



CITY OF
PORTLAND, OREGON

OFFICIAL
 MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **2ND DAY OF DECEMBER, 2009** AT 9:30 A.M.

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

Commissioner Leonard and Fish arrived at 9:35 a.m.

Commissioner Saltzman announced flag lowering in honor of a youth killed who was a victim of domestic violence.

Motion to hold a meeting 6:00 pm on January 20, 2010 for Bicycle Master Plan:
 Moved by Mayor Adams and seconded by Commissioner Fritz. (Y-4; Fish absent)

OFFICERS IN ATTENDANCE: Susan Parsons, Acting Clerk of the Council; Linly Rees, Deputy City Attorney; and Pat Kelley, Sergeant at Arms.

Item No. 1665 was pulled for discussion and on a Y-5 roll call, the balance of the Consent Agenda was adopted.

COMMUNICATIONS	Disposition:
1632 Request of Sandy Ammerman to address Council regarding the loo at Jamison Park (Communication)	PLACED ON FILE
1633 Request of Sheila McMahon to address Council regarding the loo to be placed in Jamison Park (Communication)	PLACED ON FILE
1634 Request of Teri Lyn Vik to address Council regarding BOEC and loss of job (Communication)	PLACED ON FILE
1635 Request of Charles E. Long to address Council regarding remembering the victims of police brutality (Communication)	PLACED ON FILE
1636 Request of Allyn Borland to address Council regarding new no-cost source of revenue for City and schools (Communication)	PLACED ON FILE
TIMES CERTAIN	

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<p>1637 TIME CERTAIN: 9:30 AM - Amend Portland Zoning Code and South Waterfront Design Guidelines to improve process to implement the South Waterfront Greenway Development Plan and to update and correct several zoning provisions applicable to the South Waterfront subdistrict (Ordinance introduced by Mayor Adams; amend Code Title 33) 45 minutes requested.</p>	<p align="center">PASSED TO SECOND READING JANUARY 27, 2010 AT 10:15 AM TIME CERTAIN</p>	
<p>1638 TIME CERTAIN: 10:30 AM – Amend the Zoning Code to allow a limited amount of office use at PGE Park (Previous Agenda 1593; Ordinance introduced by Mayor Adams; amend Code Chapter 33.510) 30 minutes requested.</p>	<p align="center">CONTINUED TO JANUARY 6, 2010 AT 9:30 AM TIME CERTAIN</p>	
<p align="center">CONSENT AGENDA – NO DISCUSSION</p> <p align="center">Mayor Sam Adams</p> <p>*1639 Authorize a grant agreement with Resolutions Northwest, Inc. for \$32,500 for the Restorative Justice Program to reduce suspensions and expulsions and keep students connected and engaged in school (Ordinance) (Y-5)</p>		<p align="center">183352</p>
<p align="center">Bureau of Planning & Sustainability</p> <p>1640 Authorize the City Attorney to intervene and participate on behalf of the City of Portland in the Oregon Public Utility Commission review of Portland General Electric Company 2009 Integrated Resource Plan (Resolution) (Y-5)</p>		<p align="center">36754</p>
<p>*1641 Authorize application to the State of Oregon Department of Energy for State Energy Program grant funds in an amount of up to \$1,615,448 for energy efficiency and renewable energy improvements to city facilities as part of the American Recovery and Reinvestment Act (Ordinance) (Y-5)</p>	<p align="center">183353</p>	
<p>*1642 Authorize application for up to \$75,000,000 from the Energy Efficiency and Conservation Block Grant competitive funding program administered by the U.S. Department of Energy as part of the American Recovery and Reinvestment Act (Ordinance) (Y-5)</p>	<p align="center">183354</p>	
<p>1643 Authorize an Intergovernmental Agreement with Portland State University to sponsor a Sustainability Symposium (Second Reading Agenda 1596) (Y-5)</p>	<p align="center">183355</p>	
<p align="center">Bureau of Transportation</p> <p>*1644 Authorize the Bureau of Transportation to acquire certain permanent and temporary easements necessary for the construction of the N Vancouver Bridge Project through the exercise of the City's Eminent Domain Authority (Ordinance)</p>		<p align="center">183356</p>

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<p>*1645 Rename SE Millers St to SE Miller St; rename SE Martin St to SE Martins St; rename SE 144th Ct to SE 143rd Ct; and rename NE 107th Ave to NE 107th Pl (Ordinance) (Y-5)</p>	<p align="center">183357</p>
<p>1646 Call for bids and authorize contract for the N Vancouver Ave Bridge and Waterline Project (Second Reading Agenda 1599) (Y-5)</p>	<p align="center">183358</p>
<p>1647 Authorize a major encroachment to Skylab Architecture to construct, use and maintain building improvements in the airspace over a portion of the SW 13th Ave right-of-way at SWC/13th and W Burnside St (Second Reading Agenda 1600) (Y-5)</p>	<p align="center">183359</p>
<p align="center">Office of Management and Finance – Human Resources</p>	
<p>1648 Create a new represented classification of Watershed Specialist III and establish an interim compensation rate for this classification (Ordinance)</p>	<p align="center">PASSED TO SECOND READING DECEMBER 9, 2009 AT 9:30 AM</p>
<p>1649 Create new represented classifications of Laboratory Analyst II, Laboratory Analytical Specialist and Laboratory Coordinator and establish interim compensation rates for these classifications (Ordinance)</p>	<p align="center">PASSED TO SECOND READING DECEMBER 9, 2009 AT 9:30 AM</p>
<p align="center">Office of Management and Finance – Internal Business Services</p>	
<p>*1650 Pay claim of Food Front Cooperative Grocery (Ordinance) (Y-5)</p>	<p align="center">183360</p>
<p>*1651 Amend Intergovernmental Agreement with Oregon Department of Transportation for Transportation Enhancement Program Grant for Union Station Restoration, Phase II (Ordinance; amend Contract No. 52964) (Y-5)</p>	<p align="center">183361</p>
<p align="center">Commissioner Randy Leonard Position No. 4</p>	
<p>*1652 Authorize a grant agreement with the Portland Rose Festival Foundation to support placement of temporary restrooms, additional seating, and related activities along the parade route (Ordinance) (Y-5)</p>	<p align="center">183362</p>
<p align="center">Bureau of Water</p>	
<p>1653 Amend contract with Legacy Laboratory Service to increase compensation for Speciation of Bacteria Found in Water Samples (Ordinance; amend Contract No. 37858)</p>	<p align="center">PASSED TO SECOND READING DECEMBER 9, 2009 AT 9:30 AM</p>
<p align="center">Portland Fire & Rescue</p>	

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<p>1654 Donate \$6,000 to the David Campbell Memorial Association (Second Reading Agenda 1603) (Y-5)</p>	<p align="center">183363</p>
<p>Commissioner Amanda Fritz Position No. 1</p>	
<p>*1655 Authorize application to Department of Human Services Regional Offices on Women's Health for a grant in the amount of \$2,500 for activities and events in support of National Women's Health Week in May 2010 (Ordinance) Motion to accept staff amendments: Moved by Commissioner Fritz and seconded by Commissioner Adams. (Y-4; Leonard absent) (Y-4; Leonard absent)</p>	<p align="center">183372 AS AMENDED</p>
<p>Office of Cable Communications and Franchise Management</p>	
<p>1656 Extend term of 360networks (USA), inc. franchise to use designated City streets to provide telecommunications services (Ordinance; amend Ordinance No. 172864)</p>	<p align="center">PASSED TO SECOND READING DECEMBER 9, 2009 AT 9:30 AM</p>
<p>1657 Extend term of a franchise granted to Electric Lightwave, Inc. to provide telecommunication services in Portland (Ordinance; amend Ordinance No. 170283)</p>	<p align="center">PASSED TO SECOND READING DECEMBER 9, 2009 AT 9:30 AM</p>
<p>1658 Extend term of franchise granted to Level 3 Communications, LLC to build and operate telecommunications facilities within City streets (Ordinance; amend Ordinance No. 173930)</p>	<p align="center">PASSED TO SECOND READING DECEMBER 9, 2009 AT 9:30 AM</p>
<p>1659 Extend term of a franchise granted to MCI Metro Access Transmission Services, Inc. to build and operate telecommunications facilities within City streets (Ordinance; amend Ordinance No. 169230)</p>	<p align="center">PASSED TO SECOND READING DECEMBER 9, 2009 AT 9:30 AM</p>
<p>1660 Extend term of a revocable permit granted to TCG Oregon to build and operate telecommunications facilities within City streets (Ordinance; amend Ordinance No. 173990)</p>	<p align="center">PASSED TO SECOND READING DECEMBER 9, 2009 AT 9:30 AM</p>
<p>1661 Extend term of AT&T long-distance franchise to build and operate telecommunications facilities within City streets (Second Reading Agenda 1604; amend Ordinance No. 162822) (Y-5)</p>	<p align="center">183364</p>
<p>1662 Extend term of franchise for MCI Communications Services, Inc. to use City streets to provide competitive telecommunication services (Second Reading Agenda 1605; amend Ordinance No. 170954) (Y-5)</p>	<p align="center">183365</p>

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<p>1663 Extend term of franchise granted to Qwest Communications Corporation to build and operate telecommunication facilities within City streets (Second Reading Agenda 1606; amend Ordinance No. 171914) (Y-5)</p>	<p align="center">183366</p>
<p>1664 Extend term of franchise granted to Sprint Communications Company, LP to build and operate telecommunications facilities within City streets (Second Reading Agenda 1607; amend Ordinance No. 172141) (Y-5)</p>	<p align="center">183367</p>
<p>1665 Extend term of franchise granted to WCI Cable to build and operate telecommunication facilities within City streets (Second Reading Agenda 1608; amend Ordinance No. 172750) (Y-5)</p>	<p align="center">183368</p>
<p align="center">Commissioner Nick Fish Position No. 2</p> <p align="center">Portland Housing Bureau</p> <p>*1666 Authorize Intergovernmental Agreement with the Oregon Bureau of Labor and Industry for \$20,000 for the Civil Rights Enforcement Services Program and provide for payment (Ordinance) (Y-5)</p>	
<p>1667 Accept a grant in the amount of \$4,000,000 from the Office of Lead Hazard Control of the U.S. Department of Housing and Urban Development for lead abatement program (Ordinance)</p>	<p align="center">PASSED TO SECOND READING DECEMBER 9, 2009 AT 9:30 AM</p>
<p align="center">Portland Parks & Recreation</p> <p>*1668 Amend a stormwater easement in the Columbia Slough Natural Area to relocate easement area to a preferred location on the property (Ordinance; amend Ordinance No. 176254) (Y-5)</p>	
<p>1669 Authorize an Intergovernmental Agreement with Portland State University to provide survey and research related services to Portland Parks and Recreation (Ordinance)</p>	<p align="center">PASSED TO SECOND READING DECEMBER 9, 2009 AT 9:30 AM</p>
<p align="center">Commissioner Dan Saltzman Position No. 3</p> <p align="center">Bureau of Environmental Services</p> <p>1670 Authorize a contract with the lowest responsible bidder for the Outfall 27 / Sellwood Combined Sewer Overflow Control Project No. E08467 (Second Reading Agenda 1617) (Y-5)</p>	

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REGULAR AGENDA

Mayor Sam Adams

Bureau of Transportation

1671 Vacate N Leavitt Ave north of N Decatur St subject to certain conditions and reservations (Hearing; Ordinance; VAC-10059)

**PASSED TO
SECOND READING
DECEMBER 9, 2009
AT 9:30 AM**

1672 Vacate a portion of SE Berkeley Way at SE Tenino St subject to certain conditions and reservations (Second Reading Agenda 1621; VAC-10056)

(Y-4; Leonard absent)

183373

Office of Management and Finance – Financial Services

***1673** Establish governance structure and operating principles for the City's Enterprise Business Solution System (Previous Agenda 1626)

Motion to amend to add citizen oversight provision to Exhibit A: Moved by Commissioner Adams and seconded by Commissioner Fritz. (Y-4; Leonard absent)

(Y-4; Leonard absent)

**183374
AS AMENDED**

1674 Authorize additional mortgage revenue bonds to continue the Mortgage Credit Certificate Program (Ordinance) 15 minutes requested.

