility on Division. I do want to support the change because I think even with the change, there are still protections in terms of enhancement and maintenance of the scale of our corridor in terms of the streetscape and size, minimum of small and mid-sized business arranged in cluster fashion. We still maintain some of the ability to dialogue with people in terms of potential businesses coming in and changes to buildings and I would rather see the council respond to the letter that was sent to B.D.S. About notification to neighborhood associations any time there's a building changeover of a certain size. A dialogue still has to happen automatically and try to address some of these concerns going forward with an approach like that. I want to also stress that again this need for flexibility. In keeping with our goal of sustainability for the street, the fact that there's no room to maneuver in terms of an older building you end up with the building not being used as creatively as it might be. There are several of us who have been involved in efforts to create a green street main street plan. I want to be environmentally and economically sustainable and have our streets evolve, and create a strong and diverse economy that makes it possible for locally owned businesses to compete successfully in the larger marketplace, not for anyone to have a monopoly. We want to keep rents reasonable and housing costs affordable. So we could become the ideal 20-minute neighborhood we're striving for. However, it's difficult to write code language that moves these goals forward and addresses the trade-off that is our goals contain and obviously some people in our neighborhood, like Starbucks because they donated over \$30,000 to our school. Other people in our neighborhood want no change at all. Here we've got a size limit that gets in the way of our sustainability goal. We're trying to balance a

December 10, 2008

number of concerns here. The zoning code isn't the only method. We're trying to get it to not get in the way and provide us some safety, some amount of structure that will guide our process. But adopting this change will let us do a lot of things we want to do for division. Like encouraging green building and preserving existing buildings and adding [inaudible] to our process while leaving us room for ever-quality design. And anchor tenants to develop at our nodes to support the local businesses. So please support this.

Alessandra Silver: I'm one half of four paws, the new pet supply store next to the detour and across from the building in question. We've been there about a month and a half and already it's obviously that our survival depends on something going in that building. There's not a ton of foot traffic and it's especially obvious in the month of december when people should be out and shopping and there's not a lot of reason for them to be out and shopping in that neighborhood. And it's already become a hot topic in the short time we've been there. People asking, "when is the gym going in?" and it's obvious that everyone in the neighborhood wants it there. Just considering how new we are to the neighborhood and it does, from our point of view, from a retail point of view, seem like a good fit for us. People that are active and outdoorsy and have pets just to get people walking. We need foot traffic. We're new and can't afford to advertise a lot. So we need this to be a destination where people are walking around. It's nice to have restaurants and things, but it would be even nicer if there were people walking around. And that's pretty much it. We need people to be coming to the street and then coming in our store.

Fish: What's the name of your store?

Silver: It's called four paws. Things for dogs and cats and we need people.

Saltzman: Thank you.

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

Moore-Love: The next three.

Saltzman: How many more do we have left after that?

Moore-Love: Six more.

Saltzman: Welcome. You each have two minutes. If you can give us your name before you start and start with you, sir.

Forest Helfer: My name is forest helper and I oppose the change in the 10,000 square feet limitation and for a number of reasons. The developer started out with not wanting to divide up the building and went and sought a non-threatening kind of business to try and put in the building and then sold it to the community associations who are clearly desperate to get something in this building. And as are a number of people in the neighborhood. We would like to see -- I would like to see something go into this building as well because i'm a supporter of loprinzi's gym and i've been cast as someone who has a bias against something going in this building, but I do not. I'm an offended that the big box gym of gold's is being sold as a local serving business when indeed it's the largest healthcare facility in the world and a local person is a guy who owns a franchise from eugene. He's a nice guy, but not really a local guy. This is the kind of distortion that's been associated with this project from the beginning in terms of presenting whether or not it's something that's being presented in the neighborhood. We get the same distortion from people who say that their businesses are in bad shape. I feel for the four paws and I would like to support them and i'll buy my dog food from them because I want them to do well and I emphasize with the lack of use of the building although I don't blame that by opposing this that I have been representing something that -- a situation where I want something to not go in the building. I want something to go in the building and the developer can divide it up for things that are for the benefit of the neighborhood. Just this week, at the -- it wasn't mentioned -- at the richmond neighborhood association was a group of four developers who are going to take the reliable parts building, next to these other businesses there, and he's going to put a second floor on it and put 12 retail places -- or 12 living spaces, four retail and one office space. This is going to happen. Things are going to happen on the

December 10, 2008

street, just not in this building and the things that are happening are in compliance with the laws as they.

Saltzman: Your time is up.

Bill Dickas: I'm the lawyer who did the luba appeal for loprinzi's. The original code said there's a 10,000-foot sales and service limit because the stated purpose of that limit was to keep the uses small in scale. And the commentary explained that the planning code was designed to keep uses local serving and not a regional draw. It even explained that this doesn't keep out national chains and franchises. But we just want them to be small enough to be locally served. So they applied for an amendment for a code change that would allow a use more than three times larger than the code allowed. More than six times larger than loprinzi's. And they made the judgment it would go out of business in the face of that kind of a large competitor a few blocks away. And thus the appeal. And at the appeal, we argued, look, they're going to have at least by their own numbers, which are projections, two or three thousand trips from outside the area. A regional draw. They have not even measured what a conforming facility would produce. And luba said if that's what the limit means, loprinzi's is right. And they sent it back to the city and said, if it means anything else, tell us what it is. And they didn't tripe to explain. What they're trying to do is to get a special code exemption, not for the benefit of the planning district, because none the 14 other building owners have asked for this. They're asking for a code amendment for a single purpose to benefit a california franchise for a use that's five times bigger than my client's use, at least, two and a half times bigger than existing code allows.it's not for the benefit of the plan. It's for the benefit of a single competitor.

Saltzman: Thank you.

Charles Kingsley: Hi, my name is charles kingsley. I've been a richmond neighbor for eight years, live in the neighborhood and do small ecological redevelopment projects in the neighborhood and a part of the division vision coalition. And I just wanted to give you a sense of perspective. You heard this is about trying to benefit one business owner. We've had long deliberations in the neighborhood, both richmond and abernathy and the community wide meeting and the planning commission. And all of those have unanimously or near, the richmond neighborhood was 8-3, their board supported this process. The business owner originally came to us and asked us what we would like in that building if they were going to preserve the billing as it was. And we went out and did an ad hoc survey and the most requested was a full-service health club. So it's a bit disingenuous to suggest this is driven by one property owner selfish interest. They came to us and said, "what would the neighborhood like?" I feel we've been a model for community led initiative, and the \$7 million we've raised so far, although we hear that's not enough construction budget, we feel we've come a long ways. I know that commissioner Leonard raised the question how much a building can expand and I wanted to ask staff for a clarification. Our understanding in some of the deliberations is that any of the 10 or 12 or 14 existing buildings that would expand more than 100 percent would no longer be considered a existing building. They would not fall under the 10,000 square feet.

Saltzman: We'll have staff --

Kingsley: Ok, anyway, we're for it, not just for the business, but the idea of promoting more flexibility on the street and trying to appreciate these old buildings and affordability is a big thing on the street. So strongly encourage and the neighborhood, strong voices encourage the support of this amendment. Thank you.

Saltzman: Thank you.

Moore-Love: The next three.

Saltzman: Brian, are you going to come up or --

*******:** [inaudible] I don't have anything to add.

Saltzman: Ok.

December 10, 2008

Moore-Love: Stan amy. And they'll be followed by ann stewart and lawrence van wess.

Saltzman: Let's wait until you get your props. If you can give us your name.

Julia Steig: My name is julie. I'm a 16-year-old senior at cleveland high school. I go to school about six or eight blocks from the nature's building. I lived around this building for about 14 years. Nearly all of my life. And have regularly visited this entire street. So I know the area really well. I am usually a pedestrian. And I also am on my senior class cabinet. A class delegate. I don't have much to say but I know what the people are thinking around the neighborhood. My peers, wondering, why is nature's still empty? And they all want something to happen. So I would like to say we support the gym going in because we want to work out.

Fish: You're wearing a conspicuous t-shirt. Is that the college of your choice or --

Steig: My sister's.

Fish: Thanks for coming out and testifying today.

Saltzman: Which wants to go first?

Neel Pender: I will. Commissioner, thank you for the opportunity to be here. My name is neal. I have the pleasure of speaking today on behalf of this proposal. Both as a neighbor and as an employee working on the project on behalf of the property owners. As a neighbor, i'm excited about the prospect of having a fitness center in the neighborhood comparable to other full-service gyms in Portland. I've been a member of 24-hour fitness for over eight years and have been relegated to commute across town in order to take advantage of the full range of services these facilities offer. Having a new bike and pedestrian friendly gym option in the neighborhood not only increases the odds out of convenience, i'll get in a few more much needed workouts personally but offers an important chance for my family to decrease our carbon footprint the and i'm not going to cover all of the issues, because stan will follow. But as an employee working on This project and been the lead on working with the neighbors to get to the solution we're cover offering for you today, I want to focus on some of the comments that charles outlined and underscored the community outreach and collaboration that has led to this proposal which we think solves a lot of the impacts that you you've heard. Since the beginning, we've worked diligently to engage neighborhood and asked for early input. For conceptual uses and gotten input each step of the way. This is healthy collaboration all the way up to the point that the adjustment was appealed to luba. When that happened, we looked at our options and reengaged our neighborhood. Developed a working group. Members of richmond, hosford abernathy and division coalition supported us in crafting a solution. We looked at a number of options and this was the option that best met, integrity to the original plan as well as solving the unintended consequences we've experienced. And so gained and support each step of the way. The planning commission unanimously recommended and acknowledged this should be a mold for the way that neighborhoods should work together. You have the opportunity to preserve the opportunity that the division main street, green street plan can be used as a model elsewhere and your support will send a powerful message that Portland supports neighborhood involvement and is responsive to the business and property owners and Portland is committed to appropriate development that makes our neighborhoods more livable.

Fish: You put two boards up that look like architect drawings.

Pender: Yes.

Fish: So you've penciled in gold's gym and yet we had prior testimony there's no guarantee that gold's gym about go in here. Can you tell us if you're engaging with anyone else for this space.

Pender: We are not. Until this land use cloud is removed, we're not able to go forward with any party and as you heard from the operator of gold's, we intend to pick that up once we get past this.

Fish: Assuming this code amendment passes, your intent is to find a final agreement with gold's gym.

December 10, 2008

Pender: We've been transparent that that code amendment is not about putting in a gym. It's a hurdle that we have to clear so we can explore that use, but there are other issues. Economic, financing, our ability to finance the project, as well as the tenant, once we're able to move forward. We've been held up for almost three years to get to that point.

Fish: Under the scenarios, are you contemplating changing the footprint of the second floor?

Pender: I'm going to defer -- the answer is no, but i'm going to defer that question to stan.

Saltzman: You have two minutes.

