



CITY OF  
**PORTLAND, OREGON**

OFFICIAL  
 MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **21ST DAY OF APRIL, 2010** AT 9:30 A.M.

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

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

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

<b>COMMUNICATIONS</b>	<b>Disposition:</b>
<b>529</b> Request of Terry Shanley, Start Making A Reader Today to address Council regarding childhood literacy, volunteerism and civic engagement (Communication)	<b>PLACED ON FILE</b>
<b>530</b> Request of Richard Ellmyer to address Council regarding Housing Authority of Portland and the Portland City Council and Oregon Public Records Law (Communication)	<b>PLACED ON FILE</b>
<b>531</b> Request of Alex Ansary to address Council regarding increased military, naval and homeland security presence in the City (Communication)	<b>PLACED ON FILE</b>
<b>532</b> Request of Doug Youngman to address Council regarding the economy (Communication)	<b>PLACED ON FILE</b>
<b>533</b> Request of Elisa Aguilera, Community Alliance of Tenants to address Council regarding the impact of substandard housing and the need to prioritize safe and affordable housing (Communication)	<b>PLACED ON FILE</b>
<b>TIMES CERTAIN</b>	
<b>534</b> <b>TIME CERTAIN: 9:30 AM</b> – Establish a Wellness Strategic Plan with the vision of creating an organizational culture that supports wellness and provides City employees the opportunity to share in the responsibility to minimize preventable health risk factors by improving and maintaining their health and wellness (Resolution introduced by Commissioner Fritz) 45 minutes requested  (Y-5)	<b>36781</b>

**April 21, 2010**

<p><b>*535</b>    <b>TIME CERTAIN: 10:15 AM</b> – Authorize Intergovernmental Agreement with the Parkrose School District related to sport field improvements (Ordinance introduced by Commissioner Fritz) 15 minutes requested  (Y-5)</p>	<p align="center"><b>183709</b></p>
<p><b>536</b>    <b>TIME CERTAIN: 10:30 AM</b> – Recognize April as Child Abuse Prevention Month (Resolution introduced by Commissioner Saltzman) 30 minutes requested  (Y-4; Fish absent)</p>	<p align="center"><b>36782</b></p>
<p align="center"><b>CONSENT AGENDA – NO DISCUSSION</b></p>	
<p align="center"><b>Mayor Sam Adams</b></p>	
<p align="center"><b>Bureau of Transportation</b></p>	
<p><b>*537</b>    Authorize Commuter Rail Bridge Agreement and Flyover Easement Agreement with the Union Pacific Railroad Company related to the construction of the Portland Streetcar Loop Project (Ordinance)  (Y-5)</p>	<p align="center"><b>183695</b></p>
<p><b>*538</b>    Accept a grant in the amount of \$12,000,000 from the Oregon Department of Transportation for the SW Moody Avenue: SW River Parkway–SW Gibbs Street Project (Ordinance)  (Y-5)</p>	<p align="center"><b>183696</b></p>
<p><b>*539</b>    Transfer ownership and authorize Portland Bureau of Transportation to issue permits for modifications and active uses, including retail use, of an existing significant structure on the Portland Transit Mall at SW 6th Ave and SW Yamhill St (Ordinance)  (Y-5)</p>	<p align="center"><b>183697</b></p>
<p><b>540</b>    Allow an exemption to City Code 5.36.010 regarding the disposition of surplus property for the purpose of selling surplus pay stations (Ordinance)</p>	<p align="center"><b>PASSED TO SECOND READING APRIL 28, 2010 AT 9:30 AM</b></p>
<p align="center"><b>Office of City Attorney</b></p>	
<p><b>*541</b>    Authorize elected officials to officially sanction trade promotion or fact finding missions or trips, officially designate negotiations or economic development activity and approve payment of expenses (Ordinance)  (Y-5)</p>	<p align="center"><b>183698</b></p>
<p align="center"><b>Office of Management and Finance – Financial Services</b></p>	
<p><b>*542</b>    Authorize contract with K&amp;L Gates LLP for bond counsel services (Ordinance)  (Y-5)</p>	<p align="center"><b>183699</b></p>
<p align="center"><b>Office of Management and Finance – Human Resources</b></p>	
<p><b>543</b>    Create a new Nonrepresented classification of Instrumentation and Security Systems Supervisor and establish a compensation rate for this classification (Second Reading Agenda 502)  (Y-5)</p>	<p align="center"><b>183700</b></p>

April 21, 2010

<p><b>Office of Management and Finance – Internal Business Services</b></p> <p><b>544</b> Accept bid of Emery &amp; Sons Construction, Inc. for the Marquam Hill Pump Main Phase 2 for \$539,252 (Procurement Report – Bid No. 111564) (Y-5)</p>	<p><b>ACCEPTED PREPARE CONTRACT</b></p>
<p><b>Commissioner Nick Fish Position No. 2</b></p>	
<p><b>Portland Parks &amp; Recreation</b></p>	
<p><b>*545</b> Authorize non-exclusive utility tunnel facility easement with Portland State University (Ordinance) (Y-5)</p>	<p><b>183701</b></p>
<p><b>546</b> Authorize three-party agreement with Multnomah County Department of County Human Services-School and Community Partnerships and the Centennial School District No. 28J for the SUN Community Schools initiative and SUN Service System (Ordinance)</p>	<p><b>PASSED TO SECOND READING APRIL 28, 2010 AT 9:30 AM</b></p>
<p><b>547</b> Authorize three-party agreement with Multnomah County Department of County Human Services-School and Community Partnerships and the Reynolds School District No. 7 for the SUN Community Schools initiative and SUN Service System (Ordinance)</p>	<p><b>PASSED TO SECOND READING APRIL 28, 2010 AT 9:30 AM</b></p>
<p><b>548</b> Authorize an Intergovernmental Agreement with Portland Public Schools, School District #1 to share the costs of additional design services to incorporate Washington High School into the Washington High School Community Center project (Second Reading Agenda 505) (Y-5)</p>	<p><b>183702</b></p>
<p><b>549</b> Authorize three-party agreement with Multnomah County Department of County Human Services-School and Community Partnerships and the David Douglas School District for the SUN Community Schools initiative and SUN Service System (Second Reading Agenda 506) (Y-5)</p>	<p><b>183703</b></p>
<p><b>Commissioner Dan Saltzman Position No. 3</b></p>	
<p><b>Bureau of Environmental Services</b></p>	
<p><b>*550</b> Amend contract with TestAmerica Laboratories, Inc. for laboratory services (Ordinance; amend Contract No. 36238) (Y-5)</p>	<p><b>183704</b></p>
<p><b>551</b> Authorize additional change order authority to the Director of the Bureau of Environmental Services or his designee for the Portsmouth Force Main Segment 2 construction contract, Project No. E09039 (Second Reading 510; amend Contract No. 30000424) (Y-5)</p>	<p><b>183705</b></p>

April 21, 2010

<p style="text-align: center;"><b>Commissioner Randy Leonard</b> <b>Position No. 4</b></p> <p style="text-align: center;"><b>Bureau of Water</b></p> <p><b>552</b> Execute a Collection Agreement with the U.S. Forest Service, Mt. Hood National Forest to fund Juvenile Fish Monitoring associated with the Bull Run Water Supply Habitat Conservation Plan (Ordinance)</p>	<p style="text-align: center;"><b>PASSED TO SECOND READING APRIL 28, 2010 AT 9:30 AM</b></p>
<p><b>553</b> Amend Intergovernmental Agreement with Multnomah County for the Water/Sewer Enhanced Fixture Repair Program (Second Reading Agenda 516; amend Contract No. 38116)  (Y-5)</p>	<p style="text-align: center;"><b>183706</b></p>
<p style="text-align: center;"><b>Portland Fire &amp; Rescue</b></p> <p><b>*554</b> Authorize a contract with Washington State Association of Fire Marshals for a fire prevention program and distribution of smoke alarms (Ordinance; Contract No. 30001104)  (Y-5)</p>	<p style="text-align: center;"><b>183707</b></p>
<p style="text-align: center;"><b>City Auditor LaVonne Griffin-Valade</b></p> <p><b>*555</b> Extend contract with Moss Adams, LLP by one year and increase by \$625,200 for financial audit of FY 2009-2010 and professional services (Ordinance; amend Contract No. 37298)  (Y-5)</p>	<p style="text-align: center;"><b>183708</b></p>
<p><b>REGULAR AGENDA</b></p> <p><b>Mayor Sam Adams</b></p> <p><b>Office of Management and Finance – Financial Services</b></p> <p><b>556</b> Authorize North Macadam Urban Renewal and Redevelopment Bonds and extension of interim financing (Second Reading Agenda 517)  (Y-4; Fish absent)</p>	
<p style="text-align: center;"><b>Office of Management and Finance – Revenue</b></p> <p><b>557</b> Amend the Business License Law to eliminate the exemption for residential solid waste, recycling and yard debris haulers and make other housekeeping changes (Ordinance; amend Code Chapter 7.02) 10 minutes requested</p>	<p style="text-align: center;"><b>PASSED TO SECOND READING APRIL 28, 2010 AT 9:30 AM</b></p>

April 21, 2010

**Commissioner Nick Fish**  
**Position No. 2**

**Portland Parks & Recreation**

**558** Authorize a Memorandum of Understanding with Portland Public Schools and Friends of Grant Athletics regarding field improvements at Grant Park and Grant High School (Second Reading Agenda 494)

(Y-5)

**183711**

At 11:20 a.m., Council recessed.

April 21, 2010

**WEDNESDAY, 2:00 PM, APRIL 21, 2010**

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

**April 22, 2010**

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **22ND DAY OF APRIL, 2010** AT 2:00 P.M.

THOSE PRESENT WERE: Commissioner Fish, Presiding; Commissioners, Fritz, and Leonard, 3.

Commissioner Saltzman arrived at 3:00 p.m.

At 3:04 p.m. Council recessed.

At 3:17 p.m. Council reconvened.

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

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Jim Van Dyke, Chief Deputy City Attorney was replaced by Kathryn Beaumont, Senior Deputy City Attorney at 3:00 p.m.; and Ron Willis, Sergeant at Arms.

	<b>Disposition</b>
<b>559</b> <b>TIME CERTAIN: 2:00 PM</b> – Proclaim April 22, 2010 to be a day of recognition for Andy Linehan (Proclamation introduced by Mayor Adams) 1 hour requested	<b>PLACED ON FILE</b>
<b>560</b> <b>TIME CERTAIN: 3:00 PM</b> – Improve land use regulations and procedures related to schools as part of the Schools and Parks Conditional Use Code Refinement Project (Ordinance introduced by Mayor Adams; amend Title 33) 2 hours requested for items 560 and 561	<b>CONTINUED TO APRIL 28, 2010 AT 3:15 PM TIME CERTAIN</b>
<b>561</b> Improve land use regulations and procedures related to recreational fields as part of the Schools and Parks Conditional Use Code Refinement Project (Ordinance introduced by Mayor Adams; amend Title 33 and Title 20)	<b>CONTINUED TO APRIL 28, 2010 AT 3:15 PM TIME CERTAIN</b>

At 5:35 p.m., Council adjourned.

**LAVONNE GRIFFIN-VALADE**  
Auditor of the City of Portland

By Karla Moore-Love  
Clerk of the Council

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

**April 21, 2010**  
**Closed Caption File of Portland City Council Meeting**

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

Key: \*\*\*\*\* means unidentified speaker.

**APRIL 21, 2010**

**9:30 AM**

**Adams:** Get started with our meeting. And I can't answer anymore questions, but you'll see how the process works and as folks answer roll call, they'll introduce [inaudible] with a little more specificity and maybe they can tell what you they focus on in their areas. And this is Karla.

**Moore-Love:** Hi.

**Adams:** And she runs the city but she just has the title as council clerk. How are you?

**Moore-Love:** Good.

**Adams:** Can you please get us started?

**Fish:** I'm nick Fish, in charge of housing and parks for the city of Portland and I have two kids at home -- one six and one age 17. Glad you're here. Aye.

**Saltzman:** I'm dan Saltzman, in charge of the police bureau, the bureau of environmental services and the children's levy and i'm present today. Here.

**Leonard:** I'm randy Leonard, in charge of the water bureau and the bureau of development services and the Portland fire bureau.

**Adams:** Randy is a firefighter. Do you like firefighters?

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

**Adams:** Everybody does.

**Fritz:** I'm amanda Fritz, I used to be a nurse for 22 years, worked at ohsu and now in charge of the office of neighborhood involvement and human rights and make sure that people can have rights throughout the world and the 9-1-1 bureau. The office of healthy working rivers which looks after the willamette and columbia river and the office of franchise management which takes care of the cable companies and the companies that use public streets.

**Adams:** So you know tv, right?

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

**Adams:** Ok. So commissioner Fritz is in charge of tv. [laughter]

**Fritz:** In charge of Portland community media so you can see this on channel 30. They rerun the council meetings and on streaming internet so you can tell all your friends to watch channel 30 and they can participate in their government as well.

**Adams:** Here. Can we start with communications item no. 529.

**Item 529.**

**Adams:** Mr. Shanley, welcome to city council. You only have to give us your first and last name and you have three minutes and the clock in front of you will help you count it down.

**Terry Shanley:** Thank you very much. Terry shanley. I'm the ceo of start making a reader today. Good morning, mayor Adams, commissioner Fritz, commissioner Saltzman, commissioner Fish, thank you for the opportunity to address the honorable body here this morning. Smart has a vision of an Oregon where every child can read and each year we mobilize thousands of volunteers across the state to help children from kindergarten to third grade to practice reading and give them books to take home. Studies show that low-resource families don't have books in the home and those children are at a disadvantage. The research that's been done, demonstrates that the work that smart does and continues to do, 60% of those children going through the smart program are more likely two years out of the program to reach literacy bench mashes than those who have not. We're making a serious impact. As you know, this week is national volunteer week and since smart



**April 21, 2010**

mobilizes almost 9,000 volunteers across state. 2,000-plus are here in Portland, to partner with the churn and to help practice reading, we're hosting a first ever read out loud and childhood a literary awareness this saturday at pioneer place mall and we'll have local celebrities reading to children throughout the course of the day. Some of those notable volunteer readers include the former mayor vera katz, she's going to be joining us along with sheila hamilton with kink radio, and ms. Oregon of 2009. Kevin carroll, and mary mcdonald, the voice of on star is going to be there.

**Adams:** Really. I'm curious to see what she looks like.

**Shanley:** I would ask to you join us from 11:00 to 4:00 and I urge the leadership of the city and the other volunteers around the city to get involved. Reading to a child and helping to support literacy takes one hour a week for seven months during the course of a school year. Only one hour and you can change the path of a child's life. If they can read, they'll be more confident learners and that will translate into a more balanced life. I would urge you to participate and at least show up. We have a couple of spots for readers. It's only 10 minutes. Thank you very much.

**Fish:** I would like to acknowledge your good work and tell you that another nonprofit that recycles books for kids has approached the parks bureau and asked us to put stations at our rec centers where people can drop off books and we're in the process of setting that up.

**Shanley:** That's fantastic.

**Fritz:** Somebody is watching in on channel 30, how do they volunteer.

**Shanley:** They log on to [www.getoregonsmart](http://www.getoregonsmart) and then volunteer at a school close to you.

**Adams:** Thank you for your work. Really appreciate it. Karla, please read the title for council communication no. 530.

#### **Item 530.**

**Adams:** Welcome back, mr. Ellmyer.

**Richard Ellmyer:** My name is richard ellmyer. As a candidate for the north Portland house seat, I have proposed \$30,000 be set as a maximum income allowed for a one-person household to enter and remain in the public housing sector as a client in Oregon. When I asked the housing authority of Washington county to provide me with statistical data, it provided files within 48 hours without fuss or fees. When I asked the housing department of Portland, it ignored my request for 100 days. The Multnomah county district attorney assured that hap that as long as it didn't respond to my request, it's required to get involved. And said that the records were not quote/unquote -- did not exist. D.A. Mike schrunk's ignorance on this subject is frightening. Hap embarrassed him by announcing that the public records I requested like the ones from Washington county did, in fact, exist. And that I could have those electronic reports and that take only seconds to produce, for a fee of \$125. The browser accessible database used by hap, the tech support told me that the program can be configured to show as many or few fields on screen as the programmer chooses. Easy to use and fast. It has sophisticated security that can restrict access by screen or user or class of users and it can be accessed on the internet. I urge the only government body that confirms hap's board and the mayor of Portland, the only elected official with the statutory authority to nominate and dismiss hap's board, to accept your inherent commensurate responsibilities of oversight and accountability over those unelected, unvetted citizens who you have given the power to make public policy affecting the lives of 700,000 citizens in Multnomah county and spending \$80 million annually of taxpayer money and I request commissioner Fritz who owes her job and allegiance to the taxpayers of Portland to act like she respects those who put her in office and demand accountability in the name of Portland taxpayers from the housing authority of Portland. Attorney general kroger is to be commended to put as many public documents under his control online. The hap board can put its public housing statistical data online. The Portland city council must make sure they do. Thank you.

**Adams:** Mr. Ellmyer, I appreciate your testimony. Karla, please read the title for council communication item no. 531.

**April 21, 2010**

**Item 531.**

**Adams:** Good morning, welcome to the city council chambers.

**Alex Ansary:** My name is alex ansary. Good morning, mayor Adams. And members of the council. I'm here today to share my concerns for the safety and security of Portland in light of the direction our nation is going at this time. In the youtube.com video, mayor Adams said, and I quote, I know I made big mistakes and ask your forgiveness. I pledge I will work harder than I ever have before to make sure that Portland meets its challenges. I'm glad you said that. I'm here to discuss the challenges that I feel our city will be facing in the future. Such as the federal takeover of our beloved city when a certain type of type of national disaster is declared by the executive branch of the u.s. Government. Time does not allow me to document facts such as reports of hundreds of thousands of u.s. Troops being deployed. What time allows is the point to be made, although your predecessor, tom potter is no longer the mayor, top off was a antiterrorist drill that took place in our city. This was a simulated joint response to a terrorist dirty bomb attack, capitalizing on the fear of 9/11. In reality, it was another example of a taxpayer funded exercise where multiple alphabet soup agencies, including the cia and fbi, practicing the city of Portland's emergency response. At pir, the governor of Oregon, governor ted kulongoski said in a statement posted on willamette week's youtube channel, this has been a great exercise. Going to fall into a trap and something serious will happen to me and i'll have to trigger the succession clause of the constitution who becomes the governor in a time of emergency. I was told the only thing I have to worry about is when they put on the rubber gloves. Moving to 2008, Oregon representative peter defazio expressed his concerns and protested the fact as a member of the homeland security committee, he was not allowed to see the plans, because of what truly lies in those plans, something that the government finds alarming. Monday august 28th, 2008, which alarmed people that didn't know what was going on and authorized live fire and I ask the city council to stand with the people, not the federal government, because you may be the city council when this hits the fan and I ask you to stand with the bill of rights and constitution and be careful what money you take from the federal government because that money comes with strings attached. Thank you.

**Adams:** Thank you for your testimony, sir. Please read council communication no. 532.

**Item 532.**

**Adams:** Good morning, mr. Youngman. How are you?

**Doug Youngman:** Good. I'm doug youngman. Good morning, mayor sam Adams and councilmembers. I come before you this morning to remind you and all elected and appointed officials of your accountability to the limits of the constitution and other founding documents of our great republican. Our fragile dollar is nearly worthless. We're teetering on bankruptcy and collapse. Yet constitutionally bound elected officials continue to spend money they don't have pushing the debt on future generations and waters down the value of the currency. We have a worthless currency and your spending is hyper-inflating it. We, the people, are the jury for fire for knowing right from wrong and it's our job to bring forth accountability to you. Government officials need to take their medicine and people listening at home must also take these words and do their part. This morning, i'm here to tell you of a non-political and non-partisan alliance of we the people who gathered in illinois in 2009 for a constitutional convention. Met for 11 days to put together the articles of freedom for the free people of the united states of america by claiming and exercising their natural and unalienable rights to do so as guaranteed by the accountability clause of the first amendment. This is a civic action by a pro-active non-violent mass movement having nothing to do with politics or the elect oral process. And violations that have challenges the constitutional republic of the united states and her people at its core. Above all, we have government officials who have refused to honor their fundamental obligation to respond to the people's first amendment petition to readdress these violations and on monday, april 19th, the state of Oregon elected appointed officials, including governor kulongoski and attorney general john

**April 21, 2010**

groger, were served. It's well settled in American jurisprudence, if anyone has an obligation to respond and he fails to do so, his silence amounts to admission. It's also well settled any right not enforceable is not a right. That is, with every right, there is a remedy. However, the constitution cannot defend itself. It is the duty of the people to defend it. I'm here to defend our federal and state constitutions and to ensure the day comes when the American people will have institutional citizen vigilance for the purpose of routinely holding their elected officials accountable regardless of political stripes and I'm here to present each of you with the articles of freedom and its instructions. As a reminder to you and your appointed minions you must uphold and obey the constitution or you must leave.

**Adams:** Thank you, Mr. Youngman. Appreciate your testimony. Karla, please read the title for council communication item -- no. 533.

**Item 533.**

**Adams:** Good morning, Ms. Aguilera. Welcome back.

**Elisa Aguilera:** Good morning. I've provided you all with a copy of my testimony. So my name is Elisa Aguilera. I live in the Montavilla neighborhood in northeast Portland and one of the codirectors of the Community Alliance of Tenants. I'm here to provide testimony on behalf of the Community Alliance of Tenants. I'm here today mostly to say thank you to Council for all of your leadership and support in -- and all of your past support with safe and affordable housing issues. All of you at one point have been a champion and really supported the issue to make sure that people in Portland have a safe place to call home and that we're continuing to provide more and more affordable housing to our community. We had -- Cat represents about 200 people in -- the majority of them, continue to urge you to support this ongoing and it's a tough issue, just with everything competing right now so we urge you as -- it's essential for people to have a start point to succeed in life of one of the things we do is go out to buildings in substandard conditions from calls that come in from tenants rights hotline. A property where a number of very, very low-income families were living and we were having a hard time getting repairs made. There was a lot of lead paint in the property but the families couldn't tell. We were able to connect the families with the lead testing and it is a first -- opening their eyes to the possibility of lead paint. Some of the kids tested high. Only one point below where the county would step in to start assessing and reevaluating. A kid is susceptible to potential nerve and brain damage and we were able to use the infections program and the results from the blood testing to get the entire building renovated and safe for so many families. There were a lot of children there three and under who were chewing on window sills where there was lead base paint and we were able to rehab it using the information from the blood testing and we were able to do that and about six to 10 buildings per year in Portland. The majority of landlords are diligent but there are still some who are neglectful of their responsibilities so we would like to thank Council for your past support and we urge you to continue to support the issue as it is still a priority for so many folks who do not have enough affordable housing and still living in some of these substandard housing conditions. The need is growing far greater than what we're able to provide and with the support of Council, we've been able to help people get into housing and provide that -- yeah, and I know I'm over my time. One last thing. We're having a rally tomorrow afternoon at 5:15 in front of Council to celebrate our past accomplishments and continue to show our support around the issues during this recession as we're feeling it as well.

**Fish:** Mayor, can I acknowledge, the Community Alliance of Tenants is a nonprofit partner of the city. And welcome for winning the state and local organizing award, a national award they won this past year.

**Aguilera:** Thank you. A lot of the work we did is -- was in support and partnership with Council. Thank you.

**April 21, 2010**

**Adams:** Appreciate it. All right. That gets us to the consent agenda. Does anyone wish to pull any item from the consent agenda? Karla, please call the vote on the consent agenda.

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

**Adams:** Aye the consent agenda is approved. We have three time certain. Can you please read the title for the 9:30 time certain 534.

**Item 534.**

**Adams:** Commissioner amanda Fritz.

**Fritz:** Thank you, mayor, and commissioners. The wellness program was created in 2005 through supporting healthy lifestyle choices by their employees and their dependents and it's a program established to help employees take care of themselves and their families and also self -- to keep our healthcare costs down. The citywide health and wellness program was -- and dedicate their time at least once a month to further the wellness goals and to find cost-effective way to improve the health and wellness of themselves and their dependents. My office and union representatives have worked together to create a wellness strategic plan that incorporates organizational participation and health benchmark goals. The key to improving among employees is a culture of wellness that is supported by city council, your directors, union leadership, managers and employees the citywide wellness -- obesity, cancer, cardiovascular disease and hypertension, and stress and depression. By the city taking a more sustainable and holistic approach to health and wellness using preventive measures it will help the city decrease overall healthcare costs. And i'm happy to introduce kathy, the benefits and wellness manager for the city and yvonne deckard, the director of the bureau of human resources.

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

\*\*\*\*\*: Why don't you go ahead?