**PASSED TO
SECOND READING
DECEMBER 9, 2009
AT 9:30 AM**

1675 Authorize water revenue bonds to finance water system additions and improvements (Ordinance)

**PASSED TO
SECOND READING
DECEMBER 9, 2009
AT 9:30 AM**

Office of Management and Finance – Internal Business Services

1676 Accept Bid of Westech Construction Inc. for the NW 23rd Ave: Lovejoy to Burnside Project for \$1,920,519 (Purchasing Report - Bid No. 111006)

Motion to accept the report: Moved by Commissioner Fish and seconded by Commissioner Leonard.

(Y-5)

**ACCEPTED
PREPARE
CONTRACT**

**Commissioner Dan Saltzman
Position No. 3**

Bureau of Environmental Services

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1677 Modify Public Works Code and accept associated rules for new enforcement authorities and provide clarity for public works permits, required sewer connections and maintenance of green street facility trees (Ordinance; repeal and replace Chapters 17.32 and 17.33, and Figure 13; amend Chapters 16.70, 17.04, 17.16, 17.24, 17.28, 17.38, 25.08 and 29.20) 15 minutes requested.

**PASSED TO
SECOND READING
DECEMBER 9, 2009
AT 9:30 AM**

At 11:44 a.m., Council adjourned.

LAVONNE GRIFFIN-VALADE
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, DECEMBER 2, 2009

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

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Closed Caption File of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

DECEMBER 2, 2009 9:30 AM

Adams: A meeting of the city council today, december 2nd, it's 9:30 a.m. We're in morning session. Good morning, sue. Can you please call the roll?
[roll call]

Adams: Unless there are objections, i'm going to take a prerogative as chair of the city council meetings and recognize city commissioner dan Saltzman for a special presentation.

Saltzman: Thank you, mayor. Yesterday, december 1st, the flag of the city of Portland was lowered to honored a four-year-old who was killed november 4th, 2009. He and his mother were victims of domestic violence, related homicide. November marks a month of five tragic domestic violence related homicide cases in the Portland area. On november 5th -- excuse me -- it was in southeast Portland. November 10th, teresa in tualatin. November 11th, in bethany. And november 27th, cindy england and son kevin in forest grove. And november 29th, sheena in hillsboro. If you're a victim of abuse or know someone who is, don't wait to get help. Call the Portland women's crisis line at 1-888-235-5333. If you're witnessing abuse, call 9-1-1. Right now i'd like to introduce a woman who would like to say a few words and if you could come forward and thank you for being here. You can bring your friend up if you want. You can sit down and give us your name into the microphone and then --

Brenda Medina: Good morning, my name is brenda medina. My daughter, 28, and grandson, four, were taken from me because of domestic violence. He loved to learn new things and whenever he came -- whatever came his way, he would do. Whenever he hurt himself, he would tap me on the leg and say, "i'm ok," with a smile. My daughter was ready to help anyone at any time any given time and she was always baking or doing something with her children and getting ready to go back to school to get her master's degree and was an environmentalist. And I know how to recycle anything and everything. D.v., domestic violence, can get anyone -- rich, poor, educated or not. I was in domestic violence and I rose above it, as she was trying to do. We need to be educated of this ugly monster called domestic violence. It's not ok and you shouldn't be ashamed. Leave before it's too late and don't become another tameka or ashawn. God must have gotten short of angels and needed two more. They will be missed. Please -- please don't forget them and others that have died and passed way from domestic violence. Thank you.

*****: Thank you, brenda, very much.

Adams: Thank you very much. And thank you, commissioner Saltzman, for your work in this area and for setting up this system of honoring and -- this awful and serious crime in our local area. So thank you. There are a couple of announcements before we move on and if I could do them at the beginning so I don't forget to do them later. First, the city council meeting the evening of the 16th is canceled. Just so there isn't any confusion, I will be hosting a public forum, same place, same time on the same issue of the north reach of the river plan and I will be taking public testimony, but it will not be a city council meeting. We do -- due to -- let's see. Due to a -- an error, a voluntary annexation request did not get filed for the city council consent agenda for today. However, the notice has gone out, so to rectify this, the city attorney advises the following -- that I read the following announcement. Annexation a-1-09 concerning property on the west edge of northwest miller between northwest cornell and barnes road including a portion of the northwest miller right-

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of-way has been rescheduled for the december 9th council meeting. Anyone who wishes to discuss the item may request it be taken off the consent agenda at that time for discussion on december 9th. And then i'd like to make a motion to have the city council hear the bike plan on january 20th, 2010, at 6:00 p.m.

Fritz: Second.

Adams: It's been moved, seconded. Please call the roll.

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

Adams: Aye. And then the zoning change regarding pge park, unless there's objection, has been continued to 9:30 a.m. On january 6th. So -- [gavel pounded] done. So thank you for your patience. Sue, please read the title for council communications item 1632.

Item 1632.

Adams: Good morning, welcome to the city council. Glad you're here.

Sandy Ammerman: Thank you, mayor Adams. I'm sandy ammerman, I reside at 1030 northwest johnson street. We're here to talk about the process that has resulted in a proposal to site a loo for jamison park. Thank you, commissioners, for your responses about -- for your responses about our concern. First, we commend you, commissioner Leonard on your loo program and thank the pearl district neighborhood association for their work over the years. However, we're here today to present our concerns about the way the decision was made to put an all-night bathroom into jamison park in the middle of a residential neighborhood and how the process has failed us. We come with petitions and signatures from both residences and businesses who do not want an all-night bathroom in the park and we're asking that the process be reopened. We want an opportunity to be involved in our neighborhood. The decision to put a loo into jamison park was not an inclusive process. After the opening of jamison park, it apparent that the use of this small park was more intense than what was envisioned. The water feature became a wading fool for families during the summer months. Two years ago, there was talk between the neighborhood association members and a couple of parents and commissioner Leonard, but these discussions did not include the residences and businesses. Mid august, we found out a loo was being designated for jamison park. And neighbors began investigating how this could be. We contacted parks and recreation and they referred us to commissioner Leonard's office and they confirmed a bathroom, called a loo, operating 24/7 was scheduled for the park. So we tried, attended our association meetings in august and september, voicing our concerns and asking a decision about the loo put on hold pending open discussions with the neighbors. At the monthly board meeting on september 10th, we asked to be in the process but were told that the decision was already made by the planning design and transportation subcommittee on december 1st to support the loo. Per the bylaws, this decision needed to be confirmed by the general board on september 10th. That did not take place. The bylaws state that any executive -- that a decision of any committee -- of a committee with executive status must be reviewed by the pearl district neighborhood association at the next general meeting, and that would have been at september 10th. This sparked outrage within our neighborhood. We have repeatedly asked the neighborhood association for copies of relevant meeting notes and a copy of their letter to commissioner Leonard supporting their decision for the loo. To date, we have not received those documents. I'm almost done, commissioner -- I mean, mayor Leonard -- Adams, sorry. The bylaws state that the -- the bylaws state that the purpose of our neighborhood association is to broaden the channels of communication between the residences and businesses within our neighborhood in matters affecting neighborhood liveability. This issue clearly affects our liveability and should have been communicated to us by the neighborhood association. We were not given the opportunity to participate. There are more than 220 signatures from businesses and residences who have signed petitions asking to be heard. But know that some of those would be within 40 feet of the proposed loo? Let me ask any of you this: Would you want your bedroom window or outside deck within 40 feet of an all-night bathroom with the noise and smells and

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potential for crime and doors slamming all night long? I don't think you would, and neither do some of the people who are here today who have a five-year-old son whose bedroom would be within 40 feet of the loo.

Adams: I've let you go over a minute and 15 seconds. I see you have a written statement there.

Ammerman: I'm almost done, mayor.

Adams: You have two pages and that would be another three minute, I fear.

Ammerman: Maybe one.

Adams: How about another 30 seconds?

Ammerman: All right. You have before you a crime report. There's been an increase in crime surrounding the existing loo on glisan street. Portland is a small and intimate city. This park is a one-block park. One size does not fit all regarding the loo. The loo program is not appropriate for jamison park. This is our neighborhood. This is a big deal. An all-night bathroom in our neighborhood. In summary, we're asking city council to help us reopen the discussions regarding the loo for jamison park. We're asking for a new process. We trust you'll do the right thing for us today. Thank you for your time.

Adams: Thank you very much. And if you wouldn't mind, turning in the -- so we can --

Ammerman: Not at all.

Adams: Great. I failed to reinforce, it's three minutes. Council communications, and I got to try and keep everyone on as close to three minutes as possible. I let sandy go over a little bit. Sue, can you please read the title for council communications item no. 1633.

Item 1633.

Adams: Good morning, and welcome to the city council. So that clock in front of you will help to count down the three-minute time.

*******:** Ok.

Adams: I need your first and last name for the record.

Sheila McMahan: My name is sheila mcmahan. I reside across from jamison square. Thank you for allowing me to speak about the concerns the neighbors have in the area. There are four key concerns and issues I would like to present about today. Safety, something called the bird's eye view, the 20-minute neighborhood concept, and sharing public spaces. Safety is a big concern about the proposed loo site at the corner of northwest jamison and johnson. Vehicle drivers entering this from northwest 11th and northwest johnson would have their views blocked by this eight-by-ten foot construction. Also the parking in the space would be a major pedestrian hazard for pedestrians crossing the street. That includes children who would have been excited after spending hours in the park, the elderly, blind, handicapped and wheelchair bound. This zipcar space could increase the chance of encounters and assault and even worse. Especially for -- it's a residential neighborhood surrounded by high rise apartment buildings and many have balconies directly above or in close proximity to the loo site. Children, as we said, reside in these apartments. They provide views from these high rise positions. The loo interior is lit at night when individuals enter the loo. Visitors could be made to feel uncomfortable when they're seeing balconies and even residents through the louvers. They can view directly inside the loo. The Portland plan, the 20-minute plan, I believe I have provided the map of what i'm speaking about. There are several restrooms available in the immediate area. Rei, safeway, and powell's, of course, would be by streetcar. The glisan street loo is open 24/7. The fields park has incorporated into their plan a permanent restroom. Alternative could be the Portland college of art. Foot traffic, due to the students attending college as visitors. And as you can see on the map, there's a couple of other ideas. The main post office. One that's not there is vacant retail space. Sharing public spaces is a report that was done september 10th. Participants in that voiced need for more restrooms, such as the loo, in different parts of the city, including under the bridges. Sharing public spaces. City ordinance should avoid displacing problem behaviors from one location to another. Concern about

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people hanging out deterring people from visiting businesses -- in summary there are four areas -- safety, bird's eye view, the 20-minute neighborhood and sharing public spaces. It's our request that there's a public forum for all to express concerns and council to investigate the pedestrian crossing, vehicle obstruction and increased safety encounter safety concerns. And the appropriateness of it in jamison square. And finally, the council apply the 20-minute neighborhood concept when siting a public restroom within a reasonable walking distance from jamison square.

