



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 20TH DAY OF OCTOBER, 2010 AT 9:30 A.M.

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

Commissioner Fish arrived at 9:35 a.m.
Commissioner Leonard arrived at 10:24 a.m.

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

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

	Disposition:
<p style="text-align: center;">COMMUNICATIONS</p>	
<p>1350 Request of Sabine Hilding to address Council regarding herbicides and pesticides in Portland (Communication)</p>	PLACED ON FILE
<p>1351 Request of David Delk to address Council regarding herbicides and pesticides in Portland (Communication)</p>	PLACED ON FILE
<p>1352 Request of Sarah Instenes to address Council regarding herbicides and pesticides in Portland (Communication)</p>	PLACED ON FILE
<p>1353 Request of Kurt Albright to address Council regarding damages incurred from the meth issues (Communication)</p>	PLACED ON FILE
<p>1354 Request of Barry Joe Stull to address Council regarding turning Wapato Jail into a medical marijuana research and production facility (Communication)</p>	PLACED ON FILE
<p style="text-align: center;">TIMES CERTAIN</p>	
<p>1355 TIME CERTAIN: 9:30 AM – Willamette River Combined Sewer Overflow Tunnel Program update (Report introduced by Commissioner Saltzman) 30 minutes requested</p> <p>Motion to accept the report: Moved by Commissioner Fritz and seconded by Commissioner Saltzman.</p> <p>(Y-4; Leonard absent)</p>	PLACED ON FILE

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<p>1356 TIME CERTAIN: 10:15 AM – Denial of a vacation request for a portion of SW Hillsdale Ct and a portion of SW 43rd Ave south of SW Beaverton Hillsdale Hwy (Hearing introduced by Mayor Adams; Ordinance; VAC-10011) 30 minutes</p>	<p>CONTINUED TO DECEMBER 15, 2010 AT 2:00 PM TIME CERTAIN</p>
<p>CONSENT AGENDA – NO DISCUSSION</p>	
<p>Mayor Sam Adams</p>	
<p>Bureau of Police</p>	
<p>*1357 Accept a \$280,453 grant and appropriate \$145,059 for FY 2011 from the U.S. Department of Justice, Office of Justice Programs, National Institute of Justice for the FY 2010 Solving Cold Cases with DNA grant program (Ordinance)</p> <p>(Y-4; Leonard absent)</p>	<p>184165</p>
<p>*1358 Authorize a grant agreement with Raphael House of Portland to assist victims and survivors of domestic violence not to exceed \$50,000 per year for 5 years (Ordinance)</p> <p>(Y-4; Leonard absent)</p>	<p>184166</p>
<p>*1359 Authorize a grant agreement with Catholic Charities/El Programa Hispano to assist victims and survivors of domestic violence not to exceed \$50,000 per year for 5 years (Ordinance)</p> <p>(Y-4; Leonard absent)</p>	<p>184167</p>
<p>Bureau of Transportation</p>	
<p>*1360 Authorize an Intergovernmental Agreement with the Oregon Department of Transportation to receive \$495,000 grant from the Safe Routes to School Program for design engineering and construction of bicycle and pedestrian safety improvements at eight Portland public elementary schools (Ordinance)</p> <p>(Y-4; Leonard absent)</p>	<p>184168</p>
<p>1361 Amend contract with Cale Parking Systems USA, Inc., to increase authority to include pay station wireless service (Ordinance; amend Contract No. 36734)</p>	<p>PASSED TO SECOND READING OCTOBER 27, 2010 AT 9:30 AM</p>
<p>Office of Management and Finance – Internal Business Services</p>	
<p>*1362 Pay claim of Cinder L. Hart (Ordinance)</p> <p>(Y-4; Leonard absent)</p>	<p>184169</p>
<p>Commissioner Randy Leonard</p> <p>Position No. 4</p> <p>Bureau of Development Services</p>	