**Cathy Bless, Bureau of Human Resources:** Good morning, mayor and commissioners. I'm kathy, benefits and wellness manager for the city and i'm here to talk about wellness and the strategic plan before you today. Today we seek the approval of the strategic plan, your commitment to model healthy behaviors, your commitment to work with bureau directors to model and encourage those healthy behaviors. Your commitment to ensure that the wellness strategy plan is implemented -- strategic plan is implemented within your bureau's portfolio. The challenge will be discussed in a little bit. We tried wellness a few times and learned some important lessons. We need to gain active community support at the highest level, be more effective in our communications and increase participation not only in program activities available but also in the benefits provided under the plan. We need to provide more accessibility to work side components, increase case management and chronic disease management programs. What we've also gain asked momentum and knowledge.

**Fritz:** If I can interrupt. What was handed out was from the previous -- pay attention here. [laughter]

**Bless:** What we have gained also is momentum and knowledge to move forward in a more comprehensive and specific manner. We have a lot of work to do. 70% of employees who participated in the work site blood screening have a body mass index of over 26. And 70% of pre-hypertensive or hypertensive. 25% compliance in free wellness exams equaled \$745,000 a year in claimed expense and while this may sound significant, out of the \$31.7 million paid last year, it only represents 2% of the cost. 45% compliance in mammography equals \$398,000 in claims costs. And unfortunately, we played -- placed nearly a million in claims for breast cancer the last plan year. Current disease management and case management programs are not effective and we're working with ods aligning chronic disease management with city goals. We must have a vested interest in ensuring we keep folks within manageable risk and moving in a different direction. Your support and efforts to change city culture, to a culture of wellness is crucial. Also, crucial is setting up communications and planned design benefits that support the families and retirees under the

**April 21, 2010**

health plan, not just the employees. This slide provides historical claims information. The city has been very fortunate in recent history, having very modest increases in the year over year claims expenditure. As you can see, we are expensing a year that's -- experiencing a year not with recent past. Because of some of the dynamics that act this plan year. Ods has provided aggregate claims status so we can begin to understand what happened this year. It suggests we have increased health challenges related to cancer, knee and hip replacements, back surgery and some significant coronary disease. Some of the cancer volume is related to treatment with radiation, chemotherapy and surgery. We also have unusual cancers cropping up within the city population. Improving the health of employees and their dependents is a more sustainable way to control long-term healthcare costs as well as well as better for employees and their families and I know for sure, no matter what changes we make administratively or through healthcare reform, if we don't become a healthier population and reduce risk factors, real cost control will continue to be out of our reach. The resolution before you establishes a strategic direction for -- through 2013. It builds on successful program component, promotes self responsibility for healthy behaviors through participant involvement and the payoffs to you and all employees. The vision of the new strategic plan is the city of Portland has a organizational culture that supports wellness and every city of Portland employee owns responsibilities by improving their health and wellness. The mission is to provide support and resources and motivate employees in taking permanent responsibility to minimize preventable health risk factors. As commissioner Fritz said earlier, the primary objectives of the strategic objective is to create a culture that recognizes and supports wellness, increase employee participation and establish health benefits and support behavioral change and minimize those risk factors. In creating an organizational culture that recognizes and supports wellness, the public commitment to wellness by council is essential for its success. Work to establish wellness goals within bureaus and workgroups by providing tools and training to managers and supervisors to identify modeled and encourage healthy behaviors. We need a regular cadence of marketing and we need to work to overcome current barriers by bureau. We need to do some assessments of bureau culture. Develop focused groups within those bureaus and work with managers and supervisors on creating this culture and how best to promote and market the programs available. We need to develop accountability and a sense of community in how we support each other. Increasing employee participation, we'll implement too manies to measure that participation and improve those communications with wellness portals and other tools and regular on-site health education and a annual survey. Focus groups will be important in crafting messages to work with different work areas. The health benchmarks are important and within the strategic plan are initiatives to review and change access to healthcare, preventive screening and other benefits related to improving health. Based upon some recent national statistics, individual lifestyle choices including those related to nutrition, weight, exercise and stress and smoking account for 40% of a individual's health status and 88% of his or her healthcare costs. Live telephone and online individual coaching and chat opportunities that support each of the health benchmarks will be in place soon, assisting employees in setting these personal health goals. To report or progress, additional reporting and measurement tools will be in place. Realistic expectations of implementing the plan today will offer us in the short term a culture change. Supportive environment, communication and benefit plan design support. In the medium term, I think we'll see progress with regard to the health benchmarks by decreasing the obesity rate, tobacco cessation and improve screening compliance. In the long term, to lower healthcare costs and improve health. What you can do today is support this plan. Model healthy behaviors, develop a personal wellness goal. Participate in the programs and benefits, support an individual's commitment to change at an organizational level. Set expectations for bureau managers and encourage your bureaus. Support requests for resources and adopt the resolution today supporting the wellness strategic plan. All employees will receive a communication regarding the wellness program. And benefits available,

**April 21, 2010**

the strategic plan, and information about their responsibility. Wellness program benefits will be listed in the employee handbooks sent out during annual enrollment and benefit programs will be listed within the wellness webpage with other resources and steps to begin to make individual change. We need to create and prioritize a to-do list based upon the strategic plan and prioritize what steps are necessary to break barriers to wellness support and also gain commitment for your participation in the council challenge. To show your enthusiasm and commitment to the strategic plan and wellness, I would like to challenge you. I'd like you to choose a community activity with a wellness component by may 1st. Nicole's handing out some information on programs here, but then also the event that we have begun more you. I'd like for you to invite employees and their families to participate as well. The challenge will run from may 1st through october 31st. And any employee and family members that participate in all five activities, each one that you have selected, will be invited back to council for recognition of their participation. There's some very interesting events on there.

**Saltzman:** I'm confused. What exactly is the challenge?

**Fritz:** Let me elucidate. It's really my challenge to my colleagues. This is a list of suggested activities. For example, the top one listed is a nami walk. I have registered for that and I have a team and i'm encouraging all city employees and their dependents to participate. It's a good one to start off with if you're not used to strenuous activity. It doesn't start until 1:00 on a sunday, which is a civilized hour. [laughter] around the esplanade and waterfront park. It's not hood to coast. Most can participate in at least part of that walk. So those who come as a city employee on their own time, would get a signoff from me to say they were there and the next activity, one of you would pick a activity, it has to have some physical exercise in it and you publicize it and try to get the employees to participate in that one. And if you participate in all five, you get recognized by council at the end of the year. These are just example. There will be five of these --

**Saltzman:** Point person to encourage the other city employees to participate.

**Fritz:** You'll be the point person for the activity you choose. This has to be a top down behavior. You pick something that you're personally going to participate in and send out a city wide email and encourage all staff to participate in.

**Saltzman:** I'll take bridge pedal.

**Bless:** And if you have a different idea of a walk or something. It doesn't have to be from this list.

**Fish:** Most of the events on this list, seem to be low-impact walks as and for triathletes like commissioner Leonard and me, we were hoping for something more competitive.

**Fritz:** Maybe next year's challenge, commissioner.

**Fish:** Hoping to see you swim the river we might want something a little more -- I have a question.

**Saltzman:** We have a marathon in september, don't we?

**Fritz:** The -- it's to do something, pick a personal goal and it might be that a employee want to pick a personal goal of running the marathon in the fall or an intense event. But it can be as simple as taking one flight of steps a day instead of elevator, or taking a walk at lunchtime, rather than sitting at their desks. It's good to have lofty goals but I want the council and all employees to pick some that are measurable, achievable and not as challenging.

**Fish:** I have a question, if I could. Thank you for an excellent power point presentation.

Throughout the report, there's references to enhancing employee participation, reducing barriers and promoting exercise. The question I would have is to what extent are we currently successful in either incentivizing our employees to use our existing facilities like our rec center, which are places people can work out and engage in the very activity you're encouraging us to do? To what extent do our current policies create incentives that drive people to our facility?

**Yvonne Deckard, Director, Bureau of Human Resources:** Everybody looks at me. Ok. You know, one of the things we've done is we've put rec centers, fitness centers in most of our buildings. Like the 1900 building and the Portland building, but for example, our parks facilities, certainly,

**April 21, 2010**

those facilities have been available to parks employees and we're looking at, as we've had conversations with parks about what the impact would be, and whether or not there's something we can do that doesn't put us in -- in a position of an ethics violation by providing a service or a benefit to city employee that may not be open to the general public and we're looking at those things, commissioner, and trying to work through them and figure out what the best approach should be. And so we're working on that aspect.

**Fish:** Be very interested in having that conversation with commissioner Fritz and your team. We currently provide a lot of benefits to people that we don't offer the general public by virtue of the fact they're part of our wellness or health plan. And if there are barriers that you identify, like cost barriers or other barriers, for people participating in our rec centers, we have an interest in having more people use our facilities at front end, pay whatever rate and from this report, our employees could benefit as well. We'd be interested in that conversation.

**Deckard:** Ok.

**Adams:** Other conversation from council? Do you have more to present?

**Bless:** I do have some folks from the city wide wellness committee and sue keele to offer additional comments about the challenges they face within their bureau.

**Fritz:** Thank you.

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

**Bless:** It will be Eric and Karen and Sue.

**Adams:** Please come forward.

**Adams:** Almost to city council.

**Sue Keil, Director, Bureau of Transportation:** Thank you. I don't know why I should lead off necessarily, but I'm Sue Keil, director of transportation. And we have talked about wellness, I also remember the labor management benefits committee and so I see some of the disease that -- the special disease groups. We're working on preventive practices in -- for instance, diabetes. Well, we've identified that group of people that have a problem with diabetes and are giving them additional education, coaching and counseling and some financial incentives to -- to manage their diabetes in a better way. But part of that discussion extends over to the wellness area in terms of getting people to make good choices. And as I sat through this presentation, the most significant factor is getting people to make individual commitments. There's not any real history in that. As we look -- real mystery in that. I look at maintenance folks, for instance, people in big equipment to a large extent, they are aging, they're -- we have a lot of overweight people. And those are exactly the kind of people you'd like to get interested in doing something else. But they have a lifestyle that doesn't include that regular fitness and even good solid knowledge on some of the prevention aspects. So we have done some -- a great level of education, as I'm sitting here thinking about this, we can do even better relative to letting people know what is already free in the benefits package. And we do have -- we have instituted some fitness programs that are a combination of after-hours or before-hours or in conjunction with the lunch hour kinds of things out at maintenance and we do a number of things downtown through the options group and whatnot. But the real barrier is getting people to make that initial step. When we hear from ODS or Kaiser or our benefits -- or Kaiser, it's about the first step. So the barrier probably is recognizing there's a big enough benefit that you're willing to make that change. And secondly, time. I mean, I look at myself, I do run a fairly heavy schedule and it's not the highest priority to go and get over there in that exercise room or to go for an aggressive walk kind of thing. So I think it's -- it is that making that first step and understanding the benefits to you. Because I always remember back to when I was negotiating healthcare benefits for the symphony and one of the musicians said, you know, the best way to save money is to keep people healthy. And I mean, that's absolutely the case here. I mean, that's where the intersection of wellness and healthcare costs comes together. So it's both on a personal level at a system wide level.

**April 21, 2010**

**\*\*\*\*\*:** Good morning, council and mayor. It's a pleasure to be here this morning, especially to support such a valuable program. The water bureau has actively participated in the development of this initiative and actually implemented some of the programs. We've found it has really enhanced our already established safety program and find they go hand in hand nicely. Combined with the physically demanding work, and our aging workforce, we find that the health and wellness impacts our worker's comp considerably and strains and strains, if they don't show up in the worker's comp system, they show up in the benefits system. Both which are expensive and we actively endorse this program and helped dole it. We've established a health and wellness committee that's a subset of our established safety committees and they've been very active. The first thing we did was bring the health and wellness folks in the bureau and the first thing we found, a lot of our employees don't even have primary care doctors so when they do get sick, they go to the emergency room which is some of the most expensive healthcare we can get. So we started a fundamental monthly wellness talks, starting off with the basics. These are the benefits you're entitled to as a employee and we encourage you to use them. Some of the preventive medicines, for example. We've rolled out stretching programs and trainer sections with our -- to strains and sprains plague us and if you were to go in interstate, before the shift, the room is packed, as well as after shift, we have our staff go down at lunch and take advantage of the machines and the feedback has been tremendous. Nicole has been supportive. Coming out and doing health and wellness every month. And those have expanded into nutrition, smokes cessation programs and the like. We also promote eap, employee assistance program, at every opportunity. Because of some of the stress and depressions we see in the workforce. So i'm just here to encourage you to support that. I think it's a tremendous investment in all of our employees. And will have long-term benefits for our workforce. I appreciate your time.

**Fritz:** Thank you.

**Carol Stahlke, Portland Water Bureau:** I'm carol and an employee of the water bureau. I've been working on the wellness compete for the last couple of years. We have representatives from the majority of the bureaus on the committee and I would like to thank commissioner Fritz for your involvement and expertise and experience. I think that helped with the strategic plan. I'm excited about where it's headed. This is the first time i've really felt that we have a plan, we've identified our goals and we know we can quantify our numbers with the employees. I want to thank kathy, I think she's done an excellent job and she's our permanent benefits manager and nicole, who has done the train the trainer program and i, myself, have learned how to lead the stretching. We do that a couple of times a week and we're expanding and increasing participation but, of course, we need to do more and that's what -- I just hope as he move into the future and more money is available, we can put it toward wellness. The organizational structure i'm on the Imbc. Labor-management benefits, and I felt it was bogged down by my wellness issues. Not just mine, but I was a problem.

**Fritz:** No, you weren't. [laughter]

**Stahlke:** But anyway, I feel it's more streamlined and again, I see it's becoming more realistic for the employees and we have a lot more work to do but we're increasing participation and i'm committed to well. I think the water bureau's commitment to wellness is evident and I see people doing a lot more, eating a lot more apples, and things --

**Adams:** [inaudible] banana.

**Stahlke:** And a couple of the committee members wanted me to mention what we've done the last couple of years is we've had the wellness screenings and the participation has increased from before. We have the monthly bureau talks and fitness classes. And look forward to some bureau time or city time for working out. And the overall, like I was saying, we have increased the culture of well. Of the challenge is getting people away from their desks to walk around or go to work out. The gym are close, especially downtown, working on the gyms in the outlying areas. What would -



**April 21, 2010**

- the barriers getting them moving and real modeling. If we see our supervisors and directors eating their lunch at their desk and making the lunchtime meeting, planning meetings throughout the day where you really can't take a break, that's not the real modeling we're looking for. So I think that would help.

**Adams:** Wait a minute. What's that all about?

**Keil:** I didn't give her what line either.

**Adams:** You're not supposed to eat lunch at your desk.

**Fritz:** And scheduling long meetings that go over lunchtime which means people can't take a break.

**Adams:** We can't schedule meetings over lunch.

**Stahlke:** That's what we see, as a real modeling.

**Adams:** Sue know that is that would --

**Keil:** Never happen, right? Ever.

**Stahlke:** So thank you all for listening and i'm really excited about the wellness effort and I see it working to get the employees motivated.

**Keil:** Let me step out a little further. It's not about a facility. And in my opinion. In our various buildings. There are those exercise facilities. It is about raising the awareness level and making sure that -- yep, and making sure that everybody understands not only what's available, but the benefits derived. And we're not just talking about managing costs. We're talking about helping people with their own personal health. But there are some issues around how -- and it's not about money. To me, you cannot pay people enough money to do something that they should be doing for their personal health. So I don't want to put it in that context. But we can do more to elevate the thinking around this topic and to get people to understand how it benefits them.

**Fritz:** Thank you.

**Adams:** Thank you both. Thank you all very much for your good work and your testimony. Karla, anyone signed up?

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

**Adams:** Shall we -- is this a resolution?

**Fritz:** Yes.

**Fish:** So moved.

**Saltzman:** Second.

**Adams:** It's moved and seconded to accept it report. Karla, please call the roll.

**Fish:** Thank you for an outstanding report and presentation. Commissioner Fritz, thank you for elevating the profile of this issue. At parks and housing, we accept your challenge and look forward to integrating principles of wellness into everything we do. So appreciate it very much. Aye.

**Saltzman:** Well, thank you for this report, commissioner Fritz and kathy and others and we'll take this to heart in our bureaus as well. Aye.

**Leonard:** Thank you, commissioner Fritz for your good work. Aye.

**Fritz:** Thank you to the committee and the benefits office. For all your hard work. Other committee members from oni and all over the city, people, and boac, people come to our committee meetings and -- and we're a 24/7, 365 city and we have employees who have families who participate in the benefits plan and this provides programs and facilities because it's cost-effective to the taxpayer to maintain health and wellness in our employees and, of course, also helps our employees remain healthy and provides the good services to the city they do. And emphasizes again that the participation in the activities is done on the employees an own time. I invite everybody to participate in the nami walk. On may 23rd. Details will be on my website and i'll ask each of the members on the council to let me know about the activities they'll be encouraging employees to participate in over the course of the year. We officially thought about doing it as a competition to see which commissioner could get employees to participate in one activity. But then one activity doesn't make for a wellness. It has to be an ongoing commitment so that's why we're

**April 21, 2010**

asking for employees and families and commissioners to try to participate in more than one activity. And again, to set a personal wellness goal so that even if it's a little something, to do a little something to be more healthy and happy and productive. Thank you to the committee members who are here and my colleagues for supporting this. Aye.

**Adams:** Well, I want to thank commissioner Fritz for her leadership in this area the giving her this assignment, I had high hopes and she's definitely exceeded them, perhaps the fact she has professional training in this area helps. But we're certainly taking good advantage of it. I'd like to also thank the -- everyone who's been on the team helping to put it together. And I will see you at the approve dense bridge pedal. Ash at the providence bridge pedal. Everyone on the team that put it together, and commissioner Saltzman is going to be riding with me all the bridges, so --

**Fritz:** A tandem?

**Adams:** No, not a tandem. Those are odd. Aye. So approved. [gavel pounded] please read the title for time certain item no. 353.

**Moore-Love:** 535?

**Adams:** What did I say? Yes.

**Item 535.**

**Fritz:** Thank you, again, i'd like to invite the superintendent from the parkrose school district to come up. The parkrose neighborhood is parks deficient compared with other areas of the city and in need of greater access to parks and recreational areas. Parkrose recognize that's providing access to sports feeds is part of neighborhood livability which is why the city did a special appropriation to assist the school in providing a useable recreational facility in the neighborhood. And I think mayor Adams and the entire council for supporting that appropriation in the 2009-2010 budget. This will be used to improve parkrose high school soccer team. For members of this diverse neighbor, they're a great way to build community. Note that the youth bill of right the states that extracurricular activities and facilities to support activities such as [inaudible] should be available to all students to promote health and wellness for students. Continuing along the same theme. Parkrose students are making the benefits of recreation a bigger and better part of this community. Dr. Gray?

**Karen Fischer-Gray:** Good morning. As commissioner Fritz said, i'm the superintendent of schools for parkrose school district. And thank you very much mayor Adams and councilmembers for having me here today. I've never done this before, so I don't exactly know what it is you'd like me to talk about. I have a short presentation regarding this work. But i'm not sure that that's what you want me to share on. Is that ok?

**Fritz:** You can share whatever you'd like. I was hoping you would talk about how wonderful the parkrose school district is.

**Fischer-Gray:** That's a dangerous subject. I could talk forever about that. Well, let me speak specifically to this work. We know how important it is for our kids and our school district to be connected to outside activities that bring them to school. There are a lot of threats right now because of our budget to the kinds of elective and extracurricular activities and programs that keep our kids in school. The hook is not -- I hate to say it -- english and math. That isn't the hook for most kids. When I first came to parkrose school district in 2007, we had a severe lack of pride. And we had a severe lack of spirit around being a parkrose bronco. And over the last three years, we've worked diligently to resurrect our athletic programs and you can see that by the fact that we probably replace 50% of our coaches and -- you know, water polo for state, for a -- polo for state. For a small school district, that's fantastic. Our football team hadn't won a homecoming game for 15 years and in the last three years, our football team has won half of their games, including homecoming. So there's real things happening in our district. One of the things we're bereft of in east Portland is parks and the other thing is soccer teams. That's hot stuff out in east county, but we don't have anywhere for people to play. So years ago, the parkrose school district wanted to build soccer fields on what I call the birth sanctuary. It's a gigantic area -- I would like to boot off the

**April 21, 2010**

birds and have regulation soccer fields that we can have not only for parkrose school district, but k-12. And we're on the bus line, easy to get to, great location. Food vendors and it's a beautiful area. So we came to the commissioners, did our dog and pony show to everybody that would listen. And you listened. It was amazing to us. To hear this kind of gift given to our school district by the city of Portland. In addition -- i'm just amazed. In addition, commissioner Fish was talking with the gentleman who works with the Portland timbers and he's also interested in our project and, in fact, in may, we'll be doing a big celebration. So we really feel like this is part of our renaissance for our school district. And, of course, we're doing many, many things in academics to also bring our test scores up and we think extracurricular activities are all part of that.

**Fritz:** Thank you.

**Saltzman:** Dr. Gray, while here, do you want to put in a plug for the foundation dinner this saturday?

**Fischer-Gray:** Well, commissioner Saltzman, would i. No surprise to anyone.

**Saltzman:** Time and location.

**Fischer-Gray:** First, I want to thank you for so much for coming to pba. Parkrose business association. Commissioner Fritz comes and you as well. And your generous gift to the foundation of lunch with three people, which we think we're going to use as an oral auction item because we think it's going to garner quite a bit of as for.

**Adams:** I'm going to bid. [laughter] I would like to note --

**Fish:** Dr. Gray was conspicuously absent during my visit. Didn't have the luster of a visit with commissioner Fritz or commissioner Leonard. I did the best I could with a smaller audience. [laughter]

**Fischer-Gray:** It was so -- it was so embarrassing. I have a big fat excuse for that. I'm on a commission for the governor and I had to be in salem. If it wasn't for the governor, i'd have been there. Our auction is saturday night, this coming saturday night at 6:00 and it's at the airport holiday inn. Wonderful event.

**Fritz:** Thank you.

**Adams:** Thank you, and thanks for all of your leadership on everything else that you work on in addition to being a fantastic superintendent.

**Fischer-Gray:** Thank you very much. We really, really appreciate all of your support. Thank you.

**Adams:** Anyone else signed up to testify?

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

**Adams:** Please call the vote on the resolution.

**Fish:** First, I want to single out commissioner Fritz for being the driving force on this. With special appropriations, it takes a special effort by a commissioner to see something through and I deeply appreciate the time she spent putting this together and advocating for it. And also, dr. Gray, I have to acknowledge, your tireless advocacy on behalf of the school district is bearing fruit in many ways. In the classroom, we tacked about the we the people program and the outstanding students through parkrose who are having that experience and going on to college and this shared commitment to providing recreational opportunities. What's exciting for us at parks, is we've made a commitment to look city wide and expand the network of ball fielded and through this partnership, we're going to bring long-awaited fields to parkrose, but in prior week, the council has made sure there's fields at benson and supporting fields at roosevelt and collaborating with the university of Portland. Fields along the willamette and fern hill, we have private partners willing to enhance the fields and today we'll vote on 'mou to allow private citizens to enhance fields at grant. So i'm optimistic in the next few years we'll deliver on the promise of making sure all you have our children have facilities to play on. Soccer, lacrosse, football. Whatever activity they choose of but kudos to you, for being the cheerleader for the parkrose school district and it's not lost on this body

**April 21, 2010**

that you're present in this building a lot and making a huge difference and not lost that you're also a new york transplant. Thank you all, i'm proud to vote aye.

**Saltzman:** Thank you, commissioner Fritz, for bringing this tremendous benefit to the parkrose school district. It sounds like a great asset that will indeed give more kids opportunities to move around and to rebuild that pride in the broncos. Aye.

**Leonard:** I too, want to thank commissioner Fritz and dr. Gray. Thanks for all you're doing at parkrose, it really shows. Aye.

**Fritz:** We had a very difficult budget last year and we're going to have a more challenging budget in year and it speaks for the equity throughout the city and valued school districts other than the biggest one, as well as the biggest one, that the council committed to dedicating this money in the budget last year. And it's not the only thing we're doing to help school throughout the city. And I want to commend commissioner Fish for his diligence in looking at all ways to get these sports facilities provided in high schools all over the city and i'll continue to work with you on that. And thank the parkrose school board in taking the steps making sure there were funds and dr. Gray to committing to fund-raising throughout the community. It's a three-way partnership and it's going to happen and it's being -- I think it's a wonderful project. I had the honor of participating in the senior capstone project evaluations a couple years ago, and i'm going to do it again this year. I was absolutely thrilled with the standard of excellence of the seniors at parkrose high school and the amount of work and accomplishment that went into their senior capstone project, implementing statewide mandates, few high schools have been previously been able to get done. And so dr. Gray talk about sports being the hook and I totally agree. It's not only the hook for the students, it's the hook for the family, that they have permission to come. I enjoy high school sports because they give you permission to cheer and clap -- for the kids. And the d that turn into a c, those are also worthy of applause, but sports gives us permission to go totally nuts and I totally enjoy them and i'm grateful to the mayor and council for supporting this. Aye.