Adams: Thank you very much.

Leonard: I appreciate you both coming and the neighbors coming. I tried to respond to each email as I get them --

*****: I did receive one, thank you.

Leonard: I wanted to more globally address your specific issue. I actually want to increase your specific issue and then give a global point of view that i, and I think many others have in the city, with regard to public restrooms. You're correct that a couple of summers ago, I spent a morning with neighbors in your neighborhood, walking through the neighborhood. Talking about facilities for children, including schools and the need for a public school and a daycare, and it included a tour of jamison square, where it was pointed out by moms and others who weren't moms that were part of the tour, that people using the park in the summer obviously are in need at times to relieve themselves, including children and that the businesses adjacent weren't allowing the restrooms to be used. I told them I was develop at that point a concept for public restrooms and made it clear that any installation had to be coordinated closely with the neighborhood 0o organization. The council will not get involved in siting a loo. We will not hold a hearing on a loo. It's up to your neighborhood if you want one, which I made clear in the email. This isn't a matter of me or the council or anyone deciding whether it should be involved. It was at the request of the neighborhood this they get one. If in your own process, you decide to reconsider that decision as a neighborhood, that's fine with us. It didn't matter. It's important if you do decide it be installed, that you have consensus -- i'm not sure why you're not listening to my remarks.

*****: Ok.

Leonard: I think if you listen, you'll better understand that what i'm saying your request is a rational request and if there's some short circuiting of your process, it's appropriate to go back to the neighborhood association and say it's been made clear to us -- well, again, if you'll let me finish, you'll hear my answer. I've told the neighborhood association we will not install a loo until the consensus is established. So it's been relieved from the list until your own process gets worked out.

Having said that, I believe public restrooms are a public right. I think people have a public right and i've been disappointed to be frank in some of the emails that associate public restroom with homelessness and crime. There are a lot of us who look forward to have restrooms available at short distances because we drink coffee and need a place to relieve ourselves. In the united states, it seems we've taken an approach to public restrooms based on our puritan roots than our european cousins who have them throughout various cities. So i'm a strong supporter of public restrooms and supporter of people having the right to have access to them. Having said that, I want the neighborhoods that have them to agree where they go and if there's any disagreement, I will withdraw, the installation until those issues are resolved.

McMahon: That's appreciated and one of our big concerns is having it open 24/7.

Leonard: Not negotiable. I've said that in every email. We will not modify the restrooms. I will remind you, was the james chasse incident -- and I think people have the need and right to use -- having said that, it should be placed in a location that's the least obtrusive and most complementary to each area as possible and the one on glisan was done exactly that way. We contacted all the businesses and had that discussion with them.

Adams: If I can summarize, you're relying on the neighborhood process for determining the appropriateness of jamison square.

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Leonard: And I communicated back to the neighborhood that i'm not satisfied that the affirmation we got from the association is the final word until this is resolved. We've put the jamison's loo on the list, but at the bottom until you guys work it out.

Adams: It's wednesday and maybe i'm not fully awake yet, but I think you got what you came for.

McMahon: I think of that's well appreciated and we'll go back to the association and hopefully we'll have the opportunity to make our voices heard.

Leonard: I wanted it to be clear that it should be a discussion where most appropriate place is and not whether or not there should be one.

McMahon: As you said, in the pearl area there are lots of opportunities to place a loo that would be --

Leonard: But the moms made it clear, it should be close to the park and a positive discussion figuring out where it should be.

McMahon: I appreciate that. Thank you for your time.

Adams: Thank you very much.

Fish: I appreciate the people from tanner, the people from tanner place being here. I heard from people in tanner place that have come to me saying they would like to see a toilet in the area and felt they had received misleading information from the building association. So I think this forum and this chance to have this dialogue is extremely helpful but I wanted to amplify something. I don't want there to be any misconception that the toilet issue is an isolated issue that has one champion on this council and we're going to blunder along in this process. The toilet issue is part of a comprehensive strategy framed by the city council in consultation with the police bureau, the Portland business alliance and downtown neighborhood association. And it's a cornerstone of the safe process. The city has made a commitment to substantially increase public restrooms and they've done so because there's an enormous unmet demand. We're working on putting some toilets in ankeny and there's a saturday market and there's lots of people who need public restrooms. We've been charged with looking citywide at expanding our toilet capacity and i'll say as the parent r of a fire-year-old who loves to come to the park in front of your may any sent building -- and as a father of a 16-year-old daughter who uses the park system and we don't have toilets, it's frustrating that my children cannot relieve themselves. I suspect most children relieve themselves but do it while they're swimming and not while they're using a restroom. To randy's point, since we're middle age and occasionally have to go to the bathroom, it is frustrating. I think this is dialogue is helpful and I appreciate you coming and sharing your views and there's things we have to consider when we fine tune the process. That's what we're talking about. We don't disagree with the need for public restrooms. You're helping to shape a process, but I do want to say to you how we go about this discussion will ultimately define our city in the next year. And i'm not -- I don't in any way impute or criticize you for your advocacy. But when the question of toilets come up, the arguments you raise are raised everywhere we put a toilet. I'm not maligning your right to raise them for this site. But the same arguments are raised. Recently, the city was required to find a place for a winter warming center where people who are sick and on the streets could go during a winter emergency so they could not die on the street and we found a location not far from where you live. Other side of burnside and it will not surprise you that all the residential condo owners and businesses said this is I hope appropriate and it will attract crime. And we're required to deal with the hunger problem and we have churches that have asked to set up meals under the bridges downtown after hours and places that come early and set up and have been running the programs for 13 years. It will not come it is a surprise to you when they had to be relocated, we heard from a variety of businesses and residential property owners to sanction this behavior will lead to increased crime and blight and we should not allow it. I want to put it in a larger context, so you know, we're trying to find places for restrooms for people. They include homeless people, and people who are housed and older adults and children. We want to find places for restrooms. And we would like to

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find places for people to get a meal and we're looking aggressively to -- ma'am, please don't sigh. This may be frustrating to you, but it's part of our obligation as a city. We have 1600 people who sleep on the city who i'm responsible for.

*****: [inaudible]

Fish: The eye rolling and the sighing does not serve your cause. [gavel pounded]

Fish: Does not serve your cause.

Adams: Ma'am, you're out the order. You're welcome to sign up for communications if you want. At future council meetings. But in city council, you don't interrupt the person talking. Welcome to sign up for future -- you're out of order, ma'am. Ma'am, you're out the order. This is not -- this is not -- these are the protocols of this chamber. And you're out of order.

Fish: I think this has been a respectful discussion until now and I think we should keep it at a higher plane. Each of you can be part of the solution, help us to get to the place. I want you to understand from my point of view, there's a larger context and that's how we as a growing city meet the needs of lots of people. And I suspect that no matter what rules we set up and what procedures we follow, we'll have people who would prefer not to have a toilet, a shelter or feeding program in their backyard. I get that, but as a city, we're also obligated to meet those needs. This has been a healthy conversation and I appreciate the emails but I want to find a way to get to yes in dealing with these issues, not just getting to no. I thank you.

Adams: My job is to maintain a level playing field for everyone to participate. You're welcome to spend three minutes saying whatever you want to the city council. But you sign up to do that. It does not happen in terms of comments from the audience without the protocols being adhered to. Thank you. Sue, will you please read the title for council communications item 1634.

Item 1634.

Parsons: She's rescheduled.

Adams: Please read the title for council communications item 1635.

Item 1635.

Adams: Mr. Long, welcome back.

Charles Long: Thank you.

Adams: I think you know the protocols.

Long: My name is Charles Long. The day following a police union's bizarre march on city hall, the ministerial alliance held a protest of their own. On the steps of the justice center. Their plea and frustration reflected the overwhelming sentiment of the citizens of Portland regarding the pious and arrogant self-righteous posture of a police force that never ever admits error. Excuse me. The alliance mentioned many egregious assaults on citizens but I wanted to mention this morning. First, the killing of Kendra James, an African American woman. On the morning of May 9th, 2000. And secondly, the killing of James Perez, a young Latino African American the following march. Both were unwarranted police killings and both cases the officer was not indicted and as I recall, neither improved from the -- removed from the police force. Steve Duin last Sunday mentions other egregious police actions including the death of James Chasse. I attended a protest of the ministerial alliance and was present when they -- alliance and was present when they stormed city council to receive justice, which they never received. I attended the memorial services. And an recall that Commissioner Leonard attended Mr. Perez's service near my residence. I asked the council clerk to give the council copies of the memorial service bulletin that you may appreciate the amplified loss of a young man whose future was snuffed out. The pathos and sorrow at each act of police brutality. The meaning of the police unions on city hall is not only the lack of accountability, but the lack of submission to civil government. I do not believe the Portland Police Union can control this city. Thank you.

Adams: Thank you for your testimony. Sue, please read the title for 1636.

Item 1636.

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Adams: Mr. Borland, please come forward. Welcome to the city council chambers. First and last name.

Allyn Borland: My name is Allyn Borland. And I'd like to inform the city about a new viral method of earning revenue that the city could take part of. It's a website service called Blastoff. And it's set up like Facebook and it's free to join. And what it provides is a free home page for anyone who joins and that home page includes several features. The key feature can help people save money and make money is it has an online mall. It partnered up with 400 retailers and they have the best prices. My wife, for instance, just rented a car from Enterprise, which was going to cost \$250 and through Blastoff site, it costs only \$170. That saved us \$80 there. And when anyone makes a purchase through the Blastoff site, they get a commission which they pass offer to the member. But it not only goes to the member, but the person who invited them as well. If the city decided to join -- make a Blastoff site, they wouldn't do it as an endorsement, but a benefit to the employees of the city and the departments can pass it on to their employees and they can earn extra revenue for their families and all of that would produce extra commissions that the city and different departments of the city could then use. That could help provide -- I mean, if the city set up a Blastoff site, they could send it to the police department and they could send it to the police force and that could earn extra revenue for the police department itself. And the school board could send it to the faculty which could send it to the students. Students being a different case, because they're minors, they need their parents' permission to join. And can't get the commission. It doesn't disappear, but goes into a college fund that they get distributed when they turn 18. It can help provide revenue for the city and help families in -- of the city in this financial times, and it could help provide education for students as well. And --

Adams: What's the under.

Borland: www.blastoff4successus.com.

Adams: Is this something that you created?

Borland: No, it's in a beta and it's already been growing faster than Facebook. It's going to go everywhere as soon as it goes public. As soon as it goes public -- by the way, some companies are already taking advantage of it. Pizza Hut is going to put it on their boxes. [inaudible]

Adams: Thank you, Mr. Borland, appreciate your testimony. All right. That gets us to the consent agenda, and I -- or somebody has pulled 1667 and requested it be heard along with 1674. Are there any other items to be pulled?