Stan Amy: Thank you, mr. President and commissioners. My name is stan amy. I'm going to be brief and -- this is a personal challenge, making summary statements, hoping you'll follow up with questions where i've lost something. Based on my 30 years of retailing 15 on division and 20 years doing neighborhood commercial development and five years on the planning commission of this city, I look at the division main street green street plan as representing an exceptional piece of work for a neighborhood engaging in proactively the future of its commercial district and in particular, the area we're trying to improve has great promise to ensure opportunities for small businesses and preserve diversity that exist by exempting the existing anchor tenants and provide the neighborhood associations with a meaningful voice to the adjustment process. Unfortunately, on buildings that house the preexisting anchor tenants has had unintended consequences. Created the opportunity for individuals to use the luba process for delaying tactics and thwarts the will of the neighborhood association and the city staff and appeal bodies. That delay has been 31 months at this point. The impact on the neighborhood has been the lack of retail synergy of retail businesses located at the node. Vandalism target and degrade the streetscape. The impact on the project, it's cost us related costs which would have otherwise gone into equity for the project. It threatens our ability to get financing and did he grades the quality of the development we Can do. The code improvement before you addresses those unintended consequences and better accomplishes the plan's vision. In this case, it would allow us to develop the vision you see drawn here, which -- between 7,000 and 8,000 square feet on the ground floor and self other retail uses on the ground floor and then the balance of gold's gym on the second floor and independent office use for people using home offices out of their home. The -- it has the benefit of maintaining a pedestrian-friendly streetscape and at the same time, permitting an anchor tenant to provide the function on that node. I think that when you think about what makes a place viable for small business, you need to be clear. There are two I visions. One is a monoculture. And the other is diverse. If you want healthy business nodes you need both. An exception would be a street mall.

Saltzman: Your time is up.

Leonard: I'm going to ask stan a couple of questions. The concern I have is that because of my job here, I tend to look at things more globally than i'm paid to do that, so when I see this amendment come forward, I recognize it not as an amendment affecting a building for a use, as you've pointed out, there's no guarantee for, but as I recall the division street plan starts at about southeast 6th and goes out to 60th. So we're talking about a change that acts, if we agree to it, every commercial occupancy in those parameters that has the same kind of criterion you do currently. And there's a handful. We saw a picture on 39th and division. There's your building and possibly others as well. I hope you appreciate --

Amy: In that context.

Leonard: And being careful about not getting caught up in the excitement that i've frankly picked up from the dozens of e-mails I got. Almost universally which ironically causes me more concern because they all say we have voted for a gym, you should support a gym and i'll go, you think you voted for I gym, but you don't know that that's what use you going to get. And my read of where we're at now, is that a gym could go there with the current process. What happened was you correctly applied for a variance, using the current process and that b.d.s. Staff agreed and allowed the gym to be there. Then loprinzi's appealed to luba and luba said define what locally serving

December 10, 2008

means. And so that's all background. Why don't you just work with staff to define locally serving and send it back to luba and we don't have to sit here and change the entire zoning for the stretch of division from 7th to 60th and -- and to I think give more credence to your argument. You've taken what was originally a 33,000 square feet proposal and reduced it to a 20,000 square feet proposal which in my view would be even more acceptable to luba. And i'm sitting here thinking, I think I would write what it is they're asking to have written to address whatever that technical concern is and i'm not getting why we're going through all of this and you don't do that.

Amy: There are two reasons. Because the primary negative agent in this has been delay. That's what is damaging the neighborhood. And a quasi-judicial division made by your adjustment committee is far more likely to -- we expect whatever decision made by this body or by the adjustment committee, which is where that would have to come from, to be appealed to luba. We've been advised by our land use attorney that a quasi judicial decision is more likely to the court of appeals and that furthermore, the likelihood of the certainty of a legislative decision about this, the likelihood of being is much higher. The likelihood of it being overturned by luba is smaller. We begin to feel we have the sense of confident to engage with gold's and get the project moving. What we're looking for is certainty. And let me add a couple more things. You're not alone in looking at the broader application of this. That's the other reason, the neighborhood association Leadership has -- we went back to them when this choice came to us. And said, we have two choices, we can go back through this process or it's been suggested that we can go threw a code adjustment process. And one of the considerations was that this does apply in other locations. The fundamental dynamics of making unviable buildings with second floor spaces that are currently performing [inaudible] and the threat that offers in the other locations are the same -- you're seeing the threat of new uses that you see as undesirable in larger spaces which the potential future threat. We're seeing right now the results of the threat of making unviable larger spaces and are destroying the diverse retail ecosystem. So they're both balancing acts and there are good legislative planning reasons to apply this to all of the areas applicable in the area. The concern you raised earlier about how large they can be built? I've been understanding that you couldn't increase it more than 150% of the current footprint. Why not amend to be specific? In this case, I believe to respond to commissioner Saltzman's. To fill in the loading dock in the corner. There's the neighbors walking by an old loading dock, an invitation to muggers and other unsavory activity, I think is in everybody's interest. We'd be happy to see an amendment saying you can't increase the building by more than 120% of the existing size. That would meet our needs and guard against your concern. I think there's specific ways to deal with the problems. But they are not reasons to leave this neighborhood and us in the situation of suffering the unintended impacts.

Leonard: I appreciate were your answer and some folks are using the mantra, these are the Unintended consequences of this code, and I feel like i'm in the twilight zone here. Normally, I would have linda and these folks understand a process by which you can have input into what goes into the neighborhood. Generally, 99.9% of the hostile mail I get is, how come, randy, you allowed an adult bookstore to go in across the street from chapman school and my neighborhood didn't get notified? And I have to write back, there's no process by which you can stop that. It's zoned for that purpose. I'm sitting here having a discussion with folks I generally am most likely to be --

Amy: Right, I --

Leonard: And so you keep using the term "unintended consequence," and I was here and voted on this, and to be clear, it is not an unintended consequence.

Amy: So [inaudible] 31-month process.

Leonard: Let me finish. I'm not disagreeing. I think we're just talking on two different vantage points. I'm not disagreeing that it's taking a long time and not disagreeing where you want to get. I just disagree that we rewrite the whole code in order for you to tell the neighbors you're going to get a gold's gym, which by the way, they may not get and if it does, may not stay. You're asking me to

December 10, 2008

write a policy to address a particular building on a long street with a lot of ramifications that have to be amended to fit in your property and i'm nervous about. Again, i'm wondering why -- and i'm very much sympathetic with the amount of time and money, but still this far into the process, a decision we make here on this, even if you agree on it, you agree can be appealed to luba anyway. And why not sit down with staff and define locally serving and address luba's concern? It seems a fairly simple task.

Amy: May I respond?

Leonard: Sure.

Amy: The reason is we've been advised that the prospect for delay is much greater with that process. And two, there are other sites this needs to be applied to. One is the new season's site at 20th and division. It functions as an anchor tenant. Got a second floor. If you can't utilize the second floor, if we ever lose it and want to replace the function of an anchor tenant, we'll be back in the same process. It will be 36 months -- but in order to resolve a solution is a dark building, I don't think it's what the council intended and I guess I also want to respond to the idea that i've been telling the neighborhood they're going to get a gold's gym. I think we've been transparent in this process and i'd be glad to have the neighborhood people up there, about what our plans are and the status.

Leonard: I absolutely believe you, but --

*******:** Great --

Leonard: -- I hope you appreciate what you've heard and I can share in writing.

Amy: There are different aspects to the neighborhood. There are individuals and official bodies. And I think we're underestimating the intelligence of the official bodies if you don't think they've considered the same issues -- finally i'd like to make a comment that goes Beyond the specific issue and recommend that the council in the near future consider charging the bureau of planning with developing a tool or process that enables neighborhood to engage property owners to find site-specific solutions that are not appealable to luba. The appeals to luba are vulnerable to being used to bleed a project to death. They discourage property owners from participating. The long term result of that dynamic is the to strongly encourage property owners to do only what they can by right and I enjoy my five years on the planning commission. I felt we made a real contribution but always regretted that we never tackled the need for a tool for collaboration that can get us by the --

Leonard: The point you're making is an honest regulation of what this is getting to. I need to be clear about this. What you're asking the neighborhood to do is give the right to interject in a process to any commercial building by which this amendment would apply and that's forever. Forever more, not just your building. Let's say you keep the building and your heirs inherit it. The trade-off with the commune, they've given up forever more to interject in a land use decision -- any occupancy that is appropriate to the zoning from southeast [inaudible]

Amy: You were to amend the possible increase of space, effectively you've got a limited number of buildings and the neighborhood understand that is often should bring the -- [inaudible] -- understand that and understand the trade-off which is about maintaining diversity of retail space and economic viability and have made a decision based on that.

Leonard: I'm saying you I think you would agree, not everybody has that understanding that lives in the neighborhood, that nuance.

Pender: The processes that we have are the neighborhood associations and business association. From their vantage point, the primary unintended consequence they realize now is the delay as a result of the adjustment process. They wanted a say, they got the say, and then because of the inefficiency of the appeals process, were not able to move forward on a process that the neighborhood is united on. At soap point, I think common sense would prevail we would be in a situation where everybody is working the same direction, you can move forward and to not do that,

December 10, 2008

creates a situation where one party can stop a development and stop all desirable uses from locating on division.

Fish: If I can jump in. The comment about the abuse of the luba system you've claimed here, strikes a chord with me. There's a group of urban renewal that has put a cloud over thing planned for the river district by challenging the boundary expansion. That's put a cloud over 10th and yamhill. A new grocery store in old town chinatown and more importantly, the construction of a resource access center supported by business and advocacy and it's a cornerstone of our 10-year plan to end homelessness. On the ability of people generally to use the luba system as a way to build in delay and frustrate development, that resonates with me. The question commissioner Leonard and you both discussed about this sort of compounding of unintended consequences is something I want to ask staff about. The one thing that i'm not sure is a part of this that I don't understand. We have an unintended consequence which this is intended to cure. Which at least one of my colleagues believes runs the risk of creating other unintended consequences or is a broader remedy than to cure what you're suggesting. A thoughtful way of looking at any zoning issue. But presumes we're powerless to come back and fix any unintended consequences of this fix if it turns out it doesn't deliver for the community. The planning commission could come back and revoke this or modify it or in light of history, change it. So that's the conversation I want to have with staff when they come back. What are the protection, the neighborhood protections, if it doesn't deliver what they're hoping, at this site, a development beneficial to the community and creates unintended consequences up division as commissioner Leonard pointed out, at least initially, we could be powerless to address.

Saltzman: We have a couple --

Pender: If I could make one final point. There are other goals that are good in the division street plan and part of the reason the neighborhood is willing to accept this trade-off. To allow above ground floor space to keep anchor tenants and help surrounding neighbors and businesses, they with like to see projects move forward to be able to have green development, sustainable practice and pedestrian-friendly, all of those things, keep in mind we're keeping the 10,000 square feet limit on the ground floor. The only change is how you're able to use existing space for buildings [inaudible]

Leonard: I want the neighborhood to really understand this point. The reason we're having this discussion now is because of the current code language. They have to come to you, they have to get permission to have a gold's gym here. They have to. And the approval is based on precisely the kind of facility you want to have there. And if it isn't the kind of facility you want, you don't have to agree to it and it doesn't get approved. When we agree to this change, they don't need to come to you for the uses they want to put in this building.

Amy: Correct.

Leonard: I don't want to -- i've met with your representatives and others and I believe but you can't control what happens at the other buildings and I know the dynamics of neighborhoods. I told you so -- at the don't want to hear that. And --

*******:** But --

Leonard: And I just -- I hope you appreciate that we flesh this out transparently so that everybody knows what they're buying when they're buying.

