



CITY OF  
**PORTLAND, OREGON**

OFFICIAL  
 MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **1ST DAY OF APRIL, 2009** AT 9:30 A.M.

THOSE PRESENT WERE: Commissioner Leonard, Presiding; Commissioners Fish, Fritz, and Saltzman, 4.

OFFICERS IN ATTENDANCE: Susan Parsons, Acting Clerk of the Council; Tracy Reeve, Senior Deputy City Attorney; and Gary Crane, Sergeant at Arms.

Items No. 331, 337, 339 and 340 were pulled for discussion and on a Y-4 roll call, the balance of the Consent Agenda was adopted.

<b>COMMUNICATIONS</b>	<b>Disposition:</b>
<b>321</b> Request of WW Terry to address Council regarding bicycles and skateboards (Communication)	<b>PLACED ON FILE</b>
<b>322</b> Request of Gaye Harris to address Council regarding Mayor Adams (Communication)	<b>PLACED ON FILE</b>
<b>323</b> Request of Michael Van Kleeck to address Council regarding the Portland Plan Citizens Involvement Committee (Communication)	<b>PLACED ON FILE</b>
<b>324</b> Request of Richard Hartmann to address Council regarding a sewer matter (Communication)	<b>PLACED ON FILE</b>
<b>TIME CERTAINS</b>	
<b>S-325 TIME CERTAIN: 9:30 AM</b> – Adopt resolution to lower City flag to honor children who die from abuse, neglect and other violence (Resolution introduced by Commissioner Saltzman)  <b>Motion to accept substitute resolution:</b> Moved by Commissioner Saltzman and seconded by Commissioner Fish (Y-4)  (Y-2; N-2, Fish, Leonard)	<b>SUBSTITUTE            FAILED TO PASS</b>
<b>CONSENT AGENDA – NO DISCUSSION</b>  <b>Mayor Sam Adams</b>	

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<p><b>326</b> Appoint Gary Holcomb to the Business License Appeals Board for term to expire December 31, 2010 (Report) (Y-4)</p>	<p align="center"><b>CONFIRMED</b></p>
<p align="center"><b>Bureau of Planning &amp; Sustainability</b></p>	
<p><b>*327</b> Accept \$150,000 from the Energy Trust of Oregon for a five-year agreement to fund energy efficiency or renewable energy projects through the Green Investment Fund (Ordinance) (Y-4)</p>	<p align="center"><b>182622</b></p>
<p><b>328</b> Authorize Intergovernmental Agreement and accept funds from the State of Oregon in the amount of \$10,000 for PDX Lounge (Ordinance)</p>	<p align="center"><b>PASSED TO SECOND READING APRIL 8, 2009 AT 9:30 A.M.</b></p>
<p><b>329</b> Accept a grant in the amount of \$49,517 from the State of Oregon Department of Environmental Quality and authorize a grant agreement with the ReBuilding Center to divert waste from regional landfills (Second Reading Agenda 301) (Y-4)</p>	<p align="center"><b>182623</b></p>
<p align="center"><b>Bureau of Transportation</b></p>	
<p><b>*330</b> Grant revocable permit to Filmed by Bike to close SE Clinton St between SE 25th Ave and SE 26th Ave from 5:00 p.m. April 17, 2009 through 1:00 a.m. on April 18, 2009 (Ordinance) (Y-4)</p>	<p align="center"><b>182624</b></p>
<p><b>*331</b> Authorize agreement with Union Pacific Railroad Company for the construction of the seismic upgrade of the North Going Street Bridge Overcrossing (Ordinance) (Y-4)</p>	<p align="center"><b>182630</b></p>
<p><b>*332</b> Authorize Intergovernmental Agreement with Tri-County Metropolitan Transportation District of Oregon to provide funding for the construction of the cost share of pedestrian improvement at SW Morrison / SW 21st Place / W Burnside (Ordinance) (Y-4)</p>	<p align="center"><b>182625</b></p>
<p align="center"><b>Office of Management and Finance – Financial Services</b></p>	
<p><b>333</b> Statement of cash and investments January 01, 2009 through January 31, 2009 (Report; Treasurer) (Y-4)</p>	<p align="center"><b>PLACED ON FILE</b></p>
<p align="center"><b>Office of Management and Finance – Purchases</b></p>	
<p><b>334</b> Amend Intergovernmental Agreement with the City of Gresham for continued participation in the Integrated Regional Network Enterprise (Ordinance; amend Contract No. 51723)</p>	<p align="center"><b>PASSED TO SECOND READING APRIL 8, 2009 AT 9:30 A.M.</b></p>
<p><b>335</b> Amend Intergovernmental Agreement with Portland Community College for continued participation in the Integrated Regional Network Enterprise (Ordinance; amend Contract No. 51781)</p>	<p align="center"><b>PASSED TO SECOND READING APRIL 8, 2009 AT 9:30 A.M.</b></p>

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<p><b>336</b> Amend Intergovernmental Agreement with the Port of Portland for continued participation in the Integrated Regional Network Enterprise (Ordinance; amend Contract No. 52198)</p>	<p><b>PASSED TO SECOND READING APRIL 8, 2009 AT 9:30 A.M.</b></p>
<p><b>Commissioner Dan Saltzman Position No. 3</b></p>	
<p><b>Bureau of Environmental Services</b></p>	
<p><b>337</b> Authorize contract with Berger/ABAM Engineers, Inc. for professional services for engineering design and services during construction of the Guilds Lake Pump Station Reliability Improvements, Project No. E08877 (Ordinance; Contract No. 30000337)</p>	<p><b>REFERRED TO COMMISSIONER OF PUBLIC AFFAIRS</b></p>
<p><b>338</b> Authorize Intergovernmental Agreement with the East Multnomah Soil and Water Conservation District to partner on the Naturescaping Program (Second Reading Agenda 307)  (Y-4)</p>	<p><b>182626</b></p>
<p><b>Bureau of Police</b></p>	
<p><b>*339</b> Authorize an Intergovernmental Agreement with Multnomah County not to exceed \$124,764 to provide three residential treatment beds for individuals identified by the Service Coordination Team as chronic arrestees with primary addiction issues who have the greatest need for and demonstrate the most potential benefit from an inpatient drug and or alcohol treatment regimen (Ordinance)</p>	<p><b>REFERRED TO COMMISSIONER OF PUBLIC AFFAIRS</b></p>
<p><b>*340</b> Authorize an Intergovernmental Agreement with Multnomah County not to exceed \$924,596 to provide chemical substance abuse treatment services to chronic offenders and for District Attorney and Parole and Probation services for chronic arrestees (Ordinance)</p>	<p><b>REFERRED TO COMMISSIONER OF PUBLIC AFFAIRS</b></p>
<p><b>Commissioner Randy Leonard Position No. 4</b></p>	
<p><b>Bureau of Water</b></p>	
<p><b>*341</b> Revise ordinance for the property exchange between Parks and the Water Bureau to correct Mt. Tabor Maintenance Yard property description (Ordinance; amend Ordinance No. 182558)  (Y-4)</p>	<p><b>182627</b></p>
<p><b>*342</b> Authorize an agreement with Meadowland Mobile Home Park, LLC to acquire fee ownership of property for a service road (Ordinance)  (Y-4)</p>	<p><b>182628</b></p>

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<p><b>343</b> Authorize Intergovernmental Agreement with Portland State University for migration and cleaning of data to produce a daily consumption data table (Second Reading Agenda 311)  (Y-4)</p>	<p><b>182629</b></p>
<p style="text-align: center;"><b>REGULAR AGENDA</b></p>	
<p><b>344</b> Authorize the Office of Management and Finance, Business Operations to acquire the Made in Oregon Sign and related property and permanent and temporary easements, through the exercise of the City's Eminent Domain Authority (Ordinance introduced by Mayor Adams and Commissioners Fish and Leonard) <b>Motion to amend to add stipulation that no general fund, tax increment or rate payer dollars will be used:</b> Moved by Commissioner Saltzman and seconded by Commissioner Leonard. (Y-3; N-1, Fritz)</p>	<p style="text-align: center;"><b>PASSED TO SECOND READING AS AMENDED APRIL 8, 2009 AT 9:30 A.M.</b></p>
<p style="text-align: center;"><b>Mayor Sam Adams</b></p>	
<p style="text-align: center;"><b>Bureau of Transportation</b></p>	
<p><b>345</b> Assess benefited properties for street and traffic calming improvements in the SE 152<sup>nd</sup> Avenue Local Improvement District (Second Reading Agenda 299; C-10017)  (Y-4)</p>	<p style="text-align: center;"><b>182631</b></p>
<p style="text-align: center;"><b>Office of Emergency Management</b></p>	
<p><b>*346</b> Amend an Intergovernmental Agreement with Clackamas County to perform purchase obligations and extend time period for distribution of equipment, supplies and services procured as a result of Urban Areas Security Initiative Grant FY 2008 (Ordinance; amend Contract No. 52306)  (Y-4)</p>	<p style="text-align: center;"><b>182632</b></p>
<p style="text-align: center;"><b>Commissioner Dan Saltzman Position No. 3</b></p>	
<p style="text-align: center;"><b>Bureau of Environmental Services</b></p>	
<p><b>347</b> Create a local improvement district to construct sanitary sewer improvements north of NW Skyline Blvd in the Royal Highlands Phase II Local Improvement District (Hearing; Ordinance; C-10033)</p>	<p style="text-align: center;"><b>PASSED TO SECOND READING APRIL 8, 2009 AT 9:30 A.M.</b></p>
<p><b>*348</b> Extend contract with GSI Water Solutions, Inc. for CERCLA and Risk Assessment technical assistance at the Portland Harbor Superfund site and add \$1,365,000 (Ordinance; amend Contract No. 36324)  (Y-4)</p>	<p style="text-align: center;"><b>182633</b></p>

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<b>*349</b> Extend contract with GSI Water Solutions, Inc. for Source Control technical assistance at the Portland Harbor Superfund site and add \$1,629,000 (Ordinance; amend Contract No. 36325)  (Y-4)	<b>182634</b>
<b>*350</b> Authorize acquisition of two lots from Moe Brothers Partnership and acceptance of deeds and payments of expenses as a component of the Grey to Green Initiative (Ordinance)  (Y-4)	<b>182635</b>
<b>Commissioner Randy Leonard</b> <b>Position No. 4</b>  <b>Bureau of Water</b>	
<b>*351</b> Authorize loan applications in the amount of up to \$13,800,000 to the Oregon Economic and Community Development Department under the American Recovery and Reinvestment Act of 2009, Safe Drinking Water Revolving Loan Fund program (Ordinance)  (Y-4)	<b>182636</b>
<b>City Auditor Gary Blackmer</b>	
<b>352</b> Update responsibilities for the proper management and preservation of City records, including electronic records (Second Reading Agenda 300; replace Code 3.76; amend administrative rule ADM-8)  (Y-4)	<b>182637</b>

At 12:42 p.m., Council adjourned.

**GARY BLACKMER**  
Auditor of the City of Portland

By Susan Parsons  
Acting Clerk of the Council

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

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**WEDNESDAY, 2:00 PM, APRIL 1, 2009**

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

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**April 1, 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.

**APRIL 1, 2009      9:30 AM**

**Leonard:** Mayor Adams is excused for absence on city business. Susan, if you can read city business. Item 321.

**Item 321.**

**Parsons:** He has rescheduled.

**Leonard:** Thank you. Please read item 322.

**Item 322.**

**Leonard:** Gaye harris. She is here? We'll skip over and go to 323.

**Item 323.**

**Leonard:** Good morning. Please come forward.

**\*\*\*\*\*:** Excuse me, sorry.

**Leonard:** Welcome, you have three minutes. Please state your name.

**Michael Van Kleeck:** My name is michael van kleeck. I'm a citizen of southeast Portland, the mount tabor neighborhood. And i'm here to address the council about the planning effort and the citizens involved in the committee. In recent times it seems that the city has lost sight of long term vision and focusing on the present. There was an effort to recruit a citizens involvement committee to think about the future. 95 citizens applied. Or 85, and there's been no progress on convening this commission on the plan. I understand that there's a proposal to cut 43% of the planning budget from the city. And I advise you very strongly to take a look at the citizens involvement committee and the volunteer effort that's there. People who love the city and intelligent and well educated and ready to convene the committee to talk about what we want to see happen. It's a free resource. The applications are somewhere in this building and it's not moving forward. I'm rescheduled to speak on that again on may 13th when the mayor is here. I have given you a packet that contains a couple of things. There's two articles about issues in city planning. One is from the "the new york times," talking about why now is the time to consider reinventing our cities. And the second article is talking about what's happening in paris around planning and I encourage to you look at that and create some vision. The other reason i'm here is because the beginning of national poetry month, april 1st and city is a rich city of poetry. I'm going to consider starting a project where we find poetry that represents each of our 95 neighborhoods and get a vision of our city and what's happening in the 95 neighborhoods of this city. Hazel hall is the grandmother essentially of Portland poetry and i'm going read a poem of hers. You can read mine later. Written in 1923 here in Portland. "to an experienced walker." once you walked through the spring, birds had a swifter note and every flowering thing seen quivering at your throat. Spurting from every bough with sunlight showing through. And yet this much is good, knowing their -- all leaves must serve your mood and none can hurt your breath. Thank you.

**Leonard:** Thank you. Is gaye harris here? We'll skip on.

**Parsons:** Yes, she's returned.

**Leonard:** Ok. Good morning, you have three minutes. Please state your name.

**Gaye Harris:** My name is gaye harris. I'm a resident of north Portland. I've been a practicing physician in Oregon for 15 years. I currently serve as medical director for two area urgent care clinics. I'm here to respond to statements made by city officials. We need sam -- this was a statement by mr. Saltzman. We do not need any more corrupt power grabbing keepers of the

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public faith. Mr. Leonard, you said sam would have been elected if he had told the truth. So in 2005 when city staffers asked him about his relationship with the 17-year-old boy, suppose he had told the truth. Something like we're having a romance, but it's totally legal. We would never have voted for sam Adams if we'd known truth. Americans are through with these kind of politicians. We've had eight years of george bush. Courtesy of a sex scandal, if we'd been unlucky to have edwards win the nomination only to find out about his extra-marital problem. The most ludicrous statements came from mr. Adams. I ask that you not judge me on my worst moment, to the city club, to applause. 17 months of a prolonged calculated managed lie about an issue of direct concern to voters can't be defined as a moment. People need to work through their issue, he said, in response to an official who didn't want to meet with him. Like the dozen or so applicants of the job of city sustainability advisor who were beat out by a 20-something -- they can -- while less qualified applicants get an amazing career break and \$50,000 salaries and might be asked to go down to the library and research the relationship between money and happiness at taxpayer expense which was a project that mr. Adams assigned a staffer a few years ago. Mr. Adams campaigned heavily on their problems, the high teenage dropout rate and proposing mentoring as an education reform tool during his campaign while covering up his sexual relationship. You know enough based on mr. Adams' admissions. Your silence of his central question of his fitness for office is deafening. Thank you. [applause]

**Leonard:** Thank you. Karla, would you read -- i'm sorry, susan.

**Item 324.**

**Leonard:** Richard hartmann. When you address a sewer matter and you bring a large bag, we're worried. [laughter] please just give us your name and you have three minutes -- your name.

