



CITY OF  
**PORTLAND, OREGON**

OFFICIAL  
 MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **14TH DAY OF JANUARY, 2009** AT 9:30 A.M.

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

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

<b>COMMUNICATIONS</b>	<b>Disposition:</b>
<p><b>21</b> Request of Roger Weidner to address Council regarding treatment by the Portland Police (Communication)</p>	<b>PLACED ON FILE</b>
<p><b>22</b> Request of Sarah Shaoul to address Council regarding issues and problems in the business community (Communication)</p>	<b>PLACED ON FILE</b>
<b>CONSENT AGENDA – NO DISCUSSION</b>	
<b>Mayor Sam Adams</b>	
<p><b>23</b> Appoint Keith Skille, Jeff Fish, and Renee Loveland and re-appoint Bonny McKnight, Charles Grist, Steven Heiteen, Don Geddes, Greg Theisen, Simon Tomkinson and Michelle Rudd to the Development Review Advisory Committee for 3-year terms (Report) (Y-5)</p>	<b>CONFIRMED</b>
<b>Office of Management and Finance – Business Operations</b>	
<p><b>*24</b> Authorize acquisition of vehicles for use by City Bureaus (Ordinance) (Y-5)</p>	<b>182468</b>
<p><b>25</b> Authorize contract with Architectural Resources Group, Inc. and provide for payment for architectural and engineering services for Union Station Phase II Facility Improvements (Ordinance)</p>	<b>PASSED TO SECOND READING JANUARY 22, 2009 AT 2:00 PM</b>
<b>Office of Management and Finance – Purchases</b>	
<p><b>*26</b> Accept a grant of \$1,021,858 from the State of Oregon Office of Emergency Management for the initial analysis phase of the Portland Regional Radio Replacement Project (Ordinance) (Y-5)</p>	<b>182469</b>

**January 14, 2009**

<p>27 Authorize an Intergovernmental Agreement with Multnomah County for 800MHz Public Safety Radio Rebanding Program Work (Ordinance)</p>	<p align="center"><b>PASSED TO SECOND READING JANUARY 22, 2009 AT 2:00 PM</b></p>
<p align="center"><b>Commissioner Nick Fish</b></p> <p align="center"><b>Portland Parks &amp; Recreation</b></p> <p>28 Authorize an agreement with Police Activities League to provide payment for operational support to youth programs (Second Reading Agenda 10) (Y-5)</p>	
<p align="center"><b>Commissioner Randy Leonard</b></p> <p align="center"><b>Portland Fire &amp; Rescue</b></p> <p>*29 Carryover excess vacation hours for one employee of Portland Fire &amp; Rescue (Ordinance) (Y-5)</p>	
<p align="center"><b>Commissioner Dan Saltzman</b></p> <p align="center"><b>Bureau of Environmental Services</b></p> <p>*30 Accept a grant for \$199,060 for the Stephens Creek Confluence Habitat Enhancement Project from the Oregon Watershed Enhancement Board restoration grant program (Ordinance) (Y-5)</p>	
<p>31 Authorize a contract and provide for payment for the construction of the NW Irving St and I-405 Sewer Replacement Project No. E08345 (Second Reading Agenda 13) (Y-5)</p>	
<p align="center"><b>REGULAR AGENDA</b></p> <p>32 Repeal the limit on the annual cumulative value of new projects that apply for tax exemption under the New Transit Supportive Residential or Mixed-Use Development program so new transit-oriented multifamily projects can move forward, creating new jobs to stimulate the Portland area economy (Resolution introduced by Mayor Adams and Commissioner Fish; repeal Resolution No. 36453) (Y-5)</p>	
<p align="center"><b>Mayor Sam Adams</b></p>	

**January 14, 2009**

<p><b>33</b> Approve appointment of David Widmark and reappointment of Nathan Teske to the Housing Authority of Portland Board of Commissioners (Resolution)  (Y-5)</p>	<p align="center"><b>36667</b></p>
<p align="center"><b>Bureau of Planning &amp; Sustainability</b></p>	
<p><b>34</b> Revise Retail Sales and Service regulations for Division Main Street through the Regulatory Improvement Code Amendment Package 4 (Second Reading Agenda 5; amend Title 33)  (Y-4; N-1, Leonard)</p>	<p align="center"><b>182474</b> AS AMENDED</p>
<p align="center"><b>Office of Management and Finance – Financial Services</b></p>	
<p><b>*35</b> Amend and restate Ordinance authorizing short term subordinate urban renewal and redevelopment bonds (Ordinance; amend Ordinance No. 180963)  (Y-5)</p>	<p align="center"><b>182475</b></p>
<p align="center"><b>Commissioner Randy Leonard</b></p>	
<p align="center"><b>Bureau of Development Services</b></p>	
<p><b>36</b> Add new provisions to address the exterior of non-residential structures, correct and clarify code language (Ordinance; amend Title 29, add Code Chapter 29.35)</p>	<p align="center"><b>PASSED TO SECOND READING JANUARY 22, 2009 AT 2:00 PM</b></p>
<p align="center"><b>City Auditor Gary Blackmer</b></p>	
<p><b>37</b> Call Special Elections to fill the unexpired term of City Auditor on May 19, 2009 and, if necessary, July 14, 2009 (Resolution)  (Y-5)</p>	<p align="center"><b>36668</b></p>

At 11:49 a.m., Council recessed.

**January 14, 2009**

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **14TH DAY OF JANUARY, 2009** AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Adams, Presiding; Commissioners Fish, Fritz and Leonard, 4.

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

<p><b>38</b>    <b>TIME CERTAIN: 2:00 PM</b> - Consider the proposal of Lauren Golden, Parametrix, applicant and Portland Development Commission, owner and the recommendation from the Hearings Officer for approval of a Comprehensive Plan Map Amendment and Zoning Map Amendment for property located at 9204 and 9330 SE Harold St (Hearing; LU 08-153523 CP ZC)</p> <p>(Y-4)</p>	<p><b>Disposition:</b></p> <p><b>ACCEPT HEARING OFFICER'S RECOMMENDATION</b></p>
<p><b>*39</b>    *Amend the Comprehensive Plan Map designations and change zoning at 9204 and 9330 SE Harold St at the request of the Portland Development Commission (Ordinance; LU 08-153523 CP ZC)</p> <p>(Y-4)</p>	<p><b>182476</b></p>

At 3:13 pm., 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.

**January 14, 2009**  
**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.

**JANUARY 14, 2009                      9:30 AM**

**Adams:** Welcome to Portland city council. Before we begin our official proceedings, today i'm very pleased to proclaim via my first ever mayoral proclamation radon -- radon action month. And if you would come forward and take a seat at the dias. Marlene is from lake oswego and her spouse died at the age of 49 from radon. She's headed to Washington, d.c. as a guest of the american society of radon. I'm very sorry for your loss. Beverly is from the american lung association and don is from ecotech, located here in Portland. Let me read the proclamation and then i'll turn it over to you for making some brief comments on the issue. Whereas, radon is colorless, odorless that causes an estimated 21,000 lung cancer deaths in the united states each year and whereas, levels above the u.s. Environmental protection agency level may be found in any home in Portland and nearly half the homes in some Portland neighborhoods have radon levels above the e.p.a. action levels and whereas, Portland residents are at risk of contracting cancer from elevated level in their homes and whereas, testing is simple and inexpensive and whereas, radon problems can be fixed and the Oregon lung and the u.s. E.p.a. recommend that all houses be tested and have elevated levels reduced and have new homes built with radon-resistant features. I, mayor Adams -- and encourage all residents to test their homes for radon and i'm going doing that. Who would like to go first?

**Beth Stewart:** I would. Good morning, thank you mayor sam Adams and councilors. I'm the lung health manager. And on behalf the american lung association i'd like to thank you for taking the time to promote radon awareness in Portland. Radon is the leading cause of lung cancer for nonsmokers and lung cancer kills more people than breast and colon combined. The need to test for radon is hugely evident. When I talk to people on the street or even people in the end stages of lung cancers and didn't know they should test their homes, I thank you for that, the american lung association mission is to save lives by preventing lung disease and promoting lung health and this proclamation is doing that. It's saving lives. So I appreciate your time and we're happy to stand with you and proclaim that everybody should test their homes for radon. Thank you.

**Adams:** Thank you. Marlene.

**Maureen Mcquen:** I'm marlene mcquen, and in july of 2003, my late husband was diagnosed with lung cancer as a nonsmoker and it had been in his system for two years at the time. There were no warning signs. He woke up one morning with a lump on his neck and went to the doctor and thought it was a lymph node. And all of the cancer testing came back as negative. And it wasn't until they did a chest x-ray and found a major tumor in the right lower lobe of his lung it was diagnosed as lung cancer. And I called the e.p.a. and asked what we should do and asked me where we lived and I said lake oswego. And they said your whole area is 1.8 and anything under 4 is an acceptable risk. It came back at 57.2, the results, and they were in shock and said please test again and we did and it came back at the same. So we went and called back the e.p.a. and they were helpful at that point and got us in touch with don and he did our mitigation. And brought it back down to 2.1. This is a home that my father built in 1948 that I grew up in and had exposure to my entire life and my husband moved there in 1991. And we purchased it from my parents and had no idea the radon level was this high. I want to thank you for this proclamation and I have taken up the cause of being an advocate on this issue. It's very, very important. It seems that people really -- we told our neighbors and some of them decided to test and some didn't. Some want to know and some don't. But I think it's important that you, mayor Adams, and the councilmembers take a lead in this

**January 14, 2009**

and be able to show our community not only Portland, but the rest of the state as well, how important it is to test your home and have it mitigated and have safe levels of radon so this doesn't happen to anybody else. That was important to my husband that this not happen to any other person. So thank you so much.

**Adams:** Thanks for your activism. Don.

**Don Francis:** Thank you, mayor Adams and council. I'm don francis with ecotech. The -- what we find is there's a lot of parts of Portland where half the homes have high radon levels. I have information for each of you from the Oregon health division, department of Human services and Portland state. As marlene pointed out, just because you live in a area where you don't expect to see high radon. That's why the e.p.a. and marlene recommend that you have your house tested for radon. I have a radon test kit for each of the commissioners. And these are valued at less than \$25, just so you know. In helping support preventing -- most of these lung cancer deaths are unnecessary and it's frustrating for marlene because she lost 20 years, 30 years of a marriage just for something that has a value of less than \$25, she would have known there was a problem and fixed it. But there are ways -- any way we can help people understand the test and to save their lives, there's also ways of doing radon resistant new construction. In vancouver, there's new code for all construction has radon resistant features. So at some point, i'm sure the american lung association will be coming to you and asking for your help on that.

**Fritz:** How can citizens get ahold of these kits?

**Francis:** The american association website and a lot of hardware stores. Online, type in radon, you know, test, and probably a zillion markets out there that would come up and sell people test kits.

**Fritz:** What are the mitigation strategies?

**Francis:** Good question. Typically -- typically mitigation strategies try to reduce the level in the house by keeping it out of the house. There are a number of ways of approaching radon, but the most common way is to create a vacuum under the foundation and direct the radon out of the house.

The costs in Portland, \$1,500 to \$2,100 is the average range with 90%-95% would be more than that. Larger homes would be more than that. But relatively affordable.

**Fritz:** If you would like to send me a link, i'll post it on my website so that people can find the information.

**Stewart:** I'll do that.

**Adams:** Can I follow up --

**Fish:** We had a sewer backup at our house a year or two ago and I was shocked to learn that my homeowner's insurance covered a portion of the remediation. We had to have people who looked like they were in the nasa program come in the suits and clean the basement and then there was a connector that had to be dug up and repaired in front of the house. By my homeowner's insurance covered a good portion of the cost to us. I'm wondering whether homeowner insurance policies cover any portion of the remediation for radon.

**Mcquen:** Not in our experience, it did not.

**Francis:** To my knowledge, there's no funding for radon reduction efforts from insurance or federal grants. I think it becomes an issue around low-income housing. Because people don't want to test because it's more money than they have. That's another big issue as far as public health.

**Adams:** When we talked about this privately, I think it's useful for Portlanders to know that our particular geology has a particular vulnerability to radon. While this is a national issue, we have a special vulnerability locally.

**Francis:** The primary source is granite, and we have a resident on the commission here that can elaborate a lot better than I can. The granite are radium containing and missoula floods deposited down the willamette valley. All the way along the columbia river, these soils and rock that contain granite and that's the primary source in this area. That's why all of us have the potential here for having radon in our homes.

**Adams:** Thank you all very much. I appreciate your advocacy.

**January 14, 2009**

**Francis:** Thank you.

**\*\*\*\*\*:** What's the best way to --

**Adams:** Karla will take them. That gets us to the first item on the council agenda. We have two communications. Nine consent items and seven regular items. Karla, could you please read item no. 21.

**Moore-Love:** We should do a roll call.

**Adams:** Oh, yeah, sorry. [gavel pounded]. Come to order. Please call the roll.  
[roll call]

**Adams:** Now can we read item 21.

**Item 21.**

**Adams:** Good morning. Please come to the dais and you have three minutes.

**Roger Weidner:** Thank you, mayor. Commissioners. My name is roger weidner. I'm a former attorney and public prosecutor. In 1975 and '76 I ran the fraud department. My father was the deputy chief in the Portland city fire department. For the last 20 years, I and numerous other citizens around the state have been trying to go into the courts and put on the record about the criminal conduct of bureaucrats and attorneys, all either licensed or employed by the corporate state of Oregon, stealing people's children and lands and property in these sham, often star chamber type proceedings. For trying to speak like I am to you now in the court, i've been arrested 21 times. Many times violently by armed sheriff's deputies and one case by Portland police officers for trying to speak like I am speaking to you about the corruption going on in our system. I've been violently arrested twice by the police officers in the driveway of my home. Once my 98-year-old -- my 95-year-old father was threatened with arrest as was my mother. On another case, the Portland police stormed my house with a police dog, drove my 95-year-old mother out of the home and violently and forcefully arrested her caretaker after macing them in the shower of my home we've lived in for 70 years. Outrageous conduct by the Portland police. I've been twice stopped by officer james, once on 33rd and powell street, I had to get home and relieve myself and I went against a wait sign and all of a sudden, I got the red light, burr I thought the officer wanted to get by me. When I pulled over, he stopped me and in a threatening way asked for my identification. I said down at my house. He said if you go down there, i'll beat you. You said, you're going to beat me? I'll beet you, he said. Later in court, I told judge -- I told the judge when -- he gave me a \$250 ticket for doing that. And I told the judge, we will not tolerate -- the citizens will not tolerate this kind of treatment by the police. The same officer stopped me again on woodward street. I made a turn on my bicycle and he again stopped me and gave me a ticket for doing this. I said i'm a historian and i'm knowledgeable as knowledgeable as can be. We have a single class of citizens all equal before the law and those working are divided into two groups. Public employees and private. And if you're elected and appointed to office, as you all are, you have a duty to observe the oath of office -- is that my bell? Ok. So what i'm saying is we, the citizens, are demanding strict observance of your oath of office and treated as we're entitled to be treated. Thank you very much for your time.

**Adams:** Thank you, sir. Karla, could you read item 22.

**Item 22.**

**Adams:** Hi, sarah. Good morning. If you could just for the record give us your name and you can see the clock countdown of three minutes.

**Sarah Shaoul:** I know you usually have three spots and i'm only the second and I think the last as well. I originally signed up to speak about some items, something big that popped in and I was wondering if I can have a couple more minutes of your time.