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<p>1363 Update the Development Review Advisory Committee membership categories to better reflect relevant groups who participate in and are affected by the development review process (Ordinance; amend Code Section 3.03.030)</p>	<p>PASSED TO SECOND READING OCTOBER 27, 2010 AT 9:30 AM</p>
Bureau of Water	
<p>1364 Authorize a contract and provide payment for the construction components of the Stilling Basin Right Bank Improvements Project (Second Reading Agenda 1333) (Y-4; Leonard absent)</p>	<p>184170</p>
<p>1365 Authorize a special procurement with Telvent USA Corporation for an upgrade to the SCADA Master Station for the Water Control Center Server Replacement Project (Second Reading Agenda 1334) (Y-4; Leonard absent)</p>	<p>184171</p>
Commissioner Nick Fish Position No. 2	
Portland Parks & Recreation	
<p>1366 Place Firefighter Memorial Plaza in the jurisdiction of Portland Parks & Recreation for enforcement purposes (Resolution) (Y-4; Leonard absent)</p>	<p>36822</p>
Commissioner Dan Saltzman Position No. 3	
Bureau of Environmental Services	
<p>1367 Amend contract with David Evans and Associates, Inc. for additional work and compensation for the Argyle and 13th Lake Pump Station Remodel Project No. E08874 (Ordinance; amend Contract No. 38401)</p>	<p>PASSED TO SECOND READING OCTOBER 27, 2010 AT 9:30 AM</p>
<p>1368 Authorize a contract and provide payment for construction of the Hayden Island Pump Station Remodel Project No. E07445 (Second Reading Agenda 1345) (Y-4; Leonard absent)</p>	<p>184172</p>
REGULAR AGENDA	
Mayor Sam Adams	
Bureau of Transportation	
<p>1369 Assess benefited properties for street improvements in the NE 87th Ave and Columbia Blvd Local Improvement District (Hearing; Ordinance; C-10016) 10 minutes requested</p>	<p>PASSED TO SECOND READING OCTOBER 27, 2010 AT 9:30 AM</p>

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1370 Assess benefited properties for street and bridge improvements in the NE 92nd Drive Local Improvement District (Hearing; Ordinance; C-10020) 20 minutes requested	PASSED TO SECOND READING OCTOBER 27, 2010 AT 9:30 AM
Office of Management and Finance – Human Resources	
1371 Create a new Nonrepresented classification of Web Designer and establish a compensation rate for this classification (Second Reading Agenda 1332) (Y-4; Leonard absent)	184173
Office of Management and Finance – Internal Business Services	
*1372 Authorize acquisition of vehicles for use by City Bureaus at \$934,631 (Ordinance) 10 minutes requested (Y-4; Leonard absent)	184174
Commissioner Dan Saltzman Position No. 3 Bureau of Environmental Services	
1373 Amend contract with CH2M HILL for additional application software development on the wet weather flow primary treatment system at the Columbia Boulevard Wastewater Treatment Plant Project No. E05512 (Ordinance; amend Contract No. 38083) 10 minutes requested	PASSED TO SECOND READING OCTOBER 27, 2010 AT 9:30 AM
1374 Authorize the Bureau of Environmental Services to acquire a certain permanent easement and other real property interests necessary for construction of the East Lents Floodplain Restoration Project No. E08464 through the exercise of the City's Eminent Domain Authority (Ordinance)	PASSED TO SECOND READING OCTOBER 27, 2010 AT 9:30 AM
1375 Authorize additional change order authority to the Director of the Bureau of Environmental Services of his designee for the Portsmouth Force Main Segment 2 construction contract Project No. E09039 (Ordinance; Contract No. 30000424)	PASSED TO SECOND READING OCTOBER 27, 2010 AT 9:30 AM

At 11:45 a.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.

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WEDNESDAY, 2:00 PM, OCTOBER 20, 2010

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

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Closed Caption File of Portland City Council Meeting

This file was produced through the closed captioning process for the televised City Council broadcast and should not be considered a verbatim transcript.

Key: ***** means unidentified speaker.

OCTOBER 20, 2010 9:30 AM

Adams: ... October 20th, 2010. It's 9:30 a.m. And the city council will please come to order. Karla, please call the roll. [roll call]

Adams: We'll begin with communications. Can you please read the title for item number 1350.

Item 1350.

Adams: Sabine hilding. Hi, welcome.

Sabine Hilding: Good morning.

Adams: Glad you're here. You just need to give us your first and last name.

Hilding: Sabine hilding.

Adams: And the clock will help you count down the three minutes.

Hilding: Yes, I wanted to ask if I could share this with a couple of people that came with me and if joan horton could speak instead of david.

Adams: Sorry, that's not the rules of the chamber.

Hilding: Can joan speak instead of david?

Adams: No, sorry.