**Adams:** I want to thank commissioner Fritz for shepherding this through the process and ought the folks at parkrose that have helped make -- have kept their end of the bargain as well. It's great to get this done. aye. [gavel pounded] can you please read the title for council item 556. Second reading? Oh, we have another time certain, 536.

**Item 536.**

**Adams:** Commissioner dan Saltzman.

**Saltzman:** Thank you, mayor and members of the council. I'm pleased to bring this resolution forward to recognize april as child abuse prevention month. And at the same time, i'm gravely sadden that had a five-year-old girl in gresham died this month due to aggressive abuse. Portland police review about 5,000 child abuse cases each month. That's why the children's levy has invested \$16 million since 2002 in child abuse prevention and intervention programs. The levies strove for a balance in the range and types of child abuse intervention and prevention program. We'll hear a few levy grantees speak about their programs in a minute. Abuse and neglect seems like a impossible problem for a community since these things often happen privately. But it's keeping silent and keeping ourselves -- it's keeping silent to ourselves that allows a case like a five-year-old girl to be trapped in her own private hell. No one ever spoke you, despite the fact that the girl had been abused for years. And it's to just young kids either. Older kids can be just as vulnerable as we learned from a recently released state report that looked in the tragic death of a 15-year-old girl in salem by abuse. So what i'm hoping to do by bringing forward this resolution is continue to raise awareness and share intervention and prevention strategies that everyone can do. Just as abuse and neglect can be one of the worse crimes anyone can commit, mentoring and nurturing a child is one of the greatest gifts you can give. So here to tell us more or Portland police bureau captain donna henderson. Child abuse team detective karen mac. Cares northwest program

**April 21, 2010**

manager, kevin dowing. And karen james, and volunteers of america, family relief nursery, michelle reynolds. And we'll start with -- start with detective karen mack.

**Karen Mack, Bureau of Police:** Ok, I wish this whole room was full.

**Saltzman:** We're televised though.

**Mack:** That's great. Thank you for the opportunity to speak before you today. It's my role and all the other people here with -- along with community members to help keep children safe. That is something that tugs at all of our heart strings from time to time. I wanted to start off first, if I could, to tell you a little bit what I do as a child abuse detective. I work for the Portland police bureau and been employed with the bureau for 23 years and assigned to the child abuse team for 16 of those 23 years. This team is under the direction now of family services unit and it is led by our captain. Captain donna henderson, who is also a Portland police personnel. The detectives are represented from Portland police, Multnomah county sheriff's office and gresham detectives and we have one officer assigned full time to cares northwest, which kevin will address later and we investigate both physical and sexual abuse that happens to children. The incidence spans from over-discipline all the way to death of children and we investigate sexual abuse. And those things include sexual exploitation of children, sexual touching and rape and other unthinkable things that people do to children. We investigate case where is adults who were abused at children as now adults have just festered up to come forward and disclose those heinous habits that occurred to them as children -- heinous acts. And I was asked to share statistics, the statistics i've gathered from the department of human services records for 2009 say there were 21 fatalities, 866 reported incidents of sex abuse. 389 reports of child abandonment. 2,494 reported incidents of neglect. 1,828 reported incidents of physical abuse and 4,193 reported incidents of threat of harm to children. Those figures are alarming. The 2010 figures go up to include the month of march. That's where their stats are at this point in time. If you divide the figures they have for 2010 by three, which represents the months collected and multiply it by 12, the months we have in a year, those stats will increase in every category except for fatalities. But if this last two-week time frame that has hit our city and county with child deaths is in I indication of what lies ahead, that -- i'm sure will be miscalculated number on the fatalities. We've had three infant deaths so far that we have investigated within the last two-week time frame. That i'm aware. Our sergeants review thousands of reports. Last year, they reviewed -- they assigned 988 cases to be divided up between the 13 detectives and the one officer. These reports come in from a variety of sources throughout the county, both the agencies we have partnerships with as well as department of human services reports they're reviewing. We are fortunate to have great partners within the community that share the same dedication and love of our city and county's children that we do as a team. We have cares northwest and we have department of human services, and Multnomah county healthcare nurses, Multnomah county district attorney. Various religious organizations such as catholic charities and volunteers of america and the list is endless of others that share the same desire to keep kids safe. As far as prevention strategy describe, I wish I could perform some imagine, but this will only occur if everyone in our community takes an active role in making that happen. We can -- making that happen. We can start with education, by teach young children in schools the effect of shaking babies and what that can do to a child. They may be a babysitter of any one of your children or a loved one's children and children in school do babysit. I investigated a case a number of years ago involving a 11-year-old child that shook a baby left in her care. We had two victims but we had to assign one as the aggressor role. It was heart wrenching to investigate that case as you can imagine. We also continue to teach children that no one is allowed to touch them on places they are covered by swimsuits and I use that term often with children. Unless it's in a doctor's setting or for hygiene purposes and if people do touch the children in those places, they're expected to be able to tell and comfortable enough to tell someone they're being touched inappropriately and when they do tell, we need to act upon those disclosures and take them seriously and investigate those. We can't just put

**April 21, 2010**

those disclosures off without a thorough investigation. People that know of abuse in our community have to respond as mandated reporters do. We have mandated reporters that are covered under the legal explanation of such. If it was my perfect world, everyone in our community would be -- fall under a mandated reporter synopsis. As you reported earlier, commissioner Saltzman, the death that occurred to the five year old, I know -- I can't go into specifics because it's an ongoing investigation, that case has ripped apart different detectives that have been involved in that investigation. Myself included. These cases have to stop. People in our community have to be involved. They have to call. I know that we have had in the past a receiving center and stop me if I go -- sometimes I ramble, so stop me if I ramble. In the past, we've had a receiving center and I want to tell but one of the things that really touched home with me. We saw all of our community partners work together one year when myself and another detective took another family of kids ranging from teen years all the way down to little ones into protective custody over the holidays. We did not want to split them up. All you have us take our jobs seriously and we get attached to the kidded we help. We could not see splitting them up. We got together with the community partners and the receiving center we had operating and they agreed to take this entire family. We went to cares northwest and they provided gifts for the children at christmas. We went to sunshine division and they provided vouchers to take them shopping and get them clothes. All of the detectives gave of their time and went out with the kids and shopped for clothes and we kept them together over the holidays. Those are the things we need in place to help us with these types of investigations. We have training coming up next week that most of our detectives will attend. The clackamas county put it is on. The child abuse summit at the red lion. We've been fortunate to have funding that allows us to attend that, or most of us to attend that training. I urge you when you do have budget things to consider, that you put us at the top of your list and dent make cuts in our -- don't make cuts in our area of investigation.

**Saltzman:** Thank you.

**Kevin Dowling:** Good morning, my name is kevin dowling and I work as a program manager at cares northwest. It's the only medical program specializing in helping children who have been abused or neglected. Served children for 23 years and one of the oldest child abuse prevention centers in the country and we're the only program i'm aware of anywhere part of a collaborative effort. Kaiser, ohsu doernbecher's children's hospital and providence health and services. I could go on and on about what makes cares northwest a great program. I thought i'd tell you the story of a four-year-old girl who lives in Portland and how she came to be a patient at cares. Thursday morning, a protective services caseworker from dhs called cares northwest and spoke to a intake counselors. A report of a four-year-old girl and she had reportedly had bruises on her face and bite marks on her arm. She said her father had bit her and reported to have contact with a registered sex offender and there was a significant history of domestic violence in the family. And the caseworker took the child into protective custody because the alleged offender who lived in the home couldn't be located and the caseworker wasn't sure about the mother's ability to protect the child. The -- was determined to be seen at cares northwest. Over the next half hour, cares staff spoke with the police sergeant and asked if a detective had been assigned. We obtained the police report from the on-site Portland police officer and we got a history of the concerns -- past concerns of dhs from the on-site Multnomah county hotline screener. The at 2:00, the child arrived at cares with the caseworker and maternal grandmother and a team of professionals saw her. A doctor and child abuse interviewer who worked side by side. The team gathers medical and social history and the four-year-old has a head to toe checkup and a videotaped interview which is observed by the doctor and caseworker. To minimize the amount of times she has to repeat her story. The doctor makes a diagnosis of physical abuse. The recommendations are made for follow-up care, including mental health therapy, ointment for a skin irritation, a development recommendation and recommendations for the child. Consults with our therapy from the Multnomah county family shore team on-site at cares,

**April 21, 2010**

and about options for melt health follow-up and available to help the grandmother for questions she's going to have. Law enforcement and child protection services listened to the child disclosures and talked about the injuries documented that day and have the information needed to develop a safety plan for the child and arrest the alleged offender. The 11 professionals, coordinated services within six hours to serve this one child. And this level of coordination is not unique. It's based on a national model and something we implement every day at cares northwest. That was one child's story. 1,515 children have been served in our outpatient clinic and 175 children admitted to the hospital for concerns of child abuse and 253 children seen at the child's hospital legacy emanuel emergency department. Each week, cares sees enough children to fill the average sized public school classroom and every few months, we do enough medical evaluation that would fill a local elementary school. Between those numbers and the onslaught of local news stories about children being abused. You might assume that the world is full of perpetrators and dark and dangerous place. You're wrong. In my opinion, the good guys outnumber the bad guys and people care about the safety and well-being of our children. That's especially true in Portland where voters have continued to support the children's levy to stop child abuse. To me, it's a indication that Portland citizens don't just talk about how important children are. They do something about it. Thank you.

**Karen James:** Thank you for having us here today. I would like to share a little bit about our program funded through the Portland's children's levy. It's the Portland child involvement project and we work with latina survivors of domestic violence and their children. About 30% of the calls that dhs receives through child abuse hot line are related to domestic violence situations. When children are exposed to domestic violence or witness it, it has long-term effects on their behavior and development. The effects of the trauma manifest as fear, anxiety, depression, aggressive behavior, learning disability, speech disability. Through home visits, parent and children education classes our staff of a parent specialist and latino child specialist work with the moms and children to understand the effects of domestic violence the children's witnessing the violence on their behavior. It helps them understand their emotions; helps children deal with their emotions and learn how not to act out aggressively. It also teaches the moms how to communicate with their children, to interact positively and also to discipline them but in a positive manner. And let them know that hitting is not ok. The goals of our program is to improve the way the mothers interact with their children and also to improve the behavior of the child and create a healthy environment and positive role models for moms to be to their children. The long term goal is to break the cycle of violence that exists in our families that affects so many children. Thank you.

**Michele Reynolds:** My name is Michele Reynolds and I'm the director for the Family Relief Nursery, a part of volunteers of America. We're an intervention and prevention program that serves families that have been identified as at risk of abuse or neglect. The core service we provide the family include therapeutic classrooms, home visiting, parent education and transportation services. These services are provided at no cost to the families and help to build a safe nurturing home environment for the families. We actively work on reducing the family's risk factors. The average family typically presents with 10-12 risk factors. A family needs 8 risk factors to be eligible for our services. Recent data collected from npc research shows that if we can reduce just 2 risk factors that cuts the risk of abuse and neglect in half. So we begin doing this by assisting the family in reducing risk factors and actively engaging the family in home visits, creating individual home service plans. We provide support, coaching and resources for the families and parent education classes. Parents also utilize respite care to work on goals, receive counseling, do job searches, or continuing education or other appointments while their children are engaged in therapeutic classrooms. The family relief nursery staff are skilled at identifying abuse and neglect. This year, after a teacher noticed signs of abuse a report was made to dhs and 2 children were removed from their homes. The children were lethargic, non-verbal and would not make direct eye contact. This family was new to the nursery and within just a little over a week after being placed in foster care

**April 21, 2010**

and engaged in our therapeutic classroom, the children began communicating with our teachers. They actually smiled. The case worker noted that our phone call most likely saved those 2 small children's lives. Another family who already had their children in foster care were able to engaged in our services and we became the one stable and supportive environment the children knew. They were able to be reunited with their mother after one month of being in the foster care system. And this was largely in part due to their enrollment in the relief nursery. And we worked collaboratively with dhs to stabilize the family and further reduce their risk factors. And I just wanted to share with you some of our outcomes. 98.4% of the children that receive relief nursery services that had former dhs open cases, had not subsequent involvement. That means no reports, no abuse and no foster care. Also our parent-child interactions increase from 44% at intake to over 75% after a 12 month period. And parents who read to their children increased from 19% at intake to 65% after 12 months in care. We were able to serve 94 children and families this past year. We currently have a waiting list of over 30+ families who still receive outreach services and monthly home visits and we also know the need in outer east county and we hope to expand services at some point to serve those families. And I just want to thank the City and children's levy for your support.

**Saltzman:** Questions for our panelists?

**Adams:** Great testimony.

**Saltzman:** I just also want to take this opportunity before we vote on the resolution to update the city council. As you know last year during child abuse awareness/prevention month, we had a resolution to lower the city flag in honor of children in the city of Portland who have died due to abuse. We have lowered the flag and honored three children in the intervening year. Four year old Ashton Lorenzo Medina Barr who was killed November 4, 2009. He and his mother were victims of a domestic violence related homicide. Four year old Eldon Jay Redon Smith who died from a tragic drowning when his mother threw him over the Sellwood bridge. 17 year old Fernando Chavez who was killed while trying to recover his stolen bike. The community response including from service providers and advocates have been extremely supportive about the city's raising awareness in honoring these children. The flag is lowered at city hall, the Portland building, pioneer courthouse square, the convention center and world trade center. So I wanted to update our Council members on that. Thank you all for your testimony.

**Adams:** Thank you very much for all the work you do. Is there anyone else who signed up to testify on the resolution?

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

**Adams:** OK, can you please call the vote?

**Saltzman:** Well, I want to thank everyone for being here. I particularly want to recognize detective Karen mack, as she said she's been on the child abuse team for 16 years. And that's a tough assignment. I found in my experience, with child abuse team members, they are either in there and out of there as soon as their rotation allows, or they become lifers. They become so committed to the kids they serve that they serve their entire career there. Detective Mack is an example of that. So thank you all for being here today. I'm pleased to vote Aye.

**Leonard:** I appreciate the work that's been done on this important subject. There's no more important work than the focus commissioner Saltzman continues to bring on it, aye.

**Fritz:** Commissioner Saltzman, your continued leadership on raising awareness and providing funding for tackling these tough issues is impressive and I thank you very much for your focus. So thank you catholic charities, volunteers of America, cares nw and Portland police bureau's family services division for all of your hard work in the community to prevent child abuse. Portland children's levy funds 13 child abuse intervention and prevention program at over \$1.5 million to serve nearly 2,000 portland children last year. So thank you to the tax payers for funding this and doing something about these tragedies in our community. Thank you especially to the police bureau. They receive over 1,000 reports of child abuse each month. I almost wonder if my staff



**April 21, 2010**

has that written down wrong—that is correct. This is a huge problem and I appreciate the focus, especially who day in day out work on these tragic cases. And thank you to commissioner Saltzman again for the flag resolution which I was somewhat skeptical of when we passed it last year—I did support it. And I'm glad that we have it and that you just gave us that annual report and recited those three names again that we hear a lot about other tragedies in the community involving the police and to have those children's names repeated is important. Thank you very much for doing that. Earlier today we heard about the start making a reader today program, so there's things in addition to paying the taxes that fund the children's levy that people can do and each one of us can be thinking about—in addition to what we can do in our wellness goals for our personal health—what can we do for a child everyday? Can we do one thing? Thank you very much for this work, aye.

**Adams:** Well, I want to thank commissioner Saltzman for his decades of leadership and commitment on the issue of domestic abuse, domestic violence and safety for all in the City of Portland, especially our most vulnerable, the children. So thank you for that. Thank you to our non-profit providers who help make this happen and our team at the police bureau. I've very pleased to vote aye.

**Item 556.**

**Adams:** please call the vote.

**Leonard:** Aye.

**Fritz:** Just noting that this vote changes the mechanism of finance to bonds and the reason we can do that is because of the tax increment that's been generated in the north macadam urban renewal district, so this is a good thing. It's not adding more projects, it's using a different financing mechanism in acknowledgement that the line of credit that the city had extended to get the district started, has in fact paid off, worked out and is getting those projects done. I was initially a skeptic of the north macadam urban renewal district, and now especially in these tough times when I go by the district and continue to see construction continue to happen, I've very grateful to have it. Aye.

**Saltzman:** Aye.

**Adams:** Aye. Please read the title for first reading of a non-emergency ordinance 557.

**Item 557.**

**Terry Williams, Revenue Bureau:** The proposed amendments to the business license tax code fall into 3 main categories. Housekeeping, administrative authority and an exemption elimination for the residential haulers. The housekeeping changes include changing the return due dates for co-ops and non-profits to match the state of Oregon. Clarifying 2 definitions, the first one income for limited liability companies and the second one and exempt year for net operating loss purposes. Also removing unnecessary language in the gross receipts exemption subsection and removing and exemption for secondary residences that was added three years ago. And this is due to administrative difficulties that we have had in the past. The two administrative authority changes include authorizing the revenue bureau to provide certificates of compliance, electronically which allows the bureau to meet projected budget cuts next year as well as becoming more sustainable. And authorizing the bureau to collect business phone numbers and email addresses of officers and owners that can be used by the city for any lawful purpose. That was a change that you asked for, Mayor Adams. Finally the exemption for the residential haulers was added to the code 15 years ago at the request of now-named bureau of planning and sustainability, when the city added a franchise fee for the haulers. The general fund did not lose revenue as a result of that exemption because bureau of planning and sustainability transfers revenue from that fee into the general fund to make up that revenue loss. BPS has requested that this exemption be eliminated and that those payments cease. And removing that exemption will not create a double tax. That's very quickly a summary of the basic changes. I'm happy to answer any questions. Bruce Walker from Planning and Sustainability is here to talk a little bit more on the impact on the haulers.

**April 21, 2010**

**Adams:** Why don't we see if anyone has any questions first.

**Fritz:** My question is on the impact on the haulers and ratepayers and on the general fund. How will the different pots of money be affected.

**Williams:** I'll start with the general fund. There will be no impact to the general fund because whereas BPS pays that amount now, the haulers will pay it in the future. So the general fund will not see a change.

**Fritz:** Where to Planning and Sustainability get the money from to pay it into the general fund?

**Bruce Walker, Bureau of Planning and Sustainability:** I'm Bruce Walker from Bureau of Planning and Sustainability. Out of the rates charged by haulers, a 5% franchise fee to fund our activities sustainable programs. And so those funds were currently shifting a small amount to licenses to the general fund. We're proposing to eliminate that exemption for haulers. They in turn would incur that cost, they would pay it like they do for their commercially collected trash related business. So they would pay that to licenses, to the revenue bureau. So the general fund's kept whole. The cost would be part of the rate system, rates charged to customers as part of the hauler's cost of doing business. The impact would be—our estimate is less than 10 cents per month in terms of covering this revenue cost.

**Fritz:** So we're expecting the haulers to pass that .10/month on to their customers?

**Walker:** Correct. It would be part of our rate review. We would look at that and pass those along in proposed rates that we bring back to council.

**Fritz:** Thank you.

**Adams:** Any other discussion? Has anyone signed up to testify.

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

**Adams:** Alright unless there is objection, it moves to a second reading. Please read the title for 2<sup>nd</sup> reading item 558.

**Item 558.**

**Adams:** Second reading please call the vote.

**Saltzman:** Good work to both the district, Lloyd linly and all the others who are going to make this grant field a much more accessible and useable and promote the general health and well being of our citizens. So great work and partnerships. Aye.

**Leonard:** Thank you. I appreciate the work Lloyd and the other community members who have worked for this very important improvement. I support it whole-heartedly. Aye.

**Fritz:** Thank you to the community members who have worked on this and commending commissioner Fish for his continued commitment to finding ways to fund great fields all over Portland as we heard earlier. I am a little concerned about the predictability of the public process for this which we'll get to discuss tomorrow in our look at conditional uses on sports fields for schools. So I'm glad that we get that discussion. We did receive a letter this morning regarding concern whether friends of grant park are a 501c3 and I understand that we're in the process of doing that and that this memorandum provides as standing isn't signed until that is done. So I appreciate the community input on all sides on this, has been very helpful. Aye.

**Fish:** I want to thank the volunteer citizens who brought this matter forward and agreed to go out and raise private dollars to upgrade fields that will then be used by community groups and our kids. At a time when we don't have adequate resources to maintain our system we look increasingly to our friends groups to help us do the job. Because in this instance, Portland public schools has a small piece of one of the fields which is otherwise within the boundaries of Portland parks & rec, we've had to structure this as a collaborative enterprise between Portland public schools, Portland parks & rec and the friends of. What is exciting for me is that there is the potential here—because what we're doing is a first step, mou authorizes a friends group to begin to take some steps which includes some fund raising. There is no commitment from Portland public schools in terms of making an investment in this project at this point. But this friends group gets to begin its private

**April 21, 2010**

fundraising. What's exciting to me is the prospect that we may end up at the end of this process with two new fields. That would not be possible without a lot of community people who stepped up and said that the kids who go to grant deserve state of the art facilities. I want to thank, particularly Lloyd linly who redefines the meaning of perseverance. This project has had many twists and turns, it probably had less than an auspicious beginning it has been discussed and processed extensively and what we now have is a scaled back proposal which is focused on the critical issue of the quality of fields for kids. And again, we at the city don't have the resources to make the investment to replace the field, so we look to our private partners to help us. And this is a model of how community members have come together and helped us meet compelling need both at the city and at the school district. So I want to thank everybody who's worked tirelessly to bring this moment to fruition. We are hopeful if you are successful in your fund raising, but we understand that all we're doing now is green lighting a campaign. And that in time will tell whether you can raise the money to do this project. But I am going to proudly support this mou and I want to thank Emily, Lloyd and all the people who have been involved. But I want to thank all the good people at the parks bureau who have worked hard to make this happen as well, including Emily hicks from my team. Aye.

**Adams:** Well I want to thank commissioner fish for getting this long standing opportunity underway. And I want to thank Lloyd for your tenaciousness and perseverance and not giving up. I am thrilled to vote aye. We are recessed until tomorrow at 2:00 p.m.

At 11:20 a.m., Council recessed.

**April 22, 2010**  
**Closed Caption File of Portland City Council Meeting**

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

Key: \*\*\*\*\* means unidentified speaker.

**APRIL 22, 2010      2:00 PM**

[ roll call ]

**Item 559.**

**Fish:** I want to express the the mayor's regret that he could not be with us today. He's home sick. As president of the council I will preside in his place. Welcome all to city council today. The agenda item before us is a proclamation to honor the life of an extraordinary Portlander, Andy Linehan. Upon learning of his passing, mayor Adams was very supportive of a proclamation to recognize Andy and his accomplishments. And I know that he would have liked to be here to be part of this celebration. Carl, on behalf of the council, we extend our deep regrets on your loss. Our hearts and thoughts are with you. And while this event cannot substitute for that loss, it will help us remember Andy and the profound impact that one person could have on the world. I would like to thank everyone, especially Carl and our featured speakers, who have come here today to honor Andy. It's no accident that the city honoring Andy on earth day, because he and all of his endeavors truly worked to make the world a better place. And the world is a better place because of Andy. Happy earth day, Andy. And I would like to thank Grace and the mayor's office and Andrew Carlstrom in the office of the auditor for putting together this proclamation. And this presentation. So I have a proclamation which we're going to read and present to Carl, but I think that because we have so many people here, what I'd like to do is first do the invited testimony, and then conclude with the proclamation. And so we have some very distinguished people with us today. There are a total of four -- five panels that have been invited. And I'll call people up by groups. First up is state senator Jackie Dingfelder, who worked with Andy at CH2M Hill. Welcome Jackie. Sue Thomas, who is the current president of the city club. And Andy as many of you know served by all the -- as a past president of the city club. And Linda Traeger. Linda was on the equity foundation board with Andy, and we know she needs to leave early. So to our first panel, welcome to city hall. If could you give us your name and each of you have as much time as you want, but hopefully within a three-minute period. [laughter] senator Dingfelder.