**Adams:** I've got to treat everyone equally.

**Shaoul:** My name is sarah shaoul and a business owner in north Portland. Black wagon, it's a children's boutique and I employ six people and been a retailer in Portland for 15 years. Had businesses in southeast Portland, downtown and now north Portland. I'm a member of the mississippi business association and also a member of the -- i'm now a member of the small

**January 14, 2009**

business advisory committee and I also am a counselor for small businesses at the small business development center and I want to commend you, mayor Adams and all of the commissioners that I see you're doing to shore up our economy at this time and support small businesses and i'm here to step up in any way I can. To help small businesses survive in this economy. My perspective is that it's on the street businesses, yoga studios and hair salons retailers and restaurants, they're the face of Portland, it's what attracts people. As you look to attract people to Portland, we have to make sure that we keep the businesses that are here -- make sure they're surviving and thriving in order to do so. I have a lot of great ideas and some of these would be to provide direct short term low interest capital. Provide incentives for employers to add employees and get property owners to the table to talk about how they can be part of the solution as well. I want to switch now to my other issue that I want to talk about. It's a federal law that goes into effect on february 10th. It's a law that affects the small businesses here in Portland that indicator and sell and produce children's items. Any item that's sold -- marketed to a child of the age of 12 and under must be able to test any items that they sell, regardless if it's a wooden toy made with mineral oil or cotton t-shirts, it must be tested. It's incredibly expensive and it will be a negative impact to our local economy. And I do have a position paper here that I can share with you. A group came together, the northwest children's business alliance and as the deadline is quickly approaching, we ask for your help. And asking for more time and the -- so this law is not enforced as -- on february 10th. And for more time for testimony and improvements to this law. I'm sure it's well intended but it's [inaudible] passed through.

**Adams:** I'm -- skip from my office is here it talk with you more about this and i'm heading back for a u.s. Conference of mayor's meeting on friday and then lobbying or federal delegation and i'm happy to -- if you give us the talking points and background, i'm happy to lobby on your behalf and other small businesses in d.c. Next week.

**Leonard:** You only have three minutes to testify, but we actually get to ask you questions. I'm curious on the specifics of the federal regulation. What specifically is it that caused you concerns?

**Shaoul:** I'm sorry.

**Leonard:** You said there was a federal regulation relating to toys. Why does it raise concerns for you?

**Shaoul:** It was in answer to a lot of toys made in china that had high lead levels.

**Leonard:** I see.

**Shaoul:** It's overreaching. There's no instances of items made in u.s., e.u. Or canada that have had any issues with lead affecting children. The law is overreaching. The testing is -- the testing is very expensive and it's going to put a lot of businesses out of business on february 10th. And it's retroactive, so that means goodwill can't sell children's items unless they can afford to test. It can be hundreds of dollars per item.

**Adams:** Can I follow up on --

**Fish:** Can I follow up. Buying a robot for my five-year-old and I noticed that the toy had a lot of disclaimers on it. One was a suggested age range. Another was any hazards that a parent needs to be advised of are you telling us under the new federal law it's the retailer's responsibility and not the manufacturer's responsibility to do the testing?

**Shaoul:** At every level, actually. Well, the retailers -- there must be a document of certification for these items, so going forward, if -- if you produce an item without certification, of compliance, you can be levied a fine of about \$100,000. And that's per item. So you have small crafters who make quilts. That would affect them. For a retailer like myself, my store is already full of merchandise, so I would be required to test any items I already have in my store or purchase from a quilter. Because it's retroactive, to any item, like a store like goodwill would have to have everything tested.



**January 14, 2009**

**Fish:** I can imagine with the microenterprises where people do crafts and toys for children that are handmade this could be a detrimental impact. I look forward to finding out what the mayor learns in d.c.

**Adams:** Thanks for your work. Appreciate it. We have nine items on the consent agenda. Is there anyone on council that wishes to pull an item from the consent agenda? Anyone in the audience who wishes to pull an item? Karla, has anyone notified us of an interest to pull an item?

**Moore-Love:** I don't have any.

**Adams:** Call the roll, please.

[roll call] [gavel pounded]

**Adams:** That gets us to council agenda item no. 32. Could you please read the title?

**Item 32.**

**Adams:** Commissioner nick Fish.

**Fish:** Thank you, mayor. Mayor Adams, yesterday, you led the council in a press conference to unveil an economic stimulus plan designed to -- a stimulus plan designed to pump up the local economy by accelerating a number of shovel ready projects and making other changes in the law that would put our people back to work. As part of the comprehensive proposal, we are, today, addressing one component of your plan. And since you requested immediate action, we thought 24 hours was appropriate.

**Adams:** Good job, commissioner Fish. I like it.

**Leonard:** Spoken like a former fire commissioner.

**Fish:** There you go. The council today will be presented with a proposal to lift the cap on the aggregate amount of abatement for the transit oriented abatement, this is our abatement that creates incentives to develop affordable housing along transit corridors. It puts density where we want it along corridors. And number two, it's a tool, a tax abatement which complements a number of other tools we have, including zoning changes, tax increment financing and a host of other tools which create incentives to facilitate private sector development of housing which meets our social goals. The proposal we're presenting to you lifts the cap, which is \$20 million in the aggregate for the year. That -- aggregate. That means that a number of projects in the pipeline or have been proposed could be fast tracked under this proposal. However, I want to make something very clear to my colleagues. We're not proposing any particular tax abatement be granted today and the council, in approving this, would be no way altering our current system that the council must approve a tax abatement for it to apply to any project. All we're asking is the additional flexibility to put more projects in the pipeline and approve more abatements to incentivize housing under the t.o.d. Program. I have communicated with chair wheeler to let him know we're taking this up and have assured him in doing so, we're not coupling this to approve any project and under the protocol we've established with the crone, we, of course, confer with them. And before I introduce our distinguished panel, I want to remind my colleagues that this proposal falls on the heels of the first annual report you have received on tax abatements presented in october. The first time that the council actual live received a comprehensive look at how the city's tax abatements work, including tallying up the foregone revenue to both the city and all of our jurisdictions. We intend to continue to do this in an open and transparent way and that we're seeking to modify one particular abatement to give us more flex bit and put shovel ready projects into the pipeline. I would like to turn it over to keith and barbara who will lead us through what we're proposing and answer questions.

**Keith Witcosky, Portland Development Commission:** Keith, Portland development commission.

You did a great job of laying out what is happening today. We have tough projects that are very likely interested in using the transit oriented. One is killing worth's station. We'd expect that to begin moving forward march-april of this year if this is approved. Obviously, the project would come back to you for approval upon financial analysis from Portland international airport and policy analysis from planning. The other is 119, at 119th and east burnside. So those are the two likely candidates.

**January 14, 2009**

**Adams:** Either commissioner Fish or, you, the work you've initiated to make sure the abatements in the future, the provisions of the individual agreements are held to, if you could -- somebody give us a quick overview. The auditor was very critical of the monitoring in place, and if you could talk a little bit about the work under way to get on top of that.

**Fish:** If I can frame it and then ask you to address it. Mayor, this council, you, commissioner Leonard and others, and the auditor, in the past have correctly insisted that once a tax abatement is granted there be accountability to make sure that the project continues to be eligible for the abatement. That the affordability guidelines are met and the people in the unit are paying the appropriate rent and that the other limitations we put in place are observed. In response to those request, Portland international airport and the bureau of planning have substantially overhauled their monitoring processes. That will be part of our annual report. You'll recall in october in the report we identified a number of projects that no longer qualified. Both single and multi-family. The council voted to take away the abatements because they no longer qualified. Commissioner Leonard made specific recommendations that we can beef up our oversight and use independent audits of their books and records so we had confident that the numbers we were getting were accurate.

**Leonard:** If I can narrow in on that a little bit. In 2004 -- well, just to give a backdrop, when we awarded a tax abatement, it's based on a application made by the developer that gives you a prospectus that would indicate without it, they can't afford the project. From their perspective, they're always going to argue that they need the most amount of assistance as possible and I understand that. On our side, however, to address the point you raised, in 2004, the council adopted a policy that I think rather cleanly gets to the integrity of those applications by requiring that annually the property owner then submit a financial statement. As opposed to an audit. Actually, as a condition of the continued abatement that they give us a actual financial statement that reflects how the property performed versus how they thought it would. And based on that, we decide if the abatement is necessary. And or some percentage, it could be -- it was interesting to me that the developers, when asking for abatement, never asked for a seven-year 62% abatement but always 10 years, the full amount, which is suspicious to me. So i'm hoping that specific provision is part of this deal.

**Witcosky:** It is, and that's something that has been put in our agreements. I think I submitted some copies of that a few months ago when we had the conversation at council where it clearly states that those are requirements if you're going to get a tax abatement. Or as we're calling, a tax investment from the city, then you have to submit those materials annually.

**Fish:** That's important, commissioner Leonard, because you know when you made your comments in the october hearing, staff reported that the law and code had been changed to reflect this is a requirement. You made the further suggestion it should be set forth in the agreement that we strike with the developer so it's clear to them that this is a requirement and gives us an additional tool to potentially cancel the deal and that's been incorporated into our agreements with landlords.

**Leonard:** I would say -- and this has been a touchy subject, I would never to cancel the deal. The point being they're making enough money to not have the abatement; my fear in the past we haven't been as targeted, kind of my standard is does an abatement cause a project to happen that otherwise would not have happened and i'm not sure that's always been the case. I think if we're more vigilant -- and thus, the county's concerns. I think they argue the same thing. It isn't that we don't support abatements, but want to make sure we're giving them where they're causing things to happen, and not just piling on the cash to the developer who would do it anyway.

**Adams:** I would also add that the project be done with the level of affordability we are basically buying with the abatements. So I think there are forms made in the short term on this whole waterfront of abatements and have been assertive and constructive. Did you have anything more?

**Witcosky:** No.

**Adams:** Barbara.

**January 14, 2009**

**Barbara Sack, Bureau of Planning and Sustainability:** I can answer any questions about the history of why we had this cap. I don't know if council members are interested in that.

**Adams:** Why did we have this cap, Barbara. [laughter]

**Sack:** Back in 2005 and 2006, the council was reviewing the city's multifamily tax exemption program. There's one in the central city and urban renewal areas and then the t.o.d. Programs available outside the central city. There had been some -- council had questioned the need for the central city program since a lot of housing was being built in the central city and that program was suspended. We basically haven't accepted application under the central city since about 2005 except for 100% low income projects. We looked at t.o.d. Program and we expanded the boundaries quite a bit and made changes, including mandatory affordability. Initially it was to support the east-west light rail -- since that time, we have built the yellow line and had plans to build the green line. In 2006, we added the yellow line station, the planned green line, one of the red lines, up toward the airport. And we also added the area on M.I.K. Between Lombard and Schuyler Street. Since council had been concerned about foregone revenue, we thought maybe we should put a cap on the improvement value of projects that can come in in any given year. The average for the first nine years of the program was projects totaling about \$10 million a year had come in. So since we had expanded the boundaries, we doubled that and proposed \$20 million to be the cap for the first three years and then council could set another cap for the next three years.

**Adams:** Well, Barbara, I just want to say since I understood what you said, which is a miracle, I complement you on the succinct way you said it. You mentioned foregone revenue, that's the money we do not collect in taxes because we grant a limited tax abatement and this is our way of helping a developer meet what we've identified as a social need. In this case, housing for our poorer citizens. We know that housing for low-income people requires a substance did i. Well, we facilitate that housing by that changing our zoning, like we did in the River District.

**Adams:** And interstate.

**Fish:** And interstate, we do it by bond efforts and all kinds of tools. This is just another tool in our kit. But I want to make one thing clear. When we talk about foregone revenue, it has to be viewed in the context of us -- in the absence of us encouraging this, it would not happen. We would never have had the revenue if we didn't use a tool in kit to help it.

**Leonard:** I appreciate you making that point. When the program is run vigilantly and efficiently with an eye on protecting the taxpayer, it runs as you describe it. My concern in the past that we weren't running it so tight that we weren't getting revenue we would otherwise get and I think Commissioner Fish's approach and can't tell you how much I appreciate you articulating your vision for how this program should run matches my goal as well. Just to make sure we're doing things, making things happen that would otherwise not happen. And then it's truly not foregone revenue.

**Saltzman:** A couple of questions. First of all, why not repeal it altogether?

**Sack:** This is the only program that has a cap, the t.o.d. Program. In terms of foregone revenue, it's one of the smaller programs. We were hoping the annual reporting would replace the cap on this particular program because every year, council, we get to look at the foregone revenue and the program outcomes for all the programs and then decide to make some sort of adjustment.

**Adams:** What we've also talked about is -- Commissioner Fish has talked about in our workgroups, as each individual project comes forward in the course of the year, we get the aggregate to date in terms of what other projects have been approved. And what's the aggregate up to the consideration of the new project.

**Fish:** What we wanted to give the council the opportunity to make that judgment. And if Commissioner Saltzman, we get \$25 million and you think that's about what where -- where we should be in terms of an overall cap, as a soft cap, the council at that point could say no more abatements. We'll provide to you the aggregate amount with each project that comes before council.

**January 14, 2009**

**Saltzman:** And then secondly, the potential foregone revenues to the city and county, I realize you have two projects you've specifically mentioned. If they come to reality, what would be the foregone revenues?

**Witcosky:** If council approves, you're looking at probably half a million between the two projects. \$40 million in improvement value. To the county, another 25% --

**Saltzman:** Each or --

**Witcosky:** Total. Annually. Education, county. The county shares about \$130,000 a year, if these two projects are approved. The --

**Fish:** The flip side, just to put that in context, if we were in this calendar year to agree to, say, \$25 million of construction within the t.o.d. program, that's 200 construction jobs, and a tremendous amount stimulus to the economy. While there's a foregone revenue during the 10-year period, there is -- in the short term, an enormous multiplier to our local economy when people go back to work. The other reform --

**Adams:** The other reform that will be coming out of commissioner Fish on the budget and is inspired by the concerns we had in the past, I think all of us, and that is that during in the budget process ahead and hopefully forever more, just like we book investments in affordable housing, as commissioner Fish mentioned it shows up in the budget or from general fund resources, there's no place in the city's budget where we book investments from tax abatements, so we've been talking about in the city budget, we would on an annual basis show investments by way of tax abatements for specific projects and we'll book those as expenditure, which is your point. Another tool of expenditures, to buy down the cost of housing or make sure it's built in specific places. Reason why exciting for me and why I support it additionally, is the fact that land prices tend to go up, especially around light rail stations and the place we need affordable housing is, you know, very -- should be very accessible to light rail, to transit, so this helps and ensure affordability in the places we need it most, around transit stops. I appreciate that comment, as you noted yesterday, with an annual inflation factor of 6%, there might be someone in the community who says, why don't we need -- why do we need this program? Let's wait until blue skies and a miracle happens. The problem is we have a crushing need for this kind of housing in our community and with a little bit of jumpstarting from the city, we can encourage the private sector to step up and meet our social goals.

**Adams:** Questions for council or our staff panel? If not, do we have anyone signed up to testify on this item?

**Moore-Love:** We do. Three people.

**Adams:** Good morning, and please come forward and take a seat. All you need is to give us your name and keep an eye on that clock. Your comments are three minutes. Who would like to go first?

**Gordon Jones:** I'm gordon jones. Excuse me. Address is 9837 northeast irving street. Been developing transit oriented high-density housing for a number of years in the gateway area, primarily. The 119 project is a project we have proposed. Briefly, the reasons that the cap has become an issue for us is it makes planning very difficult. P.d.c. Has been unwilling to approve our applications far enough in advance that we know we're going to be able to move forward with the project. There's so much uncertainty in the system now that you just don't dare go forward on a project that you're planning on having tax abatement approved for without the certainty you have it. Lenders are looking at that. Equity is looking at that. So that's been an issue. Another issue is that in planning for increased density, around light rail stations, you can -- with the tax abatement, it incentivizes a greater density in the housing you design. However, when you begin the design process, if you don't know whether or not you're going to be able to get the tax abatement, the incentive is to -- well, maybe you assume you aren't going to get it because the cap is going to be used up, perhaps, so you would tend to design something that's a lower density, because you might not have the tax abatement, and you might be -- tax abatement. For example, our project, where it's

**January 14, 2009**

located, we could under the zoning, do a three-story woody walkup. That's allowed. But we've designed a five-story, much higher density building. But that design was counting on having the t.o.d. tax abatement. So --

**Adams:** Thank you very much. Hi.

**Andy Kelly:** Andy Kelly. I'm Gordon's partner in the 119. He and I have collectively have additional sites out 205 and the east limits. I have a site where we just withdrew our design review request because we weren't sure if we were going to get our tax abatement. I've got another by the 148th Avenue station where we're redesigning from our typical four, five-story project, to a three-story woody walkup, again, for the same reason. The uncertainty the not knowing if you can meet objective standards to get the tax abatement because of the cap is forcing us to do lower density.