**Richard Hartmann:** Richard hartmann, age 77. Throw that in. I'm -- I have a hard time because I have three minutes to talk about five years of hard work investigating the sewer system in Portland from an engineering standpoint and where the records are. Also, i've -- i'm getting near \$1 million in losses, both in what I paid and what I owe people over this matter. And the ultimate is the loss of my ability to commercial i'd my world patent in places that could bring in somewhere [inaudible] did it go out? Oh. Half a trillion into the american economy derived from the sun energy. That's 20 years' of work. That's going to go by the wayside. That's collateral damage. Mr. Saltzman, you're the lucky one to inherit me in the b.e.s., in a sewer matter that's been lingering. And so I notice that you're on the agenda shortly hereafter to create a l.i.d. For the royal highlands, that would be this afternoon, I guess, i'd like to hear about it. The royal highlands is going to go ahead with a local improvement district, for the sewer. For the sewer matter. I'm sure you'll inform them that it could happen, that mr. Adams will provide -- will call part the of them or all of them private. Because he might find a work permit that suggests that as evidence. And do so without the council's authority to declare this thing. And does it on his own volition. That's what happened to me and that's what caused all of this. Now, my question is this: City attorney, do you want him representing this council with amicus briefs in a dispute matter between two business people that the city is not directed to, do you want to support his use of a work permit that is in support that the city claims this was a private sewer. So what do I want? Well, may 13th, I have an appeal. That will extend the exposure of my matter by a quarter of a million dollars if I don't prevail in that to say that this is a public sewer and we have all the evidence for you to review here. So I finish with an april fool situation. This is a specimen, a frozen specimen of what we found in a storm drain directly over our place where we're supposed to have a thing. That's one of five damages that the city did to the lines of service. Furthermore, the april fool's joke is if I gave you a permit to look at -- and I said that property right there belongs to me, would you accept this permit as evidence of ownership of that property? Thank you.

**Leonard:** Thank you, mr. Hartmann. Susan, go to the consent agenda. Are there any council members that want to remove any of the items off the consent agenda?



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**Fritz:** [inaudible]

**Leonard:** Not that i've been made aware of.

**Fish:** I understood you were removing 339 and 340.

**Saltzman:** I think it was 337.

**Leonard:** You're removing 337, 339 and what?

**Saltzman:** 340.

**Leonard:** 340? Any other items?

**Fritz:** 331, please.

**Leonard:** 331. Is there any member of the public that would like to remove any items from the consent calendar? If not, call the roll on the consent calendar. Except 331, 337 and 339 --

**Fish:** Aye. **Saltzman:** Aye. **Fritz:** Aye.

**Leonard:** Aye. Do you want to take these items up now or do them after the time certain at 9:30?

**Saltzman:** I was going to have mine returned to my office.

**Leonard:** And you want --

**Saltzman:** 337 --

**Leonard:** Can you read them, please?

**Leonard:** Do you want to read all three of them?

**Items 337, 339 and 340.**

**Leonard:** If there's no objection, we'll return these to commissioner Saltzman office. [gavel pounded] could you read item 331, please? Commissioner Fritz.

**Item 331.**

**Fritz:** I asked this be pulled so that the citizens know what a good job the bureau of transportation is doing. [inaudible] to north Portland constructed in the 1930s and it's one of the priorities for seismic upgrades and the really good part, the city's contribution is \$300,000. We're getting \$3 million in state funded and a million in federal funds in order to do this project. It has a high level of confidence. And I just wanted to commend the staff and mayor Adams and his office for doing a good job on this.

**Leonard:** Any further council discussion? Anyone who would like to testify? Please call the roll.

**Fish:** Aye. **Saltzman:** Aye. **Fritz:** Aye.

**Leonard:** Aye. [gavel pounded] passes. Sue, please read the time certain item 325.

**Item 325.**

**Leonard:** Commissioner Saltzman?

**Saltzman:** Thank you, mr. President. I guess in addition to national poetry month, april is also -- and today is the first day of national child abuse prevention month. And with that in mind, i'm humbled to bring forward this resolution. As a long-time advocate for children's issues, I continue to be disturbed by the number of children who die from neglect and abuse unnoticed the to honor these children, and to increase public awareness about the number of deaths in our community, this resolution proposes that the flag of the city of Portland will be lowered each month on the date that corresponds to the number of children who have died during the previous month. Our youngest and most vulnerable constituents have no opportunity to speak out when they're abused or hurt. No one hears from the three-month-old who dies from neglect. Some case, like 14-year-old melissa bittner receive many headlines and top news stories. Others like kiana hamilton and gabriel don't hear about those stories. She was beat and did not get her the medical attention she needed and so she died in their care. She was two years old and three months. Gabriel -- gabrielle was physically abused by her father, one month and two days old. Mayor potter used to start city council meetings each week by asking: How are the children? We know our community is well if our children are well. I want to continue asking that valuable question but I want to recognize those who can't speak. Children who die from abuse, neglect, or other violence. So in addition to the flag lowering, the first meeting of every council meeting, the first meeting of the most of every council meeting, I

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would read a statement as follows: This month the flag of the city of Portland is lowered to half staff on the date to commemorate the deaths of the number of children in our city caused by abuse or neglect. If you know of an abuse case call the hot line at 1-800-509-5439. If you witness abuse, call 9-1-1. I will also post that statement to my website. Let us together honor these children whose lives are extinguished. They will never graduate from high school or college. Get married or have a family. This flag lowering is the only honor they will ever receive. We have three people here today who each represent a different aspect of child abuse and will testify on this resolution. Kevin Dowling, the executive director of Cares Northwest. Captain Uehara at Portland Police, and Rod Underhill from the Multnomah County District Attorney's office. Start with Captain.

**Chris Uehara, Portland Police Bureau:** Ok, good morning. Members of Council. My name is Chris, I'm a Captain with the Police Bureau assigned to the Family Services Division. Made up of a multiple investigative teams that include the Domestic Crimes Reduction Unit. The Portland Police Sunshine Division and Multnomah County Child Abuse Team who are here today. The detectives from my team are here in support today. I'm here to speak out in support of the city flag lowering resolution proposed by Commissioner Saltzman. Between the years of 2000 and 2008 there were 24 child deaths that occurred in the city of Portland due to violence. Eight of these deaths were correctly related to gang violence while at least six were related to domestic violence and child abuse. These numbers are unacceptable and any movement that brings additional public awareness and education to these senseless acts of violence perpetrated against our children is a cause that the Police Bureau greatly supports. I find it fitting to share excerpts from an editorial piece that appears in today's Oregonian that was written by one of my child abuse detectives. Brandon writes, the burden and moral responsibility to speak out, advocate and fight for our children who are abused, neglected and who die from violence belongs to every adult, every responsible citizen, and every government official. Child abuse is an unpleasant topic. We cringe at the thought of children being subjected to acts of unspeakable sexual deviance, physical and at times fatal violence. Yet our community should not allow to push that aside. The victims won't attend council meetings to provide public comment, they won't testify at legislative hearings to share their experiences, or organize rallies, circulate petitions or launch media campaigns to rouse public support. They won't because they're children and some of their young voices have already been silenced by the hands of their abusers. But someone must do this. Someone must speak out on their behalf. I thank you for your attention today and for helping bring awareness to the issues of child abuse and the consequences that surround us and tear our community apart if we don't take the necessary steps today to speak out for our children and I'd like to add I hope we never have to lower the city flag.

**Kevin Dowling:** Good morning, my name is Kevin Dowling and worked as the program manager at Cares Northwest. It's Portland's only medical program specializing in the medical evaluation and diagnosis of children who have been abused and neglected. We're one of the oldest and largest medical programs in the country. I'm here to speak in support of the flag lowering resolution to raise awareness of children who die from abuse and neglect. It's hard to imagine anything more traumatic than the death of your child. Except perhaps that it was the result of abuse. That someone killed her and in many cases that someone was a person you knew, trusted and loved. As a parent, you wonder why and how could this have happened. When a baby's death is suspected to be a result of abuse or neglect, the baby's body becomes evidence in an investigation. And as a parent, you lose your child again and again. For example, the body can't be left alone. We have social workers who have had the job of staying with the baby's body while the child's grieving family cuddles and holds it and says goodbyes. The trauma associated with such a horrific loss explodes in the heart of the loving parent and rolls over family, investigators, medical providers, social workers and on and on across our community and sadly, those closest often feel so alone. And that's why I'm happy for the opportunity to support the flag lowering resolution. It's a

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symbol for the grieving mother, father, sisters and brother, grandparents and aunts and uncles. It's a symbol for the doctor, the social worker, the detective, the child protective social worker who've dedicated their lives to protecting children yet are the ones called on to be there when a child dies from abuse and neglect. It's a symbol in our community, the death of a child from abuse or neglect is significant. That someone so innocent and precious has been taken away from us, that the life of that child meant something to all of us. It is a symbol that we as a community recognize that loss and that we stand together in our commitment to promoting the health and safety of all citizens and especially our children. Thank you.

**Saltzman:** Rod.

**Rod Underhill, Multnomah County:** Good morning, thank you for this opportunity to say a few words. I'm rod, a chief adult attorney in the Multnomah county office. Mr. Shrunck's office works with people like this team of child abuse investigators and detectives. We work with cares northwest, kevin dowling and the others that work in that problem. The work we do is an effort to investigate, solve and then prosecute those responsible for causing the death of a young child. I'm here to speak in support of commissioner Saltzman's proposal to lower the flag relative to the continued effort to educate and raise awareness to the tragic loss of these children. To not only their families, but to our community. Having been involved in some of these horrible crime, shortly after the call to 9-1-1 comes in, I can tell you that the visions of a young person dead in either their home or in melissa's case, her neighbor's backyard, are forever etched in the minds of those people called to those crime scenes. Those memories, however, pale in comparison to the loss suffered by the loved ones of that child. Whether the death was caused by a stranger, a person who assumed the legal responsibility for the care of the child, or the child's own parent, the result is still the same: The unnecessary loss of that child destroys their hopes, their dreams, as commissioner Saltzman mentioned, and no doubt destroys a piece of the directive security of our community -- collective security of our community. My option is we never have a month that we have to lower the flag on the date that corresponds with the number of children died. Through commissioner Saltzman's proposal, however, we will be vigilant in bringing awareness to that loss in our collective continued effort to not have to do the process again the next month. Thank you.

**Saltzman:** Thank you. I also want to say thank you very much to the child abuse team members who are here today in support of this resolution. You do great work and it's tough work and I know this entire city council thanks you for your continued efforts.

**Leonard:** Thank you. Do we have a sign-up sheet?

**Parsons:** We do and we have one other person to speak. Gaye harris.

**Leonard:** Gaye harris. Welcome back.

**Harris:** I'm back.

**Leonard:** Please state your name again and you have three minutes.

**Harris:** Gaye harris. I won't need three minutes. I support this resolution, I think it's a great thing you're doing. Commissioner Saltzman, I would like to simply say there needs to be more funding to prevent child abuse. A lot more funding for children. And the soccer stadium, i'm not sure how that fits in with preventing child abuse, but one can argue that an overall commitment in the community to provide outlets for families and a symbol for children to know that people actually care enough to have sporting stadiums for them to go to is a positive thing. But I would ask that you consider in view of this resolution that the soccer stadium should go in lents where they have a lot of children and not near the mac club where they don't have -- the mac club where they don't have very many children.

**Leonard:** Thank you. Anyone else want to testify?

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

**Leonard:** Please come forward.

\*\*\*\*\*: May I distribute something?

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**Leonard:** Council clerk, please. Good morning, please state your name and you have three minutes.

**\*\*\*\*\*:** My name is eric gorenson. A reporter, retired of 35 years and lived in Portland since 1960. 35 years ago, we bought a house on northeast 22nd and bought it because there was a lot of open space between my house and the next house. I'm trying to speed this up.

**Fish:** Is this -- does this pertain to this particular resolution?

**\*\*\*\*\*:** No. I'm sorry.

**Leonard:** What are you here to speak on?

**\*\*\*\*\*:** I found out yesterday that the builder is going to come in and start knocking down trees on the property. And -- within a week, and it will lead to a whole change in the neighborhood's character.

**Leonard:** Ok. Did you have a specific council item you wanted to address that to?

**\*\*\*\*\*:** No, I --

**Leonard:** So maybe I will get ty, who was up here a second ago to help you. In charge of the building regulations in the city and i'll connect you with him and see if we can't help you. I don't know if ty -- this young lady standing back here, go with her and she can get you to the right people.

**\*\*\*\*\*:** I wrote you all about this on february 2nd.

**Leonard:** Thank you very much. Anyone else want to speak to this issue?

**\*\*\*\*\*:** I'm sorry.

**Leonard:** No problem. No problem.

**Fish:** Thank you sir.

**Leonard:** I take advantage of forums whenever I can as well. Completely understood.

**Victoria Taft:** Thank you for providing a moment to speak to the council on this issue. I commend commissioner Saltzman for taking a lead on this issue. I find it ironic, that the same council that will stand every week and talk about children from here on out and raise a flag in honor of children who have been abused will not take the same stance and upbraid her own mayor for whom they take direction for doing something similar with an under-age teenager. I don't want to let pass irony, without calling attention to it. Thank you.