Amy: That's appropriate and it's appropriate to know that the code which is the reason we're having this discussion now is the code that's the reason the building's been dark for 31 months. We are not promising this development. Our equity is gone. We're going to have a challenge to finance this building. And we're committed to try and make the project happen and doing everything we can, but I don't want to sit here and tell you this is what is going to happen.

December 10, 2008

Leonard: I appreciate you saying that, I know it has to be that way. You're a businessman. And i'm worried that notwithstanding your best efforts, some of the neighbors Have heard something different and believe something else is going to happen and I know that you can't control that.

Fish: To wrap this up. Julia, you've been -- [laughter] she has a grievance here.

Leonard: You can write a paper about this.

Fish: You said you were elected to office. I think you're going to become a familiar face. And thanks for taking the time.

Leonard: Appreciate your answers.

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

Moore-Love: The last two.

Saltzman: Is there anybody else who wishes to testify that didn't sign up? Ok. Welcome. If you could just give us your name and you have two minutes.

Anne Seward: Hi, my name is anne seward. And I live at 26th and carruthers. I'm familiar with the details and I like to say I really appreciate your position on trying to protect the bigger picture here. And I really support this develop. First of all, because I trust these guys and I know them to have created new seasons, which I consider to be a benefit to the neighborhood. And i'm going to try and keep this really short so i'm going to cut to the chase. I don't see why there can't be a sunset clause or something so that these processes don't have to go on and on and put like a good community-minded developer in the red and support these small businesses that are going out of business in the neighborhood. It makes me mad and i'm pretty naive about the details that you guys probably sit in countless meetings every day about, but that's a important point that I want to drive into the ground. If there isn't a part of this process that can allow for that, maybe you can try to change that. Because i'm sure there are hundreds of projects in neighborhoods all around Portland that have specific issues for every neighborhood. And maybe you can try and make that happen and let this gym open up.

Lawrence Van Wess: Hi, my name is larry. And lived in this neighborhood, and i'm against this. And i'm going to tell you why. I've heard testimony from the local businesses that feel the pressure, that they need their foot traffic, I understand, I feel their pain. But i've also heard out of the mouths of some of these people, two different things. Some say it's not about the gym. I heard that. But the reason that the businesses are in the position they're in, because it's about the gym. It's all about this gym. They wanted to develop this thing, they could have developed it three years ago within the parameters the 10,000 square feet rule. I'm going to give you a small example. It's like five blocks away. Go to the intersection of clinton and 26th. A thriving little business area. Five, six years ago there was a huge antique store on the corner. They divided it down and now there are four successful businesses that are doing well right there. If they wanted to get this piece of property developed, they could do it what I consider the spirit of the neighborhood plan, which is just what we're talking about the whole reason it's there is to keep things small. And if it wasn't all about this gym, this could have happened three years ago. They could have developed and put in -- what? -- put in a video store, put in any number of thing within the parameters of the 10,000 square feet rule. My problem is, i've heard the gym may not happen, but it's about the gym. And that's why it's vacant and that's why there's no foot traffic, because it's all about the gym. That's all I got to say. Thank you.

Saltzman: Thank you. Let's bring staff back up. There was a question by charles, is there a limit to how much square footage could be added and maybe commissioner fish has questions and maybe commissioner Leonard.

Engstrom: My understanding of how that works, there's an overall limit imposed by the base zoning designation of the commercial district with the floor area ratios. In terms of what constitutes using the existing building, my understanding is it's a modification to an existing building as long as

December 10, 2008

the walls or parts of that building are still there. There's a practical limit to that in terms of totally upending the whole site.

Leonard: Not 100%.

Engstrom: You could impose a limit on this particular piece of code, we heard that suggestion in the last few days and have general concept, the bureau is not opposed to. We did hear comments from b.d.s. suggesting it's if there was a square footage cap on the top rather than a percentage. But the concept could be done.

Fish: Let's take the thread of the last exchange. And move back from this particular site. And look the length of division. That it could be impacted. You're coming to us as part of a ricap, which is a regulatory improvement code amendment package. The planning commission believes there's a reason to clean up the code in this area and that there's a compelling public interest in doing so. And if it impacts a substantial length of division, you believe there's public benefits that extend beyond this property. Just to remind me, could you just put those back on the record what you think those are?

Engstrom: Yeah, I think that the neighborhood articulated a lot of this, but the reason why the planning commission I think recommended approval was in part the reuse aspect of it and the link between that and the sustainability goals of the original plan. That was a --

Leonard: The property or the entire length?

Engstrom: Well that would apply generally to the whole length, that in general if we can use existing buildings, that's a good thing. From the bureau's perspective, one of the things we looked at when we thought about this was this tool applies to one specific main street. We know there's more interest in the future at looking at things like this, other main streets, so we want to look at this tool in light of, to apply this tool to other streets, is this one working or not and how can we make it easier to apply at other places if we need to. And one of the points that was made to us is that right now if we wanted to apply a tool like this to another street, the stories from this controversy would certainly probably discourage other business owners from supporting that kind of approach in other streets. So we thought that this approach might be a way to fix something that would potentially be a barrier to other streets considering this kind of thing if they wanted to. So that was another aspect that we looked at.

Fish: So the purpose here is to fix a problem?

Engstrom: Yes.

Fish: There has been some concern raised that in fixing the problem, we could actually spawn another unintended consequence or something that either this neighborhood association or another upstream is concerned about.

Engstrom: Wouldn't be the first time that's happened.

Fish: So again, would you, just at a basic level, remind us what recourse the neighborhoods, the commission, we would have in the event that this does not deliver what we hoped it did.

Engstrom: Yeah, I think two things would have to be true to be able to deal with that. One is that in theory, one could bring this up again in a future ricap project if we found that after implementing it, it wasn't working. So that's one avenue. But the second piece of that of course is that assumes you continue to fund the ricap program in the future.

Fish: Is that a budget note? Duly noted, but assuming this was funded, how quickly could an unintended consequence of this action be cured?

Engstrom: We bring this kind of project back through council roughly once a year. Our ideal would be 6 months but sometimes it's a year and a half depending on the complexity of these projects. We have the menu already more or less picked for the next package which would come forward to you sometime in 2009, so it would probably be 2010 before you'd be able to fix this.

Fish: So let me try to address a concern that commissioner Leonard raised in the context of our current environment. Again, as the housing commissioner, I'm familiar with the fact that the bond

December 10, 2008

market is in the toilet, the tax credit market is collapsed and that most folks looking to do mixed use development are having a very difficult time getting financing on the commercial space. So we're having to be very creative to jump start some projects, we're hoping that there's a stimulus package out of Washington DC but we don't know when that will happen or not. So in effect, what it occurs to me is that the current economic environment is going to put such a break on development that in fact anything we do, in the zoning area, the code area, is likely to be a pilot project of sorts. Because there's going to be so little affected by whatever we do. We're just in an environment where a lot of these things become pilot projects because we don't anticipate a lot of activity. We had testimony about the bureau of development services and the decline in revenues because people are not buying permits to do development -- the system is ground to a halt. So that piece is important to me, that there's a way to clean this up if there was a problem down the road. Now let me go to this philosophical question that was raised by commissioner Leonard in the conversation with Mr. Amy. From a planning commission's point of view, are we doing something that you would otherwise caution against? By going this route when he does have another potential recourse that would be more time consuming, less certain. I mean -- you tell us not to do spot zoning, caution us about certain paths, even when we all agree on the outcome you often guide us in terms of what's the proper way. Is this particular proposed recap on this issue, does it set a precedent or does it take us on a path that we shouldn't be going on?

Engstrom: I think we would caution you if you were trying to limit this to this particular property, we would bring up those issues because it's a broader issue and because of a similar issue on so many streets in Portland. There is this pilot project aspect of this that you mentioned. I guess that's how we would look at that.

Leonard: So if I could just follow up with that so you heard me when I was talking to Stan identify what I understand, and I'd like you to just educate me. It seems to me that the issue is not a gold's gym, and it's not some of what people think it is, the issue here is one that I'm real familiar with, especially when I was in the legislature. This process is out of hand and I want to do something to eliminate appeals processes because they end up costing a lot of money and it costs businesses a lot of money. That's how I've kind of reduced this issue for myself to better understand that the real issue here is that the property owner does not want to go through these appeals process because they're timeline has some unintended consequence which I disagreed with. But having said that, when I look at the decision from Luba, it doesn't say that the process didn't work. In fact, everything that the developer said he'd like to do to the building, you guys have approved. So it worked there. Maybe not a majority of the neighborhood but neighbors didn't agree so they appealed to Luba, that was thought of in the development of this process so I can't see how one would argue that's unintended. And then Luba remanded it back and said you're okay, except for help us understand what locally serving means as it applies to this particular use. How difficult is it to craft the language that particularly given the scaled down version of the project from the 33,000 to the 23,000 square feet which I would think would make it even easier to argue is local use. How difficult is it in fact to write that language and say okay, we've done it?

Engstrom: I think that could be done probably. I think that what they were trying to say in response to that question earlier is that they're making a calculation that this route is going to stand up better and I think it's based on observations people have had in the past, that appeal courts are more likely to uphold the decision of the legislative body such as this, than an adjustment committee when it comes to making those kind of policy choices. And especially when it comes to interpreting the code, it's been our experience that they uphold the city council's interpretation more tightly than the interpretation of a lower body.

Leonard: This seems to be, I guess I'm just sitting here, I know it's not directly relevant but I think it's applicable at least politically when I think of the NW neighborhood association and the constant appeals of garages to Luba. I cannot imagine what their reaction would be if we proposed here,

December 10, 2008

somehow eliminating the processes, their ability to appeal those garages to luba which is not philosophically any different from what we're discussing here. It just so happens that these guys agree with the particular use and I'm just having a really difficult time --

Saltzman: I view those comments as a larger commentary. I think people were saying there should perhaps be a limit to appeals but I was just thinking the same thing you were thinking and I'm sure the nw district associations wouldn't agree with that. I don't think that's really the issue for us.

Fish: Could you --

Saltzman: The basis is how strong the appeal would be.

Fish: Could you tell us again if we do not adopt this change in the buildings that would be covered by this already, as a right, you could have gyms, they'd just be a little smaller footprint, you could have restaurants, you could have adult clubs, you could have all kinds of desirable undesirable uses. Correct?

Nameny: Actually I guess the one thing is nothing was proposed and the code stayed as it was, all those kind of retail sales and service uses could go into these facilities and buildings and it could go in by right, just through a building permit or a tenant improvement up to 10,000 square feet.

Fish: Right.

Nameny: Now a super restaurant could decide to go in featuring 30 famous chefs and go in and take up a rite aid building, and they could still ask for the adjustment. They would go through the exact same process that the nature's building did. They would ask for the adjustment --

Leonard: The current language.

Nameny: Under the current language so it doesn't necessarily preclude it, it just forces the adjustment process.

Leonard: So if a fantasy video wanted to go into the current vacant building, they could go in by right at 10,000 square feet. But if they did like they do at other facilities and they have these super stores, they could still apply to use the second floor, but the neighborhood in that instance could go in and say we object, we don't want that. And effectively stop it. If we make this change, there is no opportunity to go in and interject and --

Nameny: All the objection would have to be based on the findings of looking at the purpose statement that's in the code. That takes it back to the locally serving and all things that were touched on.