**Adams:** Thank you very much.

**Chris Rogers:** Hi, my name is Chris Rogers. I'm a small time developer here in Portland and own a piece of property on Northeast Pettygrove -- it's located in a transit district. Currently planning an approximate live \$11 million project that would provide 90 units of housing on the site. The issue I'd like to talk about is number one, obviously with the cap, that one project would eliminate half of the available t.o.d. Tax abatement credits out there. So needless to say, there are few projects that could be accomplished in the city of Portland if the cap were to remain in place. In addition to that, one of the elements of the t.o.d. Cap that you talked about was affordable housing. And I think it's important to note, especially in the northwest Portland area, there's a large gap between what the city designates as affordable housing, which believe is 60% of median income and market housing.

To make the numbers simple, if you were to look at a one-person household in downtown who is at the 60% of the median income level, the way the rents work out, somewhere in the neighborhood of \$500 a month. If you were to go to market level, it's closer to \$1,700, \$1,800 a month. When you deal with a lot of these condo projects turned over into rentals and whatnot. So there's a lot gap between what I would call market rate and what the city calls affordable rate. One of my goals on this particular site was to satisfy that demand of a very large population, I believe, that is in need of housing in the downtown area that falls in that gap. You know, more towards the \$500 range but certainly not up to the market range of \$1,700-\$1,800 range. So I think when I went down and talked to p.d.c. about the possibility of obtaining a tax abatement, one of the points they mentioned was that it's unlikely you're going to get abatements unless you provide 100% affordable housing. What I wanted to say to you is that in and of itself, even with the tax abatements could really prevent the projects from happening. I think it's a great site downtown, provides a lot of jobs and there's a need for housing there. So I think the t.o.d. tax abatements are one facet of the ability to move a project like that forward and we all know that the climate for financing has changed certainly in the last four months and I think that's another issue, maybe another discussion. Buff I see my time is up, so I'll leave it at that.

**Fish:** If I could, I appreciate the succession suggestions you're making to council about ways of fine tuning the t.o.d. program, and one of the benefits of an annual review process is we can consider all kinds of congress instructive changes that meet the city's housing goals and make the program more efficient. So that you for that. And we'll certainly consider your thoughts.

**Rogers:** Sure, sure.

**Adams:** Thank you all very much. Appreciate your time.

**Leonard:** What is the approval of the county for what we're doing here today? Do we have a specific letter from Ted Wheeler saying the county is in support of this?

**Fish:** I spoke to Chair Wheeler and advised him we were moving forward with this and because it was not coupled with any specific tax abatements, we were simply giving ourselves flexibility in the future to review additional applications. He was comfortable with that. When it comes to the time when we're asked to grant a tax abatement that we confer with the county. So he has been notified, and has no objection to us going forward with the understanding we're not actually granting an abatement.

**January 14, 2009**

**Adams:** I would add as we make that report, just as you've characterized it here, commissioner Fish, these are the council-approved investments in a specific type of affordable housing projects, that is part of what we indicate in our budget. We should have also indicate the foregone revenue from the county and that represents their investment in affordable housing for which a part of their mission includes homeless programs and affordable housing programs. Anyone else signed up to testify?

**Moore-Love:** That was all who signed up.

**Adams:** Anyone else in the room who would like to testify? Not seeing anyone, please call the roll.

**Fish:** This is part of the economic stimulus package supported by city council, we -- i'm pleased the council is out front in trying to mitigate and address the impacts of this dismal economy. This is just one piece that we hope leads to enhanced economic activity on the ground and may give us the flexibility to support a number of shovel-ready projects that otherwise would not fall within this program. In approving this, we're giving ourselves additional flexibility to consider new investments in transit oriented developments but not binding the count to any particular decision. Pleased to vote aye.

**Fritz:** Aye.

**Leonard:** I think any skeptic hearing commissioner Fish's articulation should resolve any concerns. It certainly does mine and i'm pleased to support this and happy how commissioner Fish has articulated he will administer this program. Aye.

**Saltzman:** Aye.

**Adams:** I wanted to commend commissioner Fish for his skillful and fresh perspective to all of our housing efforts and this is another example. Thank you. Aye. I neglected to thank barbara -- thanks again. That gets us to council item no. 33. Would you please read the title.

**Item 33.**

**Adams:** Are either individuals here? Would you like to come forward. Commissioner Fish.

**Fish:** Thank you, mayor. Mayor, we're moving two applications -- two nominations to the housing authority board today. One is for nathan teske, which is a reappointment and the second is for mr. David widmark. He's from gresham. Given his background, which includes service on the city planning commission and a wide variety of activities. I believe this is his third stint. He's a glutton for punishment. I would say in the past we've struggled to get people who would make the commitment from gresham to serve on the board and there's two dedicated positions on the h.a.p. Board. It's unprecedented to have a councilor volunteer for this position. It bodies well with our relationship with h.a.p. Because it brings gresham more into the decision making process and I would like to thank mr. Widmark for his willingness. He's joined by jeff bachrach. Apparently there's no term limits at the housing authority. And mr. Widmark, by tradition, we would invite you to make a few comments to the council.

**David Widmark:** Thank you very much. Mr. Mayor and commissioners, it's an honor to be nominated for this. My mayor, shane bemis, asked me if I would consider doing this. It's my fourth time to serve on the council. Twice as fill-in and twice to be elected and recently was elected to another four-year term. Housing and issues related around that are extremely important to me. It was an issue I ran on for affordable housing. Also living -- providing the jobs particularly in east county. I don't look at this position as just from the gresham standpoint. I look at it from a county standpoint. Particularly focused on east county. I think we have a lot of opportunities to partner with the city of Portland. Particularly where we have a large boundary and projects on both sides we can work together with and I look at it as an honor to serve on the h.a.p. Commission. Thank you.

**Adams:** Thank you, councilor, for your willingness to do this -- your willingness to do this. It's more important than ever. Jeff, would you like to say a word?

**January 14, 2009**

**Jeff Bachrach:** Since I rarely get a chance to be in front of you, I like to take advantage of it. I have two quick comments. That will take a new york minute to go through. I would like to congratulate particularly mayor Adams and commissioner Fish -- as you take the disparate pieces and put them together into one new bureau but the end product will be worth it. Where there's different programs serving different rungs on the affordable housing ladder and to have a centralized center and development center and lending center that can focus on a coherent policy welcome beneficial to the community at large and the affordable housing community. So I thank you for taking that task on. And h.a.p. And its staff stands ready to help in that but commissioner Fish has taken advantage of that offer. So I don't need to repeat it. Buff I know our staff is working with your staff to see how this new entity can work best. The other comment, I hope to be back in front. You in two weeks when you'll be hopefully approving the documentation for the resource access center the h.a.p. Is working on that project but we're ahead of the intergovernmental agreement, the documentation and anxiously awaiting the delivery to you in two weeks so I hope i'm back here in two weeks when you'll take a look at where we are on that and approve it. Thank you for indulging me on those h.a.p. Comments and we're happy having mr. Widmark joining our commission.

**Fish:** I want to embarrass jeff, publicly.

**Bachrach:** Nick, I know more about you than you know about me. [inaudible]

**Leonard:** Coffee afterwards.

**Fish:** I thought that was covered by attorney-client privilege. Jeff has a daughter, hannah, who is a sophomore, and last night, throughout the state of Oregon, there was a competition called the we the people program. A civics program in our public schools as sponsored by the united states department of --

**Leonard:** And grant high school wins year after year.

**Fish:** Well, the first round that selects the team to go to the finals and a couple of weeks, the finals will be held at the mark o. Hatfield courthouse. And historically, grant and lincoln have vied for state honors and one of the teams have gone to the nationals and typically done well. Top five nationally. Last night, hannah's team won the top award for their congressional district. David wu's district. And lake oswego was the top awardee in that congressional district. As wonderful as that is, we come to expect grant and lincoln to be among the very best and they have tremendous programs with coaches and lots of support. Mayor, you chose parkrose high school for your swearing in. It's not historically been a big player in the we the people program. And only recently there's been a commitment to make sure they have the resources they need. Last night, they did exceptional well and just fell short of grant's points within the congressional district. But six awards were given for the top performers in each unit. And there's a different team in each school that deals with a different unit of the constitution. Six of the top awards went to parkrose high school which is unprecedented. And congratulations to hannah for moving on to the state.

**Adams:** Anyone signed up to testify on this matter?

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

**Adams:** Any further discussion on council? If not, would you please call the roll.

**Fish:** I would like to say how delighted I am to mr. Teske is going to serve another term and mr. Widmark, that you've agreed to join the housing board and that you will bring a level the prestige and access that we've not always enjoyed in developing policy with our sister jurisdiction in gresham. The housing authority in Portland is a bit of a misnomer because it's for the whole county, not just for Portland as a city. Anyway, thank you for your service and i'm pleased to vote aye.

**Fritz:** Thank you for your willingness to serve. Earlier we approved on the consent agenda the volunteers for the development review advisory committee and you mentioning the we the people program, that's largely run by volunteers. So Oregon is blessed by a wealth of citizens who are willing to give their time and I vote aye with great appreciation.

**January 14, 2009**

**Leonard:** My congratulations to mr. Teske and jeff, congratulations to hannah and her performance, but I want to point out my appreciation for councilor widmark and his agreement to serve on h.a.p. And observe that since i've been on the council, i've been responsible for the bureau of development services which includes an unit that goes out and enforces the housing code and often against really derelict property owners. So I -- derelict property owners. And i've followed you who have used these properties as cash cows and don't keep them up and we've models our changes out of what you and the mayor have done out there. So I couldn't be happier to have you on the board, it isn't just housing that's important, but decent housing and a place where people can be proud to live in. So I appreciate your efforts and gresham's and we're ably represented by ed who runs that unit we're going to be talking about later. But we appreciate your focus and work and service. Aye.

**Saltzman:** I want to thank mr. Teske, but also welcome councilor widmark to the housing authority board. I've enjoyed working with you in the past on payday lending and I know you're an activist councilor and that's great. We need people like that to keep jeff on his toes. Aye.

**Fish:** Thanks again. Aye. [gavel pounded]

**Adams:** All right. If you could read the title for agenda item no. 34.

**Item 34.**

**Adams:** This is a second reading. From agenda 5. Do we have -- so we're -- you're here? Is there -- does council wish to ask any questions of staff? Unless this is a -- this is a second reading, so unless I hear a need for council discussion, let's call the roll.

**Fish:** I appreciate the constructive dialogue around this issue. I've had three substantive hearings and a lot of testimony, lively change of council. I was able to put the reasons on the record last week why I intend to support this proposal as modified by two changes which enhance the community consultation component and put a cap on the overall expansion of size. But as I said last week, I think this is good for the entire length of division street it would apply to and hopefully will create and jumpstart economic activity on at least five opportunity sites that are now somewhat blighted. Aye.

**Fritz:** I was happy this was on my first council meeting last week and why i'm so excited about participating in land use issues because they're often cases in which reasonable people can and do disagree and we're able to talk about them and weigh the pros and cons and sometimes we come back and say what we did before isn't working and we would like to change it and if it doesn't work again, we can change it again. I'm pleased to vote aye. I thank the neighbors and associations and commissioner Leonard made excellent points last week and we all remain strongly committed to citizen input, process, in land use decisions and especially when there are discretionary decisions to be made we want to make sure there's appropriate level of involvement. Sometimes we need to make it clear so we can set standards and development can move forward. I'm willing to vote aye, knowing if there are future applications on division street, there will be a report coming to council on what the neighborhood input was and how the developer's application was affected by it. Aye.

**Leonard:** I think the council is making a mistake. I'm in the distinct minority, being the only one who believes so at this point. I cannot support this change, because I actually think the provision that was in the division street plan and worked as it intended. It was not as characterized, creating unintended consequences. The unintended consequence, specifically being that the gold's gym proposed was approved by b.d.s. staff. It was appealed by not just a business, but different neighbors in that neighborhood that utilized what the code said in terms appeal process and did that. Came back to the city and we were fully prepared to admit the gold's gym as it was intended. And it's the classic example of throwing the baby out with the bath water. As the commissioner in charge of the bureau of development services development services, the most frustrating job I have had is telling well meaning neighbors they have no say in development in their neighborhood. Literally. By right, certain kinds of developments can occur. This provision we're unfortunately repealing today is the only and is a very unique provision that allows neighbors to have some say



**January 14, 2009**

about what gets placed in their neighborhoods and specifically in their business districts. I'll be watching this closely. I'll go out of my way to drive home down division to make sure what was represented here today happens and I'll not be shy in taking up my colleague's office to relook at this appeal -- repeal if something other than what is represented here happens. No.

**Saltzman:** Aye.

**Adams:** Aye. [gavel pounded] please read the title for item 35.

**Item 35.**

**Adams:** Good morning.

**\*\*\*\*\*:** Good morning, mr. Mayor and commissioners.

**Adams:** How are you.

**Eric Johansen, Office of Management and Finance:** I'm eric, the city's debt manager. The Oregon constitution requires we spend tax increment revenues. They go in part on debt service on long term bond and also on projects on a pay as you go basis. In order to give p.d.c. the ability to pay for pay as you go, we need a financing program that accomplishes that conversion. And we refer to that particular program as du jour indebtedness. Today's ordinance reallocates \$58 million annual authorization for that among ten of the city's urban renewal areas. Some is going up and some down but in total. The \$58 million limit stays the same. This ordinance doesn't change any -- it doesn't -- the fund any particular projects or do anything to the budget. Simply allows p.d.c. to pay for that portion of the budget on a pay as you go through the tax increment revenues collected annually in the district. It's largely administrative in nature but does allow us to stay in compliance with the state constitution. With that I'd be happy to answer questions.

**Adams:** Questions from council?

**Saltzman:** What's an example of a pay as you go project?

**Johansen:** It may be things that are small that don't require long-term indebtedness. We may have to pay with things with du jour indebtedness. Taxable projects and smaller projects and other projects that just don't lend themselves to long-term debt financing.

**Adams:** Most of the non- or many of the transportation projects are pay as you go. It's rare for the non-transportation projects --

**Saltzman:** I've never heard the term du jour before.

**Johansen:** It reflects we go to key bank, borrow it, and then pay it back the next day with du jour indebtedness.

**Fritz:** It's essentially -- the advantage is we're not paying a lot of interest?

**Johansen:** Correct, we pay one day of interest at an attractive rate.

**Adams:** Any other council questions or discussion? Anyone in the audience wishes to testify or signed up?

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

**Adams:** This is an emergency ordinance. Please call the roll.

**Fish:** Aye.

**Fritz:** This doesn't change any of the indebtedness, it's a mechanism to comply with the constitution which I think is a fine thing to do. Aye.

**Leonard:** Aye. **Saltzman:** Aye. **Adams:** Aye. [gavel pounded] please read item 36.

**Item 36.**

**Adams:** Commissioner Leonard.

**Leonard:** Thank you. We have ed maryhart from the bureau of development services. As I alluded to earlier, ed is in charge of the unit in the bureau of development services that has often the unsavory task, not often, daily, they are charged with going out and making sure that housing and other nuisance kinds of issues in neighborhoods are cleaned up and brought up to code, and it is a hard job. And -- but it's one of the most important things that the bureau of development services does because it truly improves the liveability of neighborhoods and a number of cutting edge programs that do that. What we've recognized over the years, there are a number of commercial

**January 14, 2009**

occupancies that have these same kinds of nuisance factors associated with them that we do not have the authority under title 29 to address. This provision that -- this ordinance we're voting on today amends title 29 to give the bureau of development services that authority and we did this in cooperation with them, which I think makes the point that responsible commercial property owners don't appreciate irresponsible commercial property owners that allow their buildings to be run down and it detracts from their ability to run their retail businesses or commercial businesses in a responsible manner. Not to mention what these buildings have done to the character of a number of neighborhoods. So it increases the workload for ed and his staff but I really appreciate them agreeing to take that on and I think this will give us one more tool to improve the liveability of Portland. Ed, do you ever anything to add?