**Leonard:** Thank you. Anyone else who would like to testify? If not, council discussion. Commissioner Fish.

**Fish:** Thank you, mr. President. I want to begin by saying there's no one here who has greater respect for the work that commissioner Saltzman does on behalf of children and his advocacy. He is -- he's been a champion at the county and now the city level. And particularly with mayor potter leaving city hall, I think dan has picked up that man tell as well of -- mantle of heightening the public awareness of problems that they face. I'm a parent. A five-year-old child and there are some things for a parent that are unimaginable to consider and the death or abuse of a child is unimaginable and this strikes me deeply, the way i'm sure it strikes everyone here. But I will tell you in private, i've expressed a concern about this resolution with dan. And it has to do with the proposed use of the flag. I have support all of the public outreach components of this resolution. I think they are perfectly reasonable and I would even suggest we enhance them and I would be willing to expend more money toward the important work of child abuse. But I find myself in a position of being somewhat old-fashioned when it comes to thinking about the flag. When the flag is at half mast, we think of certain events and there are prescriptions on our ability to lower the flag mandated by state law. I've expressed concerns which believe is a honorable proposal. One is that I think that lowering the city flag on a different day of the month will not serve the purpose of educating the public but I believe will confuse the public and it's unlikely that someone who sees the flag at half mast is going to rush home and go to the city website. When we see the flag at half mast, we think of the death of a president or some national calamity or the death of a soldier. And

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that's why we don't lower the flag very often. Careful in how we lower the flag. The second concern I have and this isn't easy to express because i'm aligned with my colleague, dan Saltzman on the purpose of this resolution. My outreach, the homeless person who died last week, the woman who died at the hands of an abusive spouse and the soldier who died at war. I could go on and on and I believe there's people in our community who could make the case better than i. I fear we noble the flag for one noble -- the flag for one noble cause, I don't know where the line is for the next person or organization who similarly feels passion about flowing attention to a noble cause. And that's why I believe we are very careful in our flag lowering because it's the most symbolic statement we have. I want to support what commissioner Saltzman is proposing in terms of educating the public and raising awareness, but I respectfully have a concern about the flag portion of this. Which I think may not meet the goal of public awareness, but may also cause many others who are also well intentioned to come -- intentioned to come forward and I for one, do not want to distinguish between the abused child, the woman who dies by an abusive husband, the victim of an unjust war. So that respectfully is my concern with this resolution and I have the greatest admiration for its author.

**Saltzman:** Can I respond. You did share those concerns with me yesterday. I think that again, I think the reason we're lowering the flag is to -- what you were concerned about creating confusion in citizens, I guess I consider creating awareness. Unlike you, when I see the flag lowered at half mast, my first instinct is to ask: Who died? And I want our citizens of our city to become accustomed, when they see the city flag lowered, not the state or the federal flag, simply the city of Portland flag, when they see that lowered, we want to build the awareness that, yes, children have died from abuse and neglect. They may not go to the website, buff I think over time, they'll be looking to see and know when the city flag is lowered that children have died and I think this was an appropriate way to honor those children. To me, they deserve honor. As I said, this is the only honor they will ever receive. As to the concern about other people coming to us with other requests lower the flag, I always -- I mean, that's something that the city council can dole with if other people do come forward. The city council, I brought forward this proposal. If other members of council want to bring forward proposals from other well meaning citizens, it's going to happen. I don't think this action alone opens that floodgate. Each can be judged on its merits. But i've always sort of, you know -- this is a new approach and I don't think we should let sort of the fear that the floodgates will be breeched serve as a sufficient basis to reject this approach. We can even evaluate it after a year and see whether we're getting other requests. But I do think that we shouldn't lose sight of what this is all about. It's about recognizing those children who have lost their lives due to abuse and neglect and calling attention, raising awareness to that fact. I would hope you could support the resolution in light of discussion.

**Leonard:** Thank you. I have a question. And it's on the language. You just refer to children that die from abuse and neglect, but the resolution actually includes the word violence.

**Saltzman:** Yeah. Like homicidal violence. If it's a young child shot in a gang.

**Leonard:** Would it include a member of the gang that was committing gang violence and shot and killed but under 18?

**Saltzman:** Yes, it would.

**Leonard:** Commissioner Fritz.

**Fritz:** This is a symbolic gesture being proposed and I think it's important to recognize that commissioner Saltzman has done so much practical to help children in our city. The children's receiving center, passing the children's investment fund, not once but twice, you are the leader on our council for doing things that help prevent and help families in crisis. Help prevent problems and help families in crisis. So it's amazing to me that having done all of that, you still want to do more. Still want to raise awareness and proposing this symbol, as well as having done all of these practical things. And I appreciate the clarification, we're talking about all violent deaths of anyone

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under 18; that's correct? My concern is how will we count? The statistics if the ordinance talk about 2005 and 2006 so it takes a while to work through the justice system to find out whether a child fell off his bike or was the subject of abuse. So I wonder about the pain of parents whose child had a violent accident who are then counted in the statistics. I think that would be heartbreaking too.

**Saltzman:** Let me clarify. It will apply to children who die due to homicidal violence. In other words, car crashes and things like that shall not included. And part of that so that we do have accurate data. The information will come to us through the police bureau family services division.

**Fritz:** Of cases that are being investigated for child abuse?

**Saltzman:** We would make sure that appropriate -- the court processes is resolved so it is actually a death by abuse or neglect or homicidal violence.

**Fritz:** We don't know that until the court process has worked through and just the logistics of how to do this and how to make sure we're appropriately counting and honoring those children is of concern to me. I'm wondering, is it just the city flag in front of city hall or all city flags? The flag on in front of the convention center, there's guidelines --

**Saltzman:** The intent is all city flags although we received that information yesterday about the convention center flag, that that's the case, we can probably leave the convention center flag untouched. But it is all city flags which probably there's 10 to 13. I don't know if you want it hear from the captain about how we plan to make sure we're appropriately using the information in a timely manner but also respecting the court processes?

**Fritz:** Yeah, I would like to hear about that.

**Saltzman:** District attorney rod underhill, both of you can come up. You've asked questions that we've asked too.

**Uehara:** We're going to work with rod underhill's office and make sure that the information that we can release to commissioner Saltzman is allowable or the process has taken its steps to the point where we're comfortable giving the information out because of sensitivity of the cases.

**Fritz:** You can do that, if it's a death that happens yesterday and we're going to be announcing -- just logistically and beyond the details I wonder how we're being fair to all parties. If the goal is to publicized what has happened, are we affecting what's going to happen in the judicial system if we're counting certain deaths as child abuse deaths when it hasn't been proven yet.

**Underhill:** One of the questions relative to proof -- I don't want to have a question to you, but to explain more kind of the process. I mean, there are different degrees of proof. One is a court of law following the process. But these children are going to go to the state medical examiner's office and candidly, be autopsied. And as a result of that, the medical examiner will provide a form and manner of death and they will call it either accidental, call it homicidal, if appropriate. There are many subparts to, say, a determination that a young person has died of homicidal violence. That statistic, alone -- I believe, I don't want to speak for commissioner Saltzman, but I believe that's the litmus test possibly for answering the question. The much more detailed investigation of who is responsible and what were the facts surrounding that homicidal death are maybe along the lines of what you're thinking. Which are oftentimes extremely detailed and sometimes candidly can last for months and sometimes never be solved to the degree of which a court resolution is the end result. That nonetheless, doesn't change the fact that the state medical examiner, the people we proscribe as the professional in that field in determining how that child died and what was the manner of their death, would be determined to be homicidal. And -- homicidal. I say that with understanding and all thoroughness and candidness, that even the state medical examiner, on occasion, although rare, will not be able to determine a manner of death. But as a result of that inability to determine the manner the death, that would then by negative implication not be a homicidal death. Does that make sense?

**Fritz:** Uh-huh.

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**Leonard:** That would supply to my office. On a monthly basis.

**Fritz:** The reason for my concern, commissioner Saltzman, your resolution is really specific. That the flag be lowered on a particular day of the month. And it seems to me that a lot of -- there are a lot of uncertainties in determining exactly -- especially in that short of a turn-around, what those numbers should be and that if the number matters, which it does because of your resolution, then I question the use of staff time in figuring that out so we can get the right day of the month.

**Saltzman:** Well, as I said, I think the -- you know, we've thought about this issue a lot. I think the way we're proposing is a straight way, was it a homicidal death, the staff time involved is really not great. I mean, we have people right now in the city who are designated to lower flags so it would be the same people.

**Fritz:** I mean in recording the statistics, figuring them out and reporting them to.

**Saltzman:** I would ask the captain -- I don't think there's a lot of staff time involved in that.

**Uehara:** There wouldn't be a lot of staff time involved and any time when an incident occurs that's questionable, our detectives are paged out and good to the scene and -- go to the scene and then we start our process of investigation and work closely with rod under hill's office. The information that would come to us whenever it came to us, I would be able to at least give commissioner Saltzman's office a heads up that we're looking at something right now and depending on the sensitivity and what we could or couldn't release at that time, we would make some determinations on what could be put out. Pending the m.e.'s office, the decision out of the m.e.'s office. Some acts of homicidal violence are very evident and obvious. Others are more subtle and it takes a longer time through the investigation to figure out what had happened. We're trying to call attention that this is going on in our community and bringing more education and awareness to it.

**Fritz:** Do we want citizens to do something after they become aware? Is there a next step for what we're asking them to do after that?

**Saltzman:** We want them to be aware of how to report suspected child abuse or actual abuse. We want them to certainly and through my website, probably have more information about what citizens can do if they want to get involved as a volunteer or otherwise with many organizations out there who work on child abuse issues. We'll have that information. I think -- we think by raising awareness, that will continue to help, I think, the larger cause of preventing child abuse. By increasing the awareness that it happens in our community. And I think -- I can't remember which one of you said it, I think you read from the op-ed piece, that people want to not know about this. It's not a topic that people want to talk about and so we want to provoke the conversation by the flag lowering.

**Leonard:** Thank you. Is there any further discussion? If not, Sue, please call the roll.

**Parsons:** There's a question for you. Yesterday there was a substitute resolution --

**Leonard:** Yes, ok.

**Parsons:** Shall we accept that first and then take the vote?

**Leonard:** I thought the substitute was before us. It doesn't change the substance of anything. Just adds more whereas's where the number of child fatalities in the last couple of years.

**Fish:** Second.

**Leonard:** Call the roll on the substitute.

**Fish:** I'm going to vote yes to put the substitute resolution before council.

**Saltzman:** Aye. **Fritz:** Aye.

**Leonard:** Aye. So the amended resolution is before council. Sue, please call the roll.

**Fish:** Well, I appreciate the discussion today. Frankly, I think this issue could use further discussion. It's a big deal when you talk about lowering our flag and it's something this we do very carefully with recognition of the power of that symbol. We have no greater champion for children in the city than dan Saltzman and i'm proud that he and I and others will have a chance to work on important initiatives for children in the months ahead, including funding programs for youth who

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are homeless. Expanding hours for kids in community centers. Expanding gang intervention services and on and on. On this issue, however, I cannot support this resolution as drafted. And prior to this hearing, I expressed a willingness and desire to work on another approach that meets what I believe is the very laudable goal of enhancing public awareness and I continue to be interested in finding something that would be -- meet the goals but not involve the flag being lowered on different days each month. Again, I have the greatest respect for dan Saltzman and I have the same gut feeling on this issue that everyone else does about our children, but I cannot -- i'm an elected official asked to pass judgment on a flag lowering ordinance. I do not believe it's been thought through. I do not believe it's a symbolic gesture that will be well understood and I do not believe once we go down this path we can draw a line and tell many other -- this path, and tell heres that this takes precedence over that. And I wish to god we would not have conversations like this about victims period. Whether they're children or woman or veterans or any group. I will support any reasonable approach to draw public attention to these issues and I will support funding because that ultimately will make the difference, but respectfully, I cannot support this resolution. No.

**Saltzman:** Well, I want to thank captain, the district attorney -- chief district attorney rod underhill and kevin dowing from cares northwest for being here. I think the testimony they provided was insightful, as much as it's tough to hear. I want to thank the child abuse team and the tough work you do day in and day out. It's very much appreciated. And finally, I want to thank amy trieu in my office who worked on putting through -- together this resolution and thinking through the details that the council asked questions about previously. I do think this is something, as I said, it's a honor, the only honor these children will ever receive. I think it's appropriate by lowering the flag to provoke the public discussion and I think it will provoke public discussion and lead to people willing more aware of child abuse and neglect and doing something about it. So i'm pleased to vote aye.

**Fritz:** I concur with many of commissioner Fish's concerns and usually lowering the flag is to honor the life of the person who died. Usually a government official for their service, a service person who has died fighting for our country, for very significant -- to honor the life and to mourn the death. And this resolution, ordinance, in many ways respects the death and calls attention to it, which is a different use of the flag. And in thinking about this over the past week, that the use of the flag was mostly my concern and I was planning not to support this ordinance, in listening to the testimony this morning and knowing how many people are working full time on amazingly difficult, emotionally and legally challenging in pursuing those who perpetrate child abuse in our city, i'm wondering if there's that much harm in trying this for a year and seeing whether, in fact, it does raise awareness and I would ask commissioner Saltzman's office we will have unfortunately, national child abuse awareness month in april of next year, and so i'm willing to support this ordinance hoping that we can revisit it next year and find out whether, in fact, it has made any difference to the awareness of people in the city of Portland and stirred them to action and -- again, restate my commendation to commissioner Saltzman for what he's practically done to address these problems in Portland and in part, my vote today is in recognition of that. It's not just a symbolic gesture. It's an additional mechanism to publicize the good work that's been done. Aye.

**Leonard:** I'm concerned that the tradition of lowering the flag would take on new tasks. The lowering of the flag has traditionally been done in honor of those who have defended the country. Whether that's members of the military, a president, a fallen police officer or firefighter. Those have been fairly consistent themes throughout the united states. But beyond that, I don't know how one intellectually sits with a person representing women who have either been abused or died of domestic violence and explains to them that lowering the flag to half staff is appropriate for children but not other victims of domestic violence, including the elderly. And i'm deeply concerned that once this passes, we can look forward to a litany of other groups that represent



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people who all of us have our hearts go out to, and I think it would be difficult for me if this were to pass, not to agree to accept others who want the flag lowered as well. But then finally, the language of the ordinance and commissioner Saltzman's acknowledgment that children that die of any violent death and, of course, children are those under the age of 18, would be recognized as well. I can imagine -- I don't think too farfetched a scenario whereby a 17-year-old member of a gang was involved in gang violence and as a result died. I'm not sure the community would appreciate having the flag lowered that month for that reason. So I too, like my colleagues appreciate commissioner Saltzman's work defending abused children and women, but I think that this is the wrong avenue to use to do that. No. [gavel pounded] fails. Karla, please read item 334 on the regular agenda. Item 344.