Fritz: 1665.

Adams: 1665. Any other items that need to be pulled from the consent agenda items? Not hearing anything. Sue, please call the roll on the agenda items.

Leonard: Aye. **Fritz:** Aye. **Fish:** Aye. **Saltzman:** Aye. **Adams:** Aye. [gavel pounded] consent agenda item is approved. We have a time certain at 9:30. Sue, can you please read first reading of a non-emergency ordinance. Item no. 1637.

Item 1637.

Adams: Good morning.

Troy Doss, Bureau of Planning and Sustainability: Good morning.

Adams: How are you?

Doss: Good.

Adams: Do we have an amendment for this?

Doss: I don't believe so at this time.

Adams: Ok.

Doss: So I would suspect we'll be discussing one later -- I'm Troy with the Bureau of Planning and Sustainability and with me is Laura with the Urban Design team.

Lora Lillard, Bureau of Planning and Sustainability: Good morning.

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Doss: We're here to present a the conclusion of the a project. And the 2004 council adoption of the green way development plan for south waterfront. So we're here to talk about, we have a series of code amendments and design amendment that's deal. We were asked to address a few other issues, cleanup issues in the zoning code. Our project partners in different aspects of this proposal and we worked with the parks and recreation, Portland development commission, bureau of environmental services and bureau of development services and I should note with us today is -- sorry, mike from walker macy's, our consultant and the main consultant on the greenway development plan adopted in 2004. And they're all our partners in terms of this project and the conclusion of the north district work that council reviewed just two weeks ago. And we had a lot of public outreach with the original greenway --

Leonard: If you pull it right in front of you --

Doss: Thank you. Our original greenway partnership group, not meeting frequently, but early in the process and continually with the urban renewal advisory committee and met with sweeney parks board, the south Portland organization and Portland parks board and others who asked to present to them along the way. So the greenway amendments. The primary focus was to follow council's directive -- 2004. To -- there's a reference in the code today as in the design guidelines to this plan, but the plan wasn't adopted when the code was originally adopted in 2002. There was a little bit of a stumbling block there. We were asked to found a way to allow this could be reviewed more efficiently by the bureau of development services and serve the applicants better when they chose this option. The concept itself deals with various components. There's a strong habitat component to the north and to the south. There's more of an urbanized aspect and then there's a trails component that weaves through the entire trailways. So what we chose to do, rather than put in development standards as is common in the rest of development code. The best approach would be a type three design review. Continuation involvement by the stakeholders. And there were on the order of 150 different entities that took part in the crafting of this in 2004. Each addition review comes before the design commission. It allows them to go through the hearings, two to three hearings process and should there be an appeal, it's brought back to the city council rather than luba where it would be handled outside of the jurisdiction of the city in many ways. How the design guidelines work, i'm going to have laura take over for a second.

Lillard: This slide is taken from the guideline document page 9. Basically a roadmap for how the design guidelines work. What you're looking at is on the upper left of the page, design guideline heading, which states the broad objectives of and then there's a lengthy background statement which describes what the design problem is or the issues that necessitate the need for the design guideline. There are images throughout that support the background statement and then the design guideline itself, the language serves as the approval criteria for the applicants. Following that, we typically do a few examples and graphic and written descriptions of what the design guidelines may do. And these basically answer the question. What is an example of how to accomplish this design guideline. And we usually provide anywhere from two to six examples of how to accomplish the design guideline itself. It's not meant to be an exhaustive list. There are many creative solutions that are not illustrated here and this is part of the reason -- this is part of what the design review process is intended to do. Allow flexibility of the design which meets the intent of the guideline. So these are descriptions of how one might accomplish the design guideline itself.

Doss: So the process this document was updated -- I should say the entire design guideline was updated as well. The graphic imagery, was carried over from the original one. New ones were included. The formatting was worked through with the design commission through a series of public briefings and work sessions and hearings were the design commission and planning commission this last fall. And andrew is here to provide testimony and answer questions you may have.

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Adams: I don't want to interrupt your flow too badly but since the design commission took this up last fall and today, what has changed in the document?

Doss: Nothing has changed since we've spoke with the design commission.

Adams: Ok. And were audubon and ugi involved?

Doss: Ugi?

Adams: Urban greenspace.

Doss: Well, we put out a notice of all the hearings, as well as our open house events to all the stakeholders involved in this. They were pretty well intended. And we had actually interest after the first open house, the subsequent open houses by the south waterfront community. We did a follow-up meeting with them. We did not contact all 150 who were originally involved by phone or

--

Adams: Did you email them?

Doss: We did not email, we did the typical --

Adams: And did you read the second letter from the urban greenspace institute?

Doss: Yes, I have.

Adams: And your thoughts?

Doss: Specifically?

Adams: About the issues they raised, deemphasizing habitat restoration as a priority on the greenway was a concern.

Doss: I would disagree. If you look at the guidelines, it's broken into various components. The first one deals with the overall development inside south waterfront. The second session of the design guidelines, deals with greenway approaches whether or not you're following the -- and the last section is a new one. We added that to deal with the greenway option and it's there that you find the habitat interest. That's where that focuses if you follow that option. Those guidelines are not applicable if you're an applicant proposing the other -- if you're meeting the standards or coming in with -- everything we've put into the design guidelines to deal with the greenway development plan or amendments we've put in the code to deal with that, are existing, we've cleaned them up to make them more efficient and added nothing new here.

Adams: There are specific concerns, seem somewhat modest, asking to incorporate images that -- and modify the narrative on the north greenway reach to reflect restoration objectives.

Doss: It's typically to the north greenway reach. All of the imageries came by those adopted by parks and city council. To say they're not reflective of the approach, we would disagree as does parks and other partners in this project we've talked to. To ignore that would be to ignore that plan. To say those images are exactly what is going to happen, that's false too. We have learned lessons, the lessons that are indicated in this letter that there's been a process with noaa Fisheries. When the greenway process was adopted in 2004, there was not lot not known yet. We didn't know what the subservice conditions along the bank were going to be. We wanted some flexibility. Rather than development standards that were black and white and rigid. We wanted flexibility so we could anticipate those unanticipated events such as the direction we've been getting from noaa. Regarding the imagery, one photo that's been discussed as being inappropriate is up on the screen now. This one on the lower right-hand side. This is from the riverbank restorations done by the city and the one thing we're focusing on here is the trail. Some of the bank treatment you see further off on the photo is not something that might be approved by noaa today. That's not the focus of this image. It's how to get the trail. If you look at the combination of the image and the text, that's how we apply these guidelines. They don't look at every image that's in there. There's a lot of things you could probably pull out, that is not what we're talking about. That's not the focus. It's the trail and how it provides the cohesive connection down toward the river. A lot of the images discussed are carryovers from the original design guideline package adopted in 2002. Some are.

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Adams: The large activity area -- community garden, river overlook dock, restroom. Given these uses, it's difficult to understand how the goals can be met in the north reach.

Doss: The guideline refers to the background document. It's just the greenway development plan. That's currently, when we're saying an applicant is going to follow the plan, in that reach, they're asked to consider those things, as well as the habitat component. It's an essential part of that plan and one that many stakeholders feel strongly about. I appreciate the concerns that habitat isn't the only focus of those, but it wasn't the only focus of the plan. There was also supposed to be a public recreation component, a trail component, a bike commuter component and a number you have other things. If you come in and chose nothing but plaza and turf area, you would fail to meet that design guideline.

Fish: May I ask a clarifying question?

Doss: Sure.

Fish: What's before us has do with design guidelines applicable to south waterfront and to the greenway, correct?

Doss: Yes.

Fish: So essentially two components. I got a letter that I think you're referring to, although I think I got some earlier -- an earlier version, like an email that summarizes concerns and there's about 17 -- 17 specific issues, mostly related to habitat and like 15 pictures and comments on pictures. Parks has been at the table, mayor, for a long time and parks have been working to get to this point. But i'll say that on these comments, I went through them last night and tried to cross reference them with the actual plan documents but i'm not that smart. And I wanted to get a sense of you -- from you, as to how you would like to use the time today. Because --

*****: [inaudible] three issues.

Fish: You --

Adams: I'm airing out three issues with staff because I know they'll come up in testimony, is that all right?

Fish: Are we going to have a discussion limited to the greenway, asking staff to give us a written response to some of these comments and postpone addressing that versus addressing it today?

Adams: Because we're visiting our own specialty areas, I wanted to air out three key concerns that i've heard which is not the exhaustive list. Give you an opportunity -- and I appreciate your forbearance in hearing staff's response. This is not an emergency. So it would be just an initial airing out. Give you a chance to digest that and get back to us with any additional issues or your take on the three issues we're airing out.

Fish: In the past when we've had an issue, something comes up, and when we've had staff come back with responses to questions prior to the vote, I have found it very helpful. It allows me to know whether there's an open issue in my mind. I'll try to follow this colloquy. But it's not helpful to me in terms of understanding the issue.

Adams: I appreciate we all have different processing styles and these three key issues I wanted to get it out not public dialogue as well. So we'll definitely have staff respond via email. We're not voting today. This is a first reading. And then there might be other reactions as well. So i'll try to move it as expeditiously as possible. The issue of piling.

Doss: There's existing code language that's citywide and deals with -- I believe you're talking about a code provision that deals with exemptions towards dolphins in the river. There's river plans addressing that in the north reach. My understanding is that exemption continues despite the code updates. We didn't challenge that or the development standards in the code because that wasn't our directive. We were to find the greenway plan operational. That's something that could be handled by the river plan as they do the central reach this year, but it hasn't been a focus of our project and didn't come up until recently.

Adams: The last issue for me, the request to be clear from us on coordinating.

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*******:** Yeah.

Adams: Moving forward.

Doss: I think there's an interesting suggestion about working with the bureau of healthy rivers. It's a new entity in terms of this. We would have been working with had they been in existence. It's an unique project in probably that definitely every commissioner here owns a different implementation aspect to this. The parks and pdot, to healthy rivers. There was a note that there was comments from bes that weren't incorporated. We did receive and had dialogue, and we believe we satisfactorily answered questions and we've had no further correspondence since then.

Fritz: I'm certainly interested with the office of healthy working rivers to provide that coordination function. I'm concerned about having the code language correct so that we can then help with coordinating. I'm listening to you and in your response to the mayor regarding the 2004 plan and previous plans, i'm concerned one of the challenges we have is those plans are not working out as we hoped and there were concerns when I was on the planning commission in 2001 as it was going through, the greenway was not wide enough, the setbacks were not correct and we're reading from the design commission, they're feeling that the greenway feels like private space and this is their recommendation how to fix that. I'm not convinced we've got to that point.

Doss: I can comment that we really don't know in a lot of ways in that we have a lot of good language out there and good intent but actual greenway improvement project has yet to occur in south waterfront. We hope this face phase is going to help us test the ideas and the guidelines and other implementations of it. But the reality is, no improvements have occurred.

Adams: Don't we also have to find a way to pay for it too? I'm not sure we have the money to do this yet.

Fritz: It's a fundamental flaw. There were zero dollars allocated in the south waterfront plan, the macadam plan for greenway improvements. I think that's a challenge. But we've got development in the rest of the district, which we had a discussion a couple weeks ago about native plants and that district was supposed to be special to the river and i'm not sure we're there yet.

