



CITY OF  
**PORTLAND, OREGON**

OFFICIAL  
 MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **17TH DAY OF NOVEMBER, 2010** AT 9:30 A.M.

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

Commissioner Fish arrived at 9:36 a.m.

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

On a Y-4 roll call, the Consent Agenda was adopted.

<b>COMMUNICATIONS</b>	<b>Disposition:</b>
<b>1482</b> Request of Shedrick Jay Wilkins to address Council regarding more Transition Projects, Inc. shelters and funds for shelter and services for human prostitution trafficking (Communication)	<b>PLACED ON FILE</b>
<b>1483</b> Request of Pat Wagner to address Council regarding the river (Communication)	<b>PLACED ON FILE</b>
<b>1484</b> Request of David Anderson to address Council regarding the dangerous traffic condition on NE Wisteria Dr (Communication)	<b>PLACED ON FILE</b>
<b>1485</b> Request of Alison Gavine to address Council regarding the urgency of cell tower regulation in Portland (Communication)	<b>PLACED ON FILE</b>
<b>1486</b> Request of Kimberly Koehler to address Council regarding the urgency of cell tower regulation in Portland (Communication)	<b>PLACED ON FILE</b>
<b>TIMES CERTAIN</b>	
<b>*1487 TIME CERTAIN: 9:30 AM</b> – Authorize an agreement for services with the Regional Arts & Culture Council to promote and administer selected arts and culture matters for the City and provide for payment (Ordinance introduced by Mayor Adams) 20 minutes requested  (Y-4)	<b>184247</b>

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<p><b>1488</b> <b>TIME CERTAIN: 10:00 AM</b> – Authorize a Fifth Amendment to the Development Agreement and Amendment No. 2 to the Entertainment Complex Ground Lease with Rip City Management, LLC, doing business as Portland Arena Management, successor in interest to Oregon Arena Corporation in regards to the Rose Quarter development (Resolution introduced by Mayor Adams) 45 minutes requested  (Y-4)</p>	<p align="center"><b>36826</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 Planning &amp; Sustainability</b></p>	
<p><b>*1489</b> Amend grant agreement with Skyline School to extend deadline for funding and completion of conservation efforts at the school and provide for payment (Ordinance; amend Contract No. 32000451)  (Y-4)</p>	<p align="center"><b>184237</b></p>
<p><b>1490</b> Consent to the transfer of The Trashmasters Waste and Recycling Services, Inc. residential solid waste and recycling collection franchise to Waste management of Oregon, Inc. (Ordinance)</p>	<p align="center"><b>PASSED TO SECOND READING DECEMBER 1, 2010 AT 9:30 AM</b></p>
<p align="center"><b>Bureau of Transportation</b></p>	
<p><b>1491</b> Set a hearing date, 9:30 a.m. Wednesday, December 15, 2010, to vacate a portion of SW Whitaker St west of SW Moody Ave (Report; VAC-10068)  (Y-4)</p>	<p align="center"><b>ACCEPTED</b></p>
<p><b>*1492</b> Amend contract with TransCore ITS, Inc. for \$86,820 to enhance the TransSuite traffic signal control system software features (Ordinance; amend Contract No. 34742)  (Y-4)</p>	<p align="center"><b>184238</b></p>
<p><b>1493</b> Repeal Ordinance No. 151741 in its entirety and remove any setback requirements established by the Ordinance on the eastside of SW Moody Ave from SW Sheridan St to SW Woods St (Second Reading Agenda 1459)  (Y-4)</p>	<p align="center"><b>184239</b></p>
<p align="center"><b>Office of Emergency Management</b></p>	
<p><b>*1494</b> Authorize Intergovernmental Agreement with Multnomah County to award Oregon Military Department Office of Emergency Management grant funds to the City for an emergency call-out and notification system to protect the continuity of City business operations (Ordinance)  (Y-4)</p>	<p align="center"><b>184240</b></p>
<p align="center"><b>Office of Management and Finance – Financial Services</b></p>	
<p><b>*1495</b> Authorize an Intergovernmental Agreement with the Portland Development Commission for economic development activities (Ordinance)  (Y-4)</p>	<p align="center"><b>184241</b></p>

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<p><b>*1496</b> Award a contract to Otis Elevator Company for Elevator Modernization in the Portland Building and Fire Station 1 in an amount not to exceed \$1,908,056 (Ordinance)  (Y-4)</p>	<p align="center"><b>184242</b></p>
<p align="center"><b>Commissioner Randy Leonard</b> <b>Position No. 4</b></p> <p align="center"><b>Bureau of Water</b></p> <p><b>1497</b> Authorize a contract and provide payment for construction of the Westside Header Relocation Phase 2 Project (Second Reading Agenda 1460)  (Y-4)</p>	
<p align="center"><b>Commissioner Nick Fish</b> <b>Position No. 2</b></p> <p align="center"><b>Portland Housing Bureau</b></p> <p><b>*1498</b> Authorize subrecipient Intergovernmental Agreement with City of Gresham for \$1,856,455 for the HOME Investment Partnership Program and provide for payment (Ordinance)  (Y-4)</p>	
<p align="center"><b>Portland Parks &amp; Recreation</b></p> <p><b>1499</b> Designate City-owned property for park purposes and assign to the Portland Parks &amp; Recreation and designate City-owned property as public right-of-way and assign to the Bureau of Transportation, all located along N Greeley Ave (Second Reading Agenda 1465)  (Y-4)</p>	
<p align="center"><b>City Auditor LaVonne Griffin-Valade</b></p> <p><b>*1500</b> Assess property for system development charge contracts and private plumbing loan contracts (Ordinance; Z0778, K0124, T0136, W0010, K0125, K0126, T0137, T0138, Z1183, P0100, P0101)  (Y-4)</p>	
<p align="center"><b>REGULAR AGENDA</b></p> <p align="center"><b>Mayor Sam Adams</b></p> <p align="center"><b>Office of Management and Finance</b></p> <p><b>*1501</b> Authorize acquisition of property at 1127 SW Blaine Ct, Gresham, Oregon for the Bureau of Technology Services (Ordinance)  (Y-4)</p>	

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<b>Commissioner Randy Leonard</b> <b>Position No. 4</b>		
<b>Bureau of Water</b>		
<b>1502</b>	Authorize five individual contracts for on-call water main projects for Portland Water Bureau Type I and Type II Water Mains Projects (Second Reading Agenda 1476)  (Y-4)	<b>184249</b>
<b>1503</b>	Authorize four contracts for on-call professional technical services for Portland Water Bureau's Capital Improvement Program (Second Reading Agenda 1477)  (Y-4)	<b>184250</b>
<b>Portland Fire &amp; Rescue</b>		
<b>1504</b>	Adopt Portland Fire & Rescue's 2010-2015 Strategic Plan (Resolution) 15 minutes requested  (Y-4)	<b>36827</b>
<b>Commissioner Nick Fish</b> <b>Position No. 2</b>		
<b>Portland Parks &amp; Recreation</b>		
<b>1505</b>	Approve the designation of eight trees as Portland Heritage Trees (Second Reading Agenda 1450)  (Y-4)	<b>184251</b> AS AMENDED

At 12:30 p.m. Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND,  
OREGON WAS HELD THIS 17TH DAY OF NOVEMBER, 2010 AT 2:00 P.M.

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

Commissioner Fish arrived at 2:05 p.m.

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

	<b>Disposition:</b>
<b>1506</b> TIME CERTAIN: 2:00 PM – Accept report on How to Calculate River Plan/ North Reach In Lieu Fees as direction for the development of the administrative rules and the fee schedule to implement the River Plan/North Reach (Resolution introduced by Mayor Adams) 3 hours requested for items 1506-1511)	<b>CONTINUED TO DECEMBER 1, 2010 AT 3:30 PM TIME CERTAIN</b>
<b>S-1507</b> Authorize River Plan/North Reach In-Lieu Fees and establish a North Reach Reinvestment Fee Credit (Ordinance introduced by Mayor Adams and Commissioner Leonard)  <b>Motion to accept substitute ordinance:</b> Moved by Mayor Adams and seconded by Commissioner Fritz. (Y-4)	<b>SUBSTITUTE PASSED TO SECOND READING DECEMBER 1, 2010 AT 3:30 PM TIME CERTAIN</b>
<b>1508</b> Authorize the development of rules for the River Restoration Program (Ordinance introduced by Commissioner Saltzman; add Code Section 17.38.055)	<b>PASSED TO SECOND READING DECEMBER 1, 2010 AT 3:30 PM TIME CERTAIN</b>
<b>1509</b> Appoint members to the North Reach Advisory Committee for terms to expire December 31, 2013 (Report introduced by Mayor Adams and Commissioner Fritz)	<b>CONTINUED TO DECEMBER 1, 2010 AT 3:30 PM TIME CERTAIN</b>
<b>1510</b> Authorize agreement with University of Portland to establish conditions and process by which the City will remove environmental conservation overlay contingent upon natural resource mitigation by the University of Portland (Ordinance introduced by Mayor Adams and Commissioner Fish)  <b>Motion to amend Exhibit A, Development Agreement, page 4, Section 5, Sustainable Design Principles:</b> Moved by Commissioner Fritz and seconded by Commissioner Fish (Y-4)	<b>PASSED TO SECOND READING AS AMENDED DECEMBER 1, 2010 AT 3:30 PM TIME CERTAIN</b>
<b>1511</b> Accept and approve a conservation easement in accordance with the Agreement for Development between the City and Siltronic Corporation and direct staff to complete follow-up items (Ordinance introduced by Mayor Adams)  <b>Motion to amend Directive a. to give the Mayor authority to sign the easement on behalf of the City:</b> Moved by Commissioner Fish and seconded by Commissioner Fritz. (Y-4)	<b>PASSED TO SECOND READING AS AMENDED DECEMBER 1, 2010 AT 3:30 PM TIME CERTAIN</b>

At 4:36 p.m., Council recessed.

**November 18, 2010**

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND,  
OREGON WAS HELD THIS **18TH DAY OF NOVEMBER, 2010** AT 3:00 P.M.

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

Commissioner Fish arrived at 3:03 p.m.

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

<p><b>1512</b> <b>TIME CERTAIN: 3:00 PM</b> – Add new and amend existing City Code provisions to address illegal gun use and violent gang activity in the City (Ordinance introduced by Mayor Adams; amend Code Sections 14A.80.010 and 14A.60.010; add Code Sections 14A.60.050, 14A.60.060 and add Chapter 14A.90) 2 hours requested for items 1512 and 1513</p>	<p><b>Disposition:</b></p> <p><b>PASSED TO SECOND READING DECEMBER 1, 2010 AT 9:30 AM</b></p>
<p><b>1513</b> Accept report to ensure effective coordination, oversight, community engagement and measurable outcomes to prevent and reduce youth and gang violence (Report introduced by Mayor Adams)</p>	<p><b>CONTINUED TO DECEMBER 1, 2010 AT 9:30 AM</b></p>

At 5:12 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.

**November 17, 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.

**NOVEMBER 17, 2010      9:30 AM**

**Adams:** Waiting for screen to come up here. Maybe they went to the restroom. Last week, we didn't have any video at all.

**Moore-Love:** Very good.

**Adams:** There we are. Good morning, everybody. Welcome to Portland city council. Today is Wednesday, November 17th, 2010. I'd like to wish my oldest sister a very happy birthday. It's 9:30. Please begin with the roll call. [roll call] please read the title for communications item number 1482.

**Item 1482.**

**Adams:** Mr. Wilkins? All right. Please read the title for communications item number 1483.

**Item 1483.**

**Adams:** Good morning, pat. Please come forward and have a seat. We're glad you're here.

**Pat Wagner:** Thank you. I lost my notes. Sorry, between the car and here, so --

**Adams:** It's a blustery day.

**Wagner:** Ok, i'm pat wagner, i'm from the linnton area. And i'm here -- in 1982, I had applied to go with northwest medical teams to thai land and then I got a call almost within days of when they said they were going to go and said from boys and girls aid society they had a baby for me. And I decided to wait and did do that sort of thing. And then, I -- in the meanwhile, i've raised seven children as teenagers. And through their teenage years. And I have had one go to prison. One was molested by an internet person he met. Another one -- the -- my granddaughters, the father of my grandchildren is what I hear the biggest drug dealer in st. John. I've seen his -- their friends drop out of school, die from suicide, murder and die on the highway in front of the linnton community center. When -- when, as I was standing on the side of the highway, holding up a mom, I realized -- and some other moms with me realized, you know, we can fix it here. We can do something about where we are but we sure can't do much about the world or even the city. That became really apparent to us. So we -- we -- anyway way, to move on, we took our land use plan forward. The linnton land use plan, and with a lot of high hopes and we lost. And -- but didn't really lose because we gained a lot. We learned a lot. We've grown a lot and we're a lot older than we were then. And we decided how can we find common ground? How -- what do we have in common with the working waterfront coalition? There's a lot. One is love for children and care about the children in this community. We do have that in common and that was demonstrated last summer at the golf tournament that the linnton community center had and we had 28 corporate sponsors and many members of the working waterfront coalition and about 140 players. So then we started talk -- is my time up?

**Adams:** No, you have another 30 --

**Wagner:** Frank from owens corning came up with an idea. Northwest container services donated a 40-foot container, mike from vintage boat works is going to help the kids. We're going to take the kids and teach them how to do it in linnton, one of the 40 indicators for success in kids is having people involved in projects. Anyway -- sorry.

**Adams:** Glad you're here, look forward to seeing you again.

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**Wagner:** I'm here to ask for river access for the children of linnton and the people, but mainly, just a trail of -- whatever. Anything. Anything.

**Adams:** Thank you, pat.

**Wagner:** See if there's something in the budget for that. Thank you.

**Adams:** Thank you for your continued advocacy for linnton and northwest Portland. Karla, please read communications item number 1484.

**Item 1484.**

**Adams:** Hi.

**David Anderson:** Hi.

**Adams:** Welcome, mr. Anderson, how are you?

**Anderson:** I'm fine. Thanks for allowing me to address council. I'm dave anderson, a board member and lived on wisteria drive for about 14 years and this is to follow up on a letter that the neighborhood association sent to council last month regarding wisteria drive and I want to thank commissioners Fritz and Saltzman for their responses. Just by way of quick background, this is a portion of wisteria drive connects n.e. 41st to 42nd as it goes from fremont down to the hollywood neighborhood. It's a major north-south connector in that neighborhood and there's a long history of accidents on our street. The problem is that it was poorly designed initially and it tends to send cars off the road, frankly. And hit parked cars or trees or worse. One of my neighbors built a cement wall in front of his house and another put large boulders in his parking strip. About a year and a half ago I had to help a woman pinned in her car after the car she was driving in rear-ended a parked car. Last winter we had in two separate instances, tri-met buses crash on our street. And the first three or four houses on that curve have essentially become inhabitable. We've had a series of people who move in and out of the houses and get frustrated and leave. This street is heavily used by pedestrians and bicylists and skateboarders and the neighborhood association, I know that the long-term fix will be expensive and think there are a lot of things that can be done in the meantime and in particular, the city has designated alameda boulevard as a bike boulevard and that's upstream from the problem intersection. We're hoping something can be done in conjunction with that process and in particular, we like what the city has done out on willamette boulevard near rosa parks way and one of the things I would be interested in is a permanent speed reader board, as -- as folks approach that curve. We -- and also, the neighborhood association recognizes that the city is, you know, limited in its funding and we would consider contribute to go any solution to help remedy this problem. We're not asking to jump it to the front of the line of any cip or transportation plan or anything. We just want to get in line and raise the council's awareness. Thanks very much.

**Adams:** I appreciate your letter from about a month ago. We're -- it's in the list. To review yet again. So we will get back to you. It will probably be another month.

**Anderson:** Ok.

**Adams:** Because of the requests that have come in before you. But we'll get back to you with I think it will be our fourth look over the years when I saw the file. So we'll get back to you and see if we can come up with some cost-effective ways to make a dent in the problem.

**Anderson:** Great. Thank you.

**Adams:** Yep. Thank you. Can you please read the title for council communications item number 1485.

**Item 1485**

**Adams:** Ms. Gavine. Hi, look to city council. Glad you're here.

**Alison Gavine:** Thank you.

**Gavine:** Good morning, council members. Thank you for allowing me to speak this morning on the issue of cellphone towers near schools. I'm alison gavine. A principle and owner of a consultancy and from a leading development in the united kingdom and spent years informing

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public policy and the parent of a seventh grade student at mount tabor middle school. And families against cellphone towers near schools. Our group was formed -- attempting to place a antenna on a pole in the right-of-way near a school which has 550 students, and a program for deaf and hard of hearing students and students with profound learning disabilities. The american academy of pediatrics and both germany and israel have reported a four-fold and ten-fold increase in breast cancer increase in areas with cellular antennas. Clear wire and others have embarked to take advantage of a loophole in city regulations which govern the public right-of-way. The telecom act states that municipalities cannot prevent telecoms from conducting business but does not state in what way. Both the environmental protection agency and the food and drug administration cite children and elderly populations as vulnerable. The epa have said that the act does not provide adequate protection for those vulnerable populations and it falls to the city to provide that coverage under your authority. On the basis of this, we ask the following changes in regulation to protect our vulnerable population. One, we ask for an immediate moratorium on all right-of-way priority for cell tower applications. Two, we ask for an immediate public hearing to hear proposals for all stakeholders for the new ordinance. Number three, we ask for a 1500-foot setback on wireless antennas. Four, we ask the city for due diligence by having a independent frequency engineer to inform city policy. The act does not -- number five, we ask that the city increase the cost of a full permit, set at \$2,000 with no time limit and all new permits have time limits. Competitive services and service -- competitive prices and services are what drives the market.

**Adams:** Thank you for your testimony. We appreciate it. Please read communications item number 1486.

**Item 1486.**

**Adams:** Welcome, ms. Koehler.

**Kimberly Koehler:** My name is kimberly koehler. A life-time resident of Portland, Oregon. I'm neither a scientist nor an attorney. I've just lived in Portland all of my life with a certain set of expectations about my city government. I believe that there exists a covenant between civilized people that certain activities appropriate in one area are not appropriate in another. Clearwire, not even registered as a utility in Oregon, just told the sec they're going back. Apparently has the power to strap antennas onto utility poles in residential zones. When clearwire announced plans to target a pole on ogden, they didn't care that the installation was only 20 feet from a classic old Portland home and near a montessori preschool. Clearwire chose four. This time, the winning site is not quite as close to private homes but still close to the preschool and holy family grade school. Clearwire is torturing the residents of woodstock and eastmoreland by moving the pole back and forth across 49th. The company will -- we request our city officials to declare a six-month moratorium on all priority four utility pole installations until this madness can be brought under control and asking you to charge a lot more than the \$2,000 fee for priority four siting and designate the money to fund an independent engineer to verify tower strength claims and interpret the maps that clearwire uses to point out coverage gaps. Woodstock and eastmoreland residents have been given bogus maps -- without 4g coverage qualify as a coverage gap. Residents say we don't think so. In addition, our research into legal websites suggests city officials do with the right to ask clearwire to disclose all project sites and interconnections so we don't have to keep fighting these people one pole at a time. Clearwire says putting wireless antennas in the -- antennas is based on public demand. On both sides of the river, the public is demanding the city do something about clearwire. Give us our moratorium. Thank you.

**Adams:** Thank you very much.

**Fritz:** Just so my colleagues -- thank you all for coming down. I recognize many of you from the folks there at the meeting on southeast douglas on monday and we have asked the city attorney to look into whether we can do a moratorium and the answer is no. That doesn't mean we can't do

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anything. We'll continue to work with you and our colleagues in the department of communications and franchise management to see what else we can do.

**Adams:** Thank you. Consideration of the consent agenda. Does anyone wish to pull any items from the consent agenda? All right. Karla, please call the vote on the consent agenda.

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

**Adams:** Aye. Consent agenda is approved. We have a 9:30 time certain. Please read the title for emergency ordinance item 1487.

**Item 1487.**

**Adams:** I'm pleased to reintroduce to the council and to the cable viewing audience, the director of arts and culture in the mayor's office, Jennifer Yocom.

**Jennifer Yocom, Arts and Culture Director, Office of the Mayor:** Thank you. Arts and culture director for Mayor Adams. Thank you for the opportunity, Mayor and Commissioners, to present on the race contract today. This is a renegotiation of the contract, a five-year contract. A company -- a company in agreement for services is outlining performance measures for those services and I wanted to just highlight a little bit about the process we went through to get here today. We did a thorough review of the contract and the performance measures and took to task the council-identified priority of equity. Not only in our long-term planning for the city through the Portland plan, but everything we're doing every day. And when we talked to race about that, council priority, they responded positively and wanted to make sure we infuse the next contract with that priority. You'll hear more about the specifics on that in a little bit. But before we get started, I want to take the opportunity to thank Eloise Damrosch, executive director of the regional arts and culture council, board chair Carol Smith and consultant, George Thorn and board member Lena Garcia Sebold for being here today. Thank you.

**Adams:** Eloise.

**Eloise Damrosch:** Good morning, Mayor and Commissioners. I appreciate the opportunity to be here today and I want to thank the Mayor and Jennifer for putting in a lot of energy and time with us to get this contract fine-tuned in a way we feel good about. Before I say anything else, I want to say that many of us have come from a wonderful morning of celebrating business contributions to the arts in this region, and in the state. Over 450 people gathered early in the morning to do that. And it's very gratifying to be able to work in a community where arts and business are so much in tune with each other. Which leads me into saying how appreciative we are of the support of city council over the years for arts and culture. Especially this particular city council. It's -- it's really because of you -- I mean, you're clearly our largest funder and it's because of your ongoing support we can do more and more in this region and community and reach an ever-increasing population we care deeply about. With that, I think I'm going to turn it over to my able chair, Carol Smith, who will talk more about the board goals for this year.

**Carol Smith:** I'm Carol Smith, chair of the regional arts & culture council board. Thank you for letting us come to talk to you did a little bit. As -- retired school principal I'm about measurement and moving things forward and one of the things that's been an important focus for our board is set and establish distinct goals as we move forward and find ways to measure our success and progress as well as the areas we need to continue to work diligently to meet the goals. We have established six major goals, some of which are ongoing and some new. One of our primary goals is to continue to grow our work for art program. Referring to the breakfast we had this morning, there's tremendous support in our business community for work for art. Like a 20% increase in donations this year. 10% in numbers of individuals but more importantly, this vehicle gives not just big companies, but gives the individual and the small burgervilles with the -- was the example given this morning, people working at minimum wage who feel compelled to value the importance of art in their lives and of their families. And another goal is to continue to grow a white rain initiative. Arts integration project. We're in touch with over 11,000 students in four school districts. Portland

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being our largest participant and we look forward to growing this even more. I think that with the challenging economic times and pressure on schools, the fact there's still unbounded enthusiasm for this program as we meet, shows again the hunger and value this community places on the arts and regional arts & culture council feels this obligation to try and help support and fulfill this urgent need for our children to have arts in their lives. It's important as being an arts council to really build on existing partnerships throughout our community and this means with foundations and businesses and this is something we're trying very hard to do. Also, to try to work with an advocacy network and act for art efforts and many of the board -- members of the board have taken leadership roles in those areas to put their volunteer sweat and energies behind those efforts which they feel are important and this work is above and beyond, I might add, their work as board members for the regional arts & culture council. Access to the arts, I think, is one of the things that speaks to me, again, referring to my own personal experience in schools. I want every child to have opportunities and as I look across our great city, you know, you see a lot of diversity. If you just even think about the restaurant culture in this fabulous place, each of the cultures represented through the taste and smells of our city represents a culture of the people those represent and one of the things we're very anxious to do and continue to grow is to actively reach out to communities of color and to be sure that all children, all communities, that we hear their voice and we're responsive to their not only serving to them, but being sure they're a part of our committees, part of our internal structure and so we really are living and breathing and have empathy and concern for all folks. I want to just also say we're really moving in a new direction. We've added a new sustainability goal, trying to be green or emerald green, whatever our committee is called. We have a subcommittee focusing on that. It's a new endeavor for us. Not that we haven't been very conscious of being responsible in this area but we've formed committees that will make this a dramatic focus for us and interesting enough, these committees are involved not only board members but staff and board members working collaboratively together and that's an important thing. But living in -- and really stressing the mission of the regional arts & culture council will be our ongoing leadership goal and that mission is through vision, leadership and service, the regional arts & culture council works to integrate arts and culture in all aspects of community life. So again, we really appreciate your support for us in the past. The and look forward to continued in the future. And we really do thank you from the bottoms of our hearts. I'd like to introduce another board member. Lena Garcia.

**Lena Garcia-Seagull:** I'm happy to be here. Talking about cultivating -- ways to cultivate diversity within race and happier to be working on it instead of just talking about it. We're actually involved in a lot of very exciting discussions, at board meetings and subcommittee levels and it's just -- it's just refreshing and it's just exciting at the same time. To figure out ways of weaving art into each one of the communities that make up our city of Portland. We're looking at grassroots levels and looking at each community and ways of promoting diversity within the arts initiatives within the communities and both with our outreach and our grants, panels and review committees and decisions about which artists are going to get funded or which projects are going to get funded so we're taking very direct approaches and actions. We're working closely with each diverse organizations -- community organizations within the various communities of color, within Portland, we're up to 25% board members right now. Soon to be 30% of people of color on our board. So we're very proud of that accomplishment during the last six to nine months, actually, or a year. We're researching practices for diversifying how we provide our own services and approving tools for tracking that progress and that's not always easy but we're collectively trying to figure out how to do that, to make sure we're reaching everybody our various communities and asking staff and board members and everybody affiliated with race to participate in diversity trainings and workshop within a year. S this goal number six in our packet and it's to cultivate diversity in all of race's programs and activities and like I said, it's real exciting to be part of this and really, this new goal is really the spiritual art of our time. So thank you very much.

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**Adams:** Thank you.

**George Thorn:** Good morning, my name is George Thorn. I'm the codirector of arts action research and consult with not for profit arts and culture organizations. I moved to Portland in 1996 and currently working about a hundred different arts and culture organizations of all sizes and disciplines. I describe the conditions of arts and culture organizations today in the following way. I've never seen people work harder to try -- lose less. To keep the organization in balance. It must be kept in balance. It's been a very difficult process. What we find is there are no longer any good choices, people are having to make the least bad choice. Hopefully strategically, making the least bad choice. And -- pardon me -- the great majority of our arts and culture organizations have no working capital or reserves to tide through this period of time. So they're working on a very, very fine margin. I do not see an end in sight to the arts and culture field. Although we talk about the employment being a lagging indicator for the health of the economy, I think arts and culture will be a lagging, lagging, lagging, indicator and come behind when we get any better health to the economy. In my experience of working with arts organizations, I talk about three categories, survival. There's stability and there's long-term sustainability. Some of our organizations' survival is an ongoing question. Most of our organizations are focusing, or remaining stable -- pardon me -- to remain stable, and often having to redefine what stability means. How do we remain stable? And very, very few of our organizations can focus on long-term sustainability. So most of the work is really focused on organizations and stability. There are -- race is a critical foundation and necessary for the stability of our arts and culture organization and the operating support grant was a good example of that. A sense of most funding is project-based and what organizations need are operating support. The operating support grant process for race is critical. For the 47 organizations who are able to benefit from that program, the money is important, but equally important is they can plan for two years at a time. Where without that operating support, it's year by year by year. I think also the work for art money then is an additional level of stability which works to our arts and culture sector. Race offers a very diverse -- serves a very diverse range of constituents and they serve and benefit from all of race's programs. Over the last several years, I've seen a relationship of trust and respect has deepened between race and all of its various constituencies and I think that growing level of respect is due to the leadership of the programs, the outreach and funding of race. So I ask you please to continue the support for race, the five-year contract. Thank you.

**Adams:** Thank you all very much. I really appreciate it.

**Fish:** Can I ask a couple of questions?

**Adams:** Of course.

**Fish:** We have this August panel. I don't want to lose the opportunity. First, you alluded to the breakfast this morning. What does the city of Portland have to do to become number one in the work for art program?

**Damrosch:** Contribute the most money amount of money. [laughter]

**Fish:** The mayor and I learned today that we actually lag Burgerville. Has 216 employees participating and the said we're largely entry level workers. And do you have any suggestions for us?

**Damrosch:** I would suggest you talk with Katherine Jackson who manages that program because the person at Burgerville who normally we speak with wasn't there today but he asked the same question. After their first year, when they were blown away by the amount of money they raised and he asked what can we do to significantly increase giving and ticked off four or five things, all of which they did, and they had a huge personal growth each year. All kinds of things to bringing artists into the workplace to get people excited and challenges and -- leadership by example.

**Fish:** We can do friendly challenges. We can't coerce people. [laughter]

**Damrosch:** Friendly, like we heard from the business people.

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**Fish:** The second question, in connection with what you testified to about objective six and diversity, what is the role of we the commissioners to help you reach that goal in terms of the composition of selection panels?

**Damrosch:** I would say feed us names. When we're doing the -- for example, the project grant panels, we have panels based on every discipline we give grants in. If there are people you know that we might not come across, we would very much appreciate any kind of suggestions of potential panelists. That's one thing that immediately comes to mind. And when you're out around the city meeting with your constituents, if you hear anything that would -- in your mind connect whatever you're hearing with arts and culture, if you can help us connect with them, that's always very much appreciated.

**Fish:** Finally, I know there was some disappointment during the campaign we weren't able to structure a debate with certain candidates about the direction of Oregon in terms of arts and culture.

Do you know whether there's a transition committee focused on arts and culture with the governor-elect or some effort, sort of chart, a vision for the next four years?

**Damrosch:** I don't know if there's a formally structured group, but I know that the folks working in salem in the arts are making efforts to get inroads to have conversations with them. And I haven't had a update recently but I know it's high on everybody's minds. Good question. Thank you.

**Fish:** Thank you.

**Fritz:** I appreciate the increased emphasis on diversity and cultural diverse art forms. And wondering what you're plan to go to win some of the folks who have been rejected in the past and maybe aren't aware of this new focus.

**Damrosch:** Well, we're increasing our outreach by talking to a lot of different cultural groups and trying to reconnect at various levels in our organization. And we have cast not only a taskforce of the board but also of the staff to increase this outreach. It's going to be a gradual process, we know, over time, but as -- as lena mentioned, we're almost at 30% of our board, which is just in itself not only a important gesture but connects us with more of the communities they represent and lena is a great example. she's -- completely connected with the hispanic community and raising our awareness every day and recognize that the population in this region is going to be different even when we come back in five years to renew or contract again 0 we'll be continually working at this and reporting to you in our state-of-the-arts in the spring.

**Fritz:** Thank you. If I might make a suggestion. Perhaps new board members might miss with applicants who in the past who have been rejected to talk about the application process and that there's a 30% goal in your funding. As you rightly noted, a lot is about the funding and the ongoing organization rather than a particular project. That's particularly important for to you get that message out there that you're looking to increase that.

**Smith:** And add one thing. Excuse me. That is, I think one of the things we've outlined for our plans and that is to help take the application process out into the communities and we're able to educate people how they can begin making a successful application. Oft-times that's part of the link to the issue. We haven't done as thorough a job extending out into the community and helping people we're a vehicle they have a right to access and that's on our agenda for this coming year to really do some very aggressive education out in our variety of community so that people are more informed and we can help them write these successful grants because we want to have an high standard of what we're acknowledging.

**Fritz:** I think it would be helpful, as well as that acknowledgment, that the grants in the past -- have not understood what the applicants were trying to do. So I appreciate very much your focus on doing that.

**Damrosch:** I wanted to mention, we've had several meetings with the leadership of the coalition of color and have a ongoing sort of dialogue about progress we're making and get suggestions from them.

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**Fritz:** Thank you.

**Adams:** I want to make clear that race, with this contract and they've been enthusiastic in accepting the responsibility as -- how would I put it? Through powers of persuasion, charm, or cajoling, to also seek this kind of equity in the groups we fund. And the groups that race funds. So it doesn't just start and stop at race. This is a community-wide effort to be responsive to the very depressing communities of color report that showed a widening gap of inequity, especially based on race. I really appreciate you taking up that charge in addition to your own specific work facilitating greater access and diversity in the groups we fund. Thank you. Anyone who wishes to testify?

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

**Adams:** Anyone who wishes to testify? All right. Please call the vote on this emergency ordinance. **Item 1487.**

**Leonard:** I'm pleased to vote to continue our relationship. You guys do a great job and I greatly appreciate the work. Aye.

**Fritz:** Thank you for both the staff and volunteer time. It's indeed a worthy endeavor and I'm excited about the new emphasis on diversity and I'd be happy to help in any way I can. Aye.

**Fish:** We're hosting tomorrow the Oregon cultural trust in city hall and one of the continuing opportunities and challenges is how we align regionally with the state and I think there are some question marks where we're going over the next four years and where the leadership is going to come from at the statewide level but there's no question where the leadership is coming from regionally. Thank you for your excellent report. Aye.

**Adams:** I want to underscore my thanks to each of you. I think the importance of partnering with the foundations that are the largest private sector contributors to major arts organizations and working with them to absolutely scrub their budgets in way they've never been scrubbed and to ensure that they are spending their money as wisely and possible and getting their revenues and wisely as possible in these difficult time, I think that partnership is important to fortifying trust. That arts and culture have to be effective. Hike any other sort of -- like any other societal endeavor. Thank you for that partnership and thanks for taking on the difficult work of equity Portlanders might not know, but to brag a little bit. The right brand initiative is a national model started with this organization. The work for art continues to be a national model in terms of the amount of private sector leverage and I like commissioner Fish's question, what can we do in city government to be number one. And we will work on that so -- [laughter] -- thank you. Aye. [gavel pounded] contract is approved.