**Item 344.**

**Leonard:** Thank you. Sue, i'm going to call forward, tom miller from mayor Adams' office, ty, from my office, and linda, the city attorney. Hold on a minute. One second, ty. About two years ago, I met with the owner of the buildings that the u.o. Now occupy in old time. Art demario. He explained the plans for the development of the university of Oregon, he indicated at that time that the sign would be changed to read university of Oregon. Of late, i've had to remind mr. Demario and others that this hasn't been something that i've brought forward lately, but have raised a concern as far as back as two years ago and offered at that time to seek some type of middle ground. In fact, in december -- excuse me, october 8th I did meet with the university of Oregon's president and -- whether it be white satin sugar, or made in Oregon or white stag on the sign. Each of those names have been associated with a Portland business and thus, always represented Portland. I articulated in that october meeting this would be the first time that the sign would be associated with an entity outside of the city of Portland and that it raised a number of concerns, not just with me, but Portland residents and certainly the staff, factually and alum at Portland state university. I followed up that meeting on december 12th, with a letter that I will pass out to council. That I sent after consulting with some of my colleagues on the council. And I think it's probably important that I read the letter. And it's address the president. I have been reflecting on our october 9th discussion regarding the made in Oregon at the foot of the burns bridge and now that some time has passed, i'm following up in the hope of identifying more common ground on the issue. As we discussed in our meeting, i'm grateful for the investment the university of Oregon is making in old town. It's a key anchor in revitalization of that neighborhood but a welcome addition to Portland's higher education portfolio. I'm deeply -- I deeply appreciate the vision and contribution you and the university of Oregon have made in Portland. In that light, i'm hope that the university of Oregon will choose to work with Portland on a different path. As we discussed the land use process associated with changing a historic sign to the university of Oregon is a thorough process, requiring significant public input at the landmarks commission. Given the strong feelings about the historic value of made in Oregon, I fear it will spark a controversy that could overshadow the otherwise possible. You did not feel it was appropriate for the university to do so with a non-university message on the sign. I think that's a legitimate concern and I would like to reiterate i'm willing to work with my colleagues to find a way for the city to purchase the sign and responsible for the upkeep. I would be willing to work with you to create a signage solution for the university that would result in a visible presence for the city that could be identifiable from the east side of the river. I hope you'll give these alternatives some additional consideration and I think they'll result there a positive outcome and I look forward to discussing this further with you. A carbon copy. That was on december 12th. Today is april 1st. They have yet to respond to that letter. However, on march 11th, eugene newspaper "the daily emerald" wrote an article on that the sign. And in that article, jan oliver, the special assistant to the university and is part of the october 8th meeting, I said that I had, said, that unless the change is approved and the university purchasing the sign, the lights will go dark. That notwithstanding the offer I made to purchase the sign. I contacted a member of the Oregon board of higher education to

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try and find resolution to this with no results. The university of Oregon president has been contacted by the president of Portland state looking for a middle ground with no results. The Portland business alliance contacted the university of Oregon and asked that there be some middle ground found to no result. So we have been shut out of even having a discussion up to now about the sign. And there are those who may think this is important. There are those who may not think it's important. I happen to be one that the sign on the west end of the burns bridge is a lot more than a sign. It is about Portland. It is what people think about when they think of Portland and, in fact, when we have nationally televised events such as the ncaa event that was here or a blazer game the first thing that people all over the country and, in fact, the world see is the made in Oregon sign. It is to call it iconic is an understatement. It is what defines for me the city that i've lived in my whole life. But having said that, I think those that have argued the made in Oregon sign is, in fact, a trademark of a business is -- are correct. It is. As has been each of the prior two iterations of the sign. So, ty, if you will show this image. This is what i've put out for people to look at. As just an example of the kind of image that I think if the city acquired the sign should be up there that is civilly neutral and communicates to the world who it is that the sign represents and I think does so in a way that generations to come, will, as much as they love the current iteration will more deeply love this sign. I think this promotes tourism and who we are as Portlanders and reflects I think what I would like to see the sign to say. If not that, something close to that I think is what it should say. I'm going to ask the three folks here to kind of give an overview of some of the issues involved. A couple of them will be available for questions. Ty is going to talk a little bit about where we are now. Ty?

**Ty Kovatch, Commissioner Leonard's Office:** So one of the -- the messages that's been out in the public realm is relative to the existing process that the university of Oregon is engaged in relative to historic design review in front of the landmarks commission. It could end up at the council and the supreme court. The reality in bringing that piece of the discussion up is that the Oregon constitution provides clear guidance to municipalities and other jurisdiction in the state of Oregon on what your ability is to do -- to regulate content in any sign. And from burger king to you might remember the seven-up sign on sandy. Any number you can think of throughout the course of history, this is where the Oregon constitution presents itself. The bottom line, why it's important to bring this into the public realm is because of the history of the sign up to now has been rooted in a relationship with Portland institutions and has been affiliated that way. It's shown in international pictures of cityscapes and national publications and at best, an university of Oregon sign which the university of Oregon is well known already in its own right presented in the cityscape of Portland would be at best confusing to an outside viewer of the city. So my point is that the process that the university of Oregon is engaged in is likely to result in that sign saying the university of Oregon. That's the Oregon constitution. Whether it goes to the city council or the historic hand marks commission. The landmarks is working on the design of the lettering so it matches, not whether the lettering can be changed. This council may grapple with that same piece of -- that deal, and if that occurs, and it changes the university of Oregon, or the of the relationship of the sign to the city will be forever lost every year that it says university of Oregon and this argument in the future will seize to exist. So this is an opportunities that a moment in time for the city to bring it into a realm where we can control the message and make sure that it continues to serve all Portlanders for the rest of its useful life. So that's the crux of what we're talking about here. The second thing I want to address is the funding that would be required to purchase this sign and maintain its upkeep. And the reason we didn't include it in the ordinance is because the vehicles that we're pursuing to develop for funding the sign, it'll take a little time to put those together. But I can tell you there's one clear standard we're going to be employing in that process, and that's that it will not be general fund monies. It will be non-general fund resources that will have a nexus to the preservation of historic resources. With that, I don't know if mayor Adams' office or the city attorney has anything to add.

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**Leonard:** [inaudible]

**Tom Miller, Mayor Adams' Office:** Thank you, commissioner Leonard and council members. Good morning and --

**Leonard:** Please identify yourself.

**Miller:** My name is tom miller, chief of staff to mayor Adams. He's in Washington d.c. for the week. Attending to transportation funding and education matters. I'll be brief. Very quickly, the mayor concurs with what we've heard today from commissioner Leonard. I would reiterate that the mayor strongly supports the presence of university the Oregon in the city, not just in words but in deeds. Many millions of tax increment dollars has don to support the expansion of the university of Oregon in the city. The mayor thinks that's important, for the development of an expanded presence of higher education in the city and the u.o. And it's a cornerstone for the success. That's the mayor's view and we've been happy and honored to support the expansion of the u.o. In old town. Perhaps the most -- the u.o. in old town. The mayor will not support use of general fund dollars for purchase of the sign. Let me be really, really clear about that. Will not support the use of general fund dollars. Particularly in this economy, it makes no sense at all. Let's not confuse the city's economic situation with the merits of salvaging this important icon for the city. To that end, non-general fund resources, and we look forward to finding a solution to purchase the sign if need be and do so, again, without general fund dollars. I'll leave it at that.

**Leonard:** I was hoping we could have the presentation because of the number of people present. We have a county commissioner who wants to testify. If we can get it on the table and have the discussion at the end, the public testimony. Linda, would you like to speak --

**Linda Meng, City Attorney:** I think i'm just here if you have questions.

**Saltzman:** I have questions of the panel, and i'd like to ask those questions before the public testimony. So I guess non-general fund resources, what does that mean? Does that mean that urban renewal dollars are on the table for this or --

**Kovatch:** That's not something that we've been exploring up to now. But I -- in as much as they're not classified as general fund the mayor would not support that for purchase of the sign.

**Saltzman:** What about ratepayer dollars? Sewer and water?

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

**Saltzman:** So if that's the intent but that's not in the ordinance.

**Leonard:** We have to come back with any financial offer to purchase the sign for council approval and at that time, we'll figure out the appropriate funding source.

**Saltzman:** I guess i'd like to add an amendment that will clarify there will not be general fund or tax increment or ratepayer monies used.

**Leonard:** You asked to ask questions. If you want it make an amendment at the end, that's fine.

**Saltzman:** I will make an amendment. Linda, I have many concerns about us condemning private property for this purpose, which I consider, frankly, frivolous, and not sending the right message to an institution that's invested millions of dollars here and providing jobs and access to higher learning to more students from the Portland area. I regard this as not a very smart move. Since we worked very hard, as tom said, to get the university to locate and the most challenging part of downtown Portland, and we want them to be successful. What i'm struggling with -- and i'm heartened by the intent not to I don't ratepayer money because the other thing that's bothering me is the city of Portland employees and the reaction they're having to this at a time when we're laying off employees and reducing budgets and they see we're talking about spending half a million and --

**Leonard:** Commissioner Saltzman, if you want to ask the panel questions, please, we have a bunch of people who want it testify. This is a great discussion but typically we do them at the end of testimony.

**Saltzman:** I just wanted to --

**Leonard:** If you're just going to make statements, that's for council discussion.

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**Saltzman:** I'm going to ask the questions here. But I wanted to get that out that I sympathy that city employee morale.

**Leonard:** Everyone knows how you feel.

**Saltzman:** Feeling devalued on this issue. So we have a process before the landmarking commission about the sign. It's a quasi-judicial process. How do we engage in the debate without prejudicing us for hey appeal of the landmarks commission to us. Are we becoming incapable of being impartial under that process?

**Meng:** I don't believe that you are. I think that one of the realities of our form of government is that the city council is all three branches of government. It is the executive branch, the legislative and the judicial branch. So the city council has to perform multiple functions and although difficult at times, that's part of what you need to do. I think it's important because the landmarks commission decision could be appealed here, that the council retain the ability to make an impartial decision in that process. That's a fairly narrow process regarding the look of the sign and the particular parameters of that decision don't have to do with the content of the sign. So I talked to each of your offices individually and I think made it clear that it is important for you to separate the two things that are going on here. One is whether the city is going to own the sign, to operate, and control the content, and the other would be whether the particular criteria of the landmarks commission's required to apply and the council would be required to apply are met in that -- in that proceeding. Although it may be difficult if someone has strong feelings and it's possible that someone could feel they could not do it impartially, but it's important to recognize those two distinct functions that the counsel has and to keep them separate for yourselves and the public.

**Saltzman:** The other question and probably for commissioner Leonard, I could ask ty, is why now? Why is the decision before us today to context the sign?

**Leonard:** Well I --

**Saltzman:** There's a landmarks process under way. And you've written letters going back to december. Why is this before us now?

**Leonard:** Because we're at a point in the process that I think that given my attempt to have negotiations and sit and talk about it, we're within days of it being too late to have that discussion. In the university of Oregon goes ahead and commits to change the name, that will cost them \$285,000 to do that. To wait until that's done to do this would be, I think, bad faith on my part, knowing that I want to sit down at the table and have a discussion. I've been unable to do that until now. And the costs continue to pile up at the university proceeds down a path that they insist that's the only discussion. And this is the time to have this discussion, this is the time to make a decision on the future of the sign.

**Saltzman:** They certainly wouldn't make a decision to invest on changing the sign until the landmarks commission has made a decision and appealed to the city council and resolved. That doesn't sound like that's going to happen next week.

**Leonard:** As linda pointed out, that's a distinct process. This is a legislative process, not a quasi-judicial process and as you know --

**Saltzman:** You said they're about to commit \$285,000, I don't know why they would do that pending an appeal.

**Leonard:** I've decided to bring it now for the council to consider it up or down. Commissioner Fish.

**Fish:** If I can ask a question of our esteemed city attorney. I'm attempted to ask tom questions. It's rare that we get to ask the -- linda, what I want to ask you is in the communication i've received from the public, which is overwhelmingly actually supportive of this concept, there's been a lot of confusion about what condemnation means and how the process unfolds and this is not just a forum to go on in length. But what does context nation mean and the steps?

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**Meng:** The condemnation process is set out in state statute and requires there be an ordinance that authorizes the condemnation and states the pun purpose. Which is what this action would be. And after that, the city is required -- and i'm going from memory here -- but get an appraisal value of the property. And negotiate with the owners. That's a requirement of the statute that we attempt to reach agreement with the owner or owners of the property interests. That then we have to make a -- an offer, written offer, 40 days before we file any complaint in the court. And they have that 40 days in which to decide on whether to accept that offer or not. And then after that, there would be a complaint filed in circuit court and it would proceed as normal litigation does. It would take some period of time.

**Fish:** The two things I want to highlight because you gave me that briefing in my office. The two things that struck me from what you said, if we were to act today in support of this resolution, this ordinance, what it does initially is creates a period of time where the parties can attempt to work this out and are encouraged to work this out through negotiation.

\*\*\*\*\*: Yes.

**Fish:** The backstop is going to court and we know that once you go to court that could take a lot of time.

\*\*\*\*\*: Yes.

**Fish:** It's a two-step process, I think you said it could take a year or more, if it got dragged out to court proceedings, but there's a heavy premium in the law for the parties to actually sit down and come to agreement.

**Meng:** Yes, the statute does require an attempted negotiation process. There's -- in Multnomah county circuit court like all courts there's a very heavy push to resolution before trial and trials in Multnomah county typically I would say do not go to trial. Before a year after a complaint is filed.