**Ed Marihart, Bureau of Development Services:** Good morning, mayor and city commissioners and welcome to the new city commissioner. I think commissioner Leonard explained it well. I don't have anything additional to add other than I would like to recognize the collaboration and partnership of the other groups we work with. In addition to boma, we work with the small business advisory committee. Npnba and the development advisory committee who supports this code change. It allows us to enforce the existing superior maintenance requirements on all non-residential in Portland. To improve liveability and safety. And again, we're going to be able to absorb this with the existing staff.

**Adams:** For the record, what was your name?

**Marihart:** Edward, I enforce title 29 of the property maintenance code. And I think that's all I have to say. If you have any questions?

**Adams:** Any questions from council.

**Saltzman:** Some examples of the types of things we might see you enforcing?

**Marihart:** For example, a commercial building that is vacant, derelict and has rain gutters draining on the sidewalk causing a nuisance; that would be an example. A vacant commercial structure that has peeling paint and missing siding. Some of the other exterior maintenance issues. Rotten stairs, porches, entrances to commercial establishments. Missing handrails and guardrails and issues with chimneys. Maybe the bricks are loose and falling. Those types of things.

**Adams:** Questions from council? If not, anyone signed up to testify?

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

**Adams:** Anyone in the room seek to testify? If not, this is a non-emergency and moves to next week's council for consideration.

**Leonard:** Thank you, ed and I don't get a chance to say how much I appreciate the work you and your staff does. It's not unlike the work of police officers, without the uniforms and guns and all the tools that law enforcement has and your folks are out there really representing the city in some of the most troubled areas and I always appreciate what they do.

**Marihart:** Thank you, and we appreciate your leadership in leading us in this and I will pass that on to my fellow inspectors.

**Adams:** Thank you, commissioner Leonard. We're moving to the last item on the morning agenda here at the city council. Would you please read item no. 37?

**Item 37.**

**Gary Blackmer, Auditor, City of Portland:** Mayor.

**Adams:** Mr. Blackmer, welcome.

**Blackmer:** Commissioners.

**Adams:** Why are you leaving? Is it because amanda and I are in different positions on the council?

**Blackmer:** Not at all. [inaudible] is enough.

**Adams:** Oh, randy is out of the room.

**Blackmer:** 10 years is a long time and there's a lot of reasons. I think it's a good time for me to leave the office. The office is running well right now and it's a good time to hand it off to another auditor. I'm excited about the new council and the big plans you're undertaking now and I think it's

**January 14, 2009**

good to have someone who can follow through on them. I had not intended to run again so that meant I was on a different timed horizon than you all. So that's another important reason. It's been a great pleasure to work here. Challenging and I feel like i've accomplished a lot. And i'm really pleased with the great professionals and the auditors office and all that I ever accomplished and it's been a wonderful pleasure working with them and with you.

**Adams:** I'm sorry to hear that randy Leonard chased you out of office. [laughter]

**\*\*\*\*\*:** It was a painful --

**Leonard:** I was getting the pain.

**Blackmer:** We're looking at a resolution to place the auditor's position on a may 19th special election. It's an election set aside for -- by the state for things like special districts. So the school board elections will be occurring on that date. So it's something that the city of Portland can participate in and reduces the cost, even if it's a september or november, other recognized election dates, it's unknown anyone will have any elections and so it may cost us \$85,000 to be on this race, as opposed to \$350,000 to \$400,000 on a september race. And then an equal amount if there needed to be a run-off. So this would be a may 19th primary with potential run-off on july 14th. And those follow the charter as closely as we can. Our charter election dates were set before we had mail ballots in the state. And because of military mailings, the county needs at least 45 days in order to mail those out. So we have to push the run-off date back an extra week and a half, I think, from the maximum allowed by the charter. But the charter does allow the council to delay the election if there's a reasonable basis for it. So that's what is before you. I brought leslie with me, who is the chair of the citizen campaign commission, because this does raise issues about public campaign financing and they had a meeting on monday night, discussed what they thought were good accommodations for an auditor race, and so anyway, she can share those with you when we get done discussing this resolution if you have any questions.

**Adams:** If it's all right with the council, why don't we consider the implications for the public financing as we consider the ordinance. Is that all right?

**Blackmer:** Ok.

**Adams:** So leslie, if you could, I haven't had time to dig into this much at all prior to this hearing, so if you can tell us if we approve this resolution today, what is called for?

**Blackmer:** This resolution only calls for the election.

**Adams:** I understand.

**Blackmer:** Based on the conversation that we hear from you, i'll come back next week with the specific ordinance that on a one-time basis will set up the special election provisions for the auditor. So it doesn't change the city code, but at this point, we'd really like to get your input also so we can bring something forward.

**Adams:** So it doesn't automatically trigger something? You have to come forward and propose something for us to consider.

**Leonard:** What you bring us next week will include the special election and a run-off or would that be two separate --

**Blackmer:** The provisions would address both.

**Leonard:** So it would be appropriate today to discuss that?

**Blackmer:** I do need you to vote on this resolution today so we can get it on the ballot.

**Fish:** It would be helpful to know historically what kind of turnouts we've had in these elections in the past. Have you looked at that?

**Blackmer:** I'd have to go and do research on that.

**Fish:** I remember once living in another city when we had school board elections which I voted in, the turnout rate was 1%.

**Leonard:** As opposed to caroline kennedy.

**Fish:** Where did that come from?

**Leonard:** By the way, I think she'll get the senate appointment, for the record.

**January 14, 2009**

**Adams:** Commissioner randy Leonard takes a position in the new york senate race. Bloggers stand by: She's definitely going to win. [laughter]

**Fish:** One of the contexts for me to evaluate the numbers you're going to recommend next week is to have a better understanding of the universe of potential voters. How much does one need to communicate with one universe?

**Fritz:** Two years ago, I believe the turnout was something like 33%.

**Adams:** In an off year?

**Fritz:** Yeah.

**Blackmer:** So we'll get those -- i'll e-mail them to your office.

**Adams:** Thank you very much. Any other requests of the auditor?

**Leonard:** Is the intent of that request by you to somehow help that mold what you think an appropriate amount should be --

**Fish:** Right. The question we have to grapple with is how much does someone need to reasonable communicate with whatever the turnout. And my understanding of the system, one of the reasons we do a bump from a november to a may election, the cost of communicating [inaudible]. I wanted to correlate whatever figure we come up with.

**Fritz:** If I might set up the stage for the presentation. The question is not should we have public campaign financing, the code requires that. In setting the date, the code has specific numbers for how much funding for a city auditor's position. What is suggested and we're considering, whether or not we have an ordinance next week, which would have a public hearing and subsequent vote on whether we want to keep the current code provisions for the \$150,000, which would be allocated, or change that because it being a special election.

**Adams:** The code does have an automatic trigger. Does the automatic trigger require concurrence from council?

**Fritz:** No.

**Leonard:** But isn't it true we have to amend the current ordinance to extend the signature deadline?

**Blackmer:** No. The dates for qualifying are set by the auditor.

**Leonard:** By what?

**Blackmer:** By the auditor. So my office looks at the -- my office looks at the calendar and says this is the date you can gather qualifying contributions. This is the deadline. So the date --

**Leonard:** We change that in a special election in replacing commissioner sten.

**Blackmer:** It was basically -- I believe the code would say the may 19th, for purposes of the current code, is a primary. July 14th, for purposes of code, is the general election. Just so that -- because, you know, the code says the may primary and the november general, because it's a special, we could say this is -- you know, the may primary is considered --

**Fritz:** We don't currently have regulations in the code for a special election, what the timing is, and you actually didn't change it --

**Leonard:** That was my point.

**Fritz:** [inaudible].

**Leonard:** If we didn't do anything.

**Fritz:** It would be nothing -- no, the code currently says the auditor sets the date for the qualifying period, etc.

**Leonard:** For regular elections but for special elections, it's silent.

**Blackmer:** Well, I believe -- I -- this would take the city attorney to --

**Adams:** He's ready to comment.

**Blackmer:** Oh, are you?

**Fritz:** How handy.

**Blackmer:** Go ahead.

**Leonard:** If we did nothing, I assume public financing would not be available.

**January 14, 2009**

**Ben Walters, Sr. Deputy City Attorney:** The code directs the auditor to establish administrative rules for special elections. The administrative rules identify that after the council sets the dates for the primary and the run-off, then the auditor shall adopt a schedule regarding qualification dates, etc. So this is not only -- this is a triggering event for the auditor to adopt a regulation setting those dates.

**Leonard:** I'm confused. I thought we were having this issue of not having any rules or special elections rules.

**Walters:** There are—what are lacking are rules relating to whether or not the amounts change in terms of the qualifying candidates, the amounts given to qualifying candidates during special elections. That's what's not in place and what the ordinance next week will be addressing.

**Leonard:** And I don't mean to beat a dead horse I heard that if we do nothing they would get whatever the ordinance says. My understanding is we have to do something to create money for those candidates

**Walters:** No, the code.

**Leonard:** They would get whatever the code says.

**Walters:** They would get what the code otherwise provides for for elections.

**Adams:** And that's how much—is it the mayoral, or the city commissioner?

**Blackmer:** The city commissioner amount, \$150,000.

**Adams:** Just to be clear for those listening in, if we do nothing but pass this resolution, then there is a default that would go forward \$150,000 for the primary?

**Blackmer:** Mm-hmm.

**Adams:** And 150 --

**Blackmer:** 200.

**Adams:** \$200,000 for the general. Unless we amend that, that would go forward, and all the other details, the auditor has administrative powers to set on his own.

**Leonard:** Gary, when you ran for auditor -- three times on council?

**Blackmer:** Three times.

**Leonard:** What is the most you've ever spent in any of the elections?

**Blackmer:** Well, i'm embarrassed to say I ran unopposed, so my -- a lot of times, my campaign funds were, like, \$600. But -- you know -- I also know --

**Adams:** I can see your wheels spinning.

\*\*\*\*\*: [laughter]

**Adams:** He said, that's like randy's campaign.

\*\*\*\*\*: [laughter]

**Blackmer:** We did have two contested auditor races at metro and Multnomah county, and metro, I believe, the top spender there was \$45,000 and Multnomah county it was a little over \$40,000.

**Leonard:** Which is a much larger group of voters in both those cases.

**Blackmer:** Conceivably.

**Leonard:** Multnomah county is more in the city and metro is -- what? Three counties?

**Blackmer:** I don't try to talk about messages a lot, because I don't think an auditor needs to dwell on appearance. It's more about the reality of it. But occasionally message -- occasionally messages are important is that the auditor has a key role in this government. My role is to ensure that you all manage the city wisely and efficiently and effectively and equitably and that diminishing the value of the auditor through public campaign financing budgets is, I guess, a message that I don't think is a good one to send to the public. I'm not saying that we need as much money, because frankly the same people I contacted when I started running for the city that wrote \$1000 and \$5000 checks to commissioners and mayoral candidates wouldn't give me the time of day. And that was one of the reasons that I became more sensitive to public campaign financing, because they all talked about the importance of good governance, and that's why they were giving money to candidates. But I think I stand for good governance also, and they gave me nothing.

**January 14, 2009**

**Leonard:** I think we all agree with your suggestion that you are responsible to run an efficient government. I think the concern that I have is not that -- I didn't vote for the campaign finance proposal, but I have supported it since it's been law, improvements to it and whatever I could. And so, to that end, I just want to make sure we're efficiently running the system and make sure we identify an amount that is not irrational -- irrational.

**Blackmer:** I would kind of tongue-in-cheek say auditors can stretch their campaign dollars very wisely and efficiently.

\*\*\*\*\*: [laughter]

**Leonard:** Touche.

**Blackmer:** One of the opportunities that auditors have to talk to the voters thrice a campaign to educate them about the office.

**Leonard:** I agree.

**Blackmer:** And reducing our candidates' ability to do that, I think, harms the office.

**Adams:** I think that's a good framing of the issues, and I would like to hear sort of what the election commission's thoughts are, and i'd like to get public hearing if anyone signed up.

**Leslie Hidula:** I'm the chair of the citizens' campaign commission. Good to be here with you today, and I wanted to take a moment to acknowledge the fact that the commission has been heavily involved in writing our report to you about the last election, and I want to thank you for your assistance and support in doing so. We of course were surprised to find ourselves in the middle of talking about special elections again and a bit dismayed because we have so much appreciated the support and guidance from gary. But we wiped our tears, and we're tackling this task. At our last meeting, we came up with some recommendations, and I want to thank the council for your leadership on this issue. We really appreciate it. We understand from the city attorney that we don't need to -- that public funds are available. That's the qualifying period established to start january 15th and end on the filing date of march 10th. This would be the filing deadline, which makes a lot of sense because, if you set up the qualifying period to be the same, then you don't have to worry about candidates still trying to get qualifying signatures at a time when debates are being scheduled or ballots terps are being prepared which happened in our first election when we had candidates who weren't invited until their proper tat forms because they weren't recognized as qualified candidates. Second of all, we'd like to maintain the existing city code regarding the \$1000 qualifying conditions. We saw in these past elections two people raised more signatures, more qualifying contributions than that in less time, so it's a high standard, but we believe in having high standards to maintain public funds. The third is the spending, recognizing that within \$50,000 is a lot more money than auditors have seemed to need for their races and recognizing that it's a short period of time since it's a special election and that there seems to be a desire to reduce the amount of money spent on campaigns than the opposite, we're suggesting recommending a \$50,000 spending limit, and \$50,000 doesn't sound like a lot for a citywide race, as you all know. I think some of you have some experience you can share with us about what \$50,000 can do in a citywide race, and i'll let you share that with each other since that's your expertise. One thing that came up for us when thinking about \$50,000 and that low amount is the idea of matching funds. So if there's a hotly-contested race and spending is going to budget 2000, a matching amount of \$50,000 would be available to that candidate, which would get them to a total of \$100,000. If you look at past records, races running more between 30 and 45,000, that seems like you're not penalizing a public funding candidate by underfunding them but by giving them \$50,000. You're also recognizing that that is probably a very adequate amount of money. And then the thing is that the seat money limit, the \$5000, which is 10% of the spending limit which maintains existing city code and that the in-kind contribution maintains existing city code at 60% of spending limit, which would be \$3000 for the may runoff, this is all in an email that you received from andrew carlson. So the only modification, enhancement to the city codes that we're recommending that you do next week is the spending limit of \$50,000 plus matching funds.

**January 14, 2009**

**Adams:** And that's for both the primary and the general, total 50?

**Blackmer:** No. We're recommending \$67,000 for the general. Basically we have case law, which is not a bad thing. We're looking at one-third the spending limit, so that would be \$50,000 for the may race and \$67,000 for the july race.

**Adams:** Questions for leslie?

**Fish:** If I could, first of all, I would say I appreciate that we're having this conversation before someone has filed or someone has announced, because I think it's terribly important that we set the ground rules before people throw their hat in the ring. In the past, that's created, I think, some of the complexity of trying to make adjustments in midstream, so I appreciate your work at the front end of making recommendations. And I also appreciate the comment you made about the matching funds, 'cause I think it's often gets lost in debate. The amount that we agreed to in terms of the amount of public financing is basically a floor, not a ceiling, if a privately financed candidate comes in and decides to spend as much as they want, because what the system does is it compensates a publicly financed candidate to match what a privately financed candidate is spending so that, in effect, it makes sure that a publicly financed candidate is not at a disadvantage. Frankly it works the other way more effectively because it discourages people from spending wildly. On those two points, I appreciate your comments. What I would appreciate some clarification from you on is the rationale for the decisions. My understanding is that, in the runoff, which would be in july, should there be a runoff -- I mean, we're planning, but there are not always runoffs, as we know from history -- in a runoff, my expectation, my understanding is it would be a smaller pool of voters than in a may primary partly because it's one of those occasional nonscheduled irregular votes, voting periods. I think the other complication is it falls smack-dab in the middle of summertime, not the best time to actually be getting the public's attention on an election and not a historical time. Am I correct that the turnout is likely to decline in a runoff over the primary, number 1? And if so, if I am correct, why would you be recommending more dollars in a lower turnout election?