**Adams:** Can you please read resolution item number 1488.

**Item 1488.**

**Adams:** I appreciate the council's indulgence to provide an introduction and update for the record. On this project. I'm pleased today to present to the city council and to the community an opportunity to pursue the potential of adding jobs and reaching the full potential as -- as part of reaching the full potential of the rose quarter district and in doing so, creating a vibrant active multi-income, multiuse part of the city. For the past 17 years, the district was arguably the best screws of the city has been too dormant aside from the amateur and professional athletic events with the extension of the blazers development rights, six months from now, we'll be deliberating on a vision, a concept that ties together existing uses with a multitude of things knit together by a district plan. That will make the veterans' memorial coliseum, a viable venue for the community and brings cranes and construction jobs to the area and a strategy centered on Portland's striving athletic outdoor industry and moreover, the plan will include services and programs accessible to all Portlanders and those that visit our great city. All of this will be driven with social equity in mind. A little bit of background, in August 2009, I convened a 32-member stakeholder advisory committee. Comprised of members representing a broad range of community interests. Including neighborhood associations and architectural preservationists and designers and artists and

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entertainers and folks from the east side businesses and advocates for equity and thank them for their 15 months of work and attendance at their 16 meetings has always been 80% to 100% and there's a lot of homework and the homework that's turned in is always above 90%. And adaptive reuse of memorial coliseum which will be coming back to city council in january on the anniversary to officially rename it. Veterans' memorial coliseum. And heard presentations from individuals and teams who committed concepts for future use and reaffirm the direction to proceed with the veterans' memorial coliseum process and in april 2010, council accepted the recommendations of the advisory committee and directed pec to solicit proposals for adaptive reuse of the memorial coliseum. This is the first time in the history of in this part of town that the city council made a decision on whether memorial coliseum should stay or veterans memorial coliseum should go. And when I look back on the 17 years of lack of progress in this part of town, the fact it's only 18.8 acres of developable land, significantly smaller than the -- sorry, significantly smaller than the river district and pearl district, the fact it was an open question whether veterans memorial coliseum would come or go, froze progress to a large degree on this district. I want to thank the -- on this district and I want to thank the council. After doing the due diligence on the three finalists it was clear to me and eventually also opined by the stakeholder advisory committee, that many of the suggestions and aspects of the proposals submitted can be achieved in the broader district, that they were not cost-effective to try to cram all into veterans memorial coliseum. So we determined to move forward, having decided that memorial coliseum would stay, to move forward with the district planning process. Our goal is to create a living laboratory, as I mentioned, mixed use, mixed income, to create jobs and design and athletics and out door gear industry cluster and we had a gathering, and great to see columbia sportswear ceo sitting next to nike director of operations and what are normally competitors talking about the strategy facilitated by this council and pdc and co-locate academic programs for creation and design of athletic and outdoor gear, to co-locate skilled and college education training programs and when we did a quick survey to the programs to athletic and outdoor pursuit, between the state colleges and universities and the private colleges and universities and k-12, we have some of the best educational and academic and research and development in the world. So having a focus of that, a collocation of that, or outpost in this district would provide a great front door to the industry. And given that the major uses will continue to be sports, and athletics and outdoor pursuits, it's a great potential fit. Today, we'll hear from patrick quentin who will talk about pdc work for the outdoor industry and hear from mike mccullough, who will go through the initial thinking, on the ground, sort of what the physical aspects of the district might be. And then we will hear from representatives of veterans and folks that deservedly are looking for equity and substantial community benefits. With that, I will turn it over to -- who is up first? Skip? Oh, chair andrews. I want to say on something like this, it's a great help to have someone from the development and facility management industry at the helm of pdc. You have great value on everything you work on but especially here. I want to thank you.

**Scott Andrews:** I'm scott andrews, the chair of the Portland development commission. My comments will be brief. As I sew together three key areas we expect to make progress on between now and may 24th of next year. First, a district plan and a tangible phase one development which includes a financing plan for a private project and renovation of the veterans memorial coliseum which supports the city as strategy and meets or exceeds our sustainable goal. And convene the partners in the outdoor cluster to see if we can accelerate the growth of the industry in the context of the rose quarter and promote -- through a community benefits agreement and good neighborhood agreement. Six months will provide the collective team with the opportunity to thoughtfully direct future and public-private investment within the rose quarter within the district plan and provide to city council in may. This includes working with Portland arena management and crafting a phase one development proposal for the area consistent with the community vision. A broader vision plan and the city's economic development strategy. And also assumes pursuing improvements to the

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coliseum is partners like the winterhawks and the veterans community. As the economy begins to recover, time's on our side, yet the six months extension offers poet vacation to be swift as well. Although we see economic trends positive, it's not going to be significantly different in the six months from now. As the mayor mentioned, the district has potential to go beyond simply a destination for amateur and professional athletics. Let's not forget, this area has seen many concepts ranging from amusement parks to dense use later in the decade. Most recently, a jumpstart area, and most recently under the leadership of the mayor Annular Miller, a refreshed vision is discussed. One that has a tie to the city's economic development strategy and as our role as a leader in the outdoor industry. And branding sports and entertainment and Portland hub is a -- hub sell outdoor style merchandise and our aspirations reflects hope that the nucleus becomes a employment hub and a place to test outdoor products and a community of like-minded people and perhaps an opportunity for companies within the outdoor cluster to work hand in hand with educational institutions to grow talent and Patrick will expand on what I consider amazing staff work that will influence and strategically direct that growth. This area has the potential to benefit Portland and the community in many ways. We need to be steadfast and inclusive as we transform large areas of the city through public investment. The area of northeast Portland presents a chance to be innovative and redefines us. We can go beyond. Construction trades if district plans blossom. My colleague, Charles Wilhoite will talk about the community benefits component and the objectives we hope to achieve. So these are obviously big dreams and as always, we have a healthy appetite, one larger than the availability of public resources. As this point, PDC can invest around \$20 million in the Rose Quarter. This gets us close to the district maximum allowable debt without taking money from other planned investments. Finally, I believe the six-month extension will allow the community and city council to have a better sense of our collective plan for the district and how much private investment can be levered and the public benefits created. Job creation, district revitalization and social equity. I enthusiastically endorse this proposal. Thank you.

**Adams:** Thank you, Mr. Chair. And a good question is why this part of town. And you answered that in your comments. There's funding that will expire. That's been on the books for decades that will expire in the coming months. That's why now and why this part of town. But there are opportunities unlike a lot of other districts in Portland to have a citywide benefit. This is a district that's at the center of a lot of things and especially for under-employed and unemployed Portlanders that live in east Portland or anywhere connected by, especially light rail, this district can serve a citywide constituency when it comes to job creation. And the other point I wanted to highlight, this would be the first time, if we pursue outdoor -- athletics and outdoor, one of our targeted industries and we design a district with that in mind. Obviously, not exclusively. But this is the first time that the city of Portland and the Portland Development Commission has designed a renewal district making a connection back to the economic development strategy. That's smart and I want to thank you for your leadership. This part of town used to be a thriving community-centered -- a center, a hub for the African American community. A lot of cultural heart and soul was on North Williams. That was scraped away by urban renewal many years ago. So community benefits, doing what we can to make amends for that is important to all of us and Commissioner Wilhoite took on the task to come up with a community benefits agreement that's a concept for moving forward and perfectly situated to do this, given that he just came off a year and a half chairing the north-northeast economic development initiative. So thank you for your work on this.

**Charles Wilhoite:** Thank you, Mayor Adams. And commissioners, thank you for allowing me to have time on your agenda as you contemplate this very significant decision regarding the potential extension of the development rights in the area. And as you mentioned, Mayor Adams, I did chair the north-northeast economic development initiative for Portland Development Commission. And the community advisory committee with regard to that endeavor, unanimously recommended that we consider a community benefits agreement inside with regard to the Rose Quarter. Acting on this

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recommendation, you asked me to chair the rose quarter stakeholder advisory committee beginning in past august and once again, our goal was to examine community benefits for the community don't. Comprised of 20 individuals representing the rose quarter stakeholder advisory committee, the minority chambers of commerce, community nonprofit, education, urban renewal advisory committees, and organized labor and local residents and businesses and we had good representation on that committee and I would like to acknowledge commissioner john mohlis, who sat on the commission with us, and brings a level-headed approach to all of his deliberations and had very valuable labor-related expertise critical to our decision making in that process. Over the past few months, the subcommittee focused on how development projects in the rose quarter could benefit the entire Portland community and embarked on that process, by examining economic and non-economic. Construction and contracting returns and local business returns and broke our analysis into those categories and tried to develop recommendations that would satisfy community benefits. On november 3rd, the committee approved 26 recommendations that we believe provide a strong tool bottom for negotiating the terms with any potential developer in the rose quarter. These are fairly general and comprehensive becomes but adequate to provide the insights and perspectives needed to develop community benefits agreements based on the specific projects that might come under our review. The subcommittee members approved, a dedicated group of community advocates and this is tip typical for Portland progress and this group went so far to almost demand we go above and beyond business as usual in Portland. The rose quarter, as you mentioned, mayor Adams, has a unique history and the continued development of the area presents a unique opportunity for Portland. We can reinvest and that reinvestment should touch the largest number of people possible, keeping in mind the history of the area. As you all know, and as anyone who is paying attention recognizes, city council has been leading the dialogue with regard to equity and you've demonstrated how public investment can advance a city's social equity goals. While Portland has never implemented a community benefits agreement in the past for a large scale publicly subsidized project, we firmly believe we can accomplish that here in Portland. We heard from specific community groups with an interest in future rose quarter development. Like the elliot neighborhood association, which is working with Portland arena management to develop a good neighbor agreement between future operators and developers of the rose quarter and the elliot neighborhood. This was -- this addresses traffic and noise and parking and other issues related to the operation of the rose quarter facilities. If the development rights are extended for six months and the Portland arena management and city of Portland and pdc are able to formulate a proposal, we hope that we're work can with the community to develop a community benefits agreement and a good neighbor agreement. Speaking on behalf of the rose quarter community benefits subcommittee and the Portland development commission, we're eager to see development move forward with in the area with great you are community participation and benefits for all Portland residents and speaking in line with chair andrews, I urge you to move forward with this extension and we look forward to the development in the area. Thank you.

**Adams:** Thank you, thank you for your work. And the history, hopefully, is well known, but memorial coliseum was a project without adequate public support for -- at its inception. As history has told, the public came together and voted in favor of it only after it was designated as a veterans memorial. So our commitment to keeping and enhancing the veterans' aspect is sincere and tony stacy has represented veterans on the stakeholder advisory committee. Thank you for being here.

**Tony Stacy:** Thank you, mayor Adams. Commissioners, mayor Adams, veterans, and everyone else in the room here, good morning. Thank you for allowing me on behalf of Oregon veterans a few minute to speak to you regarding the veterans memorial coliseum and the development of the rose quarter district -- and the development of the rose quarter district. The veteran community has been invited to participate in discussions concerning the veterans memorial coliseum and the surrounding district. Those persons who have served this country will continue to be a valuable

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part of this community. Veterans span all social strata. From the highly educated and successful to the jobless and homeless. Because of current events worldwide, veterans continue to grow and they're reintegrating into communities in Oregon and nationwide. The modifications to the veterans memorial coliseum will ensure its place as a vital component of the redevelopment of the rose quarter district. Veterans and families and friends will make the veterans memorial coliseum and the rose quarter a destination point for years to come. Through conversations and meetings in the city of Portland, the Portland development commission, the stakeholders' advisory committee and the trail blazers and winterhawks organization, veterans feel confident by giving an extension for developmental right, the community will as a whole achieve their goal and create jobs and economic growth. The rose quarter district will not only help side effect the surrounding area but have far reaching effects through the city of Portland and the state of Oregon. These bold steps are writing history. At a recent meeting at memorial coliseum, which it can place last year, we invited the medal of honor recipient, the senator of hawaii and veterans across the u.s. And overseas is watching in honoring veterans, providing a place of resources and information and community and solice and the strategy can be and might be mirrored in other cities nationally. Without the opportunity to participate in this process, the veterans' voices would not have been heard. Veterans endorse the continuation of the developmental rights to the blazer organization and wish to thank the blazers, the winterhawks and the city of Portland and all staff to allow us to voice our person. For that, I and the Oregon veterans thank you.

**Fish:** Mayor, I have one question. Directed at charles. You referred to that of principle, you've developed for the negotiation over a community bits agreement. I don't see that as part of the packet. It may be part of a larger packet we got, but to help inform our work we're doing. Unrelated to this. I would request a copy I have that.

**Wilhoite:** Sure, there are capable and able pdc staffers, so i'm sure you'll get five or six copies now. [laughter]

**Fish:** Thank you. What's up with jesuit?

**Wilhoite:** I don't know what you're talking about.

**Fish:** All right.

**Fritz:** If I may comment on the good neighbor agreement. I appreciate your work. And as you move forward, I think the more you could tie the good neighbor agreement to the development agreement, there's a lot of interest in the community to have it enforceable like the pge park agreement.

**Wilhoite:** Yes.

**Fritz:** I would be looking for that when it comes back to us.

**Wilhoite:** Theres a solid presentation made with regard to good neighbor agreements and the Portland arena management is already in negotiations with regard to that agreement, with regard to the elliot neighborhood and it was assumed it would be incorporated within the community benefits agreement.

**Fritz:** There's been challenges in the past with good neighbor agreements not being enforceable. So I just wanted to point out that is a desire that I know that the mayor shares.

**Adams:** It is, and an want to point out that keith, who facilitated the agreement for pge park has a great resource on this particular issue. The community good neighbor agreement with pge park and the surrounding neighborhoods is -- has been upheld and has been followed through on, so it is a gold standard that we're doing. So pdc has a record on this of creating agreements with third and fourth parties that are followed through on.

**Wilhoite:** Yes, and it was the expectation of the committee that there would be a negotiating committee formed as well as a monitoring committee and that will address aspects of the good neighbor agreement as well.

**Adams:** Commissioner Leonard.

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**Leonard:** Thank you. Scott understanding your testimony, you alluded to the plan coming back to us in may. The resolution says on may 24th we'll get a report back to the council regarding some of the more technical aspects of the redevelopment agreement. But concurrent with that, I note the resolution also says the office of management and finance, working with pdc will begin negotiating with the blazers on a financial agreement to fund those projects and frankly, that's what i'm most interested in. Is it your plan to have those negotiations occur concurrent with the work brought before council for consideration in may?

**Andrews:** Yes.

**Leonard:** Is there a possibility that those negotiations are concluded by that time?

**Andrews:** I think six months will be tight but we'll be.

**Leonard:** Further along in terms of being able to show you something that's real.

**Leonard:** In terms of financing?

**Andrews:** Both project and financing.

**Leonard:** That's helpful. Thank you.

**Adams:** I've said it before but probably should have said it in my comments. One of the reasons I think continuation of this agreement makes sense is that we've had good constructive useful discussions with the blazers and other property owners in the larger district which we're viewing the larger district from blanchard to the convention center. We're in the midst of negotiating and my goal is not to just come back with conceptual, but actually the kind of numbers that are -- that you're asking for, what -- what is the financial -- what is a public-private deal? What will it look like? And that's important. An important reminder to anyone listening, the money we have is not adequate to build and achieve what the public expects in this part of town, so that's why we're looking at the public private partnership as we have in other parts of town and it has to be an open vote.

**Leonard:** I appreciate that explanation, because I want to note and it's important to note and emphasize a point you just made. We have, according to scott, \$20 million in money to invest in this area. The coliseum by itself, if the plan were just to come back and upgrade the existing facilities so they met standard, far exceeds the \$20 million. So for me, from the -- from my relationship with this area, since i've been on council in general, but more specifically, since mayor Adams has been mayor is to focus not just on whether we envision could be there, but what are people in the private sector willing to invest to make that happen. I know one project I felt good about that. This one, my skepticism remains not in the vision or plan, but the commitment, the binding commitment that private parties are willing to make to -- to obviously, exceed, augment the \$20 million we have. In may, to send a fair warning, that's going to be my focus. I'm not one to get in and micro manage what a project should look like or what I think it should be. But when I see one that is funded to a level that can actually happen and people are committed from the private sector, that's one i'll rally behind. That's a critical part of this discussion as we move forward from today. Thank you, mayor Adams.

**Fritz:** If I might follow up on that. My understanding is this is a development agreement -- this is an amend so we can continue negotiates a further development agreement and the reason that we're doing this with Portland arena management is because of that limited funding that commissioner Leonard referred to with the \$20 million being the maximum that the city can commit to. We had a process where we had 95 different suggestions for what might happen with memorial coliseum and while we selected finalists -- and while we selected finalists this is one that might come with a significant private commitment. Is that why in a nutshell we're pursuing this right now?

**Andrews:** I think I broadened it a little bit because we're also hoping to put a little bit bigger project together than just the renovation of the coliseum at this point. But the -- the design phase is -- is very preliminary. You're going to get a chance to see the overall -- mike has a presentation for you, but we expect, as randy is looking forward, to go much more specific in terms of some of the

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things we'd like to accomplish and hopefully have some private partners that are ready to step up and help us make that happen.

**Fritz:** Thank you.

**Fish:** Can I get a clarification, though? Based on this exchange?

**Andrews:** As long as it's not about soccer. [laughter]

**Fish:** I don't talk about soccer anymore. I'm in mourning. My two favorite teams lost. I won't comment on jesuit's role.

**Wilhoite:** I was trying to be nice.

**Fish:** You said we had an opportunity and a timeline to spend \$20 million within the district. So can we infer from that, you believe there's a -- infer from that, there's a potential deal that can be financed out of the existing district or -- is the moving piece urban renewal district.

**Andrews:** I think it's a moving piece. I think we'll be looking at the benefits that can accrue. The public benefits, the jobs, meeting our economic development strategy. But we still haven't solved or finalized the pieces of north-northeast expansion and we put that on hold until we decided what we're going to do with memorial coliseum and perhaps development. So there's a piece of that.

**Fish:** The \$20 million may not be the ceiling in terms of a public investment you may recommend to us for a comprehensive vision for --

**Andrews:** The \$20 million is what exists today within the convention center district. Without taking away from any of the other planned projects in the -- in that district. And also to clarify, in the past, one piece of that was \$15 million worth of funding we thought we were going to have to sell as deferred interest bonds but the economy has changed or the district grown enough so that's not necessary now so we can actually sell the traditional bonds that were used to this. So --

**Fish:** O.K. thank you.

**Adams:** A slight clarification because these things are always a lot of moving parts. We'll hear from mike in a minute, who is facilitating the best ideas in -- and minds around the planning of the actual district, the physical aspects of it. Because we've included the wider swath up to blanchard and our conceptualization as you know is in the interstate urban renewal area. Thank you very much. We'll now hear from patrick quinton. Who it's an opportunity to give a brief eight minutes and the great jennifer, eight minutes brief. A eight-minute presentation on the targeted cluster, we now call athletic and outdoor. Used to be athletic and outdoor gear.

**Patrick Quinton:** I'm patrick, the manager of the business and industry division for the Portland development commission and joined by jennifer nolte and we appreciate the opportunity to talk about the great work we're doing on the athletic and outdoor industry and that's why I brought jennifer because she's responsible for the great work. I'm going to do a quick overview on how this fits within our economic development strategy and let jennifer get into the details on the work of this industry and how it might relate to plans at the rose quarter. I think you all know that our economic development strategy places a priority on working with traded sector firms, which we believe are the primary driver of quality job growth in our region and to priority i'd our work, in those -- in the traded sector firms, we've picked four industries and obviously, there are a lot of industries within Portland that create jobs. In choosing the four, we tried to find the ones that offered the best opportunity for growth and had the best opportunity for -- to compete in global markets and we had a set of criteria, as you can see, talked about the existing concentration of firms in the region, and the opportunity for growing their market share around the world, competitive advantage, relative to other locations and we want ultimately these firms to have the potential to create jobs within the city of Portland. I think it's probably fairly obvious to folks who have been if in region, that the athletic and outdoor industry fits those criteria as well as any and, in fact, probably long overdue we focus on this industry to the degree we're focusing on it now and you can see when you add up the statistics on this industry, and match it up against the criteria I listed, we really do have a unique advantage in this industry and an industry that I think is still poised for

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more growth. We have incredible concentration of firms and expertise and we have an industry that has a long history of creating very high-wage jobs throughout the region and the employment is massive and it's important to note, we talk about clusters, this is as perfect a cluster structure as you can ask. We have three global anchors that not only drive job growth in the region but a source of innovation and spin out talent as well for smaller companies and we believe all of this adds up to make it a great industry to focus on and as Jennifer will get into, an industry we think could have a home in the rose quarter. Before I turn it over to Jennifer, what I'd like to do is take an opportunity to show a short video we produced -- unveiled last night as an industry event. About 200, 250 industry people showed up. Nike, Adidas, Columbia Sportswear all spoke in support of our work. And I'd like to show this video. Thank you.

**Video:** It's been said a million times, if you're going to start a shoe company, the only place is in Portland, Oregon. ¶¶ now that wisdom extends to all kind of outdoor and athletic products. Portland, Oregon got together in the fall of 2009 to talk to the industry leaders here and figure out how together we could collaborate, educate and innovate to build the industry brand and talked to Nike, Columbia Sportswear, Adidas, that drive the brand and newer brands, which create connections to culture and quality of life. We assembled statistics. More than 14,000 workers statewide. In 2008 had \$1.2 billion and average wage \$80,000 and self-employed people who generate sales revenue of more than \$95 million and learned that count is king. The ability to combine is a decisive advantage and where we are matters. We learned that green is a core value and spark for innovation and pushed ahead with eco-index which PDC supports and the launch of the Portland center for design and innovation. A potential game-changer for material design here. What's clear is that change is the only constant. Global markets expand and young companies develop niche products and even fresh ideas and new businesses. The industry has an action plan powered by leadership, talent and innovation and entrepreneurship, sustainability and branding. Together, we can push the boundaries of what is possible. ¶

**Video:** It's been said -- [laughter]

**Jennifer Nolfi:** One more time. Just in case -- good morning, thank you, Mayor and city council members. That film really was --

**Adams:** Who are you?

**Nolfi:** Jennifer Nolfi, a manager of the outdoor and athletic industry at the Portland Development Commission. That film and the event that Patrick talked about was a culmination of 12 months' work of talking to industry leaders and having round tables and interviews and an online survey to find out what our challenges and opportunities are. And we're calling it athletic and outdoor. We launched an official ever -- a directory of over 300 firms on our website and our critical next phase is the action plan. So where do we identify opportunities for collaboration. You saw those referenced in the film and we're going to build on the momentum from last night apt past 12 months to engage industry leaders in an industry-led action plan. We see tremendous opportunity in connecting to the rose quarter and highlighting the talents in the firms we have in Portland and the region. Obviously, we have the big three anchors here. Columbia Sportswear, Adidas and Nike. And a number of small and medium sized companies and an opportunity for both small and large firms to be part of the rose quarter project and professional sports activities to create and make -- bring alive this idea of a living lab where you have athletes and also people, consumers trying new products and of ins product development going forward and exposing new people of ways to experience the outdoors. Rock climbing activities and we've been talking to the Oregon University system about collaboration around product testing and foot ware development and apparel and those things. It's a real opportunity to bring together industry and higher education at this center, if you will, as well. And finally one of the things we heard through the study is it's a real opportunity to create opportunity for the brand and companies we have here and giving people a physical place where

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they can see the talent and companies here in the outdoor and athletic industries and we're excited about continuing the discussion.

**Adams:** We talk about the three anchor brands. The numbers show that the vast majority actually are small -- went by very quickly on the video. About the sole proprietors. One-person companies. Can you talk about how this is actually a small business sector?

**Nolfi:** There's 3200 self-employed individuals. Graphic designers and marketing people and other types of professions critical to this industry and so obviously making sure that the space is accessible and affordable is key. We think there's tremendous connectivity to the north and south of the rose quarter, given the activity happening with small firm in this industry. So I think there would need to be a combination of large and small firms in this area to make it happen.

**Adams:** Thank you very much.

**Nolfi:** Thank you.

**Adams:** We'll now hear from mike. If you'll stick around if there are questions. No, you can go back to your seat. So for those that don't know mike, he's been on a variety of official committees are not -- for the city and an outstanding urban designer and plays well with others. He works well with others and in addition to his great sense of design and problem solving, he's good at getting the best out of the minds and ideas of all Portlanders. So glad --

**Mike McCully:** Thank you, mr. Mayor. Can you say that again? [laughter] I appreciate it. And I really want to emphasize this is a very, very special moment in urban design and so I want to talk a little bit about the process and i'll show you plans we've come up with. To -- to date. The very special moment, I think, is that there's been a lot of planning, a lot of thought, many proposals and much political capital spent getting to the point where we are now. So my job as its been described by my client, the Portland development commission, is to listen carefully to that history, listen carefully to the concerns of both the public and private sectors. And to try to craft both a process and plan that will bring those things together to make a successful first, second and third steps toward the full utilization of the district. So that's what i'm about. One of the first things I was asked to do was to look at how this district would fit into the overall planning scheme of the city and really regionally. A number of years ago I led a team that looked at the Oregon convention center as a district that was suffering from many of the same issues that this district suffers from, essentially, isolation, a great big box that's utilized part of the time, and where is the district around it, where is the civilization around it when people come to the convention center, sometimes they ask, "I'm here, but where is Portland?" so I think looking at the rose quarter we have some of the same issues in operation. Big venues that need all kinds of large scale services including parking, big places for crowds, etcetera. But how do you tie that into the city? So, I think you tie that into the city by making sure that the process that's gone to design this is compatible with the overall planning process that the city is under way with. The 2035 plan is on its way. The first quadrant that the plan is looking at is the northeast quadrant, so it's very appropriate to be planning this large-scale puzzle piece in this bigger scale puzzle piece. So that's one thing. I think I want to honor the processes that have led to this so far, led to the rose quarter plan so far, because I think, although they've been difficult and there's been some rancor about are you really going to tear that down, move this, move that, I think there's a collective understanding of what the district could be and the creation of what you've heard described as an authentic district, a district that's really a representation of our region and of our city and of some of our key industries and really of the aspirations of our culture. So in one way, I want to say it's going to be an easy process to connect all these dots, but I think you have, in the room here, some really major players who are very experienced in this, and so I think the Portland development commission putting together a project that conducts all of that together to create a successful project is really what we're about. There are several things I want to say about the rose quarter district first before I show you the plan that's currently in discussion. The first thing I want to say about it is it needs -- it dramatically needs

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better connections in every direction, that it won't succeed as an island. It will only succeed if it is better connected to the rest of the city. It's cut off by i-5. It's cut off by the river, the two bridges, et cetera. You all know the district, so you know the problems. Concentrating on connectivity is really, really important. I think a second thing about it is connecting an acknowledging the adjacent districts that have strengths, the lloyd district, the convention center district, and really connecting across the roadway and steel bridges to the river district is really going to be critical. I think this district can address a role in really bringing people down to the river. So there are players involved in this. There are landowners that I think are looking for some surety about where this district is going, saying we can profit with this and make this for the city as well. What I would like to do -- how do I bring this up? Ok. So what we have here, what you're looking at, is really the first concept of bringing these pieces together. And what you'll notice and what I want to call your attention to is the central focus of the district really is the veterans memorial coliseum, and it has really two major sides to it, one facing into the plaza where it connects to the rose garden, the parking structures, and the office building that's here, but it also has a major role in potentially addressing the river. I'm sure you've all been on the concourse in the memorial coliseum and you've seen what the possibilities are for the views looking from this side of the building back out over the river to the various layers of the city. You can literally see the history of the city in layers moving from east to west. So one of the parts of the plan is to really look very carefully at the veterans' memorial coliseum, strength then the veterans' presence there, increase the number of facilities for them, and potentially look at the memorials as being strengthened, broadened, maybe brought out to a more prominent location. As I said, we're still in the process of that, and this drawing is really propositional. A second part of the plan to date is the strengthening of the roadway connection. Here's roadway coming in going west, and here's weidler going east into the neighborhood. When you step out to 40,000 feet, you'll see that the roadway connection is the major east/west connection connecting northeast with northwest. The potential to actually link this district to another major opportunity that the development is looking at with the post office I think is enormous, and to imagine that you're looking at two parts of a major puzzle piece of the city with a major institution or industry here connected to the major industry that they were talking about here is a great, great future potential. We're looking to strengthen the connection through roadway. This district around here is seen as being -- you know -- my dream would be to bring a bunch of old warehouses from the east side of the thames in london and drop them down here and make them available for the kind of industry that we're talking about. The characteristics of that are smaller scale, lower rent, easy to change. You could live there, work there, change them with a skill saw on the weekend. That's the whole idea of some of these areas. The 11 bank, I think that's a really good start in that direction. Imagine more and more of that. We're looking at skimming the parking structures both on their north and east faces but also potentially over the top, creating an athletic venue over the top. The changing of the entry ramp to i-5 going south which people rocket out of the rose garden here and head right down into a very difficult situation, that could potentially be relocated to open up that street to more pedestrian-friendly activities. There's also a possibility of making a connection across here, a pedestrian connection that strengthens the connection to the lloyd district through the rose quarter. There's a difficulty with the station of the trimet what I call a ganglia here. It works, but it's a dangerous place to be a pedestrian. We're looking at that, trying to create a scheme that will strengthen the connection to the convention center as well. If the veterans' memorial coliseum could open up to the west, that could animate a whole bunch of property here and give some surety to this owner that development here in the internal parts of the rose quarter will be more stable and figured out so that I know investment could be made on this part letter river. So it's a draft. I've been around talking with many of the stakeholders and still have lots of rounds to do. The blazers, j isaacs has been very helpful to me. The winterhawks have been very helpful. There's a lot of enthusiasm about this whole plan to date and to the prospect of actually having a

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first phase really move forward quickly. So i'm honored to be in this position, but I also think that you have a really great team of people at the Portland development commission and the players who are working in here. They're working in concert to try to make this happen.

**Adams:** Discussion from council?

**Fritz:** They have on there the office towers on the river. Wouldn't that conflict with the views of the coliseum?

**McCully:** It all depends on how big they are. It could be that they could be combination medium to low rise to -- we haven't all really looked at the three dimensional characteristics. That's next. The coliseum is up a good 45 meters from the river so that you could get quite tall buildings in there, quite a bit of capacity in there.

**Adams:** Throughout the larger district, if you look at it, it might or might not be status quo. The team is taking sort of a design approach of what's desirable and then looking back at the zoning.

**Fritz:** I like what's on the other side of the river with the station place development with fairly low development by the river, which then allows you to see union station, and I was looking to seeing some similar to that.

**McCully:** Sure. Understood.

**Adams:** Just one more thing to highlight the discussions with the winterhawks. There's been a lot of media around the discussions with the blazers, and that's appropriate, but the discussions with the winterhawks and the relatively new owner and leadership of the winterhawks have been incredibly constructive, positive. We're really glad that we have an owner in the winterhawks and management there that are actively interested in getting the best, in the very best sense of the word, out of the memorial coliseum.

**Leonard:** I share those same sentiments about the winterhawks and the new ownership and the commitment they've made. It makes an economically viable plan more possible given that. Maybe I misunderstand your role, but I was listening very carefully to your testimony, and I appreciated the marks about opening up the west side of the coliseum to the river. I very much appreciated your remarks about relocating the veterans memorial. I think this is something that should happen so it's more visible on a much grander scale as well, and I could go into some detail on that, but I won't. What I didn't hear was how we're going to pay for those various goals that you outlined. So the concern that I have ongoing about this process has never been a lack of vision. To be clear, this process didn't start necessarily under mayor Adams. It's gotten more steam. It's gotten more focus, yes. But we've had proposals here, as you alluded to, with the athletic facility, which now you're having on the parking garages, all of which are great ideas, none of which could have worked without tremendous public dollars not only to construct them but to subsidize their ongoing operation. I think we're all agreed that's not viable. I'm going to focus on not just the design but the ability of the private sector to invest to make that happen. What is it about your role that gives me some comfort that not only are you looking for the highest and best design for the site but that people from the private sector will ultimately invest the money needed to make that happen?

**McCully:** Well, I have two responses, and then i'm going to look to the development commission staff to help me out here. I think the first thing to remember about this kind of long-term planning is that what we try to do and I think good planning tries to do is to take advantage of every existing piece of infrastructure that's been put in there. Yeah, the idea is not to tear down or to reinvent. The idea is to capitalize on what's already there. I think secondly the creation of this plan is aimed at trying to give some surety to the private investors who until recently didn't know if the coliseum was staying or going, didn't know where the stakeholders' allegiances lay. So it's that, those two steps, at least. And then i'll defer to scott on that.

**Andrews:** Well, I think mike's role really was to take a look at the rose quarter district, especially in context to the convention center and things that are being looked at happening across Broadway, and I figure it's more to look at what the opportunities are, and part of that was looking at the

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proposals that were made for the memorial coliseum. We talked about it earlier. It didn't seem like incorporating them within the building itself might necessarily work, but there were a lot of really good ideas that would work within the neighborhood. Athletic facilities in particular. Another thought is to use the exhibition space. There's about 50,000 square feet of space that's attached. If you think about this particular industry, people in Portland I think are great exercisers, great bike riders. This industry in particular I think is going to want a close, very nice athletic facility somewhere in this neighborhood, and there are privately-run operations that do quite well. So it's just -- I think at this point it's looking at the planning stage, but I heard you when I made testimony, and I hear you again, and I agree with you. That's what I do every day. It has to make economic sense at the end of the day.

**Leonard:** One of my roles has been to be repetitive and a little overly focused on some objects because i've learned that's about the only way you can drive home a point. I will repeat -- not so much to you, scott, because I know you hear me -- that one of the concerns i've had about the rose quarter since being on council has been to elevate public expectations by the various processes we've had to utilize the coliseum and/or the rose quarter, and then people then expect those things to happen. I think we'll find the veterans would be very excited we could build a more appropriate memorial somewhere in the rose quarter than what's there now. The problem has been for me that, while we do develop the highest and best design standards, we sometimes -- and I hope you appreciate this, given your background -- price out of the market anybody because of those design standards that could rationally invest in a project such as that. So i'm just going to again be very cautious, as we move forward, because what I see standing there now at the coliseum is a disrespect to veterans. It's an underutilization of a site that we have not had the funds to reinvest in the private sector for a variety of reasons, whether they're defensible or not. Those are the down sides. The positive sides, as I said, are the winterhawks and their new revitalized focus to do something grand, I think, for the winterhawks. Mayor Adams' focus to make this happen. But I guess i'm going to continuously be asking the question are we balancing the design with the economic viability to the extent that people are willing to commit, and i'm reading this lease here, and i'm going to be looking on may 24<sup>th</sup> to ask why the blazers haven't signed a deal if they're going to want another extension at that point. I hope, as we move forward, that mike and others who are working on this are balancing those two competing interests. Sometimes unfortunately they do compete -- unfortunately they do compete.

**Adams:** This town has been drowning in vision. This town has been drowning in ideas. We need to put a little bit of vigor to everyone's great idea.

**Leonard:** Better put than I.

**Adams:** I've heard some of the craziest ideas and some of the most innovative and smart ideas as it relates to town, and there's a lot of emotion invested in this district for historical reasons, for honorific reasons. A lot of Portland has been in these buildings in this district, so it has been a challenge through the 17 years that this process has been under way to winnow things down, and that's why I keep coming back to the fact that this city council made a decision memorial coliseum will stay. And now the question is how do we get the best out of it at the least cost with the highest public return? I think it's really important to continue to press upon we're looking for chart, workable, public/private partnerships that are -- that return and numbers and financial planning are available for all to see. You'll notice he's not suggesting or he's reflecting that the input on the public process thus far is not for tearing down the parking garages. Reskimming them because we've done our homework and found that small retail, combined with some other factors, really what is the market will invest in right now. I think focusing on broadway as the spine makes sense. The left bank has shown that -- what did you say? You can change it in a weekend with a skill saw kind of thing? And that's in the direction of authentic Portland. The winterhawks have -- we've been having great conversations about a financial partnership that's only potential around veterans

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memorial coliseum, so we're looking to get a much private sector investment in this part of town and keep and polish the private sector. We're a long ways that figuring it out. Thank you, gentlemen.