Hilding: Ok. My name is sabine hilding. We live in -- we live in southwest Portland and like to bring up the usage of pesticides in Portland. Specifically we want to address the issue of pesticides used in landscaping. Whether by homeowners, landlords and especially landscape are companies. Before you is a bunch of flyers. Could you give them -- all right. The concept is based on studies and sound science. You'll see an admonition against pesticide but a decision of what a sustainable landscape should look like. This five years of metro admonitions, it ends up in the river, pesticides and fertilizers are used a quick fix to maintain land in Portland. The grounds around public and private buildings are treated in this toxic manner. In the urban area, neatness is considered a desirable condition. Property values are associated with neatness. Grasses along poles and fences are considered messy. A truly healthy landscape is not geometric. It changes with the seasons and in the course of this insecticiding and herbiciding, a lot of native animal and plant life dies and soil is compacted. We feel this process is simply not sustainable. We don't want to get into a argument in which we have to defend a particular chemical as more or less toxic or go head to head with the parks department which uses plenty of chemicals. We want to alert the council to the fact that landlords, both office and residential buildings hire maintenance companies that use stronger products than homeowners. Families in apartments have no choice. We want to point out with infill, there's no buffer zone and we can't get away. If your neighbor spray, there's no ordinance to stop him. We ask that the city of Portland set an example and cease using chemical to maintain outdoor spaces. On its own grounds. The grounds around buildings belonging to Portland can be maintained without the use of chemicals. Buildings where Portland rents offices and other spaces are usually run by a management company. Well, sorry. Which cares only about getting the grounds clean quickly. And that means the company uses chemicals and the plants -- ok, the responsibility is distanced from the property owner and the city of Portland but it should not be. We're ask city of Portland to shape an ordinance and asking the city of Portland to send a stronger message to homeowners by shaping an ordinance. We would like Portland to begin the process of shaping ordinance and we'd like to help.

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Adams: So ms. Hilding, do you have -- you don't have to, but by chance is an ordinance of another city that you think is inspiring and serves as a best practice.

Hilding: That's a good question, mayor Adams, and I would be happy to research that.

Adams: We can do that too.

Hilding: I don't yet know. I know that there are currently some sort of pesticide thing going on with schools by -- are you aware of that? So that would be the only thing I know about.

Adams: Ok. Thank you for your testimony. It was very good.

Hilding: Thank you, and everything is here and in the flyers.

Adams: Great. So we have to read the item for 1351 for the record.

Item 1351.

Adams: Hope he'll be able to reschedule and come back. Please read communications item 1352.

Item 1352.

Adams: Thanks, sarah.

Adams: Hi, welcome.

Sarah Instenes: Good morning.

Adams: Glad you're here. Just need to give us your first and last name and the clock will help you count down the three minutes.

Instenes: My name is sarah instenes and I have a account in support of sabine's case. I would like to add that no public area in Portland should be chemically treated without ample warning ahead of time. Also, be able to choose whether they want to manual remove the invasive plant before the area is chemically treated. Invasive garlic on my hillside. An area of 400 square feet. I had just moved into the house and plan what to plant in my garden. I pulled all of the garlic mustard only to realize afterwards that the area had already been sprayed. I had spent hours out there pulling out.gov s getting a chemical on my skin. I didn't realize the area had been sprayed. Gradually the whole area had turned brown even though I had bagged and pulled the sprayed garlic mustard. The herbicide, quickly invade the not only the garlic mustard I took out but the soil bus the native plant honest my hillside died too. I know that it's linked with non-hodgkin's lymphoma. Thanks.

Adams: Thank you very much and this was in southwest Portland.

Instenes: Yes.

Adams: Great. Thank you very much. Can you please read the title, Karla, for item number 1353.

Item 1353.

Adams: Mr. Albright, welcome.

Kurt Albright: Hi. Kurt albright. The reason that I came back to the city council is that I realized half the time I was here that I didn't address a problem that is in relation to the sewers. What's going on with a lot of us is landlords. Is that you have problems highly impacting the apartment communities. And those are the meth addicts and the drug addicts and these people get high on their drugs and they disassemble and reassemble the units without you knowing it which causes an incredible amount of vandalism and damage and you wind up having to rebuild your units. I've been fighting for five years to get my neighborhood back. And one of the things I would like to suggest, you take these methadone clinics where all of these drug addicts seem to concentrate into the neighborhoods around the methadone clinics and move them out into the industrial areas where it's not convenient for the drug people to congregate and get their drugs. What happens there is that these people now start dispersing out of these concentrated high-crime rate areas because they don't have a place to congregate anymore. And with that, we can resolve a lot of the crime problems in our neighborhoods when you have the methadone and the blood clinics, you know, close by. And if you separate the blood clinics and the methadone clinics, you can resolve a lot of the concentrated area where is the drug people want to congregate and live close to where it's convenient and their neighbors are drug addicts and the people are getting their methadone and giving it out to the neighbors or selling it to the neighbors and what have you and you disperse this out to where you