**Kovatch:** In continuation on your question, dan, this isn't an undertaking we woke up one day and said we're looking to condemn the sign. This has been going on for two years in an effort to try to get a negotiation underway that results in the university of Oregon having a high-profile on the west side of the river, but also preserving what we view to be an important Portland icon. And that process has unfolded over a period of really nearly two years from its beginning. And in that time, the university of Oregon has made it very clear that they intend to rest on their legal options. And their legal obligations in this process and not any obligation they might have to partner with the city they just moved into. And so in that light, we're forced to make a choice to either accept that and allow that to unfold the way it has unfolded which has in the resulted in anything that's not best interests, in our view, of the citizens of Portland or utilize our own legal options that are at our disposal. This being the primary one that gives us an opportunity to have a seat at that table.

**Leonard:** Thank you. If we could be mindful, call all of you back at the end of testimony. If you can be available for that, i'd appreciate it. Sue, you have a sign-up sheet, but I see Multnomah county deborah kafoury is here and I want letter to have an opportunity to testify. Good morning, it's a honor to have you here.

**Deborah Kafoury, Multnomah County Commissioner:** Thank you, I appreciate the opportunity to come before you today and I wanted to thank you, commissioner Leonard and thank you, commissioners, for your efforts to keep this sign with Portland content for the citizens of our city. My name is deborah kafoury, but i'm mere not at a county commissioner but as a nearly life long resident of the city of Portland. And like most people who have lived here many years, I regale you with many stories. But mostly to express my feelings of this sign and contents are important. It is a historic sign. And it has a prominent placement in our city skyline. How you proceed with this decision is obviously in your hands, however, i'm happy it hear that you're not thinking of using general fund dollars. Should you have any general fund dollars to spare, I have a bridge i'd like to [inaudible] [laughter] but I really appreciate you have bringing this forward. I appreciate the

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opportunity to testify before you and support your efforts to keep this sign and its contents directly related to the citizens of the city of Portland.

**Leonard:** Thank you, Deborah. Appreciate you being here.

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

**Leonard:** Sue, could you --

**Parsons:** We have 18 testifiers signed up. I'll read the first three and then three more that will follow.

**Leonard:** Does the council think that two minutes would be appropriate? So if you could confine your remarks to two minutes we appreciate it. Welcome.

**Kleeck:** Once again, Michael van Kleeck. Small business owner. I wish I had a poem we could put on the sign, but alas, I don't. I'm concerned as a Portlander and Oregonian under the well-publicized influence of Nike, the university is becoming a brand first. More concerned about their marketing and branding and an educational institute second. Everybody who cares needs to ask for more from our public education institutions and ask them to set the tone in turning our city into an education-focused community and not a branding-focused community and given that, I'm concerned about the symbolic meaning of this gesture by the council. Having said that, I do wonder -- and I'd like to hear you address -- where this move fits into the long-range plan for Portland. We were talking about how Portland is losing sight of the long-range plan. I'm wondering where this preserves the city's identity and while we continue to ignore the streets below Old Town. I don't think I need to remind you about the shootings that continue to plague Old Town. And certainly don't need to remind you about the status of the citizens living on the streets and in substandard housing in Old Town and it reminds me of -- I grew up in the East Bay of California, Hayward, and Oakland had the Tribune Tower and they spent time keeping it beautiful while little pockets of blight throughout the city expanded and consumed the whole town. I'm concerned about the sign, but also concerned about the neighborhood groceries that are boarded up and that we walk through in our communities and what's happening, the holes developing throughout the city and I hope in looking at the symbol move, you don't lose track of the neighborhoods in the city.

**Leonard:** Thank you.

**Joan Johnson:** Members of city council, my name is Joan Johnson. I live at 2211 S.W. 1st Avenue in downtown Portland and I'm here to ask you to preserve the Made in Oregon sign. I share all of your concerns but over time, what was once an advertisement for a local business has become an icon. It's emblazoned across the skyline. So I was surprised at the recent historic landmarks hearing that very little attention was made paid to the fact that the sign is a historic landmark. The fact that its content is part of what makes it a landmark was totally ignored. We spend a lot of time on numbers and letters and how they look. In my view, the proposed change to the sign would not enhance the city's identity, which is a requirement of the guidelines of the historic review. I believe the proposed change would confuse folks and imply that Portland is the home of the University of Oregon. I would like you to know my husband is a loyal duck and he agrees with me. The Made in Oregon sign belongs here.

**Randall Rosenall:** It's a sign that's been here for my entire life. I actually just saw the new design that came out last night on the news and enjoyed it. It worked for me, so I didn't have any problem with that. As far as the money goes, we did have the Willamette Light Brigade which is paid for by the citizens of -- they donated the money so that they would help keep the lights going and all of that. I don't see any reason that Pacific Power -- Pacific Power or P.G.E. could not donate to keep the lights lit. I don't know if the 200 or \$5000 is our total cost of what it would cost to get to the sign. I just and totally in favor of leaving the sign as it is or changing it to the new thing. This is Portland State's town and the city of Portland, so I do not want to see a Nike symbol.

**Leonard:** Thank you all.

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**Fish:** One comment to that. I hadn't thought about pacific power and p.g.e., but i'm glad you put that on the table. I'm reminded, after 9/11, one of the most powerful things that happened in Portland that I can remember is when pacific power had two beams of light go up from the convention center, and they put their money into that as a civic gesture, but it was one of the most powerful images i've ever seen, and there's some limited edition photographs of that. I'll never forget that image, and I think there may be a role for our friendly utilities, so I appreciate that comment.

**Rosenall:** I'm an ex-employee, so I sure hope so.

**Leonard:** Thank you. Who is the third name you called? Thank you, gentlemen, for coming. Please state your name and you each have two minutes.

**Mark Gregory:** My name is mark gregory. I'm the associate vice president for Portland state university, and I guess i'm here as the official representative of Portland state university. Portland state believes in the importance of broad educational offerings within our city, and we welcome all colleagues in supplementing the program programs already offered. We applaud the recent renovation of the historic building and understand that the sign is a dramatic symbol of this city, and we feel that the sign has special meaning to Portland. We support the city's effort to bring the sign under city ownership and preserve this landmark has a city asset rather than has a promotion for any single institution. Thank you.

**Glen Beckley:** I am glen beckley. I'd like to also commend the university of Oregon for its renovation of the building and using a lot of sustainable technology. The investment is going to be a great addition to the city. In 1995, when the "made in Oregon" sign was changed to "made in Oregon" could any of us forecast how much deep support those words have gained over that period of time? And i'd like to reiterate that, over 21,000 people have signed up on a "facebook" page for the save the "made in Oregon" sign. There have been numerous radio, t.v., and newspaper polls. Over 70% of the respondents came back in favor of leaving the sign the way it is. I think we ought to acquire the sign and preserve what we've got in the way of Portland history. The criteria for evaluating landmarks has, as a goal, to enhance the image of the city. How would changing the sign to university of Oregon enhance the image of the city? These come directly from the historic preservation guidelines of city ordinances. The criteria for evaluating new landmarks states that the resource must be associated with a culture, activity, event, person, group, organized trended or values that are a significant part of history. Made in Oregon is associated with Oregon businesses and institutions, including restaurants, breweries, the saturday market and it's craftsmen, and the university of Oregon would not be associated with any of these. I have just one last statement. I think that ramsey sign company should disclose the sale price of the sign to the public. U. Of o. Of a public institution and the only in the state system to raise its tuition, and the public has a right to know the sales price of the sign. Thank you.

**Leonard:** Thank you.

**David Wedge:** I'm david wedge. I leave on southwest burlingame avenue in Portland. I'm a real estate investor, though I don't have anything to do with the businesses which i'm going to allude to in downtown Portland. I am supporting the continuance of the "made in Oregon" sign in its current form. It is a benefit to Portland's city commercial well-being during difficult economic times at the present time and into the future as well. Every major city benefits from some landmark or topographical -- topographical prominence which distinguishes it such as the golden gate bridge, space needle, to the to -- statue of liberty, et cetera. It's art, it's busy tourists, status as a destination or as a convention hub. So basically businesses affected, and one says, well, how can that possibly be? It obviously doesn't have to do with the direct sale of the product in combination of any other product sold, but it certainly adds that tiny bit of connection between the product and the location where it's produced or made originated. It is idiosyncratic that it's become recognizable by anyone in our state and by america and conceivably the world as well. Sometimes we don't moat ourselves

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enough, and maybe this is our way of doing it. I've seen it as everybody else throughout my life. Coming from the airport on a dark night on a holiday season evening with the rain coming down, I can look over and see that stag with the red nose and think, ah.

**Leonard:** Thank you. Your time has expired.

**Fish:** I think will reflect that was a yah.

**Wedge:** I offered to pay if there was an ownership by the city or by a nonprofit trust if that were to occur as well, either for maintenance of the sign, \$5000 to provide those funds and evidence of the money and community to be able to support the sign as it should be supported.

**Leonard:** Thank you. That's very generous. We appreciate that. Sir, state your name, and you have three minutes.

**Art Lewellan:** My name is art lewellan, and personally I don't see the changing of the sign all that significant. I think it's actually suitable and a great thing for the university to be able to advertise in this way. I don't think it detracts from the sign itself as a landmark to change the name. I passed up a little paper for you to have a look at and give some thoughts to about improvements to the district.

As a priority, those are things the city really needs to place as higher, things that they can promote and can guarantee they're truly serving the public's interest. And from that point of safety, I would like to encourage the city to really consider doing something with the idea of the services facility that's proposed across from the greyhound depot. That's a new facility being completed that would really help the district around the university there. That's pretty much my comments. Thank you.

**Leonard:** Thank you very much. Good morning.

**Bill Morgan:** Bill morgan, southeast Portland. I see confusion here, a large number of people believing the sign is so iconic that you cannot change a word in it and with city council's proposal is to change the words in it. Secondly, we have the knowledge that we're only there for the last 12 years, "made in Oregon". I'm told these words are a part of the city of Portland, but the first time I went into a maid in Oregon -- "made in Oregon" store, it was not in Portland. The second time it was not in Portland. The third time I went into a "made in Oregon" store it was thought in Portland. The first congress of the united states met and wrote an eminent domain provision. I don't think they had in mind a city buying a sign against the owner's will so that the city could put up a sign with the words they wanted in it. I think you could say no sign of that size is allowed, but that's not the position you're in, because the sign is already there. And, secondly, you're not talking about eliminating the sign but talking instead putting your words, which I think the first congress also would have had as a first amendment issue.

**Leonard:** Next?

**John Wykoff:** My name is john wykoff. I live on fairfax terrace in Portland and have been a business person in downtown Portland for 37 years. I am a native Portlander, and this sign has been a welcoming symbol since I can remember. Somewhere along the way, the sign became bigger than itself, a symbol representing Portland and the state of Oregon. I don't know if that was when the red light was added to the stag's nose and it became rudolph during the city's christmas celebration. I don't know if it was when it sprouted the words "made in Oregon". Perhaps its design, the outline of our state, and the stag set it on this path from the very beginning. What I do know is that this sign has become iconic, representing the city of Portland just as surely as the train station tower, max, and our bridges do. Along with other icons, it is used in coffee table books and in literature promoting the city. If there is an event televised from Portland, the sign is often used as a symbol of the city. I also know people outside Portland who see these images don't see the words "made in Oregon" as representing a chain of retail sales but rather things of pride in Portland and Oregon. This historic sign needs to remain a symbol of our city and our state. The controversy has spotlighted the need for public ownership so it can keep its place as a symbol for future generations. I hope the city council will take the steps necessary to facilitate this ownership. Thank you very much.



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**Jan Oliver:** Jan oliver. I work at the university of Oregon, 70 northwest couch, and that's in old town, chinatown and proud of it. There's a couple of things i'd just like to say. You know, as the new kid on the block who's been here as an institution for offering programs in Portland for over 100 years, it feels a little challenging to defend a presence that has certainly changed in the last couple of years, but we have a long history in terms of what we've been doing and providing to Portland for well over any of our lifetimes in this room. And we're proud of that. Our experience in Portland, our presence in Portland has been long-standing, and it will continue to be long stands. So our relationship with this city is something that is important to us, that we value, and that we look towards improving as we go forward. There have been many poor communication strategies employed, and this is not about pointing fingers or blaming anyone. That has in fact been plaguing this issue for quite some time. I respect commissioner Leonard's perspective on what took place. I would also like to offer that we, myself and darrell paulson from ramsey signs did sit down to meet with mayor Adams and said the follows. Understand the city has got some interest here, but right now they don't seem to be firmed up. We're going to move forward with our application in terms of landmarks. And if at any point in time, you are interested in sitting down and bringing a clear sort of this is what we can work with, we're happy to do that. Now, that hasn't changed. Has it been communicated as effective live as possible? Apparently not. I think many folks can earn some of that. We are more than willing to have the discussion. That has not changed. And if this is the strategy to make it all happen, I think it's a poor strategy, but it is what we have. We're going to look at this as an opportunity to move forward.

**Fish:** If I could, just on that point, 'cause I appreciate that you've indicated a willingness to sit down and discuss this, and our purpose today is not to look back forward and rehash all the missed opportunities for communication. It's not unusual that communication issues come up when we are dealing with high-profile issues. I've had some experience recently myself with that. But what I would say is, in terms of the commitment to sit down and negotiate with the city, does that include the u. Of o. Considering an alternative to acquiring the sign and branding the sign?

**Oliver:** Yes. I'm sure the city is open to looking at it other waives as well -- other ways as well.

**Leonard:** Jan and I and others have agreed to sit down tomorrow morning and have a discussion. I take to heart all the things you've said. I will redouble my efforts to make sure the university of Oregon is honored in a place that it's at in a way that I think will be acceptable to you, and we'll find that middle ground, so I appreciate your words.

**Oliver:** No problem. Thank you very much.

**Leonard:** Good morning. Give your names, and you have two minutes.

**Ariel Shultz:** I'm ariel schultz -- ariel schultz. I'm here representing the student body of Portland state. We had a unanimous vote and not just that but we're actually been talking with students and the school publication, and that been the been an overwhelming support of the issue, and so i'm actually just going to read the resolution we passed. If you like, I can get that e-mailed or something. Submyed by the associated students of Portland state university, whereas the university of Oregon is associated with the city of eugene, whereas Portland state university, whereas made in Oregon is an iconic symbol of Oregon, creating a sense of self, whereas made in Oregon is representative of all Oregonians, including university of Oregon, well, the university of Oregon represents only a small portion of Oregonians. Therefore, be it resolved the Portland state university students request the city of Portland city council, respect the value of this morning. And preserve the "made in Oregon" sign in its original form. Thank you.