**Jackie Dingfelder:** Thank you. I know that drill very well. Good afternoon city commissioner and thank you again for honoring Andy on this special day, earth day. My name is Jackie Dingfelder, and I'm a state senator for senate district 23, which includes portions of southeast and northeast Portland. I appreciate the opportunity to say a few words about Andy. A caring and wonderful individual who touched many lives, including mine. I met Andy when I was employed at CH2M Hill, an environmental consulting firm, in the mid 1990s. We soon became friends. As we shared a passion for protecting the environment, a love of traveling, and an interest in policy and politics. In addition to Andy's long commitment to the environment, he was committed to making Portland a better place. He provided leadership as president of the city club, and also very active with the American Leadership Forum. He was also known nationwide for his innovative work on wind energy projects, and was a leader in promoting responsible, renewable energy development. In addition to his long and distinguished environmental professional career, he was a committed partner, a friend, a neighborhood activist, and always there when you needed him. In so many ways, Andy generously gave to the community to make it a better place for all, and he also was very involved, some of you might know, with the Peace Corps in Africa in a former life, in addition

**April 22, 2010**

to his Activities with the city of Portland. While running for senate, I called him up to ask if he and his partner Carl would host a -- post a lawn sign. They have a very strategic corner lot on a very busy bike route in my district. Of course they said yes, and both Andy and Carl were very supportive of my run for state senate. Andy was very active constituent. I was very proud to represent Andy. Andy was also an avid bike commuter and some days we ran into each other on our bike commute home from work, biking over the Broadway bridge. And so I like many people in this room miss him terribly, and I very much appreciate the city of Portland passing this resolution honoring Andy Linehan. May we keep him in our hearts and continue his community and environmental work. Thank you, Andy.

**Sue Thomas:** Council, thank you. My name is Sue Thomas, the current president of the City Club of Portland. I am here in this room and here in this role as a result of Andy Linehan. Andy was my neighbor and my colleague at the City Club. As I said in an email to Andy a few days before he passed away, he was the catalyst for me pursuing the leadership role that I have currently in the organization. Six years ago when Andy was president of City Club, he invited me in to a conversation about the role of citizenship in the city of Portland. Andy's passion about the power and responsibility of being a contributing member of a community made a deep impression on me. As others have said of Andy, he created community through his natural sense of hospitality and inclusion. And he didn't have to remember to do this. It was just who he was as a human being. I'd like to take a moment to just read one paragraph from a book entitled "Community" by Peter Block that I think encapsulates the way Andy thought about what it means to be a citizen. "Choosing to be accountable for the whole, creating the context of hospitality and collective possibility, acting to bring the gifts of those on the margin into the center. These are some of the ways we begin to create a community of citizens. To reclaim our citizenship is to be accountable. And this comes from the inversion of what is cause and what is effect. Which we are open to thinking along the lines that citizens create leaders, that children create parents, and that the audience creates the performance, we create the conditions for widespread accountability and the commitment that emerges from it. This inversion may not be the whole truth, but it is nevertheless very useful." While Andy was always very generous with his time and his financial support of the City Club over the years, would I like to say on behalf of the club right now that I would like to acknowledge our gratitude for Andy's final gift to the club, which he left, which is the single largest financial contribution ever made to the organization. We are deeply indebted to Andy. He will strengthen our endowment and enable us to put some much-needed infrastructure into the organization. So thank you, Andy.

**Fish:** Thank you very much. Ms. Traeger. Welcome.

**Linda Traeger:** Thank you. City commissioners, and family members, and guest, I'm honored to have this opportunity to speak about Andy Linehan. I know this occasion is primarily focused on Andy's contributions to sustainability, and the environment. But Andy made a difference in many other ways as well. I got to know Andy because of his service on the Equity Foundation board between September 2005 and the summer of 2007. And I was executive director at that time. Equity Foundation for those of you who don't know, is Oregon's gay, lesbian, nonprofit community foundation that's focused on overcoming prejudice and discrimination toward people who are gay, lesbian, bisexual, or transgender. And they do this by providing grants and scholarships to strengthen diversity in Oregon. Andy served on the board development committee and participated in equity foundations first and subsequent annual fund campaigns. He and his life partner, who had participated in the early meetings forming the equity foundation, also established a donor advised fund at the foundation through which they made donations to a variety of organizations supporting the GLBT community and others who were against discrimination in any form. Andy's thoughtfulness, sincerity, and commitment were extraordinary. As a man who was gay and who also had worked with people in other countries from different ethnicity and races, he had a broad

**April 22, 2010**

spectrum of experience. His conscientiousness and integrity were always at play. He proactively addressed potential conflicts. For example, prior to him accepting a position, a new position at ch2m hill, he worked with the human resources person there to craft a letter to upper management to ensure his partner would be included at all office events. An action that would have taken courage. Earlier his focus on equality revealed itself in his work on a city club of Portland issue paper on homeless -- homosexuality. Whose recommendation were adopted by the city club in July 1994. The Roe report was developed in response to the Oregon wide debates ensuing even after the defeat of ballot measure 9 in November of 1992. An initiative that sought to dishonor and marginalize people who were glbt. He witnessed positive changes in his lifetime as the gay, lesbian, bisexual and transgender community achieved new rights and broader acceptance. Andy and Carl, who would have celebrated 20 years together this summer, were married at Keller Auditorium on March 3rd, 2004. All that was dashed right that was subsequently rescinded, but was followed by legislative changes that made it possible for them to register as domestic partners in Oregon. Which they did. In spite of these gains, we continue to witness efforts to discriminate against the glbt community. Some groups have mounded new efforts, such as those currently underway urging President Obama to eliminate from his Supreme Court candidate list people who are glbt. I hope you will join me in my -- and my life partner much 32 years and honor Andy's legacy by continuing to fund change and work for equality of people who are marginalized. Thank you.

**Fish:** Thank you all for joining us. The next panel that we have arranged, will you please come forward? Ed Arnett, Stu Webster, and Don Furman. Mr. Arnett is from the Bats and Wind Energy Cooperative. I understand Andy was passionate about the interface between wildlife and wind energy. Mr. Webster is from the American Wind and Wildlife Institute. And Andy was a former board member. And Mr. Furman is the v.p. of development, transmission, and policy for Iberdrola Renewables. Who would like to begin?

**Ed Arnett:** Thank you, Mr. President, and good afternoon. City Council members, citizens of Portland, friends and family of our lost disprend colleague, Mr. Andy Linehan, it's an honor and a privilege for me to be here today in this very deserving celebration for Andy. My name is Ed Arnett, I am the director of programs for Bat Conservation International. And I lead the research program that you mentioned earlier. It's been a real pleasure knowing Andy for the past five or so years, and our involvement together in working on wind energy and wildlife issues. Most notably working together on developing and testing solutions to reduce fatalities of bats and reducing impacts of other wildlife issues on -- at wind energy facilities. In my opinion, Andy was perhaps the most proactive developer in the wind industry as it related to environmental performance. And working proactively towards solutions to environmental issues surrounding wind energy development. The research program that I lead could not possibly have advanced as quickly and as effectively without his support on wind energy and bat issues, and his support within his company for these issues. Andy was the primary champion responsible for initiating rather controversial piece of research on curtailing operations to reduce bat fatalities. He went out on a limb and convinced his company that it was the right thing to do to go out on that limb and when others were not willing to do so. And without that support, we certainly would not have advanced our scientific knowledge about this very critical issue. He worked diligently within his company to make not only this research but other things happen. And we simply could not have advanced the science without him. I'm indebted to his work on this issue, such that I plan to dedicate all of my future scientific publications on this work in his honor. Andy's good nature and positive attitude and total dedication toward getting wind right will be sorely missed as we tackle complex issues of this nature in the future. He set a standard for environmental stewardship in the wind industry for others to follow, and those that do so may just receive a reward that's been established in his name. My connection with Andy was far deeper than just work. Yet I really never got a chance to tell him that until in his final days, and even then so in a letter. He battled with cancer for nearly a decade, and

**April 22, 2010**

for the longest time completely unbeknownst to me. Very few people probably would have ever known that he was battling this dreaded disease. And his positive attitude and energy were infectious. And masked any of the symptoms he might have been suffering from. Since knowing Andy, I can say on occasions in my own life I've thought I had issues, and problems, and complaints that -- with work or personal or combinations therein, and I would often remind myself of what Andy was going through, and trying to draw from his strength and courage. And it usually made my issues seem trivial in the grander scheme of things. Cancer is an outright thief. It stole my own mother away recently. Just a couple of months after Andy had passed, and I lost my mom and I lost a friend, and a colleague, far too soon in their young lives. Yet we all know that the spirit and legacy of people, good people lives on. And that can never be taken away from any of us, and to that end I hope we can all draw from the strength and energy and courage of people like our lost friend Andy Linehan. When times get tough in our own lives, I know I certainly will. Thank you very much for the opportunity to be here and share my thoughts on this very special day.

**Fish:** Thank you, mr. Arnett. Sir?

**Stu Webster:** Good afternoon, commissioners, my name is Stu Webster, director of permitting and environmental Affairs at Iberdrola Renewables, and member of the Wildlife Institute Board Directors. I'm speaking on behalf of the staff, directors, and members of the American Wind Wildlife Institute. One of the most difficult challenges we have as humans is striving towards genuine understanding of different opinions. The needs and desires we have relative to each other. Working together to find the often more elusive common ground we share, and realizing a resolution that capitalizes on the common ground while ameliorating the differences that we have. Conceptually one can apply this challenge on a personal level. Sharing a life with a loved one, for example, one can just as easily apply this task to much more complex relationships. For example, the historical relationship between energy and environmental groups. While 30 years of environmental regulation have afforded all of us an improved livelihood, it has done so at a high cost and perhaps not as efficiently as otherwise possible. A cost is that mutual trust and respect among all stakeholders have suffered with time within this regulatory dynamic. Andy Linehan undertook the challenge to find a better way to approach this task, specifically, I witnessed his efforts as a wind industry representative, his style of approach was humble, his style of engagement was courteous, and his style of effective negotiation was founded on respect. Linehan was an honorable man as a representative, he was the first industry representative to adopt a voluntary companywide bat protection plan. He was a member of the federal advisory committee that is advised by U.S. Fish and Wildlife Service on improvements to siting guidelines, and in particular, to the American Wind Wildlife Institute, he was also among the first members to join this small group of wind energy and conservation interests who believe collectively the best way to address environmental impact questions are one, to create a safe haven where open dialogue among all stakeholders can be accomplished, improving that mutual understanding. Where various sources of funding -- thus working to find common ground. And three, develop and disseminate the tools and guidance necessary to implement the answers that are found thus working towards capitalization of the common ground goal of renewable energy done knowingly and responsibly. With Andy's passing I'm brought to think about another difficult challenge. Perhaps even more challenging than the one accomplished so well and consistently by Andy throughout his life. In the absence of his thoughtful leadership, encouragement, and strength, it falls upon each of us not only to recognize the example set by Andy, but to remember it and pass it along in perpetuity and most challenge can, to honor his memory by each of us assuming a path of his honorable man. Andy was a hero of mine. A rock of reason in what sometimes seems all fluid medium. Andy taught me and many of those around him that just because that's how it's done does not mean it's the best way. The members of AWWI strive to continue our work in his legacy. Thank you. I greatly appreciate your time.

**Fish:** Mr. Webster, Mr. Furman welcome.

**April 22, 2010**

**Don Furman:** Good afternoon. Thank you for the opportunity to be here. My name is don furman, i'm a senior v.p. at iberdrola renewables, we are the largest wind operator owner in the world. It's really a pleasure to be in front of you today. I also serve as the president of the american wind energy association, which is the wind industry's national trade organization. And we're here today because we just feel very, very lucky to have known Andy and our company so very, very lucky to have employed him. He was a major part of our success, not the least reason is that as you've already heard, he had such an amazing ethic, he always did the right thing. And it's not an exaggeration in the least to say that this man was the conscience of our company, or even the conscience of our industry. And in fact, as you're going to see when the next couple of panels, he is still our conscience, because all the people who are going to come after me from iberdrola, with the exception of stu, who just joined us this week, but who knew Andy for a long time, have been affected by Andy. I'm often the guy, and my colleagues who -- we're in a business to make profit, and you don't do anything in the energy industry or in fact any industry without having environmental impacts. So we're often, it's often comes down to me or my colleagues to make a decision, do we do it this way or do we do it that way? And i'm here to tell you Andy Linehan had a major, major impact on this company and this industry. So much so, in his final days I was able to call together a special meeting of the board of the american wind energy association, and that board unanimously decided to name its annual environmental award after Andy. So his name is going to be memorialized for quite some time. So thank you very much and with that, you're going to again hear many of the people who he trained, who he affected, who worked with him and for him, and I think you'll hear some good stories. Thank you.

**Fish:** Thank you, gentlemen. Our next panel is composed of brian walsh, sara mcMahon parsons, and jim gilbert. And they are all from iberdrola.

**Brian Walsh:** Members of city council, my name is brian walsh, it is a pressure and an honor to give testimony today about the life of a friend, mentor, and fellow citizen of the the city of Portland.

Andy to me was a true leader, even though he would humbly deny it if he were today. Andy was not necessarily your traditional leader you see on a stage behind a podium or in the spotlight, but rather a silent leader whose actions and examples spoke volumes without ever uttering a word. Andy led his life true to his morals, ethics, passions, and love, and these are defined in these -- and these defined his actions on a day-to-day basis. Whether at home, work, volunteering, traveling abroad, or in the great outdoors, Andy's actions showed dignity, respect, and responsibility for others p. The city, and the environment. There wasn't readily apparent in the office around the street, would you have been reminded of Andy's thoughtful approach to life when you happened to see him cleaning up trash on the Oregon coast beach in a heavy downpour, or perhaps when you saw if him passing on you the bike path commuting to work. You certainly wouldn't have -- would have been reminded when you passed him on the trail in the gorge helping a fellow hiker. Andy's commitment to volunteering and service to the community boards would have been another reminder. Or perhaps you were lucky enough to have spent time with Andy and his partner carl. Wherever you met him, you walked away knowing he was doing something he loved. Even more inspiring was the way he led in an unassuming nature. He never sought recognition for others for any of his efforts, But on contrary, more often Andy deflected the recognition on to others when it came his way. If you congratulated Andy an accomplishment a. Typical response might be "thanks, but I was just doing my job." perhaps illustrating this point even more precisely a. Few weeks before Andy passed I sat until his living room and Andy told me he wished he had accomplished something in his life. The comment was heartfelt from Andy, but to others that heard it, it seemed preposterous. It was that comment that spur add mass email response to Andy from individuals across the country and the world citing how Andy had inspired, motivate and proved or helped enrich their life either personally or professionally. These emails and letters are amassed in a large binder serving as evidence of a life well lived and true to Andy's principles and passions.



**April 22, 2010**

Further tribute to recognition of Andy's accomplished life has been the generosity towards the scholarship fund at Reed College where Andy received his bachelor's degree. He established the scholarship fund three weeks before he passed, to be awarded to an individual -- to individuals in the emerging environmental studies program. Within weeks, the fund donation already surpassed \$30,000, and today the fund is over \$200,000, thanks to the contributions from Andy's estate, 98 individuals, and 10 companies and continues to grow today. It will be a lasting legacy inspired by Andy's life. Andy's inspiration was not -- Andy's inspiration was not apparent before, it's transparent, very transparent today. Thank you to Mayor Adams and members of the City Council for recognizing Andy's life and accomplishment by this proclamation on this special day.

**Fish:** Thank you, Mr. Walsh. Ms. Parsons?

**Sara McMahon Parsons:** Good afternoon. My name is Sara Parsons, and I live in northeast Portland and I work at Iberdrola Renewables. Thank you for the opportunity to provide testimony to the Council. Andy was a close friend. He was like family to me. And he had a profound effect on my life. I first met Andy in 2005. I had recently moved here from D.C. and wanted to join the renewable energy business to bring -- to be part of bringing clean energy to my country. Andy brought me under his wing, he was an amazing mentor I looked up to him for his knowledge, problem solving skills, diplomacy and kindness. He and Carl welcomed me and my family and so many of us here in this room into his community. He took on us hikes in the gorge, he introduced us to local restaurants, he influenced me to join the City Club, he even spearheaded our company's bike to work challenge. And he also introduced me to other leaders in the industry. I had the honor of sitting next to Andy in the office for several years, and being able to bounce ideas off of him and talk to him about strategies, and I learned so much from him. The Dillon project is a perfect example. It was a very contentious project near Palm Springs, where we were competing with real estate interests and urban sprawl, and I remember Andy and I were walking door-to-door talking to people, local people about the project in English and Spanish, and passing on information. And a big angry man with a shaved head drove up in his Hummer and got out and started yelling at Andy. And he was his ever so poised self, he handed him our fact sheet, told him about the project, and said he would be welcome to talk to him more about his concerns. And you could always tell Andy was like that. He was raised by a U.S. diplomat and he carried that throughout his life. We also worked together on the Leaning June Petersen projects in Oregon. And he brought together all the stakeholders, the energy facility siting Council, Oregon Department of Energy, Oregon Department of Fish and Wildlife, landowners, and we discussed the project, we moved facilities away from state endangered Washington ground squirrel colony and set aside a conservation easement to preserve native habitat. He always was there to ensure that there was a net benefit to wildlife. Last year the Renewable Northwest Project, which is a local organization, recognized his influence on Iberdrola and on the industry as a whole and gave him the Clean Energy Award. And throughout all of his medical challenges, Andy was always there for his family, and for his friends, and his commitment to clean energy. I remember him coming to my wedding, the afternoon after he was released from the hospital during one of his treatments. And he was working on the Fish and Wildlife Service guidelines, and project issues in his very last days. He was truly dedicated to collaboration and environmental stewardship, and he brought so many potentially opposing groups together to resolve issues. I am so honored to carry on the values that he taught me and I know others feel the same way. So I thank you again, City Commissioners, for opportunity to provide my testimony.

**Fish:** Thank you. Mr. Gilbert?

**Jim Gilbert:** Good afternoon, Mr. President. City Commissioners. My name is Jim Gilbert, I'm managing director for the Wind Technical Services Group at Iberdrola Renewables. On behalf of Andy Linehan, I thank you for the opportunity to provide my testimony on this very special day. It is indeed an honor and a privilege. For the past five years or so, I had the pleasure of working

**April 22, 2010**

closely with Andy as a friend, a colleague, and as his supervisor. Watching him navigate the many challenges he faced as he managed Iberdrola renewables environmental energy practices and policies. During this period Andy's leadership served to shape Iberdrola's environmental strategy immensely. Specifically their strategy for large-scale wind development in the continental U.S. Andy had the uncanny ability to work with stakeholders, permitting agencies, whereby he always seemed to reach consensus and positive results through proactive community involvement and respect for others. His strong leadership and tireless collaboration was a true testament to his passion, to achieve an equitable environmental and commercial balance within -- within a competitive clean energy sector. One of his most endearing qualities was his professionalism and the strength he exhibited during the last few years of his employment. Andy never once allowed his progressing medical condition to interfere with his work tasks, and remained true to his own high standard of moral ethics, and never once complained to anyone. Throughout his courageous and lengthy battle with cancer, he remained one of the most unselfish and endearing individuals I've come to work with. He was truly a remarkable man, who I will deeply miss. It was an honor and privilege to know and work with Andy, his enduring legacy in wind, wind energy, the environment, and wildlife preservation. A tribute to his many accomplishments for the years to come. Thank you again, Mr. President, and city commissioners, for the opportunity to provide my testimony on behalf of our good friend and colleague, Andy Linehan.

**Fish:** Thank you all for joining us today. Our next panel is comprised of Gene Wilson, Julie Vigeland and Dylan Amo. Gene Wilson is from Sun Power and worked with Andy at Iberdrola. Ms. Vigeland was a classmate at the American Leadership Forum, and Mr. Amo is the current chair of the Citizen Campaign Commission, and Andy previously served on the commission for four years. Welcome.

**Jean Wilson:** Thank you very much for this opportunity. My name is Jean Wilson, I'm a vice-president and general counsel for the utility group of Sun Power Corporation out of the Portland, Oregon, office. I had the privilege of working with Andy for many years at Iberdrola, and I originally had the great challenge of convincing him to join PPM. The first time we tried, CH2M Hill countered with an offer for Andy to run the Portland office western region for CH2M Hill, with hundreds of employees. How could we top that? A couple much years later still in search of someone to run our wind plant permitting, I called Andy to ask if he knew of anyone for the job. To my delight, Andy said he himself was interested. The day we were expecting Andy to respond to our job offer, he called to say that the melanoma he had been battling had recurred and he would be withdrawing from the recruiting process. To which we said, "please won't you still join us?" limited time with Andy Linehan beats unlimited time with many others without a doubt. And he did. And with that, PPM and the wind industry gained our own Lorax, an amazing individual who worked to create all healthy environment for us all. So if I can get my composure back, in honor of Andy, who continues to inspire us all, would I like to read a passage from the Lorax. All the Lorax left here in this mess was small pile of rocks with one word -- unless. Whatever that meant, well, I just couldn't guess. That was long, long ago, but each day since that day I sat here and worried and worried away, through the years while my buildings have fallen apart, I've worried about it, with all of my heart. But now that you're here, the word of the Lorax seems perfectly clear. Unless someone like you cares a whole awful lot, nothing is going to get better, it's not. So catch said the once-ler, he let something fall. It's a truffula seed, it's the last one of all. You're in charge of the last of the truffula seeds and truffula trees are what everyone needs. Plant a new truffula. Treat it with care. Give it clean water and feed it fresh air. Grow a forest, protect it from axes that hack, then the Lorax and all of his friends may come back. Andy remains an inspiration for all of us to plant that tree and nurture it. Thank you very much.

**Julie Vigeland:** Mr. President, and commissioners, my name is Julie Vigeland, I'm here as a friend of Andy's and also representing our class 18 of American Leadership Forum from 2003 of which

**April 22, 2010**

Andy was a member. Given all that I knew, I decided way thanked to do this in a little different format, and it turns out that april is poetry month. So i'm going to share a 'up that I have attempted to capture about Andy. In attempting to cope with Andy's death, our classmates gathered at my home and shared our memories of this sweet and gentle soul who generally lived his life accordingly. Hope family these words are not only my reflections of Andy, but also those of our fellow classmates. To Andy, a dear friend. As our friends we gather to share and to weep, through our dear friend Andy we have memories to keep, the loss, we all felt was great. It is true. But we knew that we must take from Andy a cue. The happiness Andy brought to our group, it was clear he would jump through a hoop for the sake of his friends, and listen he would with intent and do what he could. During our time on mount Adams we climbed and rappelled on ropes Up high our Andy excelled with a hand out to others, and encouraging voice, the help Andy gave provided no choice that we each take a leap and trust in the others that. Trust helped us work later as sisters and brothers. As that year gained momentum and bonding was fierce, we thanked Andy and others for helping us pierce throughout layers of prejudice of all different sorts. We struggled and struggled but strong was our Andy, a leader, a friend and a guide, we were all better people with him on our side. Our Andy dear Andy no, pretense he had, his candor was clear, and for that we were glad because with Andy, you always knew where you stood, he was strong. He was positive, and a force for good. It might seem on first meeting Andy that he a reserved and quiet person would be, but that wasn't the case. And soon we learned to know that energy and joy and warmth he did show. When making decisions as a group, it was clear that we all looked to Andy who had no fear of painting the picture as true as could be, he point out the obvious so we could all see. Andy the negotiator, we came to know as he assessed what he saw and then he would show the best way to reach a solution for all. His gift and his talents were anything but small. Through both his professional and personal life, Andy was focus and never would gripe about issues that might frustrate others, you wouldn't find Andy running for cover. He took on the challenges hard they might be, he looked the for solutions others didn't see. A creative mind that he put to good use, a chance to better mankind he didn't want to lose. Ethnic at work and Andy at home, never far from carl did our Andy roam. A dinner at their house i'll never forget, a planning session, and yet we were all treated royally in the grass so green, more meticulous gardening you've never seen. The picnic was yummy and specialties galore, no wonder, we all came back asking for more. When we've gathered since 2003 some might not make it but Andy, he would be there. And even closer we grew. Time was of the essence, our friend, Andy knew. How fitting on earth day to acknowledge dear Andy, and public policy, planning, and wind it was handy to have this man working to better our world. Always great ideas from Andy's mind swirled. From the peace corps to carnegie and brookings on to bonnevillie, he did pursue, answers to wind power. Yet important also were the wildlife considerations. He made it so. For so many reasons our Andy will miss, but our memories are filled too many to list. All gathered here were privileged to know this great man indeed, now I say, let the wind blow. Thank you.