**Andrews:** Thank you.

**Adams:** Speaking of the winterhawks and the blazers, we will hear from our development agreement partners.

**Sara Mensah:** Thank you for the opportunity to share our perspective on the progress made so far. I want to say up front, 'cause I know which of you are fans, i'm not taking any questions on brandon roy's knee. [laughter] there may be some of those questions. He especially want to acknowledge and thank the mayor and the pdc for the work of the 32-member stakeholder advisory committee as well. We echo mayor Adams' comments. It feels exciting today, because it does feel like there are a lot of factors, a lot of folks, constituents coming together, and a vision is not only crystalizing. There's energy towards really getting a realistic plan in place to do something real in the rose quarter. So, by design, the city and pdc first dealt head on with one of the most difficult pieces of this larger puzzle that we know has prevented us from moving forward faster, and that is the memorial coliseum. Now that that issue has largely been settled, they've taken the lead on planning for this larger district, and we strongly support the vision and the goals that are being expressed today. We're very excited about the direction and the spirit of collaboration and the work that's gone in so far. On Portland's east side, we want to see new life, that jobs, new activity. Our president, larry miller, who couldn't be here today, one of the first initiatives that he mandated for us as an organization was to take up this issue of life in the rose quarter, as daunting of a task as that is, and I think we're getting as far as we are at this time because we aren't doing that alone. There are many minds at the table and much collaboration that's going on, which has led us to where we are today. So with that in mind, we're flexible, and flexibility has guided the approach to where we are today. The process that's been set up by the pdc and the major is intentionally designed to foster all those ideas and to move and activate on the best and most salient of those ideas. Veterans and community members will continue to have a voice that's central to the role, an important part of the city's urban core, and we're here today because we are confident that a six-month extension will provide an opportunity to build on the progress that we've made so far. We believe that a revitalized district can foster job creation. It can foster additional investment and more visible memorials for our veterans. So our hope is to see construction crews, hard hats, sooner rather than later, and we appreciate the work that has been done to help get us here by the city and the pdc. Thank you very much for your consideration.

**Adams:** Did you introduce yourself, I'm sorry?

**Mensah:** Yes. I'm sarah mensa.

**Doug Piper:** my name is doug piper. I'm the president of the Portland winterhawks hockey club. On behalf of the winterhawks, and our owner, I would like to thank mayor Adams. The memorial coliseum should be restored not only to its original grandeur but specifically upgraded to meet 21<sup>st</sup> century standards. In addition to mayor Adams, we would like to recognize the hard work of countless individuals, including the members of the stakeholders advisory committee whose tireless efforts have brought us to this point. Several months ago, the winterhawks partnered with the Portland trailblazer to present our ideas on what should be done to restore and upgrade the veterans memorial coliseum. We're happy to see the improvements and updating of the veterans' war memorials themselves. We're also gratified that it was important enough to the community that the winterhawks remained the primary tenant of the coliseum, that we were included in all of the final proposals. At a time when there have been some criticisms that Portland can't hold onto its long time franchises, the city of Portland took lengthy steps to see that the winterhawks, a franchise in Portland for over 34 years, has a long-term home. In return, the winterhawks recently began the process of working to identify the role we will play in making the vision of the coliseum a reality.

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Furthermore, the winterhawks have been very happy with our partnership with the trailblazer. This vision and expertise is essential to making this massive undertaking not only come to fruition but be financially successful. It's also the cornerstone of any future success that will come with the remodel of the coliseum, an important city-owned asset. As part of our commitment to the community, the winterhawks recently took over operation of valley ice arena and invested hundreds of thousands of dollars in remodeling this important community center, creating the winterhawks skating center devoted primarily to youth skating programs. This is the kind of investment we are willing to make in Portland and the surrounding area if we feel our projects have a chance of success. The rose quarter, we feel our involvement as primary tenant of the memorial coliseum will be well served if we have the trailblazers in the position of developer of the rose quarter. Their understanding of the business and their resources make them the perfect choice for the job. We recommend the development agreement rights be extended to the trailblazers in order to keep this project moving forward. Thank you.

**Adams:** Thank you very much. I think this was our last panel. Is that right?  
one more.

**Adams:** Thank you both very much. I appreciate everyone's patience. Oh, of course. The fine print. Please introduce yourselves, and we'll go through some specifics of the actual agreement.

**Skip Newberry, Economic Development Policy Advisor, Office of the Mayor :** Good morning. Skip newberry with the mayor's economic development team. We'll have before us presenting today dina alexander and dave logston. Dina is with outside counsel for the city on this deal, and dave long don is with the office of management and finance. Dina will do a quick summary of the structure of the deal agreements, the amendments to those agreements and what that means for the six-month extension. Dave logston is going to spend a couple minutes talking about the role omf would play given that they will be delegated which responsibility to oversee this process over the next six months, working closely with the Portland development commission as well as the bureau of planning and sustainability.

**Dina Alexander:** Dina alexander. I want to provide you with an overview of the documents that are in front of you, and it's going to make sense, I believe to, start with the amendments. The general purpose of those amendments, to kick this off, is to extend an option that the blazers currently have the right to exercise development rights over public parking at the rose quarter as well as to extend the term of the ground lease for phase two of what is known as the entertainment complex. I thought it would be helpful to step back very briefly to provide the context. There are four primary agreements that still govern relations between the city and pam at the rose quarter, and those are the development agreement which was entered into in 1992 for the development, a ground lease by which the city has leased to pam the arena land, and entertainment complex lease that has two parcels, phase one, which is already built upon, and phase two, one the areas yet to be developed, and then of course the memorial coliseum operating agreement. There are pictures, exhibits, attached to the documents in front of you so you can actually see these. One are the public garage development areas, shown on exhibit 8 to the fifth amendment that's from front of you. On exhibit b in that same document are the coliseum development areas that are depicted, areas right around the existing memorial coliseum. Third, on exhibit c, are the pdot development areas, a relatively small piece on the south end of the rose quarter. Finally, on an amendment to the second amendment of the entertainment complex is a phase two entertainment complex. On that exhibit, there's a depiction of both phase one, which is already developed on with some office and retail, as well as the smaller phase two site, which is potential and anticipated office and retail development. On november 24<sub>th</sub>, next week, the rights as to the public garage development areas and the phase two parcel of the entertainment complex are set to expire. The other rights over the coliseum development area and the pdot development area do not expire, so we're here and these amendments address two of the four areas, full. The fundamental purpose is to extend those rights for pam for a

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period of six months. As I was talking to the city and pdc about this, both parties felt that it was critically important that, if an extension was given, that specific tasks be designated for pam to diligently pursue, some of which needed to be accomplished during that six-month period to see progress going forward. And on page 2, in section two of the fifth amendment, you see a list of those tasks, and i'm happy if there are questions or if you want to walk through those to do that with you, but I would point out commissioner Fritz, in particular, that it does contemplate that a good neighbor agreement and a c.b. A would be part of a binding development agreement in the future. These documents also allow, contemplate that the city will have time to finish its very important planning process for the rose quarter district in the district plan, and I think that is going to be very important in informing council on an ongoing basis of the merits of proposals the blazers bring forward for any specific project. And, further, extensions would be considered, recommendations would be made by the city and pdc to council based on what is accomplished in the next six months to determine whether further extensions are warranted. The other document is a resolution that documents the hard work done to get us to this point. It also authorizes omf and the bureau of planning and sustainability to work in concert with pdc to continue the planning process and continue to work with the blazers on the development of a firm and hopefully economically viable proposal. With that, i'm going to turn it over to dave to talk briefly about what omf's role will be specifically on an ongoing basis.

**Fritz:** That was very clear. I really appreciate.

**Dave Logsdon, Office of Management and Finance:** I'm dave logsdon, office of management and finance. Just to quickly highlight the role omf plans to play in this next phase of work and issues we'll focus on, we will serve to help coordinate and to help oversee the etch for thes of both private and public sector partners in this next phase, focus on protecting the city's property interests in the rose quarter, including the development areas, and also the renovation of memorial coliseum, how that plan gets played out. We will place a key priority on protecting the city's revenue streams that currently come to us from the rose quarter businesses, and we will also be looking for opportunities to enhance revenues to the city as new developments occur within the rose quarter.

**Adams:** Any additional questions?

**Leonard:** I wanted to take you up on your offer to discuss more the items a through g that you referred to are the conditions under which there has, according to this amendment, has to have been substantial progress on where the council would do what we're doing today to extend it for six months, so I had a couple of questions in terms of just getting your insight with where we're at. I won't go through each of them, but one of the conditions, in fact the last one, g., is that it specifically says negotiate with Portland winterhawks, the city, and the pdc regarding opportunities for private investment this the renault vase of memorial coliseum, negotiate toward a private investment plan to provide support to the existing and potential tenants of memorial coliseum and/or potential sources of private equity. Given that this amendment that we're voting on says there has to have been substantial progress on it, what is the progress?

**Alexander:** Commissioner Leonard, these are tasks that need to be completed or that we need to see a substantial progresses on during the six months.

**Leonard:** By may 24th, 2011.

**Alexander:** Correct. So these are not things that -- I think many of these things are under way and have been in process for some time, but this is to provide an additional six months to move these things forward.

**Leonard:** The point that I would make is that this language would be language that has always been in the agreement. That is correct? That was due to expire november 24<sub>th</sub>, 2010.

**Alexander:** It was not. All of these items are brand-new sections to the development agreement. This level of detail and specificity does not exist in the current documents at all.

**Leonard:** That's helpful. So this will be the conditions under which we'll move forward for the

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next six months from november 24th to may 24th.

**Alexander:** Correct. These are the tasks that pam needs to work forwards and try to accomplish in the next six months when, in may, we come back to council to discuss whether a further extension is warranted, you will be looking at with advice from the city and pdc team what has happened on each of these, have they been accomplished, what progress has been made, and do you wish to continue to move forward.

**Leonard:** Help me understand why this contemplates that this will probably lead to another extension. Why way not think, sitting here, by may 24th we couldn't have a plan, given all the work that's been done up till now, given the resources we're going to focus on this for the next six months. Why couldn't I look forward to an agreement to vote on on may 24th that was binding on all parties?

**Andrews:** I think that i'm going to answer that question based on having been part of the river district in north macadam staff in the past.

**Leonard:** Thank you very much.

**Adams:** I don't want you to be left with the impression that our conversations today have been absent discussion magnitude of investment or range of investment that might be possible. Those have been part of all the verbal discussions to get a sense as mike and the teamworks on it. Those discussions have been under way. It very well is possible that elements of the district might be firmer in terms of a development agreement than some other part of the district. My goal is to be as concrete as possible and to show actual -- some elements of actual agreements. I think that it wouldn't be -- I don't know if it's realistic to do that for the entire district or it is necessarily in the city's best interest to lock down every aspect of the district, but I won't have a firm outlook on that either. I just want you to know that we know that momentum and agreement is important. We have financial deadlines we have to meet for any of this to happen, and I think that's on the side of getting clarity as soon as possible.

**Leonard:** Thank you.

**Adams:** We have three people signed up to testify.

**Adams:** Gil, Is that your original uniform?

**Gil Frey:** Yes, sir.

**Adams:** Wow: I should be so lucky to fit into -- something. [laughter] anything. To fit into anything even a year old. Please have a seat. I appreciate you being here. Would you explain? We're the beneficiary of your work in a really important and useful way, so if you could explain what the group of students are doing here?

**Bruce Judd:** Yes. My name is bruce judd from the university of that south wales in sydney, australia, from the urban design program a master's program. We take our students overseas for two projects each year, because we think it's very important for them to learn in an environment which is unfamiliar and where they can look at different cultural framework and a different legislative framework and learn that way, because much of what urban designers do now is international work. So we thank the mayor very much for his invitation for us to come, which has made it possible. We've got a multicultural group of international students. I'll ask them to stand up if they wouldn't mind, and you can see who they are. There are 15 of them.

**Adams:** Glad you're here.

**Judd:** And we're here also at the invitation of the pdc and kevin brake, who's one of our graduates from our program, helped us engineer this project. We feel very fortunate to be here at a time when this project is kind of breaking, as it is at the moment. It's a very good learning experience for us. We're going to learn a lot more than I think we'll contribute to the project. As the mayor said previously, we are free help at this point in time. We're very pleased to have the opportunity to be on this project while mike m\_c\_culloch is working on it and also to the university of Oregon to very generously allow us to use space and facilities in their room. We will certainly be sending a report

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back to the pdc of our work for what value it might be. We hope maybe there might be some ideas in there that might stimulate thinking, and we certainly wish the city well in this project. It's a very exciting project. We're very impressed with the team of people that are working on it, and we're hoping that there will be a very good result from it, so thank you for allowing us, mr. Mayor, to be involved in this way.

**Adams:** Glad you're here.

**Veronica Bernier:** A gracious good morning to all of you. I see you all showing up and suiting up for a good effect for the city. Welcome, bonjour. [saying welcome in different languages]

**Adams:** They're from australia. They say good ' day. [laughter]

**Bernier:** Now that we've covered all our bases.

**Adams:** That's australian for hello, good morning.

**Bernier:** You do know how to speak the language. Good. You're right on. You keep your eye on the ball, sam. Ok. Good. We are in a big ballgame here in Portland, and i'm happy to say i'm a graduate of psu. I was just being a little humorous. It's good to keep your sense of humor around here. Keep smiling. It's going to get better. It can only get better.

**Leonard:** I hope so.

**Adams:** Veronica, what is the point you'd like to leave us with?

**Bernier:** I'm getting there. I notice commissioner dan Saltzman isn't here. I had something to say to him about trees, and that's probabliy came here. The trees are important to our city. 65,000 were planted. My friend, dan Saltzman, I worked for him. He's a good employer, very straight, very intelligent, and always on the ball, and he always supports. I know, if dan were here, he'd have something to do about this issue. I don't know where he'd come in.

**Fish:** If he were here, he'd be blushing right now.

**Bernier:** You're right. I would have gotten him again. I like to get people on tv. But, anyway, to be serious, we do support growth. Women's affordable housing, we're always in there hitting and pitching for the other team. The blazers I like. I like anything that's sports-minded. I am a former slow pitch softball person from children's hospice in san francisco when I was an lpn. I do support the growth. I think it's a good idea. I support the teams. I just have one question about travel safety and cars and traffic. Those are the little hidden items. And the other thing I wanted to say is that the people living in the districts being developed should be considered wherever we're going to gentrify or go up a grade in housing. I think about friends of mine. I watched them develop beautiful victorians. Keep in mind the genre here is much different, zoned industrial commercial.

**Adams:** It has a variety of zones. Veronica, thank you very much for your testimony.

**Frey:** Your honor, mr. Mayor, I want to thank you for the position that you and your council have taken that the coliseum will stay. So that's good news to many of us. Thank you very much. I have written out a list of people that have supported my efforts in a friendly way, and there is about -- there are about 50 to 60 on this list, and so sometimes I feel like a stand-alone veteran, but then, on the other hand, I have a lot of citizens who have supported my opinions over a period of time. My name is gil fry. I'm a citizen. I'm a voter. I'm a serviceman and then a veteran. And i'm a volunteer. And since 1993 when they had their first open meeting on the coliseum and the rose garden, I was probably the only blazers season ticketholder that was there, and I said, do not destroy the coliseum in order to make room for parking. So it ended up that now, after 17 years, it appears the coliseum is going to stay. I am not in favor of moving the memorial walls. They're down at a lower level. I realize there's a lot of talk that's now going that way, and many of the veterans may think that's great. There's a lot of education involved in teaching the community and the society. That memorial wall was never meant to be moved. All you have to do is go and look at it. The gold star mothers are probably the ones who picked that location, and there is much space on the memorial grounds for many, many, many memorials and memorial walls and honoring things that could be done throughout the whole property, and that could be considered and developed.

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**Adams:** Thank you all for your testimony.

**Fritz:** Just to clarify, mr. Fry, you're saying keep the wall where it is now and then add other memorials?

**Frey:** Add many more memorials and improvements. There's a lot that can be done in honoring many keep, including the gold star mothers and including those who served in the war but didn't die in the war. There's a lot of options.

**Fritz:** Thank you.

**Adams:** Unless there's additional council discussion, Karla, would you please call the vote on the resolution?

**Item 1488 roll.**

**Leonard:** What we're voting on here today is not a specific plan or even a specific commitment outside some of the conditions that were discussed earlier but rather whether or not to extend the development rights for the trailblazer from november 24th, 2010, when they were due to expire, until may 24th, 2011. I think mayor Adams would have been on solid ground to come and say today that, given this agreement has existed for nearly two decades, it's time to look at another entity to assign the development rights to to have have something occurring in the rose quarter that has not happened up until now, as the mayor put better than i, notwithstanding the fact it's been drowning in good ideas for a long time. But I think the mayor is also on reasonable grounds to say, as he has today with this amendment, that we should give six more months to the city and the blazers and the various partners that will be required to come up with a financially viable agreement, six more months to show a substantial progress. For me, just one person voting, I am -- I think that is a reasonable thing to request. But in six months, I also think it will be reasonable if not to have a signed agreement by then to be close enough that another six-month agreement isn't required, something less than that. The standard I will use is I think that we could, if we were focused on it, have a done deal by may 24th, 2011, and that is my goal. If that isn't achieved, for me to support a further extension, there would have to be a substantial agreement towards a signed agreement by may. With those caveats in mind, I appreciate the focus that mayor Adams has brought to this, and I think, if we maintain that focus until may, we'll have a much better idea of what will unfold at the rose quarter in the near future. Aye.

**Fritz:** Thank you, mayor Adams, for your leadership on this and for all the staff, Portland development commission and all of our business partners. There's been a lot of open, transparent discussion on this, which needs to continue. I'm glad to support this agreement, because I hope it will allow for more community discussion, for more community input and for this to be a shared agreement that we can all get behind, as commissioner Leonard said, when it comes back in good speed. I thank gil fry for his ongoing work to help me understand the value of the veterans' memorial coliseum, and i'm very excited, mayor Adams, that you have led the charge to rename it officially. I'm glad to support that. Thank you very much for all of your work. Aye.

**Fish:** I want to begin by thanking all of our panels. I think this is probably the most comprehensive presentation council has ever received on a proposal to extend a development clock for six months. But because there's a larger context, I think it was useful to put that out to the public, and I thank people for the excellent presentation. There are three keys for me in evaluating this proposal. The first is the agreement that we've already secured to preserve a memorial coliseum. I compliment the mayor for deciding to rename the building and to take it back to its core and its heritage by naming it the veterans' memorial coliseum. I've lived in a lot of places in my life where cities have made a colossal blunder in taking a historic structure and sacrificing it for some short-term progress, and those stories continue to be told in cities across the country. This is a historic structure that is named for veterans that was paid for by the people of Portland, and we have made, I think, the correct decision to preserve it. And so for me that is at the core of what we're doing, and I think to demolish this building would have been shortsighted and a mistake, so that is the first point I bring

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to this discussion. The second is that I think for some of us the frustration has been that the planning process has been done not in a comprehensive way but in an opportunistic way, and that is partly the hand the mayor was dealt. Guided by a vision but not simply site specific, so building on the preservation of an important physical structure with great history in our community, moving to the larger process, which is a comprehensive vision for this quarter which desperately needs to be activated. Desperately. A third compelling piece to me is the way the mayor is seeking to link job creation with our strategic plan and in the symmetry of linking the quarter to potentially a site at the post office via bridge. That's pretty neat. Those are compelling reasons for me to act fairly on this.

What we're asked to do is a six-month extension of an agreement. When I was briefed, the mayor could hardly contain himself, talking about different pieces of the puzzle, potential sources of public and private capital. This stuff really gets his juices flowing. But my understanding was that was not going to be the purpose of this hearing to delve into those details, and so the mayor asked me for, in essence, my proxy so that he could go forward over the next six months and see the best deal he could possibly negotiate. In that spirit, again for me the question before us was is there a reason to extend the clock for six months. I think there's been a compelling reason to do that. If I could put a marker down on something which is, I think a chief able, it is that, as we think about bringing jobs here and particularly linking up with a cluster of our economy, creating a 24/7 community, mixing housing and jobs, we at parks are very interested in the active recreation component, whether it's putting something on top after garage that can be used for some type of sport or whether we can create more opportunities for people to engage in public recreation in memorial coliseum, I do think one of the most compelling parts of the vision that was earlier presented to us was the idea that the public would be welcome at memorial coliseum and there would be more opportunities for people to engage in active recreation there. That is something I'll be looking at very closely. Again, I appreciate the presentation, which I thought was very thoughtful. I think the bar is very high, but let's get it right. Aye.

**Adams:** I want to thank my colleagues on the city council for their consideration and thank them in advance for the consultation that the team will be making with each member of the city council and all the bureaus of the city moving forward in addition to the surrounding neighborhoods, our potential business partners. Also, in addition to those that I've already thanked, I want to thank Bruce Warner, the leader of PDC, Aaron Flynn, Patrick Quinton, and the core team on this, Kia and Kevin, have done fantastic work out of PDC. Carl from the bureau of planning and sustainability and the folks on my team that are on two different teams to make sure we've got planning and the focus on the jobs team, Skip Newberry, who testified, and on the planning team it's Amy Ruiz. They've done just fantastic work on this. This is a very difficult project. This is a very difficult part of town. But I believe it is worth the effort because, if we get it right, it will have a benefit citywide. It will put more Portlanders back to work, and it has the opportunity to improve our high school graduation rate and our college attainment rate. So I like the idea of high expectations, and our goal is to exceed them. So thank you all. Aye. Resolution is approved. You're welcome to stay to see democracy happen or you can leave. Please read item number 1501.

**Item 1501.**

**Adams:** Now, Why would we be buying a piece of Gresham?

**Mark Greinke, Chief Technology Officer, Bureau of Technology Services:** I thought you'd ask that question. Good afternoon. My name is Mark Greinke. As you know, BTS provides critical 800 megahertz public safety radio services for the city as well as many regional government agencies. Since 1995, we've leased facilities located at 1127 Southwest Blaine Court in Gresham, including in-building coverage. The property owner for this location unfortunately recently passed away, and the executor is selling the land which houses our radio tower and outbuilding. Our existing agreement allows them to terminate the agreement by providing the city one year's notice. The uncertainty of the future of the sale and the use of this location created the need for us to consider

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options that will allow the city to continue providing these critical radio services. We did conduct an analysis to determine if an alternate location for the site could be developed which would provide adequate radio services. This analysis concluded that any replacement would require two separate radio sites in order to provide similar coverage. Estimated costs for this far exceeded the cost to purchase the land where our existing site is. With assistance from staff from facility services, we have negotiated what we believe is a fair and reasonable price for the property, although the proposed agreement involves three individual tax lots. Only one is required for our radio site. Therefore it's our intention to dispose of the lots through sale or off set the cost of our acquisition. Our bureau has budgeted sufficient funds to cover the acquisition and ongoing maintenance of this property, and we ask for your support of this purchase.

**Fish:** We got a more extensive briefing on this at a prior council?

**Greinke:** We did. I did individual briefings with each commissioner and the mayor.

**Adams:** There are any questions from council?

**Fritz:** Why are we providing radio coverage in gresham?

**Greinke:** We actually use that site to provide coverage for the city of gresham and Portland officers as well. It sits on about a 1000-foothill, and it provides outstanding coverage in that area.

**Fritz:** And that's because we have a contract with the rest of Multnomah county to do that?

**Greinke:** That's correct.

**Adams:** Does this mean, as property owners in gresham, that we can show up at their city council to complain about potholes and leaves and chickens?

**Greinke:** I'm sure you're welcome to. [laughter]

**Adams:** All right. Thank you. Does anyone wish to testify on item 1501? Please call the vote on this emergency ordinance.

**Item 1501 roll.**

**Leonard:** Aye.

**Fritz:** Thank you for your individual briefing. It was very helpful. Aye.

**Fish:** Aye.

**Adams:** Aye. 1501 is approved. Please read 1502.

**Item 1502 roll.**

**Leonard:** Aye.

**Fritz:** Thanks again to marvin weber at the water bureau. Aye.

**Fish:** Aye.

**Adams:** Aye. 1502 is approved. Please read the title and call the vote, second reading, item number 1503.

**Item 1503 roll.**

**Leonard:** Aye.

**Fritz:** Thanks to darren tipper on this one. Aye.

**Fish:** Aye.

**Adams:** Aye. 1503 is approved. Please read 1504.

**Item 1504.**

**Leonard:** I'm pleased to introduce fire chief john columbia and heaver it is that he'd like to bring forward with him to talk to us about the fire bureau's strategic plan.

**John Klum, Chief, Fire Bureau:** I've had a whole cadre of individuals that have been involved with the project but for right now it will just be myself. I'm John Klum, your fire chief, city of Portland. Thank you for the opportunity present Portland fire and rescue's strategic plan. It's 2010 to 2015. A little bit of background of why we do the strategic planning. We've had a strategic plan since 1994. This is our fourth successful plan. Each plan helps us provide -- continue to provide excellent public safety services to citizens. It is in effect a roadmap for Portland fire and rescue for the next five years, basically to try to achieve some additional successes and the excellence in

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service. It's not a static document. It does not remain on the shelf. It's an active document that's -- it's a living document. To give you a result, current strategic plan that we have, the 2005/2010, to date 88% of that plan has been completed and implemented. It is also tied to the strategic plan is tied to the performance evaluation of our supervisors and managers, so there's an accountability component with the individual business items. The three-tiered approach ensures that implementation. We have the whole plan itself, which is the 2010/2015 strategic plan. We also have the annual business plan which is more comprehensive. They have the specific business items, major initiatives, and the strategies on performance measures to be successful. The integration with the strategic plan has been integrated into the budget process since fiscal year 07/08. It helps us track what our priorities are through a budget process. Our decisions directly implement the plan and our ability to fulfill them. The 2015 strategic plan was a comprehensive plan as the previous ones, which include citizen outreach, stakeholders both internal and external, employees and regional partners. This was the more open or was an open process to where the status -- current status was available through our media avenues. It was posted on our internet website for both citizens, stakeholders, and employees to solicit input to that. I have been requested on the december 2 director's meeting to actually present some of the components of the strategic planning process, so i'm looking forward to sharing the process with all my colleagues. The 2015 strategic plan development includes the completion of the tasks which include the environmental scan a comprehensive look at Portland in general both from internal and external point also of view, directions citywide as far as where we're going and where the Portland fire and rescue needs to go. The focus groups were more centralized to specific areas of discussion, and the surveys were the ones that we sent out to the public to solicit input of where Portland fire and rescue needs to go in the next five-year period. As a result of these, we developed goals, objectives, measures and the strategies to support those implementations, and this is based on four categories, learning and growth, internal business processes, customer, and financial perspectives. The 2010/15 strategic plan, there is a range in the four following themes. Operational readiness and effectiveness, fire safety, developing our workforce, and maximizing financial resources. Specific areas throughout the themes was response prevention and fiscal responsibility. With that said, there was a whole cadre of individuals that made this a very successful, very interesting and I think productive process, and i'd like to thank specifically jack graham, who was the division manager for management services division, jan clay, cindy gaulke and staff, lisa cour and her staff, jennifer cougarman and nicollette johnsons several people ...because this was a very open process. We had over 16 individuals who were directly involved with the process either on the steering committee or actively involved with besides what was on the focus groups and external outreach. I've been involved -- this is my fourth strategic plan process. This was the most coordinated professional, competent bureau group. I'm very pleased. It was on time, on budget, and extremely good, productive process. As you can see, there was a lot of development -- or progress developing this document. On behalf of all the firefighters, men and women in Portland fire and rescue, we appreciate the opportunity to continue on with looking into the future, and plan allows us that roadmap and guideline to track where we are as far as continuing that excellence in public safety response. I am excited of what is in the report and the possibilities at what we can achieve during the next five-year period, and I ask council to formally adopt the 2010, 2015 plan.

**Leonard:** Thank you, chief. Questions from council?

**Fritz:** What level of public involvement was achieved? What was the response to your surveys and how many citizens did you have involved in the process.

**Klum:** In the strategic plan itself, commissioner, it has a list of the individuals that are directly associated with both the steering committee and let me get the page number for you.

**Fritz:** It wasn't clear How many public employees or how many were citizen participants?

**Klum:** I know that we had -- it depends on -- it's difficult to answer that question, because i've got

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staff here, but we sent out surveys to the citizens. We also had individuals from the public, citizens on the focus groups, and I don't have that number in there. I do have a break down of who was on the steering committee and who was on the actual task force. I can get you that information.

**Fritz:** And I certainly appreciated being interviewed as part of the planning process as one of the stakeholders early in the process. I didn't see a draft strategic plan since then. Was there a draft plan that was submitted for public review and comment?

**Klum:** It was a living document what was available through the intranet and internet sites. As far as the draft, nothing was formally sent out individually.

**Fritz:** With that in mind, I just looked at it myself last night. Is there anything on evaluating alternative service models, looking at using different, smaller vehicles for emergency medical calls?

**Klum:** I think that that's comprehensive and I have to reference the actual strategic issue or theme.

But what we're looking at is some of the key elements, looking at what we'll currently do as far as our service delivery model. And what we have seen is a 10% to 15% increase for demand of service. We know that that increased demand of service is not just a Portland or Multnomah county issue. It's a national issue of all the jurisdictions involved. And to be creative at looking at and acknowledging that, what we'll currently do is not sustainable, because there's only two ways you can approach this increase demand. One is to allocate more resources which, in this fiscal challenging time is not an option, and the other is to look at what we're responding on. With that said, our current system isn't sustainable because of a couple components that need to be addressed.

A key component is the public education component for the properties and 9-1-1. The other one, too, is to be able to effectively separate true emergency code 3 calls from the code 1 nonemergency calls. But currently the system defaults to fire response regardless of where they're placed into that queue. When you get those increased responses, you get decreased response or liability or availability of resources which increases our response times. This plan will be partnering with our stakeholders, boac, Multnomah county health, our physician supervisor to look at the first take of the two, separate the emergency calls from the nonemergency calls. And then, if the work were -- we have to really brainstorm to determine what we could come up with where we can effectively still address the citizens' concerns for nonemergency calls, because currently right now it defaults to a fire response, which increases the number of runs, which increases our response times. And currently we do not have a model to separate those calls, and we need to collaboratively work with our other partners to determine what we can do. Some examples of that is to approach it from public health perspective to see whether there are avenues to where we can get things that have been successfully deployed in other jurisdictions such as physician advisories. A lot of the individuals that are calling 9-1-1 are looking for just transportation to an urgent care. And it's getting those tools and working together with our partner agencies to just basically brainstorm to see what we can do to still address the public's needs, but the first step would be to separate those true emergency calls with a nonemergency and then effectively develop a plan where the citizens still get their issues addressed quietly.

**Fritz:** I'll get to the separating the true emergencies. Is there somewhere in this plan about doing that second step of looking at who else could respond to the nonfire emergency?

**Klum:** Yes. Again, I don't have it in front of me here, but it is in one of the particular goals. Let me try to find it real quickly.

**Fritz:** As long as it's there, i'm happy to take your word for it.

**Leonard:** I think it might be on page 28.

**Klum:** That was one of the key issues that was discussed by pretty much everybody that was involved with this is that we need to be creative and look at innovative ideas to educate the public but also have an avenue and means to address the problem. For example, when a person calls 9-1-1, it's a significant issue. It may not fall into the category of a code 2 response by a fire unit, but it is something that's going on that's a significant issue in that individual's life, and we cannot

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downplay the importance of that. And currently, right now, we don't have any other recourse but for fire to respond.

**Fritz:** I agree, and I think it would be helpful to have that called out. Commissioner Leonard pointed us to pages 28 and 29.

**Leonard:** Page 46 I think.

**Fritz:** That's great. So we can move to pages 28 and 29, which is the addressing of the 9-1-1 issues. I was concerned that I had not been involved in formulating these and that Lisa Turley and Boec had not been involved in formulating these particular strategies. I know you had been working on it, but we hadn't seen this particular language which is of concern to me. In particular, I'd like you to clarify what you mean by strategy 1.7, seek funding to establish Portland fire and rescue presence at Boec 24/7 in the capacities of fire liaison and critical dispatch to technical resource operator. Tap out the dispatch channel and ops working channel. Is that just expanding the two liaisons that you have now back to the four that you had before?

**Klum:** Yes.

**Fritz:** Sorry. That language isn't clear. I want to put in the record that that's what we are talking about. We're not talking about your staff supervising --

**Klum:** That is to get a 24-hour presence with our liaison position for system resource management, interaction during greater alarms and to assist. I don't think that there is any argument from any of the stakeholders that that was a reduction in overall service when we lost those positions due to previous budget cuts.

**Fritz:** And where it says update or establish business relationships, roles and responsibilities with the bureau of emergency communications and its user board members, what were you thinking on that one?

**Klum:** That would have to do with again sitting down with the users. Basically parts, components of the system to actually come up with the creative idea and solutions to address this increasing demand in our current system to improve that. So this opens up that dialogue. Stepping back a little bit, the director of Boec was on the external stakeholder list and was interviewed by Akt consultants. Generally with the strategic plans is that once the rest of the group gets together these things come out, and how you implement the performance measures and specifically the strategies is where that clean palate is to where you actually initiate and go in a direction to where you know what the overall goal is, and that is to increase our efficiencies and to have those general discussions, and that's where you get the direct interaction directly with -- such as Boec, Multnomah county health with our physician supervisor to come together as a group to creatively address and try to find solutions to this. So, in other words, that's still open. We're still going to have to brainstorm. We'll still have to work. But it identifies that there's a need, overall goal that we want to achieve in the next five years to address the issue.

**Fritz:** And I'd like to have ongoing conversations. Certainly we want to provide the best service possibly at Boec. I do see on page 47 where Commissioner Leonard pointed out to trying to sort out how else to refine the 9-1-1 system. I don't see how that really is about developing our workforce. It seems to deal more with public engagement, and I'm wondering -- I know you've been working really hard to diversify your workforce and to get more people of color and women into the fire bureau. Is that addressed in this plan?