Adams: Other council discussion? Amanda, like to respond to the charge that the office of healthy rivers failed to weigh in last year.

Fritz: I got elected as quickly as I could, commissioner Fish.

Adams: Help was on the way.

Leonard: You're still on your presentation.

Adams: We were pausing there for discussion.

Fish: Mayor, that was helpful, thank you.

Adams: Can you wrap it up?

Doss: A couple more items. There were code amendments that were part of this thing that were unrelated to the greenway. One of them, quickly, there's a required residential area in south waterfront, much like the pearl district. There was a fear that residential development wouldn't take hold and there was a target requirement. And it's been successful and don't feel this requirement is necessary and moreover is an impediment to people like vestas if they choose to develop in the future.

Fritz: Because there's residential high rise -- it's a very good thing, so congratulations.

Doss: Thank you. And next is an exemption on hotels. Right now, we have a -- we intended to have hotels as part of the south waterfront district, or a hotel. However, we put in an exemption trying to block big box retail because of transportation concerns back when the project was adopted in 2002. Unfortunately, we failed to recognize that hotels are designed as a retail sales and service use. So we inadvertently fail -- we want to allow hotels to be part of the mix. This puts an exemption toward hotels.

Fritz: Do we have a definition of hotels?

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

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Adams: A citywide definition.

Doss : Over, and then finally, the street plan amendments adopted in -- two weeks ago by council. You're familiar with this. We changed the north district street plan to accommodate light rail and future campus. Zidell campus. There's about three different zirconium maps in the district that reflect the prior street plans and we need to amend those to catch up with council's action on the street plan. And lastly, there was a request by the -- i'll go through this quickly -- to add a new component. This is the only new thing being proposed in everything we're presenting today. We're not seeing the activation with retail. Along the greenway and street, across from parks, key intersections. Fastly, this map shows you there's red areas where the retail is currently concentrated. These areas that are dark shaded is where we want to activate the key intersections and public spaces. What we propose do was to create a new guideline that talks about activation along the river. In this case, it's not in the greenway. This is the interface set back from the greenway. Where you would have a café or a restaurant. At certain locations. And then we would have new code section that basically says when you find locations that are darkened on this map, 51021, 50% would be dedicated to a retail and service use. You will note that prior locations were removed and that happened at planning commission and design commission is aware of this and focuses the greenway with retail. Where the old spaghetti factory is and a site across from there and at gibbs street. And that would be basically ending -- before you get to the greenway setback, along a plaza space, been designated --

Fritz: Does it encroach further into the greenway?

Doss: It does not. We're following to the design and planning commission to adopt the zoning amendments as proposed. And one our design commissioners is here if you have further questions.

Adams: Initial conversation from council?

Fritz: I have a question about exempting channel maintenance and i'm not sure --

Doss: It's existing code.

Fritz: Yeah, what regulates channel maintenance.

Doss: Quite honestly, I couldn't answer that question.

Fritz: If you can get back to me, that would be great. I'm thinking we might want to have additional review by the city, given our extra operations for --

Doss: It's my understanding that most of the water work is handled by the army corps and state division of lands. I think we have limited authority, but I can't tell you that for certain.

Fritz: I think we'll have conversations about the north reach plan and how that relates.

Adams: All right. Unless there's additional council discussion. Sue, how many people signed up. I appreciate your work. It's been a lot.

Parsons: We have two people.

Adams: Good morning, mr. Houck. Welcome back.

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

Adams: Welcome to the city council.

Mike Houck: Mayor and commissioners, my name is mike houck representing the greenspace institute and the audubon society. Mike could not be here because he's at a park board retreat. I want to emphasize, it's been brought up and i'll do a mea culpa. You know us well enough that we prefer to have our input long before something reaches you folks and the fact of the matter is that both bob and i, me going back, I think 1999 or 2000, participating in the original discussions about the greenway and have had a long interest in this subject. I don't know what I can do to explain why we were not engaged in these interim steps. All I can say, I personally was not aware of some of the issues that we've expressed our concerns about. So i'll leave it at that for now. And i'm hopeful our comments, in fact, are not too late to be factored into the process and have an impact on the result. As was pointed out, actually, bob put together very detailed comments that you have

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access to. I just want to I guess reiterate at this point -- it sounds like my testimony has been presented and responded to. Our main areas, at each iteration of this process -- and again, i'm going back to around 2000, where it was understood there were trade-offs regarding the width of the greenway and height of the buildings and so forth. And this was envisioned as an exemplary opportunity to integrate the natural environment is a built environment and again, looking at the images and each iteration of the process, that there's been what I guess I would call hardscape creep.

That the emphasis on habitat has gotten less and less at each iteration. At least it appears that way to us from the images and pictures are worth a thousand words. Secondly, as we point out, there are issues with noaa Fisheries that don't seem to be addressed in the document. That's a concern. And the final is coordination, as we pointed out in the letter, we're not about to suggest to you which entity is the best one to do the coordination, but it was brought up that the office of healthy working waters may be appropriate given that seems to be the preference. So again, i'll just close by saying, we're hopeful that our suggestion successions will ensure ecological objectives that we believe have been an integral element of the greenway concept that seem to have been decreased over time are addressed and we're happy to work with staff to respond to some of those issues and give examples of what we're trying to get at.

Adams: You've been very problem-solving oriented and I appreciate that. Before the end of the hearing, i'll give you my thoughts on next steps.

Fritz: If I might comment. You've shown why it's helpful to send in testimony ahead of time. It was last minute, which is why the mayor haven't had the chance to talk about it. For those watching at home, the earlier you send in the comment, the better we can respond and coming to the council meetings can be helpful too.

Houck: We did give a heads up to staff and different bureaus and this was not to try and derail the process. But to try to make a better process.

Adams: Sir?

Andrew Jansky: To answer your question earlier, the corps coordinates the dredging and they coordinate with other agencies.

Adams: For the record, I have to have you say your name.

Jansky: Andrew, a member of the design review commission. I would like to thank you for reconfirming my position on the design review council. The second term has proved to be much different than the development frenzy that shaped Portland in the first temple. I'm here to read into the record a letter from the design commission supporting the ordinance.

Fish: We can structure an ordinance that challenges the siting for the loos for the design commission if you would like more work. Commissioner Leonard, i'd hate to see them idle. [laughter] you can handle the public hearings and send your recommendations to us.

Adams: But you were saying?

Jansky: The comments from audubon and ugi made the rounds yesterday and prompted numerous emails amongst us and design review was compelled to prepare a response. Hopefully, this doesn't count against my three minutes. To the members of Portland city council. The Portland design commission appreciates this opportunity to clarify our rationale for requesting active retail uses at limited locations along south waterfront greenway. Our push for suggestions to greenway zoning grew from incidents where there were tours along the river's edge who were confronted by south waterfront residents who believed it was their private property. It became clear that the greenway was shaping newport an amen at this time that feels like private space to those who live close to it. The design commission is particularly concerned about this unintended consequence of the current broad zoning language because the public has and will make significant investments in the river restoration in south waterfront's development in general. Today, there are few places for Portlanders to connect with the willamette river. Therefore, we believe the public should be drawn to south waterfront and greenway to see and enjoy our river. There are two nodes along the south

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portion, we hope developers will create a few places where the public can stop and rest and enjoy the river. It should be noted that had south riverplace and all the way around the waterfront pathway loop south of omsi, there are few opportunities to stop and rest and get a bite to eat while enjoying the river. Should the status quo be maintained, it risks becoming much like the rest of the river loop. Just passing through the trail rather than a trail that encourages the public to contemplate the beauty of the river. The difference is that active use has been interpreted to date as front yards for private townhomes. In the commission's -- it is the commission's belief that these limited nodes of active retail will better serve trail users and signal that it's a public amenity at this time and create a higher safer functioning facility for all users. The photos included in the documents are not meant to be prescriptive we believe the design commission has a challenge in providing visual examples of how this river activation might be met. We believe that the perfect combination of a restored natural environment and beloved public amenity at this time may not exist but the design commission believe it is can. Portland might be the first city to broker a comfortable habitat for all the city's inhabitants. The design teams who have worked on the properties lining the green way have met the challenge of building a built environment in an environmental zone. It's our belief that the design team will continue to successfully develop the river's edge and it's our hope that the public can enjoy the great river running through our city. Thank you for your consideration today. I wanted to move into my --

Adams: Oh, that was --

Jansky: Two minutes?

Leonard: [inaudible]

Fritz: But he's on the design commission.

Jansky: I would like to speak briefly as the design review commissioner about --

Leonard: [inaudible]

Jansky: The guidelines and codes directly address the upland, hardscape and public experience, elements in the national marine Fisheries jurisdiction are not relevant. Staff attended numerous work sessions and public input was received and direction provided to staff and it was considered and integrated. Additional public comment was accepted later at the planning commission and additional minor changes included. The packages presented represent the product of a working public process. The design guidelines are an effective tool for people interested in building in Portland and for us to show a theme, idea or concept. It's not a cookbook and examples are not hard and fast. Imagery is provided to tie the text together, not the final representation. Our commission and staff spent effort selecting images but it's possible to read too much into them if taken out of context with the written word. Finally, as an expert working on the river here, I would like to provide perspective on nmfs. It's to protect and enhance the existence of endangered Fish and their habitats, not human habitats. There's an involved federal permit process. Audubon comments may be relevant on two city projects currently in design -- south waterfront and centennial mill -- but not the planning context of the current ordinance. The comments bring up future debate. River renaissance -- the two groups are starting to form and limited willingness to propose is being demonstrated. Part of the group thinks the river should be maximized for wildlife and the other group thinks it should be maximized for commerce, public and jobs. We're in gridlock.

Adams: No, we're in Portland and we figure out how to make both things happen and work. You're going to get the chance coming up in a couple of weeks open on a number of river issues. Nobody knows that is better than commissioner Fritz.

Houck: I would like to reiterate on the compromise issue, we've been at the table for over 10 years and we're very interested in integrating the built and natural environment for people and wildlife and we've made that clear throughout the process.

Fritz: I agree we can have both. Thank you for your service on the design commission and thank you for knowing the answer to my question. Which answers a number of my other questions for

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evaluating the approval criteria for these decisions. Can you tell us -- you said you had several hats. What's your professional background?

Jansky: I design -- i've done a lot of parks, east bank, south waterfront, the design, centennial mill. Basically, most things that's been done in downtown Portland on the water in the river. I work in permitting with national marine Fisheries.

Fritz: There's expertise on the design commission to be able to evaluate he these kind of --

Jansky: But all of the code -- all of this had no -- there's nothing really in the code that is applicable to national marine Fisheries comments because it's all on the upper -- in the retail core. It's a whole different language.

Fritz: But the approval criteria for the greenway are things that the design commission either in a [inaudible] has to review those and decide if the proposal does or doesn't meet. Is the design commission the right entity to make that call, is my question.

Jansky: No, no, things get a little odd when you transition from the top of bank into the river. So the codes and regulations overlap. Nmfs try to come out of the water a little bit and the city goes down into the water a little bit. There's some overlap.

Fritz: Ok.

Jansky: But it doesn't -- it doesn't necessarily -- nmfs doesn't regulate a parking lot or ground floor retail or any of the pedestrian level improvements in the greenway at all. Unless we want to go down into the river and create a dock or public access path in the water.