Fish: Going back to the notion of big bucks retail, I think I know the street pretty well and I'm also thinking about sandy blvd where I live. What with this proposed change, what kind of big box retail would be interested in locating one of these buildings and under what economic model?

Nameny: Say for example on division, because this provision only applies on division --

Fish: Big box retail generally requires a lot of parking, a certain kind of footprint, the buildings are generally not very distinguished, I mean that's the -- they're usually in places surrounded by buildings that aren't very architecturally interesting but they're functional, so what big box retailer is going to be looking at this as being an opportunity?

Nameny: Well that takes us back to I think you're looking at probably 3 locations I know of off the top of my head, that are currently single tenants, the old natures, new seasons, and the rite aid, all three of which have associated parking with them. Most of those other fourteen locations were either mixed use buildings with very limited parking or medical office buildings. Once again, they may not have very much parking. You're not looking at very many sites that a big box retailer would be interested in. And they would have to look at in some of these situations, putting the retail levels on floors other than the ground floor.

Fish: So the news seasons isn't going anywhere last I checked they were a pretty healthy business. Mr. amy has talked about a certain kind of ecology in these kinds of neighborhoods so I take it that he has a view and a vision of what ought to be there and the kinds of uses. So we're now talking about the rite aid site as the other site where there's some cloud over to what end could it be put?

December 10, 2008

Nameny: Right as far as sights that kind of have that trifecta or whatever of you know a larger building, larger parking, that's probably the only other site.

Fish: I just wanted to be clear that assuming the new seasons continues to be a successful business which I take it, it is, and assuming mr. amy is faithful to his sort of vision of how he wants to develop this place, there is one other soft site where there could be an unintended consequence that a neighborhood could object to.

Engstrom: I think that would probably be correct. The 39th avenue site, if we're trying to rank them on what's most likely to go array here, that would be the place.

Fish: We can come back and if there was some egregious problem, you could bring back some proposed code changes to us to act.

Leonard: Not after --

Engstrom: Yes but the risk that you're alluding to is that it might not be before it happened. Because once he gets an application in to bds, they have to process it to the code that's there at the time.

Nameny: But I mean, you are correct that the turnarounds, the division vision, the code related to this has been in effect for about two and half years. It went into effect February 2006. We're at the end of 2008 discussing an amendment. It's quite possible we could be in 2010 discussing some other element of that. But that's kind of the potential.

Engstrom: One other element that relates to commissioner leonards concerns and how the neighborhood has an impact on these kinds of projects, I think you're all aware that the city's been looking in the state legislature in terms of when they allow design review and when they don't, and that's certainly -- we got the neighborhood input in this project through this particular regulation. But that's another way to get neighborhood impact over the functional look of a building without getting into this kind of regulation.

Saltzman: Further questions? Okay, thank you. So this is a non emergency ordinance. It moves to a second reading next Wednesday morning. Thank you all for being here and we're recessed until 2:00 PM tomorrow afternoon.

At 5:44 p.m., Council recessed.

December 11, 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.

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DECEMBER 11, 2008 2:00 PM

Item 1720.

Potter: Welcome to the Portland city council. It's a very special day for us, and it's a very special day for 30 people in this room. This is the opportunity that Portland has to honor our community heroes. We call it the spirit of Portland awards, and this is the 2008 version. And I am very, very pleased that we have so many fine folks here today to observe this. We have some absolutely wonderful honorees today that you'll get to meet. I'll let you know how it will unfold. Myself and each of the commissioners each have a stack of plaques up on the main table. We will each get up and go through the names that we have on our list. They don't correspond exactly how they set up in your program, just go to the page and you'll see the person we're talking about. So I will start off and then we will go to the mayor-elect and to the other three commissioners. So this is a very joyous time as the folks come up, we'll get some photographs. If you wish to say a word or two, and I amfa size word or two, that would be good. We've got 30 people to get through, and we want to make sure everybody has a chance to be recognized. Thank you for your patience and thank you for being here today. I'm going to start off. Today the very first person we're going to be honoring is rebecca black. Could you come forward? [applause] first of all, this is the award that rebecca is receiving today. Do you mind holding this? First of all, rebecca black founded the Oregon outreach inc. In 1988 and has served as its executive director since its founding. Ms. Black has worked tirelessly to establish accredited, comprehensive, education programs for students who face serious barriers to education such as language, teen parenting, behavior, poverty, drugs, alcohol, and gang-related issues. She's received numerous national, state, and local honors and recognition. Today o.o.i. Has five schools serving 10 school districts in the metro-Portland area. Their primary task is focusing on students who have dropped out of school or who are at risk of dropping out. These students who have not found success in a traditional school setting and are succeeding through Oregon outreach school programs because of their strong academic component, counseling support, parenting program, and multiple opportunities for community service. Come congratulations rebecca and to o.o.i. [applause]

Rebecca Black: Thank you, mayor Potter, thank you so much for this honor. In a city that's filled with so many giving, caring, people and programs, i'm really honored to be designated this year for the spirit of Portland award. But i'm just proud to be a part of this city. Thank you so much. [applause]

Potter: Our next recipient is sergeant frank gar goan. -- gar gone. [applause] it sounds like he brought his own cheering section. That's good. The sergeant has been a member of the Portland police bureau since 1992. He became a gang resistance education training officer or g.r.e.a.t. Instructor in 1995. G.r.e.a.t. Is a federally sponsored program aimed at getting officers into the classrooms of schools throughout the nation to talk with young people about making good choices. He has taught 44 classes, reaching over 1600 students. He was nationally recognized after his

December 11, 2008

appointment to the national training team in 1998. He has been the great regional administrator for five years and has promoted and helped implement the g.r.e.a.t. Program in communities throughout the western united states. He is a passionate advocate of the g.r.e.a.t. Program. His advocacy is one of the reasons almost 40,000 Portland public school students have and continue to benefit from the g.r.e.a.t. Program. Congratulations, sergeant. [applause]

Sgt. Frank Gorgone, Bureau of Police: Thank you very much. This is a team effort. I want to take this for the team, bawts it's 55 officers that are in the schools teaching right now, and joe ann, mike, there's a lot of people that made all those kids get taught here in Portland. So thank you. [applause]

Potter: Next i'd like to bring somebody up to help me with this next presentation. The state of Oregon is fortunate to have a consul general from mexico. In recently, we had a new consul general appointed, and I would like him to come up so we can present this next presentation together. Consul general romero. The next recipient is stephen manning. Stephen manning exhibits selfless dedication to protecting the rates of immigrants on a local and national level. Stephen graduated with a law degree from northwestern school of law at lewis and clark college. Since his graduation he's chaired numerous immigration boards and panels. Stephen regularly participates with local community organizations, sharing information and support for individuals trapped in the web of immigration law. For individuals who are in fear and who have experienced often forceful and unanticipated separation from their families, stephen and his law firm represent a source of support and relief, helping navigate a complex legal system. After the dell monty raids in 2007, the firm coordinated legal strategy for the humane treatment for the impacted individuals and collaborated with the many amazing lawyers in Oregon and Washington who provided free screening, case assistance, and court representation on individual cases. Presently the firm is active in coordinating united states supreme court litigation on a range of immigration issues. Thank you so much. [applause]

Stephen Manning: Thank you, mayor Potter. Portland is the 13th fastest city in the nation growing in terms of immigrant population. This award is a testament to the mayor's vision of -- that you can be a Portlander, be part of our neighborhoods, be part of our city, without regard to where you're born, so long as you're working hard and wanting to be part of the society. So thank you, mayor Potter. [applause]

Potter: This next person has been working in my office for four years. He's an exceptional individual he's been a volunteer for four years, and for the first two years I thought he was a full-time employee of the mayor's office because he puts in so much time. Russ ryan, could you please come forward? [applause] russ ryan is a volunteer with the mayor's office. He began volunteering there after retiring from a career in the bureau of land management in 2000. Russ started with the mayor's office in 2003 during vera katz' administration. He's been managing the mayor's opinion line for Portland residents to express any and all their concerns. And believe me, they do. Week in and week out, russ transcripts every word of the opinion lane and reports it back to myself and the staff. Russ continues at a volunteer throughout my administration. He plays a crucial role in keeping the mayor's office informed of public opinion, a difficult job he asked nothing for in return. I am proud today to honor this man, russ ryan. [applause]

Russ Ryan: Thank you mayor. It's an honor to be doing my part to keep a finger on the pulse of the city of Portland. Thank you. [applause]

Potter: Thank you, russ. This next group is a very unique group. I've had the privilege of getting to know over the last few months. It's called africa aids response. And I don't know who is going to be representing -- is it dana? And maria. [applause] africa aids response is a program established under the Portland matari sister city association. The program was developed to support the urgent grass-roots effort to combat the spread of aids and to treat aids victims in Portland's sister city. Using the power of local action and mobilizing the generosity of Portlanders, the program raises

December 11, 2008

money which goes directly to supporting grass root aids agencies, projects, and health clinics in zimbabwe. The program, through its funding effort, raises awareness of the aids epidemic in africa and the efforts of the people there to manage the epidemic. After ca aids response provides the cities of Portland with the unique opportunity for direct personal involvement and an efficient vehicle to ensure their donations make it to impacted individuals. Their work has touched the lives of thousands of people in zimbabwe. I can tell you after listening to the stories of my wife who went to a delegation a month ago, that they truly do touch people. They touch children, they touch adults, and the everyday people of zimbabwe who have a wonderful spirit under some very difficult and trying circumstances. Congratulations. [applause]

Dana Morrison: I am dana mori sorntion i've had the fortune of being a volunteer and a representative of the citizens of Portland in traveling to zimbabwe since the year 2000. Global solidarity run h.i.v. Is something that is very dear to my heart and to the work that I do in Portland and to see the compassion and spirit not only in Zimbabwe but here, as we build these bridges, is something that I want to thank mayor Potter for supporting the sister cities programs and all of the work that the city does.