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don't no longer have these high intense areas of drug people. And I think that would make a major impact on our crime in the city, and the way that the drug people deal with their issues. And that's basically what I wanted to say. With the sewers, I think that the city council, the city should take a second look how they bill landlords. There's not I landlord in the city that feels that the city fairly bills according to the sewer and the consumption of what the landlord uses in water. The sewer amount is probably only 50% of the water consumption, and yet we're billed one and a half times. And no landlord can afford that and no landlord anywhere in the city, any landlord you talk to, finds this billing is fair. It's -- it's just exorbitant.

Adams: Thank you, just a clarifying question. The address on the request to testify, is there -- and these are run by the county so it's not something we're familiar with as you are, is there a methadone clinic near the location of those apartments?

Albright: Yes. 162nd and burnside. So a few blocks away.

Fritz: A clarification, methadone is a liquid and when it's dispersed, the clients are required to drink it in front of --

Albright: No, they're not. I had to deal with a drug addict for 15 years and I can tell you a whole story about the whole thing and she's diseased now, one of the things -- deceased now, and what they do is disperse weekly and monthly and methadone is not only in liquid form, it's also in tablet form and it's more of a drug overdose problem, at least in other parts of the country. I don't know about in Portland, but it's a higher drug overdose and drug problem than the actual drugs themselves and the people take the cases of liquid or bottles of tablets home with them, depending on the level of their treatment, and what happens to a person on methadone is they feel more, I guess, as a fitting into society, because they're doing something legal, but the truth is that this methadone is just as dementing as the drugs they're trying to avoid.

Fritz: And you've obviously had personal experience. Thank you very much for sharing with us.

Adams: Thank you very much. Appreciate it. Karla, please read item 1354.

Item 1354.

Adams: Mr. Stull, welcome back.

Barry Joe Stull: Hi.

Stull: Sometimes I just can't help but think there is a god. Warren cook was my teacher at Portland college at the time I took electives there -- the police class and the corrections class -- and he was citing the wapato jail in 1996 and said we don't have a justice system. We have an injustice system and there's a book called "the rich get richer and the poor get prison." I proved that. I made it through because of my talents and one of them is as a musician and I got to see the magic trick and there's no magic. It's all trick. And i've also been through our justice system and there's no justice. It's all system. So here's a song, public service announcement. I watched fiddler on the roof -- fiddler on the roof. Election times here at last. It's time to vote, time's fading fast. And if you still have a ballot to cast, net me a better catch. Vote to sell pot to street kids with aids. Some taxes you'll spend like money to burn. When will we ever learn? One who is rich as a king. You all know I will still holler, a dock, for one higher than anything? Portland's real pretty with tourist, a hit. But under the bridges it still smells like -- shut your mouth. One of the things we had here was a saint brother andré, now saint andré, and part of the homely was talking about a -- homily -- who hated people and didn't respect the law and she's nagging me and if I don't do something, she'll strike me. I'm not going to strike you. But i've been hit pretty hard and I have the certified copy that -- illegally destroyed my stuff twice as I was appealing a case and I need a police report written against judge edward jones for official misconduct and I gave you the entire file yesterday. I want a police report. That guy will be prosecuted. We have a mental health crisis and a health crisis and a facility where our needs could be met if we decided to be kind. Let's get Portland community college nursing students and people with emt training and get these people who need help, and did that at the wapato jail and recognize that the gateway drug out of heroin, which I hear that the

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Portland police sell a lot of, and why not? They lie about a lot of stuff. But we can use marijuana as a therapeutic to get people away from heroin.

Adams: Thank you, appreciate it. We'll now consider the consent agenda. Any discussion of the consent agenda?

Moore-Love: We need commissioner Fish back in the room.

Adams: Oh, then let's proceed with time certain. Can you please read time certain report item number 1355.

Item 1355.

Adams: Commissioner dan Saltzman.