**Fish:** Thank you very much.

**Dylan Amo:** Mr. President, members of the city council. I appreciate the opportunity to be here. My name is dylan amo, the current chair of the citizens campaign commission. I have the pleasure of serving in the -- with Andy during the previous commission term. As have you heard from everyone here today, Andy was a rare and special addition to the Portland family. And many of us are here because we were blessed to have been introduced to him or work with him, or call him a friend. My story is no different. Andy's deep and personal commitment to community and good citizenry ran to the core of who he was. I'm reminded of a passage if our founding father, thomas jefferson, in a letter to george hamilton. George hammond when he stated "a nation as a society forms a moral person, in every member of it is personally responsible to his society." Andy as you have already heard, was a busy professional. A family man. But he never abdicated from his

**April 22, 2010**

responsibility of this community. At our meetings his hand was always the first to rise when needed help with reports to the council. And his voice was always well thought out. And deeply respected by everybody. Andy's commitment to Portland can never be questioned. Today commemoration is fitting. Andy was a man that has given so much to his community, to the entire community to come together to celebrate his virtues shows how much he touched us. And we are reminded by him. He is a man who gave back to family, to colleagues, and the city. Thank you.

**Fish:** Thank you all for joining us. We have one more panel, and I'm looking to Andrew for some help. I understand Ann Draper cannot be here. Who is reading her testimony? And Mr. Goudarz Eghtetari, would you please come forward? You are from the Laurelhurst neighborhood association, and I understand Andy inspired you to join the neighborhood association?

**Goudarz Eghtetari:** That's correct.

**Fish:** Welcome both and would you please begin.

**Eghtetari:** Mr. President, Commissioner Fritz and Commissioner Leonard, my name is Goudarz Eghtetari, I live at 808 Northeast Cesar Chavez Boulevard, Portland, Oregon, 97232. It is my great honor and pleasure to speak with you about our late friend Andy Linehan on this Earth Day session of the council. My first encounter with Andy was sometime in 2002 when I contacted him as Laurelhurst neighborhood association president to suggest an initiative to put 39th Avenue on a -- based on an experience I had managed in Vancouver, Washington, after listening to me he insisted that I should get involved with the neighborhood Association and become transportation committee chair. In the aftermath of the panic era of September 11th and the following wars, his invitation meant a lot to me. Now I know that being born to a foreign service family and growing up in four continents made him an internationalist and as diverse as you can hope for. I have been with the board since 2004, during that period I also served on Southeast Uplift board of directors for four years. Andy was an active member of the Laurelhurst neighborhood association he was vice-president of the Ina from 2001-2002, and president from '02-03. He continued to volunteer for the Southeast group, by delivering newsletters, and exhibited the fondness and concerns for the health and livability of his community. In memory of Andy's service to the Laurelhurst neighborhood, the Ina is proud to make a \$500 contribution to the Andy Linehan scholarship fund at Reed College. I would also ask to present to you each with a copy of our newsletter where we have a piece in his memory. I too appreciate the council's decision to proclaim today to commemorate and honor Andy Linehan. Thank you.

**Fish:** Thank you, sir.

**Andrew Carlstrom, Auditor's Office:** My name is Andrew Carlstrom, I work in the office of the city auditor. I'm going to be reading something from Ann Draper. Ann couldn't be here today. She's home sick. I would like to offer a few words about Andy and Karl as a couple. I do not pretend to know the inner workings of others' relationships, however, I have been an observer of their relationship for the past 20 years. I still remember a phone conversation with Andy early in their relationship where he was expressing a sense of surprise at his experience and wonder at the depth of his feelings. Carl was traveling a lot in his work and Andy said sheepishly he worried about Carl until he returned home safely. I had known Andy for about six years at that time. If I had met them separately I wouldn't have said they would be perfect for each other. But would I have been very wrong. Very different as individuals, Andy and Carl have been the sort of couple who brings out the best in each other. Professionally they were highly competent and sought after and very different fields. Personally their temperaments seemed to compliment one another. Carl's calm and stability balanced Andy's energy and vitality. They found a way to meld their busy lives in satisfying ways. Themes emerged, political action, community involvement, environmental concerns, extended family, physical fitness and many more. They seemed to enjoy each other's company, cooking and gardening together, Carl always referred to Andy as the social director. And setting out on ambitious travel adventures. They have also been generous in welcoming others into their circle. I

**April 22, 2010**

can count of number of people i've met through Andy and carl. At dinner at their home was guaranteed to be delicious and the conversation stimulating and thought provoking. I've had the privilege of being included in family holiday celebrations and outings of all sorts, hikes, restaurants, concert plays, operas and travel, near and far. I especially cherish memories of a trip to tuscan they organized for a lively group of friends and family. Throughout years their partnership grew and changed and everyone was tested. All the while they remain close. During Andy's illness carl has always been there, a calm center of the storm. When Andy was anxious or uncomfortable, he relaxed when carl entered the room. And while Oregon and other states continue to dither about who may or may not be married, Andy and carl made a commitment for a lifetime and kept it. Ann draper.

**Fish:** Thank you very much. I'm now going to read the proclamation.

**Moore-Love:** There's public testimony.

**Fish:** Excuse me.

**Moore:** Three people have signed up.

**Lili Mandel:** When we first came to Portland, we met Andy. We went to a committee meeting that was being held at his house, at the city club. And at this meeting, we had -- we didn't have a car. We still don't have a car, and we had taken a cab out there. And Andy was very, very kind toward these strangers. And said, i'll drive you home. But in the meantime, he wanted to show us Portland. He drove us around all the neighborhoods, and drove us -- and it was -- he was kind. But I have to say, everyone is talking about all his -- his wonderful accomplishments. But he was a kind man, and he showed kindness towards us. And I think all I could -- after hearing about him here today, I think Andy was a great man on this earth, and fittingly today is earth day. Thank you for doing this. I think it's perfect.

**Fish:** Thank you.

**Irwin Mandel:** That's a hard act to follow. So i'll keep my comment I think just to one thing. I listened to Andy's background, his accomplishments, and everything he did. I'd like to sum up our acquaintance with Andy in one word -- he was truly a gentle man.

**Fish:** Chris smith?

**Chris Smith:** I have a chance to come to know Andy through sierra club, and -- city club, and enjoyed his generosity, his friendship, the hospitality of Andy and carl. And while I was certainly aware that he contributed to the community in many ways, it's only been since his passing that I have been amazed but not surprised to find all the ways he's contributed to our community locally and globally. For me personally, the last thing -- lesson i'll take from Andy is for a hot-headed activist like me, his very calm and thoughtful style of leadership has been a very positive example and I hope i've learned from him. I'm just very grateful we have this opportunity to celebrate him today.

**Fish:** Thank you very much. So I have a proclamation to read, and I know that my colleagues may also want to say something. What I think i'll do is take any comments from my colleagues, and then i'll read the proclamation and present it to carl. Commissioner Fritz?

**Fritz:** Thank you all for being here today to honor this great man. It's interesting that he said that he had not accomplished anything, yet he has done so much for our state, for other people of Portland, and the one thing that affects me the most is his work on the citizens campaign commission. And helping to transform the way we do things in Portland so that anybody can be elected to the city council with the support of at of the citizens of Portland in that work. So I think that's a fitting legacy for this great man, that he opened doors for people as well as looking after bats and energy, and the entire planet. Thank you all for being here. It is often said that a person's best defined by the friends that they have, and have you at requited him well today. It has been truly inspirational to hear each of you speak, and thank you for what you did in Andy's memory.

**April 22, 2010**

**Fish:** It's now my honor, colleagues, to read the official proclamation and then to present it to Carl Snook and then we're going to take -- we're going to adjourn council so that people can take a break. Carl, would you please come forward? If you could take a seat, sir. It is an honor to have you with us. It is my honor to read the official proclamation issued by the mayor for this day. Whereas Andrew Andy O'Brien Linehan was born in Paris, and as a youth lived in cities in Africa, Australia, and North America, and whereas Andy Linehan received a bachelor's degree in International Studies at Reed College, and a master's degree in Public Policy and Urban and Regional Planning from the Woodrow Wilson School at Princeton University, and whereas before returning to Portland Andy Linehan served in the Peace Corps in Mauritania, and worked for the Carnegie Foundation for International Peace, and the Brookings Institution in Washington, DC. And many whereas during his distinguished career in Portland from 1984-2010, Andy excelled in his work for the Bonneville Power Administration, Ch2M Hill, PPM Energy, and Iberdrola Renewables, and whereas Andy Linehan was a founding board member of the American Wind and Wildlife Institute. Was a presidential appointee to the Wind Power Advisory Committee of the U.S. Fish and Wildlife Service, and promoted incorporating wildlife considerations into wind power siting and operations. And many whereas Andy Linehan has been recognized not only for his work in the field of wind energy, but for his leadership in teaching in the art of negotiation, persistent positivity, and his professional ethics, especially as it related to his concern for the environment and for wildlife. And whereas Andy Linehan's civic service in Portland included the Citizen Campaign Commission with the City of Portland, the Laurelhurst Neighborhood Association, Presidency of the City Club of Portland, and the Equity Foundation. And whereas with Carl Snook, his partner of more than 20 years, Andy Linehan enjoyed experiencing the natural beauty of the Pacific Northwest and whereas Andy Linehan left a legacy of bettering our world and it is fitting that today he is honored on the 40th anniversary of Earth Day. Now therefore I, Sam Adams, Mayor of the City of Portland, Oregon, the City of Roses, do hereby proclaim Thursday, April 22nd, 2010, to be a Day of Recognition for Andy Linehan in Portland, and encourage all residents to appreciate his many contributions to our city. Congratulations. [applause] that concludes our official presentation and we're going to adjourn this proceeding and we will come back in about five minutes. Thank you. [gavel pounded]

At 3:04 p.m., Council recessed.

At 3:17 p.m., Council reconvened.

[gavel pounded]

**Fish:** Council will come back to order. Karla, will you please call the roll.

[roll call]

**Fish:** Here. Well, welcome back, everybody. Karla, would you please read the 3:00 time certain.

**Items 560 & 561.**

**Fish:** Thank you. For those of you who are new to the hearing today, yes, I am not Sam Adams, Mayor Adams is home sick and sends his regrets that he could not be here. As president of the council, I'll chair the hearing and we have quite a lot of invited testimony and then I understand a number of people signed up. So we're going to start with a presentation on what's before us and Debra would you lead us off.

**Deborah Stein, Bureau of Planning and Sustainability:** Good afternoon everybody, I'm Debra Stein with the Bureau of Planning and Sustainability. And I'm joined today by my colleagues Bret Horner from the Bureau of Parks and Recreation and Douglas Hardy from the Bureau of Development Services and also Shawn Woods from the Bureau of Planning and Sustainability sitting here with me. We are here today to present to you the Planning Commission's recommendation on the school and parks conditional use code refinement project. I'm going to give you a brief overview of the project including a little context and background of what prompted us to take this on. And give a summary

**April 22, 2010**

of some of the highlights that are in the code package before you and the actual code amendments are in this blue document which I think you all have. I'll be touching on some of the highlights of those code amendments related to schools and also recreational fields. And these code amendments before you today would be housed in both title 33 which is the city zoning code as well as title 20, which is the city's parks and recreation code. Following our -- my presentation, we're pleased to have three planning commissioners here today to talk about the thinking behind the recommendation you'll be hearing, and then we'll open it up to public testimony and then your deliberations and decision.

**Fish:** Thank you.

**Stein:** This project encompasses four topic areas, and there's a fundamental question that is common to all four of these situations. That question is, what is the right set of thresholds to trigger a conditional use review for the following situations? So the questions are when there are enrollment changes in a school, what should be the threshold to trigger that review? If there are changes of grade levels, what are the right thresholds to trigger that review? When there are changes of activity or levels of intensity on a recreational field, again what's the right set of thresholds for that review? And the fourth question that's covered is, when a school use leaves a school and the school site is vacant, what's the proper amount of time to allow that school to be vacant before we need to initiate a new conditional use review to reestablish that school use? How long should it be vacant. So those are the four questions that are encompassed in this project. And because I kept referring to conditional use review, I want to explain that. A conditional use is a type of use that's allowed in the zoning code only after reviewing that potential use for any potential impacts that that use may impose on the surrounding neighborhood. And those are physical impacts, things like traffic, noise, litter, so forth. So the use may not necessarily cause those impacts, but we need to go through a review process to ascertain whether there was impacts and if so the use would be allowed only after there are mitigation measures applied to the approval to make sure those impacts are reduced. There are different -- two different types of conditional use review process, and that's another one of the questions that will be covered in this recommendation before you today. It's not just what's the threshold that triggered the review, but if that review is triggered, what type of review. And there are two types of conditional use processes. The first is called a type two, and that takes about eight weeks processing time, costs \$3600 to go through that review. The second type of a conditional use review is the type three. And that has 15-week time frame, and is significantly more expensive. It's \$11,000 to \$16,000. But importantly, both of these reviews use the same criteria to make the analysis to do the analysis what the impacts are. So the evaluation is the same, but the processing time is different and the cost is different. The other difference between these two types of reviews is who is the decision-maker to whom the decision can be appealed. In the case of a type two, the decision-maker of staff with an appeal to hearings officer, in the case of the type three, the hearings officer is the decision-maker and that can be appealed to city council. So I want to talk about what prompted us to take this project on. What were the factors that initiated this. The problem that we were responding to was really based on some community concerns we had about both field improvements and school reconfigurations. In the case of the field improvements, what prompted to us take a look at our code was a situation at fernwood middle school, what's now beverly cleary, where the little league made improvements to the field to accommodate little league use. And I think what we learned from that experience was that there were a lot of things that didn't go well with that process. I think it was a situation that didn't work well for the neighbors, didn't work well for development services, parks and recreation, so we wanted to all learn from that experience and say, what didn't go well in terms of the review process notification, operationally, that we could learn from to revise some of our processes, to better address the things we learned. So it was very educational case study for us. The second thing that prompted this project was that there were a number of code compliance violation cases

**April 22, 2010**

filed by the public in response to a number of schools that had been reconfigured by Portland public schools. When they made changes between schools that had previously been k-5 or converted to k-8's, there were some six or eight schools that added lower grades, so there were changes to grades and as a result are of those, city received 102 code compliance complaints that we were asked to process. And what we learned from that experience is that the bureau of development services found the code was not entirely clear because of different definition and how things were termed so they put those enforcement complaints on hold until we could clarify and understand the code better. So those code compliant cases are on hold today awaiting resolution of these code issues by your decision today. In the process of looking at all of those, we also found there were a few other things in our code that while weren't related to the code compliance issues, also revealed some code ambiguity. Things that that weren't clear that also related to schools and parks. So we decided to bundle that together as part of this one project. The other thing we learned though in the course of initiating this project and talking to the public, that while we identified a number of code issues, there were also a significant number of very important larger policy issues related to schools that came to our attention that were very important to address. These are related to socioeconomic implications of school decisions, issues of equity, opportunity, and so forth. So we've decided that it was really appropriate to take this on as a three-pronged approach. So what you're hearing today, what we're going to be focusing on is only the first prong of that approach. That's looking at the code amendments, clarifications, thresholds and so forth. But we also want to be mindful of the two other approaches which are part of this overall effort. The second approach would be looking at policy changes. This would be through the Portland plan conversations that are going on now, and continuing on through the update of the comprehensive plan. And that's where we really can get into the meatier policy issues regarding equity, socioeconomic implications. The role of schools and communities schools as centers of community. There are big policy issues we want to tackle and those would be the places to do that. And the third approach, third prong of the approach would be through intergovernmental agreements. And we would like to pursue a path where we have a way to outline a process through which our school districts and city government can identify how and when to consult with each other on issues of mutual importance, mutual concern, mutual interest. So we'd like to pursue through some discussions about intergovernmental agreements as well. So this represents our more comprehensive holistic approach to dealing with some of these school issues. I'm going to touch now on some of the highlights of those four topic areas that I outlined. I'm going to start with the three school related issues and finish with the recreational fields. The first topic area is the question about enrollment fluctuation. Currently our code says that when a school changes its enrollment, that triggers a conditional use review. And practically that's a very difficult thing to implement. Functionally a lot of schools change enrollment on literally daily. There's a lot of change. So what we want to do is find a way to appropriately address the issue of school expansion, but not by counting the number of students, and instead building flexibility that allows some fluctuation in enrollment, but use as better proxy for intensity and increasing the use of a school site. So we're looking to square footage limit as the way to trigger -- a threshold to trigger a conditional use review. And what we have in our code today is a 1500-square-foot addition, if you add 1500 square feet of additional floor area, that triggers a conditional use review. And we think that's an appropriate way to catch an expansion and review it for any impacts on the neighborhood. I want to point out that 1500 square feet threshold is a useful threshold because all of the portables that you've seen installed in certain schools over time, those are always about 17, 1800 square feet. So those would all have to undergo a conditional use review. When a portable as added to a campus.

**Leonard:** That's current code?

**Stein:** It's current code, and we want to continue to use that as the proxy. But yes, that's current code. The second topic area, and this was the subject of all of the code compliance cases that were



**April 22, 2010**

filed, is the change of grade level. When should that trigger a conditional use review and when it does trigger that review, what's the appropriate level of review? Currently the code talks about grades levels, it talks about elementary school and middle school or junior high school. And it doesn't refer to the actual grade. So one of the things we want to do is change that so we refer to the grades themselves. Six, seven, eight, for example, as opposed to a category that is a looser definition. We have a number of pieces of this recommendation that I will illustrate with the following slides to show what we're proposing in terms of what triggers the review and what type of review. So the first scenario I want to show is when you start with a school that currently has grades 6-8, typically known as a middle school. That's our starting point here and if you were to add grades k-5, any grades, k-5, to that school we're proposing that it be a type 3 conditional use review. If instead you start with that grade 6-8 grade school and you were to add older students, grades 9-12, any or all of those grades, that also in our proposal would be a type 3 conditional use. The next scenario is we start with an elementary school, grades k-5. And if you were to add grades 6-8 to that k-5 school, we're proposing that be done by right without a conditional use. And that's current code, right? That's retaining the current code. And the last example I want to provide --

**Leonard:** I'm sorry, was that a type two or --

**Stein:** There's no review required for that. That's the one grade change that doesn't trigger a use review and we were proposed still to let that be allowed.

**Leonard:** Thank you.

**Stein:** And then the last example is if you start with a high school, grades 9-12 and you were to add the younger grades, 6-8, we propose that be a type 2 conditional use.

**Leonard:** If you take an existing high school building and convert it from k-8 through 9-12 that triggers a conditional use.

**Stein:** Yes. If you have the 9-12 there and you were to add the younger grades.

**Leonard:** You add them, I see.

**Stein:** You are adding additional grade levels to what's already there as opposed to a full conversion.

**Leonard:** That's not existing code but proposed code?

**Stein:** The last example -- sorry, the -- adding the 6-8 to the 9-12, there's no change. We're proposing to condition what the code says today.

**Leonard:** Thank you.

**Stein:** I'm going to skip to topic 4, which is also related to schools and that's the conditional use status for vacant school properties. This is where if a school were to leave a site and it's vacant and then a school wanted to reestablish a school-- if the district wanted to reestablish a school in the vacant building, at what point would they have to go through a new review to reinitiate that use. Currently, the code says after three years, the site loses its status and you have to go through a new review. That proves to be a little inflexible because sometimes it takes a little bit more time to reestablish a school in a building. So we're proposing to extend that vacant period to five years and that would be a type two review to reestablish after five years. If the school site were vacant for 10 years or for more, it would trigger a type three review given the time it's been vacant. All of the things or more than that, it would trigger a type three review which will give us a more significant review given the length to time its been vacant. I forgot to mention at the beginning that all the things I'm mentioning regarding schools would say apply to all of our school districts. We have six school districts that have school facilities in the city of Portland and also private schools as well.

**Fish:** Deborah I have a question on that.

**Stein:** Sure.

**Fish:** If after five years of vacancy, the proposal would trigger a type 2 review beyond five years if the district sought to activate the school again, why is that -- that's a lower threshold than the type 3 suggested under change of grade. I'm trying to understand why a change of grade when there's a --

**April 22, 2010**

that there be a type 3 but a type 2 after a five-year period for a vacant building. What was the thinking of the commission as to that distinction?

**Stein:** I don't know that they compared those two. I know the thinking with the type 3 for adding - either adding the high school students to a middle school or adding younger students to a middle school, those were two different rationales. I believe the rationale for adding in a type 3 for adding the younger kids in the middle school was because of the transportation conflicts with the younger kids entering an environment that was really designed and operating with older kids in mind. So that was a type 3 because of those safety impacts that wanted those extra review and currently we're proposing to continue if you were adding high school students to a lower grade school, that introduces new impacts because high school students may drive and can go off campus for lunch and there's a lot of things that older students may do that may introduce impacts to the neighborhood. That's the rationale for the type 3 in both of those situations. I don't know that they compared that with the vacancy and reestablishing a school to say if they're commensurate.

**Fish:** Thank you.

**Stein:** The last topic, recreational fields. This is a topic that has a lot of issues in that -- in the topic. The first was that currently, and the following things are all things we've noted with our current code. Schools and park sites are -- school sites are sometimes handled differently in the code than park sites even though to a neighborhood, it's a recreational field and there shouldn't necessarily be any distinction between who is operating or who's the permitting agency for the fields. So we wanted to bring some consistencies so recreational fields whether it's run by the school or the park bureau, they're managed the same way with the same rules. And currently the code measures intensity based on a counting of spectators and if there's an increase in the number of spectators, that's the way we currently say we measure an increase in intensity and that's proven to be a very impractical measure. It's nearly impossible or nearly impossible to count spectators, to have a baseline to know how to keep records of that and it's just not a practical way to measure intensity. So we were looking for other ways to serve as that proxy to measure that intensity and increase. The other feature of the current code, currently, if you convert or change the activity level from some younger kids to older kids or from youth to adult, there may be a change in some of the impacts associated with that level of activity. That neighbors are not notified of those changes and that was one of the things that occurred in the fernwood case where you went from very young children playing t ball to suddenly having little league where the balls were hit harder and maybe travel farther and maybe more foul balls. So there are different impacts associated with the change in age level but our current code didn't have a way to notify the neighbors of that change. And finally our current code requires a full type 3 review for a vast array of activities and we found maybe some of those weren't necessarily commensurate with a level of review. I want to show you a few examples of that. There are the images. You see the slide on the left, there's a relatively small bleacher, that would go through the same rigger of review as the bleachers on the right. Currently they would go through a Type 3 review. Similarly the two parking spaces on the left undergo the same type 3 conditional use review as the large parking lot on the right. So our recommendation before you today is to do a few things. One is to retain a type 3 conditional use review for those things that have potentially large impacts. The things that really deserve that very rigorous review with the public involvement associated with the type 3. But other smaller types of development, we propose those be a type 2. We also are proposing to provide a process for public notification for things that may not trigger a conditional use review, but still deserve some upfront consultation between all the players to make sure we can address any concerns from neighbors upfront before it goes through and is built. So it will provide for early consultation and there's also an option built in for good neighbor agreement. In our proposal today, we're also proposing to clarify some vague code language that was in various places in both codes. Title 33 and title 20 and

**April 22, 2010**

finally we have identified some very definable and measurable thresholds for review and for notification --

**Leonard:** Before you move on, go back to that slide.

**Stein:** Sure.

**Leonard:** You've taken some projects that are currently smaller projects but fall under type 3 reviews and are recommending they be type 2?

**Stein:** Correct.

**Leonard:** And then your taking and applying type 3 reviews for developments of projects with potentially large impacts. Are those currently projects not required to have time 3 reviews?

**Stein:** I would say --

**Fish:** Introduce yourself.

**Douglas Hardy, Bureau of Development Services:** Douglas hardy. Typically what's in the proposed code those things that require type 3 today would require type 3 so for example, if you add new lighting to a stadium lighting to a field, add new seating to a field, parking, that type of thing. Today would trigger a type 3 and under the proposed code, would trigger a type 3.

**Leonard:** What you're accomplishing is removing from type 3 a review of those smaller projects that you illustrated.

**Fish:** Just to clarify that, the area which would not be subject to conditional use would be things like just replacing a field, for example.

**Stein:** Replacing an existing field.

**Fish:** If you change the surface or something of an existing field that, would not go through a conditional use.

**Fritz:** Does this apply to colleges?

**Stein:** That question came up to us in the hallway.

**Hardy:** Douglas hardy again. It does not -- the new chapter created for the rec fields, organized sports applies only to limited circumstances. So it applies to school sites, park sites and I think there's one other type of circumstance. But otherwise, for institutions like colleges, universities they would continue to be regulated by another part of the code. 33.815 or 20 that deals with all other conditional uses.

**Fritz:** My second question is, the current code regulates as conditional uses field use for organized sports and other facilities that draws spectators to events in a park. The new code changes that only to recreational fields for organized sports. What about adding a running track that's not a recreational field for organized sports.