Maria Kosmetatos: my name is maria, i'm a nurse practitioner at the h.i.v. Clinic at Multnomah county, and also a member of this organization. As we always say, when we go to mutari, it's not about us, but it's about the people of Portland. Because it really is the people of Portland connecting with the people of mutari, and for me, it's about social justice. It's not just about h.i.v. But it's about social justice and I echo that thank you to mayor Potter and his wife, and the delegation, and the students, and everybody who went with us this year, because it was a huge acknowledgment and a huge -- just burst of hope for the people of zimbabwe right at this point. So thank you all for being here and thank you for being africa aids response. [applause]

Potter: My last presentation and certainly not the least is to a man that i've got to meet over the last several years because of his work in the community. He is an exceptional Portlander. He was born here, and I am very pleased to introduce to you folks who don't know him, mr. Larry collins. [applause] normally when I see larry he's wearing a t-shirt. And the motto of his organization is stop pointing a finger, lend a hand. I think we could all use that advice. Larry is a native of Portland, a father, husband, and community activist. Mr. Collins is currently the founder and president of people of purpose and associates. The volunteer chairperson of the northeast coalition of Portland neighborhoods, public safety action committee, volunteers with the on the block ministries, right way ministries, and cornerstone community services. Mr. Collins has been previously recognized for his efforts by the office of neighborhood involvement. For the past three years, they have sponsored a neighborhood clean-up and free community lunch and concert. The motto is -- stop pointing a finger and lend a hand. This man does that. [applause]

Larry Collins: Geez, thanks, mayor. I appreciate that. I promised my wife I wouldn't cry. I do give honor to god, who has turned my life around. I think about all the decision that I have made, but this award represents people that are -- that want to do something but doesn't know how, but this is an opportunity to change your life. I believe if you messed up something you ought to clean it up. Our motto is stop pointing fingers, lend a hand, and thank you very much. [applause]

Potter: That's the end of the folks I am presenting to. And now i'd like to introduce the mayor-elect of the city of Portland, sam Adams. [applause]

Adams: I'm incredibly pleased to be announcing the awards i've been chosen to present tonight. Starting with this first one. A group of volunteers got together a number of years ago, and planned an event the last thursday of every month on northeast alberta. And it grew and it grew, and it outgrew sort of the initial planning. And for months it was on the edge of being out of control. And there was a number of sort of disagreements within the neighborhood of how to respond to it. And it took some very -- it took a lot of creativity, perseverance, and it took a lot of outreach and partnership building, three folks that we're going to honor this afternoon. And if I could have jeri

December 11, 2008

and stephanie, and lieutenant walker please come forward. [applause] apparently jeri is in mexico, so ellen is standing in for jeri. Stephanie is the crime prevention manager, helps identify stakeholders and organize community meetings. Jeri worked with the wide array of neighborhoods to satisfy street closure requirements working with the Portland office of transportation to notify businesses on alberta and organize a previously unorganized event. Lieutenant walker organized support officers and imparted his considerable event expertise, and he also did it in an incredibly community oriented policing way. So what -- for the last three months the event has been organized, the number of complaints in the neighborhood, the number of complaints from people trying to get through the neighborhood, and event goers themselves have just all plummeted. There's much more of a celebratory and relaxed mood for which the intend was in-- event was intended to do. Thank you all very, very much. [applause]

*****: I'd like to say there were -- I would say at least 75 people that contributed to the improvements in last thursday. We're just three of the people that helped out. There were -- I would say at least 40 city, county, and state employees, and at least 30 or 40 community members who contributed their ideas and their hard work, and it's really been a terrific process, and it's something we're all proud of. Thank you. [applause]

*****: I want to thank the commissioner for recognizing the hard work of everybody associated with this event. I'm honored to accept this for the members of the Portland police bureau, the hard work all the men and women have done in relation to this event, and for all the collaboration between stephanie reynolds, and the community, and the Portland police bureau, really is to take an event that needed some guidance on how it should go on in the future, and i'm glad to see it is going to go on in the future, because it is a terrific event for the community. Thank you. [applause]

Adams: The next gentleman i'm receiving an award is i'm quite sure the son my parents always wanted. But instead they had to settle for me. Let me tell you, before I invite him up, let me tell you a little bit about what he's been doing. He has been helping to launch the hospice music program. He has been willing to devote dozens and dozens of hours of time every season to play music for those who are in their final journey of life. He provides caring, compassionate presence as well as musical enjoyment for the folks who are at the hospice centers, including the northwest hospice center. He plays beautifully, apparently, and sharing his knowledge of the songs with who he plays for as an audience. He also is an excellent in other ways. He was first place winner for the 2007 state music whichs, and -- championships, and the 89.9 all-classic radio young talent search at the able of 13 in 2005. He's also a dedicated student, a national honor society member, I was never one of those, he has a passion for mathematics and plans to study astro physics when he begins college in 2009. Please welcome george wolff. [applause]

George Wolff: I began playing guitar when I was 6 years old. For years I practiced hours and hours. I realized that it's not music is not just for myself. And that I would need to play the music for other people, and that's what music is written for, it's written for other people, and it's written for enjoyment of many different people. And I really am very grateful for hospice care of the northwest, and tammy palladini, as they have acted as a means for me to share my music and my talents of -- throughout the city of Portland, and it's really been fantastic to be able to share it with tammy and everyone. Thank you very much. [applause]

Adams: The next honoree I get to make an award to is one of the first people I met when I came to Portland to manage vera katz's race for mayor, I moved from eugene and before that eugene and then salem, eugene, and newport before that. So she was one of the first people I met. And when vera took office, she was part of a group of folks who rallied, then mayor vera katz to turn the burned-out fred meyer at m.l.k. And killingsworth, into something useful. Something that would serve as a beachhead and a beacon of hope for north and northeast Portland. And the next award winner was part of that. She followed the project through and has been with the project ever since. Please join me in welcoming gloria mcmurty. [applause] when I say she's been with the project

December 11, 2008

ever since, I mean it. She's the owner of reflections coffee house, which serves as a meeting place in the community. In fact, it was a favorite hangout of the obama crew when he was here. Did you meet obama?

Gloria McMurtry: No, I did not.

Adams: I didn't either. When he comes to town i'll make sure you're with me. Reflections as -- has been a key part of the neighborhood, holding many regular meet cans of organizations like the national association of black veterans, and black artists consor shums. It is really a place that everyone, regardless of their walk in life, regardless of their backgrounds, is made to feel welcome, and that's because of the person who owns it and runs it from which its spirits come, gloria, congratulations. [applause]

McMurtry: Thank you very much for this award. Reflections to me is a vision come true. And I just wanted to say thank you tofer one who's helped make it possible. It's your spirit and your vision that reflections reflects. So thank you very much.

Adams: The next award is also a very powerful woman in the community, and she sits in the basement for her daytime job, but boy, you can feel her presence all the way up on the third and second floors. And sometimes her voice. Because she is an advocate, whether at work or after hours. Please say hello to jeri williams. [applause] she organization and does public presentations for environmental justice poverty, peace, domestic violence, and many other social justice issues. She served with me on the multimultiyear, seems like a lifetime columbia river crossing vision council, and she was one as I was of about 60, 70 people around pt table. And her job was to advocate for environmental justice. As part of building a new crossing on the columbia. Let me tell you, she did a great job. Sometimes up against some forces counter convenienting forces that did not want her to speak up, and you could see were visibly irritated. They want you to look slightly that way, and act surprised. But she stuck to her guns, and i'm so glad that she did. Because the columbia river crossing is going to be better because of her participation and in as much a way as we can possibly muster is going to try to knit together a community that was really dug apart and divided by that freeway and that bridge. So it's an honor to work with you, and you deserve this. Congratulations. [applause]

Jeri Williams: Thank you so much. First I wanted to thank lisa from montavilla for nominating me. Situation came up where I was speaking in the meeting and I got to share my history. Instead of judging me, they found a way to utilize me in some very serious conversations about dealing with prostitution. When an organizer thinks about heaven, this is kind of what heaven looks like. All of her friends around, organizers' heaven, police, city, community, neighborhoods, all pulling together to make things happen. To win for everybody. And I want to thank you, because this is everybody. [applause]

Adams: So we've all read in the newspaper in the last couple months the financial crisis were all enduring, and some of the big wall street banks, too many who have received hundreds of billions of dollars in bailouts from the federal government. The next awardee has not been one of those financial institutions. But they're not getting an award for that. They are getting an award because they work every day to help folks who have been outside of the financial systems of our society who work with those that are struggling to come in from homelessness, overcome challenges that we all face from time to time, so please welcome the representatives from the northwest resource federal credit union. [applause] this is shore lat chin. Let me read about what they do. In addition to what I mentioned, northwest resource credit union also supports Portland's emerging artist by providing free gallery space and hosting first thursday art shows. I've been to those. Very good stu. These shows have helped to revitalize oldtown-chinatown bye while bridge more people into the neighborhood. Some of the shows this year included chinese art, animal art, which raised funds for dove lewis, international photography, northwest ree source employees hold committee positions in the association, neighborhood associations, sustainable business network, and the local business

December 11, 2008

associations. Thank you for being such a great model on how to be a sustaining financial enterprise, but a good civic partner. Thank you. [applause]

Charlotte Shinn: Thank you. I'm really, really honored to receive this recognition and I'm really proud of all of the employees that we have that want to get out in the community and help make it a better place. Northwest resource credit union has been around, it was started in 1935, I think for one of the oldest financial institutions in the city. And we have a long history of helping out people. We also have a philosophy of using local products and services so if you do business with us, we'll do business with you. And thank you very, very much. I appreciate it. [applause]

Adams: So if you have the opportunity like I do to go to a lot of community events, you know there's some community events that just stand out in terms of sort of their pop of their graphic presentation. And the next awardee is part of the reason behind why so many community events look so good, not only in sort of their graphical depiction and how they're advertised, but also because he works hard behind the scenes as well to make these events come off. Please welcome Richard Kiley. [applause] Richard is the owner of Home Run Graphics. He has business cards today, right? He's volunteered his time, resources, and skills to build a stronger community in Southeast Portland. Some of the events he's been involved with include the East Portland Chamber of Commerce, golf tournament, Fun on Foster, 82nd Avenue Roses of Parade, notice his pin -- and the P.C.C. International Days and Portland Teen Idol. He stepped up and raised \$1,000 for the Mount Hood Little League when their equipment was stolen. And a fund-raiser for the Youth Missions at Faith Interchristian Church. He's widely known for donating funds and the time to produce the big screen of the Green Movies in the Parks that has brought together an estimated about 35,000 Portlanders during its time. He regularly participates in parks clean-ups and was a key player shovel in hand with his wife Gail and other neighborhood lead nurse building the Haze Ton Park for less than \$26,000. We've got other parks you can work on at that price. He believes in Portland and he is I can attest absolutely unselfish in his time. Thank you for everything.

Richard Kiely: They say doing the right thing is its own reward, but this really is a nice touch. What do you say? It doesn't sound easy to do, but it is when you surround yourself with good people. I've been very blessed to have people in the East Portland Chamber as my friends and mentors. I watch people like Richard and Kent who really kill themselves for this community to try to make this a better place to live. And now I really want to thank the Mayor and the Mayor-elect and the Commissioners, specially Dan Sla. He was kind enough to put it on the line, and he came as a judge to the Portland Teen Idol last year, and he was really great. And he was good sport about the whole thing.

Adams: What was his talent?

Kiely: We're not going to go there. But he was wonderful with the kids, and the thing I like about the whole situation is that the biggest reward I got all year was watching 4,000 people in Laurelhurst Park watch "The Sound of Music." but the real reward was watching eight small children play with a little tiny puppy that would not normally connect. And because of the movies in the parks and Jeff's role in this, we've been able to put tons of people together in safe environments that are healthy and clean, and fun. And they connect, which builds neighborhood associations and helps the city in all kinds of great ways. And the real person I really need to thank, or else this will not sound like an Academy Award, if I don't thank my wife I'm sleeping on the couch with the smelly dog. But she truly is the spirit and the patients she that's put up with all the hours I put in, thank her. Thank you. [applause]

Adams: I just want to wish you all very happy holidays and the most Porter Goss Pus of New Years. For now he was a judge for Popeye Doll and now he'll be giving -- Teen Idol, and now he's going to be giving awards, City Commissioner Dan Saltzman. [applause]

Saltzman: Want to welcome everybody here, but also to thank our office of neighborhood involvement for all the hard work they do in organizing today's ceremonies. My first award is a

December 11, 2008

public involvement award, for loretta young. [applause] loretta has worked tirelessly on social and economic issues in the minority, women and eamericanning -- emerging small business contracting arena for the city, and she's helped to work in the community also supervising work force training programs. As I said, she supervisors a team in the stir that's responsible for minority and women participation on construction and professional service contracts. She's a mentor to other bureau directors, and community members, she helps firms to grow capacity, to create jobs, and plant roots in the community. She also helps first-time job seekers on apprenticeship programs, and watching them get their first paycheck and support their families. It's a great thing. She volunteers her time with the women in trades program, helping women find jobs in the jux field. This helps not only women in our community, but also the school-age kids throughout the state that they support. Loretta served as a member of the charter review commission, is is a member of the native american hispanic, asian, and black chambers of commerce, and represents the city at many community events and trade fairs. She's also a member of the leadership forum, which is a group dedicated to mentorship for young african-american women. So she keeps a very busy schedule. I'm glad you could be here to talk your award.