**Klum:** Actually, that's been addressed in earlier plans where we've already implemented those strategies that continue on from previous plans. So this again, Commissioner, is what we need to do to address not a continuation. These are new issues that we want to carry forward the next five years, so we have a current model as far as our diversification efforts with the recruit process, with the trainee and the firefighter and the outreach amongst our community partners and our recruiter to address that. That model and program has been successful and is already in place.

**Fritz:** Right so I would have liked to see it in the strategic plan just as a reminder to folks like me

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who haven't seen the previous ones. I know, because of what you have been educating me about you are doing a good job with that. It would be good to see it referenced in other strategic plans so others could come into the process. I do have a question on this goal you have strategy 14.3, develop and maintain a partnership with the offices neighborhood involvement and office of human relations to establish contacts and ongoing relations. What did you have in mind for that? I don't know if we've had conversations about that--

**Klum:** Again, what came through as a result of the process with the interviews and the focus group interaction and task forces is that there was a definite connection and need to engage and partner more closely with the office of neighborhood involvement more so than what we're doing on a station base level involvement with the neighborhood associations, but there's common messaging. There's a connection between the information that we feel needs to get out about properties and 911, smoke detectors with new code changes. There's recent code changes associated with carbon monoxide detectors, a requirement, and be able to use them as an avenue for increased outreach and to expand our capabilities with our limited public education staff. That's where that increased involvement and connectivity is as a result of the input from the external stakeholders.

**Fritz:** Which again I will welcome and of course will be happy to partner with you on that it was again a little bit of a surprise not knowing what was expected of my bureaus seeing this in the plan. I just have a couple more questions, and appreciate the indulgence of my colleagues. As I said, I didn't get a briefing of this ahead of time. Page 57 where you're talking about secure, adequate staffing to support timely maintenance and implement the facility plan, what staffing do you have for maintenance right now?

**Klum:** Currently the logistics section, we have both the apparatus, maintenance side, apparatus, equipment maintenance side, and we have the facility side. And what this strategy is addressing is to maintain -- let me back up a little bit. One of the current challenges we have, we're just in the process of finishing up the last two station projects with the fire facilities geobond that the voters graciously passed in 1998, so we're into the close-out. As a result of that, over the last 12 years, we've been able to upgrade our facilities not only seismically but also modernize them, we need to develop a sustainability plan for our facilities to carry through to where we can maintain and get that longevity out that we anticipate the 50-year mark. And so with available resource and recognition, we're still in some pretty challenging times budget-wise. The limited staff that we have, we're starting to see more and more of a backlog in regards to the maintenance components associated with the fire stations. And so this one, this strategy here, is specifically for us to be aware of that and to look at how we are going to address the workload and the priorities and to make sure that we ensure that we have adequate personnel to facilitate those repairs.

**Fritz:** And that will come through the budget process?

**Klum:** Basically just to keep track of it and to look at refining our system. We made some major strides in the last few years as far as how we track maintenance and how the company officers and station captains work with our logistics section on the facilities side to prioritize repairs, but what we're seeing is we're seeing an increase of priority 1 or high-priority repairs to where they automatically kind of override and queue down some of the lower priorities. We're concerned the lower priorities will raise to a higher priority, so it's a management tool.

**Fritz:** As always, i'm very impressed with the breadth and depth of your knowledge. I could have asked these questions ahead of time if I had known what was coming, but I greatly appreciate your insights.

**Klum:** And a lesson learned. Again, this is a process that we value deeply, and your input's greatly appreciated. And to improve on future processes, we'll make sure that drafts get out and we solicit that improvement to where you have enough time to generate those questions to where I can meet with you or other commissioners to answer so you don't have to do it on such short notice.

**Fritz:** Thank you very much. I appreciate that, that is very helpful.

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**Adams:** Additional council discussion? Anyone who wishes to testify on 1504?

**Moore-Love:** Veronica signed up, but I think she left.

**Adams:** Please call the vote.

**Item 1504 roll.**

**Leonard:** Well, thank you, chief klum, and all the staff that's here and the firefighters and those that you've reached out to for an outstanding document. Very thorough, very, very substantive and I look forward to working with you on implementing it. Aye.

**Fritz:** Thank you. This is clearly very well thought through, and again thank you to all the staff and everybody who was involved, all the citizens, and the consultant. I did appreciate being in at that stage. Clearly the communications office of neighborhood involvement and office of human relations is very glad to work with you, because we are partners in providing public service. Aye.

**Fish:** Chief, I have a couple of reasons that would easily lead me to rejecting this document. The first is the fact that you stole cindy gaulke from my staff and, rubbing salt in the wounds, you put her in here as the person who's responsible for this project. Second, I saw the recent survey that came out of all the bureaus. Once again for reasons i'm not clear about, fire came out slightly ahead of parks, although I believe the gap is narrowing.

**Klum:** It was.

**Fish:** I'm not sure what fire bureau has over my parks employees but I'm going to set that aside. When I was looking at your strategic planning task force I saw that you had not one but two silva's, I knew this had to be a quality document. [laughter] So thanks for your great work as always, it's a pleasure to see the senior team and for me to reflect on the glory days when I actually worked with that team before fate intervened.

**Adams:** How about you vote now? And less reminiscing.

**Fish:** Forgive me. It's been a long day, and i'm a little emotional. Nice job, chief. We'll be asking for your help when we finalize our strategic plan in housing. Thank you. Aye.

**Adams:** Well, we're very blessed to have a great fire bureau led by a great fire commissioner and fire chief. Thank you for all your great work. Aye. We're in recess.

**Moore-Love:** One more item.

**Adams:** Please read the title and call the vote for item 1505?

**Item 1505.**

**Leonard:** Aye.

**Fritz:** Good work, commissioner Fish. Aye.

**Fish:** Aye.

**Adams:** Aye. 1505 is approved. We're in recess until 2:00 p.m.

At 12:30 p.m. Council recessed.

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**Closed Caption File of Portland City Council Meeting**

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

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

**NOVEMBER 17, 2010      2:00 PM**

**Adams:** [gavel pounded] Good afternoon, everybody, welcome back to Portland city council. It is wednesday, november 17th, 2010. We're in the afternoon session, it's 2:00. Hi, Karla. Did you have a good lunch?

**Moore:** I did.

**Adams:** Good. Can you please call the roll? Roll call.

**Adams:** A quorum is present. We are going to be considering today -- six items. Can you please read all six. Items starting with 1506, through 1511.

**Items 1506 - 1511.**

**Adams:** Thank you, Karla. On april 15th, the city council approved on a provisional basis the north reach river plan. At that time I told colleagues that there was still much work to do before that plan would take effect or should take effect. We made promises about more due diligence, we made promises about more economic analysis, and further refinements of the provisional package adopted on april 15th. Today begins the -- today is the first hearing, first reading and hearing on a number of legislative actions. We will -- the six follow-ups include a report on in lieu fees including the methodology used to calculate the offsite mitigation fee for use until mitigation a bank is in place in the north reach. So this is the two-year mitigation off-site mitigation fee. The second of six items, we'll hear two ordinances, the second and third, we'll hear two ordinances that allow the bureau of environmental services to administer the fee and set the fee schedule for in lieu fees. The in lieu temporary offsite mitigation fees. This ordinance also authorizes a credit that we have proposed to encourage development in the north reach over the next two years while also providing for full environmental mitigation. The resources to pay for this credit will be determined through the next budget process. We'll also hear the recommendation for appointing members to our north reach advisory committee who will be our eyes and ears on the ground, overseeing as we implement this plan and further refine this plan. This will mark the first time we've put together this kind of a plan with a long-term oversight committee that as you see from those being nominated, represent all the interests on the north reach. We'll hear a presentation on the extensive mitigation plan proposed at the university of Portland as directed by council. And we'll hear about the conveyance of the easement related to the siltronic development agreement we approved in june. As I mentioned, we will not be voting on any of these items today. Neither the resolutions nor the ordinance. We will be voting on a substitution in a minute that will serve as the basis of staff presentations and public testimony. We are scheduled for the second reading and council vote consideration in two weeks on december 1st at 3:00 p.m. I want to say that there has been concerns expressed by all points of view through this process and since april 15th there's concern that our actions could damage the economic viability of the north reach. There are concerns that our actionless fail to address the environmental need and requirements of the north reach. I think that when you look at the detail and the care and the fact gathering that has been done by this staff team, I think people find that it actually is a very straightforward and balanced approach that will be perfected with actual use and implementation. And that it won't be just staff that decide whether or not it is going as planned, it will be a group of stakeholders that will be meeting on a regular basis to provide us with their thoughts on whether or not it is working as planned. So with that, I would like to move a substitute for item number 1507.

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**Fritz:** Seconded.

**Adams:** It's been moved and seconded, the changes in the substitute are underlined. The change in the substitute is number 6, cost identified in the report how to calculate the river plan north reach in lieu of fees are based on conceptual restoration designs, standard practices require that conceptual restoration designs include a 75% contingency fee and therefore that is what is included in the calculations. So these are low-confidence estimates, the more refined predesign only requires a 50% contingency fee and the final design only requires a 20% contingency fee. So that explains -- we want to memorialize why the rates are as high as they are at this time in their development. Under 7b, under the therefore b, the inclusion of the phrase "after two years the creditless expire and applicants will be required to pay the full fee in lieu or purchase the full number of mitigation bank credits." between now and then we'll have gone through an rfp with the oversight of our oversight committee for a request for proposals to make sure we're getting the most cost effective permanent mitigation bank site designations. And then c, staff return to city council with an updated fee schedule supporting information once predesign is complete, as mentioned in number six, and when final design is complete for the first two chosen restoration sites. It's been moved and seconded. Is there any discussion on the substitute? Karla, please call the roll on the substitute.

**Item 1507 roll.**

**Leonard:** Aye.

**Fritz:** This is just putting on the table for discussion. Aye.

**Fish:** Aye.

**Adams:** Aye. Substitute is accepted for 1507. Additional substitutions or amendments?

**Fritz:** I have an amendment for 1510, the development agreement with university of Portland. On page 4, section 5 to the design -- sustainable design principles. This is to clarify, they shall incorporate features such as bird and animal friendly species, designs during the wildlife corridor and that they shall include but not limited to bird and animal friendly design construction materials, ecoroofs that provide habitat features and vegetative screening and integration of building footprints to the extent practicable.

**Leonard:** I don't see a section 5. I see a section 3.

**Fritz:** This is amendment to the development agreement.

**Leonard:** To exhibit a. Ordinance exhibit a, the development agreement. Ok.

**Adams:** Would the maker accept a friendly amendment?

**Fritz:** Which is?

**Adams:** Vegetative.

**Fritz:** I'd like it on the table for discussion, if I may. It's response to some of the community testimony we've received over the past several weeks.

**Fish:** You propose we would be open to a friendly amendment after the testimony?

**Fritz:** Yeah. But the vegetative part of the screening was part of what was requested.

**Adams:** Did you want to come up and maybe we can take care of this right now?

**Christie White:** Christie white for the university of Portland. It's fine to have this as a point of discussion. Our only concern with using the word vegetative would be that it would suggest that that's the only kind of screening, where vegetative screening might not be successful and there's other architectural screening that could be used, it's also not injurious to animals or bird species. So the original language just said screening and that would give everybody more flexibility to discuss the best option.

**Fritz:** Thank you for clarifying. I'm sure we can figure out something that meets the needs.

**Adams:** So if we said vegetative or other screening that would be ok? Ok. Unless there's additional discussion, the friendly amendment noted. Karla, please -- can you please call vote on the amendment proposed by commissioner Fish -- Fritz, seconded by commissioner Fish.

**Item 1510 Amendment:**

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

**Adams:** Aye. Amendment passes. Ms. Edmonds? Ms. Lovell, and mr. Catchum. Please come forward. Walk us through.

**Sallie Edmunds, Bureau of Planning and Sustainability:** good afternoon, mayor, commissioners. My name is samly edmunds with the bureau of planning and sustainability. So as you know, we are here today to discuss six different items. We were hoping that you could -- we could present the first three items together and you could take testimony on those first three items. And then move forward with the other three individually.

**Adams:** Ok.

**Edmunds:** These items represent much of the work called for in the resolutions and the ordinance that you adopted on april 15th, but there is a little bit more information, a little status report i'd like to give you before we move forward. Very briefly, the river plan was appealed to luba, the oral arguments on that appeal are scheduled for december 2nd. And a decision will follow in a few weeks or more after that. So we'll keep you posted on that information. Another thing that's important for you to know is that one of the things that was in the ordinance said that the city was going to request a greenway boundary amendment from the state. The city is required to comply with the state law requiring the boundary, we initiated the process two weeks after council acted in april, but lcdc is not able to complete their work by january 2011, which the river plan is scheduled to go into effect. So we need to postpone the effective date of the river plan. So we're sorry about this, but we will need to bring you an ordinance and have a hearing on december 1st to postpone the effective date.

**Adams:** That will be considered by council as an emergency ordinance?

**Edmunds:** That's correct. A couple other things that were in the resolution. You asked us to work on a threshold under which the use of the model that you'll be hearing about today would not be required to calculate mitigation. And that's something that we propose bes consider as they develop the administrative rule for the mitigation fee. The resolution also asks for us to consider additional standards. We're not able to do that at this time because the river plan is under appeal. And the next item that you asked to us do was to consider a potential fee in lieu of meeting the mitigation standards, and that is something else we can't do while the river plan is under appeal. So we'd have to move forward with those at another time. And then the following item in the resolution, you asked us to come forward with some map refinements. If those requests were made. No requests for map refinement were made to us, so we believe that task is complete. There are two administrative rules that also need to follow. You'll hear a little bit about the bes administrative rule. On mitigation. There's also a public trails administrative rule that we are working closely with the bureau of development services on, and we will be -- they will be holding administrative hearings for that. Sometime in december. So that wraps up our to-do list. The first three council items that Karla read are these, and those are the ones that we'd like to go through with you that the time.

**Kaitlin Lovell, Bureau of Environmental Services:** Good afternoon, council members, my name is kaitlin lovell, the manager for the Fish and wildlife division at bureau of environmental service and i'm going to talk a little bit about the accounting system we've developed and the science panel review it went through. Key to the north reach is the notion that we have to avoid and minimize environmental impacts within the river overlay zone, but where there are impacts that we need to account for them very systematically and mitigate for them. The priorities to mitigate, but there's an option to go off site. So our first goal was to establish an accounting system that had about six goals, first that it was open and transparent, that it secondly represents the best available science, meaning that it's well test order multiple habitat types, that it's publicly available, that it's not proprietary, that it allows for the notion of in-kind tracking so where we have upland impacts with the mitigation is in kind. That it's widely accepted and utilized by different regulators, including the

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federal and state partners we have, and that it allows for the mitigation to stay within the north reach area. The current -- the current code, the current commentary within the approved code in april actually identifies the system you heard so much about as the accounting system. We took the habitat evaluation procedures, and the habitat -- the other one, to the science review panel. We convened in june, a seven-member voluntary science panel of experts that represented a range of expertise. And asked them over the course of a day to help us provide written comments, they also had a joint four-hour session where they worked together and answered a number of questions that we had. Their main points were the first one we asked was, is there a better system out there. Are we using the right system. Their response was that all models have their shortcomings. They didn't have any turn test they could recommend to us, but they did have a lot of suggestion force how we could improve the system we had chosen. Those recommendations included moving from a species-based approach to a functional-based approach, and i'll get into that in a manhunt. They wanted us to provide the entire context of the lower willamette river, so what are all these other things going on in there? Some of the storm water requirements that we have that aren't included in all of this. We needed to house this into the larger context of what the city does in the lower willamette valley. The monitoring and adaptive management needed to ensure that we're meeting our goals over time, so one of our goals is no net loss of ecological function. And then there were additional considerations that we determined, warranted review, but on the time frame that we were working on and the complexities of them, that we couldn't get them done in time for the in lieu fee, so we're going to continue to work on those for the development of the mitigation bank. So taking to heart what they recommended about the notion of a functional-based system, we've come up with, it is no longer hep, it is going to be called the functional -- the habitat evaluation assessment. The habitat equivalency analysis. It's adapted, so it's more of an evolution, and it will specifically estimate the habitat value before an action, whether that action is an impact or a restoration, and evaluate the habit after that action. To estimate gains or losses in habitat function. And then we create credits or losses based on that calculation. There are six types of habitats in it. Riparian, tributary, wetlands, grasslands and upland forest. The ones probably the most common in this area are the river and riparian. So this is a lot of information on a slide. These are, for example, the river even indicator. We no longer talk about salmon or we no longer talk about macro invert brats. We're al talking about all of the functions to fully capture the usage across all different kinds of species. There's a how-to guide to calculate all these that's in your packet of materials. One of the things that this method doesn't capture very well is this best management practices. So, for example, if you're building a dock, is there a way to do a best management practice, for example, where you don't have a solid surface, but you have a graded surface. It's difficult to measure those impacts and gains, so we have agate gore -- category for best management and green design. We are incorporating that into this effort. The next one is an example of our riparian indicators. Looking at tree canopy, land use, what is the actual type of riparian, if it's invasive, native, so there's a number of factors that we look at. We then move over to the habitat equivalency, once we do this functional -- functional assessment, we come up with numbers in each of the habitats. And now i'm going to turn it over to paul to explain what that converts to.

**Paul Ketcham, Bureau of Environmental Services:** Members of the council, my name is paul with the bureau of environmental services. As katelyn described, the city is going to be using the analysis process, which is a model developed by noaa Fisheries. The output of this model is a habitat unit of discounted service acre years per acre. That's the currency the city will be using to evaluate needed restoration in the north reach. This habitat unit accounts for habitat values lost or gained, and the years it takes for habitat mitigation to achieve fully functioning conditions. It has a temporal component. It's used to evaluate an ecosystem service such as habitat suitability for salmon and birds. And to make the future losses and gains comparable, the discount factor is used. And again, the units are discounted service acres units. This is the calculator that the bureau of

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environmental services is using from the noaa Fisheries. Procedures. This slide shows the functional analysis spreadsheet calculator for the honda dock site, it's riparian impacts as an example. The standard values in the model are in white. So those are -- those essentially stay the same from site to site. It includes a discount rate of .03 or 3% per year, and a project value of 300 years, in other words, permanent fixture on the land escape. The model uses before and after site condition scores, which katelyn described how we go through that process in her presentation, to determine the total -- affected by a given project. In this case, as you'll notice in the chart, the value is negative, reflecting the fact the development results in a degradation of riparian habitat. The value is a negative .585 between a scale of 1-0. To calculate the in lieu fee, there's certain ingredients we need to have. First as a quantification of habitat loss due to development, or habitat gained through restoration. Before and after the activity. We also need to have the cost to restore an equivalent amount of habitat. And then we need to understand and -- recover the costs of restoring habitat. This is a chart that displays a lot of information, it's all walk through it as concisely as possible. The in lieu fee report, part of appendix c, was prepared by tetra tech, and provides the basis for determining the total capital costs per acre of restoring the five habitat types found in the north reach. Those being riverine, upland, stream, and wetland. The cost estimates are needed in order to determine the schedule of in lieu fees. And we use three north reach restoration projects where evaluated for potential -- for riverine upland and riparian habitat restoration sites for the marcom site, the triangle park and willamette cove. Three north reach sites were evaluated for stream habitat improvements, those include Saltzman, doane, and miller creeks. The chart that's on the screen identifies the average capital costs of restoring various restoration sites. For wetlands the city is relying on the department of state lands for their cost factors. So capital costs include the hard and the soft costs of developing a project, plus a contingency. And hard costs are defined as direct construction costs, paid to a contractor and initial revegetation costs. Soft costs are other projects expenses such as design, predesign design, contract management permitting, testing, and am of the activities that go along with the project that are not related to construction. In 90%, soft cost multipliers used based on a bes analysis, which is part of the record and is attached to appendix c. 75% contingency is used because the projects reflect conceptual level of developments and restoration planning, and they also reflect the uncertainties inherent in early phases of design. We also added acquisition costs as a separate item to reflect that there is a need to purchase lands in the north reach to allow this restoration work to occur. So the cost for each of the habitat types was determined by dividing the total cost per acre for estimated for restoring these five habitat types in the north reach by the number of -- for riverine habitat it re-- \$235,000. So the cost of the dsays listed in the table above form the basis for the in lieu fees. We warned to test this process on some recent development in the north reach to see how they would actually work on the ground.

> we employed the model for Portland fire bureau's boat house and dock example and also the port of Portland's terminal six honda dock expansion. The work to carry out this pilot study including identifying the disturbance areas where the habitat was permanently changed either positively or negatively, such as docks removed or added. We rated the conditions of the habitat using the model katelyn described, to determine the impacts to riparian and riverine habitats. We did ratings before and after site conditions and put them into the spreadsheet. And this indication test case we aseem that on-site mitigation was not required and was not practicable under city requirements. This chart shows the results of that analysis. How the in lieu fees would be determined for the two sample sites, ranges from a low of 12,930 dollars to 180,323, depending on the project's impacts to riverine and riparian habitats. Keep in mind that the examples do not account for any on-site mitigation, that may be accomplished. For example, the honda dock expansion in actuality did mitigate on site by conducting riparian plantings. And if we were to account for that action, it's likely the honda dock would not result in any fees for riparian habitat. Because the benefit outweighed the cost or the habitat increase outweighed the detriment to the site.

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**Fritz:** That was very clear, thank you very much.

**Edmunds:** Shall we move on to the next? This is the title 17 change.

**Ketcham:** This is an ordinance before the bureau, proposed by the bureau of environmental services to the council to establish rules for the river plan in the north reach. The new rules will include in lieu fee mitigation program part of the ordinance the council adopted last spring. Bes has been working with bureau of planning sustainable, the bureau of development service and office of healthy working rivers to develop the north reach plan over the last six months. The implementation team has been given -- has give carlgren environmental services responsibility for using off-site mitigation fees for north reach restoration projects. Environmental services will develop rules to establish off-site mitigation fee and determine how money collected will be spent on restoration projects in the north reach. And we'll establish through public process permanent rules. The permanent rules will hopefully be in effect by end of june in 2011. So essentially in summary, the title 17 amendments simply allow bes the authority to carry out this work.

**Edmunds:** There's one more item before we're -- our presentation is complete. Rebecca, could you come up?

**Rebecca Esau, Principle Planner, Bureau of Development Services:** Good afternoon Mayor and commissioners, I am Rebecca Esau, with the bureau of development services. The river plan directs bds to establish and administer mitigation fees to finance city restoration projects. Bds intends to transfer administration of the in lieu mitigation fees -- to bes, in an effort to stimulate development in the north reach for a period of two years, applicants will receive a 50% credit of their mitigation in lieu fees per exhibit b, part of your packet. This applies to projects where the applicant must pay a fee to the city in lieu of mitigation in the follow two situations. Where a bulkhead is installed in existing bulkhead and for projects where the city determines that on-site mitigation options aren't practicable or ecologically beneficial and off-site mitigation is required. The bureau of planning and sustainable and omf and pdc will return with a funding strategy for this credit in january of 2011. Any questions?

**Fritz:** So would bds development services determine whether or not the on-site mitigation is required?

**Esau:** Yes. That would happen as part after land use review. There's criteria in the code that would address that question.

**Fritz:** And then if it is not possible on site, then environmental services will administer the fee?

**Esau:** Yes.

**Fritz:** Thank you.

**Fish:** In light of what you said about -- in light of what you said earlier about the effective date of the plan, any such proposal would not kick in until the next fiscal year. Correct?

**Esau:** That's correct. Until the effective date of the plan.

**Adams:** So to address the facts on the temporary in lieu of fee, the depth of the recession concerns about the impact on businesses, this is a proposal to have 50% credit on those two fees, bulkhead and off-site mitigation.

**Esau:** Yes.

**Adams:** Thank you all.

**Fritz:** You're going to come back in january with a funding strategy?

**Adams:** Correct. And that -- one of the few up sides of the 38 is the ability to come back with a funding strategy on how to accomplish that. Thank you all very much. We're taking testimony on the first three.

**Moore-Love:** We have 14 people signed up.

**Adams:** Welcome to the city council. Glad you're here. The rules are that if you're authorized to lobby on behalf of an organization or business or a client, you need to disclose that. You'll give us

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your first and last name, we do not want an address, and that clock in front of you will help you count down your three minutes. So let's begin.

**Sebastian Degens:** Good morning, mayor Adams, city commissioners, my name is sebastian degens. I work for the port of Portland as the planning and development manager for marine and industrial development. I want to thank you first for your continued support of the fee in-lieu option. And also for a nomination to the nor carry-over committee. In our view, in order for expansion, redevelopment, modernization opportunities, waterfront developers in the north reach we'll often need to have viable options for off-site mitigation of regulated natural resources, that they might impact the goal of that kind of program is twofold. Support economic development of the working harbor and fund restoration of natural resources in the north reach. To meet the program goals the fee needs to be set at a cost effective level to attract participants and to adequately support restoration. Getting architect which your of the fee system right is important to the fee -- to the port as the fee in-lieu will be in place at least until mitigation bank is established, and would logically also form the design basis for a compensatory mitigation decisions down the road. The fee structure seems too high to meet the goals that I discussed before, and i've following two suggestions. The average per unit restoration cost is higher than they need to be because some extent -- expensive sites were included in the mix. If staff readjusts the cost by take out the outliers, the program costs come down to a more reasonable level. Even within the north reach there are 18 identified restoration sites of which only a few of them looked at, and they're unquestionably some less complex and less costly sites that staff could consider in the design of the fee system. I'll just end with one example to illustrate. We purchased half of the marcom site for toyota expansion approximately four years ago. It's an expensive industrially zoned site, it's on pdc's harbor-ready list. It was one of the sites that was looked at. Our intent continues to be to redevelop the site for inclusion into terminal four, but also to restore the waterfront, not unlike what we accomplished with the toyota site immediately downstream. I was a bit surprised to see that in addition to the waterfront riparian restoration, which we're not opposed to, the city calculated the fee based on turning upland portions of the site into a forested site at about 1 million an acre. That's over five times the cost of baltimore woods parcels, it's also likely that some portions of the cathedral park master plan have wooded areas in there could be developed at a lower cost. Those are also parts of the restoration site. A well-designed program is one that would play to the strengths of the site to be restored, and will then result in a more cost effective balance of environmental value for public and private investment.

**Adams:** Thank you very much.

**Walter Stokman:** I appreciate the opportunity to speak with you about the second fays of river plan. I'm here to represent my associates at gunderson that I direct and work with every day. Hard working, skilled, blue collar, family wage earning job holders. A historical number of my coworkers has been a thousand wage earners and we hope to build back to that least that level over time. These jobs are not guaranteed and we have to work hard every day to remain competitive. An example of how fragile these jobs are just an example of how fragile these jobs are just occurred in our marine operations where we have to curtail operations earlier this year and have recently reduced direct labor jobs from approximately 400 to 100 due to barge order cancellations. To regain these jobs we have to compete against barge building operations throughout the u.s. And places such as the gulf coast. One of the ways we have remained competitive is by investing in our operations with major expansion having been completed in 2006. Another way we have repained competitive is improving efficiency in marine operations by approximately 40% since that time. While we were working hard to increase efficiency and remain competitive, we feel beset by the increasing obstacles on the regulatory front. Obstacles which many of our competitors do not face. The second phase of the river plan is another rock in our rock sack which makes us less competitive and less able to modernize or expand our operations as necessary. Our concerns are

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the city did not complete the action agenda promised in april and did not follow the collaborative process that was promised at that time. The proposed administrative process will not be able to implement the needed addition to the river plan in then a manner consistent with the city ordinances and state law. The proposed fees are dramatically too high and permitting processes still not well defined through to predictably -- to predictably implement creating a competitive disadvantage for our operations, putting the jobs for my coworkers at risk. The fee structure is too expensive by a factor of three or four and no nexus between the revenue collected and the environmental impact of the project or the environmental benefit generated from fee. The city appears to ignore significant concerns of its own panel and takes only those portions which agree with its preconceived notion of what is best for the habitat. We propose that do not approve the proposed amendments under consideration, finish permit process as part of the river plan where it should be, and ensure to cost effective fee structure have the bureau of development services establish a willamette north reach partnership organization to implement restoration activities in a cost effective fashion following the successful --

**Adams:** So your time is up. Do you want to summarize?

**Stokman:** That's good. Thank you.

**Leonard:** You said the fee structure was too much by a factor of three to four. Were you talking about the discounts service acre years formula ha was -- that was explained earlier, or some other fee? If the answer is yes, I would be interested in following up this hearing maybe just a very concise email that lays out that position. That's very specific to that discount service that was explain and why you think that is a factor of three or four times higher than what you believe it should be.

**Stokman:** yes.

**Leonard:** And if the answer is yes, I would be interested in following up this hearing with maybe just a very concise email that lays out that position.

**Stokman:** O.K.

**Leonard:** That is very specific to that discount service that was explained to us here. And why you think that is a factor of 3 or 4 times higher than what it should be.

**Adams:** And what recommendations are the science panel concern you that you said were ignored?

**Stokman:** What specific recommendations were ignored?

**Adams:** yeah, What specific recommendations were ignored?

**\*\*\*\*:** I'll problem lay better person to help answer that.

**Adams:** Ok. I was asking the person testifying. What specific recommendations concern you?

**Stokman:** I personally do not have any specific recommendations.

**Adams:** Thanks for your testimony. Hi.

**Donna Matrazzo:** Good afternoon. I'm donna, representing the sauvie island conservancy, and i'm here to oppose taxpayers being required to subsidize 50% of the in-lieu fees.

**Adams:** Go ahead.

**Matrazzo:** Staff did an excellent job in developing the fees with supporting science, methodology, and modeling. The key part of the plan is that industry in the north reach should pay the ream cost of their impacts. Income from north reach businesses tripled between 2000-2008 from 54 million to 162 million. Taxpayers should not be required to subsidize development impacts. That perpetuates a culture of natural resource degradation along the reach. We urge you to adopt the in-lieu fee structure in supporting report in their entirety with industry paying the full fees. Thank you.

**Adams:** Thank you very much for your testimony. Appreciate all of you.

**Alan Sprott:** Alan, i'm with vigor industrial and also the chair of the working waterfront coalition. Again, to echo sebastian, thank you for your continued work on the in-lieu fee and for the hard work of the staff. I know there's -- I read the document and I know there's a lot that went into that. We do appreciate their work. Our concern is basically the cost of the in-lieu fee, and that is driven

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primarily by the desay calculation. I think that your supposed -- your proposed substitute ordinance in part addresses the reason the costs are high and that is the contingency, so we appreciate that. The other piece of the soft cost of 90%. That tends to drive the number -- double the number we would expect that to be somewhere around 10-30% as opposed to 90%, which is typical for our type projects. We would look to see the desay cost comparable to others that have been developed in the northwest so looking for other examples, you have commencement bay, the waterway, the thea foss waterway, the desay there's for similar to the in water work, where 52,000 dollars per daiei desay. The thea foss was 67,000 per desay, the desay for the river restoration has not been -- the trustees are singling -- signaling it's going to be somewhere around \$125,000. Those numbers compare to the 235,000 desay that we're looking at for Portland harbor. So it seems like the numbers are high relative to other desas that have been calculated in the region. Thank you.

**Adams:** If you take out the contingency to 20%, maybe staff can look at that number to see how it compares.

**Sprott:** You've got 165% so you have your cap x cost to acquire the land and build it, with the --

**Adams:** For the viewer, cap x?

**Sprott:** Capital expenditure, height, and build it. Then they're adding in the 75% contingency, which we understand from the following policy, and that number will come down when you get to the 20%. But you also have the 90% soft costs in there which that number is also high. So collectively you got 1 hundred -- 165% plus up of your construction costs you're still over a hundred percent of your construction costs on your soft cost and your contingency. So that is still a pretty big number.

**Adams:** Appreciate you adding detail to the previous testimony on the costs. We want to get the costs right. Thank you.

**Pam Allee:** Hello. Pam lee, i'm a taxpayer and a citizen and just speaking for myself. I was not going to speak today, but I was told about the 50% subsidizing that's going to be done for this mitigation. And I want to tell you as taxpayer whose taxes keep going up from pretty good things, this one really hurts. And i'm wondering how you're going to sell this to people, and I think it is important to begin making industry pay for its problems. Just because they don't pay for making a mess in manila, say, or bangladesh, it doesn't mean we're not going to do it. So thanks.

**Adams:** Travis, welcome back.

**Travis Williams:** Thanks. Good to be here. Travis williams, I represent willamette river keeper. I feel like i'm always the -- one of a few people who talks a little bit about what this stretch of river looks like today. I personally worked on the superfund clean hitch up project for the last 10 years. My organization has been involved longer than in that whole process. We conduct paddle trips throughout this stretch of river because even as impacted as it is, it's interesting to get out and take a look around, and I think that people really get a sense if you're in a boat whether you're Fishing from a power boat or you go for a canoe trip, in this stretch of river, what we're talking about here, this is a highly compromised stretch of river where we are seeking to reverse the trend that in essence has been ahold here for over a hundred years. And that's heavy industrial development, an important economic engine certainly for Portland and for the northwest, but at the same time, to integrate some new thinking in terms of how we can have thriving businesses and how we can also require something of those people and those entities who benefit from their proximity to the willamette river. That's really what this is about here. Is it fair compensation for someone to pay an in-lieu fee to make up for the impact that their development, their development is having on the river, I think the answer is unequivocally yes. I think that for too long we've been afraid, especially now when the economy is tough, to require much of these folks. The mantra is always the same when you get down to it. We're taking too much, and it's unfair, etc., etc. You could go back 40 years ago when we talked about implementing the clean water act, and we heard much of the same. And yet life went on and business went on. Some of the rhetoric i've heard from companies who

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are located in this stretch is simply absurd. I can take you down this river or you can go on your own and take a look around. What we're asking for is a little more green, we're asking for a fairness when people develop in relation to the river for good reason. Under the clean water act, endangered species act, very valid reasons. We at willamette river keeper and many others support the in-lieu fee structure and don't want to you weaken it as it's configured. I think this 50% credit for the first two years really stretched out across many projects, your staff's estimate of 200,000, why even go there? These folks will figure out how to invest, when you look at the economics of some of these companies, we're asking here is fair without giving them a credit for two years. That's -- I think a pretty important point. I also think there's some issues we did some written testimony in relation to university of Portland, and also the siltronic agreement. But my main point is on those first three and just really want to reiterate that you as a city council have an excellent opportunity to flake a statement on behalf of the willamette river and the people who live in this area that we can have both, that these businesses will survive, and that requiring a little more than they used to have to do is worth it.

**Adams:** Thank you all for your testimony. Appreciate it very much.

**Fish:** I have a question. In the alternative in your letter you say that you would -- were you supportive of the staff mitigation package for the university of Portland. Have you seen the substitute amendment? Have you had a chance to see --

**Williams:** I have not. All this stuff -- and that's another point in this whole process. It's come all us incredibly quickly, and I have not had a chance to review that.