**Blackmer:** Two reasons from how I understand it. One is that just because you have a lower turnout doesn't mean you don't have to work harder to get that turnout. In fact, it could even be harder to get that turnout if you don't have a lot going on on the ballot. Second of all, it's a matter of following the pattern of we provide a certain amount of money for the primary, a little bit more for the general, and so we're following that path.

**Fish:** So that's a good point, and that's something that I want to learn more about between now and next week. One of the reasons is that, when we talk about a smaller turnout, what i've learned in my experience as a candidate is that, when the turnout gets smaller, what we do is we tend to look for the key indicators of who's likely to vote, and we often do is we look to so-called four-four voters, people who have been very attentive to voting, unlike carolyn kennedy. And you look at people who religiously vote, and you'd be looking at the profile of people who tend to vote religiously in certain kinds of elections. For example, we know that older voters tend to be overrepresented in the may primary. Coming back to the point, while the pool would get smaller, my guess -- and it's just anecdotal -- is that it's actually easier to target in a runoff, because you'll be looking at the hardcore that vote in any election, and that's your basic four-four voters with the demographic overlay. So just food for thought. I haven't come to a conclusion for the dollars amount for the runoff, but that's something i'm struggling with.

**Fritz:** I think one of the challenges is there were so many new registrants last year. We found it difficult even between may and november predicting how many of those folks were going to continue to vote. Obviously, in november, there was a high turnout. But because there were so many new registrants last year, they haven't had enough elections to get on that four-four list. Perhaps more of that money would go to staff who would be expert in figuring that out rather than the actual mailing.

**Adams:** So it might be useful to, when you come back next week, show us that targeting which you can get from a variety of haven't door -- vendors provided to you virtually free.

**January 14, 2009**

**Fish:** If I could just add to that, if light of your comments, Gary, about not wanting to degrade an auditor's race, do you have a current opinion on the recommendation from the citizens' campaign commission on the 50/67 split?

**Blackmer:** I guess -- I mean, from the standpoint of -- I guess I really don't in the sense that we can speculate back and forth at a certain point. I try to get down to what are the important decisions that need to be made, and a \$17,000 difference from the standpoint of just what the council is dealing with -- you know -- it's up to you folks. I really don't want to kind of weigh in on that. From my perspective, the \$50,000 would be sufficient.

**Fish:** For the primary.

**Blackmer:** I think it could be sufficient for the runoff, but from the standpoint of just trying to maintain the spirit of what the code had, that was really the thinking that the citizen campaign commission had. It's as reasonable a basis as all the voter behavior theories that are floating around out there.

**Fish:** Could you remind us again for this public hearing what the minimum qualifications are for someone who seeks the position you're vacating?

**Blackmer:** Good question. The person has to be a registered voter of Portland. They don't have to vote, but they need to be a registered voter. They need to be a resident of Portland. They need to have professional certification, either certified internal auditor, certified public accountant or certified management accountant.

**Saltzman:** Is that state?

**Blackmer:** National. The certified internal auditor is international.

**Leonard:** Do you mind if I ask questions?

**Adams:** I was going to take testimony and more discussion for the people waiting. Go ahead.

**Leonard:** So I need to better understand the first I heard of the matching proposal which you articulated here. Does that mean that one could qualify for the \$50,000 through signatures and then privately raise another \$50,000?

**Hidula:** No. With the public fund system, every candidate has the initial amount of money to run their campaign. And then, if their opponent spends above that amount --

**Leonard:** We would fund that.

**Hidula:** Yes. Up to a limit, though. In this case, it would be \$50,000. The candidate would get within hundred thousand dollars. In addition specially \$50,000 but eventually it could be \$100,000.

**Leonard:** Gary explained to us that the most that has been spent on an auditor's race, notwithstanding the city of Portland but at the county or metro, has been something in the \$43,000 range. I just want to say that I'd like the amount to be reflective of some scientific methodology to the extent that we can, as commissioner Fish first asked the question about the number of voters that we project. And we have a pretty good science, notwithstanding new registrants and all that. The secretary of state's office and, I think, county elections folks have been always within a couple percentage points of predicting that for both the initial election and the runoff. That would be the methodology that would be most attractive to.

**Hidula:** One of the things that was mentioned was a very small tv campaign.

**Leonard:** I have a deeper reservation that the auditor's office especially could make the playing field unlevel for an otherwise unorganized candidate. They would be struggling around \$6000 or -- \$600 or \$1000. That's just a troubling aspect. Secondly, what has bothered me about the discussion of the program to date is not everyone is talking about it in the context of a larger responsibility that Gary alluded to. To me, when I vote on something like this, the tax abatement should be considered expenditures and money not otherwise available to us. This is the same thing. I will make this decision. In the context of this upcoming budget season, if it's not a specific methodology well thought out and efficient and meets those tests, I can't support it. So I hope -- I hope, in your deliberations, you all consider that, 'cause I'd like to be able to support it.



**January 14, 2009**

**Hidula:** Thank you.

**Adams:** Anything else?

**Fritz:** As far as the campaign finance fund, could we still have money in the fund?

**Blackmer:** We have more than sufficient money for the next -- not only the special election but the next round as well. At this point, we're requesting \$320,000 total to be added to the fund. The ratio, a little less than half of that, is general fund money.

**Leonard:** In the upcoming budget year?

**Blackmer:** Mm-hmm.

**Adams:** Anything else from council? All right. If you could stick around, we've got two, three people signed up to testify. Call the first three. Good morning. Thanks for spending some time with us today. Please state your name, and you each have three minutes.

**Jason Wurster:** My name is Jason Wurster. I can appreciate the desire of city council to save the citizens of Portland an estimated \$270,000 by rushing to fill Mr. Blackmer's vacancy with a special election on May 19th. However, I'd like to share the true cost of denying us a genuine and normal voting cycle. There are 367,000 new voters who do not know the intricacies of the commission's system nor are they aware that the auditor is the only elected representative who is the sole system of checks and balances. This resolution does not provide enough time needed to allow candidates to effectively connect with and educate voters. 47,648 voters are younger than 28 and have never had the opportunity of participating in a contested open seat auditor's race. 109,422 voters have never cast a ballot in the past 10 years for all odd-year special elections. The resolution today would shorten the time to allow citizens to be a part of the electoral process. With three of your five votes, you are effectively denying tens of thousands of Portland voters the opportunity to learn about the services of their auditor. More so, by limiting the time to this election, you are undermining the rights of the city charter to elect an independent, impartial person to keep you five in check. What you are doing by saving money is devaluing our democracy. With your actions now, you're severely limiting the citizens of Portland their right to democratically interact with those seeking to be the individual that can legally hold you accountable. It is my concern that the proposed auditor special election will raise questions of legitimacy for this council in the future. Each one of you has the responsibility of spending our money appropriately and using resources effectively. Each one of you also has a responsibility that super seeds thrift, and that is to provide voters ample time to educate ourselves in electing an individual who will protect the integrity of our government by maintaining an uncomfortable pro-mixed system of checks and balances. As one of the 320,027 voters in the city of Portland, I will gladly pay my share of the true monetary costs of 80 cents per city code section 2-206b to have an election 90 days after the office of the auditor is vacated. This will allow for an informed electorate to participate in an equitable and fair election.

**Fritz:** I'm wondering if you know about the turnout in September. You're asking for a September election rather than a May?

**Wurster:** What I'm really asking for is more time to educate voters. 90 days is what city code says unless there is an unreasonable circumstance.

**Fritz:** But the charter says we can have elections March, May, September, and November. I wonder if you know if we've had elections in September before. And, if so, would the turnout be likely to be higher in May?

**Wurster:** I don't know that data.

**Leonard:** I was on the ballot in September, and it's not.

**Adams:** Not any higher?

**Leonard:** It's lower.

**Fish:** I would offer two observations. One is that I believe there's a charter base requirement that we fill vacancies promptly, and one of the challenges here is that we don't want to have the vacancy in a position of this importance for a period of time. We have to balance that, because there's no

**January 14, 2009**

city auditor for a period of time. Then it's sort of like the headless horseman, and that has significant consequences in terms of checks and balances. The other thing I want to reassure you about is that I was in a similar special election recently, jumped into a race in early January. It was a four-month cycle. I have never filled out so many written questionnaires from so many groups that asked questions that were, at first blush, well beyond my capacity to answer, so I was spending most of my time doing homework. I participated in a city club debate, neighborhood debates, coalition debates, league of women voters debate. I can't tell you how many events. I will tell you all the newspapers summoned me and the other candidates for interviews. I actually think, after four months, people were sick of us. [laughter] Buff it places burdens on the system, but my impression was, if a citizen wanted information about that race, wanted to attend a forum, wanted to have access to a candidate, the system worked, that people did have ready access. It's not ideal. And I think -- but the announcement has been made about a vacancy. One of the things we have to balance is is it good for the city to have a vacancy in the auditor's position in order to meet this equally compelling objective of giving people more time to review the candidates.

**Wurster:** If I may respond, commissioner Fish, you had two prior terms to run to get name recognition, and a lot of people of Portland already know about the commissioners. However, when you ask about the auditor, it's more about education and time and person to person connection and actually having candidates interact. It's educating and making our government stronger. So that's my concern is that there's not enough time. And the purpose of elections is not only to elect someone to office but it's also to educate the citizens just as you had mentioned with the "we, the people" program. By shortening this, you're actually limiting the time in which our citizens can become educated.

**Carol Cushman:** Carol Cushman. And actually I am not here speaking for myself or for my normal organization. I am reading a statement for someone else. This is from Janice Thompson who wasn't able to be here today. Thanks to Carol Cushman for conveying these thoughts since I cannot be there in person due to illness. Democracy Reform Oregon supports citizen campaign commission's recommendation and greatly appreciates commissioner Fritz' work on the special election issue. The May timing means that an election will be occurring when people expect one and the auditor replacement process will be president. The dollars amount reflects campaign spending going farther in a quiet election season. And on an added note, I will be back next week with a statement from the usual suspects.

**Adams:** Thank you, Carol.

**Chris Smith:** Chris Smith, and I'd be remiss if I didn't acknowledge this is my first opportunity to testify before commissioner Fritz in her new capacity as a former opponent and current fan. I wanted to publicly congratulate you and welcome you to the council. First, on the timing, I actually had a different concern, whether there was adequate time to get 1000 contributions. I'm delighted to hear the deadline is March 10th rather than January 31st. My experience, we had about four and a half months, starting in September, with the January deadline, and we got 60% of our contribution distributions in the last 30 days. Clearly a deadline focuses the contributors. I think the 50-plus days this allows is probably sufficient, so I feel pretty good about the timing. Commissioner Leonard brought up the issue of the general fund and the real challenges the city is going to have with the general fund. I just want to make a clarifying point which I know Commissioner Leonard understands but people at home may not. It's not funded exclusively live from the general fund. It is a small percentage tax across the budget. Your salaries are paid from that same kind of allocation. So the impact of voter-owned elections on the general fund is actually relatively small. Not that you don't have legitimate challenges. I just want to make sure people are educated about the way this program is actually funded. Thank you.

**Leonard:** Gary just testified that we would spend in the budget a little over \$150,000 in the general fund. And while, in the grand scheme of things, that seems like a lot of money, it still is impactful on particularly smaller general fund bureaus. Oni, for example, would take a huge hit. I didn't

**January 14, 2009**

mean to suggest that is exclusively funded by the general fund because, in the water bureau, we can raise rates, as can the b.d.s. It is a challenge we have when taking money out of the general fund. It's an approach I try to take irrespective of what the issue is.

**Fish:** You mentioned the 1000 signature threshold and the timeframe in which to get it. Could you remind us of your method forgetting the signatures?

**Smith:** Two-fold. One was to activate the network of people that i've built relationships with in the community over my voluntary activity in the decade. The second component, probably in the end they were close to 50/50. I went to where I thought there were voters who shared my values and beliefs or concern about issues, whether that was standing on the hawthorne bring flagging down cyclists or going to neighborhood meetings, finding concentrations of people who I think would be sympathetic to my point of view. I know some of my opponents went door to door. We didn't find that particularly effective in terms of the yield on the time spent, but it is a combination of using your network and making that one-on-one voter contact.

**Fish:** In terms of how you see the system functioning --

**Smith:** I think the model allows for both. If the candidate were completely uninvolved, that would not be healthy, but I haven't seen any of the races in which that's involved. I think using surrogates who have a history with the candidate is certainly appropriate.

**Fish:** Thank you.

**Adams:** Any other questions from council for this panel? All right. So what I -- are there any follow-up questions for our staff, slash, elections commission?

**Fish:** I just want to make clear, mayor, that what we're voting on today is the schedule.

**Adams:** Right.

**Fish:** At a subsequent meeting, I believe next week, we'll be presented with recommendations in terms of the resolution.

**Adams:** So the questions for me to sort of settle in more firmly on an amount, some of the questions that were mentioned today is knowing the three-fours, four-fours, the cost of voter contact. Remind me what a mailing to that universe would cost not generically but specifically based on those kind of turnouts, as commissioner Leonard talked about. Then, if it's easily gettable, how many candidates generically qualify for running for this seat. Residents of the city, certain certifications, so I think that information is available through the state. Are there other questions or information anyone would like? Is there anyone that would like to give some hint of where they're leaning to provide the auditor, who has to craft this resolution, where they're at or would people just like to wait?

**Leonard:** If I wasn't clear, I was leaning towards a specific methodology based on what either the Multnomah county elections would project the turnout to be or secretary of state's office multiplied by some number based on a mailing.

**Adams:** You want to see that before --

**Leonard:** Methodology. After "i think," I start to lose interest, because it needs to be something that we can rationally explain. This is how we got to this number.

**Adams:** That's kind of where i'm at. Anybody else?

**Saltzman:** I'm not comfortable with the recommendations of the campaign commission.

**Adams:** All right. Anybody?

**Fritz:** Well, I just thank the campaign commission for a lot of diligent work over many years and leslie in particular, so that weighs heavily in my decision as to what the right numbers are that the campaign commission had a long discussion of the pros and cons of various options. But I also appreciate my council colleagues and their wanting more information about specific costs. I want to also recognize auditor blackmer for both leading much of the work on campaign finance funding and also for pointing out that indeed the city auditor is a very important function and role. In no way are we seeking to, by allocating a lower dollars figure, say that that's a less important role.

**January 14, 2009**

We're simply looking at the cost of the election and not wanting to inflate election costs through public campaign financing. I'll also be looking for that information for next week.

**Adams:** I guess that's a useful point. I would like a mini analysis to be done and I would like, even if it's informally, polling the campaign commission's input on that. I know they talked about this and got some general input and that sort of triangulated off existing amounts. I would like, even if it's informal, you as chair or polled by email to get the information we've asked for and to see how you feel about it after being exposed to that. Also, Jason, thank you for hanging in and for your testimony today. I'm going to vote in favor of this ordinance, but I think the points are really important, and I think that I will seek to achieve or to address your concerns with the financing, by answering the financing question appropriately so that voter contact, even though it's a short amount of time, that adequate contact occurs. So I think your points are very well stated. That leads us to the resolution. Is there further discussion on the resolution before we vote on it? I'm hearing none. Please call the roll.