Loretta Young: Thank you. Thank you very much. I just like to say thanks to all of these people who work with me from the different agencies, and of course the bureau of purchasees, which I couldn't do my job without. I'd like to thank all of the contractors who I work with over the years, and those that I will work with in the future. Thank you so much for this award. Appreciate it. [applause]

Saltzman: The next award i'm giving is a humanitarian award for steven ying, who I know is here. [applause] steven is a man of heart and passion. He's been an activist in the Portland community for many years. His efforts raise from raising money for the red cross in support of the earthquake in china, to working with travel Portland to promote our city as destination for chinese tourists and investors. Absentee streands for change and progress. He invests and provides his time freely for the betterment of the community. His service includes -- he's on the board of the Portland sister city, and he's on the board of directors for the Portland chinese gardens, he's on the board of every conceivable committee with the name oldtown-chinatown in front of it, and he also serves on the sen tram Portland police precinct and the advisory committee for urban renewal in the river district. Steven's activism has focus order promoting and preserving chinese heritage, sponsoring youth service and scholarships, engaging in terrible activities, advocating for small businesses, providing social service for the community, and most importantly, acting as a liaison for the chinese community. He's recognized and trusted by community organizations as well as civic and governmental agencies. Steven brings open communication, responsiveness, and -- to participation throughout our community for better, more enjoyable Portland. Thank you, steven. [applause]

Stephen Ying: Today I accept this award. It's not for myself, it's for you and the community. This award belongs to my family. Allow me to spend time, hours, to serve as a member of the community. This award belongs to the chinese community for allowing me to serve and represent our chinese community, allow me to speak out for them and ccba and -- this award belongs to oldtown-chinatown. Anything with oldtown-chinatown. The neighborhood association allow me to serve ---- a.c.h. And m.g.a. And coordination service advisory committee with the police to lower the crime in old town-chinatown. This award belongs to the Portland development commission. Allow me to serve as a cultural liaison to a chinese community. And let me -- we've a district urban renewal -- we have a district advisory committee. I have learned so much from the p.d.c. How to get money from them. [laughter] this award belongs to the Portland chinese. The chinese newspaper, media, information to the chinese population does not speak english. This award to all of you, individuals who have helped me wisely to learn, how to deal with the city government. Christine ryan got me involved. Political campaign. She reformed me into -- i'm a republican, but she turned me into a democrat minority leader. And -- we ask the minority to go to vote, and that

December 11, 2008

was -- one always give me wise how to deal with the people, but whether I need it or not, they give it to me. Finally, this award belongs to the city government. Mayor Potter, mayor-elect Adams, commissioner Leonard, commissioner Saltzman, commissioner fish, and commissioner Sten. They are willing to meet with the community, listen to the community to make greater Portland -- that's what the spirit of Portland all about. Thank you. [applause]

Saltzman: So you know how to get money from the p.d.c. I'm sure some people are wondering whether you brought business cards today. My next award, seems like it was just a couple months ago I was giving him an award, is to michael egan. He is getting an humanitarian award also. It's a pleasure for me to give michael egan this award. Michael, living from birth -- with cerebral palsy, was taught there was nothing he couldn't do. The belief that each member of the family had a responsibility to reach out and to care for those in need has led michael to a life of service in the community. During his 40-year career in state service, he developed the case management and networking skills that have allowed him to excel in his volunteer service since he retired in 1999. That was department of environmental quality. State department -- [inaudible] In 2003 he began his role in elders in action, is and in 2006 he was elected to the commission. During the past year and in his current role as advocacy coordinator, he sets up meetings with individual elected officials from Portland city council, the Multnomah county board of commissioners, members of the state legislature, and members of Oregon's congressional delegations. So they can hear and hear the -- for seniors in our state. In addition to his official volunteer roles, friends and family members know they can count on michael egan to listen to their personal challenges and help them find the services they need. And I know each member of the council has -- is familiar with michael's tireless advocacy, and my office as recently as a few days ago. Thank you, michael.

Michael Egan: I am deeply honored, however, it doesn't belong to me alone. I'm simply the custodian for the multitudes of advocates who fight daily for the rights for the disenfranchised. Happily many of them are here in this room, and this was as much theirs as it is mine. Still, whatever i've accomplished to date no matter what I might have achieved in the future, none would have been possible without the love, support, and counsel of sylvia, my partner of almost 39 years, angie, my youngest daughter, and my grandson elijah, who unfortunately couldn't be here because in between school and wrestling and getting ready for the band concert tonight, where he has a solo with the jazz band, he felt he needed to rest up.

Saltzman: He can watch this on t.v.

Egan: Right. Finally, thank you from the bottom of my heart. [applause]

Saltzman: Well deserved. The next award i'm giving out is one of our independent spirit awards. That goes to linda robinson. [applause] it may surprise some to know that linda is a retiree. She spends more time on civic projects than you can imagine. Per has for civic engagement developed when she began volunteering during a mid life career change 20 years ago. Early experience as a founding member of the columbia slough watershed council and her work with naturescaping for clean rivers program, demonstrated the importance of citizen involvement, the earlier the better. She advocates tirelessly for good process. Plus she has many volunteer interests, including the airport urban renewal, local elections, quality quality, tree preservation, invasive species. Her passion and primary focus has been on parks. As a founding member of the east Portland parks coalition, she works knowledge bring and advocates effectively for east Portland parks and open space. Linda also chairs the citywide parks team, the gateway urban renewal area, and the parks committee for the hazelwood neighborhood association too. She served on the metro green spaces policy advisory committee, and committed countless hours to successful bond measure campaigns to acquire more open space and natural areas throughout our region, including our Portland city. So she is very active, she focuses on community building, and I want to say you deserve this. Why don't you say a few words here. [applause]

December 11, 2008

Linda Robinson: Like some of the other folks, I too have a spouse who is -- allows me to spend all my time doing this kind of thing, and he's actually here today, if you want to meet him in the reception. He doesn't come to public meetings very often, so it's unusual. I also -- anyone who wants to talk to me later about gateway green, or gateway urban renewal center, or anything like that, we're always looking for people who are interested and involved, and I would be happy to talk with you about any of those projects. [applause]

Saltzman: The next two awards are for community policing, and they go to sergeant John Anderson and officer Greg Baldwin. Sergeant Anderson and officer Baldwin in the true spirit of community policing, they saw a need and they filled it. They converted an empty office space into a neighborhood police contact office, where residents could meet with police, find community resources, and provide a safe place for officers patrolling in the area to eat lunch, write reports, and to meet with neighbors. With the generosity of the Ross I family who leases the space to the Portland police bureau for \$1 a year, the officers spent many months off duty of their off-duty time to transform this vacant space at 111th and Northeast Sandy Boulevard into a community contact office. This is an area that has seen drugs, prostitution, and other illegal activity over the years. The officer's residents and businesses in special ways. First the presence of more police officers stopping at the office has fostered a safer feeling in the community. Second, neighbors are becoming part of the all-volunteer office, staffed by elders in action, and they're becoming more involved in their community, and last, businesses have gotten involved donating goods, services, and other things for the renovation effort. As one of the volunteers puts it so well, the new neighborhood contact office is an opportunity to put a face to a badge. Sergeant Anderson and officer Baldwin have created a legacy that will live on in the community for many years. Congratulations. [applause]

Sgt. John Anderson: Like a lot of remodel projects, this one took on twice as long, twice as costly. We couldn't get it done without the Parkrose Business Association, Rex, Marsha, Joe, Jennifer, Lawrence. I'd like to thank my spouse for allowing me to be out late at night along Sandy Boulevard, actually working. Since we're involving Stu Inman City Council, Commissioner Fish, Commissioner Leonard, and if you guys weren't aware, Rex opponent ID \$100 to put Commissioner Leonard in the dunk tank at least a half dozen times. We've got pictures if anybody needs them. Thank my construction foreman who taught me how to hammer a nail.

Officer Greg Baldwin: I want to thank Commander Koren Robinson and Lieutenant Alexander for their support and also Jennifer Lawrence for nomination. The Parkrose Business Association and Rex and all those that gave a lot of their time and money to put together the contact office. They are the true spirit of Portland. Thank you.

Saltzman: My last award is for a large business, the Opus Northwest Foundation. Is somebody here from Opus Northwest? [applause] This is John Bar Tell with Opus Northwest. Giving back to the community is a core value for Opus. Opus Northwest and the Opus Foundation provide communities with philanthropic gifts and volunteer labor, focusing primarily on children and families. In the past year, 27 Opus Northwest employees have dedicated themselves in providing the Portland community with numerous philanthropic services. Accomplishments in 2008 include donations and over 200 volunteers hours, the S.M.A.R.T. Program, the Oregon Historical Society, the American Cancer Society, the Cystic Fibrosis Foundation, the Juvenile Diabetes Research Foundation, the Head Start classroom improvements at James John Elementary and Applegate Schools, rebuilding together the Sunnyside Children's Club in Sunnyside Church Community Annex improvements. Improvements to Couch Park in Northwest Portland. And the Bridge Town Book Drive where they raised over 8,000 books for libraries and schools. Opus Northwest is very proud of its work with Richmond Elementary, which consisted of funding new playground structures that had an immediate transformational effect on the school and the neighborhood as a whole. Their mission is to create

December 11, 2008

great real estate today and in the future. The commitment is to 11 make communities where we do make communities a better place to play, work, and raise families. [applause]

John Bartell: I'd like to thank the people at richmond elementary for the recognition. I think it's more gratifying to know our efforts are having their intended results. The richmond project is one of eight projects we've completed at elementary schools and head start programs in the city. I think maybe one was in Washington county. The rest have been in Portland. And our next one next year is a playground improvement at couch park, I wanted everybody to know we can always use more volunteers. Thank you. [applause]

Saltzman: Now i'm going to turn it over to commissioner randy Leonard. [applause]

Leonard: Good afternoon. Welcome. I'd like to ask the reverend frederick woods to come forward. Reverend frederick woods is a native Oregonian, has a passion for humanity, and lives to serve those in need. Rising above his own past challenges and recent medical illness, his welcoming smile and warm embrace helps him serve the city's most high-risk individuals, including gang affiliated youth, the homeless, the mentally ill and those suffering from drug and alcohol addictions. He is founder and pastor of the cavalry christian church, a former president of young peoples willing workers for the state of Oregon churches of god and christ, hospital staff chaplin for kaiser permanente, clinical case coordinator for the -- and founder and executive director for the positive youth development program. He works with state partners on a reentry model for individuals returning to their communities from prison. Under his relationship, he established mace, the mallory avenue community enrichment strrks a mixed use facility offering a number of programs, social services to individuals, youth and families in the northeast and inner north corridor. The center hosts the october through march homeless shelter providing hot meals and clothing two nights a week. During freezing winter nights, reverend woods and cavalry congregation open the center every evening offering up space to 80 individuals. He also volunteers on the executive board of boy scouts of america, the citizen review board, is a north Portland bible college board member and a staff professor of urban studies involved in face-to-face relief to haiti and taking poor mission trips to west africa, haiti, puerto rico, and honduras. Ladies and gentlemen, welcome reverend woods. [applause]