Fritz: That will be something to continue to work on, how we're integrating what nmfs is asking. The other thing i'm asking, there's a current use on the greenway with a restaurant with an outdoor space and i've experienced that from both sides. As a pedestrian, it feels awkward walking through what appears to be a restaurant outdoor seating. As a patron, it feels odd to have sweaty runners within a few inches of the table in that space. Do you think the current design guidelines are going to correct that in the south waterfront area?

Leonard: [inaudible]

Jansky: I think it's probably a matter of perspective. Because some of the architects on the commission might think that's very healthy and vibrant to have the intermixing -- i've learned all of these words as an engineer. The intermixing of the different types of people and different spaces could be seen as good, or you could experience it as bad. But the new rules are trying to encourage more activity on the greenway. Right now, there is no activity. What we saw is people's backyards and nothing was going to happen. Because the best thing to put in there was a condo and once you put it in a condo, it's locked up forever. It will never really changed. So we were concerned we were going to have 6,000 feet of people's backyards with no activity on the water.

Fritz: Moving forward to commissioner Fish's point, we need to figure out a funding strategy. If there was an actual greenway trail, that would be different. Those are the things I want to work on.

Jansky: One of, I think, the biggest -- what we're starting to experience as a problem, I think it's a fundamental issue with the statewide goal 15, the greenway trail, which requires public trail on the water. How we have interpreted that is to require a paved greenway trail within 25 feet of the bank and now we're trying to implement that and that's running head long into habitat restoration goals. In my meetings with nmfs, they don't like the trail. Because it's hardscape.

Leonard: They didn't have regulatory authority?

Jansky: They don't, but we sit and say, let's to a riverbank restoration and create great habitat and then plunk a trail right on top, which undoes some of that benefit.

Adams: I appreciate the opportunity to air this out. We had reserved the 45 minutes on council to do that. And we're at the end of that. This process will -- i'd like to have the second reading -- do we have a date scheduled for the second reading? Just to try to instill some discipline of getting this done, I know you've been working on it a very long time and it's very difficult and I want to

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underscore my thanks and appreciation for this very good work. These are hard decisions and council be warned, in the three, four months ahead, we have gnarly issues. Is there a time at the end of January?

Parsons: January 20th and also the 27th.

Adams: The 27th at what time?

Parsons: That would be at 10:00.

Adams: Ok. So if it's ok with council, I'd like to continue the hearing to January 27th at 10:00.

January 27th at 10:00. All right. So accomplished. [gavel pounded] thank you. That gets us to the items pulled from the consent agenda one will be heard as part of the 1674, but there was an additional one, 1665.

Fish: If I could, because Andrea has another commitment, can we pull her up to do that quickly.

Adams: That's item number --

Fish: That's 1667.

Adams: 1667. Can you please read the title for 1667?

Item 1667.

Adams: Commissioner Fish.

Fish: Thank you, Mayor. I'm pleased to introduce Andrea of the new Portland Housing Bureau and thank the Mayor for joining us tomorrow at 4:00 for the ribbon cutting at our new space. Which will under one roof house staff from the Public Development Commission from the former BHDC. Andrea is here to share good news about a lead paint grant we were awarded and I want to publicly commend her who wrote and secured the grant for the City of Portland. This is the fourth consecutive grant awarded to our community and this resource has helped hundreds of households prevent lead hazards.

Andrea Mattheissen, Portland Housing Bureau: Commissioners, good morning. As the Portland Housing Bureau asks you to accept this \$4 million federal grant, I wanted to give you a brief description of this program. The \$4 million will be spent over three years and we anticipate that it will make 375 low-income families be able to live in houses free from lead paint. Over 40% of our housing stock in Portland was built before 1978 when lead paint was banned. And before 1950, it's highly likely that there's lead paint in the home and then children at risk of becoming lead poisoned. The geographic area for this grant is all of Multnomah County. As well as Washington County and Clackamas County. So it's a very collaborative grant and allows us to work closely with the Multnomah County Health Department as well as some of our jurisdictional partners in Gresham, Troutdale and elsewhere. As Commissioner Fish said, \$13 million has been received from HUD under this program since 1998 and it's allowed us to make approximately 1200 homes lead-safe.

Protecting over 2,000 children under the age of six from the harmful effects of lead poisoning. The match for this grant is provided by the Portland Water Bureau. 475 they budget over the life of the grant and that's ratepayer dollars for education and outreach services in the community as well as blood lead poisoning services in the community and there's resources are contracted out to seven community-based organizations to provide those services. The grant also has a signal amount of money to support some economic development capacity work. Small contractors are provided training, education and funds to become certified lead abatement contractors and supports the work of the program as well as increases jobs in the community. Lastly, in addition to providing resources directly to homeowners and private landlords, this fund is also used as a development tool for some of our affordable housing partners, the Housing Authority the Portland, Reach, PCRI, as a tool that allows them to acquire and rehab property that would otherwise have lead-based paint hazards.

And we can address them as part of the development process. So any questions?

Fish: Now you know why I'm proud of Andrea's work and I want to thank Commissioner Leonard from the Water Bureau for the match.

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Mattheissen: And without that match, we would be not as competitive as we are. So we pretty much appreciate that.

Adams: I've had the opportunity at the east Portland --

Fish: Community center?

Adams: No, the east Portland summer event -- the expo, I think it was called. Where one of your contractors tested my blood for lead. The [inaudible] clinic.

Adams: And whatever mental health issues i'm having cannot be blamed on lead.

Fish: We've eliminated lead?

Adams: They were great. They had a good sense of humor. I cried only a little. [laughter] so, thank you.

Fish: And mayor, we will also with -- the council will have more regular contact with professionals throughout the organization doing great work and we didn't want to miss the opportunity to share the good news on the lead abatement program.

Adams: Thank you very much. Anyone wish to testify on 16 -- or, on this matter. Sue, call the roll.

Parsons: Moves to second reading, I believe.

Adams: Sorry. I see, because it was on consent. Can you please read the title for pulled item no. 1655?

Item 1655.

Adams: Commissioner Fritz.

Fritz: If you can pass out the amendment. It's odd to be talking about this grant. But it's in celebration of national women's health week, which is in may and we're proposing to do outreach to women living outside. And the grant amends the partners, our partners are going to be dinner and a movie. Home pdx and the emergency shelter and we're going to attract -- encourage -- work with our partners to do educational outreach to women who most need it.

Adams: Fantastic.

Fritz: Minor amendments to the wording of the grant application.

Leonard: Second.

Adams: Sue, please call the roll on the amendment.

Fritz: Thank you, I want to thank sarah who has worked diligently on this. Aye.

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

Adams: Aye. [gavel pounded] the amendments are approved. Unless there's anyone who wishes to testify on 1655, please call the roll on the ordinance.

Saltzman: It's a first reading.

Leonard: Aye.

Adams: Ok.

Fritz: And again, thank you to the city employees and visitors to the Portland building for the socks that are flowing in. There's two more days to donate socks. Aye.

Fish: Aye.

Saltzman: Good work, commissioner Fritz. Aye.

Adams: This is excellent. Appreciate your work. Thank you. Aye. [gavel pounded] 1655 is approved. Please read the title for ordinance street vacation 1671.

Item 1671.

Adams: This is a first reading so hearing only. Is there any discussion or questions from council on this item?

Fritz: I would just like to thank, are you Lance? Thank you very much and for dee walker who answered all my questions ahead of time.

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Adams: Unless there is anyone who wishes to testify on 1671, then it moves to a second reading. Thank you staff for your good work. Can you please read the title for second reading vote only on 1672.

Item 1672.

Adams: Please call the vote.

Fritz: Well, thank you mayor adams and the staff in transportation for briefing me on this street vacation and others. There is some very diligent work going on and when we vacate a street, it means its no longer available for public transportation use except for when we're reserving easements for that use. So it's an important decision and I appreciate the staff's work on it. Aye.

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

Adams: Good work staff. Aye. 1672 is approved. Can you please the title for 1673, emergency ordinance.

Item 1673.

Adams: Morning, miss simms.

Jennifer Simms: Jennifer simms. This proposed ordinance provides support and direction to the city's new enterprise business solutions system. First it continues and formalizes the governance structure put in place that successfully implemented the system and includes continuation of the independent citizen review panel, sets out operating principles that provide direction to maximize the city's investment in this critical business system.

Adams: Just the succinctness of your presentation is excellent. Previously we had a longer discussion, and you had a longer presentation when it was item 1626. The difference between this item compared to that item is what you noted, and I just want to underscore for council the continued outside expert review that provides us with the second and third opinions on all aspects of the sap project.

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

Adams: Cities enterprise business solutions part. All right. Is there council discussion with miss simms?

Fritz: I have some questions, and you may have answered these before. The mayor and I were both late at a Portland planning meeting last night, so my brain is functions today. Any recommendations can be bestowed by the chief administrative officer. Will the council know about those vetoes?

Simms: We haven't planned any particular communication except through the regular meetings that we would have with you. And I think you said that was good.

Fritz: Thank you for reminding me.

*******:** So we did answer these questions.

Fritz: Again, forgive me. The rotation between police and fire, order of bes.

Simms: Would be in consultation with those directors, their availability and interest.

Fritz: Thank you.

Adams: Unless there are additional council discussions, is there anyone who wishes to testify on emergency ordinance 1763? Sue, please call the vote.

Parsons: I understand we have an amendment that was in your packet to add that paragraph for the outside review.

Adams: So moved.

Fritz: Second.

Adams: And seconded.

Parsons: Seconded? I'm sorry. Thank you.

Adams: Please call the vote on the amendment.

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

Adams: Aye. Please call the vote on the underlying ordinance, 1673.

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

Adams: Aye. 1673 is approved. Can you please read the title for nonemergency ordinance 1674?
Item 1674.

Adams: We also will be considering this in conjunction with -- we did that already.

Fish: It's freestanding.

*******:** Good morning.

Fish: Could I just speed this up real quick?

Adams: Please.

Fish: Eric johanson and off 88 mina will present about the mortgage credit certificate program, an important city tool to help increase home ownership opportunities for low income and communities of color in Portland. Creating these opportunities are important for a number of reasons, including we are nearly 10% behind the nation's national home ownership rate of 67%. Here in Portland, we're at 57%. Now is a good time in Portland to buy a home. The market has opened up, and tool helps create opportunities particularly for first time homeowners. The current median home price in Portland is \$245,000. A family of four earning \$70,000 a year would qualify for an extra \$15,000 in lending using mcc. In other words, they would qualify for a \$295,000 of financing, not simply \$280,000 of financing. The difference means greater housing choice, closer to transportation parks, friends, and family. At a time when our city has many demands on it, the mcc program provide as cost-effective way for us to meet our housing goals without impacting our limited resources. With that, i'd like to turn it over to eric and javier -- javier.

Eric Johansen, Office of Management and Finance: This authorizes \$80 million of mortgage revenue bonds. The bonds will be converted pursuant to irs rules. In 2007, we authorized \$20 million of revenue bonds and converted that authority into \$5 million of certificate authority. That has now been completely used in issuing mortgage credit certificates, so we're back to ask for an expansion of that program and extension. With approval of this, we'll have the ability to offer now \$25 million of mortgage credit certificate authority going forward. This is the first step in the process of gets private activity volume cap and then ultimately being able to offer a larger program to more citizens of the city.