**TJ Newby:** I believe p.s.u. has experienced scorn. This is but a small example of the rain competitor that has developed over the text change precisely because the words, "made in Oregon", have evolved and emerged to become a statement that embodies far more than a corporate trademark. The historic landmarks commission was told content could not be a consideration in their decision. The staff report says content cannot be regulated. While this is true for a sign, in

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this case the content has to do with the status as a historic landmark. The u. Of o. Is not being infringed upon in any way. They're at liberty to advertise their enterprise just like any other business can. I believe the greater issue is whether or not a historic landmark, such as this, ought to be available to the highest bidder to place within its lovely border whatever states they desire. Viagra will have just as much right as the u. Of o. It has the right amount of letter -- letters. I believe the clang was approved because the -- change because the message could be construed to have a larger meaning. They were conduct tent. I believe that they were concerned about the sign's sponsorship, too. The current commission is also concerned with that. The sign will be at risk of falling into disrepair, not lighted if a private entity cannot place upon it their personal message. That is why condemnation of this sign is the right answer to the sign's future. In our hearts, the sign belongs to us all. Please make that a reality and protect the sign's future by voting yes on this important ordinance.

**Leonard:** Thank you.

**Hannah Fisher:** My name is hannah Fisher. I am the student body president at Portland state university, and i'm here on behalf of students at Portland state university. I have had an immense amount of e-mails, text messages, and phone calls from the university of Oregon and "made in Oregon" sign did he bach kell from students at Portland state university. I am concerned, because I think that it is counterproductive for our state to change a landmark because we have so view that are known nationally, and I think it is counterproductive for one university to overshadow another university in our great city of Portland, Oregon. I would like to thank commissioner Leonard, as well as major Adams, for stepping in and attempting to really squash this before it gets bigger than it needs to get.

**Leonard:** Please include commissioner Fish.

**Fisher:** And commissioner Fish. You very much. [laughter]

\*\*\*\*\*: The one who actually wears viking green. But we'll get to that later.

**Fisher:** Because it is truly important, and this is not necessarily something we should be having arguments about. This is something we should solve quickly. This is counterproductive to our state and to our system of higher he education where we all are working equal will you for fund raises, to be seen throughout the country and throughout the world as a great system of higher education, and we should not be overshadowing each other with advertisements that take over the great his for risk landmark in our state.

**Fish:** I think some have framed this as a battle between Portland state and university of Oregon. I just think that what's lost sometimes is that this council and the leadership of this city and packed -- backed by dollars has recognized that having a healthy Portland state, healthy ohsu, and frankly welcoming a new neighbor, the u. Of o., which has programs that are complimentary, this is really, in my view, never about pitting one institution about another. This is, strictly speaking b a historic landmark. There's room for everybody here. If the beavers wanted to relocate a program here, we would welcome them. With the u. Of o., millions of dollars went into helping with the renovation and appropriately so. Higher education is one of our most important values, but I don't see this as a rivalry issue. We reserve that for something called the civil war or other sporting events. I .

**Parsons:** We have three more.

\*\*\*\*\*: Do I have that name right?

**Leonard:** Welcome. Good morning. Please state your first name -- first and last names. Thank you.

**Carol McCreary:** My name is carol mcreary. I'm a resident of old town, chinatown. At present, I serve as treasurer of my old town, chinatown neighborhood association. Last year I was the chair and two years before that, I was vice chair. No longer was the agreement on the white stag sign than we had the presence of jan oliver and her colleague, vice pro vest, terry wopinski. They were at all of our meetings, commuting from eugene. About 18 months ago, they put together a beautiful

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and compelling slide show on the history of the white stag building and the history of the sign this was taken to the arts, culture, and history committee and then went to joint land use and a resolution was passed. We moved on to other things. We understood how the sign was owned by Ramsy signs and how it had been always -- recently sent the tenant in this building and was always a commercial sign. I've come here to talk only about process. I think today I'm feeling a little disturbed that we have the ownership of what? A "made in Oregon" sign or a Portland, Oregon, sign? That's a little bit confused. Regardless, we have a process in our neighborhood, and right now my feeling is that moving to eminent domain just seems appropriate. Thank you.

**Fritz:** What was the resolution the neighborhood passed?

**McCreary:** To support the right -- I haven't been able to locate it. We will do that.

**Fritz:** Just in general.

**McCreary:** It was to support -- Support the U. Of Oregon sign.

**Stephen Ying:** I want to testify. I want to say something to Jan. U. Of Oregon is part of our old town, chinatown family. You're really welcome in old town, chinatown. My name is Steven Ying. I represent the Chinese community. Today I do not just represent the Chinese community. I'm a supportive member of old town, chinatown neighborhood association, member of old town, chinatown region, business, and land-use committee. Today U. Of Oregon has been a great partner and has invested enormously in old town, chinatown and the city of Portland. The proposed change by the U. Of Oregon were done with great sensitivity to the neighborhood and were involved from the very beginning in discussions on the sign change for the university. Landmark is under B.D.S. They understood they could not control the contents as it is protected under Oregon constitution. And so rightfully it focuses on the historic elements of the sign. The state of Oregon, the Rudolph, the Turkey Farm included in the firm. The loss of old town on an existing sign will be a negative and detrimental effort on the district. With the district, you allow on expanse and, with the D.P.W. F expanding, why would you want to change the landmark marker into our district? Just as the U. Of Oregon has been a good partner and investor not only for our neighborhood but the entire city of Portland, we know that they will be equally good steward for the sign that is so important to all of us. We have an institution of higher education and learning, a city with the bigger capable landmark commission. You must allow U. Of Oregon to continue to work with your landmark commission and please, please do not move forward with the condemnation. Thank you.

**Fritz:** I haven't been following the landmark commission, 'cause I know that it eventually comes to council, so I haven't been looking at the particular letters proposals. Is old town proposed to be changed at all in the letters, proposed to be changed into the university of Oregon's request?

**Ying:** Should I have -- no.

**Fritz:** So that would be of concern to you if the city were to change it?

**Ying:** Yes. I think it's only changed the content of the university of Oregon and then with the same font.

**Fritz:** Thank you for coming in.

**Leonard:** Is there anybody else that wants to testify that didn't sign up? Yes.

**Shannon Fitzpatrick:** Good morning. My name is Shannon Fitzpatrick. I became after this issue through the face book which everybody has mentioned or several people have mentioned I have to say that I am a proud duck alum, and I've always been very proud to be a part of that particular kind of heritage, I guess you could say. I was thrilled when I initially heard from the U. Of O. Would be putting in a satellite campus here in Portland. When I graduated in 2001, I moved to Portland, and I work in the Willamette Valley wine industry. I see many people come in from out of town and all over the world who ask questions about the area and university, of the schools, the cultures. Not only do I think it would be confusing to change the sign to university of Oregon; I can't help but feel or at least hope that maybe there was not been the understanding of the deep concern of the citizens in regards to the situation. A public informant on my part is Dave Frohnmayer who has

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shown incredible integrity during my time as a student there, i'm hoping that he would consider what the citizens have come out in full force today to say that they're very concerned that they're going to lose this iconic landmark, something that may have been here for 12 years in the form that it's at now, but it's something that I think everybody really feels, for one reason or another, appeals to many, many people for different reasons. I don't see why the u. Of o. Couldn't have a separate sign, maintain the respect of its citizens, and show some common decency to the people who are here while still supporting themselves. I hope everybody can take it into account. I thank you for considering this. I will continue to be very happy alum of u. Of o. If we can resolve this. Thanks for your time.

**Tom Gifford:** Hi. My name is tom gifford. I'm kind of the guy on the street, actually here on another issue that's coming up later. I hope. Just in hearing all of this, one thing that's really standing out to me is kind of there's this huge group of probably the majority of citizens who say save our "made in Oregon" sign. So you've got this majority of the citizens, i'm guessing, saying please save our sign, but what they're really instructing you to do is to say go take private property that's owned by a private citizen or private entity and rip it away from them. Man, that's a fundamental thing in this country to just seize people's property. Yes, there's eminent domain if there's public safety or urgent needs of having a highway going through something. I love that sign. I mean, that's a super spectacular sign. I love the little red nose that comes out every time I drive by. If you said, tom, could we raise your taxes by \$100 to pay for that, i'd say, yeah. Absolutely. But if you said, tom, should we take away property rights owned by someone else? Man, it doesn't seem that urgent and serious to me. I'd encourage you to at least spend a moment thinking about some of the fundamental things of not what -- if the majority of people vote to take away my car, do you really want to do that? That just seems not the foundation of the country or the city our at least you, as our elected representatives, need to think about those really basic things.

**Leonard:** Thank you. Anybody else? Is there anybody else who wants to testify? If you do, would you mind coming forward? Did you testify on this already, victoria?

**Taft:** No.

**Fish:** She's becoming a regular.

**Taft:** I know. I apologize. I'm sure people hear me more than they care to. Since I was here and following the issue myself --

**Fish:** Please state your name.

**Taft:** Victoria taft. I was born and reared here. I remember the sign riding the transit bus across burnside bridge all those years ago to visit my mother who was working the soda fountain at meier & frank. I remember well all the incarnations and iterations of the sign. The reason i'm here is because I was so gratified to finally hear someone, the second person this morning at this testimony, to talk about the issue of private property rights. The first one was commissioner Saltzman, and I think this is so fundamental to our society that's so cavalier an attitude would be taken here even though there's been a lot of folks here to testify. It doesn't take away from the fact that this is a private property issue. Just cavalierly saying you're going to take this property away from then tipty which owns it to do your will is just outrageous, and I would sincerely hope that the city commissioners would give it far more thought than this. And I heard that your chief of staff earlier today talked about the fact that this was a good thing for Portlanders so we could you will enjoy it. In order that the city of Portland may welcome in new businesses and new individuals who wish to come here and make it your home, the last thing you want to send in a message is that you're willing to take private property away from people so you can achieve your community will. This, to me, is similar to a had the hissy fit. Thank you.

**Jim Perris:** Like many Portland residents I i enjoy the rights guaranteed me by the federal and state constitution. I also support the official designation of a historic landmark which recognizes certain entities have a value that should be preserved. Once historic landmark status has been officially

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granted, there are many benefits and also a number of restrictions placed upon that entity. It could be argued that future renovations must adhere to specific guidelines. The made in Oregon structure is much more than a sign. It's a landmark. Treating it like a billboard, why was no argument raised when the sign changed from "white stag" to "made in Oregon?" perhaps it was because it made sense. The "made in Oregon" sign is the only lighted sign to face the river. Why is that? Because it is more than a billboard. It's a recognized landmark. We shouldn't be here discussing this. The commissioners are at odds. The landmark commission is only worried about font. Unfortunately we aren't afforded the privilege in this matter. You are. If you do your part by supporting the ordinance, then I will do my part and solicit funding to remain the Portland icon. Thank you.

**Glenn Rubin:** I'm Glenn Reuben. I also, like the prior speaker, came here to deal with a whole other issue but kind of got caught up in all this. I love that sign. I think it's great as it is. I like your new version of it. I don't have an agenda with the U. of O., but I've been following it in the newspapers, lots of letters about compromising designs and what might work. One kind of jumped right at me, and I'm just throwing it out there if it comes to a compromise rather than a lawsuit or condemnation. Somebody suggested leaving the sign exactly as it is but changing the color of the on to green. It seems like a nice compromise to give everybody what they're looking for. That's all.

**Leonard:** Anybody else? Ok.

**Fish:** I have a question in terms of our procedure.

**Leonard:** You bet.

**Fish:** This goes to a second reading, so we're not voting today.

**Leonard:** Correct.

**Fish:** I was it your will that we have a discussion and perhaps a preview of our vote for the benefit of the people.

**Leonard:** You certainly have that privilege.

**Fish:** The second thing is, when you first approached me on this issue, you were very clear that the general fund would not be a source of funds for this. That's been part of all the communication. In light of any ambiguity on that point, would you accept a friendly amendment on that question?

**Leonard:** Yes.

**Saltzman:** I did say earlier I wanted to offer an amendment that would say no taxpayer or ratepayer funds would be used in the acquisition of the sign.