**Stein:** I think the response is that if there are spectators, what would be triggered would be the installation of the bleachers. That would indicate there would be spectators. And they would be the spectators that would be bringing the impact potentially. If it were just a running track that doesn't attract any spectators, i'm not sure it would be a threshold that would trigger the review. But the spectators that would be manifested through the installation of bleachers and that would trigger the review.

**Hardy:** In the existing code, it does focus, at least for open space, it does focus on fields that's attract spectators to parks. It does as you indicated identify and other facilities other facilities that attract spectators. I think -- the thought may have been that certainly fields, baseball fields, football, soccer fields are the ones that attract most spectators to the parks. The other recreational facilities other than fields, yes, they may attract some spectators to the park, but it's a question of do they attract enough spectators that it merits a conditional use review.

**Fritz:** What about a big skate park like in -- park or glendoveer park

**Hardy:** My response to that would be typically, a skateboard track doesn't attract spectators. It's not an organized sport that attracts spectators and currently that's at least with the existing code is focusing on.

**April 22, 2010**

**Fritz:** Wouldn't we want to look at have a conditional use for the installation of a large skate park?

**Hardy:** Even under today's code that wouldn't trigger any conditional use. It's not for organized sports and it's not a facility. I think it would be interpreted as a facility that doesn't attract spectators to the park. It may attract users to that facility, but not really spectators.

**Fritz:** What development standard would a skateboarding facility be subject to?

**Hardy:** Under today's code.

**Fritz:** Yeah.

**Hardy:** It would just be -- the use -- it would be the basic development standards, in that case, primarily the minimum setbacks from property lines.

**Fritz:** Thank you.

**Stein:** I wanted to give you a couple of examples of some of the kinds of development that may require conditional use depending on what threshold is met. Field lighting, voice amplification you know a p.a. system, bleachers as I had mentioned before, parking the addition of new fields to an active recreational area and concession areas. These are all things depending on size and threshold and so forth may continue to trigger a conditional use review. So what we're proposing to you today is that you adopt planning commission's recommendation and this includes the package that's contained in the blue document, plus two memoranda that you have some minor amendments that were submitted to you on april 6th and again today with some cleanup code language. The code amendments again are contained in both title 33 and some of them in title 20. In addition to adopting these documents, we'd also like you to endorse a path forward through which we address some of the policy issues regarding the interplay between schools and community and some of the issues of equity and so forth related to schools. We'd like to follow a path where we do that through agreements between the school districts and city council, respecting and recognizing the individual decision making jurisdiction that each body has, but also recognizing the importance of consultation and collaboration as we move forward. And secondly, through policy changes that would be considered through both the Portland plan and the following comprehensive plan update.

**Fish:** Debra I've been thrown into this role late in the game so I want to make sure I understand what your guidance is to us.

**Stein:** Ok.

**Fish:** There are exhibits to our packets with some amendments that you're proposing and these are not substantive changes these are simply cleaning up the language?

**Stein:** I believe at the suggestion of the city attorney to clarify some code language. I don't think that they're substantive in anyway. And the april 6th memo we did provide to people on our mailing list. Our interested party list and put it on the website in this last amendment is just available today but we have confidence that it's fairly minor.

**Fritz:** I'm not sure I have those amendments, if you have a copy. May I ask a question?

**Fish:** Please, I have the amendments in -- i'm trying to figure out if these are the amendments that are in our packet as exhibit b or these are separate.

**Stein:** I'm not sure what you have. I think they were sent to you -- let's see.

**Hardy:** This is april 21st.

**Stein:** I said 22nd, but I meant april 21st, it was yesterday. I apologize. We don't have a new one today.

**Fish:** All right. So if we could --

**Stein:** Thank you.

**Fish:** I want to just get a check on process. Brett are you also going to be testifying about this or is debra speaking for them now.

**Brett Horner, Portland Parks and Recreation:** No I'm just here to answer questions.

**Stein:** I'm relying on them to help me answer questions.

**Fish:** Let's take council questions and then we'll move on to the next panel.

**April 22, 2010**

**Fritz:** I was expecting you to go into the good neighbor agreement which this amendment addresses. Are you going to outline what it is and why you want to go that approach?

**Horner:** I can give you an overview. I'm Brett Horner with Portland Parks I'm the planning manager. I actually did a lot of work on the good neighbor agreement. To date we've date, we've done a few good neighbor agreements, they have not all been successful or as successful as we had hoped they would be. And part of the reason for that it's never been a formalized policy. There's not been real good guidance on how do you one, who has to approve it, who is on the -- you know, who is involved in the process. So what we did is we worked on formalizing that process and in the back of the blue packet, you'll see about a four-page description of how that good neighbor agreement policy would be implemented. It'd be signed by our director and put into title 20. Which is the parks and recreation code. And the whole purpose of the good neighbor agreement is to provide another tool in cases where there may be some concern with a field improvement, but it doesn't rise to the level of a full conditional use that would involve the planning commission and council. So there are a number of ways one can be initiated. One is the permitting organization, whoever is allowing the use, can decide to do one and just proactively start one and then follow the procedure. Or it can be triggered by the neighborhood if they feel one needs to be completed. There's a process of getting approval from their -- one of the neighborhood associations to issue a letter saying we would like a good neighbor agreement to be initiated and that would trigger one to happen.

**Fish:** So --

**Horner:** A fairly detailed policy and so I don't know how specific you wanted us to get into the actual procedure of it.

**Fritz:** Well, I have some significant concerns about the procedure but make we can take testimony first to see if others share it. I'm looking at the table on page 10 of the blue packet which shows which things currently get a type 3 and would go through a public notice with a good neighbor agreement. And one of them is the issue of -- that was mentioned at Fernwood with the t ball to baseball hits. How would the good neighbor process be any better than what happened at Fernwood?

**Horner:** What we found is a conditional use process is not necessarily the best tool to resolve a lot of very specific concerns about where trash cans are. Where port-a-potties are put who cleans the site and what hours of use can be allowed and the good neighbor agreement can get a lot more specific and it involves all the parties coming to the same table instead of addressing commissions and councils and that back and forth. So we see it as a much more specific, much more responsive tool to the neighborhood than a land use process where they have to attend a lot of public meetings. Some held in the daytime when they're working. And so we actually feel like it's -- it could be a significant improvement.

**Fritz:** Did you go through the conditional use process at Fernwood?

**Horner:** We did not and I believe the bureau of development services determined that it would not require a conditional use. And that's one of the reasons we are proposing these changes today is that that situation could easily happen again and we don't want it to happen again and so we're trying to build in things that would give notice to the neighborhood and give them an opportunity to be involved in some kind of -- whatever field change or improvement is being made before it gets done.

**Fritz:** And how much input have you had from the office of neighborhood involvement and the neighborhood associations into the good neighbor agreement?

**Horner:** We had quite a good set of comments from Brian Hoop of the office of neighborhood involvement. He looked specifically at the good neighbor agreement, we incorporated a few of his changes -- actually all of them that he recommended. And then we worked directly with the Fernwood school neighbors that were so severely impacted by the little legal field that was built and

**April 22, 2010**

incorporated some of their changes as well. I believe they're not still as comfortable with the good neighbor agreement as we think or would like them to be. Based on their past history of good neighbor agreement at that school, but we feel like with the formal policy and there being more clear rules about how to do one, it will actually work a lot better.

**Saltzman:** Question.

**Fish:** Yeah.

**Saltzman:** These amendments do not apply to community colleges and colleges, we've determined that but what about private schools and charter schools?

**Stein:** The schools related and amendments all would apply to private schools and charter schools as well as all of our school districts. Help me out on this. The title 20 would apply to the other school districts as well. Public schools, but not private.

**Saltzman:** Which part is the title 20?

**Horner:** That's where the good neighbor agreement is.

**Fish:** I'm going to suggest and keep an eye on the time, that we hold the amendment for now, go to the next panel, I think we have at least one or two panels and then -- pardon me. Excuse me, commissioner Leonard.

**Leonard:** So i've -- I -- i've noticed a number of places in the planning commission's recommendations where language is added underlined, and i'll read it to you. It's replete throughout the report and I want you to allay my -- my concern for what the importance of this is. Regulations for recreation fields for organized sports, recreational fields used for organized sports are subject to the regulations of chapter 33.279 recreational fields for organized sports. That's referenced a number of times, through the planning commission's recommendations. What does that accomplish by adding that language?

**Fritz:** It adds the new section.

**Horner:** Is there a page number that your looking at?

**Leonard:** for example 33 but t's throughout the report. On 35, it's --

**Stein:** Adding the new chapter --

**Leonard:** That's referencing adding the new language in terms of --

**Stein:** A new chapter.

**Leonard:** And then i'm looking at what has been represented to me as staff's -- planning commission's staffs proposed recommendation in terms of the types of reviews that should occur. Are you familiar with this?

**Stein:** I don't know what you're holding up.

**Leonard:** It's a recommended zoning code language on --

**Stein:** Is there a date? We're here today representing the planning commission's.

**Leonard:** You're getting ahead of me.

**Stein:** Sorry.

**Leonard:** What I'm seeing is recommended zoning code language and I think the staff initially developed to recommend to the planning commission. Are you familiar with that?

**Stein:** The recommendation we brought to planning commission before they made their decision?

**Leonard:** Uh-huh.

**Stein:** Yes.

**Leonard:** You are?

**Stein:** Yes.

**Leonard:** So -- and then looking at page 53, which is the table planning commission is recommending, which is the comparison. Do you have your recommendation in front of you?

**Stein:** I have -- I think it's the august 19th -- yeah. Let me hold that up.

**Leonard:** Page 17. And I'm just trying to -- to nuance the difference between the two.

**Stein:** You're referring to this page?

**April 22, 2010**

**Leonard:** Yes, I am. I'm trying to nuance the difference between what the planning commission recommended and what you recommended and the upshot.

**Stein:** The original proposal that staff put in front of planning commission tried to simplify it, but rather than talking about three levels of grades, which currently in the code, elementary, middle school, we said we were looking at the state definition, which says an elementary school is k-8. So we tried to simplify, by saying any change of grade level within that k-8 grouping could occur by right and any change within the high school grade grouping, 9-12 could happen by right, but if you moved from one of those levels to the other, that would trigger a conditional use. We had a simpler proposal but we heard a lot of testimony and we heard the planning commission say they wanted to have more distinction because of the impacts of introducing younger children into a environment where there are older children. So that's the distinction between --

**Leonard:** so am I reaching a fair conclusion when I've read both of these, and I have, when I conclude that the planning commission's recommendation requires more type 3 reviews than what the staff recommendations would require?

**Stein:** That would be true.

**Saltzman:** Can I ask a question on what you just said?

**Stein:** Yes.

**Saltzman:** Philosophically, I get it, when you want it add a high school age population it a 6-8 or something like that. But what's the role of the city in looking at issues around the impacts of younger children being exposed to older children when it's a k-5 to a 6-8?

**Stein:** You'll be hearing from the planning commissioner in a moment but I think that their concern wasn't the social impact of mixing it. It was the physical impact of the transportation. If you're -- kids are walking, young kids are walking and the older kids are, you know, taking a different mode and there's some conflict between the older and younger kids. I think they were referring specifically to transportation. Not the other issues which I would agree with you are not the purview of the city to look at those. But you'll be hearing from the planning commissioners their thinking I think they can represent that well.

**Fish:** Other questions? Thank you very much. If you can stick around. It's now my pleasure to welcome distinguished commissioners from the planning commission. Howard shapiro. André baugh and chris smith, gentleman welcome -- you each have 30 seconds, feel free to take your time.  
[laughter]

**Howard Shapiro:** And then we can leave in 30 seconds with no questions.

**Fish:** With the tradition of extending the courtesy to fellow commissioners, take as much time as you need but we have some people signed up so we want to give everyone a chance to be heard. Welcome and Howard, kick us off.

**Shapiro:** I'm howard shapiro member of the planning commission, soon to be adding the word "sustainability" to it. The last time I claimed that role, it hasn't happened yet. We are still the Portland planning commission with added words coming later. As you are probably aware from the last testimony, we've been at this for 18 months, hearing testimony, from the school, from the neighbors, from aggrieved people who over time felt they have been not well handled in whole issue of what the words "conditional use" mean. I'm here with my fellow colleagues to try and share with you parts of the letter we sent to you and to articulate why we feel strongly about mixing ages. And to your question, commissioner Saltzman, it had very much to do with transportation and the impact on the neighborhood. The commission in december 2008 agreed to staff proposal to amend the code regulations in the short term and pursue intergovernmental agreements to provide for collaboration between the city and school districts in the long term, and to address citywide impacts and opportunity related to decisions about school facilities during the development of the longer term Portland plan. The planning commission now, as far as i'm concerned, and I think my colleagues would agree, is trying to examine all the work through the lens of the Portland plan.

**April 22, 2010**

We're trying to look at it in terms of what we want to incorporate in that document as we put it together for the long haul and that's critically important work and each if these little issues, their not little, but their issues are nuanced in that plan. That lens is the one we're looking through. The Portland planning commission voted unanimously to recommend code amendments for schools and parks because they clarify the conditional use review process and increase flexibility while also providing input for public -- opportunity for public input. The commission has agreed to the changes to conditional use requirements because of the opportunities -- pardon me -- to work on larger -- a larger issue during the development of the Portland plan. Commissioners recommend that the Portland plan recognize school districts' jurisdiction over educational policies and planning but the cities and community mutual interest in collaboration on facilities planning because of the critical interest between the schools and the community vitality. Recognize the schools as hubs of these 20-minute neighborhoods that we're focused on and communities, thereby reducing dependence on auto trips, promoting communal use of facilities and avoiding unequal impacts on different neighborhoods. Development agreements between school districts that ensure consistency with the city's goals and policies for transportation connections reduce dependence on auto travel, equity and enhancement of the 20-minute neighborhoods and overall livability, encourage good neighbor agreements, intergovernmental agreements and other non-regulatory tools to provide for better relationship between schools, parks and the public, but tie any lapses to conditional use criteria that ensures that the city has the teeth to enforce that compliance and finally to encourage opportunities for public input. Blending of jurisdictional boundaries and community wide discussions in developing intergovernmental agreements with school districts and making decisions on facilities. Before I complete my testimony, I want to quote from a letter we received from superintendent smith. She feels very strongly in the opposite of what we've developed and we understand and respect that. In one of her paragraphs and i'm quoting her now and it may be out of context but I think it's relevant. She said, I quote, "it's unfortunate the code refinement project to date has not clearly articulated the distinction between public school programming which is the sole responsibility of the public school districts and the city of portland's land use role and zoning code authority in regulating impacts on the schools on surrounding neighborhoods. This distinction should be made". End quote. I'd like to end my testimony by saying that you need to put the viability of what we put before you. We took a more stringent position than what staff required because of transportation issues and what we thought were safety issues and in my own personal opinion the intermingling of these ages when we begin to move ages of children together in a community. But overriding all of this, I personally, and I believe my colleagues will agree, want to come before you with one overriding request. And that is that we do develop an intergovernmental relationship between the schools, the parks, and city as we go forward and develop the Portland plan. These boundaries are artificial. School boundaries, park boundaries, city boundaries they don't exist. We are one contiguous stream and we need an intergovernmental agreement that provides for the kind of conversation that makes us coexist together. I thank you and turn it over now more articulate people.

**Fish:** I have a question. I want to make sure i'm tracking all of this. Your commission recommendation to us were unanimous in each of the four categories.

**Shapiro:** There was a vote of 4-1. There was a dissenting vote.

**Fish:** Ok. In terms of the letter you referenced from the -- from carol smith, Portland public schools, is it fair to say that the issue she's raising goes to change of grade not to either recreational field's involvement or length of vacancy.

**Shapiro:** That's my understanding.

**Fish:** Of the four issues before us, her letter addresses one where there is -- some disagreement.



**April 22, 2010**

**Shapiro:** She's very protective of her position and the school's position. I understand that. That's pretty much what the letter says. And I'm she should speak for herself, but that's how I read the letter.

**Fish:** I wanted to focus on which of the four issues there was a disagreement.

**Andre Baugh:** Andrea Baugh, portland planning commissioner. I want to talk about -- and build on what howard said about the Portland plan and talk about what I think is the focus. Today as we, as planning commissioners, you'll hear a lot of things about policy, school policy, equity and those issues. But where I think our focus was as a planning commission, was talking about transportation. When you change that neighborhood in terms of a school and a grade, especially at the lower grades, people move their kids, whether right or wrong, in cars. And the moms pick them up and drop them off. And if you're moving across the neighborhood, we as the Portland plan, are focusing on building these tighter neighborhoods that address climate change, that address transportation issues. That address goods and services closer to each of those individuals. And when we have a part of that fabric, an integral part of that fabric, the educational system, wanting to make a change to that, I think we should offer the public, the neighborhood, the people we've asked to live in these close neighborhoods 25 years from now, to have a part of that decision -- and really, what we're saying, I think as a commission, to have a discussion about what that change is, transportation wise, not about policy, not about the equity of it, but about the transportation issue because we have a climate change that you've endorsed policy, we have a transportation plan that you've endorsed and we ought to understand the inter-connectivity, how that impacts those plans because they're not plans in isolation. They're plans that have to work together or kind of the system breaks down if they all work in isolation. And so I would encourage you to take a look at the broader perspective of how all of these plans and this being only the tip of the iceberg, are going to work together to achieve that broader goal. Yes, this is very specific today that you're focused on and it is just one part of that. But it is -- it gets to how it's going to work ultimately, are we going to have that conversation and I would build on howard's observation of the importance of the cooperation among schools and not disagreeing with ms. Smith's argument that she needs to be protective of the what the role of the school is. I think we need to be protective of what is our role as a city and how do we work together to achieve both. And do that in a cooperative manner.

**Leonard:** In your deliberations did you consider what I feel as though we have to consider and that is the broader picture of how a city functions and the delivery's services including educational opportunities and services to children in the context of certainly in the best of all worlds your goal and the stated goal of the recommendations I the planning commission make a lot of sense but in the real world that were living in measure 5 passed in 1990 severely constricting the resources of the public schools shifting them to the responsibility of the legislature. The legislature has consistently been unable to fully fund education because of lack of resources. So the school district in portland case in point is left with trying to figure out what to do with the resources they have and how to best and most efficiently maximize their facilities to get the most bang for the dollar and appear that because some in the community don't agree with the strategy the district has developed are now trying to develop a strategy through the code in order to further hobble the district from putting together plans that would maximize their resources so it gets to the end of the day that it is a object of futility for the school district to attempt to try to do what their charged to do and that is to provide the best education possible.

**Baugh:** Are you talking about a cost issue or --?

**Leonard:** I'm talking about cost issues, process issues, making decisions what it is that's required to make a decision to ultimately get something done to deliver educational opportunities to kids. And finding the balance between what is in the community's best interest, what's in the kids best interest and what can the school district do with the resources they have. It would appear that were in the process of adding one more weight around their neck in terms of giving them the latitude they

**April 22, 2010**

need to do what they have to do. So I throw that out there, because that's the white elephant in the room here that overshadows this discussion. And -- and again, you know, i'm -- i'm looking at the 102 code complaints that were filed when fernwood school wanted to do what they wanted to do to have little league and i'm not sure people were so focused on there being a code violation as they were not wanting to have little league baseball next to their houses. And the code was used as an attempt to stop that. This feels like it may be related to that somehow and I just wonder if you would address that.

**Shapiro:** I'm not sure what your question is, but don't --

**Leonard:** Are we being used to achieve some other end, other than achieving climate goals?

**Baugh:** I would say no. In part -- part of that discussion is a policy discussion and I agree with you. And I think the Portland public schools has an interest, as howard said, in managing their school district and that every school district in Portland has that interest, and that should be their interest. The other part of that is, howard mentioned about the iga and I think this is where the fuzzy comes in. We have an interest in the transportation component of that school district of how those children move, however, there is a -- an overriding interest, I think, of education and how does that work? It's really fuzzy right now. We have something in front of us today that is to my view, very strictly and narrowly focused on transportation about children moving between grades and moving through a neighborhood. But there is, to your point, a broader policy issue of how that education system in a global sense, and I think that's part of your responsibility to look at that and how it works with the city of Portland and these future neighborhoods that we're trying to put together. We didn't really honestly address that, because we looked at the code, but part of the Portland plan has to address that issue. Because that's the other box that was shaded out is policy of how the education system and a number of other systems are going to work in the city of Portland long term.

**Fish:** Can I follow up on that for a second -- commissioner Fritz.

**Fritz:** Isn't that why you're recommending it to be a type 3 rather than type 2 so if an appeal would come to council and there be a policy discussion.

**Shapiro:** There'd be an open discussion with the city, as well. Yes. Yes. I want to circle back another way, commissioner Leonard. I think you ask a provocative question and i'm just as troubled as you are about expending school resources for things that seem unnecessary or burdensome regulatory speaking. And that is that when we look through the lens of the portland plan, the schools are integral to the 20-minute neighborhood. There's nothing more important in my view, that when we build 20 minute neighborhoods that there be a vital school within that community serving public education to the highest level. So we certainly support that but we also support the notion that the schools have a responsibility, outside of internal governance of reaching out and being part of a neighborhood. And I think that's where we were concerned about keeping this type 3 in place so, that the neighborhood has public access to how it's being changed, when children's ages and transportation -- all of these things weigh. It's a difficult thing to balance. I'm not saying we're hard one way or the other. But we need intergovernmental cooperation and dialogue about what our mutual goals, which are building good community.

**Leonard:** I've been here nearly eight years and sat on more quasi-judicial hearings than I want to. And it would be disingenuous of me to say that they are impartial, neutral hearings. They're highly political and highly charged and oftentimes organized around citizen groups threatening to organize opponents of -- against you in the next election if you don't vote their way on a given project or against a given project, so I have to say that when I see that you're recommending a type 3 revenue for citizen input, I -- I i'm a little suspect because that feels more to me like you're trying to create an environment in which some of the decisions are answered politically rather than through the staff who does come at these issues, in my experience, very methodically and objectively and i'm just a

**April 22, 2010**

little concerned about politicalizing the school system, anymore than what it has already been by people with good intentions --

**Shapiro:** At the risk of agreeing with you, because I sit in planning commission hearings I see the same type of organization. I do believe in democracy and that citizens should and must have a right to speak. Unfortunately, they find a way to organize that can be difficult from time to time.

**Leonard:** And don't forget, the school board is elected.

**Shapiro:** That's true and we totally support and agree with that absolutely.

**Fish:** I had the honor of serving with howard, and at a moment in debate when he says that's a provocative question, I know we've reached a moment of truth. That's a howard-ism that will be writ large someday. I appreciate howard what you said about the struggle for the balance. Because that's what we're trying to do. We're looking for that balance. You have thoughtfully slugged through this and given us a recommendation. Staff gave you a recommendation that had a slightly different way of looking at the balance. Our job is to respect all of these views and try to come up with the right balance. I appreciate your comment. And I have two questions for anyone who would like to answer. The first is, as a dad who picks up his kids --

\*\*\*\*\*: They're cute kids.

**Fish:** I have just want to say that I have a kindergartener and a junior in high school. And i'm trying to understand why we draw a distinction between k-5 and middle school coming together, versus treating k-8 as a unit and then doing our -- our grid. And I guess I don't -- I don't understand, it builds on what commissioner Saltzman asked, i'm not sure I understand that distinction. I think I do understand why if you take a high school setting and merge it with a k-8, that should trigger a higher level of review. I guess i'm not clear as to why within elementary and middle school, why you draw a compelling reason to get to type 3.

**Smith:** I was planning to address that as part of my remarks. I'd like to do a couple of things. First, fully associate myself with everything my fellow commissioners have said and elaborate on a couple of questions you asked staff. There's a little more elucidation that will help inform. And then traffic safety. You asked why is the hurdle for grade changes higher than for reactivating a school. I don't think it's a either/or, I think its an and. If you have a school that went out of use, if you brought it back to use with different grade levels, I think you have to meet both sets of review criteria. We should ask staff to come back and clarify that. If you had a k-8, and mothballed it, you brought it back as a k-8, it's a type 2 but if you brought it back as a high school, you have to do the type 3 review. So --

**Fish:** I think you would agree, if you had bought your house during the eight-year period in which there was not an activated school and they activated a high school, you would consider that a substantial change.