Fish: When you talk about private activity, bond cap, we're talking about submitting an application to the state treasurer who has a private activity bond committee, and we have been pretty successful in the past getting our allocation.

Johansen: Exactly. Yep.

Fish: Javier, welcome.

Javier Mena, Portland Development Commission: Ed Portland development commission n partnership with the Portland housing bureau, administers the mcc program. It is an irs-sponsored program funded through the state's private activity bond. It enables first-time home buyers the ability to claim up to 20% of their mortgage interest rate, which increases their purchasing power and provides a lower tax liability at the end of the year. By increasing the capacity or the ability to -- up to \$100 million, it increases the mcc ability five fold, going from 5 million to 25 million, which pretty much we can help up to 560 home buyers be able to call Portland home. This is how the system works. We make an application to the private activity bond. Once we receive the allocation, we transfer that allocation into mcc authority, and that is transferred over to pdc to administer the program. Pdc has partnered with over 25 lenders to help first-time home buyers, so it is the mcc issued through those private lenders. To qualify for the program, a home buyish must be a first time home buyer with irs terms, meaning they have not owned a home in the past three years. Their income cannot be more than \$75,000 if ahold hold of two, not more than \$85,000 for three. The home has to be owner occupied to claim the credit. These are irs rules that are very simple to follow, and we will do that. In regard to the benefits of the program, it is something that we are able to assist first-time home buyers without really impacting the tax base. This came out of

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"operation home" to help communities of color purchase homes in Portland. We have a specific emphasis to help communities of color through the program. It is available citywide and is one of the few home-ownership programs available citywide. As a result of our first request, which was the 20 million allocation which provided 5 million in mcc authority, we have helped over 125 home buyers. To get an idea, we had three years to utilize that allocation, which meant, by 2010, the summer, we had to have utilized the entire allocation. As of november, 2009, the entire allocation had been either committed or issued, which proves the need for the program as well as the partnership that we have with the private lenders. We have 25 participating lenders. We have strained 147 loan officers out of the participants, 30 of which are very active in the program. It is only through their actions and activities that the program can be successful. With that, we have leveraged \$25 million in private lending for mortgages. We hope that you pass the program. We look forward to the continued success of the program. We have gained momentum through the first-time home buyer credit, and we look forward to the new allocation. Thank you.

Fish: Just three quick comments if I could. First, as a result of the reorganization of the housing delivery systems of the city, the home buyer programs will now be housed under the same roof that will be the Portland housing bureau, so the programs will be administered by the Portland housing bureau. There will continue to be some relationships with Portland development commission in terms of implementation, but one of the consequences of the reorganization that you and I launched in december is that home-ownership programs will now be under the same roof with affordable housing, homeless, and other programs that we administer. Number 2, as javier noted, this program, this particular mortgage credit certificate program, helps us tackle a continuing challenge we have in our community, which is the minority home ownership gap, and it is a market-based way to help get first-time home buyers, particularly of color, into homes. Third, the \$8000 federal tax credit has had a significant impact locally. We've seen a big spike. You might have seen the paper today. Record numbers of home sales within a certain price range, and that price range generally corresponds to what first-time home buyers are buying, low to middle end. We're seeing a lot of activity. The concern we have of course is if that tax credit goes away, is this just another bubble, something propped up by the tax code and will we revert? But programs like this allow us to continue to backfill to get people into homes. And it's fully secured, so I would urge your support.

Adams: Fantastic. Any discussion from council? Is there anyone that -- thank you, gentlemen, very much. Anyone that wishes to testify on 1674?

Parsons: Veronica has let me know she would like to testify.

Adams: Good morning, veronica. How are you today?

Veronica Bernier: Fine. I'm really probably running. I'm on the run. We're actually running around a lot. The students at Portland state are really running around a lot, which keeps us very trim. I'll sit down. Good morning. Gracious good morning to all of you. Lovely, nice, healthy hip this peering, healthy-looking city council members, especially randy Leonard. You're right on the money there, randy. I like the effort you put into the stuff over the weekend. Good morning. Amanda Fritz, it's good to see you. I like that green on you. It's a good color.

Fritz: Give us your name for the record.

Bernier: Veronica bernier. Good morning, sam Adams. You're right on the nose with all that.

Adams: You like my tie?

Bernier: Yes, I do. It's a perfect roadmap for the city, the department of transportation.

Adams: I took it off of brendan finn this morning.

Fish: You don't think the mayor has the same healthy glow as commissioner Leonard? [laughter]

Leonard: She didn't actually say I glow.

*******:** I wouldn't know. [laughter]

Adams: But you were saying.

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Bernier: Mayor sam Adams, of course this is very serious, and I did go actually out after dark for the international commemoration for the people a aids last night, and we did see you. It was a good speech and very nice food and a good showing, about 250 in the basement here. It was very good. I was glad to hear you come forward with that and especially now when it's so cold. That's a real big issue for a lot of people. Really in support of that as a former nurse myself. I always support people that have illness problems. Also, commissioner dan Saltzman, you did a really good job with that. I read in the paper what happened, and that's such a hard situation to think about in terms of the city and police officers and use of force, this and that. But when officers do come in, it's always a mixed bag, and so we always support that blue line out there. And commissioner nick Fish, of course it's important to keep fighting that battle for affordable housing. I just wanted to say that, as a former nurse myself, I find that it's a really good market, and I support you in your uniform efforts for housing. Portland housing bureau has had one of the most open houses -- housing markets in the neighborhood, and I think in the community, and it's easier for people in this area to get back into housing as first-time home buyers than almost any other city i've lived n so I want to support your efforts. Good luck. Have a nice week.

Adams: Happy holidays, veronica. Thank you very much for your kind words. This is nonemergency, so it moves to a second reading next week. Can you please read the title for nonemergency ordinance 1675?

Item 1675.

Leonard: We have the able representatives from office of manage and finance and the water bureau.

Johansen: Eric johanson, city debt manager. With me this morning david chaff and david hassan from the water bureau. The ordinance before you this morning authorizes up to \$75 million of revenue bonds to finance the water bureau's ongoing capital program. The proceeds from these bonds are expected to fund capital projects over approximately the next 12-14 months for the water bureau. We're anticipating that we'll be selling these bonds at the end of january, closing in early february. And i'd be happy to take any questions.

Adams: Discussion from council with this panel of experts?

Fritz: Is this 75 million in the water bureau's 9/10 budget? Is it used for projects now?

Johansen: For projects now? Dave?

David Hasson, Portland Water Bureau: These monies would be used primarily for projects beginning next fiscal year. We would use some of the proceeds at the end of this fiscal year, so there would be a little bit of use in this fiscal year but mostly for next fiscal year.

Fritz: Do we have a list of the projects they'll be used for?

David Shaff, Director, Portland Water Bureau: I have the chief engineer and my planning director here if you have questions about specific projects.

Fritz: I don't have a list of projects, so I wouldn't know what questions to ask.

Shaff: I'll have them come up and give you a general overview of the various projects that we have.

Fritz: It's a nonemergency so if you could just get me a list.

Shaff *: Sure. We can do that easily.

Fritz: Thank you. You're always very responsive, and I appreciate that. My question question is what kind of citizen involvement there is in the capital improvement project list for the water bureau.

Shaff: We have our budget commit of course, and then we have stakeholder committees on many of our big projects. So, for instance, the current project that we have going at powell butte, has a very involved citizen component working with us and with the parks bureau on things like the interpretive center and the amenities that are going to be built. We've been working very closely with the friends of powell butte and neighborhood associations on their storm water issues. On the

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big projects a lot. On the smaller projects, we will involve the neighborhood when we're replacing a main.

Fritz: How is the improvement project formulated like in public transportation?

Shaff: Through our budget advisory committee.

Fritz: And is the review board involved at all?

Shaff: Yes. They have two members on our budget advisory committee. Whenever one of those two designees can't come to meetings, they have another one come?

Fritz: Are they currently looking at the proposed list?

Shaff: They have. And we have actually a meeting with them this afternoon.

Fritz: And is information on the website if people want to come?

Shaff: Everything we post -- everything we hand out in our budget advisory committees are posted on our website in our budget section.

Hasson: The \$5 million in debt service, yes, is in our financial plan.

Fritz: And do we know what the interest rate is likely to be if we sell them in January?

Johansen: Right now rates continue to be pretty favorable. I think we're definitely under 5%, probably closer to 4.5% right now, so it's still a very favorable market. We've been fairly stable for the last two years or so.

Fritz: Is there anything different about this particular kind of bond?

Johansen: Not really. We're authorizing both the ability to do first and second lien bonds, typical for what we've done in the past. So we anticipate a pretty straightforward issue. The one thing we're continuing to look at is this build America bond option that may or may not make sense for the water bureau in this case. That program, just in a nutshell, allows us to issue taxable bonds and then get an interest payment credit back from the federal government. Some issuers have found that that results in a lower cost of capital to pursue that route, and so that's something we're looking at very closely, not available a year ago because it came out of the stimulus act.

Fritz: Thank you, Eric. You've been very patient with me and my staff over the week we've been asking questions.

Adams: This moves to a second reading. Unless there's anyone here that wishes to testify on item 1675. So moved. Can you please read purchasing report item number 1676? Good morning.

Item 1676.

Christine Moody, Bureau of Purchases: Good morning. Christine Moody, procurement services.

In front of you is a purchasing agent report recommending a contract award to the low bidder in the amount of \$1,092,519 with a bid coming in 37% lower than the engineer's estimate. The bureau of transportation level confidence rating is optimal. The city entered into an intergovernmental agreement with the Oregon department of transportation to implement this plan. Funding for the project is a combination of federal, surface transportation program, American Recovery and Reinvestment Act, and city transportation revenue funds, part of the local certification program. The city is participating in with ODOT. On these types of projects, ODOT establishes as minimum disadvantaged business enterprise goal. The DBE goal for the project was 3%, and Westech has 9.54 participation. And I'll turn this back over to council if there's questions regarding the bidding process. And Brian Oberdeen from PBOT is here to answer any technical questions.

Adams: Questions from council?

Fish: Move to accept the report.

Leonard: Second.

Adams: Moved and seconded to accept. Please call the roll on the motion.

Leonard: Aye.

Fritz: Good work. Aye.

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

Adams: Aye. Report accepted. Please read the title for non-emergency ordinance 1677.

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Item 1677.

Saltzman: Thank you, mayor.

Adams: I'm sorry. I was waiting for you to finish the title. Commissioner Saltzman?

Saltzman: Well, we have before us the rules and code package for several environmental regulatory improvements, and we'll have staff kind of walk through them, but one I'm particularly proud about -- and the mayor should be particularly proud about, too -- is the maintenance of green street program. Maintenance of green streets. The bes will be assuming maintenance of green streets. We have over 800 green streets thanks to mayor Adams' leadership and the great green initiative when he was commissioner in charge of bes. So I'll turn it now over to don and lana to walk us through this code package.