**Leonard:** Can you be specific about the repairs to water, sewer?

**Saltzman:** Water, sewer, solid waste.

**Leonard:** That's your intent?

**Saltzman:** If this is the right time, I'll do it. I offer that amendment.

**Leonard:** Second?

**Fritz:** Is the intent to not use any public money to raise private funds for this?

**Leonard:** No. I mean, I won't support that motion.

**Fritz:** So what other kind also of public money might be used for this?

**Leonard:** Fees, income from rental property.

**Fish:** So it's been accepted as an amendment?

**Leonard:** Will you rearticulate your?

**Saltzman:** No taxpayer or ratepayer dollars will be used for the acquisition of the sign.

**Leonard:** Please call the roll.

**Fish:** Aye.

**Saltzman:** Aye.

**Fritz:** No. I don't think we should be using any public money.

**Leonard:** No. She was no. I'm yes.

**Parsons:** It's a yes? And Leonard?

**Leonard:** Yes.

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**Fish:** So I had some comments, but I want to -- today I found out that the normal sequence of voting had been changed. I was actually beginning to enjoy my position drafting off of a man dark and now we've switched it. I appreciate very much this hearing and the testimony. In fact there are times when I feel privileged to be part of this body, and we've had discussions all morning that would show we have a very healthy functioning council that's engaged with the public and respectful not only among colleagues but to people who come forward. This issue, quite frankly, was not at the top of my list in terms of what is the key priority for the city. I hear some people say, why are we doing this? I some times wonder why we do a lot of things, but I don't get to choose what's important to our community or to my colleagues. Issues bubble up, and our job is to make sure we're having good discussions, good process. When people say how does this fit in with this, I also, in myself months on the job, have come to appreciate that not everything fits together. We don't have some interstate bridge rigid ideology -- at least I don't -- that tells me on every issue where i'm going to vote. If that were the case, we could dispense with the five commissioners. I, like my colleagues, take all the issues to view the merits. The issue of condemnation has been talked about, and I think it's very powerful, because I have some misgivings personally about the casual use of condemnation. I would not go back in time to 2007, 'cause I did a little research on this, because I wanted to make sure I was on solid ground. In 2007, sometime around the summer, one of our universities went to the state board of higher education and said, we want the power to condemn. Ok. There's a process. The state board of higher education has the authority to entertain that. And the purpose? We want to expand a sports facility. And we can all debate whether that was a useful thing to do or not. And the purpose for the authority was to be able to acquire four sites, including williams bakery, four sites in downtown eugene, including functions businesses, for the purpose of expanding a sports facility. The applicant was the university of Oregon. State board of higher education granted them the authority to condemn the four scythes. The state legislature subsequently granted them the authority to issue taxable bonds to the tune of about \$200 million. And the future debt service is going to cost somebody at they of Oregon \$19 million as year just on the debt service. I'm not here today to argue the propriety of that transaction. That's not true. I may have my own personal view about it, but that's not germane to what we're doing today. So what happened? The university of Oregon got the authority to condemn, against the will of private property owners, including the williams bakery site, so they could expand a basketball arena. And they never used that authority because they negotiated agreements with all the property owners. That's my touchstone today on this issue. I sincerely hope, commissioner Leonard, that we do not have to exercise the power of condemnation. Based on what i've heard today, particularly from officials of the university of Oregon, i'm confident that, through a negotiated process, we will not get to that point. In fact I have a bet with someone on your staff that we will not get to that point. But to get to what I think would be the right outcome, which would be some negotiated resolution of this, sometimes you have to use tools like this to get people's attention. As linda ming, our city attorney, indicated, the time line for a condemnation is such that this would not be resolved through the courts in any event for over a year. So what's before us is a request to authorize a condemnation as a tool to be used in concert with a process of negotiation to do what? To expand a basketball court? No. The basketball court was not a historic structure. I could care less. To protect a historic icon, i've been just amazed at the outpouring of public commentary on this from people who live here, and this is not the Portland state contingent of this or that. It's Portlanders who say, we have pride of place, and this is an icon that we're proud of. I'm a professional basketball fan, and i'm always struck that, when they do games of the week here in Oregon, they always pick up the "made in Oregon" sign as our icon. Notice it when we play in new york against the hated knicks. They pick up the statue of liberty. Every city has iconic images that the community rallies around. And this is different, and it's different 'cause it's in a historic district, designated historic sign, and we have already greed that you can't change it except under very specific conditions just like you can't

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go to one of those cast-iron buildings and change it without very specific conditions being met. I feel, as someone who was not born and raised here, a sense of civic pride around that sign. I think there is a brand around made in Oregon that says something about Oregonians and something different. I happened to shop there at Christmas time, but I'm not here to argue about content. I'm here to make a plea for civic pride. I have a lot of pride in that sign. When I'm on the I-5 elevated part of the highway looking at our beloved city, it takes my breath away when I see it. I think the fact that it could somehow advertise something that absolutely has no connection to Portland at all, for example if it said camel cigarettes, it would be a tragedy. I don't think we're doing this lightly. I think this is part of a plan to help facilitate a resolution of a dispute which has generated a lot of passion, but ultimately I think we'll reach the right result and not to the detriment of the owner. Because whether the owner ultimately sells the sign to the University of Oregon or to the city, he is guaranteed fair price. Our system requires that and condemnation requires that, and a court sets that price. I wish we lived in a different time. I wish we weren't cutting budgets, weren't forced to make these kinds of choices. I would like to keep us focused on saving budgets and our social safety net, but I also recognize there are some things like this that do hit a nerve. Portland people have spoken pretty loudly to me about it, and I think this is a tool that, in my judgment, will never be used but will get us to a resolution of this dispute that provides a win/win deal -- a win/win. Commissioner Leonard's job is to take the lead on issues where there's a lot of pushback and a lot of media attention and a lot of riled up stuff. I prefer to work on the issues that are under the radar, but we have different temperaments. I appreciate that I have a colleague who's going to be a lightning rod. A lightning rod puts something out there, and then we have a debate. This is a discussion. We can't do anything without having a public discussion. I'm satisfied this is the responsible thing to do, although frankly I have some heartburn. Lastly I want to acknowledge Joan Johnson. She may have left, but I wish I could have a transcript of what they said, because I would just ratify what she said.

**Parsons:** She mailed it to us.

**Fritz:** They were coming fast and furious.

**Fish:** About 1000 a day, but I'll reread it. I just thought she hit the right tone, and I really appreciated her comments. I intend to support this ordinance next week, and I am heartened that there's going to be some conversations starting tomorrow about a resolution and perhaps, by next week, the matter will be resolved and we can celebrate diplomacy. I want to thank Randy for his leadership on this. I'm pleased to join as a sponsor.

**Saltzman:** I think, as most people know, I am strongly against the use of the city's condemnation on this matter. This is a frivolous use of condemnation. Condemnation, as Mr. Gifford said a few minutes ago is one of the strongest powers at the government's disposal. It should be used judiciously under the circumstances of which it is truly necessary, whether it's public safety or a right-of-way for transportation. These are places where it's responsible use of the government's authority. Going nuclear, in this instance, is entirely inappropriate. Best I can tell, the only reason this issue is before us at this time is because Commissioner Leonard's feelings were hurt. If we're to support condemnation under this circumstance at this time, then where do we draw the line? Next time any one of us feel like we're not getting our way with somebody, if you can line up two other colleagues to support you, well, hell, let's condemn it. That will get them to the table, and ultimately we'll win, because it's not a bargain. It's basically a bargaining under the circumstances where we get our way ultimately, we'll be happy to sit down with you. I'm very encouraged that John Oliver at the University of Oregon and Commissioner Leonard will be sitting down tomorrow, and it makes me think that this entire condemnation authority is unnecessary. I think they will reach an agreement. But this is not an appropriate use of the strongest tool government has. It doesn't send a good signal to ordinary citizens. I mean, if we can condemn a big, weighty, academic institution like the University of Oregon, where do small businesses stand or individuals stand that have something that may cross

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the paths of a city commissioner or the mayor? God help you. So I'm very strongly against the city condemnation in this process. I feel it's entirely unnecessary, inappropriate. I'm happy that we adopted an amendment that I think will guarantee no public funds will be used, because I know our employees feel this is very devaluing at a time when we're cutting budgets, laying off people, and suddenly \$500,000 in attorney fees and maintenance is on the top of our agenda of things to fund, not their jobs. Finally, it's not a way to welcome the university of Oregon to town. University of Oregon has been here a long time. FY recall, the building they're in was the home of the first law school at the university of Oregon. To spend millions of dollars in the toughest part of the city where we need all the help we can get in getting people to use old town, getting businesses to invest in old town, people to live in old town, to invest in basically millions of dollars in this building to create jobs in old town and provide access for higher education to students throughout the city and beyond, this is something that we should be welcoming, and we worked very hard to the university of Oregon to choose this location. I know there's issues around students and having students feel safe. I don't think it's a slam-dunk that it is a lease. That could be an experiment that doesn't succeed. I know full well, if the university of Oregon feels it's not succeeding, we at the city will be sitting here offering them all sorts of inducements and money to stay. This is not the Portland way to resolve a dispute. I will be voting against the resolution or the ordinance next week. I'll leave it at that.

**Fritz:** Well, I appreciate commissioner Leonard bringing this to the council today in part because then all five of us can participate in making this important position. I would have liked to have been involved from January 1st, when I took office, through today, and I like it when we make decisions in the public process. I'd just remind everybody that a few weeks ago a very key decision was made on the soccer stadium which again commissioner Leonard moved forward with his leadership, but then commissioner Saltzman provided the crucial third vote because of the public testimony. I'm disturbed that the debate already has a predetermined outcome because of the three sponsors. That's not how I think we should be conducting our business. I'm not a native Portlander. I moved here after doing a nationwide search for a place to raise a family. I chose to become a United States citizen after birthing three native Portlanders, and I love the Oregon constitution and want to read article one of section 8 which is no law shall be passed restraining the free expression of opinion or restrict the right to speak, write or print freely on any subject whatsoever that every person shall be responsible for the abuse of this right. I think freedom of speech matters most when we don't agree with what the speaker is saying. To me, valuing the freedom of speech means sometimes hearing and seeing things that I don't personally agree with. As long as it's not offensive or hurtful, it reminds me that we have freedom of speech in Oregon and have a higher level of freedom of speech than most other states in the union. So I'm disappointed that we are today making this -- well, next week making the decision to condemn a sign so we can authorize what it says. There are tradeoffs in public ownership. I can foresee a day that, whether the university of Oregon or city of Portland buying a sign, somebody is going to complain about Rudolph's red nose. The folks who have said how much they appreciate that -- and I'm certainly one of them, that's going to be after the tradeoff of having public ownership. I am concerned that we may -- if the process does go through and we condemn, we could be sitting up the city for litigation and liability. If we still don't like -- I am concerned at the timing of this if we don't like the letters of the sign after it's changed. We could condemn it at anytime if we wanted to. Why would we spend time, effort and possibly money that comes into the city of Portland that would otherwise be available for other basic needs in all the neighborhoods. So I question the timing. Fundamentally -- and I have to say on the record that, until the comment about the public hissy fit, I completely agreed with what Victoria said. There are many things I disagree with that have been said in this forum, but condemnation is hugely important. We passed ballot measure 39 that prohibits public condemnation and part of private parties. We have that as part of our constitution that we don't use



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that lightly. I think commissioner Adams, commissioner Leonard, and commissioner Fish do understand the concept of condemnation, and I personally would love to be involved in the ongoing discussions as to how this problem might be resolved. Perhaps having a fresh face who hasn't been part of the history for the last few years might be helpful on that. I will be voting no for the reasons that i've stated, and I hope that we can improve the way that we communicate both within the council and with the community.

**Leonard:** Well, I think the first thing i'd like to dispense with is my disappointment in commissioner Saltzman's remarks over the last few days that have tended to personalize the issue. Commissioner Saltzman and I don't always agree, but I try to respect the rules of engagement, and I have not questioned his motives in the past, and I would hope that, in the future, he could afford me the same respect. I don't feel as though I was personally offended. I attempted, in an environment where I was dealing with one party that was not going to speak with me, to try to sit down and have a discussion. And much like when you have a room full of kids that are all running around and screaming, at times you have to raise your voice to get their attention, and I felt like the council needed to raise its collective voice to get the attention of the university of Oregon to sit down and have a discussion. That's all i've attempted to do: To sit down and, as civic partners, have a rational, reitтерable discussion about the sign and appropriate signage for university of Oregon. So why is that important? I think it's important because, for many people, that sign symbolizes their childhood. It symbolizes rites to passage, symbolizes who we are as Portlanders. For me, it very much is that. To the extent I have any personal feelings about this issue, it is that, that it does symbolize for me the trips we used to take over the burnside bring to go to the old meyer and frank's to see santa claus. It symbolizes the trips we used to take to go downtown to the orpheum theatre. It symbolizes a lot to me of what it was, for me, growing up in Portland and what it continues to be for the young generation that will grow up here and future generations that will view that sign much as a lot of us have, and that is as a significant backdrop of the city that we call Portland. For me, this isn't about doing anything but trying to sit down and have a reasonable discussion about that issue, about what it says, about who owns it, and certainly about the appropriate signage that university of Oregon rightfully expects through associate themselves with being in Portland. I appreciate the discussion here today, and we will have a second reading next week where the vote will occur. As I said, I look forward to sitting down for as many days as it takes between now and then and have a reasoned discussion with our friends at the university of Oregon and hopefully come back with some resolution that everybody will feel good with. Thank you. Sue, can you read item 342? That's not right. Excuse me. 345.

**Item 345.**

**Leonard:** Second reading, vote only.

**Fish:** Aye. **Saltzman:** Aye. **Fritz:** Aye.

**Leonard:** Aye. Passes. Item 346.

**Item 346.**

**Leonard:** Good morning.

**Shelli Tompkins, Office of Emergency Management:** My name is shelly tompkins. I'm with the office of emergency management. This ordinance is to extend the clackamas county current intergovernmental agreement to accept the new 2008 award conditions. Each year we apply for the new d.h.s. Grant, and at that time we extend all of the intergovernmental agreements with the counties. This agreement will extend their time period to may, 2011 and also it authorizes them purchasing based on the office of emergency management in support of the urban area strategies conducted for the five county area. We have requested an emergency ordinance due to the grant time line. The grant award is from november, '08, to may 11. So we encourage the counties to move forward on their projects, and that's why we made it an emergency today.

**Leonard:** Is there anybody signed up to testify?

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**Parsons:** I did not have a sheet out.

**Leonard:** Council discussion? Hearing none, sue, please call the roll.

**Fish:** Aye. **Saltzman:** Aye. **Fritz:** Aye. Thank you. **Leonard:** Aye.

**Tompkins:** Thank you.

**Leonard:** Thank you. Item 347?

**Item 347.**

**Leonard:** Good morning.

**Andrew Aebi, Bureau of Transportation:** Good afternoon. Andrew aebi, local improvement district administrator. Joining me is matthew hickey, project manager. City council approved the resolution on february 18th where you accepted petitions from the property owners in the royal highlands improvement district. 78.2% of the estimated assessment. As council approved this ordinance at the second reading next week, this will be the 15th local improvement district approved by council since the redesign of the l.i.d. Process. We're very pleased with the level of petition support received for this project. Included in the petition of support was petition of support from a developer who will be building five lots for his pending land use approval, and it is strongly advantageous to form the l.i.d. And have the developer pay for those sanitary sewer assessments. This is a partnership between existing residents and the bureau of environmental services and also the developer in the royal highlands neighborhood. We did receive one remonstrance from the 26 acceptable properties in the l.i.d. That remonstrance is summarized in exhibit f. This is the second and final step to forming the l.i.d. Thank you.

**Matt Hickey, Bureau of Environmental Services:** I don't have anything to add, but I want to be here to answer questions. Matt hickey with the environmental services bureau. If there are questions, i'd be happy to answer them today.