**Fish:** If you could look at commissioner Fritz's substitute, which adds some additional protections and just let us know if you have any thoughts.

**Fritz:** I'll get that posted. Fortunately we're not voting on anything today. I'd also -- not necessarily for you travis, but as we go through this hearing, i'm interested in the mayor's 50% subsidy concept because I think otherwise we're not going to get any development at all, or any redevelopment. We heard from the gundersons, they have been cutting back from 400 to 100 employees. I don't think they'll be doing much expansion. Since we don't expect very much development we're looking at this as an economic development tool to get some redevelopment so that we can then get mitigation.

So just as others come back, if you want to com comment briefly on that, it seems to me providing some economic incentive not from -- that would not damage the natural resources restoration, we're not saying you have to do 50% less restoration, but we'll provide resources from other sources to get something going. So why would that not abgood thing?

**William:** I think if you look at the amount of money we're talking, it's ultimately de minimis to a company like greenbrier.

**Sprott:** I could answer that commissioner. We haven't asked for a credit and we appreciate your thinking along those lines. Because I suspect when you saw the numbers you saw how big they were. And that there would be some impact on our businesses. We would prefer to have an in-lieu fee that is manageable, meaningful and appropriate and so that, yes, there's going to be cost to do mitigation at our sites to accommodate some of the concerns that travis has, and that most of our businesses have as well. We want an in-lieu fee that's appropriate and we'll move forward with our development projects.

**Fritz:** I know whey -- just to respond to that, in the examples that we were given of the big redevelopment by the port and then the boat -- the fire bureau facility, it was pointed out that on the-site mitigation would take care of all the issues. So that's another important piece. In-lieu money kicks in if you don't mitigate on site, so there's a great incentive which would be less costly to mitigate on site.

**Sprott:** Correct. And I understand that. And i'm not as familiar with the model they use, but what I saw was most of the work was in water, so if you have in the water work there's not going to be a whole lot of opportunity for mitigation on site by planting trees. We would prefer to get away from

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not tell of us planning trees in planters boxes that don't add any habitat value and getting that money and investing in restoration sites, large-scale restoration sites that have a meaningful impact.

**Fritz:** Thank you.

**Adams:** Thank you. Appreciate it very much.

**Adams:** Welcome to city council. Glad you're here.

**Curt Schneider:** From north Portland, here as a resident. Quickly, thank you for having me. It appears the industrial committee would -- community would have us further believe that the harbor industries are being penalized and receiving no or few benefits from adoption of this in-lieu of fee. They've appealed the plan that and you us have worked hard on and now they want further relief. When it is going to end? They're saying the price seems to be too high. I feel development needs to pay its way. The complete cost. If you're filling we need mitigation, pay the full cost.

**Adams:** I'll give you more time. I want to make it clear --

**Schneider:** That's fine. The plan --

**Adams:** They didn't ask for we are putting on the table, the 50% credit, because we've done that in other industries during this recession. To try to incent private sector development. So I wanted to make sure before any more testimony -- they didn't ask for it, we offered it.

**Schneider:** Please don't offer. At any rate, in the graph plan you have the outlines of what public money is going to go for bridges, realigned railroad tracks, etc. At least \$500 million of public tax money to go to help subsidize these industries. We haven't talked about the crc bridge, or hayden island, any of them. And to ask for 50% off or offer 50% off on that mitigation, i'm a taxpayer, I don't mind subsidizing certain things bike paths, etc., but I don't want to subsidize continued degradation of the river. Thank you.

**Adams:** Thanks for your testimony.

**Jane Hartline:** Hi. I'm jane hartline from west Multnomah water conservation district. We have look the at the complicated work that was done in determining in-lieu fees, and it looks fair to us. These things cost a lot of money, we do a lot of restoration projects, and it definitely costs money, particularly in an urban area like this. Very good work by the staff. Second, our board hasn't had the opportunity to discuss the 50% pick-up, so I don't feel like I can speak to that personally, not sure that's a good idea, but if it takes that to get the work done, in the short run, maybe it's a good thing in the short run. In the long run, i'm not so sure. Third, if businesses decide to do the on-site mitigation, a do it yourself route, our jurisdiction is the west side of the river, so along highway 30, our technical staff would be available to make sure those projects are planned and carry out in a successful way.

**Adams:** I'm a big fan of the organization.

**Barbara Quinn:** My name is barbara quinn, I am from the friends of cathedral park neighbors. I'm representing my own opinion. I agree with my friend kurt, subsidizing mitigation fees is absolutely not a good idea. The mayor's office reported earlier this year that the north reach industries do have -- have had a threefold increase in income over the last eight years and it seems like we should be going towards north reach industry finding a way to do business that does not create these large debts and fee and damage to the environment, and does not involve taxpayer funds. That's all.

**Adams:** Welcome back.

**Bob Sallinger:** Good afternoon mayor and city commissioner, bob salinger, the conservation director for the Portland audubon society. I'm here to support the in-lieu fees as well as the underlying science methodology in modeling. We think staff has done an outstanding job. This work has been revisited and peer reviewed over the years, several times. And the results have been account end throughout this process. This really does reflect the real cost of mitigation and too often it's not successful. It doesn't replace the lost values. This is a model that actually ensures those lost values will be replaced. Industry continues to argue that the co-s are too high and the science is too uncertain. We've been over this same ground, we keep revisiting it. Perhaps they can

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do it for less. But the reality is the results of their efforts are already written on our landscape, and they're written in degradation of our river. Their mitigation simply has not worked. It doesn't exist and if it did, it's a degraded state there. Are there a few exceptions, but not many. Yes, you can do it cheaply, but if you do it cheaply it doesn't work. This is a difficult landscape on which to accomplish these results. We do not support the 50% subsidies for the in-lieu mitigation costs. In fact, we very strongly oppose those. Underlines -- it underlines the fundamental principle of the river plan, which is that industry for the first time is actually being asked to pay the real cost of their impacts. They've never been asked to do that before, that's one of the reasons the river is so degraded today. It's set as precedent that's likely to be carried forward. We don't expect this will go away, we expect it two years from now, it will be carried forward perhaps in a different model, but it will be carried forward. It also Peter Sorenson perceives a system in which industry doesn't use the best practices because they don't have to internalize the costs of their natural resource impacts. Instead they get to move it to the taxpayers or not paid at all. We don't believe the taxpayers should pay for this. As has been noted, these industries have done well over the past 10 years, they've tripled their income. The river plan already promises nearly half a billion dollars in gray infrastructure to support industry in the north reach, 400 million is expected in the next 10 years. It's not appropriate to ask the taxpayers to pay the cost for natural resource mitigation for these industries that are primarily responsible for the polluted and degraded state the river is in today. Especially at a time when we're watching things like parks and police and fire being cut and having sustained cuts year after year after year. This plan and this is something I think industry and Audubon do agree on, expects the city to step up as well and pay for part of it. There's a huge gap industry won't pay for it. It's going to be on our shoulders to make up the gap. The subsidies shouldn't go to industry, they should go to complementing, not subsidizing industry. -- second with the inclusion of numerous standards and exemptions, now this really strikes at the core of the plan. So we don't see there's much left of what we initially worked on for so long. Thank you.

**Linda Robinson:** I want to reiterate what Bob Sallinger has said, and others that I'm particularly concerned about the 50% subsidy education -- subsidizing of the fees, because a lot of money is going in to create the infrastructure, the industry will be benefiting from that, and to -- particularly if the money comes out of the general fund, where we're already -- I served on the budget committee for parks for several years, and the money is not there to do just basic really desperately needed maintenance, and so I really just feel this is not an appropriate use of general fund monies.

**Adams:** Thank you very much.

**Fritz:** We don't know where we're getting the 500 million. It's like the 600 million for the bike plan. That right, Mayor? We have a commitment --

**Adams:** Or billions for auto traffic improvements.

**Fritz:** We understand those are the needs, but we haven't a plan for the next 10 years of how we're going to provide that money.

**Robinson:** So how can you offer it?

**Fritz:** It's identified as needed projects, but it's not yet funded.

**Adams:** And that is true for almost every aspect of city government. And federal government. State government. So sorry if that's shocking, but we don't actually have the money in hand for the next 10 years worth of infrastructure needs, and neither does any other government. Steve?

**Steve Pfeiffer:** Steve Pfeiffer on behalf of sensor steel and other industries. Hopefully on a more positive note, I offer the written comments that were just handed out today. In a positive vein. First of all, we do commend the direction of council on the in-lieu fee and the work staff has done today.

The work has been extensive, it's absolutely addressing the issues that we've had and raised and I think it's a good step in the right direction. Secondly, we do have concerns, you heard it today from others, on the industry side that we may be in a position if the fees are too high, we'll have less incentive to capitalize the projects and in turn the river and other environmental aspects suffer as

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well. Having said that, what we would request is that you defer action today and allow us a chance to work some of these issues through. One good example is apparent today from the resolution -- the modification to the ordinance on the delta between detailed concept to detail planning and the contingency. That was a discussion I think it may have grown out of a discussion that we've had with staff within the last week where we pointed out our understanding is a high contingency is appropriate, as that plan moves to detail, the signaling be it a public or private project diminishes. It didn't appear to be a way to account for that. Today we see a response to that. And I offer that really as only one example of some of the problem solving I think could occur to address the issues we've raised. It's not a question at least in our minds whether we should compensate and pay for those impacts. Whatever they may be, they must northbound a project. We do not in many cases want to put those on site because it will further inhibit redevelopment or development of that site. In some cases, as you're aware of, there is no room on site for that so we'll default to those. The point i'll leave you, I would urge to you give us a chance to work with staff, with all the stakeholders, in the room, at the table, and I think we can come up with some of these solutions.

**Adams:** Respectfully, i'm a big fan of yours, and a big supporter of the industry as I am a big supporter of the environmental goals for this part of the city, and I do believe as i've said repeatedly, both can be achieved. And once it's implemented you don't to take my word for it. You don't just have to take my word for it, because we have set up an oversight committee of all the stakeholders so this continues. Respectfully the only time that I feel like i've gotten clarity is by continuing the basic r&d work. Your industry said don't move forward with the r&d work on the in-lieu fee. And we wouldn't be here today to continue to be able to clarify how much contingency -- you wouldn't have the raw material to ask the questions to clarify so that you would find out and we would all find out how much contingency there is. But because we provisionally adopted a path that said that the staff has to go through certain amount of research and evaluation, it's only because of that over the objection of your industry that we are here today having made movement, because you wouldn't have anything to respond to. I just want you to know that it is with continued forward motion to get to clarity, to get to the fact, to get to the best possible forecast ahead. And continuing to polish as we go. The only thing that has worked here.

**Pfeiffer:** With all due respect, I agree with you. And all i'm suggesting --

**Adams:** Let's stop there, then.

**Pfeiffer:** Instead of a single, Let's make it a two-phase approach. We receive the package, and we receive add thorough package on the third of november.

**Adams:** You're going to have until -- you're going to have months ahead and you're going to have stakeholders sitting at the committee with the norad to continue to look at -- to continue to polish the finalization of these things. And we will continue the oversight of that. To say to not make decision assist what you said last time, and no progress would have been made. If we followed the general advice that we got from the industry last time.

**Pfeiffer:** Whatever last time may have been aside, what i'm suggesting stood before you put those in -- lock them down and put them in an ordinance. Fee schedule it out. Give us -- i'm not talking months, i'm not talking a long period of time, but give us the chance to work through this. Frankly we did not have a seat at the table in the generation of this methodology. And I can understand why. We do need that information. Now that we have it --

**Adams:** That's why -- if I -- if council agrees, that's why we're going to continue the work of engagement, partnership, and getting to the best understanding of the facts based on research, evaluation, and we will get there. And this is not the end. You thought last time was the end, that it was just like you wouldn't no matter what we said, you wouldn't pay attention to the words provisional. Well, this work is provisional until the required initial steps are taken. And you will be along as part of that. We now have more time for that, and there's a process in place as part of

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this set of resolutions, ordinance, to do that. So I want to reassure you, you will continue to be at the table. We want to get this right. Thank you.

**Adams:** Welcome.

**Mara Gross:** Thank you. Good afternoon, I'm Mara Gross, I'm the policy director at coalition for livable future. We represent nearly 100 groups working for healthy sustainable communities in the Portland area. We represent a broad array of interests including affordable housing, transportation, hunger, environmental justice, and others. Also including Portland Audubon who has been key to creating a thoughtful and balanced plan. Clif also participate order river plan committee. I'm here to echo the concerns about subsidizing 50% of the in-lieu fee. Concerned that we don't know how much it's going to cost taxpayers or where the money is going to come from, economic development should support sustainable business practices and it should be strategic, and concern instead it's subsidizing the failure to clean up the river. Major point of the river plan is for industry rather than taxpayers to finally pay the real cost of environmental impacts and the rivers in such bad shape because we haven't historically done that. And the river plan is a good example of adding the true cost of development rather than externalizing them. Or at least it was before this amendment to this resolution. As you well know, the city's key program due to this recession the programs are sustaining budget cuts. And this resolution amounts essentially to a further cut we don't know where it's coming from, but to cut these programs and services to pay for industry pollution doesn't seem like a good answer to me. And to our organization. The plan has been in development for nearly a decade. The amounts were worked out over months, they were independently verified, and yet this last-minute changes, if it goes through, will have happened without a public process. And I hope we at the city can have a better process and a better use of public funds. Thanks.

**Adams:** So to be fair, we subsidize the introduction of sustainable practices. You're right. And I view the 50% credit as an for to us do. This we're definitely going into a period of two years where there's not a lot of trust. On all sides. And all sides cite good reason for that. But we have as you said in your own testimony, initially subsidized essentially when there was a lot of uncertainty about it, the implementation of our environmental goals. This is for two years. And during that time we have to do more work to figure out a permanent mitigation bank. And again, oversight for that will include representation and advocacy from the environmental community. In terms of trends, during -- that take into account the best of economic times and the worst, staff thinks that would be 225,000 dollars. So I just want people to be left with the impression, it is not insignificant amount of money, but it is something I think is doable as an incentive for both the economy and the environment. Thank you. Peter?

**Fritz:** If I might add to, that we're coming back in January with a funding strategy. There will be more public process on this.

**Adams:** Thank you.

**Peter f Fry:** Peter Finley Frye a Planning consultant for Gunderson. I hear you say it's two years but I see this as trying to create a framework of partnership between the industry and the public and so this framework needs to be defined as carefully as possible, I submit add letter that identifies some of the things that I think are missing. The first one, and I'm going to summarize, I don't see the goals clearly stating -- stated in this report. And as a planner it's important to state your goals up front which I consider our restoration of the river, of the watershed and integration of human activities, particularly those activities that are fundamentally to the very existence of Portland. The document is not clear as to the nexus, that's a minor point you can work out. There's some concern about how the fee in-lieu of process, I'm looking at long-term, because even though this is only two years, I think is going to become a model to the future. I think the document needs to be consistent. The spread rated results in different conclusions depending on who uses it because there's too much discretion in doing the spread. That needs to be pinned down a little more. From my point of view, because I do a lot of permitting in the river, there's no critical path to identify in the report

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in terms of the permit process. The linear process typically you go get the land use, then you get the state and then you get the building permits. That should be in the -- so we understand that process, and understand how it works. I think there should be more choice of mitigation, the most important thing to me is -- the contingency is not properly applied, because a primary project goal is to have no contingency, the condition contingency is based on risk, ideally when you're finished that contingency is there and not spent. And so there's no provision for putting that money back in and then obviously you heard the registration costs are too high. I sped through this because I'm new to the process, and --

**Adams:** Are you representing --

**Fry:** Gunderson. I should have been clearer. I want to make two points. One, I -- I don't like the word subsidy because I don't think that's truly what's happening here. It's a partnership. Every one of us are responsible for the degradation of the river, and that's the other thing that bothers me, here everybody is saying they degrade the river. It's their fault. They need to fix it. But every person that drives on city streets, every person that lives in the west hills, every one of us is responsible for the degradation of the river, and without all of us joining together to go after fixing the river, we will never do it. We'll constantly have this polarization going on about us and them, it's their fault, it's their fault, and I really think that has to stop. Thank you.

**Adams:** Thank you both. Appreciate your testimony. Does that conclude those that have signed up?

**Moore-Love:** Yes.

**Adams:** Staff, could you please come back to answer follow-up questions? Who is the expert on costs? The 90% soft cost was riced, the fees are too high. The 10-30% capital expenditure costs, can you talk about -- expensive sites was the other one.

**Ketcham:** There was some questions about the in-lieu fee amounts and how those were calculated. And as I presented in our power point presentation, there's hard costs of construction and the soft cost and then on contingency. Those are the components that go into the in-lieu fee structure. I want to point out that the capital costs for the in-lieu fees are based on conceptual level planning for sites in the north reach that are demonstrative of the kinds of restoration activities that we would need to undertake in the north reach in the pearl sites. So out of the gate you have restoration sites in the highly complex environment in an industrially zoned environment with much infrastructure that has to be accounted for, in addition to the fact that the river has been highly altered over time and a great amount of excavation would be required in the riverine and the riparian restoration components of the pearl sites to level the river back to a 7-1 slope, which is one of the assumptions used in these restoration conceptual plans. That are consistent with our restoration objectives in the north reach. So out of the gate we are working in a very complex environment with a number of costs associated with carrying out those activities. So the capital costs reflect those complexities. And again, they are estimates at the conceptual level and I'll get into responding to how that figures into the contingency in a moment. How do we determine what the soft costs are compared to the capital costs? In order to answer that question, bes undertook an evaluation of seven finished completed regulars terroration projects -- restoration projects that we have completed in different places in the city, ranging from johnson creek watershed to the willamette river, including stevens creek, which is near the sellwood bridge, tryon creek confluence, outside the city limits but is a confluence habitat. We looked at the total life budget for those projects, and again, this is based on the accounting in our project accounting system, we looked at all of the costs that were assigned to those projects. We separated out for purposes of this analysis which of those cost were hard costs, which were soft costs. We found a wide range among those seven projects --

**Adams:** Can you define more what a soft cost is?

**Ketcham:** As I mentioned in my presentation, slide presentation, essentially everything that -- all costs assigned to a project not related to construction expenses paid to a contractor and initial

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revegetation. So what does that mean? That means everything that is relates to architectural work, engineering, surveying, testing, permitting, other preimposed construction expenses are part of soft costs. So everything that's not directly related to paying a construction contractor to carry out the work or initial reveg. We looked at these seven projects, the soft costs varied from a low of 39% of the hard costs to a high of 198%. There's a great variability. Again this, is looking at actual data, this is all part of public record, and again, I want to point out to the count that the reason we're going through this process as methodically as we are, we want it to be transparent and we want the assumptions to be evaluate. So what we did was we looked at what would be a reasonable soft cost. And so we took the average of those seven projects, the average was 108% soft costs to hard costs, we took out the outliers, the upper and lower, and essentially without the two liers and the one lowest we got an 86% soft cost. So we felt that in our best professional judgment at this point based on actual projects the city has carried out, a 90% soft cost reflects the actual cost of carrying out those portions of construction project. That's how we ended up at 90% for the soft cost. For the contingency, again, this goes back to my original --

**Adams:** Do you have an opinion then on these -- the other lesser expensive sites offer projects that were mentioned by the --

**Ketcham:** Yes. Oh --

**Leonard:** Commencement bay, the waterway, they said those -- discounted service acre year costs were 52,000, 67,000, 125,000 respectively.

**Ketcham:** Well, the only -- all right.

**Kaitlin Lovell:** Kaitlin lovell, I can speak to the other areas. Those were areas that were part after superfund clean-up process, and they deal with one listed species and one regulatory agency. Our process is much more comprehensive, it is intended to cover all of the possible implications to the environment and the credit -- be credible at the state, local, and federal level. So those cost were simply for one listed species for one federal agency, we have not been able to find out what the additional cost were to satisfy the state and local agencies at the time. It likely minimal because it was superfund process, whereas here we're talking about development. But in the event that those would have applied it would have increased those costs.

**Leonard:** We're confident those costs did not include state or local government --

**Lovell:** Yes.

**Leonard:** Requirements.

**Lovell:** Yes.

**Adams:** And the industry has asked for, which I agree with that notion of the one miff stop mitigation bank, at least when we get to permanent mitigation, the concern about slippery slope between temporary and permanent mitigation bank and fee in-lieu of, you all agree that part of what the council is considering is an rfp process for the permanent mitigation banks that will -- the oversight of which will include the multistakeholder group we put together?

**Lovell:** I believe that's -- that would be managed by the office of healthy working rivers. I believe that is their current intention, but I don't want to speak for them.

**Adams:** She's shaking her head yes.

**Leonard:** Before we get too far off this discussion, this is an area that is fairly new to me with respect to ascribing costs according to this formula. So what is helpful for me is to compare apples to apples. So i'm comfortable as we moved forward. So if in fact the three compare task force that were given the money don't include costs, that we may have in our discounted service acre year formula, can you isolate out what our costs are that compared to those cost and give me that comparison? And then itemize out those extra costs that you say are ascribed due to the extra species that we are trying to protect that those costs didn't include? So that I know we're doing -- you see what i'm saying? Apples to apples comparison, and that our costs are on par at least in one aspect of the discounted service acre year formula with what those other locales spent.

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**Lovell:** Yes. What -- that will require some time to do the recalculation. But what we do have is what noaa uses for one particular species here in Portland, we will recalculate it and run it through hea and find out --

**Leonard:** So that we're saying the same thing, I would want to make sure that that species would happen to be the same kind that these other local --

**Lovell:** Yes, it will be for spring chinook.

**Leonard:** So I knew that we were comparing precisely the same kinds of protections here as we were there. And then i'm assuming one could extrapolate from that the extra increase cost with respect to the other species you've said we will be protecting with this fee that those other locales did not include. So I could extrapolate from that and get 235,000 dollars that they've used.

**Lovell:** With some assumptions, because we shifted from a species approach to a functional based approach, the functions of the willamette river are different than the functions much puget sound, so it's hard to say that our extrapolation would be comparable if they were to extrapolate it at puget sound. But we will get as close as we can and still be subsidizing as possible.

**Leonard:** If you can't directly extrapolate, at least explain why not. So I at least can understand what it is that i'm considering.

**Lovell:** Certainly.

**Leonard:** Thank you.

**Adams:** You're about to talk about the sites I think?

**Ketcham:** Right. The other component was the contingency. And we use add 75% contingency in the fee structure, and the reason that we used it is because the low level of confidence in the outcome of the designs that we have studied in the north reach, very early faces of the design, and we're following the standards of practice in the city's capital improvements program process, and in the 2009 cip handbook, there is a section in the handbook that regards the very topic we're talking about here and that is called the project estimate confidence level rating for any project according to its phase in design or construction. It goes from a low confidence rating all the way up to a complete or high confidence rating. We are at the low confidence rating with regard to the initial restoration planning for those sites I mentioned in my power point, the triangle park, and marcom and the three streams. The low definition is the project scope is conceptual vision with limited detail, the project cost is an educated guesstimate, which is our best ability based on looking at survey data, looking at the quantities of excavation required, based on our level of survey, which we haven't conducted surveys out there. So that's another reason why its low confidence.

Specifications are still in infancy stage, there are no specifications yet developed for those sites.

The total project contingencies, including project management design, engineering, plus construction may range up to or exceeding 50%. Again the reason we chose 75% is that we are in a very complex environment in the north reach, with high infrastructure issues, and contamination, all kinds of constraints that would tend to make these projects complicated to carry out. So at this point in the design faze we feel that 75 % contingency is justified based on our standards of practice and the capital improvements program. As we proceed through the design process, that contingency will drop. And by the time we get to a complete design, it can be as low as 10 %.

**Adams:** When will you have complete design?

**Ketcham:** We will not have complete designs for the projects that were the basis of the fees because those are not ones we're going forward with, in a detailed planning fashion. We're going to be looking at two other sites at the current time it's the swan island beaches property, and siltronic. And we'll have pre-design completed by the spring of 2011.

**Adams:** Thank you. Did you cover, we're down to two sites, did you touch on the expensive site concern? You chose those two sites because?

**Ketcham:** The reason we've chosen those two sites to go forward with is; Number one, we have owned the title to the lands, which is the wilde beaches property, or we will have, a conservation

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easement pending action on the siltronic which would authorize us to work in conjunction to develop restoration plans.

**Adams:** By then, we will control it, it allows us to not have to charge full cost for the value of land and to move expeditiously?

**Ketcham:** Those would be options, yep.

**Adams:** Ok. Thank you. Any other questions for our, our staff team? All right. Um, we will move onto, onto item number 1509 then, who is going to, to -- staff, who will provide -- so 1509 points the members of the north reach advisory committee for terms to expire on 2013.

**Item 1509.**

**Fritz:** Thank you mayor, I'll introduce Ann Beier.

**Ann Beier, Director, Office of Healthy Working Rivers, Bureau of Environmental Services:** Thank you, I am the director of the office of healthy working rivers are will tell us about this group. Good morning. Or good afternoon. Ann Beier, director of the office of healthy working rivers. I am very pleased today to parent a slate of 20 application. These are people who come with years of experience and a passion for the river. This group will be charged with the implementation of the north reach plan, and, and, um, that is sort of a new way of looking at our planning process. We want to make sure that the commitments that the council has made are followed through on. We talked about some of those today, and the environmental goals, the economic development goals, and the recreation goals, and, and reconnecting our neighbors to the rivers are all goals for the river plan, and this group will be charged with overseeing how well we're doing. We will begin meeting in the spring, and giving people some background. Many of these people have been engaged in the process since the beginning. Some are newcomers to the process. And again, they are here with a lot of experience. They don't come here with sides chosen, and it will be a committee that will not be friends of the groom, friends of the bride. We will try to work on this collaboratively to really look at how well we're implementing thing, so I'm thrilled to have this group representing us. I think some of the folks are in the audience, and if they would like to stand up, that would be lovely.

**Fritz:** Would you please stand up if you've been nominated. Thank you very much for being here.

**Beier:** Thank you.

**Fritz:** We do have members from neighborhood groups, industry, environmental groups, property owners, others with a board and regional interest. We are opening to adding more. We know that there is some perspectives you are not represented on the committee, so if anybody wants to nominate further members and would somebody be happy to accept the applications.

**Beier:** Thank you.

**Adams:** I understand this is a change in the practice, and on these kinds of matters, we usually just pass -- we have often in the past and in history just passed or approved these kinds of ordinances, land use expectations, and then it was purely staff that dealt with property owners and stakeholders. And this will be different, intended for a much more month to month, quarter to quarter, active management, and perfecting of our best initial thoughts.

**Beier:** Thank you.

**Adams:** Thank you. Anyone here wish to testify on 1510? This is about university of Portland.

**Item 1510.**

**Moore-Love:** Bob Sallinger.

**Bob Sallinger:** I'll pass.

**Beier:** We have a staff presentation on that, and then we have one on siltronic.

**Adams:** Staff, please come forward to tell us about the agreement with the university of Portland to establish conditions and process by which the city will remove environmental conservation over the contingent natural resource mitigation.

**Marisol Caron, CPH, Bureau of Planning and Sustainability:** Ok, thank you for not going straight to testimony. My name is marisol with bureau of planning and sustainable, and with me is

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paul ketchum with the bureau of environmental services, and we will present to you of the details of the ordinance and the draft development agreement between the city and the university of Portland for your consideration today. And as a note we have with us the complete record related to this ordinance. For some background, during the river plan north reach proceedings, the university of Portland described the future intent to build a gateway structure on a portion of the willamette bluffs abutting their property. They requested that council remove the proposed environmental conservation overlay zone in this location because they did not want to, to be subject to environmental alternative analysis and requested that, that the, the zone be removed from that identified spot. And on, on april 15, 2010, council approved the river plan north reach, which did apply the, the, the environmental protection and conservation overlay zones to the bluffs, and at the same time, council also adopted a resolution that directed staff to negotiate an agreement with the university that would be put before council for consideration, and the details of that agreement would address the removal of the river plan adopted environmental conservation overlay zone from that portion of the site, which has been dubbed the gateway site, in exchange for the university providing advanced mitigation, consistent with what would be required through an environmental review process. And modification of an environmental overlay zone to facilitate planned future development is not an uncommon request through a legislative process. The use after development agreement, however, is a new tool that staff was directed to use to evaluate the, the implications of the request and, and prior to the effective date of the plan, and to determine and require appropriate mitigation. The agreement before you outlines the mitigation plan that compensates for future anticipated development impacts to the wildlife corridor functionalities on the gateway sites, and I will provide background on the process that we have gone through and then paul will go into some detail on the mitigation plan, itself. Starting in august 2010, the city and the university signed a contract to begin work on the agreement. Work began in earnest, in early september, when staff from the bureau of environmental services, bureau of development services, parks, and bureau of planning and sustainability met with the university campus representative on-site and did an evaluation of the campus, the gateway site, and early identification of mitigation priorities and locations, and this included identification of mitigation, goals, and alternatives. Through october and november, staff worked on refinements to, to the draft agreement, and presented a draft agreement and public outreach occurred via public open house that occurred on october 21, and that was involving a presentation to the, the north Portland land use group on october 28. And information was also distributed electronically, through a bureau of planning and sustainability north Portland district liaison distribution list. And we held individual meetings with concerned citizens and finally, mail notice was sent regarding the city council hearing. Public feedback and comments were heard and many of the ideas were, incorporated into the draft agreement and mitigation plan. Some examples of that language include provisions for the long-term protection, maintenance, and monitoring of the mitigation site, and also, provisions that make clear the university's intent to incorporate the sustainable design principles into their future design. Including bird friendly design, eco-roofs and integration of the buildings, the building's footprints. And I will turn it over to paul, for a.

**Paul Ketcham:** Members of the council, we want to just briefly review the mitigation plan, which is a central element to this development agreement. Just first of all, want to outline the goals for the mitigation plan. They were -- they are to compensate for the impacts to natural resource values and functionalities that will result through the placement of the gateway structure. We want to, to restore and enhance wide oak habitat, which is a special habitat of concern in the city of Portland. We probably have two to, 2% to 3% of historic conditions of the [inaudible] left in the city so there is a great deal to be accomplished there, and we want to, to establish educational signage in this area to educate the public and the university can display its, its interest in furthering wide oak rehabilitation. And we want to produce a viable plan that will provide long-term benefits to the

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bluff, and by long-term, I mean over 100 years. And I want to state at the outset when we looked at this plan, they were starting from scratch, and we did not have any particular mitigation ratio in mind, except that, that we wanted to at least have a one to one ratio, which is the outcome of most environmental reviews through the conservation plan zone. And we looked for opportunities to restore wide oak habitat on the campus-owned premise, and after, essentially, is the bottom line at the end of the day, we did develop a mitigation plan in conjunction with the university that, that results in a, in a 4.25 to 1 ratio for mitigation, which is very, very, very high, and is very good, and the staff feels that, that with the combination of enhancement of the bluff that is under this mitigation plan and the restoration of wide oak habitat, that we will more than compensate for the impacts of the gateway structure. This slide will, will give you some of the details about the mitigation plan. Essentially, on the right hand box is up there at the top, top right hand is the, the, the gateway site structure that's, that's the potential structure, and the total impact area that, that we're trying to compensate for is, is 50,500 feet so an acre and a half of areas. 39,000 square feet of that would be to a proposed structure, and another 11,500 square feet would be disturbance area, so the total area is 50,500 square feet. Through the development of the mitigation plan the university really looked at a larger area of the, of the bluff to, to institute a mitigation plan, and essentially, based it on an ecological look at the bluff and what needs to be done to increase values and functionalities in that location. And so, we'll break it into four component parts. Of the mitigation area. The prominent, the most important area is the oak woodland restoration area about 7,520 square feet. And that's a mitigation ratio of 1.5 to 1 for the building. The oak woodland would go into the area at the base of the bluff that is bereft of vegetation. It's a historic usage area. And it would require quite a bit of work to get that into wide oak habitat, but the university and the city are quite confident that we can make that a reality. I will say that, that with that, that wide oak woodland area we're adding 25,000 square feet to the, to the bluff area, so we're increasing the width of the bluff. And corridor effect in that location. And the next areas, woodland transition area, that's just adjacent to the oak restoration area, and that area is 31,250 square feet, and that is to the manage to promote the viability of the oak restoration area, and the next component of the mitigation plan is the mixed force enhancement area, 87,920 square feet, and that area will be restored to provide better functionality, corridor functionality, by removing invasive plants and planting native communities, plant communities in that area. And finally, as an area called the maple bench restoration area, that's 17,710 square feet. And this is an area used by the university for staging and stockpiling, and it will be restored following construction of the gateway building. So, just in a nutshell, the restoration ratios for this plan, if we look at just the enhancement area, which is the, the maple mixed force area, and the, and the oak, I want to say the oak woodland transition area, those areas are enhancement areas we're moving invasive species from the areas and we'll be planting native plant community, and that's two to one ratio, and the, the, the 2.4 to 1 ratio, for restoration, which is the wide oak and the maple bench area, that's putting trees in and vegetation where it now exists, so that's habitat creation. That's almost a 2 to 1 ratio, and when you put those two areas together, it gives saw grand total of a mitigation ratio of 4.25 to 1, which is high for a mitigation plan. So, the key elements of the agreement that, that are before you today, is that the university will begin implementing this mitigation plan, beginning in the spring of 2011, right around the corner. The university will begin to mitigate, mitigation activities for the area, and soil preparation -- yes.

**Fish:** Sorry for interrupting but can I clarify that under this time line, they would be required to proceed with mitigation, whether they proceed to build on the site, correct? Whether they go approval to build?

**Ketcham:** Correct. They have, I believe that's correct.

**Caron:** That's correct.

**Ketcham:** All right.

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**Fish:** Thank you.

**Ketcham:** They are making a commitment to do this mitigation in this fashion. So, we begin in the spring of 2011, oak woodland area, and they will also begin to remove the invasive plants and plant understory native communities in the mixed forest enhancement area. The agreement details implementation schedules, and for maintenance, monitoring, reporting, and the long-term protection of the mitigation areas through the year 2063. The mitigation plan includes long-term monitoring and unprecedented reporting. On the success of the mitigation areas, and annual reports will be provided to the city for the first 10 years following the installation of the oak revegetation area, and followed by five and 10-year increments through the year 2062. For a total of 50 years of direct accountability for the success of the mitigation plan. The city will remove the environmental conservation overlay zone from the gateway site and will add new, tougher, environmental protection overlay to the mitigation area.

**Fish:** Can you explain, I don't think I have seen a presentation we've we went out to 2063. [laughter] Either Randy or I would likely be president of the council, so you can remind us why we're going out that far?