Saltzman: Thank you, mayor. I'm happy to bring forward the annual update for the sewer project. \$1.4 billion to control combined sewage overflows or csos into the columbia river and the columbia slough. It's reached mccloughlin boulevard shaft. It is a momentous moment and one we'll be celebrating with tours this november. So if any of my colleagues and their staffs are interested in getting a chance, the last chance to see the big pipe, let us know and we'll give you in those tours. The final leg, the best, will prepare on -- work on preparing it for activation and completing construction of the swan island pump station, the portsmouth force main which goes under willamette bluffs and the balch creek conduit in northwest Portland and the sellwood wet weather pump station and a substantial amount of work and a true tunneling scheduling nightmare, all of these projects going on at once but it's lucky we have among the best talent in the wastewater management in here, right here in the city of Portland. And you'll hear from them shortly. But they're responsible for keeping it on time and on budget. One thing i'd like to highlight in light of the word's attention being focused on the amazingly safe rescue of 33 miners in chile, the big pipe project itself is a mining project. There's hundreds of people who've been hundreds of feet beneath the surface, working in controlled pressurized environments and it's with much humility but thanks to all involved, all the workers and managers and our contractors to say that we have not lost a soul yet and we won't and the injuries occurred on-site had been minor, to say the least. And on top of that, we've had one of the highest safety records seen in undertaking this type of project and recognized by the occupation at health and safety on the east side and west side big pipe and part of the -- achieved through application of a rigorous safety program. So I want to again congratulate and I know the council joins me in congratulates the laborers and the managers who have made this safety a reality. Now bring us the update is environment services director dean marriott and chief engineer paul gibbon.

Dean Marriott, Director, Bureau of Environmental Services: Thank you, commissioner. Mayor, members of council. I'm dean marriott. With me is paul gibbon and you'll hear from him in a moment. I want to remind those who may be viewing that don't know what a combined sewer is and why we have overflows. Before we had wastewater treatment in Portland, which began in 1952, we had a lot of sewers because we had a lot of people living here. The sewer system was designed to carry all the stormwater and the sewage to the river. So we had a combined system. Sewage and stormwater. There were many times, virtually every time it rained in the older portions of Portland where we had the combined sewer overflow not river and the columbia slough and we began in earnest in the early 1990s to address that once and for all and we're within 14 months of being finished. The good news for you is that you'll probably only see paul gibbon and I two more times to provide our semiannual report to you. The really good news about that, it means we'll be finished on time. The first slide, if we can have it, is a timeline. We started this effort in earnest in the early '90s and really started construction in the mid '90 by talking the cso problems associated with the columbia slough and did the west side projects to control overflows and now we're finishing up on the east side. The amount -- the volume of combined sewage reaching the river has been controlled quite dramatically over the last 20 years. Since we really started this project we've had about 6 billion-gallons of combined sewage reaching the willamette river willamette and the

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columbia slough. We've controlled two-thirds of that so far. So the volume is considerably improved and probably safe it say it's probably as clean as it's been in the last century right now, so the good news, it's going to get better next year. The countdown, we had a 54 outfalls which carried combined sewage to the slough and the willamette, 36 of those, at least, are controlled and an think we may have a few more. We're down to the last -- less than 20 involved mostly with the east side. We have engaged a lot of people in helping us control this problem. And solve this problem. And we've engaged thousands of homeowners, over 25,000 homeowners have been personally responsive to our requests for assistance. Disconnecting over 50,000 downspouts from their homes and had a lot of success with businesses disconnecting downspouts and you may wonder what will that accomplish? It's gotten us over a billion of stormwater out of the collection system. By allowing it to flow out to their yard or garden as opposed to the collection system and we appreciate the civic engagement in helping us. The rest of the problem is addressed in a number of ways but I want to highlight some green infrastructure solutions. We've talked about ecoroofs in the past and swales and planters and green streets and we'll be back next month with a progress report on the grey-to-green initiative and I want to point out a couple of slides. Green street, green roofs. Here's an green roof. We have over 200,000 square foot of ecoroofs in Portland and another 200,000 coming in the next few years, becoming a national leader in this area. There's tremendous benefits from these systems. Green streets and over 1,000 now, and we've got another 500 coming in the next few years. Again, the progress we've seen just in the last decade has been enormous. And the benefits to the system, not only our environmental system but our sewage collection system has been measurable. These days, it's important to highlight some of the other benefits. Green jobs, over 100 staff in the city working on green infrastructure. And over 300 private sector jobs we've been able to identify. We updated this information this week and so over 400 green jobs directly attributed to our program. Something we're very proud of.