**Fish:** I, too, want to thank Gary and Leslie for their presentation and for their engagement on this issue. I'm obviously, for a number of reasons, gratified that we are attacking these issues before the election cycle before there are any announced candidates, which is important for not only the system but also the way the public views the situation. Commissioner Fritz has been in my number on a lot of occasions, phishing this and educating me about the system and really showing leadership. She's had an auspicious debut on this commission. I appreciate the role you're playing in trying to bring us to consensus. I want to be very clear that I have, for a long time, been a champion of fundamental reform of our campaign finance system, and I've also been a champion of other kinds of reforms. For example, I believe federal candidates should have free access to television. I think there is a number of things long overdue that we could agree to which would remove barriers to people participating in our process. We cannot guarantee a level playing field. That should not be our goal. But there are barriers which we can discuss. I've had a philosophical disagreement, as many of you know, with the timing of the implementation of b.o.e. I, like many people, including some of the staunchest supporters, believe it should have been presented to the voters at the front end and not the back end of the experiment. There will be a referral at some point in my understanding, and now we are tasked with setting the rules for an unanticipated event, another special election which is particularly vexing for us. So the framework that's been offered in terms of the timing of this election I support. My concern now will then shift to the dollars amounts. To answer the mayor's question previously, I am probably more familiar conceptually with the money for the primary and a little more skeptical about the amount proposed for the runoff, but I welcome seeing a rationale for both figures, and I think the council can come to some consensus on it. I appreciate the tenor of these discussions, and I want to again publicly thank Auditor Blackmer for his service and the courtesies -- courtesies he's extended to me and my office. Aye.

**Fritz:** I'm concerned, if we did delay till September, there could be a move to appoint an interim auditor, which creates a quasi-incumbent, and that is probably not in the best interests of public campaign financing as well as several other philosophical concerns. And I also appreciate that we do need to give enough money so that we do allow for adequate voter contact for May. I certainly want to encourage the neighborhood association to invite all of the candidates to their events so that we, as neighborhood associations and business associations -- the organizations are required to invite everybody or nobody unless we get hundreds of people applying for the city auditor position. It's hopefully going to be possible for a limited race whether or not or not other city positions on the ballot. We should help to facilitate some of those community meetings. And this will provide another set of information for citizens to make their vote on when we do refer this to the ballot. I have committed throughout with the 2010 dates to refer to the citizens, I believe we want to refer the best system we can come up with to the voters. We don't want to refer a flawed system and give the citizens a choice between something inadequate and nothing. We want to refer the best

**January 14, 2009**

procedure possible. We don't want to keep having to figure this out. I really appreciate my colleagues being willing to figure this out. I appreciate we're not debating the merits of campaign financing as part of this election, that we all acknowledge it's part of our code, currently funded that we want to find out how to make it work best while recognizing that, in this economic climate, we need to watch every dollars and spend taxpayers' money wisely. I'm looking forward to the ordinance next week and encouraging citizen testimony at that time. For these reasons, i'm voting aye on the election.

**Leonard:** I want to say how much I appreciate in the last week amanda coming over and working with me on trying to identify an appropriate amount. That has not been my experience here in the past in special elections, so it was a refreshing one, and made me feel more like I wanted to collaborate, 'cause i've had a history with this program that I haven't always felt included in decisions that were made. I want to point that out and say how impressed I was with your articulation of your concerns and willingness to be open to other ideas. That's important to me. But that's not what this is about. This is about setting a special election date for replacing auditor blackmer. I've said a number of times -- and i'm not saying it today because of this event -- that the project I probably -- I cannot imagine ever being involved in another project i'd be more proud of than the project gary and I worked on together to move the arrest could I haves from god knows where they are right now --

\*\*\*\*\*: You were there.

\*\*\*\*\*: I have lived here all my life -- I don't think that's the kenton neighborhood. I think it's rivergate. It's in the middle of nowhere, and gary and I partnered not just against kenton. It's in the middle of everywhere. Let's just say it's --

**Adams:** A secure location.

**Leonard:** I'm comfortable most people in the audience don't know where it is and most people listening. For that, too, gary and I first started talking about raising money to expand the arrest could I haves on columbia boulevard, and then we both recognized that it would still be in this place where it would be inaccessible, to be polite, even if we expanded it, so we started looking around for another spot to build a new archive or take an existing building and remodel it to put the arrest could I haves in that would be closer to central city. A lot of people don't realize gary's daughter at Portland state was aware of this project that Portland state was undertaking and went to dad and said, what about adding archives to this project? Gary came to me, and we took the ball and ran, partnering with Portland state. And next september, we will have the grand opening of the new archives building located at Portland state university around which the university has actually been inspired to consider creating a degree of archive history. One of the only ones, I believe, on the west coast, if not the only one on the west coast. And have talked about creating internship spots at the arrest could I haves building. We've done a lot of good work, but there's nothing I think that is a legacy more than that. Without obviously your partnership and help, that wouldn't have happened, and I hope you're planning to be there with me in september for the grand opening. The quid pro quo is that he give me an internship program when I leave here so I can sit at the front desk and handout archive materials to those who want them. There's nothing I probably would more enjoy doing. I would enjoy working in the archives.

**Fish:** Would the gentleman yield for a second?

**Leonard:** Sure.

**Fish:** To build on what you're saying about the archives, because of the new home for the archives and because of the excitement it's generated for Portland state, it has now become the go to repository for a bunch of politicians: Former mayor katz, former city commission gretchen kafoury, and lately senator avel gordly.

**Leonard:** I thank gary, because it took his willingness to step up, and we did it, as you know, at the right time. It couldn't have happened this year. I couldn't be more thrilled, and you have to be just totally proud of your leadership in that. So I certainly want to acknowledge that and the dozens of

**January 14, 2009**

other things you and I have worked on. I've always appreciated very much your perspective, your focus, integrity. You ride the bus every day, and you walk the walk. You don't just talk the talk. So I really appreciate your service, and it will be very difficult to replace you. Aye.

**Saltzman:** Well, i, too, want to say it's with regret that I vote to establish an election date to replace auditor blackmer. He's done a great job, and i've enjoyed working with him. I think you've been a real outstanding leader and hopefully will inspire similarly outstanding people to replace you on the council. Thank you. Aye.

**Adams:** Well, we still have work to do before you leave, but let the oration begin about what a great job you've done, and i'd add my comments to those that have been well articulated already. Look forward to working with you as you close out your time as auditor. I'm going to vote for this and, regarding the piece, regarding the debate that is forthcoming on voter-owned elections and the amount, if there ever was an elected office that needed the perception and the reality of objectivity and therefore I think where voter-owned election approach is needed, that is the office of the city auditor. So i'm going to seek to make a fact-based decision, as my colleagues have articulated. I look forward to getting that information back, but i'm very pleased that we have this program in place especially for this office. So I look forward to the debate ahead. Aye. All right. We are recessed until 2:00. Thank you.

At 11:49 a.m., Council recessed.

**January 14, 2009**  
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.**

**JANUARY 14, 2009                      2:00 PM**

**Adams:** We have two items today. Items number 38 and 39. And Karla suggested -- somebody suggested we read them together.

**Moore-Love:** Roll call first.

**Adams:** But first we do the roll call.

[ roll call ]

**Items 38 and 39.**

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

**Leonard:** We actually cut yours down and welded it together.

**Adams:** Remember the fateful night when you came in and traded out all the chairs and turned out all the lights? This is your doing. Commissioner Fritz and I came back and I brought my chair back --

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

**Adams:** I think you're shrinking. We will begin this hearing, first I will ask -- first I will ask the city attorney to do the normal preamble.

**\*\*\*\*\*:** I want to apologize, mayor, the message I got was for me not to forget my notes, not for me to not forget your notes.

**Adams:** You're going to have to coach me, then.

**Leonard:** I think you've lost control just generally speaking.

**Adams:** I agree.

**Linly Rees, Deputy City Attorney:** This is an evidentiary hearing, which means you may submit new evidence to the council in support of your arguments. This evidence may be in any form such as testimony, letters, petitions, slides, photographs, maps, or drawings. Any photographs, drawings, maps or other items you show to council during your testimony should be given to the council clerk at the end of your testimony to make sure they become part of the record. This is qownl consideration of a hearings officer's recommendation on a comprehensive plan map amendment, testimony concerning the hearings officer's recommendation will be heard as follows. We'll begin with a staff report by b.d.s. staff for 10 minutes. We'll hear from interested persons in the following order. The applicant will go first, 15 minutes to address council. After the applicant, the council will hear from individuals or organizations who support the applicant's proposal. Each person will have three minutes. Next, council will hear from persons or organizations who oppose the applicant's proposal, again, each person will have three minutes. And if there was testimony in opposition to the proposal, the applicant will have an additional five minutes to rebut testimony given in opposition proposal. At that point council may close the hearing, deliberate, and take a vote on the hearings officer's recommendation. If it is a tentative vote, council will set a future date for adoption of finding and a final vote on the hearings officer's recommendation. If council takes a final vote today, that will conclude the matter before council. Some guidelines for presenting testimony and participating. These are established by zoning code and state law. First, your testimony must be directed to the approval criteria. Any testimony and evidence you present must be directed toward applicable approval criteria for this land use review or other criteria in the city's comprehensive plan or zoning code you believe apply to the decision. B.d.s. staff will identify applicable approval criteria as part of their staff report to council. Two, issues must be

**January 14, 2009**

raised with specificity. If you fail to raise an issue clearly enough to give anyone opportunity to respond, you will be precluded from appealing on that issue. And third, the applicant must identify constitutional challenges to conditions of approval. If the applicant fails to raise constitutional or other issues relating to proposed conditions of approval, with enough specificity to allow council to respond, the applicant will be precluded from bringing an action for damages in circuit court to challenge the conditions of approval. So i'm done with mine.

**Adams:** I have three preliminary questions for the council before we hear from staff and the formal part of the hearing begins. Do any member of the council wish to declare conflict of interest on this matter before us? Hearing none, does any member of council have ex parte contacts to declare or information gathered outside of this hearing to disclose? Hearing none, is there -- are there any preliminary questions from council regarding this process? If not, let's begin with the staff report.

**Matt Wickstrom, Bureau of Development Services:** Good afternoon, commissioner and mayor Adams. I'm from the bureau of development services. The applicant requests a comprehensive plan map amendment and zone change to rezone the subject site from r2a, which is residential 2000 with an alternative design density overlay, to e.x.d., which is central employment with a design overlay. It's important to point out that the comprehensive plan requires that the d overlay always accompany the e.x. zoning designation. It's also worth mentioning that comprehensive plan map amendments require approval by city council. The sum site is composed of four tax lots, all under the ownership of p.d.c. The entire it is is about 4.3 acres in size and the property is bounded by southeast harold street to the north, southeast 92nd avenue to the west, i-5 to the east, and multifamily and commercial uses to the south.

**\*\*\*\*\*:** I think you meant i-205.

**Wickstrom:** Oh, yes. Thank you. The existing zoning of the site is r2a, residential 2000 with an alternative design density overlay. And the alternative -- the r2 zone is a low-density multidwelling zone which would allow a maximum of 93 dwelling units to be constructed on the site. The applicant requests to rezone the site to central employment in order to expand the development potential, although no specific development proposal has been presented at this time. The e.x. Zone allows a mix of uses, including residential, commercial, and industrial uses. More intensive development is allowed than in the r.2 zone. Minimal setbacks are required, 3-1 floor to site area ratio is allowed in buildings up to 65 feet in height are also allowed. The site's currently developed with uses associated with the lents the league and the waddles boys and girls club here are some photos of the little league portion of the site from various viewpoints. And here are a couple more photos of the little league portion of the sites. Portland parks and recreation received approval in june 2008 to move the lents little league use to an area of lents park. New facilities will be constructed for the lents little league. The new site is about half a mile from this existing site. The northeast corner of the site is occupied by the boys and girls club. This structure was thoroughly renovated in 2000. The applicant has also indicated no intention to relocate the boys and girls club. Here are some photos of the boys and girls club. A portion of the site which the applicant has indicated they intend to redevelop is shown in green. The yellow area indicates the area of the site devoted to the boys and girls club. One benefit of the e.x. zoning for the boys and girls club is that it causes that use to be allowed by right rather than the zoning now, which makes it a conditional use. The area to the north and west of the site is primarily developed with single and multidwelling development. I-205 is located to the east of the site and some key development in the vicinity includes a future light rail station which is approximately 600 feet to the south of the site. An existing bicycle and pedestrian path runs adjacent to the east property line of the site. The lents fire station is located immediately southwest of the site. And some older storefront development associated with the lents town center is located to the south of the site. These photos are representative of some of the development in the lents town center. Structures are primarily two-story, storefront buildings with an upper floor of either residential or accessory use or storage. Overall the buildings in the area are somewhat underutilized and some are in need of restoration.



**January 14, 2009**

Some newer development is also located in the town center. And the photo in the lower left is newer building which is located just south of the site.

**Adams:** That's a great restroom.

**Wickstrom:** Oh, yeah? As previously mentioned, the surrounding vicinity to the north and the west is developed with single dwelling, duplex, or low-density multi-dwelling development. The hearings officer is recommending approval of the land use request. And the next two slides highlight some of the key findings associated with that recommendation. First is the e.x.d. zoning allows for a broader range of uses which include commercial, office, industrial, and residential development. This will compliment the lents town center and contribute to employment growth. The proximity of the site to transportation amenities including the upcoming light rail, the pedestrian path, and frequent bus service on southeast harold and southeast foster road increases the potential for transit oriented development and increased use of multimodal travel options. The d overlay, which accompanies the e.x. zoning, increases design overlay for eventual development. And development on the site would require approval through a discretionary design review or in some cases mete by meeting the community design standards in the Portland zoning code. Continuing with the key findings, the proposal on balance equally or better supports the comprehensive plan goal and policies. The traffic report and addendum prepared by the applicant recommended improvements to the intersection at southeast 92nd and harold. The improvements only voft applicant sie. Pdot determined they can take place at the time of development. There's a criteria which states if a site changes from residential zone to a zone where residential development is not required, the applicant must show how the potential number of housing units are accommodated. The applicant has provided a recorded covenant which shows that 93 units which is the number of units which dsht minimum number of units which would have been required with r2 zoning have been built on a commercially zoned site and those units will be preserved for up to -- for up to 25 years. Finally, bureau responses showed that public services are adequate or have the potential to be improved in order to support the increased development possible on the site.

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

**Fish:** I didn't follow that.

**Wickstrom:** Basically it says, hey, x number of housing units would have been required to be built on the site with r2 zoning where those housing units are going to go. And what the applicant's required to show is an equal or greater number of housing units having been built on a commercial or employment zone site warehousing units aren't required to be built. So basically you're replacing the lost housing units or the potentially lost housing units somewhere else and then creating a covenant which states they'll remain as residential units for 25 years.

**Fish:** So the applicant owns another piece of property where this covenant attaches?

**Wickstrom:** Exactly. It's in southwest Portland. 401(k) see. So the no -- .

**Fish:** The no-net loss does not require replacement within any particular geographic area citywide?

**Wickstrom:** Exactly.

**Fish:** There's a covenant to that attaches to -- to say it's preserved.

**Wickstrom:** Exactly. If I could maybe just expand on that a little bit. This criterion was actually met in two ways by the applicant, and the other way that it was met is p.d.c. Showed a list of housing developments which it's been involved in over the last five years wherehousing has been built in commercial -- on commercially zoned properties, and so we were able to in effect show that p.d.c. is commonly involved in development which builds residential units on commercially zoned property. In effect it established -- demonstrates in a way it has its own mini-housing pool to draw from for units -- to meet this criterion.

**Fish:** Thank you. At some point after this hearing i'm going to ask for a little more time on this, because I want to understand it in greater detail. This is one of the first times during my tenure that

**January 14, 2009**

we've addressed this particular provision. I've just -- as a housing commissioner, i'm -- i'm aware I need to know more about this, so i'll come back to you.

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

**Fritz:** Since I was on the planning commission, there's been discussion about the no-net loss poll circumstance how it's implemented, so it might be one of those bigger things that you will want to look into further.