Reverend Frederick Woods: Certainly I must say I first thank god. And I thank all of you, thank you for nominating me, thank you for selecting me. I feel honored. I've had my own challenges, even medical challenges. But also i've got to thank everyone, I haven't had -- i've had a great support system, great family, friends, mentors, aunts, uncles, everyone who has been very supportive. Also i've had a good regional min sterks reverend doug worth from the disciples of christ who believe in the vision. Then I have two gentlemen that have played an integral part of my development and growth, and that's carl tallton and bishop a.a. Wells, my spiritual director. But we've had opportunities, we are 3½ years old, we've had opportunity to serve over 300 individuals last year out of the 300, we did some form of case management for about 24 of them and out of those 24 we have 11 success stories. We have the men that have returned to school, finished treatment, gotten home and jobs now. And it's a challenging population. Many of those people that we've served -- that have served are returned and they're volunteers. They're staff when we open the doors on tuesday and thursday night and during severe whrmplet even though this challenging population we serve has been a reward, it's not -- it's been revery warding. I've enjoyed it, i'm passionate about it, the greatest reward has been watching lives change. Individuals coming out of situations, lives being changed through spiritual direction, spiritual principles, christian values, individuals coming wack. I want to thank you all of you and bless you. [applause] next.

Leonard: Next can we have hoopin' it up come forward? [applause] hoopin' it up has been a gift to low-income kids in southwest Portland and shows the benefit of forging strategic partnerships in our city. Home to Portland's -- some of Portland's most economically challenged and diverse families. Unlike many in surrounding southwest Portland, these families cannot afford high quality

December 11, 2008

summer recreation for their sons or daughters. To help address this inequality, h.a.p., Portland police bureau, basketball institute inc., southwest neighborhoods inc., and the office of neighborhood involvement's crime prevention program partnered together to form hoopin' it up. Its goal was to teach children about leadership, hard work, team spirit, respect for their peers and how to build a strong sense of community. In August they completed their second camp with 35 children able to take part in the four-day event. The 2008 camp was expanded to include a writing component, track and field training and more g.r.e.a.t. During camp lunch hour motivation call speakers came to speak. The camp ended with a family fun night event for all the residents of both of the two complexes. Over 300 people in all, and included a barbecue, entertainment, and an awards ceremony for the campers in front of their families, friends, and representatives from Sweeney, the Portland police bureau, and more. Congratulations. [applause]

*****: Wow. I was picked to be the spokesperson for the group too. I was like, I know what to say, and I don't know what to say, I know what I want to say, but don't know how to say it. First of all we want to say thank you. I want to introduce Michael, office of neighborhood involvement. Megan Jolly, with Count Rosenbaum and Police Activity League. April, with the Housing Authority of Portland, Aubrey Robinson, also with the Portland Police Bureau, Central Precinct, School Resource Officer, who brought the g.r.e.a.t. Program for us. And Lindsey Struthers, who is with Basketball Inc. Incorporated -- Basketball Institute Incorporated. He also brings a writing component to the camp. Not only did we do skills stuff, but we also challenge them mentally. We got together, it was like three of us sat down and said, hey, what can we do for Hillside Terrace? A lot of you may not know, these communities are so isolated. They don't have a lot of transportation, or they can't afford transportation to get to any type of recreational activity. So myself, Michael Vaioer and April, we sat down and said, what can we do? We decided to do a basketball camp. The thing we wanted to do, just like Commissioner Leonard Read, is that we wanted to give them something more than just a basketball camp. We wanted to give them tools they can take back to their community and use in their schools. And those tools were partnership, working together, and accomplishment. That was our goal, and that's what we did. And we did this by showing them what partnership is about, by bringing the community together. Bringing us together also gave us an opportunity to show these kids the vision that the city continues to have. A vision that was given to me, and a vision that was given to my partners here, now that we have 30 to 60 kids out there now with that same vision. So we know these kids leave this camp, that the city will be well taken care of once we're gone. And that was the vision we got from the city council, my commander, and from my chief Rosie Sizer. And that's what we want to give to these kids, that's what we decided to give to these kids, that vision. Because as we sit there and we look at those kids, I see those kids the same way those kids see me. Those kids are me and I am those kids. That's what made it important that we got together and do this program. And it took us a while to get it together there. Were back room fighting and things like that. I want the council to know and the mayor to know we do have political experience -- [laughter] we may be running for office. But with that aside, we came disappointed about what the city is known to do. I know it's cliché, but it is the city that works. And we are a product of that city that works. And we appreciate your support. We do have a camp next year, so if anybody wants to contact us, give me a call at Central Precinct. [applause]

*****: Hooping' it up. [applause]

Leonard: No woke us all up. Good. Now one of my favorite organizations. Sisters Territory Road. Come on forward. He gave me a golden toilet plunger earlier this week, and I'll let you guess what that was for. Since 1979, Sisters Territory Road has provided a safe place for everyone. Especially women and children offering nourishing meals at little cost or an exchange for labor, and offered employment experience to local residents. In 2008, Sisters Cafe met an increased demand for meals, serving a meal a minute to individuals and families. Sisters served 25 or more meals per day, 371 on average, than the year before. Sisters Civic Action Group made up of people who have

December 11, 2008

experienced homeless nrksz registered over 400 people to vote and provided voter educational opportunities through two mayor and council candidate forums. One of them was atbiend 13 candidates and hundreds of people experiencing homelessness. Sisters also held a town hall meeting on homelessness with senator gordly. Sisters research project was chosen by Portland state's university capstone program, which donated more than \$30,000 worth of expert service to put the database online. The database features firsthand stories of 515 people who have experienced homelessness is now at www.sistersoftheroad.org/voices. They shared their philosophy of nonviolence by providing training to groups in the community. Sis thers followed its philosophy when creating its 2008-2013 five-year plan with input from customers, neighbors, donors, volunteers, staff, and board. Over 100 customer surveys in a customer focus group informed the plan which all guide all sisters work. So thank you very much for what sisters does. [applause]

Patrick Mullen: My name is patrick mullen. I'm happy to accept this award on behalf of sisters of the road and civic action group. We appreciate the recognition of sisters work and our role as an institution in our city. We're also compelled to call on the city of Portland to live up to its stated commitment to human rights, social justice and personal dignity by revealing the sit-lie and anticamping laws. Making the -- making the very conditions of being homeless illegal is not who we are. We are better people than that. The city of Portland is better than that. Again, we thank you for the recognition, and ask that you provide leadership in doing the right thing for all Portlanders. Thank you. [applause]

Leonard: If I could have the south Portland neighborhood association -- the south neighborhood Portland neighborhood association consists of terror bet, terwilliger, lair hill, johns landing, south waterfront, and fulton, and is very dedicated to serving its community. In 2007, spna had a vision of holding summer concerts at willamette park. Association members raised enough money for two concerts and thought they would try for four in 2008. Sbna raised dsdz 12,000 from local businesses and sponsors in 2008, approximately 3,000 neighbors and others attended these concerts. Another 500 people attended national neighborhood night out, which included children's activities, music, and dancing, appearances by somebody wrote firemen, it's firefighters, and not policemen, plovers. A potluck, and a barbecue. Sbna wrote a grant and designed printed and mailed neighborhood newsletter to every resident. The newsletter let everyone know the people who make up their neighborhood association what issues they were working on, how residents could become involved, and inform them of upcoming events. Sbna worked with businesses and gave their support to the formation of a much-needed business formation. 3 sponsored events and today over 70 businesses belong to the south Portland business association. Congratulations. [applause]

*****: It's an honor to be here with all the distinguished people that's been before us. How we can get our neighborhood involved to get citizens involved, and with a lot of hard work, some generous donations from our sponsors, we got it done. And it's very -- words can't describe how great it is to see families at these concerts, kids having a good time, it's all because of these people. Thanks everyone. [applause]

Leonard: Clarence harper, jr. Come on down. [applause] she a leader in emergency preparedness efforts throughout our region. He operates the fire call desk at the Oregon trail chapter of the american red cross 16 to 32 hours each week, fielding calls from concerned neighbors and others involved in disaster related instance deflts he's a member in training with the disaster assistant team and is working on certification. He has been dispatched throughout the tri-county area to provide aid to disaster scenes on behalf of the Oregon trail chapter. Harper was chosen as one of two safety officers for the national partners in preparedness area citizens core conference in october. He served as safety officer for the 23rd annual martin luther king day celebration this past january, and will return as a safety officer and communications specialist for the 24th annual m.l.k. Tribute in january 2009. Harper has taught teaching emergency preparedness classes at fix it fair and other

December 11, 2008

venues. He's a member of the speakers bureau, giving presentations to diverse groups, including the American Business Women's Association. He organizes volunteers -- first aid stations at various neighborhood events, National Night Out, the Greek Orthodox Festival, Grand Floral Parade, Powell Butte Control Burn Exercise and Top-Off Drills. Harper is a mental health professional and provides in-home care for people. She is certified in C.P.R. and first aid. As such she participated in rodeos, search and rescue training, various drills, classes, and is currently training to become a ham radio operator and communication coordinator. Thanks for all you do for our community. [applause]

Clarence Harper Jr.: After 13 years of being in emergency preparedness responder, I'm prepared and have a few notes. First of all, I'd like to thank my savior Jesus Christ, Mayor Tom Potter, honored commissioners, the Portland Bureau of Fire, the Portland Office of Emergency Management, Rachel Jackie, the former coordinator, and currently the director of the community emergency response team for the Department of Homeland Security. I also would like to thank the World Fund Incorporated Family, the Oregon Trail Chapter of the American Red Cross, last but not least, my mom, who is not here, but is watching on T.V. Hi, Mom, for instilling in me -- I'd like to thank my mother for instilling in me at an early age that it's good to serve your fellow community. So thank you. [applause]

Leonard: Laurelhurst Net Team. The Laurel Heirs Neighborhood Emergency Team was founded in 1995 as part of a citywide program to train citizens to be first responders. The roster has grown to 32 members. They have contributed over 400 hours in training, education, and community service this past year. Net teams are citizen volunteers trained by the Portland Fire Bureau to be first responders in their neighborhoods in case of major emergencies. Earthquake, landslides, etc. Their mission is to protect lives and property and to show the public how to be prepared. The team is training and taking refresher classes. Team members also offer education on surviving a disaster. Members meet with neighbors, clubs, or groups of people and show how to be prepared for any emergency. Make it a plan, what to do, and how to do it, making a kit, preparing for at least 72 hours and getting trained. Knowing how to protect yourself, your family, and your neighbors. Team members also write a networking call up in the neighborhood disaster Laurelhurst Neighborhood Newsletter, covering safety reviews home problems to natural disasters. They also belong to other organizations such as Red Cross, Neighbor Watch, and Medical Corps. Membership is open to anyone 14 or older who lives in Portland. The team also participated in the national top-off drill last fall. Some members help with the winter floods and warming centers. They also provide staff first aid booths for the Rose Parade, Martin Luther King Day, the Greek Festival, and other events. Thank you for all you do for our community. [applause]

*******:** This is a team award. I want to accept the award on behalf of all of our team, which is now 34 members. We just gained two new people. To continue our main mission, which is to educate the public, be prepared to be part of the solution, not part of the problem. Thank you very much for this honor.