**Leonard:** I just calculated. I would be in my 17th term by then. [laughter]

**Ketcham:** But, the reason for that, councilor Fish, is that the mitigation plan is, is undertaking wide oak restoration, and in order for -- wide oak is a slow growing tree. Wide oak the university has committed to a wide level mitigation to compensate for placement of the structure and the easement. They want to do it right, and we've been in consultation with the university very heavily over the last three or four months are on a planting plan and so they walk into this with their eyes open that replanting wide oak is not something you can accomplish in five years. It's a long-term commitment, so 2063 is, essentially, the point at which the wide oak woodland becomes mature, woodland conditions so the university is committed to going out that far and being accountable for what happens in that area. Does that answer your question?

**Fish:** Yes, thank you.

**Ketcham:** Where are we. Ok. I am almost finished I was mentioning that the city will remove the easement zone from the gateway development site and will impose the, the protection overlay to the mitigation area. The application of the environmental protection zone is, is a certain level of protection for the mitigation area, and there has been some concerns about the, the university's commitment to, to protecting this area out to the year 2063, and it is a long time and most of us will be in a very different point of life by 2063, so what is the, the long-term stability of this area? So, the easement zone is one means of making sure this area stays in wide oak and easement condition, and natural condition, and the other is the incorporation of the mitigation plan into the conditional use master plan. Again, it would take an amendment to the master plan to remove this mitigation plan, and also, adhering to the terms of the agreement, which is a self binding contract with remedies. So, those three elements contribute to the longevity to the site. I would like to end my portion by saying we would like to compliment the university of Portland. They have been a very willing partner, and they have gone the extra mile to commit to that plan that will implement it through time and enhance the functionalities in this area, and they have agreed to an unprecedented commitment for monitoring and reporting to the, to ensure the success of the mitigation over time.

**Fritz:** How is the development agreement impacted by the lupa appeal?

**Ketcham:** We have to wait until that is resolved.

**Caron:** Right so, the development agreement can be adopted. We cannot -- and I will get to that, the final part of my presentation.

**Fritz:** Sorry, Keep going.

**Caron:** No problem. I was going to bring up a few more key items related to the development agreement, and one of the primary items to keep in mind is that, is that this action, the removal of the, of the conservation area overlay zone and, and mitigation plan and then, in itself, you approve

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any development of the gateway site. The university's committed to this plan, um, to implement mitigation prior to coming in with the proposal for development, that proposal -- it's an undefined time period, several years out before they ever come to request a development of that, that portion of their sites. And that future development would be subject to, to, to a type 3 land use review to amend their existing conditional use master plan, which governs the type of development that can occur on the university campus. And, and, and finally, although the, the structure for the gateway site has not been designed at this point, the university has as part of the development agreement, declared its intent to incorporate the sustainable design principles in the future development of the gateway site, and the amendment to ordinance that was added by commissioner Fritz, adds language to further specify the, the sustainable future that will be included at the time of the development. And those examples or, or specific types of futures that are listed include [inaudible] design and construction materials, eco-roofs that provide habitat futures, and screening through vegetative or other means. I believe it is now, and integration of the building footprint to the extent practicable. Finally, I believe should answer commissioner Fritz's question, if council does approve the development agreement, the city and the university of Portland will sign the agreement, the university will, will comments installation of the gateway mitt mitigation plan beginning in the spring of 2011, staff will need to return to city council to complete the zone changes at the gateway site and mitigation plan areas once all of the legal proceedings that prevent the city, to be resolved so we would need to return, and that wraps up the presentation. Thank you.

**Adams:** Discussion from council?

**Fritz:** Do we consider the wildlife corridor is still intact with this proposal?

**Ketcham:** With the mitigation plan it remains intact. In fact in, it is enhanced over the current condition.

**Fritz:** And ecos could continue, on the building could contribute to that also?

**Ketcham:** It could help to mitigate further the building and the disturbance in the area.

**Adams:** Thank you. Anyone signed up to testify?

**Moore-Love:** Yes, We have 11 people. The first three, please come on up, are Francine, Franci Royce, Barbara Quinn, and Susan Landauer. And they'll be followed by Fletcher Trippe, Bob Sallinger, and Matt Krueger.

**Adams:** Hi, and welcome back to city council.

**Francie Royce:** Hello, how are you?

**Adams:** Why don't you go ahead and begin.

**Royce:** Francine, speaking on behalf of inpeak greenway north Portland trail advocates. And I have just a couple of points. One, we desire to have, to make sure that van houghton street, be maintained for pedestrian bike access, to the future, future willamette greenway trail and that's unclear at this point, but, but, from the drawings, was unclear. And, and, and we have some concern about, about of the full -- we have a lot of concern about the full visual experience that, that trail users have, have, future trail users will have with the surrounding habitat vegetation. And finally, I want to take this opportunity to, to reiterate the peak greenway's desire to be involved heavily in the master plan for, for the, the university of Portland's future development that will include the alignment of the trail to the triangle property.

**Adams:** Thank you very much. Barbara?

**Barbara Quinn:** Yeah. Barbara quinn, chair of the [inaudible] cathedral park neighborhood association and chair of [inaudible] woods. Thank you to letting me come in today. I am before you today for one reason. I believe that the north willamette bluff system, including the site being discussed right now, is an important urban wildlife system. And an equally important asset to humans, unfortunately, it's a somewhat hidden asset to us in north Portland, it's over the edge and out of our, our eye, or our vision. And, and I would really like to see that, that. I hope that changes in the near future, especially with the trail. I would like to emphasize it's a system, a seven-mile

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system throughout north Portland, and it's is a fairly thin corridor, and the vision of the north reach plan is to restore the connectivity we're and when we can, and so the question is, does there need to be a connection between campuses that is a one-acre square building, obliterating most of the current wildlife corridor, especially when there is plenty of space elsewhere on campus. Is it fair for the university to state that it has an expectation of the building when, when your own development review staff has said that there were no plans for anything as specific as a building until 2005. There is no amount of mitigation that can make up for such a large structures, although heroic efforts were made by staff. The efforts cannot replace what's being bargained away when you consider the monstrous parking structure as a centerpiece of the new so-called wildlife corridor. It will create noise, vibrations, and encourage intense human activity. The idea we need, the idea that we need to trade the environmental health of the bluffs corridor is one that we should reject and I use we loosely. Since it was not we, but only a few stakeholders that have truly been included in the agreement. And in fact, the context of the development, within the context of the development or the context of the development agreement, the north reach plan is supposed to include multiple stakeholders. It should be noted that there is already existing natural resources on-site, 50 native trees, currently providing habitat and cover. It is wasteful to destroy them and recreate a new corridor. It is also true that the city and metro have acquired part of the woods for \$1.5 -- 1.1 million to the north and it seems not good to degrade it. That's all, thank you.

**Adams:** Thank you, Susan?

**Susan Landauer:** Mayor Adams, commissioners, Fish, Fritz, Leonard and Saltzman isn't here, thank you to letting us speak here today. On Sunday, I visited the area near the university of Portland campus, and was getting signatures on a letter I just passed out, and there was a game at merlo stadium, I went door-to-door to the homes of former university of Portland master planning steering committee members, and I saw how inappropriate the parking situation is. Neighbors want relief from parking events, and they are deeply concerned by this development agreement. The university should do a transportation study, make changes, and work to improve the relations with the community. The transportation study should be part of an overdue master plan. The development agreement, you are considering, removes the environmental conservation overlay zone and offers are mitigation to allow building a signature gateway structure. By all accounts, this gateway structure would be a huge parking garage, about the size of a city block, which would contain a spiral road for cars to go up and down from the main upper campus to the new river campus. We believe that the, the proposed mitigation generous as it seems, cannot take the place of the existing wildlife connectivity corridor. Maybe in 50 years, but we're do the critters go in the meantime? We believe that the area below the willamette bluff can and should be developed as part of a world class trail system. And mother nature was able to hide and say this is of nature in this area only because the bluff is too steep for people to easily use. We have reached the point we're we need to treasure and protect the bits of nature that we have left. And permanently des crating the bluff with this structure would be a mistake that would be obvious to anyone with eyes. Our several-mile stretch of the proposed trail along north Portland's willamette river bank has potential of the lewis & clark destination trail. Clark's african slave york and the native american members of the lewis & clark expedition need to be studied more, and their contribution more celebrated. Native americans put their dead in canoes and put those canoes in oak trees right here. Friends of baltimore woods just applied for a metro grant to study the, the, to study the proposed william clark york and Multnomah chinook memorial trail. A huge parking structure, visible for miles, would contradict any message of sensitivity to the past. And i'm going to skip, we beg you to vote against this resolution and to facilitate a healthy master planning process with the university of Portland. Thank you very much.

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

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**Fletcher Trippe:** Hello, I am Fletcher Trippe, an ago-year ronny at the university park, and I've been seven years on the board and started my fourth term as the chair. And where he, as a neighborhood association, support the university on this, and if not 100% as in anything is not 100% in Portland. What we see as problems in the neighborhood is the parking is one thing, and this might alleviate it. It might not, and we hope that, that the university, with the parking structure that will open up the land above for them to build dorms, build green spaces and those are some of the hopes, and I like to address, um, the university has worked on parking issues with us in 2004, I became aware of their plan to build a building there, and we had a, a -- when they decided to put in lights at night we went to the planning commission and one of the things that they had us do was work out a, a transportation deal with the university, this is when I started having flaggers to flag people to go onto campus, and it has alleviated the problems. And but as more events happen, you know, things, you know, it does have a detrimental effect on Hartford and Yale, and it has turned more into university housing which we would like to see go back to family homes. And I want to say that, that, that, um, that also, the river plan is not just the environmental but economic, and the university, all our land and the neighborhood has gone out of industrial, which I can't say I'm sad about. [inaudible] Baxter has been fixed, which was a pre-society factory for a number of years, and if you ever go up the street. John's Starbucks, look on the wall, there is a picture of when the factory was there, with the energy plant, and there are no trees at all there. 100 years ago it was all cleared out and it was used for, you know, whatever, and there is houses and stuff. What we see as a net gain for the neighborhood, a way for us to be connected to the river and for North Portland and the city to be connected. We went a few places that's not heavily industrial that, from the north when you go, to Kelley Pointe, is where you get is a natural area where you will have it here, a walkable, you know, neighborhood, and instead of Cathedral Park, so we're excited about that. And is I just want to say one more thing. The university hasn't always had good terms but they have been working really hard over the last couple years to reach out to us, and maybe others haven't had as much as we have but I feel like they made an effort and I have not had negative, any negative opinions of the university, and I also just want to say one more thing, the gateway site is at McKosh and Portsmouth. The gateway structure, the gateway to the campus, the halfway point and interesting thing, is when they, when [inaudible] James McKosh is a philosopher, the president of Princeton and also reconciled evolution with divine design, and he was a part of the school of common sense. And he argued that common sense beliefs govern the lives and thoughts of those who have non common sense beliefs and they are within the reach of common understanding and I hope that we can come to common understanding on this issue.

**Adams:** I let you go longer because that's a good quote.

**Fish:** I think you sent to each of us electronically a statement on behalf of the neighborhood association?

**Trippe:** Yes, we did.

**Fish:** and that will be part of the record.

**Trippe:** Thank you very much.

**Adams:** Welcome back.

**Sallinger:** Good afternoon. Bob Sallinger. Audubon Society. I can't add much to the testimony given by the first three. Audubon does not support moving forward with this. We do believe that it's a, a, unfortunate the city did not look for other alternatives and go through that process. We believe other alternatives exist. We think it will be very difficult for the university to protect the mitigation site, I would you please thing to protect that but not something on the flat lands and surrounded by intense human activity. And we think that, you know, this is a defining feature. I was looking at a map in the, in the metro region, this is one of the only ones that's left. And, and, and you know, people going up and down this river, it will be a long-term embarrassment for the university and the city of what you are going to see is a parking garage sitting in what used to be a

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wildlife corridor, and that being said, I do want to give credit to the city and the university for the mitigation package that they put together. They have done an outstanding job. This is the mitigation that we do expect to see in the development agreements, and it does stand in stark contrast to the next one before you so in this case, the city got value, the university stepped up and staff did a really good job. I want to address a couple things quickly. We worked with the city and staff on a couple of issues that we feel were resolved. I wanted to address commissioner Fish's comments about the long-term mitigation, that's really important, that's outstanding, and it will take a long time to establish, and as I said earlier we destroy resources and, and mitigate for them and then that was the, more often than not they don't like. This is a way to guarantee that it will work, and so we applaud the city and university for going that step. That's a critical piece and a good precedent to be setting that we're going to keep an eye on these things and realize if we are going to give away the sites and get things in change they need to be permanent and sustained. And one thing that I would ask you to take a look at in the university is, there is a giant sea overlay in place, south of we're the development footprint, is and that is to accommodate the road because the road may move, and, you know, assuming this, this development agreement goes forward, we don't have a problem. What we want to make sure, though, is that there is an additional development in that c zone because that zone will provide connectivity. If it gets developed down the road, it will bisect the, the bluff, and so we ask you and the university to make sure it's clear that the c zone is there for road movement back and forth as the site develops but there is no other development that's going to intrude into that area, and if that could be included that would be a big help. Thank you.

**Adams:** Thank you. Welcome.

**Matt Krueger:** Thanks. Good afternoon, thanks for this opportunity. I am matt krueger, I live in the university park neighborhood and I want to start by addressing, something that Fletcher mentioned to be clear, the upna did not vote to support this. There was discussion on both sides. I attended our October 25 meeting, and there was no motion or official votes, so I would ask that letter be removed from the record without any formal process through the neighborhood association. Moving on from that, I support the university's plans to expand into the lower campus. I am here to express my strong opposition to the agreement between the city and the university that would remove the section of conservation overlay zone and allow the future proposed gateway facility to be built on the slope. Concerns are as follows it is unacceptable that no alternate analysis was required, allowing the university to bypass this project development is wrong. There are other places on campus that the parking facility could be built, including existing parking lot and baseball field which will be moved to the lower campus in the university's proposed plan. Why allow the university to go straight to the option with the most damaging impacts with no other serious consideration was taken. In listening to the university representatives, I hear this claim the structure is necessary for expansion to the future lower campus, and the truth is, that there are other connection ideas that have not been explored. There are two streets, vehicular access points down to the lower campus. And pedestrians there, a ramp that could be built in an environmentally sensitive manner and these options would create far less of an impact than a five-story structure built on the slope. And the mitigation plan might look nice on paper and it's a nice effort, but how do we know it will truly provide the same ecological functionality? Simply planting a certain number of trees or approving a certain square footage doesn't mean the loss is mitigated. The entire slope is severed in the proposed plan for the facility. Attempting to reattach the corridor by linking a strip of mitigation around the garage at the bottom seems like a mere band aid. Also, consider that much of the mitigation area is sandwiched between this proposed structure and the future facilities proposed for lower campus. How will these be protected for the future? I have also read and heard that this will be the quote first Oregon white oak habitat in Portland area, this is misleading. The city worked to restore oak habitat along the bluff and is creating new oak habitat on Powell Butte. The city is planting hundreds of oaks to restore oak habitat through the green

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initiative. This attempt to shine the mitigation plan and calling it the first or one of a kind fails. The bluff is an invaluable ecological resource. Removing the conservation overlay zone would be in direct opposition to the city of Portland's substantial efforts to protect or restore the bluff. Much of the length has been reclaimed thanks to the city. In this day when we fight so hard to protect such areas do not allow further degradation of the bluff. If the zoning is lifted, the section will be lost forever. Can I have 30 more seconds for my closing.

**Adams:** Sure.

**Krueger:** Council members, I ask you vote against this development agreement leaving the conservation overlay zone in place. Please ask the university to explore other options to accommodate their parking needs. If this structure is built it will have significant negative ecological impacts and be a blemish on the city's efforts to protect our natural environment. Thank you for your time and consideration. And the extra 30 seconds.

**Adams:** Thank you for your testimony.

**Moore-Love:** the next 3 are Pat Ell, Andrew Noethe, and Tim Briare.

**Adams:** How many more do we have after that?

**Moore-Love:** Two more, Carvel Cook and Mark Kennedy.

**Adams:** Welcome to the city council. You need to, to give us your first and last name and no addresses and tell us if you are representing anybody or yourself.

**Tim Briare:** I am tim, and, and I represent myself, and i'm a resident of, of north Portland, about a block away from the university. And been a resident for nine years. And I disagree with a statement made that the university is not, does not reach out to the neighborhood, neighbors, and we received many flyers that are sent to our house, and notification of, of many events going on, and, and I personally believe that the university is a great neighbor. We look at the history of the university, and university of Portland, and that, actually, the name says it all. It helps to define what Portland is. For over 100 years the university has been with us long before any of us were here, or maybe as long as what was the year 2060, we were looking at. It will still, still be here. The university is an education facility, and so, so, when we look at what these areas are going to be used for, for education. Let's look at the history of the students that have come out of the university, and not only to be the city leaders here, in Portland, and also, nation-wide, and worldwide. And I think it's important that we keep that consideration and, and look at what the university means towards north Portland. And some of the things that occurred at the university that i'm aware of, the recycling programs, the beautiful campus, this is a private institution, that has really gone the extra effort to reach out to the neighborhood and create one of the most beautiful destinations in Portland in north Portland. And I ask you, you approve the plan, and take consideration on an organization that, that where will be a benefit towards north Portland and the city of Portland. Thank you.

**Andrew Noethe:** Good afternoon. I am andrew Noethe, and I am is a homeowner and university park neighborhood. And I support the development agreement. It's my understanding, that that the, the neighborhood association supports it, too, whether that was a formal vote, but there was support from that meeting, and the university supported the river plan, supported the location of nearly 10 acres, environmental zoning, and onto the river campus, and in light of the support, asking to remove a little over an acre of zoning to accommodate a critical development, I think, is, is a fair, is a fair request. Especially since the university is not removing the resource area but relocating it to an area where it can better connect to the wildlife corridor, to the west and to the east. Under this plan we would end up with more and better resource options than before the plan was amended. To the opponents, I would caution against skepticism. I live in this neighborhood, and neighborhood has a long history with the university, and the university is a good neighbor, and this is a good plan. Please adopt it. Thank you.

**Adams:** Thank you for your testimony. Hi.

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**Pat Ell:** I am pat ell, and I am a north Portland resident. I lived there for 17 years, and in fact, my dad grew up -- I live on Chautauqua -- I've seen you drive by our house sometimes.

**Adams:** Yes.

**Ell:** My dad grew up on wellsley, my grand parents owned a bar on Lombard, you slow down --

**Adams:** Slowly on a bike.

**Ell:** My great grandparents lived on burrridge, I have a lot of cousins and heavily invested in my neighborhood. I coach soccer, basketball, chess. A regular, active person, I support the plan. I think that the university lab a good neighbor. In the whole room I may be one of the few people who has gone swimming on the property in question, maybe not the best idea for a super fund site. But right now, it's somewhat of a wasteland, and I appreciate the university trying to make a plan that enhances sour neighborhood and also addresses the environmental concerns. So, I think that, that you should vote for the plan. Thank you.

**Adams:** Thank you and thank you all.

**Ell:** Thank you.

**Adams:** Two more?

**Moore-Love:** three more, Carvel Cook, Mark Kennedy & Christe White.

**Adams:** Thanks for your perseverance. Glad you are here. Carvel?

**Carvel M Cook:** yes.

**Adams:** Why don't you go ahead.

**Cook:** Good afternoon. I support this plan, and I live in the university park and had a home here for seven years, and the way I see it, I see no alternative, with less impact on the bluff, than this, this plan. The development of the gateway site will not require the removal of one oak tree, and the mitigation plan is calling for 350 trees. This area of the bluff is not, in not such good of shape. It is developed with the road, sitting area and retaining wall. The wildlife corridor will be enhanced by the connecting corridor of this location further from the hustle and bustle of the campus on top of the bluff, and as a neighbor, I look forward to the development of the gateway site we're you cross the river and the connection to the river campus. Thank you for the time hermiston.

**Adams:** Thank you for your testimony, hi.

**Mark Kennedy:** I am mark kennedy, and I am a resident of north Portland, and the neighborhood, university park neighborhood, and I lived there for 15 years, and I moved from the -- from the Midwest, and I am an environmental engineer, so I like to talk to this project from an aspect as a neighbor and as a concerned engineer for the environment. And I support this project. I think in the 15 years I've been here, what's happened, we have had a fire, a movie, a super fund, on this site, and I have eaten lots of blackberries down there, and there is a tremendous, invasive species that, you know, in other words, as you said, it's been a wasteland, and now I see there is no perfect project as an engineer. You have pros and cons and you have to evaluate everything, but I see now a project that can really be a win-win we're we can take what has -- I picture if the university weren't there, what would happen in the future? Nothing. With the university there, we can develop this project that will, I think, enhance the environment, enhance the neighborhood, and truly be a project that, that, in the future, I'll love to see a bike, the north Portland freeway go through there and be a part of this, and I envision a beautiful, sustainable green building, and that will enhance the area, much like the university has been building of lately, the beautiful new shiley hall that was a platinum lead building. I don't think that we have to view this as a negative to the environment. I view this as a positive, an improvement with the mitigation. 5 to 1 ratio, as an engineer, as an environmental engineer I see this as a, as a really great project. I support it. Thank you.

**Adams:** Thank you. Miss white?

**White:** Christe white again, for the university of Portland. I was just going to add a couple of thoughts about the larger context. The university of Portland actually supports the river plan. The larger river plan, and also, supports all of the acres of environmental zoning that were placed on this

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property both mid campus along the bluff, and as well as along the river. And what we asked to do was just to remove a small portion of that e.c. Zoning from the bluff in its entirety, and we kind of lost that argument last time in front of you, and in exchange, you said we'll, we'll remove it only if you mitigate to the e.c. Zone standards. We, um, entered the discussions then and agreed to that and entered the, the discussions with staff assume, that we would reach agreement on mitigating for the e.c. Zone standards because we are familiar with the standards. But, I have to say that, that the staff at the city of Portland inspired us, as well as bob salinger inspiring us to think more outside of the box. And in our trips on the property, learning from mary bushman opt staff what, what a southern aspect is for an oak and why it won't work there and will here. The knowledge base that paul and mary and mindy and others brought to the, to the proposal, gained momentum and got us all inspired. And bob salinger's comments about, you know, it's great that, that the university of Portland does lead design but the problem with that is it doesn't consider bird mortality. So he gave us great examples of buildings that have beautiful glass curtain walls so well done they reflect the forests so well the birds think it is the forest and they run into it, so the additions to this proposal with regards to those issues and being careful that we don't make those same mistakes while we are meeting flat lead standards, are going to make the project a better project. So, we're thankful for that participation. The question that was raised about the remaining sea overlay, of course, the sea overlay was on the property, I don't know if it was placed on at the planning commissioner later at city council, but bob salinger is right as we discussed in back because there is an existing road that crisscrosses there, and the anticipated use is to be able to use that road isn't access to one-third of the campus. We don't anticipate any building development, but we also know that we're going, if we did anything like that, we have an environmental conservation review and terrence analysis. The last thing I will say with time running out is that the university attended the upna meeting, and my understanding is that the university considered for a vote, and there was a formal hand raising and not hand raising of the people either asking to, to, whether they supported it or opposed it, and that majority vote came out in favor of the plan. That's my understanding. So, with that, I would ask you to, to accept this development agreement as was amended, and we can move forward with the mitigation.

**Adams:** Thank you. Thank you all very much for your testimony. All right. We will now move to 1511, unless council wants to talk to staff about 1510? Who is making the presentation on 1511. We have got a scrivener's cleanup to do?

**Item 1511.**

**Diane Hale:** We do.

**Adams:** Why don't we take care of that. If you could describe what we are looking at by way of a substitution or amendment.

**Diane Hale, Bureau of Planning and Sustainability:** sure. I am diane hail and I work at the bureau of planning and sustainability. based on legal advice we would like to propose a minor amendment authorizing the mayor to, to sign the easement. This would be on page 3 of the ordinance.

**Fish:** So moved.

**Fritz:** Seconded.

**Adams:** So moved and seconded, any discussion? Call the roll on the amendment.

**Roll on Amendment to Directive A.**

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

**Adams:** Aye. The amendment is approved.

**Hale:** Thank you. And mayor, members of the council, as you know, we've been working on this, this project for some time now, [inaudible] in april of this year, you approved, adopted a memorandum of understanding, and in june, you authorized a development agreement between the city and sill -- siltronic corporation and that was signed at the end of june by them and the city.

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Today, we're coming back to you with one of the follow-up actions. It's a conservation easement instrument. That outlines the terms of the easement area, this instrument is based directly on the terms of the development agreement, and, and as I said, it is one of the follow-up actions needed before it can become effective. The basic agreement that siltronic will donate a seven-acre conservation easement to the city, and the city will reduce the environmental overlay zoning on parts of the vacant portion of the siltronic site that were proposed in the north reach. And this agreement helps to achieve several goals of the urban plan north reach, and the creek is identified as one of the key restoration sites, and in the plan, and as paul mentioned earlier, it's one of the first sites that will, will receive restoration so the city plans to restore the area to improve Fish and wildlife habitat. Reducing the environmental overlay zones provides siltronic with greater development certainty, and with this action, they feel that they will be able to respond more quickly to redevelopment opportunities on the vacant portion of the site, which will help fulfill the economic development goals in the harbor.

**Adams:** Is it fair to say that this is chosen as an temporary mitigation site as part of the temporary in lieu of mitigation effort that we heard about in another aspect of the set of proposals will help unlock the, the rest of the site for economic uses?

**Hale:** I would agree with that, yes. So specifically, the conservation easement instrument outlines again, the terms of what can and cannot be done in the easement area. And siltronic cannot do a variety of things outlined in section 3, among those, cannot subdivide the easement, cannot build permanent structures or roads. They cannot alter land, water, or cause erosion, or road trees or other vegetation. Siltronic is allowed to do certain activities in the easement area prior to, during, and after expansion on the vacant portions of the site. Some of those include access to key facilities including the gravel road, and the utility corridor, and monitoring wells, and repair and maintenance of the facilities, and the monitoring of the wells and also installation of new monitoring wells. The storage of construction equipment during the construction phase, and, and security and emergency overturned vehicles vehicle access. Are among the activities that they are allowed to do. Other key elements of the, of the easement agreement include, include, include that siltronic is required to restore any part of the area disturbed to, to a condition equal to, to, to, or badder than the conditions at the time of disturbance. The city can conduct restoration at any time in the easement area and the city has the right to move the gravel road out of the easement area, that is currently located there, and future construction is allowed subject to specific limitations in the easement. So the next steps for this process, one more-a needs to take place before the development agreement can go into effect. And ese amendments need to be adopted, that, that support the revised environmental zoning maps, it cannot be amended while the river plan is under appeal, so staff will return with those amendments when luba resolves the issue. The agreement would become effective once those amendments are adopted. And another follow-up action, the environmental services will work with siltronic and the basketball to develop a conceptual restoration plan to guide restoration in the future.

**Adams:** Discussion, questions from council? All right. Anyone wish to testify on 1511?

**Moore-Love:** We have two people signed up, Curt Schneider and Bob Sallinger.

**Curt Schneider:** Thank you again. I am here representing n.p. Greenway, the folks that advocated the trail from the eastbank esplanade to kelley pointe park. The last photo there shows, shows, pictured the bridge with siltronic. Do you have that in front of you?

**Adams:** Yes.

**Schneider:** Well, i'm judging from the easement that's proposed that, that you are looking at the trail being on the north side of the bridge, and that's fine because the south side and, and baxter had real problems environmentally on it.

**Adams:** The south side of the railroad bridge, north side of siltronic.

**Schneider:** Excuse me, sir?

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**Adams:** It is The south side of the railroad, north of the siltronic facility.

**Schneider:** I'm looking -- sorry, i'm looking at the right, I look at the photo there, that is the northerly side of the bridge.

**Adams:** Fair enough. What's the point you would like to make?

**Schneider:** That also seems to show the distance we're the easement is, and the most, biggest question that I have is, is in terms of viewing one wildlife but also accommodating the trail within that easement. Are we looking at a superstructure for the trail or looking for, for a, a, a fill, that type of thing, and that, that, I mean, there is costs involved, but, but is the easement wide enough there to, to accommodate not only the trail, but the wildlife habitat. So, I thank you very much for this time.

**Adams:** Thank you, mr. Salinger.

**Sallinger:** [inaudible] you have my written comments already. The only thing I would add to them is that I think these two agreements you are looking at today stand in stark contrast, and I really think when we do these things we should aspire to something that there really does meet the landscape objectives for that parcel. I don't think that we have done it here. I think that we can say that we have done that on university of Portland. I think that standard is the one I hope you will get going forward. Thank you.

**Adams:** Thank you very much. Is there council discussion of staff on 1511? All right, we return on december 1 at 2:00 p.m.

**Moore-Love:** 3:30.

**Adams:** 3:30 p.m. We're we'll be attaching emergency clauses to these ordinances. I just want to make sure I got this right, sorry.

**Edmunds:** It's my understanding that, that sure moving these to second reading and those will take place on december 1, and we will also introduce an ordinance to change the effective date, and we'll do that as an emergency on december 1.

**Adams:** That will, basically, change the effective date if all the other pieces of legislation. Great, we are in recess until 3:00 tomorrow. Thank you all.

At 4:36 p.m., Council recessed.

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**Closed Caption File of Portland City Council Meeting**

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

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

**NOVEMBER 18, 2010      3:00 PM**

**Adams:** Today is thursday, november 18th, 2010. It's 3:00 p.m. And the city council will come back from recess. Hi, Karla.

**Moore-Love:** Hello.

**Adams:** Please call the roll. [roll call]

**Adams:** We're going to take testimony on the items number 1512 and 1513. So if you wouldn't mind reading both, that would be great.

**Item 1512 & 1513.**

**Adams:** Thank you, Karla. Senator burdick is not in yet. Right?

**Warren Jimenez, Mayor's office Deputy Chief of Staff:** We're anticipating her a little bit later.

**Adams:** Along with commissioner judy shiprack. So when they arrive, let me know and we'll break with whatever we're doing to provide them the courtesies of the house. We have put together a short power point, intended to walk through the problems that we face as a city when it comes to unsafe firearms use and illegal firearms use. And so we're going to jointly give you that power point. Answer any initial questions from council and take testimony. There will be no votes today. Today is just a reading of all the two measures. So would you like to introduce yourself for the record.

**Jimenez:** I'm deputy chief of staff for mayor sam Adams.

**Kate Lieber, Public Safety Council:** I'm kate lieber, public safety council for mayor sam Adams.

**Mike Reese, Chief of Police:** Mike reese, chief of police for the Portland police bureau.

**Adams:** Great, let's go to the slide show.

**Jimenez:** The idea is to give you a sense of the issues we're trying to address and also lay out the policy solutions in front of you today. Around the gun safety initiative.

**Jimenez:** So next slide.

**Adams:** Who is doing the slides?

**Jimenez:** Start out with what the issue is. In the state of Oregon, we've seen some pretty drastic statistics, there are a couple of key ones there. The homicide rate was the fourth highest cause of death between 15-24 between 1989 and 2007. We've seen an increase in terms of gang violence response incidents, 20% over the previous year. And we have a slide that reflects the years from 2001 to the current year here in just a second. We also know that the -- although the persons of color make up approximately 25% of the city of Portland, really, there's a disparity in terms of being affected by the victims of gun violence. More than 150% of the time. And four out of the eight identified hotspots have been areas with increased gun violence for more than two decades and historically to be true across the city and lieutenant dave hendry who will be called up later, will talk about the historical areas in the city of Portland. And here's just some statistics. Firearms involved in homicides from 2007 through 2010. You can see that there's been a total of 101. Of those 101, we see 42 of those that are involved with the firearm which makes up about 42 of those homicides. And here, shows the increasing trend in the incidents related to the gang violence response team. You can see from 2001, we had about -- we had 34 incidents and you can see the trend increase. 2008 and 2009, we saw 61 in each of those years and year to date, we've seen 81 and we still have the month of december to get through. So between the discrepancy -- the

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difference between 61 and 81, that's the 20% increase referred to in the first slide. This -- this is a -- a couple of different tables we show here is the first one is the rates of persons that are arrested in cases involving aggravated assault or attempted murder with a gun and we've broken it out by --

**Adams:** And victimized.

**Jimenez:** Correct. So that's the first table. The second is those that are victimized. The last table talking about the makeup of the city of Portland.

**Fish:** [inaudible]

**Jimenez:** Yeah, we do.

**Fish:** Is it possible, Karla, to bring the lights up just a little bit.

**Adams:** In terms of the victimization, that's that second bar of numbers. Among african americans, the victimization of aggravated assault or attempted murder with a gun of all victims, 40.8% african american and that compares to the race of people living in the city of Portland of 6.5%. You can see the other comparison between victimization, compared to percentage of population by comparing those two graphs.

**Jimenez:** So this lays a bit of the groundwork about some of the problems we're trying to address. In terms of our approach.

**Fish:** If I could ask the chief, in terms of We worked with you and your team in putting together -- and we'll talk about the specific tools later, but if you could maybe talk a little bit about from your vantage point of someone who started work at the boys and girls club all the way up to chief of police and the peaks and valleys and illegal or irresponsible use of firearms. Share your perspective, that would be great.

**Reese:** It's disheartening to say the least. When I started in law enforcement in 1989, gangs were overtaking our neighborhoods in inner north and northeast Portland and gangs were spreading out of that community to outer east. The gang violence was exploding. We had drive-by shootings and shots fired calls every single day in the city of Portland, so many that our officers could not respond to them unless there were injuries or property damage. And through the good work we did with the community and quite honestly, the advent of community-based policing, we made significant strides in our neighborhoods and with our partners in youth gang outreach in the schools, we saw a significant decline in gang violence. As I said, it's very disheartening to see that dynamic change and I think we may have taken our eyes off the ball a little bit and not stayed as focused as we should have and we're paying a price as a community and now we have to doing is different to take that environment away. The numbers, particularly in this year, are pretty striking, in terms of the number of gang violence reduction callouts. And it really exploded in may and june and we saw a huge spike in the number of callouts and particularly around shots fired with people being hit.

**Adams:** Thank you.

**Jimenez:** That gives you a little bit of background and context. The next piece is going into the solutions in front of you today. What did we rely on to come up with some of these solutions? We looked at really best practices and relied on expertise to help shape what's in front of you today. Studies and best practices, we looked at other jurisdictions and what they're doing to address these problems. We took a look at organizations, to help potentially address the gaps in what are the opportunities to partner with some of those organizations. There's some work that still needs to continue on that front and we'll get into some of that as we take a look at the comprehensive strategy that is being drafted between the Ipscc committee. We also looked at what are the gaps here at the city in terms of gun laws and what are additional tools add to the toolkit.