**Fish:** Thank you.

**Wickstrom:** The hearings officer's recommendation is to approve the comprehensive plan map amendment, to change the designation of the site from residential 2000 to central employment. In addition, the hearings officer recommends approval of the zoning map amendment to change the zoning of the site from r2a residential 2000 with an alternative design density overlay, to e.x.d. with a design overlay. The two conditions included as part of this report both have to do with that amount of development which can occur on the site so that the intensity of development does not exceed the capacity of the surrounding transportation system. And this concludes my presentation. Please note bob haley is available to answer questions about the transportation system and the condition regarding the development limitation.

**Fritz:** And I do have questions about that.

**Adams:** Do you want to do that now or later?

**Fritz:** If mr. Haley could come up, that would be helpful. I'm a little concerned about put can conditions of approval on a comprehensive plan map amendment, because it becomes difficult for the applicant 50 years down the line to know whether there was a condition attached to it. And i'm wondering if there are other mechanisms that were explored to implement, I understand it was Oregon department transportation's concern about the traffic from this site.

**Bob Haley, Bureau of Transportation:** I agree. I think our goal when we look at changing the comprehensive plan and placing a new zone with new use assist that we'd like to get to the point where we can make those findings that are required, that the transportation system can adequately handle the new uses and the growth that goes with it. The challenging part is we look 20 years out. When you add in background growth, what we've found, especially in zones like the e.x., which is our most wide-open zone, if we were going from r2 to r3, chances are we probably could have made a straight zone change. But the e.x. allows such a huge potential of development that it's been our experience in the last few years that these types -- even a zone change in conformance with the comp plan, we've ended up having to place conditions. So what happens with the applicant comes in on these is we've -- because we know that the transportation system is constrain and when you look 20 years out even when you pencil in all the things that have been, at least budgeted for, half of the time the background growth itself is enough to show up as problems to certain intersections. So to meet the criteria the only thing we do is we say, well, plug in all the numbers for your worse case scenario, a full buildout, and then see what breaks. And then you keep backing down from that until the system continues to work. So this wasn't really a requirement of odot. The intersection that breaks is right here at the site. It's 92nd and harold. And they're going to be required to dedicate and put in a northbound right-turn lane from 92nd on to harold. That will bring in the projection of 20 years out, will bring harold to a d, which is our minimum that we can accept. So now we're there in -- 250 additional trips would break it on top of the 60 that would be allowed under the r2. So we ended up with a cap of 310. So you're right, this does -- it's not the best, we don't like to have it go with -- it's actually a condition of the zone map amendment, the comp plan you can make the findings for because it's an on balance. But zoning map amendment says you must have adequate transportation facilities.

**Fritz:** Would the Portland department of transportation not have authority to say you're breaking this into section, you have to fix it, or not have this amount of density without this condition?

**Haley:** Once it's zoned e.x. And it's an allowed use, no.

**Fritz:** Even with the deed they have to go through a design review?

**January 14, 2009**

**Haley:** The design review does not have any transportation-related raw approval criteria. Those are generally newfoundland conditional uses in subdivisions.

**Fritz:** This isn't the lents plan district?

**Wickstrom:** There isn't a lents plan district. Transportation -- bureau of transportation when we get projects that come in that meet the code, regardless of how big they are, we're really limited to looking at just the safety of how they enter and exit the site. Studies of parking garages and --

**Fritz:** We have a minimum and maximum parking, is that right?

**Haley:** Yes. And there's no parking required on the site because of the close proximity to good tri - transit.

**Fritz:** I'm not clear about how you expect trip generation if no parking is required. How can you figure that out --

**Haley:** The i.t.e. Journal. The nationally accepted number of trips per type of land use. And there's a table that identifies those in the condition of approval and it's an extra step of review because whenever a building permit comes in for the site, they'll see there's a land use history, the plan checkers and the planning and zoning staff will have as a requirement that the cheant place their expiews use that table and say, here's how many trips expervetion time they come in we keep a running total for that one property.

**Fritz:** Then how -- do the planners, the permit reviewers always go back to the comprehensive plan change and:

**Haley:** They go back to the conditions of approval of the zone map amendment. It would show up as this site as a history of land use action, just like it would be a conditional use as it came in for changes. It rises to that level. Obviously -- the goal would be to have it unencumbered.

**Fritz:** Were there other mechanisms considered other than this condition for pdot to be able to say we need you to do intersection improvements?

**Haley:** Not to my knowledge and meet the criteria for adequate services as defined by title 17. Yes -- pdot -- we're looking at trying to change the standard that we have. Right now we have a difference between us and odot. Ours is an absolute. You hit the level of d or lower in a signalized intersection, one trip over it's broken, we can't approve you. Whereas the state's, it's relative. They can basically say, ok, it's broken, just don't make it any worse. So that may have led to us not being able to have a condition, but that's in the works within the bureau of transportation now, to revise our level of service standards.

**Leonard:** We're glad you're as trained as you are.

**Fish:** I feel like i'm going to get college credit for this.

**Fritz:** What I thought you just said was that if it goes one car over level d or under level d, you can require it to be fixed.

**Haley:** Only when we find that out through a review that has adequacy of services as an approval criteria, not for permitted uses outright.

**Fritz:** You need to fix that. Weren't city. We want intersections fixed concurrently with development.

**Adams:** There would be -- I shiver to think how many developments we would be rejecting.

**Fritz:** We would just require the improvements to be made concurrently, which you have done, this council has done in the past requiring traffic lights --

**Haley:** In this case we're fortunate the fix is adjacent to this applicant's site. The hard part is when we find an intersection that needs to be repaired that's two blocks away and we need right of way, we would have to condemn it.

**Adams:** We would be -- most of what's come over my desk has been the latter.

**Fritz:** Under current scenario we say we can't refuse it, just go ahead and make the situation work?

**Haley:** We also run into proportion yalts. A whole other host of issues. This is one that works for now.

**January 14, 2009**

**Adams:** Is this the -- how much local control do we have over this sort of general issue area and how much of it is based on state direction. Can you -- I think these issues are fascinating, so I'm glad you're asking.

**Haley:** Our code right now requires us under comprehensive plan when we change -- some other things, legislative changes, is to make state transportation planning rule findings. So that's -- that is triggered in this type of review. And those, if you ever read those, the rules and the criteria, you can see odot fingers all over them.

**Adams:** I want our newest commissioner to have a little more of this scusmghts our local ability to go outside obviously of the state rules would require us to go to the state legislature.

**Kurt Krueger, Bureau of Transportation:** Kurt krueger for the office of transportation. I know we can't cover everything we need so, so I would be happy to address you, answer questions outside of this. They're a little bit complex. The state, since they haven't weighed in a lot on this, we have the ability to set our own thresholds of level of service and help poorly or adequately we want an intersection to operate. That's policy decision we make at the city. As long as it's not impacting a state facility, we have a lot of discretion over the standards we've set. For example, we set level of service d and e as an acceptable standard, and there are a certain amount of delays would you experience at an intersection that would define those, a city los angeles, for example w. A much different traffic scenario, they've got levels of service f and f dts 1 and f2 that are acceptable to them. We haven't done there at that point, but as we have more info occurring, and constrained systems, we may be charged a look at where do we want to go so -- do we add more transit and other options -- so this specific example we're putting conditions on that we have empirical data that says we expect this amount of traffic to be generated by this kind of development, but in reality we're also looking at 20 years out worth of guess mats of data. So we're guessing and speculating, but we can't guarantee we're going to get down to one or 1.2 cars are going to be in the system 20 years from now that won't break it.

**Fritz:** I think my value choice here is that this condition limits the amount of development. And it seems to me what we want to be doing is requiring further improvement. This is in a town center on light rail, exactly where we want as much development as possible; practicable, so the condition seems to say no -- what we actually want is to say if you want to do this development, you have to provide further transportation improvements.

**Krueger:** I think the applicants may actually speak to this a little better than staff, but I'm going to speculate that this allows a development to be marketable. There's a certain allowance that says you can come in and build certain amounts here with an outright allowance of traffic. If you want to go back above that, you might have to come back in for a modification or adjustment to this approval, but you're not able to do that until you come in with a specific development proposal. That's where we're challenged since we don't have anything specific and concrete on this particular case. We have to put caps in place and we can look at that differently when they come in with whatever they propose to develop in the future.

**Haley:** The positive thing about this one is the cap is relatively high. Most of the times we were running into 70-100-trip cap. This one has 310. If you look at the table of office, this -- they can come in with this -- what you think is very limiting condition, and build over 300,000-square-foot office building on this site and still be ok.

**Fritz:** -- a condition of approval of a comprehensive plan map amendment is a lot more difficult than an adjustment process or any other straightforward standard space. So we'll have more --

**Haley:** We're hoping the scn placed on the zone map amendment, which means amending it would I believe be able to just go through a hearings officer level review and not have to come back to the council. Just as you would if you were changing -- a map in conformance with the comprehensive plan.

**fritz:** It says these approvals, plural, are subject to the condition. So it seems to me would it have to go back to a comprehensive plan amendment.

**January 14, 2009**

**Adams:** Are there any more questions?

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

**Adams:** Thank you, gentlemen. We'll now hear from the appellant. Sorry, we'll now hear from the applicant.

**Jennifer Hughes:** Good afternoon, commissioners and mayor Adams. I'm here in place of Lauren Golden. We've worked together on this process. My name is Jennifer Hughes. First I want to thank the city staff for the cooperation and advice and help they've given us throughout the process, both b.d.s. And pdot have been great to work with in this application. Matt did a thorough presentation for you about what we're proposing, and what the actual approval is that's before you today. So I'm not going to reiterate all, that but I want to highlight a couple of the main points, the strengths as we see them. It's an underused site for where it is, within the heart of the Lents town stricks it has potential for increased density and mixed use-type development. And it's -- it would be an extension of the existing zoning in the town center. E.x. Is the zone that's south of it, so it's a natural extension to make of that zone. And then also the direct proximity to the new light rail and the bus line and all the transit access that's available. There. And he talked about the increased potential from 93 maximum residential units to potentially up to 400, but then with the trip cap, that limits that that we've just been discussing. And how we're meeting the transportation capacity is what we were just talking about, how the trip cap was developed that we would be applying a matrix, and we would go through that condition of approval and have to meet the 310 trips. And then the no-net loss of housing, and there's a covenant that's in place. So we have no opposition to the conditions of approval and are happy with the decision as recommended by the hearings officer.

**Leonard:** As I recall, this is very much a part of the discussion that Lents urban renewal advisory committee is having. So they're -- what ends up Vladimir Golovan happening here is it's going to be very much reflective of what the Lents community envisions.

**Hughes:** I think --

**Justin Douglas, Portland Development Commission:** I can touch on that. Justin Douglas, p.d.c. Project manager. I know you're used to seeing me on gateway-related projects but I was having nightly dreams about gateway so my supervisor thought I should work on another project.

**Leonard:** That's deeply disturbing. Borders on too much information.

**Douglas:** On the outreach, I want to talk on the outreach and also what next steps are because I'm sure you're curious about that. We had a 10-member since advisory committee that met over the course of about six to eight months to talk about the implications of the zone change.

**Leonard:** Separate --

**Douglas:** There were urac members on that committee. We also briefed the you rack several times, and they voted to support the zone change. The Lents negotiation board also voted to support the zone change. So we think that the community is in support of this and would like to see mixed use development, particularly with the new facilities a little -- this is going to be a terrific site. So on that note, the next steps are that we are in the process of drafting a request for qualifications, we're trying to move away from, as an agency move away from requests for proposals on sites like this where there's such an open development template, and instead draft a request for qualifications that would rather focus on a development team's capability, experience, and their commitment to seeing a vision like this through to reality.

**Leonard:** Maybe you can help me with the difference between a request for qualification versus a request for proposal. What is it that that would provide us in terms of helping us decide we would select actually do a development that reason r.f.p. Would not?

**Douglas:** Typically with r.f.p.s, applicants or submitters are asked to provide a development program pro formas, cost estimates, detailed drawings, the Burnside bridgehead is a good example of r.f.p. Process where when the project in the r.f.p. Is submitted to the point at which that development actually is in the grouped, it looks completely different. So people's expectations from

**January 14, 2009**

what was submitted and the drawings that they see are often wildly divergent center what was built.

The request for qualifications, our thought would be to look for qualified teams, somebody that understands their neighborhood and is willing to work with stakeholders and has done projects like this before, that appreciates transit oriented development, that is experienced, either themselves or with other partners on doing mixed use projects, mixed income projects, and what we would like to do is select a team from the process and work with them over the course of 2009 to do their programming work, to find -- to talk the members of the community about what they'd like to see on this site. So back to your question, particularly give yent current climate, we don't want to try to force a selected develop tore come up with a financing plan within the next three or four months, because it's going to be very difficult to do that.

**Leonard:** Do we lose some competitiveness in terms of not having an randall chadwick then? Rch then? R.f.p.? I just need to understand why we would do that, it seems you wouldn't vot advantage of having people sharpen their pencils when they submit a proposal.

**Douglas:** The r.f.q.s are seen as a much more favorable by members of the development community for the exact reason. They're not being asked to come up with a specific proposal. But they're saying we've done similar projects like this, we don't want to spend all the time to hire an architect and do drawings and then be judged on that, but rather on our capabilities and our experience.

**Leonard:** I actually -- that's -- that gets to the nature of my qe. I'm wondering from we lose competitiveness because of that, I would expect to have happen what you're saying, that they would like that better because they don't have to sharpen their pencils. Do we -- are we trading off a higher quality product for maybe a more efficient project? And i'm not necessarily passing judgment, i'm just trying to understand the term.

**Adams:** I've been involved with both over the years. The bridgehead is a good example of an r.f.p. Project absolutely falling apart. Just didn't work. R.f.q.s make sense to me on projects where we can get a lot of competitive information, where we know the square foot costs of comparable buildings being built. The end product is we still have to assure ourselves and decision-makers we're getting a competitive price.

**Leonard:** How do you do that?

**Adams:** By look at the competitive costs of building square foot. Similar buildings across the city.

**Leonard:** You don't get competing bids, do you --

**Adams:** Correct. But you go out and make sure that the amount you're buying per square foot for a particular type of house with amenities. --

**Fish:** I'm -- I want to be educated as well. What I hear is that in a down economy where it's unlikely that given the credit markets and some other conditions --

**Adams:** No one will reply.

**Fish:** That anything is going to move forward. The difference is if you ask for an r.f.p., people will sharpen their pencil and give aproposal, which as in burnside bridgehead, may never be built. If you do an r.f.q., to randy's point, you may lose a little bit of that competitive vafn damage at the front end but you might get the flexibility to adapt to the circumstances. Subject to having some way of monitoring that you're getting -- that you have -- that you're not now in the name of flexibility getting jammed on price. But that still may not answer your questions -- concerns --

**Leonard:** I appreciate the explanation, that helps me understand better. On another project i'm working on it was recommended that do you an r.f.q. Over an r.f.p. And I unfortunately didn't ask to have the disteens explained, and this is the second time i've heard it in the last week, and I was curious.

**Adams:** On the fully publicly financed projects, oftentimes time the r.f.p. Is the best way to go. We have all the money, and in the end we own it.

**Leonard:** The difference here being the private sector is going to build it.

**January 14, 2009**

**Adams:** They're going to bring money to the table as well.

**Leonard:** Ok.

**Fish:** Can I ask two related questions? As the new parks commissioner, i'm interested in how in fact we're moving the field from this location to the park and who is paying for it.

**Douglas:** We negotiate a relocation agreement with the lents little league. They're an institution in that neighborhood and they've played on that site for 40, maybe 50 years. They've been there for a long time. The fields and the back stops need work. So we negotiated a relocation agreement with the little league and I don't know all the details on the financing, but I did know -- I do know that p.d.c. contributed towards the costs for the parks bureau to bid out work for the new facilities in lents park.