Lana Danaher, Bureau of Environmental Services: Good morning. I'm lana danaher with bureau of environmental services. I'm coming to you today with phase two of a four-phase code change effort with a code package that's going to be talk in in the middle of that, making it five on our public works permitting improvement packages. This one is I think a relatively easy one in that it's a refinement and clarification for new programs that we've put in place previously. So we have experience now tells us that we need a little more, and that's what this is about. I will just go over the three components. Involve as replacement of chapter 1733 on the nonconforming sewer conversions. That's what we commonly call the party sewer program. And we came in a year ago with that. It's been a pretty successful program so far. We have converted over 500 party sewer connections to compliance in the past year, and this was before we've actually gotten really going with an overall plan. So it's, I think, starting off very successfully. This'll give the city and bes direct authority over the right-of-way, and it's kind of an odd one, because everywhere we went, when we said we've got a code package to give us authority over sewers in the right-of-way, they went, you mean, you don't have that this but we didn't. And this allows us, when there's conflicts between a private sewer line and us needing to build a public sewer, that we can get that private sewer line out of the way, obviously with due process and trying to do it in an amenable manner. The public works enforcement code allows is, with facilities, green street facilities -- and this is a piece that we're very proud of, 'cause we now have over 800 public works facilities in the right-of-way that are green, swales, planters, what have you -- this code allows us to ensure that people don't go in and wipe them out. I've got some codes, some pictures in here, if we have time, that will reflect where we have gone out doing inspections and they're just gone. Here is a swale that someone spent a lot of time and effort inputting in that, when we went out to do our first inspection, was gone. This'll allow us to work with property owners.

Saltzman: Is it filled with gravel?

Dawn Hottenroth, Bureau of Environmental Services: Pea gravel.

Adams: They felt it was unfinished?

Danaher: I don't know. We have gone through and done some changes to our program to make sure that it's not happening out of people just not knowing. We now have signs on these to indicate that they are a public facility. We have a program to make sure that property owners know what to do with it, with these facilities. And part of this code package also clarifies that we will take responsibility for maintaining the facilities. This is a change that says, if all of that fails, we have the ability to declare a nuisance and require them to restore to what was there. So that's a piece of -- this is a tomato garden that one of them was replaced with. We did wait until they harvested their tomatoes.

Adams: How can we argue against that?

Danaher: Would you like to go into why? We did wait until they harvested.

Leonard: Would it be compatible to have people plant something else?

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Danaher: Part of this code allows them to work with us to be able to make modifications to plants that are appropriate. Obviously we want plants to serve water quality as well as be there all year and not be gone as soon as the harvest is over.

Hottenroth: The wetland plants usually. Because this is treating street drainage, there might be health concerns about actually doing edibles from water that has those kind of contaminants in it. It's not ideal for vegetable gardening. Let's put that way.

Danaher: The idea is that these are treating pollutants that you don't want those going into vegetables you're going to eat.

Adams: I'll take that conversation as helpful. This doesn't impact the ability of adjacent property owners or people who control or rent the property from just in the parking strip planting vegetables? It doesn't modify that in any way?

Danaher: No. Of course not. This is only where there are storm water facilities. There is an allowance for them to work with us if they want to modify the plantings just to make sure they've got the information they need.

Fritz: Just to be clear, if it's a curb and it's not draining from the street and it's above grade, then that's a planter. If it drains from the street and it's low grade and has got a dip, then it's probably storm water facility.

Danaher: And it's marked as being a storm water facility as well. So this just allows us to, when all else fails, require that they fix it. They can have two options. They can do it themselves through a permit or they can do it by having us do it for them. We have a reveg program that is highly successful, and we'll be happy to come out and do it and bill them for it. If they've modified it, they need to do that. There's also an appeals process. If they say the damage or the modification was not done by me, we want to make sure that the person who's done this is the one who's held responsible, not the property owner. So we've made changes to make sure that there's an insurance that the person perpetrator of the problem -- perpetrator of the problem is the one who fixes it.

Leonard: Have you actually asked somebody about the property strip in front of their home and they said, we didn't do that?

Danaher: Not in the way that we would anticipate it would happen, like a garbage truck or something is what we've anticipated. We've had people say, well, we didn't do it. The last owner did it. You just didn't catch them. That kind of thing. But we haven't had that many examples yet of this, just enough to realize that we didn't have the tools we needed in our toolbox to fix it. So the green street maintenance program changes, which is a companion to that, also we've had private property owners concerned that the existing code makes them responsible for maintenance of the parking strip, makes them responsible for the maintenance of the street trees. And this is clarifying and assuring property owners that they will be responsible for these facilities, will work with them if they would not take care of them on a volunteer basis. They're not obligated to do that, and we do not want them going in and chopping down a tree, and what have you. We are responsible for the maintenance of street trees in these instances, unlike this any other parking strips.

Leonard: So is there on going maintenance that one needs to do that they do to these?

Danaher: We visit these four time as year is the target, and I want to say that we absolutely always, but it's my understanding from the maintenance crews that they have been able to visit every facility at least four time as year. Now, obviously we may not have things weeded four time as year that property owners want, and they may want to be doing some of the cleanup. But we are there often enough to see if there's problems and certainly to detect and work with a city forester if there's problems with trees to be able to identify that and take care of them.

Hottenroth: We get some weeds but mostly trash, debris, sediment build-up the biggest things.

Danaher: What we have found is the older these things are, the better they work. The first few years.

Leonard: I've found that generally myself.

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Danaher: Yeah. I've found it personally to be the case. I work much better. [laughter] those of us with age understand the value of aging.

Fish: This is a family show.

Adams: We are talking about proper weeding and maintenance.

Danaher: This is an important element to it.

Fish: There's no reason you'd know this, but I noticed the other day, coming down broadway, at the rose quarter housing, which is the development right across from the rose garden, in I would say the northwest corner, there's all this plantings and vegetation which looks to me like some kind of bioswale or some storm water management. It could be a garden, but it's right on the edge. Is that something you're working with central city concern on in that corner?

Danaher: Are you talking about on broadway?

Adams: The old ramada inn.

Danaher: Oh.

Fish: It's very striking. When you are on broadway now, there's this enormous garden.

Danaher: I'm not familiar with that particular site.

Fish: What's your guess, mayor?

Adams: In its original form, that was a requirement of pdot, and it has some limited storm water functions. It's limited because of the slope of the pavement in that area. But it does provide additional --

Fritz: Some benefit.

Fish: It's very attractive. It's aesthetically beautiful around that corner.

Adams: Yeah. Your bureau did that.

Fish: Parks bureau?

Adams: No. Housing.

Fish: Of course they did.

Adams: Good work, commissioner.

Leonard: We'll introduce you to the director of the housing bureau this afternoon and give you a tour. [laughter]

Danaher: I won't go into all these examples.

Fritz: A lot of city staff are co-partnering in this kind of work.

Hottenroth: We've seen a huge uptake in a variety of bureaus adopting those procedures for their property-specific projects as well, which is great.

Danaher: But real quickly the benefits we're seeing of these changes are enhanced clarity for all program participants, especially regarding legal responsibilities, and I would also add for the bureaus as well, when we've had problems, there's been a little bit of stumbling as to, wait a minute. Is this bes, pdot, because bes didn't have any direct authority? We were involved in this directly, but we couldn't take any actions. There's also flexibility to work with the owners and contractors, and we especially like that. While I remember 10 years ago when we adopted the manual everyone was concerned that we didn't have enforcement included in the packet and that has been perhaps challenging, I would also add that having 10 years under our belt of doing this made it more possible to put in a program that actually works. So there's that. And of course direct authorities to bes for something in the right-of-way is new, and it's one of those pieces that none of you are old enough probably to remember this, but 20 some years ago when public works divided into pdot and bes, that was an issue of great discussion as to how you do that division. And I think this helps to clarify some of that in a way that didn't happen 20 years ago.

Leonard: I have a question about existing parking strips. 'Cause i've actually commented here a number of times about the work you guys did on 92nd between powell and holgate and magical transformation.

Danaher: You just want to bring up the ugly stuff. I get it it. [laughter]

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Leonard: Oh. Quite the contrary. It was formerly ugly. Horrible. And I think it's beautiful. In fact i've said that here on a number of occasions that it was transformative for the entire neighborhood. Is it possible for one that lives in a neighborhood in Portland that does not have bioswales as part of their infrastructure to go out to their parking strip and create a bioswale, notwithstanding that it wasn't intended to be a bioswale?

Danaher: It's possible but not to just go out and do it on a whim. We do want to work with them, and it would have to be done under a permit, especially if it's -- since it's in the right-of-way, we do want that to receive water from the street.

Leonard: Right.

Danaher: So we need to know about it. We need to make sure that it meets our requirement. So it would be under a public works permit.

Hottenroth: And we also have a waiting list of neighborhoods who would like green street facilities that are designed and implemented by us as part of our ongoing program.

Danaher: And there is grant money.

Leonard: My question is more, as opposed to a neighborhood, if an individual wanted to do that when others didn't, is it possible?

Danaher: It is possible.

Leonard: There's a process by which one can do that?

Danaher: Yes.

Leonard: Has it happened?

Danaher: Yes.

Hottenroth: We've seen more community groups coming in and requesting a couple blocks worth of modifications.

Danaher: But there have been individuals as well, and there is a waiting list.

Fritz: It depends on whether you need a curb cut.

Leonard: What if you have your own drill?

Fritz: In the southwest where we don't have a lot of sidewalks or curbs, in fact the homeowners are responsible already for the landscaping. They can put whatever they want to and there have been --

Hottenroth: We have a number of stewards that have bioswale-looking ditches that actually have no --

Leonard: Let's just say one has their own concrete cutting equipment.

Fritz: No, commissioner, one could not.

Danaher: If you want to us maintain it as a city facility and want us to track it as a city facility, it would have to be under a public works permit.

Hottenroth: If you went out with your concrete saw without our permission.

Leonard: Not you. If one -- One would be in trouble.

Hottenroth: That would be a violation.

Leonard: Would one possibly end up for the third time on the cover of "willamette week" -- "willamette week"? [laughter]

Fish: There's a couple of streets where these have been installed, but they're not continuous. It's two blocks. It's not linked north-south.

Danaher: There can be a couple reasons. One is in-filled development. Remember that they have to meet storm water management requirements.

Fish: That doesn't apply here. I was.

Danaher: Trying to speak in a global way. The other reason is, as commissioner Leonard suggested, there's people who want to do this. And if they want to do it but their neighbors don't, you may have it happening on a piecemeal basis.

Fish: I see.

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Danaher: The other thing is that, if it's a storm water facility, water has to be able to go to it. You may build one here because that's where water can go, and you may never be able to have one elsewhere along the street because of the topography and grading of the existing street. So there's a variety of reasons that it could be.

Fish: I see. And the comment was made earlier -- and I think it's true -- that as these things age, they really become quite attractive. Whereas they were once the grading and mechanics of this thing exposed, now the dominant feature is the plants.

Danaher: Yes.

Fish: That have overtaken the site. And it's actually an amenity, I think.

Danaher: But there can be underground conflicts that prohibit us from being -- prevent us from being able to have it on every block. And it may be that --

Adams: Water meters.

Danaher: Water main, whatever. There's always a competition, but we have to look at the block and see where we can actually make it work. In retrofits, you're putting it where people also want it.

Adams: It's been a really fantastic presentation and great discussion. Do we have anyone signed up?

Parsons: No one signed up.

Adams: Anyone wish to testify on 1677? Moves to a second reading next week, and we stand adjourned.

At 11:44 a.m., Council adjourned.