**Adams:** If it would be ok I could welcome co-chair of the local public safety coordinating council, former legislator and co-chair -- and Multnomah county commissioner, Judy shiprack, up. Maybe kate--we're going to go through a few of the sections of the --

**Adams:** Good, so warren, if you wouldn't mind. Senator burdick, please come up. So if you wouldn't mind, commissioner, state senator jenny burdick has joined us and would like to provide

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you courtesies of the chamber. For those not familiar with the service of state senator jenny burdick it includes determined focus on approving safety by addressing issues related to illegal gun use or irresponsible gun use and so I wanted to invite the senator here for two reasons. One to thank you for those years of service and focus. When I look back -- when we look back through the clips of some of the coverage, I was struck by your revolve and how mean-spirited this debate can become. And so we stand on your shoulders today in considering these items and so I would thank you for that and wanted to give you a few minutes to talk about the issue from perspective.

**Jenny Burdick, State Senator:** Thank you very much. And if you've been through the clip, you'll find another name there. And he's on your own very council. It's commissioner Leonard. My experience, again, for the record, i'm jenny burdick, the state senator nor senate district 18. My involvement with finance safety -- and I do call it gun safety. I don't use other terms that are more "loaded" as you would. Began when I first ran for election in 1996 and it had always bothered me that no one -- talking about guns at all was kind of a third rail. So I joined with law enforcement and other people, a lot of doctors, frankly, and developed a proposal to close the gun show loophole. To require background checks at gun shows. At the time, they were completely unregulated bazaars where people -- anyone could get a gun. But in the course of that, I also had conversations with literally hundreds of gun owners. And I want to just -- based on those conversations, I want to first commend you for doing something that gun owners do support, and that is trying to develop policies to keep guns out of the wrong hands, away from children, away from criminals and even in gun owners are a little bit inconvenienced by that at times, they are generally supportive because most gun owners are very response I and very willing to responsible and well to consider strong gun laws to keep us safe. As you good forward with your work, I want to offer you not only my help in any way I can, but to also encourage you to actively involve the responsible gun-owning community in your conversations. As commissioner Leonard -- commissioner Leonard will be able to tell you, this is not an issue to be taken on by the faint of heart. I've had threats, veiled and otherwise. I've had the attention of state police at times, working on this issue. So it's not for the faint of heart but do not let that discourage you, when -- commissioner Leonard, I actually got good strong bills through both the house and senate, which incidentally were under republican control at the time and failed by a single vote in the last days of the session. So we did a ballot measure to require background checks at gun shows and passed statewide by 62%, which is roughly the percentage of households that are gun-owning households in Oregon. I want to commend you, mr. Mayor, I know what you go through or anyone else who works on this issue and I admire are to you keeping your focus and attention on the issue. The other side sometimes, like the organized gun lobby sometimes like to say, you know, guns don't kill people. People kill people. But people without guns can't kill people with guns and so that's something we have to keep in mind. So thank you for doing this. And I will help in any way I can.

**Adams:** Thanks, senator. I appreciate it very much and we know you have a busy schedule so we'll not be offended if you have to leave the chambers but we really appreciate you taking the time to be here and offering your support.

**Burdick:** I'll wait and see if there's questions after the others.

**Adams:** Commissioner.

**Judy Shiprack, Multnomah County Commissioner:** This is a delightful surprise, frankly, I find myself sitting next to senator burdick. It's an honor, i'm delighted to see you. I'm Multnomah county commissioner judy shiprack. I'm the co-chair of lpscc together with co-chair mayor Adams.

And the public safety has a long history of work, prevention, intervention and enforcement strategies to address gang violence in Multnomah county. And I think that the city council has in front of it, the proposed action plan to reduce youth and gang violence and includes the mayor's recommendation, several recommendations. Which has become part of this draft plan and I want to

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talk about the important -- the process that the public safety coordinating council is able to bring to its work because of the breadth of representation. Both geographic and in representing all of the partners in the public safety system. And the importance of communication. And coordination of the efforts that all of those parties and I would say partners, bring to their work for the community. And particularly in gang intervention. I think that bun of the -- one of the violence reduction strategies that's worked is to provide the effective coordination and oversight and in addition to that, to support the name of the entire community -- the engagement of the entire community. And I think we've seen this is a cyclical problem, that we focus our attention on it, it gets better and then we relax and lose our focus, as chief reese just said with probably -- this has probably occurred and was really devastating results in the community. I find it really encouraging at the lpscc table, that when the mayor comes forward with plans like this, that we get this kind of action, that we have people around the table, including the united states attorneys office to coordinate efforts at the police department in gresham and the Portland police bureau have been working effectively together to address the problems that exist across those political boundaries as well as coordinating their efforts on the boundary areas themselves. The local public safety coordinating council met this month and had an opportunity to review the proposal and their comments and really, their demeanor in that review was overwhelmingly positive but they didn't take a vote of support. The Multnomah county commissioner will be voting on this package following what I expect to be the adoption of the package or the support of the package by the lpscc in january, there's no reason we can't move ahead on a large number of the recommendations and I believe we already are and that the individual agencies are moving ahead on those recommendations but as far as our procedure, we as a board of county commissioners will be acting shortly after the lpscc action in january 2011.

**Adams:** I want to thank you -- I don't know that folks -- the fact that you have legislative background in the state legislature, the fact you have prior work on the local public safety coordinating council makes you an ideal co-chair and you know more about the issues than I do and an want to thank you for your mentoring and work on this.

**Shiprack:** Thank you, mr. Mayor.

**Adams:** And you're both welcome to leave. [laughter] or you can stay. I never know how to do that politely. You're welcome to "stand down." [laughter] and we've got more of our presentation to go through. Thank you, commissioner, thank you senator, I really appreciate it. Part of the slide that we will just click through quickly that commissioner co-chair shiprack just summarized, if we could click through those. Among other things, when you talk to people like david kennedy who is an expert in this area, he will tell the council sort of conceptually two things. One, make sure you have adequate -- you have adequate peacekeepers and that you have a strategy and that strategy should include the first bullet. Making it really easy for those that want to turn away from a life of violence and life of crime, make it really easy to do so and do so successfully. And that includes everything from a single phone number. That includes outreach by former folks that have been involved in illegal -- illegal gang activity. To help mentor them through that transition and includes a lot of things and we're working on that and that's what commissioner shiprack spoke to. We'll have a gun turn-in event.

**Jimenez:** In partnership with Oregon cease fire, Portland police and the city of Portland. We're holding a gun turn-in event this year. On december 18th and there's typo on the slide. From 10:00 to 2:00 p.m. Held at the benton parking lot in the memorial coliseum area and we're excited to be in partnership with this event and we'll be announcing more details about that event.

**Adams:** The benson parking lot --

**Jimenez:** Just North.

**Adams:** North of memorial coliseum.

**Jimenez:** The five proposals today --

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**Adams:** And if I could get into a little bit more stage managing. Mr. Chief, if you wouldn't mind stepping down and I could have the assistant city attorney come up before we get into the specifics of the five proposals, if you can talk about the issue the prevention. And -- preemption. And there was a column in the "the Oregonian," and we sent out an email from the city attorney's office explaining while that is unlikely. And if you could cover both of those topics that would be great.

**David Woboril, City Attorney's Office:** David woboril with the city attorney's office. Mr. Mayor, commissioners, the direction to the group putting the policies together was to work within the state's preemption laws. When you look at the preemption statute, you might think that the legislature meant to take regulation of anything having to do with firearms. Closer look, that's not the case. Whether they did was kept to themselves, the authority, the sole authority to regulate eight activities in which people can engage with firearms and they are, sales, acquisition, transfer, ownership, possession, storage, transportation and use. It is not the universe of everything that might possibly have to do with firearms. It's a limited list. An extensive list. Many activities in which people engage with firearms but it's limited. We looked hard at that and the policy initiatives around the country and chose those that seemed to work to address the problems the mayor's office wanted to address while not getting cross wise with the state's legislature on preemption. As we go through these -- I don't want to jump ahead too far. I can discuss how why we think each of these is not preempted. The curfew regulation has nothing to do with firearms. It's people who have been convicted of -- it has nothing to do with people's interaction with firearms. Access, doesn't require storage in any particular way. The reporting requirement doesn't have to do with ownership. It happens after the ownership is terminated. Carrying a loaded firearm is specifically allowed. Our regulation in Portland of carrying a loaded firearm is allowed by the legislature. Those proposals change only the penalties. Within Portland's authority clearly and the hotspots law has do with not how person interacts with a firearm but people who have been adjudicated for violating the firearms' laws can go in the city.

**Fish:** Are we being asked to adopt a package with a receivability clause or seven specific action items so that in the event of a legal challenge, they're separate.

**Woboril:** The council directs clause has subsections so you'll be given direction on a number of separate subjects separately. You'll enact each of them separately. This is not a omnibus bill. That might be many different substantive provisions adopted at the same time.

**Fish:** Plain english, were there to be a challenge on anything we adopt, the way it's being proposed would mean that someone would have to challenge a specific action. Couldn't jam the entire package?

**Woboril:** Each of these laws will stand on their own, that's correct.

**Adams:** Thank you for that. I'd like to point out if there has been over the last couple of decades that this particular preemption clause has been in place, if there's legal challenges in the state, we're not aware of them.

**Woboril:** I don't know of any proposals like those before you that have been adopted and challenged, correct.

**Adams:** We've challenged over the last couple of decades a number of laws and sought to improve a number of laws but not on this sort of general area. It's time that this preemption be clarified and, therefore, I think that as I expect it likely will be challenged, I think that's very useful so clarify to the courts what the preemption is. And I want it make the point that -- and then maybe you can speak to the financial risks might be. But i'd like to speak to our city attorneys get paid salaries and the council is very strategic in how that resource, legal resource, those great folks like you and others and the city attorney, how their time is used. We spend a lot of time in court as a large municipal corporation that serves the city. Everything from fender benders to leaves to all other kinds of challenges and council consideration today is and would be adding to those important list

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of legal priorities, the importance of -- if we're challenged -- defending these in court. So we'd be doing that consciously. Can you talk about the potential financial risks of a challenge?

**Woboril:** It's an ongoing responsibility of the city attorney to defend the city's laws and actions. All of the laws on the books are subject to challenge. Occasionally they are and we respond to those in the normal course of business as part of our regular office functions. In that sense, there may be increased activity in our office, but no greater expense. We're something of a fixed cost in your overhead. The challenge, if there are challenges in criminal court, we'll assist the district attorney office in defending the legitimacy and constitutionality of the laws and with no added expense. There may be challenges in federal court, challenges to constitutionality of these, these proposal, whether or not they violate people's sill rights and it's something we do in the regular course of business. No additional cost, although there could be damages. As with any law you pass, there's a consideration whether you're going to expose the city unduly to that kind of damage award exposure.

**Leonard:** Is it fair to say you're standing by anxiously for us to get sued.

**Woboril:** That's our job to be ready. [laughter]

**Fish:** In light of that, since another columnist in a piece raised the issue whether we sought a advisory opinion from the attorney general's office or consulting with them on the question of state law, can you address that?

**Woboril:** We haven't talked to them directly about these, no. That's a function -- that's a function we provide for you. Their advice would be interesting, not binding on you, certainly, and it may be that down the road if one of these is challenged in criminal court, we have the attorney general on our side on appeal defending these laws.

**Adams:** We found in consulting with mayors against gun violence, that the likelihood of court challenge is high than going through the process of an attorney -- nonbinding attorney general's opinion is most cities that seek to take action just go directly to passage and everyone goes to court or at least some of it ends up in court. It's my opportunity to thank you. You've worked hard on this since may. I think my first day as police commissioner was to ask you to work on two issues of great concern. One was child sex trafficking and the other was guns. So thank you for your work in this area.

**Woboril:** You're welcome.

**Jimenez:** I'd like it turn it over to kate lieber to talk about the individual pieces to this.

**Lieber:** Thank you, mayor and council. The first exhibit we have is special curfew for juvenile firearms offenders. This -- to have violated gun laws and on supervision. The hours are 7:00 p.m. To 6:00 a.m. These hours were chosen quite deliberately. We found that 79% of the shootings calls occurred between 8:00 p.m. And 8:00 a.m. In addition, from working with the police on this, there's anecdotal evidence that a lot of activity, gang activity occurs around the athletic events and so we wanted to make the 7:00 p.m. A time that we could make sure we captured the athletic events as well. There are exceptions and this special curfew does add on to the curfew that already exists in the city of Portland. The exceptions that we have are any school or church sponsored activities or events and any activity with person mission from the juvenile court counselor and this curfew only lasts for the length of the juvenile court jurisdiction and the length --

**Fritz:** Does the word church also mean mosque and synagogue and others?

**Lieber:** Yes.

**Jimenez:** That is the intent.

**Lieber:** That's the intent.

**Adams:** The exception reads that the juvenile equivalent the probation officer can also approve exceptions beyond this list as well.

**Jimenez:** Correct.

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**Fish:** How does the exception work? You're a minor covered by this and stopped by a police officer. You have to produce some documentation or there's someone else that has to be contacted?

**Lieber:** You've anticipated my next slide. How it works. So the juvenile justice department will provide officers with photos and any exceptions or basically their probationary terms that the minor may have. So precinct officers can easily determine if the youth is violating a curfew ordinance and then initiate investigation enforcement only of those they are familiar with or subject to a curfew and officers will not confront a minor about their curfew status without reason to believe that the particular minor is subject to the new curfew provision.

**Adams:** The estimate in terms of numbers is between 20 and 30 individuals. And as we -- when we hear from the police, 20 or 30 individuals, again, that have gone through the court process, been adjudicated and lasts only during the term of their probation, pictures, exceptions, reasons will be available to all the police officers.

**Lieber:** Yeah The benefits we feel this a special curfew provides is again it's a tool for the police to intervene with a juvenile who has shown disregard for the gun laws and prevents youth from engaging in gun violence by allowing a officer -- and enable the officer if the officer is going to transport that particular youth to search the youth for illegal contraband, including guns.

**Adams:** We're going hear in a minute from the d.a.'s office and lieutenant hendry. As described, this tool is useful because there are a small number of very violent youth that are -- that sometimes serve as a spark for other violence and it is very difficult through the system of supervision and probation right now, police do not have the legal right to enforce probation. It's only the probation officer.

**Fish:** Can I ask another question on the curfew. Assuming one of these minors -- well, i'm assuming there can be instances where it's difficult to determine where home is for some particular minor. There may not be a adult or a biological parent. There may be some other arrangement. Maybe a friend. How do you determine where the person is supposed to be during the curfew period?

**Lieber:** It will be dealt with exactly like the current curfew is dealt with. We have a curfew here in Portland. The special curfew moves it. And i'm going to -- dave will come and address, I think, that particular issue, regarding how a police officer acts when they encounter any minor with a curfew violation.

**Fish:** But theoretically, Could a minor, subject to this, be at a friend's house and covered by the curfew while at someone else's house?

**Lieber:** No Only if they're on a public street or right-of-way. So for example, a minor staying at a friend's house is fine, they're not on a public street or public right-of-way. But if they enter the public street or public right-of-way during these times, that's when the curfew stands.

**Fish:** Thank you.

**Lieber:** The second proposal -- we have for you today, endangering a child

**Adams:** Sorry, one more item on that. This is not a violation of law. It is a violation that then is subject to the probation officer's and the parent or guardians to deal with?

**Lieber:** Correct.

**Adams:** So it doesn't add to the criminal sheet, necessarily.

**Lieber:** Correct, yes. The second proposal we have for you is endangering a child by allowing access it a firearm. This would hold a person accountable if they fail to prevent access it a firearm by a minor when the person knew or reasonably should have known a minor could gain access. It provides increasing penalties as the danger increases but it also provides specific defenses. If the minor obtains the firearm through illegal entry, that's a defense. If the firearm is kept in a locked container, that a reasonable person would believe is secure is a defense and a firearm with a locked device on it is also a defense. I'm going to touch on preemption, I no he that dave already touched

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on. The city cannot address the sale, acquisition, transfer, ownership, storage, transportation or use of firearms or components ammunition. This proposal really addresses only management of access to firearms. This law does not prohibit a gun owner from storing a gun in any manner they wish. They sought some guidance from the national rifle association and this is from a pamphlet from the national rifle association and in a home where guns are kept, the degree of safety the child has rests squarely on the parent and a parent must in every case assess the exposure of the firearm and absolutely ensure it's inaccessible to a child. The third proposal is failure to report theft --

**Adams:** Sorry, if I could comment.

**Lieber:** Of course.

**Adams:** This has been enacted in other locales around the United States. This is not a brand new concept for the Portland city council.

**Lieber:** Correct, and it was looked as best practice in other states, with all of the other cities we looked at. The third proposal, failure to report a lost or stolen firearm. A person shall report the theft -- 24 hours of knowing or having reason to know it's stolen or missing. We ask that the serial number, when they report and report to the chief of police or his designee, we ask that the serial number be reported. Questions have come up why the serial number. This enables the police to track the weapons more effectively and allow to be readily identify rightful owners and return weapons that are recovered and makes hot guns hotter and should dissuade some of the now hot guns being trafficked back and forth as stolen guns. The benefits we feel for the failure to report law -- ordinance, they deter the criminal use of lost or stolen weapons and prevent unwarranted accommodations against owner who is suffer a loss and deter -- to avoid punishment for a illegal firearm transfer. We're trying to get at here is straw buyers. The -- sometimes, you have people who lose firearms multiple times. And what is likely happening is they're purchasing them legally and then selling them on the street. And we're trying with this law it make sure we identify who those people are and make sure we can keep an eye on what happens to the firearms they purchase.

**Fritz:** Do all guns have serial numbers. Like hunting rifles?

**Lieber:** I believe so but that's a question we can probably ask the police but I believe every firearm does have a serial number, yes. The fourth exhibit is we're simply increasing the penalties for possession of a loaded firearm. Possession of a loaded firearm is currently a city ordinance. We are increasing the penalties for -- penalties for this, in that the court may be able to impose a sentence of up to six months or a fine not to exceed \$500 for those who possess a loaded firearm within the city limits and if the loaded firearm is possessed within a vehicle, the court must impose a mandatory minimum of 30 days. There are a number of exemptions that are currently law right now in the ordinance and those, of course, still remain. The benefits of this is it creates a meaningful penalty more proportionate to the danger carrying a loaded firearm poses to the community and recognizes the particular danger posed by loaded firearms in vehicles by providing a mandatory minimum.

**Adams:** One point of amplification here, through this, working on this proposal, since may, I've been surprised how many Portlanders are surprised that it is totally legal to walk down the street with a firearm as long as it's unloaded. It is not legal to be in a public place with a loaded firearm unless you have a concealed weapons permit, if the weapon is concealed.

**Fritz:** Do they need a permit if it's not concealed?

**Adams:** No, as long as it's unloaded.

**Fritz:** It's not legal to carry a loaded weapon at all even with a permit?

**Lieber:** If you have a concealed weapons permit, you may carry a loaded firearm. It must be concealed. Unless you're a police officer and there's a number of other people who can carry.

**Leonard:** but it has to be concealed.

**Fritz:** Thank you.

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**Lieber:** The fifth proposal we're proposing to create illegal firearm hotspots. Hotspots are area where is the number of firearm related crimes are significantly higher than other areas of the city. Persons with firearm-related convictions or adjudications will be excluded from those areas and we'll get to where those are in a minute the only after a conviction or adjudication by a court for firearm use or possession laws. And it's -- the exclusion only lasts for the length of their probation or jurisdiction and probation applies to adults and jurisdiction to youth. Exclusions to be enforced for arrests for trespass but there are variances available and they're spelled out within the ordinance itself. So how are the hotspots designated in the Portland police bureau data, shooting calls and aggravated assaults and -- with a gun and all -- a gun related murder. These were mapped on a city map to create what we consider the hotspots. The hotspot areas we're proposing are -- of the essentially eight separate areas that were identified through this hotspot data that we collected. The three areas are outlined and, of course, these are broad outlines. The specifics are also located within the ordinance itself.

**Adams:** We chose the chief and his team is very helpful in choosing streets. It doesn't show up here. How do -- streets that go all the way through so you can -- you can describe the hotspot boundary for each of the areas that we proposed to designate. You'll notice as well as there are other hotspots. We chose the three worst. You could -- the numbers probably justify more. But we're going to start with the three and see what happens.

**Lieber:** Just to reemphasize that four out of the eight hotspots we've identified have been historical hotspots for at least two decades. This is a problem that's well rooted in a number of neighborhoods.

**Adams:** Just to amplify a little bit. There are parts of town that continue to be a place in which gun violence occurs. You'll see the hotspot on the west side tends to be in or around entertainment establishments. That is -- these three, the two on the right of the screen have been, like Kate said, hotspots for two decades. The new hot spot is 162nd and Burnside, roughly. That's a hotspot that has come to sad fruition in -- what? -- the last decade. And even if folks at one time, gangs would fight over territory and turf. These have sort of become in some ways even though many of the families and gang members have left and live in other parts of the city, they still often return to these parts of town and engage in criminal violent activity.

**Jimenez:** We are -- and the mayor insisted on this, putting ongoing review by an oversight committee. They will meet bimonthly and report findings to the city council every six months and have the data they need in order to support the continued designation of hotspots. They will assess the use and need for these ordinances and make certain there's no disparate of treatment in the enforcement of the hotspot ordinance. If they -- if there's not the data to support the continuation it of the hotspots, they will come back to city council and report that to you. Benefits -- we feel of the hotspot ordinance is it provides law enforcement for removing people who show -- protects communities suffering from the illegal use of firearms by restricting the presence of those people and it does prevent rival gangs from -- known gang territory. We're hoping if they can't find each other, they won't shoot at each other.

**Jimenez:** That's what is in front of you today. We're happy to take any questions and try to provide the best answers for you and we have a few folks that could talk a little bit more in detail about their experiences.

**Adams:** Just to clarify, the oversight committee provides oversight and look at the data for all the initiatives. Can we have Penny from Oregon cease fire. Lieutenant Hendry from the police bureau and Pat Callahan from the Multnomah county district attorneys's office. These five -- six, one overarching strategic approach and the five, gun safety initiatives were put together obviously in consultation with the d.a.'s office and the police bureau with a mind to be realistic about the budget. These are tools that can be used during everyday work of the police bureau. It does not require lots

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of additional spending for it to work. Do you want it talk about your work and why you believe these are helpful?

**Dave Hendrie, Lieutenant, Portland Police Bureau:** Thank you. Mr. Mayor and council members for give me a chance to speak about the new ordinances. I'm dave hendry, a lieutenant with the city of Portland and i'm responsible for the gang enforcement team and activities within the city. I've been with the city for 17 years and through those times i've had various assignments in the city like many of the officers here. But specifically spend six years as a gang enforcement officer and I was here when gang violence was at its peak and I remember the days and the sadness on the faces of many family member who is lost loved ones during those times and because of that I have a strong interest in these rules and laws and ordinances.

**Hendrie:** Throughout my career, i've been around gang violence. Anywhere in the city you go, there will be gang violence. It's a active problem. I've had the opportunity to be sergeant up in robbery and when in robbery detail, guns and gang violence were part of my day-to-day work and my current assignment is lieutenant of the gang enforcement team and I see all that's out there. Specifically, these ordinances give us a lot of opportunity and tools for law enforcement. I think we can agree there are resumes in place that may or may not be as effect e as they could be -- effective as they could be. There's three of these ordinances that I want to address and how I see that relating to the day-to-day operations of curfew violation, there's a 7:00 curfew, if you're adjudicated as a juvenile for a gun crime for the use of a gun in the commission of a crime. Why is that important? We're not worried about the individuals being inside a home, visiting family or going to church or school activities. We're worried about them congregating in areas prone to more violence. These juveniles if they've chosen to carry guns have made a choice to become violent within our city. The fact what that you're carrying a gun is a choice and it has implications. For us to be able it see folks and we work closely with juvenile parole and probation, who is under your jurisdiction, it allows us to see those people on the street when they shouldn't be congregating and remove them from a situation that's potentially violent and hostile. That's a great benefit for the curfew violation. People are concerned, how does it impact my kid if they're not one of these kids? Will they be contacted by the police by mistake or suffer intense police scrutiny because they're with these people. We try to minimize that risk but it's important for councilmember to understand, our officers know who is carrying the guns and who are the activity folks who should not be in possession of the firearms by face and name and I think it's a little bit more specific than being indiscriminate as some are concerned about. As it representatives to enhanced penalty, we used to issue citations for those who had a booking photo for carrying a gun in the city. When I arrest somebody who may or may not have decided to make my life or the life of my partner, because of our tactics we were able to overcome that. When you write a citation and they go bye-bye. It's disconcerting when we see them later in the evening. I think the 30-day mandatory minimum if you're caught with a firearm inside a vehicle or transit, it's huge for the community in general in that it removes people from those areas and takes away their ability to move about the city indiscriminately and I think that's a positive step. Czech check if you have ask the working officers who have been with the city for the last decades, and I know this goes back two decades, we can tell you where the areas of the most violence. Whether it's business or intersection, whether it's a place it's more popular to hang out. A park. These are areas that have consistently drawn violence and the ultimate goal of all of us, I think, as we sit here today, and specifically our overarching goal in the division is to reduce gang violence in the city. That's our ultimate goal. I see the enforcement of the hotspots as being a tool for us and for my uniformed officers to be able do their job effectively with the least amount of intrusion on those who are not the ones choosing to do violent acts but happen live in the communities where there's a lot of violence of. The ability to good into a area where you know someone has been adjudicate with a gun crime, to be able to check them for contraband, specifically firearms is an amazing tool. There's nothing more frustrating when you see

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somebody in a crowd that you know are up to no good and know that -- we're waiting for them to do something. This allows us to be preventive and allows us to go into those situations and areas where there's a propensity for violence to remove them before we have another I want as downtown.

**Fish:** Can I ask a follow-up?

**Hendrie:** Sure.

**Fish:** According to the map, the number of hotspots that have been identified is a small fraction of the city.

**Hendrie:** Yes.

**Fish:** And under this proposal, if word gets out, you're going to be discouraging people from congregating in those locations. How do you address the concern that some will make that it just displaces the problem?

**Hendrie:** I think -- any time we talk about enforcement action, putting more pressure in a location, there's displacement. That's a natural factor when it comes to law enforcement activities. After a shooting, we have a high level of police action and for a while, that area goes desolate. No one on the street and I understand that. I think the angle I see on this, super-important, even when we apply pressure to this place, they always return. There's evidence to suggest that these areas are the most violent in our city and that's not changed regardless of the enforcement actions or missions run. I think there's a fair amount of consistency there and I can't get no the minds of the individuals and why these areas are but they have been and I think that's the idea behind and i'm sure there are folks much more able to talk about this than i, as we see the area shifting and that's reviewed to determine if the hotspots are still valid and adequate, we're willing to move around to ensure we keep this tool in place and keep the city safe.

**Fish:** Mayor a couple weeks ago you said there was a incident in holiday park and wanted action and the parks bureau implemented principles to remove -- improve sight lines. To the spent that a hotspot would be subject to this ordinance, if it is adjacent to a park or adjacent to some housing, we invest in, or a public facility of some kind, are there additional things we can do under septed and other tools to try and minimize the attractiveness of that location for certain activity?

**Adams:** I want to thank you, commissioner Fish. Under your leadership, parks moved and we worked with transportation as well, but parks moved faster than i've ever seen them move before, to better lighting and trimming of trees and putting up fences in a way that made the park safer. Yes, we need to do that. I want to relate people back to the entertainment district downtown and the establishments downtown, the nature of the services and the nature of the activities there aren't going to change. It's going to be a place that attracts a whole big swath of the city for entertainment purposes. So there is -- if there's displacement from that unique collection, that unique -- if the displacement is to somewhere else that isn't so heavily loaded, to that kind of establishments, it's -- your folks told me it -- especially for those adjudicated by a court and you have to be excluded for a gun crime, and not just any crime. It's a term or probation, not forever. If you're successful on probation, you get to good back into the hotspots, even if it's a gun crime. My ride-alongs with you and recovery ever recovering gang members was eye-opening about the geographic piece of this. It's not the only piece, but an important part. Thank you for your work.

**Hendrie:** Sure.

**Adams:** Mr. District attorney -- Assistant, deputy, what's your right title?

**Pat Callahan:** Senior.

**Adams:** Senior?

**Callahan:** Senior, mayor, thank you. Every time I say that, that's another gray hair. Mayor Adams, members of council. My name is pat callahan, i'm a senior deputy district attorney and in charge of the gang unit in the Multnomah county district attorney office. This is my first opportunity to appear in front of the council, so be gentle. I've been prosecuting cases for more

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than 29 years. And i've been in charge of the gang unit for about three years and mr. Schrunk asked me to appear in front of you today, not necessarily to endorse particular proposals, but rather to thank the mayor and the council for his leadership in taking on a very difficult and thorny issue. And giving more tools to law enforcement to try and address what is a growing and very serious concern in this city. Our office has always worked at currently -- closely works with law enforcement, with the gang violence taskforce. With the department of community justice, with the juvenile justice system. In trying to prevent gun violence. And gang involvement. Of course, it isn't just a gang problem. It isn't just gangster who is use guns -- gangsters who use guns. What we can't prevent, we're tasked with prosecuting and we do that to the extent of our abilities but more needs to be done and i'm here today to echo the concerns that have been addressed by law enforcement and to empress our appreciation to the mayor's office and frankly, applaud you for weighing in on this very difficult issue. And pledge to you that our office will do everything we can to assist in the city's efforts to craft enforceable, workable law enforcement tools to assure that we have these tools and we can effectively use what resources we have in this time of very limited resources. To make a difference in addressing this problem and to help protect the citizens of this city and it make our community a safer place in which to live.

**Adams:** Thank you very much. Really, appreciate it. 29 years, that's a lot of service. That's Great.

**Callahan:** Thank you.

**Elise Gautier:** I'm elise with cease fire Oregon. Our executive director is ill and unable to be here and that's why i'm speaking for cease fire. We've been working on gun violence issues for many years and want to thank you for focusing today and this year on how to reduce gun violence and taking some real action. We're not taking a position on the curfew or hotspot proposals because they're issues beyond our purview but we strongly support the other three proposals. They're clear - they're -- they are techniques that have been tried in several other jurisdictions with success and there are things we can do now to keep people who recklessly put guns within easy reach of children from doing so. I would add to the many facts that ms. Lieber gave you. That reducing access to guns by kids reduces the risk that they'll be shot unintentional or commit suicide. We have a terrible problem with teen suicide in Oregon and it will help to prevent additional suicides. This was a article about the 15-year-old boy who took a gun out of his closet and took it to school and shot people. That's an example that the child endangerment ordinance is designed to prevent. It's time to hold gun owners responsible for keeping their gun as way from children. As senator burdick said, most gun owners are responsible. We need to give them -- the few who aren't, more of an incentive to keep their guns away from children. A 14-year-old boy has been charged with bringing a gun to benson high school and shooting a 15-year-old there. Luckily, he missed. Unfortunately, the 16-year-old who apparently shot and killed billy moore in june didn't miss. How are these teenagers getting the guns? How many other young men and children are going to have to be shot to death before we stand up and say, this has got to stop? So please, at least pass proposals 2, 3 and 4, and let's take action now to protect the lives of everyone in our community. Thank you so much for seriously considering these proposals and we greatly appreciate were you taking action.

**Adams:** Thank you for your decades of work on this issue and being the partner for the gun turn-in. Really appreciate it.

**Gautier:** Thank you.

**Adams:** That concludes our invited testifiers. How many people have signed up?

**Moore-Love:** We have 16 people. The first three please come on up. Are Larry L Emery, Lili Mandel, and Irwin Mandel, they'll be followed by Teresa Raiford, Armondo Payton, and Garvin Franklin Jr.

**Adams:** Welcome back to the city council. Good to see you.

**Irwin Mandel:** Thank you.

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**Lili Mandel:** You're not going to vote today.

**Adams:** They're all non-emergency.

**Lili Mandel:** Ok. Hi, i'm lili mandell. It's our duty to protect all of our children from the gun. The gun is not a toy for fun. Children should be protected in their homes, streets, schools, cars and everywhere from the gun. For this is chilling -- when you think of all the killing from the gun. We can't be willing to continue this constant killing from the gun. Let's resolve to solve the senseless horrible killing of our young today. So they may grow up to live many more tomorrows. And don't leave behind so many sorrows from the gun. Thank you.

**Adams:** Thank you very much for your testimony.

**Irwin Mandel:** Something technical in it, we have a listing of illegal firearms use hotspots. The a central hotspot is rather hard to read. Let me read it to you. The area encompassed by the west bank the willamette river, the center lines of southwest madison street, southwest naito parkway, jefferson street and the center divider of 405. You have a two-politic north-south area, running from i-405 to the river. The next sentence -- 405 is confusing. The line extended from the center line of northwest glisan to the west bank of the willamette river. My reading of this says, ok. We've got a two-block north-south avenue, jefferson, to madison. And from naito parkway up to i-405. Nice chunk and then it sounds as if you also walk down the center line of glisan, to the west bank of the willamette river, you're violating the ordinance. Unless I really have a problem understanding what's written. What's written is a bit confusing.

**Adams:** We'll have the attorneys take a look at it. Thank you.

**Irwin Mandel:** That's all.

**Adams:** Thanks for your testimony. Sir, welcome.

**Larry L. Emery:** Mr. Mayor, commissioners, it's a pleasure to be here. The first thing I would say is that the presentations earlier today have been very informative. And instructive to me personally. And I think many of the conclusions and reservations that I had about the proposal prior to those presentations have been mitigated. I have no quarrel with the objective of what we're trying to achieve. But I have concerns that we're not using all of the tools that are available. And I want to particularly focus on two. Residuals from all of the presentations. One is the penalty provisions for failing to report the loss of a weapon and the penalty provisions if a child gains access it a gun. First off, with respect to the penalties for failure to report, one of the findings I believe was that that will somehow prevent people from claiming when they're doing an illegal transfer, that that weapon was lost or stolen. In my mind, and i'm knew to this, why would that -- i'm new to that, why would that be true as long as the penalty is less than a penalty for a illegal transfer? And you would not want to raise the penalty for failure to report, which could be incidental to the same level as a illegal transfer. They're not the same. And then back to the issue of the penalties which are very severe and are escalating when it comes to a minor gaining access without permission it a weapon in a household. That doesn't really help. It punishes, certainly, the person who owned the gun and who allowed -- and whose gun was stolen. What we really need and what is absent, it seems to me in much of these proposals, is public education, awareness building. I think people do want to do the right thing. But education and persuasion and information is of more important in the long run than punishment after the fact. Thank you.