**Leonard:** My understanding p.d.c. actually paid for the entire cost.

**Douglas:** The entire?

**Fish:** I'm interested in how that's moving forward. And the other piece I wanted to ask you is, this is a prime piece of dirt. And when we looked at the slide that shows its proximity to the new light rail station, for example, and other things, we -- this is exactly what the city wants to encourage development locations like this that are within walking distance to mass transit. But we also have, in this particular urban renewal district, we have some affordable housing goals, which we have been having some challenge getting to, and we have a community that has a variety of opinions about what kind of housing they want. There are those who would prefer to have the homeownership opportunities, others who recognize that for lower-income citizens there's a shortage. So how will our decision about the development here be influenced by the guidelines established and the urban renewal district about affordable housing?

**Douglas:** The way that we have framed these discussions, or these topics and the request for qualifications are that the zoning on this site should it be approved, would allow for a mixed use project. It would still allow for residential project and would allow for solely employment project.

We have noted that through market studies that we've done and through we've heard from community, that most folks support mixed income, mixed use project. The zone change would allow for -- if they were an employer attracted to the site, to -- that would be an allowed use. I'm not trying to skirt around your question. More to your point about the affordable housing, you're right, we have had some difficulties in spending the set-aside dollars in lents. At this point it's really hard to say, not knowing what the programming of a future use on this site would be. I will say that we do have set-aside dollars in a project like this if an applicant were to request them to support affordable housing goals. It would be a natural.

**Fish:** Does anything we're being asked to do today bind our hands in any way about -- in terms of that conversation?

**Douglas:** No.

**Fish:** Because by the way, when we talk about affordable housing, which you'll hear I think a constant refrain of this council, affordable is a relative term. Putting in affordable homes here to arrange -- to a range that meets the medium income of this neighborhood is in effect meeting an affordable housing component. Just as putting in an assisted care facility for older adults, where there's a need, or any number of things. I think we're going to take more expansive view of what is affordable and looking at the neighborhood demographics. But I wanted to put this marker down, because when we recently reviewed the 30% set-aside tiff report, we -- there's a number of u.r.a.s where we're having challenges. This is one, and I know there's a robust debate going on about what the community would like to see, and i'd hate to lose an opportunity like this at a site that is as prominent. If there is to be housing, I hate to lose an opportunity to a mixed-income development that had affordable housing components.

**Fritz:** In the citizen committee was there any concern about the amount of development that could be allowed?

**January 14, 2009**

**Douglas:** There was. This site is really the transition zone from the historic town center to pretty low-density post-war single-family home neighborhoods. So in some ways the trip cap I think allayed some concerns about the size and the bulk of something that could go on the site. So that allows -- I think it will allow for a development that's more respectful of the neighborhood fabric. But there are certainly concerns about that, and there are other folks who just are sad to see the little league go.

**Fritz:** If in fact this does result in a development cap, or limitation, that would be something that the community would appreciate?

**Douglas:** I think so. I can't speak -- we have a community member here today who could speak to those. I think the -- this is a 3½-acre site. I think people think, that's a really big building. And of course it wouldn't be one building. But -- so there are concerns about bulk. There are also concerns about just impacts on the road network. So I think in some ways the trip cap does alleviate some concerns about something that doesn't fit in the neighborhood.

**Fritz:** Was there any discussion about limiting height or floor-area ratio or any of the other standards we could use to limit?

**Douglas:** The height limit and the e.x. Zone is relatively modest. It's 65 feet, I believe, which is not -- we looked at other zoning classifications that were much taller, and probably even more out of scale with the neighborhood. So I think 65 feet, five or six stories, it would be considerable, but it wouldn't be 10 stories like other high-density residential zones.

**Adams:** Anything else? All right. We now have supporters of the applicant.

**Moore:** We have one more person steined up. David hyde.

**Adams:** Hi, david. Welcome to city council. Give us your name and you'll have three minutes.

**David Hyde:** My name is david hyde. I am representing the lents neighborhood association. I currently hold the land use chair position, and I also was part of the citizen advisory committee on some preliminary meetings. The lents neighborhood association has supported this rezoning, and the main reason was that it allows commercial development on the property. The e.x.d. currently includes all of the older lents town center. This would be a continuation of that. And we see that as important in developing that entire block. The new zoning allows for a higher density, and allows for housing. We feel this is an easier way to meet our affordable housing requirements by having a higher density and maybe this project wouldn't have to be entirely affordable housing, and more likely be a mixed use. The lents neighborhood has felt burdened by the demands for the affordable housing. I think there are people in lents who feel that all of lents is affordable housing. And so the higher density would allow us to meet that requirement maybe with less impact. We also support the higher density because it brings forth the pdot restrictions and conditions that if the higher density wasn't there, wouldn't be applied to 92nd and harold intersection. And so those conditions are also things that we support as a neighborhood. If the density wasn't increased, it wouldn't be so likely those improvements would happen. I believe there was a letter that was provided prior to my being on the association that was -- that should be available that supports this development, and zoning also.

**Fish:** I want to thank you for testifying, and recognizing in your testimony that when we put density where it is appropriate, it has the effect of both meeting our overall planning goals to the 70 region, but it frankly takes a little bit of the pressure off some of our traditional r5 neighborhoods. Where people would like to see the single family 5,000-square-foot lot residential areas be protected as much as possible, parts of our city. I appreciate your acknowledgment of that principle. On the question of how you do a mixed use development with an affordable component, it's reflecting on the fact this is 3½ acres. We're currently helping to design a buildout in southwest Portland at the jerome sears sight if we get the green light, we'll be moving forward on that. And after extensive consultation with the neighborhood, what we've come up with is a plan that blends homeownership with host coming in and building homes for sale. Would it price it about \$180-\$225,000. A facility that was largely focused on older adults. And then affordable housing for people who were



**January 14, 2009**

formerly homeless, mix in addition a community with open space and other benefits. So we do have a lot of experience blending and I think with the homeownership and affordable component on the site with density, we have a pretty good track record of working with private developers to make that happen. If that is the path down the road that someone chooses, I think we can the city can help ensure that's an amenity for the neighborhood.

**Hyde:** I think a dream of this site would be the sitka meets belmont dairy kind of project. Whether the current financial climate would allow something like that remains to be seen.

**Fish:** When you say sitka, and you say belmont dairy, you should know you probably have no greater champion on this council than the mayor in terms of the notion of family friendly house can in areas particularly within walking distance to schools. And so we really -- recently took up this issue in the river district rezoning where we used the zoning code to create incentives for three-bedroom housing, family friendly, sitka is an example of -- an attempt to be more family friendly. Belmont dairy is probably -- i'm not sure of the scale, those units now, because of the market, have become rather pricey, but I get the drift. There's an example of a grocery store, some commercial, town homes, and rentals all in a complex, which is very attractive, and frankly probably helped jump-start the development in belmont.

**\*\*\*\*\*:** Absolutely.

**Fish:** Thank you.

**Fritz:** Thank you for coming downtown. I appreciate that very much. Do you think the neighborhoods would be concerned about more units on this site? You mentioned you're willing to have the increased dense did I in order to get the traffic improvements. Do you want the traffic improvements to also have the effect of limiting the amount of construction -- of development that could happen on this site?

**Hyde:** We acknowledge the site should have higher density, and again, it allows us to meet our affordable housing requirements easier that way. The -- as for your question about the limitation on the --

**Fritz:** Let me rephrase it. Supposing we were to change the condition of approval to just say you can do the amounts of development that an e.x. Zone would normally allow, and then as much development as you have you have to do the traffic improvements that make it work. Would that be acceptable to the neighborhood, or was part of the discussion in putting these trip limb tycian it that we don't actually want quite as many units as an e.x. Zone would currently allow?

**Hyde:** I think the neighborhood feels that there's already a need for improvements to --

**Fritz:** Right.

**\*\*\*\*\*:** The roads there.

**Fritz:** Does it matter if we add -- as long as you get those improvements, does it matter if we add 100 units, 200 units, 300 units?

**Hyde:** Well, as far as the -- my personal feeling on the trip calculations are I think someone testified they were using national formula. And I think Portland may be able to reduce those trip calculations on a high density, because Portland does development differently than, say, atlanta or houston. So I think we're not terribly concerned with that.

**Fritz:** You wouldn't mind if there were an extra -- if we got as much development on this site as possible under the e.x. Zone as long as the transportation improvements were provided. Is that what you're saying?

**Hyde:** That's correct.

**Fritz:** Thank you.

**Hyde:** Especially since it's nearly on top of the max station.

**Leonard:** That would have to be a broader discussion. I've been involved in some of these discussions and we do not want to hear a judgment that's not been thoroughly vetted. I'm sure those of you that would work order let's would agree. We have a good balance now, we have achieved

**January 14, 2009**

through years of hard work and laborious public processes and I would not want to do anything to disrupt that.

**Adams:** Are we ready -- thank you very much for your eloquent testimony. Are there any -- is anyone else signed up as a supporter of the applicant?

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

**Adams:** Anyone else in the room? All right. Then we move to -- .

**Fish:** I would move to adopt the recommendations.

**Adams:** Is there a second?

**Leonard:** Second.

**Adams:** Moved and seconded to adopt the recommendations. Is there any discussion on council?

**Fritz:** I am concerned about limiting developments on this site. It seems to me we want -- I take your point, commissioner Leonard, we want to discuss with our community partners, but it sounds from the testimony that the community's concern is getting the traffic improvements. And i'm wondering if there's an opportunity -- this is such a key site, that I guess maybe i'd like to hear from staff whether a short delay to reopen that. Philosophically i'm also concerned about putting a condition of approval on a comprehensive plan -- on a comprehensive plan change. The whole point of -- we agree on balance, this is the better zone, and we do it, we don't say if and only if do you such and such. So that's a struggle for me.

**Adams:** Do you have thoughts regarding that.

**Douglas:** I guess my thoughts would be that three issues that are of crucial importance to folks in lents are traffic, density, and affordable housing. And I feel that the zone change that we're applying for here -- and the trip cap, and what its implications are, that we've been able to strike a relatively delicate balance with concerns of the folks in the community about not overburdening the local street network, about having -- developing on a site that would transition well from the town center to a neighborhood that's lower in density. And I think that folks also appreciate that there are other sites closer to the town center, closer to foster road, to the max station, that have just as much potential that as this site, they may be not as large, but this is -- would really be the -- one of the first projects out of the box like the assure ti northwest project that will change the face of lents. I think there may be potential in the future for higher density projects. I'm not sure if it --

**Leonard:** You're talking about the new copper penny site?

**Douglas:** Right.

**Adams:** And if I could just give my thoughts --

**Fritz:** I have a question.

**Adams:** I want to give my thoughts to your comment. That is, this has been very much sort of to build on what commissioner Leonard spoke to, this is very much been -- we're in the midst of a trust building process with this neighborhood. And as someone who wants as much density around, especially light rail stations as possible, I would love for there to be more density, but I will enthusiastically support this, because the community has painfully but thoroughly come to sort of a weighing of a whole bunch of competing priorities for the site. And this site has a lot of emotional interest for folks. So if we do this one well f. We complete this process with the neighborhood well, I believe we will be in a better place to do even -- to be able to push the comfort zone, both sides, am sides to push their comfort zones. But I think if we push right now it will blow up in our face.

**Fritz:** So the e.x. zone sites within the town center currently do, they have any kinds of conditions on them, or are they straight e.x.d.?

**Douglas:** I don't believe there are conditions like this one.

**Fritz:** Then i'm comfortable with it.

**Adams:** Any other council discussion? Karla, please call the roll.

**Fish:** I'm pleased to support the recommendation. And I will say for the benefit of both the staff that's here and the public that's here and watching, I have become accustomed over the past six

**January 14, 2009**

months to expecting really first quality, first-rate presentations on these quasi judicial matters as they come before council. The staff work is consistently of a very high level. It's not easy to take these big things and reduce them to a power point that's understandable to all. And while there were parts of colloquies in the parts of this proceeding this I -- that I think I still may need english translation for, I appreciate very much the high-level discussion and watching our newest commissioner engage with senior staff on some of these technical issues, it's actually breathtaking. And I -- the public I think is going to have great confidence that we're going to be approaching these things with an even higher degree of expertise and sophistication going forward. I appreciate the mayor's comments, though, that ultimately these are bargains that are struck with neighborhoods after a lot of consultation, and that what we need to do is put a marker down and then build on it. And I too have had neighborhood meetings in this part of the city where i've gotten an earful, and I think it is important to show we can do this right and build on it. It's one of the reasons that as the housing commissioner, I believe we have an obligation to get each of our projects right because then what we do is bring neighborhoods and we bring skeptics and say, hey, look. Would you like this in your neighborhood? And when this is like some of the affordable housing development we've done in the river district, most people say I never thought that was affordable housing. Yes, by all means, put that in my neighborhood. So again, thank you to staff for a superb job, to the member of the public who came on the afternoon to come and testify and give us our views, and i'm pleased to vote aye.

**Fritz:** Thank you to my new colleagues for indulging my interest in this -- the mechanics of how -- what this is, and to staff for helping me tease out that in fact this is somewhat of a development cap and that's what we want. So that's the conclusion that i'm drawing. I feel reluctant in the future when we make comprehensive plan changes we should just make them, but for the reasons that you stated, I believe this is the best thing to do. And frankly mr. Hyde i'm not sure would I have come to that sense of satisfaction had you not taken the time to come here. Because the lents neighborhood association has been exemplary in working through these issues and making sure you have representatives at meet cans at every hour of the day and into the night. So would I like you to convey our sense that we appreciate the partnership within the neighborhood association back to the rest of the folks in lents. The staff report as usual was done extremely well. I especially liked the part that said that when the police -- when the bureaus were all asked to comment on this proposal, the police bureau actually said what this would impact their s.f.e. D.f.t.e. funding. And I think we need to consider that when we are making zone changes, when we're making big picture policy that in fact there will be implications for the general fund budget. So I appreciated that note. I also appreciated that there was a specific response from b.d.s. staff, particular ones who asked if their project could be included in this proposal. The answer may -- the fact the request was noted and the answer that was given was also in the report, made me realize even more that staff really are responding to both large groups, smap groups, Portland development commission and individual one citizen who's had a concern that was answered. So I appreciate that. And it seems like a blended project. And I know the site in particular has been contentious over the past -- in the past, and now that we're moving forward to something that will hopefully get built in the near future. Aye.

**Leonard:** This is quite a step in the multisteped process of revitalizing lents, and using the urban renewal area to really -- really make a better community for not just lents, but the entire city. I've represented lents in one capacity or another since 1993, and have been struck by the recent change in the tenor of the meanings -- meetings in lents, which I think is characterized by actually some of our successes in getting young folks to move into the community. You know longer go out to a lents community meeting and get yelled at because i-205 was put right through the middle of their neighborhood, which was a refrain we heard just until not very long ago. And now the characterizations are more what we can do to actually improve the community, use the tools of the p.d.c. Has been using so well out there, and the various stained projects that we're all working on,

**January 14, 2009**

whether it's grocery store or new copper penny site, what that may mean. This site was contentious as you pointed out with the lents little league. And so I really appreciate the stage that we're at and what it's taken to get here, and very much appreciate the questions asked, although I have to say we've reached a new high. I never would have thought to characterize an exchange on traffic counts as breathtaking. But so be it. I'm pleased to support this. Aye.

**Adams:** I think that when I think about -- in the last four years we've been able to move forward the -- with the seven-year delay, lents town center commissioner Leonard working with myself and mayor potter to have the assure ti northwest bring over 60 good jobs into the neighborhood, and build out seven-year delayed vision for the lents town center, I think you were in the state legislature, were you on the planning commission, I was chief of staff, and -- were you on the new york school board, when we started talking about this site. It's been a long time coming, and it's really testament to the staying power of folks in lents. So in the neighborhood association and in the business association, you've -- and -- you've stuck with us. I also want to commend p.d.c. And planning and b.d.s. for really working with the neighborhood that has a lot of distrust of us. And coming forward with this proposal, with the kind uniform support that you have is indeed breath taking. And so thank you. Aye.

**Moore-Love:** Vote on 39 now.

**Adams:** Ok.

**Fish:** Aye.

**Fritz:** Aye olympic aye.

**Adams:** Aye. [gavel pounded] and that concludes our afternoon session of the city council. See you next week.

At 3:13 p.m., Council adjourned.