**Smith:** I can appreciate that. And I can tell you that the policy question that we worked on was not the level of review there, but the number of years. It wasn't three years we extended it to five. We did not really seriously talk about the level of review required there. The second question asked, you know, currently, are changes within k-8 subject to conditional use under the code and the answer deborah gave is no and that's correct as the code is interpreted today. But there's nuance that the community is interested in. And that's that the city of Portland code very clearly talks about three grade levels -- elementary, middle or junior high and high school or senior high and requires movements between those to go through a conditional use. But because we use the word "elementary school" and state law now defines elementary school as k-8, BDS has interpreted that code to now mean that there is no review k-8. Not because city of Portland changed its intent, but because state law changed the definition of the word and that's part of the reason were going to talk about specific grades not middle schools or junior highs in the code revision. So most of those 102 zoning violations, very few were about fernwood. Most were about the grade changes in the k-8 conversion. And the public believes that the City of Portland code says what it says which is there

**April 22, 2010**

are two divisions within k-8, not just one. And that's a core part of the question that we were asked to address. That will lead me into traffic safety. We drew a distinction between adding middle school students to an elementary and adding elementary to a middle school. The simple premise there was if you have an environment where it's safe for a first grader to walk around, presumably a fifth or sixth grader can walk around there without a lot of risk. But the converse is not true. If you have a middle school environment where a preteen can safely cross the street and get around that does not mean a kindergartener can safely cross that street. We felt very strongly that the code is clear we have a responsibility in conditional use review to insure safety for all modes. That's the language in the code and we could not assure that when you moved k-5 into a middle school environment that you were assured safety for all modes without review and that is not strictly the realm of the school district. The school district only controls its own property. They don't control the intersection a block away or the major arterial three blocks away. The city controls that. And it is absolutely vital that when we make these conversions where we add younger students that we have that review. Without that, we are abrogating our basic life safety responsibility. Safe routes to school is a wonderful program. But it is voluntary and cooperative it is not regulatory and it's mostly about recapturing those students who today may be driven to school and getting them to walk or ride a bicycle to school. If we create an environment that is not safe one of two things happens, either we have students walking a bike in unsafe conditions or parents recognize that and start driving those younger students to school and that additional traffic is very clearly within the set of impacts of a conditional use is intended to comprehend, understand and mitigate. I don't see any way in good conscious that we can surrender that review in the situation of adding younger students. **Fish:** If your view is there should be some review, why is there a discrepancy between staff recommendation, which is no conditional use and type 3? Did you consider something short of type 3? If the goal was to have some review, why did you come down on the highest possible review?

**Smith:** I think we're in that case trying to satisfy two different issues. The retention of review from k-5 and to a middle school was about the traffic safety issue. The use of type 3 was about encouraging the kind of conversation about how the city and school district jointly govern the situation my colleagues talked about. If you feel type 3 is inappropriate in that situation, I ask you to refer back to us with that direction and let us work through that.

**Saltzman:** Chris, if i'm listening to you correctly, or the planning commission, I guess, you're saying merging a k-5 with a 6-8 may present safety problems.

**Smith:** Moving k-5 students into a current middle school environment, yes.

**Saltzman:** Anticipated traffic -- unanticipated traffic safety issue?

**Smith:** Correct.

**Saltzman:** Because fewer people will walk or more people will drive?

**Smith:** Because younger students don't have the same skills to deal with the transportation environment and that older students do and that will either result in unsafe conditions or more students being driven.

**Saltzman:** If someone wishes to oppose such a merger and pursue it as type 3 review, they're going to argue about intersections that could be blocks away from the school being unsafe, or below failure.

**Shapiro:** Certainly that's yours to consider. That's what we considered in terms of what we thought was the highest and best use of the neighborhood's need.

**Fritz:** Again, that would be a type 3 rather than a type 2. In a type 2, the hearings officer can't do anything about the intersection being unsafe. If it comes to council, we have the option of saying we have to prioritize that particular intersection improvement to make it safe.

**Fish:** I've got to ask chris, a related point, which is we just went through one of the most comprehensive and probably charged debates ever with respect to our zoning can code and that had

**April 22, 2010**

to do with the river and had to do with river review. And one of the things i'm struck by is that after all that deliberation and testimony, the overwhelming sense from the planning commission was that we should -- we should stick with a type 2 review process for these significant environmental issues that are at the heart of maintaining a work harbor and cleaning up our environment and i'm having trouble understanding why for something as significant to Portland's future as river review, we thought that type 2 was sufficient, but for a decision by a school district as to whether to make some changes within k-8, you believe that should be -- trigger a type 3 process. I guess I don't understand that distinction.

**Smith:** So one, you should give my colleagues an opportunity to answer that. there were more than a dozen planning commission hearings on the river. I was there for one of them so they have much more experience on river plan issues than I do and I won't try and get into that. But I also think you have a different circumstance when you have an industrial use along the river, certainly, there are key environmental values we want to be protective of. But when you're talking about transportation around the school or neighborhood, you're affecting the livability of a community and the number of parties and particular think the notification provisions of type 3, which has a wider radius are significant in that case where you have effect a residential neighborhood.

**Fish:** And i'll tell you what I heard from some of our friends on the environmental side was don't go to type 3 on river review because you'll political size the process by giving the council a voice. And I have to say, I guess it depends on where you sit here as to whether our type 3 review is helpful or not to a process.

**Shapiro:** I would answer by saying people in the north reach, we were not dealing with populations moving across difficult intersections. It was a different situation and that debate was wrenching. North reach was a long process. At the end of the day, we wanted to be careful about economic development versus over-regulatory mandates and I think we reached a very good conclusion there. But the short answer, is your children. That's why we went to type 3. Your children and the safety of those kids it's terms where they would be outside of the school boundary.

**Leonard:** If I can follow up. Did anyone bring to you a specific example of where it would be safe for a sixth grader to traverse back and forth from school to home and not be safe for a first or second grader?

**Shapiro:** You mean an actual geographic.

**Fritz:** [inaudible] my neighborhood.

**Leonard:** I'm asking these guys in their deliberations.

**Shapiro:** I don't recall. There was 18 months' of testimony here, commissioner Leonard and a lot of very politicized and polarized people around this issue. So specifically did someone say did the corner of ainsworth and whatever be -- I don't recall that. What we were being was intuitive about what do these people look like? A five-year-old versus a 12-year-old in terms of impact on the neighborhood and how those two individuals get to and from school.

**Leonard:** My next question -- were there any objective kinds of data provided to you from other cities from traffic engineers, distinguished between routes that maybe say for one level of grade, unsafe for another level?

**Shapiro:** I don't recall, probably not.

**Smith:** And my understanding is Kurt Krueger who actually does these reviews from pdot is here today and available to testify. That be an excellent question to put to him.

**Fritz:** Should we get to public testimony?

**Fish:** We have one other group -- panel of invited testimony. Can you gentlemen or one gentleman of the commission stick around in case questions come up?

**Shapiro:** If you keep paying us, sure.

**Leonard:** Overtime.

**April 22, 2010**

**Fish:** Thank you for your testimony. We're well served by our planning commissioners. I know there's parents with children who we're going to bump to the head of the line when we get to testimony, but we also have, I understand, one or more representatives of the school district which I also want to give a chance to come forward. So c.j. Sylvester, you're here from Portland public schools. Are there any other representatives any other school district from schools within Portland who seek recognition? You're welcome to make a presentation.

**C.J. Sylvester:** Thank you very much. Council president and city commissioners. My name is c.j. Sylvester I'm the chief operating officer for Portland public schools here in Portland. I'm here this afternoon to provide testimony on behalf of the school district regarding the planning commission's recommendation to you on the schools and parks conditional use code refinement project. I appreciate both the opportunity to testify today on this project, and the city as inclusion of pps staff in this code refinement project as it's taken shape over the last 18 months. City staff and the planning commission have done an incredible job to clarify a number of confusing issues in the zoning code related to public school and park uses. Pps appreciate this is work and the opportunity to be involved in the process to clarify and streamline city regulations related to school and park use. I'm also here to share with you our concerns about one planning commission recommendation regarding grade level changes that involve grades k-5. The planning commission voted to require a type 3 conditional use review for adding grades k-5 to a school with higher grades. This was contrary to bureau staff recommendation and I believe the planning commission did not provide sufficient findings for this additional requirement. Portland public schools requests the schools and parks conditional use refinement project release this planning commission recommendation and return to the original city staff recommendation regarding grade level changes. Pps supports the original staff recommendation to regulate two grade levels, grades K-8 and 9-12. Require a type 3 conditional use review when grades nine through 12 are added to a school with younger grades and require a type 2 conditional use review when grades k-8 are added to schools with grades 9-12. We support the regulation of these grade level changes as we recognize they will have impacts to the surrounding neighborhoods. The planning commission stated two intentions for recommending regulations of grade level changes that involve younger children. The first was to examine transportation system and pedestrian connections for younger children when added to schools with older and the second was to allow greater opportunity for public input into grade level changes at public schools. Let me first address transportation system safety for younger children. Pps holds the safety of its students and staff as paramount including as they travel to from their schools. We appreciate the fact that the city shares this concern. I submit the care and safety of students at school is the responsibility of the public districts and the building and fire codes that require schools properties provide safe facilities for students, educators and the public. I believe there's more effective and collaborative approach we can take to address the transportation safety concerns that does not involve the city's land use review process. I suggest concerns regarding transportation safety for younger children in our public schools are better addressed by fully funding and implementing the safe routes to school program for all public schools in the city. Currently, all but two of our elementary, middle and k-8 schools participate in this program. There's significant participation by other public school districts as well. The program offers a range of services from bicycle and pedestrian safety education to federally funded improvements in the public right-of-way to address unsafe traveling conditions for pedestrians and cyclists. The safe routes to school program develops continuing service plans for participating schools that provide educational encouragement programs and events designed to raise awareness in students, parents and staff. Service plans may also contain an engineering study developed by school administration, parents, neighborhoods and the Portland office of transportation to identify improvements to address school related transportation safety concerns. Engineering plans produce a prioritized list of major and minor projects that can range from pedestrian crossings and speed bumps to increased signage and

**April 22, 2010**

tree trimming. An example of the implementation of the such improvements can be seen at buckman elementary school. Eight of the 14 engineering projects identified in the continuing service plan have been installed. These projects include marked crosswalks, the addition of a speed table and the installation of pedestrian warning signs. Each of the continuing service plans is developed by the school community. The community that lives with and knows the transportation challenges surrounding each school. Bureau of transportation staff, school staff, teachers, parents and nonprofit organizations that specialize in bicycle and pedestrian safety education, work together to develop a unique plan for each school to improve the ability of students, parents and staff to travel safely to each school. I believe that this collaborative flexible approach better serves transportation safety concerns for younger children on an ongoing basis. Regarding the planning commission desire to have greater public involvement in public school grade level changes, I acknowledge the planning commission had to address a diversity of issues in the code refinement project and received considerable testimony regarding historic school programming decisions. Frustration about the district's k-8 conversion process and resulting school closures was the source of much of this testimony and also led to numerous zoning violations filed against the district. The reconfiguration of many schools to become k-8 and resulting school closures were both controversial and at least initially, unevenly implemented. We know that despite many families embrace of the new school model and the improvement in academic achievement over the old middle schools that were replaced many others are left with significant concerns and greater distrust of the district as a result of the k-8 conversion process. However, these are school programming issues and fall squarely under the jurisdiction of the Portland public schools duly elected board of education. Board directors are both responsible for the decisions and directly accountable to the public for them. We believe the city's land use review process is not the appropriate venue to debate or overturn public school programming decisions. Doing so interferes with the educational mission of public schools, the jurisdictional responsibilities, the elected school board and the ability of schools to meet the educational needs of an ever changing school age population. The planning commission also heard testimony that pps did not follow the appropriate land use review procedures for the k conversion process. The zoning code currently defines school levels as elementary, middle, junior high and high school but does not define what grades are within each school level nor does it address changes of grade within a school level. As has been documented in the code refinement project, pps had been using the state of Oregon's definition of elementary school, grades k-8 and high school, grades 9-12 in our grade level change process. As the city's zoning code does not define what grades constitute a school level, it's confusing when it comes to determining whether a conditional use review is required for changing grades within a school. This was the case in the k-8 conversion process. Pps did not seek a conditional use review when grade level changes were made as we did not believe this review was required based on how we and the state define an elementary school containing any combination of grades k-8. Pps has sought clarification of the zoning code language related to school and grade level changes through this code refinement project. Up unto the January 12<sup>th</sup> planning commission hearing earlier this year, city staff recommendation was to regulate two grade levels. K-8 and 9-12. City staff proposed zoning code amendments would require type 3 conditional use review for the addition of any combination of grades 9-12 to a school with any combinations of grade k-8 and a type 2 conditional use review for adding any combination of grades k-8 to a school with grades 9-12. Pps supports these changes in the zoning code language and recognizes these particular grade level changes could have impacts to the surrounding neighborhoods. In conclusion, let me say pps is grateful for both the support and partnership with the city of Portland to strengthen the educational opportunities for students and improve their academic achievement. We look forward to further strengthening our partnership in these critical missions and are hopeful that our opportunities to work together are not clouded by a

**April 22, 2010**

confusing and unnecessary regulatory process. Thank you so very much for the opportunity to testify today and i'm happy to answer questions you may have.

**Fish:** Questions from colleagues?

**Leonard:** I do.

**Fish:** Commissioner Leonard.

**Leonard:** Thank you. You spoke to the part dealing with the change -- the proposed changes in grades that might be subject to a review. I'm also curious about this new chapter 33.279.030 that deals with the review thresholds for open space on school grounds and parks. Have you reviewed that?

**Sylvester:** I have not but I have staff here who have if you'd like me to have them join us.

**Leonard:** I'm curious if you have issues with what the planning commission recommended there as well.

**Sylvester:** No, Portland public schools supports the balance of the entire code requirement project. This is a singular issue on which we disagree..

**Leonard:** You referred to the staff recommendation so --

**Sylvester:** The city staff original recommendation.

**Leonard:** You support that?

**Sylvester:** I do.

**Leonard:** Ok. Thank you.

**Fish:** Thank you, very much. I want to have a brief conversation with my colleagues just to figure out how we proceed. I'm the accidental chair of this proceeding today and I want to make sure we have good order and procedure. 15 people have signed up to testify and it's our tradition, particularly when they've waited a long time to give them up to three minutes. I'm advised there are a number of amendment that's could be offered by my colleagues to different portions. I've seen a number from commissioner Fritz and I understand commissioner Leonard they've an amendment and there may be others. As everyone knows, this is not an emergency ordinance so we would not be voting on the merits of any package today. It would automatically go over to next week. So i'm concerned theres a chance we'll start at the risk of losing a quorum as we get closer to 5:30 or 6:00 but I want to make sure we're in concurrence about how to proceed.

**Fritz:** I would like to hear testimony before moving my amendment because I might not move it if - - depending on what the testimony is.

**Saltzman:** I would suggest we just take testimony and vote on amendments next week.

**Fish:** Commissioner Leonard?

**Leonard:** The only danger is, of course, if we have amendments that substantially change the document, then people are testifying to a document that we may not pass. Typically, we take amendments at the beginning of any session so that people are testifying on the relevant information. So i'm -- I fine with waiting to next week, I don't want people to feel as though they've wasted their time.

**Fish:** There might be a compromise. To the extent there's any amendment which makes a substantially -- proposed amendment which substantially changes -- I see no reason why we could not signal that now without adopting the amendment so that if someone testifying wanted to address the alternate case --

**Fritz:** It's not an emergency and the fact it's had 18 months of review in the community, it behooves us to take our time we could continue the hearing to next week and take more testimony and amendments next week.

**Fish:** I'm simply the humble president of this body. I do not rule with the iron fist of the mayor. But I want to make sure my colleagues are satisfied with the process and we do very much want to hear from people who signed up to testify today, regardless. So commissioner Leonard --



**April 22, 2010**

**Leonard:** I'm fine, and I'm inclined so that people know to propose the staff's original recommendation in terms of the types of reviews that would be required.

**Fish:** That amendment would -- would go to change of grade. Commissioner Fritz, I understand you have a number of amendments which would go to other provisions.

**Fritz:** Mine are concerns about the good neighbor agreement. Both in the code and in the administrative policy. The administrative policy ones we can address later. The code changes are relatively minor but I could put those out for extra.

**Fish:** Hopefully that's helpful for people to hear. And our tradition is to invite people by virtue of their order. Karla, as before you call the first three people to testify, could we extend an invitation to anyone who has a childcare issue. A student they have to pick up or any issue, to come forward first. We'll hear from you and then go back to the regular order. So if you have any kind of child or family issue you need to go first, please come forward. Ma'am, welcome to the city council. Just state your name. We don't need your address and you have three minutes. And we'll start with you.

**Patty Fink:** Hi. My name is patty fink and I was going to give you my address because it's in here but let me say that I live in ladd's addition. I'm a single mother of an 8 years old who attends Abernathy elementary and I'm a proud member of HAND which is hosford Abernathy neighborhood district. I don't typically testify in front of city council so, if I appear nervous. After reading the letter from the portland public schools carol smith regarding the planning commission's conditional use permit recommendations for k-8, I felt it was important for you to hear from me. Both as a parent and a resident that is committed to Portland public schools as well as livable neighborhoods. I'm going to do a lot of quoting from the school board letter. Because I was really moved by that. to come here. While I believe it's laudable as the letter says, that the district recognizes it's the second largest landowner in the city of Portland and recognizes the -- that changing use of their facilities can impact neighborhood where's schools are located. I think that Portland public schools is missing the point. When they imply that placing anywhere from 200 to 400 new k-5 graders into a facility will have minimal impacts on local circulation, safety or traffic patterns surrounding the school. While I strongly agree that the district is committed to safe and secure setting for its children, and think they've done a wonderful job at my elementary school, I think it's wrong to assume when you add a lot of younger or older students to a facility that the city or neighbors should not have the right to ensure the necessary neighborhood circulation and safety plans are in place to allow for a smooth transition. And while I applaud the district's support of the safe routes to schools program and also believe that the program should be fully funded, the existence of the program alone should not allow the Portland public schools to abdicate their responsibility to address the impacts of their decisions, their conversions decision and other decisions on neighborhood circulation, safety or traffic. Please, please don't get me wrong. In testifying here today, I'm not out to punish the district for hard decisions. I understand that there are hard decisions to make and support they're making those decisions. Nor am I here to punish them for mismanaged expectation. My only goal is to ask the city to remember that just as strong vibrant schools make strong neighborhoods, so, too, do strong vibrant neighborhoods make for strong schools. And so to that end, I am asking you require a conditional use review for all school -- oh, I guess that's my time.

**Fish:** Please finish.

**Fink:** I'm almost done. To that end, I'm asking you require a conditional use review for all school conversions and not to exempt Portland public schools from conditional use permitting process for any conversions. I don't necessarily care whether it's a type 2 or type 3, but I think it's important that the neighbors have a say on how to do this smoothly and effectively. Thank you.

**Fish:** Can I just clarify something. And thank you for hanging out. I believe that the recommendation from the planning commission, though, would exempt from conditional review, a change of grade level with middle school being merged -- being combined with k-5. That currently

**April 22, 2010**

even under the recommendation before us would not be subject to conditional review. Just wanted to clarify that. Thank you.

**Laura Siddons:** I'm Laura Siddons, I'm a long-time Portland resident. 30 years, and I have two children in Portland public schools and I am Capital Hill Elementary School Safe Routes to School coordinator. We had a lovely walk at school on Tuesday with the mounted police and it was super delightful and had about 200 people. So I also had the good fortune, I'm on the Collins View neighborhood association board and I had the good fortune of being able to participate in a type 3 review process with Lewis & Clark College. And my concern with the code refinement process is that colleges not be exempt in any language in that gigantic 300-page document from the recreational field policy. They -- we benefited greatly from the protection that the type 3 review process allowed us to testify and give evidence for. And I think it helped clarify lots of issues for the neighborhood and for the college and what was important for the neighbors and what was important for the college and I just wanted to emphasize our position that we -- we really would like colleges to stay in the conditional use procedures. Please. All the things that they get to do.

**Fish:** Do I take your testimony as being a subtle message to the police commissioner that you do not favor any reductions in mounted police?

**Siddons:** Absolutely.

**Fish:** Subliminal message to the council. We appreciate it. [laughter]

**Siddons:** Thank you.

**Fish:** Karla, are there any other people who have childcare, child conflicts? If not, we'll go to the top of the list.

**Moore-Love:** We have someone who is not feeling well.

**Fish:** Please. If you would please all come forward. Are you contagious, sir? [laughter] please, sir, please go ahead.

**Prakash Joshi:** I'm the chair for the Collins View neighborhood association. One of the things that sticks out for us in the neighborhood with this code refinement project, an earlier question was asked, are the colleges part of this. And I think you asked that question. And the answer was no. But yet, the reference is to college, the word college appears in this document and I pointed that out to Debra. So we need to have a little clarification that's not the case. That they really mean there's no college. Because the college should not be part of the process at all. And so we would like to get clarification, that the colleges have a whole different process and not be lumped with the schools and the high schools, especially regarding the use of fields and adding new fields and so forth and those procedures. The other issue is that the Portland school district, this is about the Portland school district and about private schools in the Portland area, but what about other school districts that have a school in the Portland area? Such as Riverdale High School, and has a high school in Portland, our neighborhood. And they've been severely restricted how to operate the school by the hearings officer and it's worked well for the community and the school. It's a fantastic school. Done a very good job. But I think this process might open up issues for the neighbors where the school today is limited in some fashion to the things they can do in our neighborhood, may open up so they can do more things, such as acquire more field and property and do those things. So I think a little refinement or a little clarification on those issues to be made that these schools aren't Portland public schools but they are in our area.

**Fish:** I think I can give you an answer to both questions. This is not intended to change the rule that is applied to colleges and universities. That's a separate part of the code and it would apply to all districts within Portland and Portland public schools is only one of many school districts that has schools within our boundaries.

**Fritz:** If I may ask later for staff to clarify. In the instance like Riverdale High Schools coming into Collinsview Elementary School would we still have a required conditional use and you can answer that later.

**April 22, 2010**

**Walt Nichols:** I'm Walt Nichols. Chair of the Mt. Scott neighborhood association. My concern is with the good neighborhood agreement. When you get into these agreements, everybody is really good and friendly in the beginning but when things start to deteriorate there's no real muscle to enforce something or consequences when one party or the other doesn't follow through and that's something that needs to be addressed with that and the other concern I have, the thing -- this process looks like when this starts to deteriorate is when the minorities and under-privileged and the social and economic issues of a neighborhood, when a school is changed, how the impact is to the livability and I really am concerned about the code, if they're really looking at -- if we're not having a breakdown between the school district and the city code, how it's really affecting the human side of the whole issue. That's my main point. So -- thank you.

**Fish:** Thank you. Sir?

**Paul Gathcart:** I'm with Portland public schools. This will be brief. I misread the agenda. I thought there would be separate hearings so I signed up for the parks and rec part of this. As Mr. Sylvester indicated we support that portion of it. That's all I have to say.

**Fish:** I appreciate that. [laughter] Karla, call the next three, please. Karla said she's going back and forth. We had two lists because there's two different matters but the hearing, we took them up together. So you're free to address any of the categories before council.

**Dave Johnston:** I'm Dave Johnston, live in Collins View neighborhood. I'm co-chair of the land use committee. Other primary concern being here was the apparent inclusion of colleges in the new procedures for athletic fields or organized sports field as the code indicates and this appears over and over as the commissioner noted in the proposed draft under the institutional residential zone which is made for colleges. It indicates that organized sports fields should be under the 279 section. Likewise, under the conditional use section, 815, it indicates they're regulated there. And other places as well. If you look at 279. It says you have to be a public school or park to be regulated. The theory of the language, if taken very strictly, is that perhaps colleges, medical centers and other institutions and entities under the i.r. or conditional use sections are not regulated in their sports field. It's probably a drafting thing to get corrected but it does need to be corrected. Our own experience in Collins View with Lewis and Clark College is that they're fields would not be appropriate under the new procedure. I can't imagine parks and recs and the new procedure wanting to manage Griswold Stadium, 4,000 seat stadium in the midst of a residential area immediately across the street from residences that runs games late at night. The conditional use for that stadium when the lights were put in limited the hours at night, number of games at night and so on and so forth. A terribly complex thing, a very contentious thing. The college had non-negotiable demands with respect to that. So did the neighborhood. And only a hearings officer with the authority to make the decision could decide it. We'd have never gotten anywhere with the voluntary good neighbor agreement. And the Houston baseball field, with similar issues although it doesn't have lights or loud speakers yet but would qualify for an additional field if Lewis and Clark is under this new one. And the hearings officer has already said no new fields down there, for all sorts of reasons due to traffic, environment, neighbors and so forth. These are problems. I've been through the conditional use procedure with the neighborhood many times over the years. It's not a bad procedure. It works well. Yeah, it makes you do your homework, but that's good, because you get a better decision. So I would commend first, get colleges out of that. Clarify the language. Second, conditional use isn't bad. Don't give up on it too easy. Maybe some things shouldn't be in it, but it's a good way to make a decision when you need to.