**Leonard:** Anybody signed up?

**Parsons:** Yes.

**Leonard:** Please come forward. Good afternoon. Can you state your name some you have three minutes.

**Rubin:** Glen reuben. I've lived in that neighborhood about 25 years. I testified a month or 2 ago when this was all brought up. I'm strongly in favor of this l.i.d. And improvement. I just kind of wanted to say this time, since there's an objection or two -- I guess one official one against this -- i'm in good neighborly terms with the folks that are against this, and we've had many, many neighborhood discussions, group meetings, et cetera, where we've all had our say. Just I personally understand and respect the few one or two folks against this. So has much of the other neighborhood. We've tried to resolve this as a neighborhood prior to even this whole issue being brought to you folks. It hasn't ever been able to get past the few minority people that are against it. My understanding, from talking to the folks that were against this, was that the primary -- in my understanding, and i'm sure you'll hear from them, my understanding was their primary objection was that, if the neighborhood retains its private ownership of this sewer system for better or worse that that would enable the neighborhood to be able to prevent the gentleman, the developer, that was referred to a minute ago from building his whatever, three, four or five units at the top of the street because we could vote to not allow him to hook up our sewer system and that that was a way to stop infill in the neighborhood. Where we'd rather have trees to look at than four more houses up there, that that was a useless position, because it couldn't work. In effect, that's come to be, because the gentleman, the architect that has designed and owns those lots up at the top of the road has already obtained a permit from the city to build there. There are no houses yet flowing sewage, but hooked up and set up, so it's a done deal. I thought it was going to be to no avail to stop him from retaining private ownership anyhow, so we might as well just go ahead as most of us want to do anyway.

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**John Miller:** I'm John Miller. I've been opposing this proposal from the very start. I own two lots which are listed in this showing at 1900 and 2800. The original map I got when there was originally started showing the lot that's on the backside at 1900 as not included in the proposed l.i.d.

And so I anticipated there was going to be nothing to do in terms of any opt out on that. I made it quite clear that I opposed the whole thing from the start and wanted neither lot to be included in any proposal. I felt that the cost was too excessive and ought not to be engaged in by the city and be foisted off on the landowners. Alleged furthermore that the purpose of it really was to enable the building of many more structures in the area. That's what had happened with the property that's shown up above here that had previously been subdivided up into very small parcels that was inconsistent with the property we had. If there's anything that needs to be signed, to be done to opt that out particularly in view of the fact that I didn't believe that it was included in the ones that needed to make an opt out initially, I've taken that position right from the original meeting that was held up in the neighborhood at the very start. I certainly would be happy to sign that and want to sign that. I thought I received two notices, one of which showed a proposed assessment on the front property at 325 of 6588 and the other one I didn't see any dollars amount on at all, so I assumed that was because it was simply in the neighborhood that you were sending out a notice of the hearing. But didn't see any potential financial impact on that, so I do oppose it and hope that the council votes it down. Thank you.

**Leonard:** Thank you. Good afternoon.

**Eileen Wong:** I'm Eileen Wong, and I opted on two of my lower lots, and I have to object with Mr. Reuben. He said it was a done deal, that Mr. Oshaft, who owns lot 400, I believe, the city did give him permission to build five houses, but the city did not give him permission to hook up to the existing private sewer line with five houses because of protective covenants that say he can only bring three houses fronting on Royal with 100-foot frontage for each house and 10,000 square feet. Now, his lot overlays the whole area or most of it, and his lot, two-thirds of it is in a P. Zone where he cannot even touch. Nothing. No trees, nothing could be touched there. He doesn't have the 300-foot frontage on Royal, because the P. Zone wraps around two-thirds of the back and side of his lots. He only has the rights, according to the protective covenants, to build two houses, and I'm fine with that. The city did not give him permission because the city does not own our sewer lines, to hook up to this private sewer line supposedly. He has the right to hook up two houses, but the city gave him permission to build five rowhouses 20 feet apart, 20 feet wide, but he has to dig up the city street, and that's, like, about a whole block away. I figured \$350,000, \$400,000 to do this, you have above they did that and took them three months, and it cost them 'x' amount of dollars. He doesn't have the money to dig up a city street all the way down, so he's hoping the l.i.d. Will be formed and the city gets ownership of the sewer lines and then he can hook in with his five houses. Also I object to this l.i.d. Because I want my sewer line from lot 6400 -- it goes down like you see the private sewer line goes between private property. It goes down and hits that public right-of-way between Mr. Knee's lot, 1400 and 1300. It hits that. When this city -- people came at these meetings, I said, with my sewer line, once it hits public right of way, where's the video camera. If my sewer line breaks, once it's even on the city right-of-way property, I have to pay to fix it. So by forcing me into this l.i.d., I have to pay to fix everybody else's sewer line. But once my sewer line hits the public right of way, it's still my responsibility to fix it. And I think everybody else's sewer lines, once it hits public right of way, the city takes responsible over it. Well, why do I pay to fix up everybody else's sewer line and my sewer line, once it hits public right of way, I still have to be responsible for it? It's not fair.

**Leonard:** Thank you --

**Leonard:** Thank you.

**Suzanne Klassen:** Suzanne Klassen, 319 Northwest Royal Boulevard. I was here about a month ago, and I think you can see that what I talked about a month ago is really demon straight the here today

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by the difficult and emotional irk that this has become. I do support the creation of the l.i.d. I do support bringing the sewage, the sewer system into the city ownership. I absolutely understand Mrs. Wong's emotional feeling about the building of five more houses at the top of our hill. And I do believe that they are separate issues. So I'm here to support what the majority of the people in the neighborhood believe about having this passed by you we're willing to pay the six grand or whatever we have to pay personally for it to happen. I feel really disappointed that our neighborhood has been so agitated and, I think, really disturbed by the huge building process that was put directly above my house. There are 22 houses being built, 21 houses. So I do understand that hue and cry about bringing even more houses there, and I think these are separate issues. So blocking buildings, the sewer, won't stop adding more infill to our neighborhood. So let's go ahead and get the sewage system over to you so that, when it breaks, I don't end up having to pay even more. Thank you.

**Gifford:** Hi. Tom Gifford, and this is why I'm here today. I'm in favor of it. I think the simple thing to me is this morning this guy walked in with the plastic bag filled with something. His sewer. I don't ever want to be dealing with sewers. If there's something in my sewer, I want to call you guys and say, there's a sewer deal.

**Fish:** By the way, I'm not sure what he had in that bag, but I had my sewer in the last year back up to my house, and I can tell you what was floating on top two feet of water was scary.

**Gifford:** Yeah.

**Fish:** And it took two clean-up crews, including a group that came in dressed like they were going to the moon. It's actually hazardous waste at that point.

**Gifford:** That's exactly it. This is kind of the way communities and government should work. We pay for it out to connect to you, and then all the under the road stuff and getting it far away is what you guys need to take care of. We're happy to pay the 6700 or whatever it comes out to. You look at a community of people and you don't get 100% agreement. And the reality is the vast majority of folks are saying, yeah, this is a very good thing to do. I'm with that vast majority of saying, yeah, that's a really good thing to do, because I really wonder, if there were a problem -- I mean, when you had your problem, you probably called roto-rooter or whatever. But if I called roto-rooter, he may say, well, it's two houses down and under the city street that the problem is. And at that point, either I've got an enormous bill or I find out the problem is below me, in which case I go, yeah. Not my problem. I want to make sure you're taking over a good, well maintained thing for the future. That's the way it's done most places in the city, and this just brings us into the way everyone else does it. I think it's a good thing. Thank you.

**Leonard:** Anybody else?

**Parsons:** That was all.

**Howard Hermanson:** I'm Howard Hermanson. I'm a property owner in Royal Highlands. My property is one of the key properties that has a red line on it. I have a major sewer line that goes down on it. You probably can, if you have it in front of you -- I'm in favor of this. I think the city has done something good here. I don't always agree with the city. Sewer lines are very expensive. I know the cost to dig up. I know the huge impact it can have on a small community like ours. This is a good thing. I really appreciate your efforts. You have a really good team. Congrats.

**Fritz:** Thanks for taking the time to come in to say that.

**Leonard:** Anybody else? If there is no council discussion, this passes to second reading.

**Fritz:** Could I ask that we get some responses before next week on the questions raised by Mr. Miller and Ms. Wong? I see the briefing on Ms. Wong's concerns, I'm interested to know why Mr. Miller is not noted as opposing. And that can be next week. Thank you.

**Leonard:** Passes to second reading. Sue please read item 348.

**Item 348.**

**Leonard:** Is there anybody here from staff?

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**Rick Applegate, Bureau of Environmental Services:** Good afternoon. I'm Rick Applegate, the Portland harbor superfund administrator in the bureau of environmental services. We have back to back ordinances this afternoon to accomplish a couple of purposes. The first is to correct an error in a previous ordinance. We had requested additional funds but recorded the wrong not to exceed amount and when we caught that and decided to make the correction, we were advised by the financial staff in the bureau to extend the contract as well through the end of the term. Which is October of next year, at which point we'd be coming back with an r.f.p. To revisit our consulting services available for superfund. The funds that are identified in the ordinance are in our current budget and assuming that it gets approved, and in this ordinance, they will be used because of the intensifying work of Portland harbor superfund on both the remedial investigation and the feasibility study in the years ahead and if you will, this is the meat of the superfund work where you basically lay out what you know about the site, the level of contaminants. Picture -- the first big picture in an enormous study of the site and follow that up where you evaluate how much dredging you might do, how much treatment might be appropriate and how much monitoring of natural recovery.

**Leonard:** Thank you. Questions? Anybody signed up, sue?

**Parsons:** I didn't have a sign-up sheet out.

**Leonard:** Emergency ordinance, call the roll.

**Fish:** Aye. **Saltzman:** Aye.

**Fritz:** It's interesting to me that all the media has left. This is a hugely important issue and in the three months I've been working on setting up the healthy rivers I've come to appreciate Rick and the team you have working on the harbor and superfund issues and it's extremely important that we be able to meet the environmental protection agency's deadlines for the cleanup and that the city is working hard to do the assessment and come to a plan for that. I wanted to note that there will be a test. Aye.

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

**Leonard:** Item 349.

**Item 349.**

**Applegate:** Once again members of the commission, these are funds within our budget. The request we're making is to correct a similar error in the not to exceed amount and to extend to the end of the contract. This work is focused on what I believe is the most important superfund work we're doing. We have been working with the department of environmental quality and other parties that up the city pipes who have been using the city system as a conveyance system. And what we did here was evaluate sediments off the end of the pipes and where we saw anything that looked troublesome we moved with d.e.q. Up the pipes to identify the issues and the potential parties that needed to take action. This work is intensifying. And the reason is one of the great fears from the beginning of this superfund work, we get to the point where we're ready to go forward with the in water remedy but the upland source control work may not be in shape where in-water parties will not feel comfortable because they'll be worried about recontamination and this has been a problem in Tacoma and Seattle and so it's been high up on our radar screen in the work that we're accelerating and with the work in water, we have a serious crew working on these issues both in the bureau and with the contractors and we understand the seriousness of what's at stake here and we've made progress with the department of environmental quality.

**Leonard:** Thank you. Questions? Anyone here to testify? If not, call the roll.

**Fish:** Aye.

**Saltzman:** Thanks, Rick, for that great explanation on both of these. Aye.

**Fritz:** And thank you to Commissioner Saltzman for all of your leadership on these issues and we need to work on finding ways to make sewer and pollutants to people. Aye.

**Leonard:** Aye. [gavel pounded] [inaudible] thank you.

**April 1, 2009**

**Item 350.**

**Leonard:** Anyone here to speak to this?

**Saltzman:** I wanted to give an overview. This is part of a grey to green initiative that the city lost in 2007. The ordinance involves the purchase of nearly four acres of wet lands in the Johnson Creek watershed. Numerous groundwaters feed these wetlands with a consistent year-round source of water. The wet lands, on the Moe Brothers Partnership are one of the sources and this will protect the impacts from development and this is an emergency ordinance in order to meet the closing requirements of the purchase which is typically between 30 and 60 days. I urge council's adoption.

**Leonard:** Discussion? Anybody here to testify? Sue, call the roll on item 350.

**Fish:** Aye. **Saltzman:** Aye. **Fritz:** Good work. Aye.

**Leonard:** Aye. [gavel pounded] item 351.

**Item 351.**

**Leonard:** Good afternoon.

**Greg Drechsler, Portland Water Bureau:** Good afternoon. My name is Greg Drechsler, with the water bureau and you have in front of you an ordinance that would allow the water bureau to submit our application for funding under consideration with the American Recovery and Reinvestment Act of 2009. The reason this is an emergency request is that the applications are due no later than April 15th. The projects included in the application on the Burlingame tank improvements, Columbia South Well improvements, citywide galvanized replacements throughout the city, Linnton Pump Station improvements and the West Side Header Phase I, which is a relocation project. The application process requires that the governing bodies must have conducted a public hearing prior to April 15 to discuss nature and need of the project, starting dates and financing, that may be taking on additional debt and consistency with applicable comprehensive land use plans. With that, I'd be happy to answer any questions that the commissioners may have.

**Fish:** Just to make sure I understand this, so this is seeking a better -- better terms -- seeking funds under federal stimulus dollars which would give us more attractive terms than we get through the current revenue bond program for projects that are in the pipeline, and by applying for this money, we get a better deal?

**Drechsler:** Yes, that's correct. The way the system is set up is that up to 50% of this fund maybe in the form of grants. Whether the city receives a grant or not is unknown at this point.

**Fish:** At least better terms on any --

**Drechsler:** The maximum percentage rate of the loan is 3%. And that's better than what we're currently getting under our bonding.

**Fish:** You could help me with the financing of a little house in northeast Portland after this --

**Drechsler:** I don't believe these funds can be used for that, commissioner.

**Fish:** Thank you.

**Leonard:** Anybody here to testify? Karla, please call the roll -- I apologize, I keep calling you Karla.

**Parsons:** That's all right. I take it as a compliment.

**Saltzman:** Aye.

**Fritz:** Aye. Good work making sure we're getting the best value for the taxpayer money.

**Leonard:** Aye.

**Fish:** I always take it as a compliment when my five-year-old son calls me mommy. [laughter] I know there's something good in that when he breaks down and calls me mommy.

**Leonard:** We should be fortunate that the media is not here right now. That would be the leading headline on the news tonight. Second reading on 352.

**Item 352.**

**Leonard:** Please call the roll, Sue.

**April 1, 2009**

**Fish:** Aye. **Saltzman:** Aye.

**Fritz:** Thank you so much for the good work on this. Aye.

**Leonard:** Aye. Council is adjourned until next wednesday.

At 12:42 p.m., Council adjourned.