Leonard: Now I'm now pleased to introduce -- our newest member of the Portland City Council, and a fabulous member who has brought a lot of great energy, Commissioner Nick Fish. [applause]

Fish: I'd like to begin by thanking Mayor Tom Potter and the First Lady of Portland, his wife, for all their service to our community. Join me in thanking them. [applause] It is also my great honor to give out one of the Mayor's awards this afternoon, and that is to Peter. Sara, are you here? You're all here? Beth, Sara, please -- last night over 1400 people slept on the streets of Portland. And we know that that's wrong. And who were those 1400 people? They were our brothers and sisters, veterans, they were people with mental illness and physical challenges. They were children. Well, we know that's wrong, but we also know that every child needs a loving, caring adult to be successful. We know that's right. And Peter brings these two together. They provide compassionate adults to help youth in our community and they do exemplary work. Peter builds relationships with homeless and transitional youth ages 15-24 through education, art, and recreation

December 11, 2008

to affirm personal worth and create meaningful and healthy lives. Their program serves more than 500 homeless and transitional youth every year. To truly exit homelessness, kids must develop internal strengths, skills, and the foresight necessary to make healthy choices. P:ear provides a safe, nonjudgmental environment where youth are trusted to outgrow, unproductive and harmful behaviors. P:ear offers individualized mentoring and education programs in a reliable and intimate setting designed to foster trust and build self-esteem. P:ear teaches homeless and transitional kids that they are valuable individuals who have something vital to contribute to our community. P:ear's staff and volunteers serve as mentors, as friends, and as role models while p:ear's unique program creates opportunities for young people to grow 92 intel engt wally, express themselves constructively, communicate in positive ways, and engage in meaningful interactions with the larger community of Portland. This is a process that requires patience, and trust, and i'll add, and love, and takes years to cultivate and requires enormous dedication to sustain. I'm pleased to present the mayor's award to p:ear. [applause]

*****: Thank you. P:ear is truly blessed to have the support of such a compassionate, energized, and hopeful community. Thank you for believing in p:ear, but truly, most importantly, thank you for believing in the valuable and sigh brant young people that come inside our doors every day. We're really honored. Thank you.

Fish: Technical issues here. The next mayor's award that I have the honor of giving is to the standard. If you open up a dictionary to the definition of a good corporate citizen, you'll find the standard. One of portland's oldest businesses, and one of its largest employers. Bob will you join me please? [applause] In 1906 when leo samuel founded the Portland company that would become the standard he also began a tradition of philanthropy rooted in a commitment to build lasting relationships with the community. This commitment is as strong today as it was a century ago, nurtured over the years by the people of the standard. In 2008, employees and retirees donated more than \$600,000 to non-profit organizations here in Portland and across the nation. The standard matched these gifts dollar for dollar, doubling their impact. Its employees are volunteers, logging thousands of community service hours each year. And the standard offers employees up to eight hours of company-paid time off each year. The standard's corporate giving and standard's charitable foundation contributed more than \$1 million to Oregon nonprofit partners and supporting education and arts and culture and community development and people with disabilities. The standard embraces sustainable business practices and earned leed gold for their tanasbourne location and work for those same certifications for their building in downtown Portland. And partnered with the car sharing company zipcar to help alleviate congestion and pollution. The philosophy is shaped by the same attributes, integrity, commitment and doing things differently. congratulations.

*****: Thank you, commissioner fish, mayor Potter, commissioners of the city of Portland. I'm really proud and happy to accept this award on behalf of more than 3400 standard employees, many of whom live right here in the Portland area and located in 45 offices around the united states. We have 102-year history here in Portland and, in fact, our home office is located just across the street. So we really feel like the city is our neighbor. We thank you again for this award. We look forward to continuing a good year of community building. Thank you. [applause]

Fish: The next award is a community crime prevention award to carl Leonard roberts. Carl, would you come forward, please? [applause] Carl roberts, also known as the guardian angel of old town chinatown works daily to disrupt illegal street activity and provide safe passage for visitors and a staunch advocate for homeless and those in crisis through his work with the day drop in center, the transition project and the women's crisis line and the blanchet house of hospitality. He stations himself on the corner of the Portland development commission's office at fifth and everett most mornings to greet visitors and to. He's an imposing figure with his feathered beret and orange safety vest and beard. He created a clear path for employees and visitors to get into the Portland

December 11, 2008

development commission. He called police and social services agencies when necessary and provided the extra set of eyes on the street, all in exchange for a morning cup of coffee from the p.d.c. Coffee pot. He continues to be a greeter with a friendly smile and a tip of his hat, providing direction to the lost and the confused, information on where to find food and associate services to those in need and advice to friends and strangers alike. Carl, who sits on the old town chinatown neighborhood association board and public safety committee, knows just about everyone, their story and where they live. Carl's community involvement and street savvy has decreased crime and helped visitors feel welcome and safe. His commitment personifies the spirit of Portland.

Congratulations. [applause]

Carl Roberts: First, I would like to say, evil can only be victorious when good people do nothing. I want to thank mayor Potter, all of the commissioners, people at p.d.c. For allowing me to stand on their corner every morning. Individual -- the individual who nominated me and the people who voted for me. All of the people of old town chinatown who come by with a smile. You try to make everybody smile. It doesn't work with everyone, but I give it a best shot. Its about community, not just me. I also work with the sisters and I want to congratulate them for doing a well-done job. If it wasn't for jenny nelson, I wouldn't be here doing this work, so I also want to let everybody know, this award is partly hers for giving me the courage and knowledge to go forward and do what's right. Thank you very much. [applause]

Fish: The next award is an independent spirit award to the coalition for a livable future. Jill, would you please join me? We all the know we live in a wonderful community but we also know we will not live in a great community until everybody enjoys the benefits of a livable community and that's where the coalition for a livable future comes in and I think it's safe to say as we embark on the update of the Portland plan, the regional equity atlas will be the bible we use to make sure that everyone in our community enjoys the benefits of a livable community. The coalition for a livable future unites more than 90 diverse nonprofits, businesses and hundreds of individuals to promote healthy and sustainable communities. C.I.f., which offers a comprehensive regional approach to create a livable future for all populations is at the crossroads of environmental, economic and social justice issues. Its projects have included the regional equity atlas which maps equity conditions in the Portland metro area in terms of the parks, schools, housing and etc. And examines data that show inequity in nature and parks access, as well as gaps in housing opportunities for people of color. Engaging metro and the public in discussions about whether our region should go in the next 50 years and how to increase public involvement. Shifting the balance, a regional transportation study that offered alternatives to the columbia crossing project. Housing advocacy through affordable housing now and increasing funding statewide. We work on a future that will serve our families and neighbors for generations to come. Say the coalition staff and we're grateful for their work. [applause]

*****: Thank you very much. My name is jill and i've had the privilege of coelecting the coalition for a livable future for 10 years now. And it's an honor to be here today to accept this award on behalf of the many partner organizations and individuals who do the work of c.l.f. To secure a healthy future for all communities across the Portland region. It's been inspiring listening to all of the great work that individuals and organizations are doing in this community and it's such an honor to be recognized with them. Thank you. [applause]

Fish: Norm costa, would you please join me? Well, I hardly need to read anything about norm costa, but those watching and maybe new arrivals to Portland, this may be helpful. Norm is the recipient of our community harmony award. Norm, as you all know, is a powerful voice for underserved populations throughout our city. And worked with volunteer groups and city and the police officers union and religious institutions to bring a diverse community together to work to make Portland a place for everyone. Norm has been a tireless advocate for the needs of youth, the sexual minority community and people living with h.i.v. And aids. When some people would have

December 11, 2008

given up and written off relations between the police department and sexual minorities -- he participated in the sexual minority roundtable. He has served community members through his work with the coalition against hate crimes and advocating for the needs of crime victims and witnesses and the Portland police officers responding to hate crimes. Through the gay lesbian straight education network of Oregon, norm has worked to provide safe schools for all of our youth and a voice for educating incarcerated youth. Norm champions the compassionate values of Portland, including projects that work toward h.i.v. Prevention and caring for people living with aids. A volunteer leader, with metropolitan community church he is helping to plan the centennial anniversary of the historic m.c.c. Building in october of 2009. He reminded me that president taft laid the cornerstone of that building. Helping people see eye to eye isn't a job for norm. It's a calling. [applause]

Norm Costa: I want to thank the gay lesbian straight education network and cascade aids project for nominating me. Also the friends and gay and lesbian, the Portland police bureau, the parts of it from the chief's office, from the commanders to the Portland police association. Working with them through the years has been really a wonderful thing for Portland because we do work together and this award belongs to all of them, not me. And I really appreciate it. And I thank my faith community for giving me the strength to stand here and tell you this and thank you, mayor and city commissioners. [applause]

Fish: Our final award goes to a distinguished nonprofit organization, street roots. [applause] As many of you know, street roots is a local nonprofit news paper which creates income opportunities for people experiencing homelessness and poverty by publishing a news paper that's a catalyst for individual and associate change. It's not only an award winning independent journalistic venue but provides a means for the homeless and individuals to begin earning a living. The news paper project fosters a sense of personal worth for individuals while offering relationship building across class lines. Starting in 1998, it's a biweekly street newspaper serving more than 200 individuals who sell the newspaper throughout the Portland region. Of the \$1 per copy sale price, 75 cents goes to the vendor. The newspaper seeks to educate, advocate and provide a voice for a growing population. It also produces the rose city resource directory. It is the most comprehensive single publication on housing issues in our community that I read on a regular basis and I thank them for covering our issues of housing and homelessness with great seriousness and integrity. Streets roots a member of the north american street newspaper association is looked at as a model for community building and information. Its part-time staff is recognized for its work and winning awards for both journalistic and social services success. And it delivers in-depth reporting on a broad range of issues affecting Portlanders and provide a voice for our population who otherwise go unheard through poetry and news articles and commentary. Quote, we give voice to the powerless, say the street roots staff, and we're grateful for the contribution they've made to our community. To street roots. [applause]

*****: I don't want to say save the best for last, but street roots thanks everybody. Thanks the city of Portland. [applause]

Fish: And pleased to welcome back to the stage, mayor tom Potter. [applause]

Potter: Before we close out the ceremony, there's another person not on your list but contributed much to our -- if you came in this afternoon and saw the neat plaques lined up. That's nell wagnaar. Nell. [applause] nell is one of those quiet folks who work in the background, does an absolute wonderful job for our city. Thank you, nell. Thank you. [applause] to all of the recipients, congratulations. It makes me very proud to be mayor of a city that has such fine people and institutions we've seen today. In the atrium on the first floor, there's a reception after the event is over. Please go down and meet these wonderful recipients and say hello and thank you. This is my last spirit of Portland award. I want to thank the people of Portland to giving me the opportunity to serve as your mayor. Thank you. [applause] Food's on.

December 11, 2008

At 3:45 p.m., Council adjourned.