**Adams:** Thank you very much for your testimony. All of you, appreciate it. Thank you very much for being here. We really appreciate it. And for your ongoing involvement in the friday safety meetings. We really appreciate you being here.

**Teressa Raiford:** Absolutely. I just want to say hello to the panel. And everybody else up here and beyond just the meetings we go to on fridays, we follow up with the individuals that come to those meetings and attend their committees as well and all week, we've been going from juvenile to -- you know, the county and health department and everything else in order to voice our support in saving lives.

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**Adams:** I apologize for interrupting. If you could say your first and last name.

**Raiford:** Sorry.

**Adams:** No addresses, just first and last names and the clock helps you count down your three minutes and we'll start the clock now.

**Raiford:** My name is -- wait?

**Adams:** Can you start the clock over again.

**Raiford:** Thank you. I'm teresa raiford and here because my nephew, andré payton was killed on September 26<sup>th</sup>, of 2010 in downtown Portland on couch street. That is the entertainment district that the mayor is referring to and the hotspots as far as that's concerned. One of my things is because my nephew died and because this is a community that our family's lived in for well over 80 years, we wanted to make it safe. We know that in our community, which is the albina area and a lot of the areas mentioned in the hotspots and the community where I grew up and my parents grew up and their parents grew up, in the '80s and into the '90s and even now, like the officer said, there was a lot of violence and deaths attributed to guns and when the 27th came afternoon, the day after my nephew died and it was monday morning and the mayor was standing with the family and the leaders of the community, a lot of them I don't see here today and saying they had a youth gun law in place that was going to help protect the children, of course, knowing my nephew had just been killed, I thought that was a great idea and wanted to figure out how do we support getting the guns away from the kids and for us, knowing that the community didn't have gun dealers in the area where -- whether we can find out who the traffickers are because they're not going to the gun shop to get them. When I read this and see that first they have 25% of the people of color, why is that even in here? Are we saying that the people of color in the city of Portland are the ones that are the highest offenders using illegal weapons bought in trafficking?

**Adams:** No, that number refers to the victims so 25% of Portlanders are not white. And yet, they are 50% of all the victims.

**Raiford:** Right, are those 50% of victims, is there a stat, a number of people killed with illegal weapons that were involved in trafficking because --

**Adams:** Great question. We don't know.

**Raiford:** That would make this relevant. Also, in the hotspots, if this is a gun trafficking law and wanting to protect the children, are these areas where the people are illegally selling the guns to the children, is this where they're selling the guns, is this where the children are using the guns and the kids dying from the illegal guns, is this where they're dying?

**Adams:** So the --

**Raiford:** We need to --

**Adams:** I'll give you more time because it's good discussion. It's assault with a gun or murder with a gun.

**Raiford:** A guns that involved in trafficking?

**Adams:** We don't always know. Another element of the package is reporting thefts and lost guns.

**Raiford:** Absolutely, The penalties are not high enough. I know in the '80s, people would go to milwaukie and buy the guns from people in parking lots and I don't see anything in here that stops them from coming into the communities to sell guns. Or meeting us at the border. I don't see anything in the amendment that help keep our kids safe because we know that, you know, there's people that are putting the guns out there and it's not us. That's what I would like to see in this. How is that going to be added to the amendment so we don't have 0 worry about our kids if they're scared and not telling us, we don't have to worry about some guy selling them a gun. That's the problem.

**Adams:** I really appreciate your testimony and the questions you've raised.

**Raiford:** My time is up?

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**Adams:** Yeah. But your efforts aren't and I appreciate that. There are other actions and amendments as you say that we looked at that the city attorney concluded were not allowed under law, so that's the work of senator burdick and bonamichi and others and that's why the --

**Raiford:** Can I ask you one quick question? On the slide show, they put on the gang violence hotline. At 4:00 in the morning, my nephew died at 2:06. I sent a comprehensive plan of activities -- that was one of them and our family is working on putting that together and I wanted to refer to that, to find out are we working on that together or is that --

**Adams:** Yeah.

**Raiford:** I just wanted to make sure. It hurt when I saw it and I wasn't involved.

**Adams:** The phone number as you know is making sure that when people call that we're reason reply well organized to give folks a one-stop shopping knowledge absolutely.

**Garvin Franklin Jr.:** My name is garvin Franklin junior. I Speak today as a former member of the crips gang and current member of BRO, brothers reaching out. Bro is a community based organization Made up of former crips and blood gang members and to provide support for young people affected by gangs. While we understand the need by the city to address gang activity amongst minor, mayor Adams, I don't see how your proposal, ordinance, addresses issues as they relate to gang activity. When we first reviewed the proposal, our immediate response was how would this be funded and if these proposals are for the spire city of Portland, why are they narrowly focused on a narrow demographic. Young black males. Bro has the following concerns. Page 2, item 11, gun trafficking is alive and well in Oregon. Instead of narrowly focusing on a demographic, why not shop the illegal gun trafficking period. Who are these young people getting the guns from? The ordinance does not address the root cause of who is supplying the guns. Mayor Adams, young black gang members are not gun traffickers. Where is in the language in the ordinance that addresses gun traffickers? Our main concern is you're functioning outside of your jurisdiction. And the authority to regulate any matter whatsoever the sale, acquisition, transfer, ownership, possession, storage, transportation or use of firearms and component, therefore, including ammunition is solely in the legislative assembly. The state law is clear. The city has no authority in the matter according to recent statistics are there are about 20-30 minors on probation for gun-related crimes in Multnomah county. If the ordinance is voted into law, no doubt, young people who are not involved in gangs will be targeted. Does the city really need these broad sweeping ordinances to deal with 20 to 30 minors? Another concern is you're quoted in a recent "the Oregonian" article saying you're not concerned with being sued to defend the ordinance. Mayor Adams, the last thing the city of Portland needs is to spend thousand of dollars going to court. That money would be better used providing programs and jobs for young people affected by gangs. Our final point. Gun zones cannot stand. If drug zones and prostitution zones were ruled unconstitutional in the '90s, we expect the same will be true for the proposed so-called hotspots. BRO will not support the proposed ordinance. Thank you.

**Adams:** I appreciate your testimony. Thank you very much. Karla, next?

**Adams:** Hi, welcome.

**Marina Doltorak:** Thank you.

**Moore-Love:** How about joanne fairchild?

**Adams:** Hi, glad your here. Please begin.

**Doltorak:** Sure. I'll go first. My name is marina, the coordinator for volunteers of america community reinvestment project and here to advocate on behalf of folks on parole. First of all, I want to thank you. So much for dealing with this very difficult hard to suppress matter. We all want our -- hard it express matter. We want our children to live. I'm concerned with the exclusionary area of hotspots. My participant, clients come out of prison, a lot with gun charges and a lot of them are african americans. They served five years, eight years, 10 years and coming out and working with counselors and parole officers and the courts and we want them to go back in

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the community. We want them to get jobs and feel safe and welcome back in our city. And here we are throwing more restrictions and barriers and more profiling, if I may put that word out, at them. They already suffer from a lot of police contact. My concern is that we have a great team of parole officers working with the gangs. I'd like it see them have the discretion who goes to what areas and who needs a curfew and who is doing well enough that we don't need to put that many restrictions in front of them. I've spoken to parole officers and they don't think this is a good idea and don't think it will reduce gun crime in Oregon. I have a minute and 28 seconds, what else can I say?

**Adams:** You can give it back too.

**Doltorak:** I think i'll stop.

**Adams:** Thank you for your testimony. Appreciate your work in had area. Good work. Who would like to go next.

**Joanne Fairchild:** I'm joanne fairchild. I'm a nurse at legacy emanuel hospital and i'd like it thank you mayor and members of the council for allowing me to speak. I remember at the start of the gun wars when one of our juvenile probation officers came and said he had eight kids on his caseload murdered in 18 months and for every young person he lost it a murderer, he lost at least one, if not more that went into the criminal justice system. And he said we have to do something. We put together a program called save our youth. The hospital talked about reality and then we tried to work with youth, the other members of the team tried to work with the youth on skill building, working with responsible adults in their lives. I remember, too, at that time, we had more young people in our intensive care unit from gun violence than we did from car crashes and in teaching this class, what -- my apology to our young people, was that it took us to too long to act. So I would like to thank you for seeing a resurgence and acting now. I'm here specifically to talk about the child access protection. It seems to me that responsible adults whether they're gun owners or not, should support not giving access it firearms to our kids. If they're getting them from the homes, we need to address that, if they're getting them from traffickers, we need to address that. We need to address their access and just to add to the quote that senator burdick gave on, I would like to point out that children and youth without access to guns have a. More difficult time trying to kill themselves and others. And i'd like to speak to the issue that cease fire brought up. Suicide is a second leading cause of death for our kids and we worry about unintended consequences. In my opinion, child access protection will have a very positive, unintended consequence of helping us with the youth suicide issue since most kids kill themselves with their parent's gun. Thank you for addressing this issue.

**Adams:** Thank you, and thank you for your work. I've not had an opportunity to see your outreach work in action but heard of it and very well regarded. Thank you. Hi, welcome.

**Ross Eliot Gustafson:** Good afternoon. My name is ross elliot. And i'm currently a co-counsel of the Portland paint pistols, the local gay gun club and a publisher of the local gun culture magazine and i'd like to gun with a bit of an apology. I'm more or less of a member of the gun lobby that senator burdick was mentioning. We've been discussing very heated issues and there's been a lot of language that's definitely been used more so, I would definitely admit from my side of the camp and I feel pretty bad about that because i've been active in the second amendment advocacy for quite a few years now. Generally among the very progressive and liberal culture of Portland -- liberal culture of Portland and i've experienced civil relations with people who did not agree with me and sorry that's not been a two-way street. I'm here today because my main objection to mayor Adams' proposals are they -- can't read my handwriting. Is that they ignore, really, the much more serious issues going on in our community. We've definitely seen some rather alarming looking statistics but the one that impresses me right now in the united states, the social violence is at a low level unseen since the late 1940s and more guns in our society than ever. But at the same time, our fellow Portlanders right now are being turned out of their home in the rain. That seems like a much

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more pressing concern to me. Now, I voted for mayor Adams, actually, because I saw him as being a social progressive which is what I certainly consider myself to be but exclusions -- exclusion zones and gun controls and restrictions, those are not tools I consider being in the progressive toolbox. They've been historically used to crack down on working class communities and communities of color in the united states. That's historically the case and I don't want to see Portland going that way. If there's something we do know, that makes for a less violent society, it's social equality and that's more the direction i'd like us to see our time working toward and much rather see us put effort into instead of gun controls toward banker controls and instead of work working to restrict people's freedoms, work to see us be able it let in windows to let in fresh air. Thank you very much.

**Adams:** Thank you, appreciate your testimony tonight. Next, please.

**Adams:** Hi, welcome. Would you like to begin, sir?

**Jerry Lawrence:** Sure, i'm jerry lawrence, i'm a concerned grandparent. One of my sons, grandsons, a gang member, just received 10 years. Form -- from gun violence. I can take you back to the '80s when gangs first started. The young man back here, james, was involved in it. I say that because it's a reason why gangs started. Until we understand how the reason it started, we won't understand how to stop it. We have a -- ref professional reports, excellent, the community meeting was nice. The meeting here was excellent. But do it get to the root of the problem? I don't think so. It's in the mind. The children are raised by children and they have a mind thinking ability, until the p.o.s and the judges order some kind of mental evaluation, my grandson told me before he went to jail, he stayed with me, grandpa, we don't care. These children don't care if they go to jail or not. They don't care if they die. So if these beautiful professional reports is going to help it? No, it's not. 30 days in jail? If you ask a judge to tell you, they'll do that standing on their head. The hotspot areas? That's not going to stop it. They'll move from one area to the other. I'm 6- 60-plus years old, i've seen it all. I've seen it. I think we need to re-tweak this proposal and try to do it right. We've been fighting this for almost 30 years. Bud clark, vera katz, and now you. Are we going to be fighting it another 30 years. Bud clark says it's only a few people. Only a couple hundred. Right now, look at it. Look where the gangs are at. So we need to have -- we need to tweak this program and this proposal with some community involvement. The last meeting we had at north precinct, there was a hand-full of people. I didn't see the community we had 20 years ago, 10 years ago, I went and asked one of them. He said they don't listen. And I ask you today: What who are you listening to?

**Adams:** Thank you, sir. Very much. Appreciate you being here. Ma'am?

**Liz Julee:** Mayor Adams, commissioners. My name is liz julee. I'm a board member of cease fire Oregon education foundation. However, today, I would like to speak in my role as a grandmother and a great-grandmother. I have six grandchildren, and one great grandchildren who lives in the city of Portland. Five of those children are of mixed race. They love one another. No matter the color of their skin. They love to associate with other children of various skin colors. Love to associate with other children of various skin colors. Sometimes I have to stop and wonder how safe they are. I applaud mayor Adams for making these proposals. I believe that these proposals will make all of the children of our city safer. Thank you.

**Adams:** Thank you for your testimony. Hi, welcome.

**Felicia Williams:** Hi, i'm felicia williams, part of the pdx civil rights project. This is my bread and butter as a historian and I focus on those issues. There are a couple of things I bring up with my students, especially around mandatory minimum. If a law looks race neutral on its face but has a negative impact then it's a social justice issue. Punishment for gun violations. You know, these are kids. You get time in the juvenile justice system, they're stuck in the cycle. Not options to get out. That's problematic. Again, these are children. They're in the thinking like rational adults. Maybe we should address the issues of their daily lives. The second issue, the kids on supervision for the

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exclusion zone, it looks like you have two libraries that are excluded. That would be problematic for people who have to do research during school hours. Last one, no gun zone, they removed the probable cause requirement. So that right there seems like you're getting into legal sticky zones. The cops can go ahead and frisk someone and search them. That's problematic. The other area I was concerned about the fact you're not going after trafficking, but the good folks at took care of that. I think we need to look at how these laws create racial disparities. They may be colorblind on the surface, but if they have a disproportionate negative impact on racial groups, then that's something we need to consider.

**Adams:** Thank you for your testimony. Appreciate it. Next three.

**Adams:** Hi, welcome back.

**JoAnn Bowman:** Thank you. Good afternoon, mayor, city council members. My name is joanne bowman and i'm here today to say though I appreciate the work that's gone into this ordinance, I support part of it, I support the part that says if you own a firearm, you have a responsibility to keep it safe. So that people can't steal it. And that -- so I support that totally. On the other hand, I totally am in opposition to creating an ordinance to target, which has grown to 30 kids today. The last time we talked it was 10 kids. The meeting we had on november 5th, I was told 10 kids would be impacted. The police, probation officers, everybody knew them. For the sake of argument, today I heard 30. If there's only 30 families within the city of Portland limits that this ordinance is supposed to impact, I would be willing to help you facilitate a community meeting with those families, bringing them together to develop a community solution to this problem. It seems insane we create a ordinance for the entire city if everybody knows who these kids are and know where the kids live and know they're on probation. Why could we not have a community meeting to actually figure out how we provide resources to the family. Because clearly, there's something going on in the family when you have a kid shooting firearm. And so to me, it seems like we could use our resources so much more effectively by targeting wrap-around services for these families that are clearly in desperate need of social service support. We've gone through the exclusion zone before and though I respect lieutenant humphrey, I know what happens on the street when police officers at knit are stopping black kids. Are you going to tell me they're going to know the black kids they're stopping? I don't believe that. I think they're going to stop the kids until they identify themselves and then tell them to go on their way. But the damage has already been done. I think the gun part of the ordinance makes sense but the other part, we shouldn't go there. Let's fix the family problems, let's not pass a law that's supposed to impact the entire city. I'm done.

**Adams:** Thank you for your testimony. Hi.

**Mary Ann Halinen:** I'm mary ann halinen and I agree with the previous speaker. My son was shot at close age five times when he was 18 and he survived and I appreciate you doing something against gun violence. I come from detroit and Portland to me is a big small town and i'm -- I support some of the propositions but some I do not. But the main one i'm frustrated about is the hotspot area. I really don't feel that's very realistic. Especially the square area that you have marked off in the northeast area. A lot of families there are generational families. They've been there for years. It's -- they're very supportive of each other. It's a huge family section. You take a young -- and we'll say black male. Take a young black male from a family that's committed a crime. Legally, if i'm understandings it right, he is not to be no. In that hotspot area. What if his family lives in that area.he's excluded. One, he has it move completely other area of town? His family has to move? Well, it's my understanding he cannot be -- not just as curfew, but not supposed to be in the hotspot area 24 hours a day.

**Adams:** No, the ordinance is clear about the exemptions. And if he lives there or traveling to see family, you can look at the list exemptions in the law, so -- the answer to your specific question, no, he would not be excluded.

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**Halinen:** So if he was -- if he had that charge and he was in a hotspot area and his family lived there, that would be perfectly fine for him to be walking afternoon all day in the hotspot area?

**Adams:** You need to look at the language of the exemptions and I think it clearly spells out in -- as far as ordinance language goes, it's -- even I can understand it. It's pretty straightforward terms.

**Halinen:** Well, I did not see that language. That was my concern.

**Adams:** Kay can give you a copy. Welcome your thoughts on that.

**Halinen:** That was my concern. The family has to move and then if he does move to an area and living in the area that is not a hotspot area and he's settled and then a hotspot area that he's in becomes a hotspot area, I just saw a lot of problems evolving from that.

**Adams:** I appreciate your concern.

**Halinen:** Thank you.

**Adams:** Thank you for being here. Sir?

**Arjun Ratnathicam:** My name is Arjun. Thank you. I do not agree with the gang enforcement chiefs assessment that this problem is as simple as identifying the criminals, isolating and tracking them. And locking down on them. That in itself will not solve the problem, the problem is more endemic. What the elderly gentleman said earlier is correct. Proverb 6:2 states in part, one is taken by the words of their mouth and must in delivering themselves go to the hand of their friend and humble themselves to him -- to them in peace. Basically what it says is that one who is responsible for another's debt is trapped and controlled because he has yielded control of what God has given him as a stewardship. It is serious enough that it's imperative to take control of one's own God-given resources and get out of such an intolerable arrangement immediately. Deliver one's self. Before coming to poverty or slavery. Mr. Mayor, members of city council, and legislators, the time has come for Portland to take responsibility for the debt it owes to its citizens of color, to take hold of the resources it owes to its citizens, the resources it has at its disposal and use them immediately to pay off this debt through action against inequities, in education, healthcare, housing, injustice, and employment. Before it comes itself to poverty and injustice. It's a clarion call. We're sounding the trumpet. Thank you.

**Adams:** Thank you for your testimony. Thank you all. The next three.

**Moore-Love:** Just one more signed up, Michael Johnson.

**Adams:** Does anyone else wish to testify?

**Michael Johnson:** Good evening Mr. Mayor commissioners, I'm Michael Johnson, take 3 outreach services, also minister of Vancouver Ave. first Baptist church. Once a former gang member of Columbia Villa Crips. I spoke before this panel of the last administration and I'm here again before this administration. The proposal is a great idea, but what's in the proposal has been previously spoken before me. There are a lot of discrepancies there. Part of it is good, part of it is not good. You will deal with racial profiling when you have part of that proposal, is one of the issues that will come about. If you look at your previous exclusion laws when you had drugs on the table, it failed pretty much. And the same thing will happen here. Hot spots, hot spots change all the time with gang members. They make up their own hot spots. When I heard the lieutenant speak about knowing gang members and knowing who's carrying guns, there's new gang members being created every month. And they don't care, like the gentleman said, about anything. And so what that in turn, the violence will still go on. There's a question I was asked Mr. Mayor is that, who are you consulting and who are you speaking with on this proposal? I've been working closely with gang violence for the last 10 years. I've been at the table of the gang task force for the last six years. When the first started out in the community before it actually got to the government officials at large. And one of the things is that your first line of defense is going to be your community. I've always echoed there's a disconnect between government and community that the moment. And until that gets fixed or addressed, you're still going to have this disconnect. And you're going to still have the resistance with the community when you do proposed -- any proposals, and I think

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that once you address some of the main issues, and I think I clearly hear over and over, jobs when it comes to the young people, the young people we work at, they were very happy when we did a collaboration with the black citizens coalition about the fire department, it went very successful. We have young people who work with the parks. It was very success fm. We have young people who were working with the women's trade center. It went very successful. Jobs are key issues with these young people. If they do not have a purpose, they will not go having a -- have a goal and they would not reach and it they would turn to other avenues to self-destruct. Thank you for this opportunity. And look forward to working with if you ever call take 3 outreach.

**Adams:** Thank you very much for your work. Really appreciate it. I wanted to -- dave, if you'd come forward and kate and warren just to go through a few issues here, and then hear from council as well.

**Moore:** I think we have one more person to testify.

**Crystal Elinski:** I heard you say now --

**Adams:** Yeah. Anyone else?

**Elinski:** I didn't sign up outside because I got here late.

**Adams:** That's ok. You're it, then. Just all you need to do is tell us your name, first and last name and the clock in front of you will help you count down.

**Elinski:** I've done this many times. High name is crystal, and segues from homelessness, I definitely agree with the people that spoke here that I heard, and it's all about community. Definitely -- I don't know why we put so much effort into this crime fighting idea. And I don't know where you're getting advice or who you're consulting. I wonder as well because it seems to me the community always has the answers, and we had it back at the sit-lie ordinance time, and now we have it when it comes to getting these families together and getting things done. But the biggest problem -- there are different levels of this problem. One of them is the police, and i'm glad we're getting police accountability. I don't want to us spent too much time out and I want it to be harsher than it has been, but part of the process is for the community to listen and be a part of that. So i'm grateful that's happening. And in the meantime, it's a great -- the great recession is the elephant in the room. And when there aren't any services, when we don't have thing on voter-owned election and we don't arev place force the homeless to go, and people who are on public assistance like me are struggling all the time, and we're resorting To -- well, we're resorting to things we wouldn't normally have tomorrow and that's the problem. If this is about targeting certain repeat offenders and whatnot, i've heard this before, no. Let's get our effort and our money out there to the community, and we have the neighborhood associations, all that funding has been cut, and what about the Portland plan, we could be really listening to people who are -- who are part of vision pdx. They had answers for this. And I don't like to see any of our citizens being targeted. It keeps happening, and i'm -- i've been out there in that situation, and i've been in neighborhoods where i've seen people targeted. I really urge you to first listen to your community before you make these drastic decisions. Let's clean up our police force, let's give more community -- more programs out there for kids, improve our schools, this all costs a lot less. It's like giving money to tri-met or the fire bureau instead of voter-owned elections. This is ridiculous. Thank you.

**Adams:** Thank you for your testimony.

**Fish:** Mayor, may I just make one comment for the record? We have a report of inclement weather today, tomorrow, the chance it's going to be very cold. I just want to let people know That we have in fact activated our emergency action plan. So people that are sleeping on the streets, that are looking for a shelter, if there is a storm, a system is in place, the warming centers are -- have been established, the emergency backup systems run by the red cross are in place f there is a storm or some other inclement weather this weekend, we are prepared, and I want to be very clear that if you are outside and worried about your health and safety over the next few days, moving forward, the system is in place.

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**Fritz:** Are the shelters open tonight? The warming centers? How does that work?

**Fish:** I can't answer that because we have a triggering system, and someone else who does it. But they're established and we have a protocol. I just wanted to counter the notion --

**Fritz:** Gotcha. Ok.

**Adams:** Let me go through a couple of --

**Moore:** We have one more person who asked to testify.

**Adams:** Folks, I did last call twice now. Are you ok? Do you want to testify?

**Stephanie Kowalski:** I would love to.

**Adams:** Come up. This is the last, last, last call. Thank you for waiting.

**Kowalski:** Thank you. Stephanie --

**Adams:** Could you get closer to that mike? We don't have a very good system. Welcome. I'm glad you're here Stephanie.

**Kowalski:** Thank you. I would like to speak specifically to the youth portion of this. I had an opportunity to attend a conference with a four-panel Oregon youth authority event in Eugene about a month ago. And every single one of these that spoke spoke to the need for support and treatment, and rehabilitation versus punishment and restrictions, and being segregated. They're already segregated when they serve their time. When they come out of that, what they need is support. They need resources, they need avenues to take that are going to take them down a different path than what they've previously chosen. To restrict them from certain areas is saying we don't trust you to have accepted your sentence and paid the price that we've laid down for you, so we're going to restrict from you this area. If there are only 30 kids right now as we speak, why can't we take that money and fund programs for them? Give them gang education, bring this education into the school before it becomes a problem, be proactive instead of reactive.

**Adams:** Thank you very much for your testimony. Kate and David and Warren? A couple of issues to go through and council might have some as well. Again, the concern about the boundaries, appreciate that. Lawyers have checked, and feel like it's clear, so -- there -- maybe you could talk, sidebar conversations in terms of trafficking and penalty and going after trafficking, state law prevents us from going deeper into what I think folks would call trafficking, the sale and transfer of guns. That's expressed -- that is words used that are preempted. So it will be very helpful to the police on the issue of trafficking to have the report of lost or stolen guns and the serial numbers. That is the basis for keeping track of the trafficking of guns. So it is -- we looked at doing something more in-depth, our lawyers said that we were precluded, but just having basic information when guns are lost or stolen and their serial number will be according to our friends in the police bureau and the district attorney's office, incredibly helpful on the issue of trafficking. Whether their past or sold or what have you. In terms of the constitutionality, we've been very careful. The presentation from the -- I rely on the city attorney, the city attorney talked about that. The issue of racial profiling is one that is very, very of deep concern to myself and I know the city council. The hot spots are very different than the previous exclusion zones. The previous exclusion zones you could be excluded based on an infraction. This requires you when you're considered for exclusion, to have actually been adjudicated by a court or a juvenile court. Either an adult court or juvenile court. Previous exclusions you could be excluded for any kinds, a whole variety of infractions unrelated to drugs or prostitution. Even though they might have been designated as a drug or prostitution-free zone. These hot spots are only -- the only people that are impacted are those that have been court convicted or adjudicated for actual firearms crimes. So if a person was convicted by a court for drug dealing, would not be excluded. Car theft, not excluded. Only illegal use of a firearm. So much more narrow. This requires that the police keep track of stops and data. Previous exclusion zone not have oversight committees and frankly, we're very -- were very poorly operated in various places and at various times. This has oversight, regular monitoring, data collection, and regular monitoring for profiling. This is a very different crime as well than drugs or

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prostitution. Where the disparity in race was much different. We have in this particular case, the majority of people who are assaulted or murdered are people of color. Specifically african-american Portlanders. So on this particular crime, there is much -- it is gruesome, but we have to deal with this issue, the people getting murdered and assaulted by guns Are Portlanders of color. There is a variety of people of different races that are perpetrating these crimes. But as we look to disparity, and we must, and racial profiling, and we must, we also have a responsibility of who -- what are the races, what are the racial groups, the demographic groups that are being most impacted, disproportionately impacted at the wrong end of these guns? We have to consider that as well. In terms of ignoring other issues, no. The -- the strategy that commissioner shiprack spoke to is an encompassing strategy. My introduction highlighted a little bit of it. We, yes, need to do a better job of making it easier for folks that want to turn away from a life of crime and violence. We need to do a better job. And we will. In weeks, not months, not years, in weeks. But that cannot be at the absence of tools that can save lives and reduce injuries. That cannot be held -- hold hostage things that we can do to save Portlanders' lives and reduce their injuries. Community involvement, on this issue the first drafts of this went out and we've been going to meetings and asking for feedback.

**Jimenez:** Went out in august.

**Adams:** August, september, october. So three months these have been out. And we've actively been going to groups. Did we hit everybody? No. Does this mean with the passage of them that we end our discussion of even these pieces? Absolutely not. That's why there's an oversight group.

We will continue, I know it is sometimes the tradition of other governments that we -- things are pass and they just go on autopilot. Not here. And we've set it up. You don't have to take my word for it, we set up laws so there's accountability and data collection reporting back to the city council and public hearings. In terms of exemptions and solutions, right now probation officers and supervisors of juveniles can write in all kinds of exclusions for those on probation. And they do. Is it a very difficult system, though. We -- our police by law cannot act as probation officers. Our police by law have to stick to sort of their work. But libraries and those things, anything to do with schools, the exemptions, again, if our oversight committee sees reasons to change or tweak them, we will. We have the underlying root causes, I want to end on that, absolutely. We've got a lot of work to do. And the only thing would I say is i've dug back into this since may, it's not as easy with unfortunately with some folks in our community and with some families in our community of just getting people together and Sort of figuring it out. It's just sometimes not that easy. So other discussion from council?

**Leonard:** I was just going to, If we're getting ready to conclude --

**Fritz:** I have some questions. I want to clarify, the -- the curfew regulations address minors.

**Adams:** Only.

**Fritz:** Everything else addresses the access to guns by children, addresses children, but the hot spots and the other provisions are everybody from minors to seniors.

**Jimenez:** That's correct.

**Fritz:** That might be the difference between -- there aren't only 30 people in Portland involved in gangs, there are a lot more than that.

**Adams:** Oh, yeah.

**Fritz:** So that's why --

**Adams:** It's only 30 people that are add juted indicate order a firearms violation that are juveniles.

**Fritz:** Right. So --

**Adams:** There are about 700 identified gang affected people.

**Fritz:** That's why we can't just get everybody in the room --

**Adams:** Right.

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**Fritz:** So what about the -- in the loaded firearm in the car, the 30-day mandatory minimum sentence. Does that apply to minors?

**Lieber:** Yes, it could, certainly if the minor was charged in juvenile court with this city code violation, it could apply, although there are some exemptions within the juvenile code that may make it that the Juvenile court may not be able to give the 30-day sentence as they would with the adults.

**Adams:** Can you get closer to the mike?

**Fritz:** Between now and when we vote I'd like more information about that.

**Lieber:** Ok. Sure.

**Fritz:** And finally, the aclu wrote usa letter suggesting that the hot spots issue could be taken care of by probation officers, saying to each of their parolees you can't be in these particular areas rather than the city studying that -- setting that standard. Can you talk about why we're not going that approach?

**Lieber:** Mainly because in order for a police officer to enforce a probationary term, or any kind of probation -- violation of probation, they must first know about it, and then they have to call the probation officer, get ahold of the probation officer, and then the probation officer in order for them to enact -- in order to allow the police officer to act on it, the probation officer then must issue what's called a detainer and then they have to get that detainer signed and the police officer can act. So it's a much more cumbersome way to do -- to enforce that kind of thing, and I think the cumbersomeness of it is what we're trying to avoid.

**Fritz:** Right. And we're talking about 700 people, not 30 people.

**Lieber:** Correct.

**Fritz:** Thank you.

**Leonard:** So I just wanted to make a couple of comments about My approach to this particular ordinance. Given the position I've taken in the past on exclusion zones as they've come up with respect to prostitution and drug-free zones and mayor Adams actually quite eloquently in my opinion distinguished between prostitution drug-free zones which since arriving on the council eight years ago I started being the only person that voted against them based on a lot of the testimony here today that my belief consistently was it just caused the problem to shift from wherever the person was being excluded from, say, prostituting, to another place. People who wanted the services of a prostitute and a prostitute would just as well move from 86 down to sandy boulevard as they would stay on 82nd. Mayor Adams as I said just a moment ago I think very well articulated what distinguishes this particular type of exclusion from prostitution and drug-free zones. And to be clear about that, it is my opinion that these hot spots that have been identified at least those two are geographic in nature. That is, I do believe that the police bureau and mayor Adams has made the case that a number of these incidents wouldn't necessarily move to another part of the city if a person who had been convicted of some kind of firearm violation or excluded from that particular geographic area. I think they are on solid ground there and I feel comfortable that this doesn't just simply Move the problem to another area of the city by excluding an individual, be that person a juvenile or an adult from an area that has had prior firearm related convictions. I also want to point out a number of people have testified that -- and quite earnestly that they believed that this does not solve the problem. Why doesn't the mayor take some other approach to solve the problem. I have been listening closely to this debate since mayor Adams initiated it, and not once has he or chief reece represented that they intended for this effort to solve the problem. What they have clearly articulated, and I agree with, is provide more tools to the police in combination with the variety of other enforcement efforts and social service efforts to try to get their arms around this problem. I don't think anybody believes that this effort by itself or even in combination with other efforts will solve the problem. Finally, I just added this just at the end. I just have to say it. There are people that testified here today, one person who I served within

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the legislature, and others that seem to throw out the 10 to 30 kids that this might target who have previously been convicted of firearms related crimes, is such a minimum amount of kids, why don't we have some kind of community gathering to deal with it? In my view, if this approach stops one of those kids from being in a position, having a Gun, that is either going to be used on another innocent person or as we have seen tragically, ends up having that young person in some type of a confrontation with the law enforcement official, that event will not turn out well. Fit stops one kid by passing these measures from either using a gun towards a person that is innocent or causes that kid to be in a situation that all of a sudden changes his forever, i'm for passing this. I appreciate how hard it is to address these issues, senator burdick said she and I partnered in salem, and I particularly appreciated the testimony of the young man in the back, I didn't get his name, who is a second amendment advocate who correctly, and I thought very eloquently said that this debate should be more civil, and that he represent as more civil tone in the debate. I actually thought too bad we can't have that occur on the national level on this issue, and a number of other issues, it would be a much nicer country if we could. So mayor Adams, chief reece, thank you for your excellent work on this.

**Adams:** So unless there's additional discussion, these will be heard again next week or the week after?

**Jimenez:** I believe december 1st.

**Fritz:** I wanted to thank everybody for coming today and for staying and for their very constructive comments that have been coming in. And will continue to come in. I think -- I particularly appreciate the the brothers Reaching out in your testimony and state representative bowman's comments about there being a relatively small number of minors involved who would be subject to this. There could be -- it's not an either/or thing. We could do some community therapy as well as some of these things. And finally I wanted to note that the mayor has done a lot of other things. Which haven't been discussed today, but his education initiative looking at folks who are dropping off kids -- kids dropping out of school, what can we do to help them in providing city dollars in these very tough times to start addressing that problem. Looking at work force and looking at contracting and looking at all of the disparities that exist in our community, and starting to address them head on. So we didn't go into any of that today, that's a part of the rest of the package of what this council ha is trying to do, and I need that to be noted that this isn't the only solution, it's only a very I think minor part of the solution to the historic inequities, the historic things that need to be fixed in our community.

**Adams:** So thank you all very much. Whether you agree or disagree with this package, I really appreciate your being here, and telling me your point of view. Your concerns, your support, your questions, your criticism. Our work on this continues. Thank you. We're adjourned. [gavel pounded]

At 5:12 p.m. Council adjourned.