**Fish:** Thank you.

**Dixie Johnson:** I'm co-land use chair of Collins View neighborhood association. We've been through this process a number of times in our neighborhood. Both with private college but also public high school. I'm concerned in this process that the implementing conditional use code no. 815 is going to be drastically compromised. It's very easy to go through the conditional use criteria

**April 22, 2010**

and these very wealthy entities, i'm talking about Portland public schools, private colleges and so on. Riverdale high school, they've got the money to high attorneys, consultants. Who are experts in transportation issues, environmental issues, land use, whatever they need. They will often draft reports consisting of several hundred pages, we, the neighborhoods have to go through it.

Unfortunately, the city staff has to go through it and make sense of it. Quite often because these are experts and consultants who are bonded and insured and licensed by the state, quite often it's easy for city staff to look at that time constraints and just say well it looks ok. It's up to us in the neighborhood to go through all those hundreds of pages to make sense of it. Now, sometimes when we go before a hearings officer and this is a quasi-judicial setting in a judge's chamber, we have to look and see if there are any inconsistencies in the approval criteria and we present our case. The one good thing about that 815 section, for conditional uses, that really makes a difference is we, the neighbors, including business owners in the community and other people. We can go through this approval criteria set up and we can say we are concerned about certain issues. We can present it to the hearing officer, he can think through things very objectively, what makes sense and what does not make sense. If there's any inconsistency on what the applicant has put in, we can point that out.

The hearings officer can see it. Usually, most of the time, the document or proposal is approved by the hearings officer, but under conditions. So i'm asking you, please, let's take a look again at saving the 815 conditional use zoning code as it is. Do not change it. It makes everybody follow rules, and it does have teeth to it. So we need to keep it and this also means Portland public schools needs to abide by that too. I don't like that softened. This new 279 proposal is egregious and should be eliminated. I'm not sure it meets what the planning commission really wanted to do in the first place. Thank you.

**Fish:** Thank you very much.

**Sam Pearson:** Sam pearson, south burlingame. Again, i'd like to say that the schools need to be partners with the neighborhood. As does the parks bureau. In our area, this isn't happening. So please think about that.

**Fish:** Thank you, sir. Thank you all. Karla, call the next three, please. Welcome to city council. Mr. Henry, why don't you kick it off?

**Cal Henry:** I'm cal henry, president of the Oregon assembly for black affairs. And we're located in salem. We're a statewide organization committed to the improvement to blacks in the state of Oregon and what we do to improve the status of blacks improves everybody's status in Oregon. I'm here for a simple reason to look at some of the issues in which you're dealing with, but also to say to you, we sent an email to you in september, and no one responded to the email on this issue. The critical matter is that cities are responsible for the citizens of the community and for the children of the community. And if the city has zoning ordinance and it's not been executed, then I think the city needs to require its officers to execute the zoning order it has proposed. When you do not implement your zoning ordinance, it becomes a bigger issue and it becomes a political issue to a large degree. Because then people are not following the guidelines that the city has created for its laws within the city. That's one of the big issues we wrote to you about. The violations that come to our attention and that our researcher has looked at and made it very clear. I'm not here to speak about that, but here to encourage the city to ensure that its staff follow your orders, your guidelines and -- because then it becomes easier for the people to understand that the city is looking after the interests of the people. When you don't do that, it creates all sorts of problems and as we review the failure of the city to implement its zoning ordinance and looking at the proposals that the Portland public schools are proposing, was making, it seemed to us that there was another -- as one of you have already said eloquently, that was to close schools and sell off the property. The Oregon center for black affairs will not like to see the City of Portland become a partied to that kind of game plan. That's one of the reasons I'm here to share with you. I think you need to really look at what you stand proposed to you, to change -- to correct and to sort of forgive some of the complaints that

**April 22, 2010**

were filed against the district. If the rules are to try to make sure you don't have to implement them against the city, I think you'll be in error. In my research of everything, cities are responsible for the education of the children, like the school district is. It would not be there, if the city was not there as a political subdivision. I'd be glad to answer any questions you have of me.

**Fish:** Thank you.

**Ronald Webb:** My name is ron webb, I live in the piedmont neighborhood and graduated from jefferson high school, approximately 54 years ago. I'm a member of the jefferson site council and Jefferson high ptsa. I'm a zoning code complainant attend portland public schools based upon grade reconfigurations that are illegal under the school and schools sites chapter of zoning code chapter 33. And it's been nearly impossible to keep up with pps's zoning violations and the city's response. The city of Portland is in violation of its own zoning ordinance. Because the city has for two years s refused to enforce the zoning ordinance and the city of Portland is now an accessory to segregation and discrimination at 11 Portland public schools. The city of Portland has received not 102, 198 valid zoning code complaints regarding Portland pps's illegal and discriminatory activities at these schools. The students and families and schools and neighborhoods affected thus far have received no remediation after two years. Children have a short time in which to get their education. I would like to contribute by giving historic backdrop to these monumental changes to the zoning code. The original design of Portland public schools infrastructure was built to be sustainable with a very low carbon footprint. Designed by the great lloyd key and abe bernards. Sited parks and schools adjacent to one another which each neighborhood so that students could walk to school. Pps closed over 30 schools since 1960, preferring instead to warehouse children in substandard trailers and bus them back and forth across town. Wasting both students' time and fossil fuel. In 2005-6 pps closed six more schools arguing diminishing student population to get them closed. Most of the neighborhood schools were I guess to support mother nature, upgraded in great condition, academically successful with active parental involvement. Today, pps is claiming there is a population bubble of children and now pps wants to purchase \$11.2 million in trailers to house children, rather than employing sustainable practices and reopening closed neighborhood schools. My time is almost up, but i'd like to get my last paragraph.

**Fish:** Please, take your time.

**Webb:** Pps has committed a host of zoning violations to implement illegal unsustainable practices district wide and the zoning ordinance is being used to foster segregation in portland. The violations are resulting in many problems for children and neighborhoods. Including segregation, lack of equal access to education, jerrymanding, curriculum inequity, teacher inequity, overcrowding, inability to walk and bike to school, long bus rides. Rather than fulfill portlands mission the sustainability and environment conservation, they're holding this meeting today. I would urge that the Portland city council -- got school on my mind. I say school almost every our word -- I encourage the Portland city council make no changes to the schools and schools site chapter of the Portland zoning code and instead I urge you to immediately begin a process that should have been begun several years ago to look at the grievances of these children and schools and get them fixed.

**Fish:** Thank you. Sir. And just so everyone understands, there's a rally scheduled. The community alliance of tenants is holding a demonstration so you'll hear people outside, but we'll continue. Please, ma'am.

**Fran Laird:** I'm fran laird, a collins view neighborhood. I'm the chair person for southwest friends an organization of concerned people with a core group of four neighborhoods directly impacted by changes wrought by lewis and clark college. We also work with all southwest portland neighborhood associations who are effected by common causes. We are concerned that colleges are being included in the Portland public schools and Portland public parks decision. Lewis and clark college is a private school. We have -- i'm sorry, we have an uneasy history with the college and of

**April 22, 2010**

not being informed of changes until the very last hour. Last year, the hearings officer of the bureau of development services issued a decision on december 3rd, 2009, denying a request to remove previous condition so that lighting and public address systems could be installed at houston field. We found the impact would be environmentally adverse, as this property abuts tryon creek state park. Changes at the field would also adversely affect traffic on Terwilliger and boones ferry road. This is already designated a failed intersection by the city of Portland. Lewis and clark college was denied changed at houston field by your hearings officer. Lewis and clark college already is violating their conditional use agreement issued by the city by directing overflow traffic into the parking lot of riverdale high school. I live behind the parking lot. I've had people urinating into my yard after parking at riverdale. I've had food and garbage thrown into my yard by overflow parking usage. I'm personally offended and affected by the flagrant violation of the agreement of collingsview neighborhood regarding overflow parking. Riverdale high school has a agreement that no one other entity other than their own are to use their parking lot. Yet signage from lewis and clark college is appearing whenever there is a game as Houston advising people to use the riverdale parking lot. In conclusion, I recommend revisiting the decision to include private colleges in the Portland public schools and portland public parks arena. There will be a huge outcry if usage of a private practice field comes under the auspices of the City of Portland. Your neighborhoods will rally over the increased traffic, the lighting schedule proposed building of another field, the sound system amplification and the proximity to tryon creek state park. Please reconsider including lewis and clark college or any private entity in this proposal.

**Fish:** We're going to have staff clarify that at the end.

**Laird:** Can we have that in writing? I'm not being facetious.

**Fish:** If you leave your contact information with Karla, we'll get you a follow-up email.

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

**Fish:** Call the next three, please. How many other people do we have?

**Moore-Love:** One more.

**Fish:** Thank you. Mary ann, why don't you begin?

**Lynn Schore:** We've got this organized. I've got the first piece.

**Fish:** Lynn, why don't you start?

**Schore:** Thank you so much. Good afternoon, council, thank you for being here. My name is lynn shore, my husband and I live in the ash creek neighborhood in southwest Portland and my children attend hayhurst and Jackson middle school. I have a third grader and a seventh grader and a proud member of the Oregon assembly for black affairs as well as the jefferson high school ptsa. City council takes pride in sustainability and strives to be a world leader in this area. Portland public schools was essentially designed to be a group of 20-minute neighborhoods. If you change code, the city will facilitate pps' ever-larger carbon footprint. Wasting resources and stressing our shrinking tax base to warehouse children. After unnecessary vehicle rides to transport them. Real estate values will shrink in neighborhoods without schools and Portland's livability index will deteriorate. In the name of improving public education please enforce the zoning code. End segregation in Portland public schools. Reopen Portland's small schools, help students walk and bike to school, save money, improve fitness and reduce the carbon footprint and auto pollution. Discrimination against portland's children is occurring on city land in pps schools. It's unconscionable that the city of portland would contemplate sweeping changes to the zoning code in order to give pps retroactive immunity from activities which are illegal not only under the code but federal, state and city law, the city charter and the comp plan. I implore you to make no changes to chapter 33 of the zoning code at this time. Instead, immediately enforce your own zoning code. The august 2009 release of Oregon educational data bolsters my community's arguments regarding the 11 schools. The data evidence is poor academic performance at 10 of the 11 schools with zoning code violations. Three pps schools with zoning code violations Ockley green, Portsmouth

**April 22, 2010**

and roseway heights, are on the nclb watch list and they missed performance targets for the very first time. Does our council know that not one Portland resident from schools complainants to grant park safety complainants ever asked for these zoning changes? The zoning ordinance was perfectly clear. That's why I was able to read it. I'm not a sharp gal. The [inaudible] the zoning ordinance was clear and thus the violations were found valid by staff eric engstrom in 2008 in the summer. For two years now complainants have asked portland to enforce its zoning ordinance. The city of Portland's refinement project has been unnecessary with predetermined outcomes. The predetermined outcome of this project was to provide retroactive immunity to pps for zoning code violations against children. Resulting in lack of equal access to education. We could not know that the city would negate 60-plus years of zoning history and would introduce at the 11<sup>th</sup> hour a zoning code change that would allow k-12 schools in all portland districts. PPS, centennial, reynolds, david douglas, park rose and riverdale. Why has there been no notification of this extreme system to stakeholders. The only stakeholders who want the zoning code changes are the ordinance violators, pps and those who have failed to enforce the ordinance, city of Portland. The city of Portland changes the code to give pps retroactive immunity from zoning violations, this means the city of portland deliberately wants segregated schools in Portland. It means the mayor and council now sanction k-12 schools which is illegal under state law without express department of education permission. See OAR's 581.022. Why suggest only changes which do not comport with state law.

**Fish:** Ma'am, if you can wrap up.

**Schore:** How can this benefit our children? Justice particularly with regard to children's education should be swift. Where is our children's justice?

**Fish:** Thank you very much.

**Mary Ann Schwab:** Mary ann schwab, inner southeast, sunny side neighborhood. We've called the real estate trust pps our own Halliburton. Because the trust is a private outsourcing of essential city and school function can hide its actions because it's a private corporation. Can't avoid public oversight. The trust and innovation partnership are not representative of the interests of the Portland community when they actually stand to profit from the enrollment declines. When pps let the trust take over property management the rationale was pps had lost the ability to manage their properties and needed help. The trust main argument was they brought the real estate's experts experience to work on the persistent community problems like cumbersome pps real estate. We wondered if the districts violation of the law during school closures were due to the ignorance of the city school policy. Yet several individuals who have led the school closures throughout this century actually helped author the school's policy, ordinance 150580. We prove that pps intermittently followed the zoning code and went through required conditional use reviews depending on the relative wealth of the neighborhood. So it's difficult for pps attorneys and city staff to reign the -- the zoning code is unclear. Saying the term elementary does not define the state mandated grade levels is like saying the term blue does not define a color. The state of Oregon defines elementary school as any combinations of grade k-8. It's not complicated. It's about the health and safety of our children. An elementary school has specific requirements different from those of the middle or high school. For the safety of young children elementary schools are typically single story to make emergency evacuations safer. Elementary schools in portland are tucked into neighborhoods whereas high schools need easy access to large parking lots and generate more traffic with inexperienced distracted teen drivers. We don't want elementary kids near high school parking lots. There are many reasons why the current zoning code. If high school and elementary schools are combined, young children will have access -- well they have access to [inaudible] large enough to meet state acreage standards. Elementary schools must have restrooms and lunch rooms designated for small children. High schools have their own unique requirements. Most parents would be reluctant to have their five-year-old wandering on a high school campus at times unsupervised with

**April 22, 2010**

a broad section of young adults. After the travesty the k-8's would you give a green light to k-12? If you pass the zoning change you will own these problems. These are public lands they belong to the public at large, not the mayor, not city council, not the real estate trust, not the center for an innovation schools facilities. There should be a golden rule of architectural preservation. Treat the work of past generations with the same respect you would want to give to your good works today. If you enforce your zoning ordinance, you'll stop the high school redesign on monday, you have a duty as a city to protect and educate the children within your city. You need to be aware of what the school district is doing at all times or else you abdicate responsibility to the children. Finally, the city that works, I would like to end with the reading of the schools that have closed in portland public schools since the first earth day. Adams high school, Applegate, John ball, barlow, brooklyn neighborhood, Buckman neighborhood, Clarendon, collinsview, Columbia marine drive, Columbia prep site, Edwards, foster, fulton., Glenhaven, Green thumb, Holiday, holbrook, kellogg, kennedy, Kenton, kerns, linnton, Marcella site, Marquam annex, meek, mount tabor annex, Multnomah, Normandale, Rice, richmond neighborhood, rose city park, Sacajawea, shaddock, smith, Spring garden site, sunnyside neighborhood, Terwilliger, Washington high school, Old Whitaker, New Whitaker, Wilcox, youngson. Enforce your zoning ordinance now. It doesn't need to be changed. Thank you and please help stop the redesign with high schools on monday. And sorry to bother you, Randy, yes, I am one of those that does take part and participate in the city government. We're not us and them. We're all in this together. These are all our children and on my block, I am behind three afghans. I have three newborns due. One just got here three weeks ago and I have two due in july and in june. The babies and the numbers and the staff at the Portland public schools are using are ludicrous. There is a bubble and these little second graders are going to be in high school before you know it.

**Fish:** Ma'am, I have to --

**Schwab:** Don't close our schools.

**Fish:** Thank you. Mr. Bartlett, welcome.

**Mark Bartlett:** Hi. Mark Bartlett, mount tabor neighborhood. That's quite a list of schools that have closed and what troubles me is how being elected to the school board is perceived as making you a capable planner, and what they're doing by these closures, grade changes and subtle means is land use planning. So I don't understand why in the two years i've been trying to bring this conversation ford, the city hasn't compelled the schools to work with them. They talk about the igas or whatever means by which you can do that. But nothing seems to be happening and meanwhile the destruction and the changes continue. When is this going to change? I have to agree with mr. Shapiro that after all the testimony that we heard there, the type 3's are necessary just for the reason that both parks and schools have nothing. Good stewards of our properties. And have not been forthright and honest with all of their dealings with the public. I understand Randy's concerns about the politicalization of that because of a type 3. But how else are we going participate as citizens in those decisions if we don't have the opportunity to appeal or come before you and express our concerns? I don't have anything further on that. Thanks.

**Fish:** Thank you for your patience. Thank you all. Karla, I think we have one more.

**Moore-Love:** Yes.

**Fish:** Thank you for your patience sir you get to bat cleanup.

**Gerik Kransky:** Going last, you've heard a lot so i'll keep my comments brief. President of the council, city commissioners thank you for the opportunity to testify. My names gerik kransky with the bicycle transportation alliance and I'm here today to speak in support of safety for schoolchildren. I think we can make Portland schoolchildren safer in three specific ways. First, as mentioned by superintendent carol smith in a letter to this body and to the planning commission dated april 7th, the bta also supports fully funding and implementing the safe routes to schools program in all public schools in the city. This program provides a fantastic framework for



**April 22, 2010**

improving safety for schoolchildren and works even better when it's supported by federal, state and local policy which brings me to our second point as proposed in the planning commission agenda item today, the bta supports the code refinement to require a type 3 conditional use review process for the change of grade level that brings the younger students to an existing school. We believe thorough review of the changes should include parents, community members and relevant officials in the process and that it will create safer streets for our children. Third, since a conditional use review process is designed to identify potential land use and transportation conflicts it's an excellent venue to discover the traffic safety problems that the safe routes to schools is designed to address. In closing I just wanted to associate with the remarks of planning commissioner shapiro when he mentioned the need to move toward intergovernmental agreements when making these kinds of decisions. As good as safe routes to schools is, it's a reactive program that's designed to address problems after their identified. And the very nature of planning is to look forward and come up with solutions before the problems arise and that's the way we should making public policy.

**Fish:** Thank you, sir. Could we ask staff to come back to the table for a moment? We have questions from the testimony. And deborah, if I could, we've had a number of people testify about whether these proposals change any of rules applicable to colleges or universities. Could you address that first?

**Stein:** I'd like to ask douglas to respond to that as a code expert. I think he's better prepared.

**Hardy:** Yes, douglas hardy, the bureau of development services. The intent certainly is not for the 33.279, the regulations to rec fields to apply to colleges. The way that bds has interpreted the new proposed regulations is if you look at 279, where the regulations apply, it says to school sites and park sites. Given that statement, bds would not even be looking at those particular regulations for colleges. We'd be going to a different part of the zoning code. 33.820, that applies -- that's basically the conditional use master plan and those master plans are what regulate the colleges. I think it may be worth clarifying some of the language in the -- particularly in the base zones to make that point clear. But certainly bds's position would be that no we do not want the 279, the proposed 279 regs to apply to colleges.

**Fish:** And does that extend to your understanding as to the recreational fields as well.

**Hardy:** Correct.

**Fish:** There may be clarifying language which we can propose that addresses those concerns so it does not in any way impact the existing conditional use process applicable to colleges and universities. So appreciate those concerns being raised. Debra, I have an additional question, which is did the staff recommendation that commissioner Leonard has referred to on a number of occasions and which we have in our packet, did staff at any point in the process consider any modifications to the staff recommendation, other than -- I mean, separate and apart from what the commission adopted?

**Stein:** Yes, actually, when we presented the planning commission -- see the date. I'm forgetting the date. But the most recent planning commission hearing, just prior to their making a decision, we proposed to modify or proposal to suggest that it could be a type 2 for the adding the lower grades to the k-8, so that was a suggestion as an alternative to our original proposal.

**Fish:** So the original proposal would have exempted k-8 altogether?

**Stein:** K-8 any movement withing the k-8 grouping would not have required a review and we suggested that as a potential amendment, we --

**Fish:** What --

**Stein:** -- could be a type 2.

**Fish:** What was your thinking in terms of proposing that modification?

**Stein:** I think it was in response to the thinking we were hearing from the planning commission, that they were concerned about the combination of the ages of the younger kids. It wasn't a formal -

**April 22, 2010**

- I don't recall if we made it a formal proposal. I think we suggested it could be considered and planning commission said no, we prefer it to be a type 3.

**Fritz:** Under the proposed code, if we have an empty high school and we want to put -- the school district wants to put in an elementary --

**Stein:** A vacant site?

**Fritz:** It's previously been a high school approved under a conditional use and the school district proposes it to be a elementary school what review would be required?

**Stein:** I was looking up what we said about that, because I think that if it's vacant and then a new school is established, but of a different grade level than would have been there before, i'm not seeing -- then we would be looking at the type 2 to reactivate if its within five years of being -- of losing -- of being vacant. it could be reactivated. At a different configuration at that point. But if the schools reactivate as a combination of grades that would otherwise trigger a type 3 because of the proposal that's in front of you if that would otherwise be a type 3, then that -- I'm not saying this very clearly, then that would be a type 3 instead of a type 2.

**Fritz:** what if its not been vacant for anytime what if it was a high school one year and opens as an elementary the next year, in september?

**Hardy:** Under the proposed code.

**Fritz:** Yesr.

**Hardy:** The table on page 53, I think, is probably the most descriptive. Table 281-1. If i'm understand your question correctly. About halfway down the table. Currently, if the school has grades 9-12, you see that on the left side? And then the school wanted to add any grade k-5 on the right-most column, that would require a type 3.

**Stein:** That would be combining the grades. If a school goes away and a new one comes in and your not combining the grades between those levels, I'm not sure that that would be trigged.

**Hardy:** But it's entirely getting replaced by a k-5 and no 9-12.

**Stein:** Your basically tarting fresh with a new school that's a different configuration and i'm not seeing that this would apply. This hasn't come up before.

**Fritz:** I think this is a helpful hearing. Its brought up a number of things. I think on page 33 with the primary uses, it's very confusing and does look like colleges and recreational fields and organized sports and colleges would apply. I think we need to change that.

**Stein:** We can clarify. We can also clarify what happens if a school goes away entirely and starts up again even if it's the next day. But in an entirely different configuration—would that trigger a conditional use review. I'm not seeing here that it would. I may be missing something. That's why I have to defer to our code people here.

**Fritz:** While you're checking on that, getting back to my other question going back to recreational fields, the T-ball to the big ball discussion. What was the reason for the planning commission not wanting to have a conditional use at all?

**Horner:** I don't think there was a specific reason. I think they felt it was a reasonable way of dealing with that level of use. In other words they didn't think that the change should require a type 3.

**Fritz:** Any kind of conditional use.

**Hardy:** And that's consistent with today's code, so if in a park it's been historically used for t ball and then it becomes an adult softball.

**Fritz:** So if we're going to continue the hearing, I would be interested in hearing from the planning commission. The hour is getting late and my colleagues have to leave. Your letter talked about an enforceable good neighbor agreement and specific linkages. I'm wondering if you feel that's been provided in what's been proposed.

**Fish:** That a the question?

**Fritz:** Yes.

**April 22, 2010**

**Fish:** Can I just make sure—a couple of housekeeping matters. My understanding is that we're going to continue this hearing. Deborah, I need to find out your availability before we set a time. I don't know that we need a time certain. I want to make sure you are available to come back. So we'll do that with Karla in a second.

**Fritz:** We do need a time certain right?

**Fish:** Pardon me.

**Kathryn Beaumont, Senior Deputy City Attorney:** You are going to want to continue it to a date and time certain. Otherwise we will have to renotify.

**Fish:** Excuse me, so we will do that. I understand there will be a number of amendments offered including an amendment to in effect adopt the staff recommendation as it applies to change of grade. Commissioner Fritz has raised some questions about good neighbor agreements and language. And she has previously circulated some amendments I anticipate to come back. So with that understanding do you have any restrictions on your availability for a continued hearing?

**Stein:** This time next week I'm participating in a coalition for liveable future summit at this very time. If it was a different time I could check.

**Fish:** Do you prefer the morning?

**Stein:** The morning of next Thursday that would work.

**Fritz:** The summit is all day.

**Fish:** Karla, what is the next time certain you have available?

**Moore-Love:** Is next Wednesday too soon? Wed the 28<sup>th</sup> at 3:15.

**Fish:** Does that work for you, Deborah?

**Stein:** Yes.

**Fish:** So let's continue this to a time certain next Wednesday at 3:15. Commissioner Shapiro, will you be available? We'll share with you whatever the amendments are and you can make a judgment as to whether or not you want to be here. There is no current proposal to send it back to you. Would that be a condition that would cause you to send in a resignation? [laughter] I think commissioner Smith was out of line when he even suggested that. I think we can all agree. Any further comments by my colleagues? Let me just say to everyone who has been here for a long day.

Thank you for your time and your testimony. This is a complicated issue but I agree with commissioner Fritz I thought the hearing brought some clarity to the issues. And I appreciate the fact that our friends from the planning commission have framed this as the search for the right balance. Reasonable people can agree or disagree on what that balance is, but I think we know what the framework is that we're going to grapple with. So with that, Karla, we will continue this to a time certain next Wednesday at 3:15. We are adjourned.

At 5:35 p.m., Council adjourned.