Fritz: If I may interrupt you for a second. Go back to the photograph with the green streets.

Marriott: Yes.

Fritz: As I go to neighborhood meetings there's a myth that the council spent \$20 million of sewer money on bicycle paths and -- that one. If you look at the top right. That's what we're talking about what we invested the rate money in, the stormwater planters and the narrowing of the streets which makes it more safe for all modes of transportation. This is where we've had success and working closely with the office of transportation on identifying the green streets and the bike boulevard opportunities so that we can combine the stormwater management aspects with enhancing bicycle transportation routes and we've identified a until of additional routes and those will be in construction next year but that's a good -- a good pictorial example. We can narrow the streets to discourage street traffic but encourages alternative modes.

Fritz: This surface stormwater management is cheaper than digging under the street and putting in a bigger pipe to stop basement flooding.

Marriott: If the pipe is in good shape, rather than trying to tear up the whole neighborhood to increase the size of the pipes to handle stormwater, these type of green water techniques are cheaper.

Fritz: How many jobs did we help to create?

Marriott: At least 3 hundred that we've been able to -- 300 private sector jobs that we've been able to identify and that number is probably conservative. I'll turn it over to paul.

Fritz: Thank you.

Paul Gribbon, Bureau of Environmental Services: I'm going to talk about the type of project we do as a last resort. As you see, the solid red line is the route of the tunnel, that's to indicate how much has been completed. All of our mining is done. We've got about a year's worth of work. The contract itself is 90% done on the east side tunnel but expecting completion in late summer and things have gone pretty well so far. Contractors, a joint venture and the safety that commissioner

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Saltzman mentioned, we have to credit to them to kiewit/bilfinger. The mining has been done and completed four months ahead of schedule and originally scheduled to be done in late january, early february and most of our project risk has been mitigated at this point and we still have a year's worth of work to do but so far, it's been really well done. Employment, again, it's been a contribution to the local economy. 195 first tier subcontractors. Contractors with direct contracts with the company. Our goal for emerging small business and they've done a good job in that respect and have only about 190 craft workers employed on the tunnel. Safety stats, the incident rate on the east side is 2.9 compared with the state average of 5.4 and keep in mind that this construction is usually riskier than the average statewide statistics and as far as our own controlled insurance program is involved, this project is rated very highly. Commissioner Saltzman mentioned we have a number of challenges left to do in the next year. We do sellwood cso pump station and the balch conduit. All of these projects are underway. Segs one and two. And i'll talk about segment two in a moment. The swan island, adding three additional pumps and as far as the tunnel is concerned we have a lot of coordination with Portland streetcar and tri-met light rail and we'll all be working in the same spot. This gives you an idea of the four main area where is we have the bulk of our work over the next year. And briefly, portsmouth force main is in two pieces. 66-inch diameter pressure line that goes across swan island. This is segment one and done mostly by open cut. The little more difficult part is segment two, this is a tunnel under waud bluff and willamette boulevard. There's been very difficult and we've tried a number of ways of mitigating the trouble. It came down to the fact that we were going to need a different type of tunnel boring machine because we've encountered a combination of boulders with very soft ground. We knew about the soft ground but the boulders did not show up. So that's complicated our drilling. The original estimate, \$30 million. The low build was \$19 million. On council item today, number 1375, we're going to request additional authority from council to cover what we think the -- what it will take it finish the job, plus a contingency to cover the remaining construction. About \$32 million. About 5% over what was originally estimated but still within our budget. As commissioner Saltzman stated. The tbn has -- four years and 30,000 feet of mining is done and now -- they have to have a fair amount of preparation work over the next weeks to prepare the tbn to be removed and we'll have an opportunity the first and second weeks of november for people to go down and look at the tunnel and see what this looks like. With that, that is the end of our presentation and we did have an opportunity for the east side cso review committee to talk. I don't think anyone is here today. If there are any questions, we'll be more than happy to answer them.

Saltzman: Thank you.

Adams: Any discussion? Good presentation. Thank you. Anyone wish to testify on this matter? All right.

Fritz: I would like to comment. It is helpful to hear about this on six -- every six months, and my generation, I think, has a lot to answer for when I talk to my children and think of their grandchildren and the things that we have not taken care of in our planet. This is a significant accomplishment of our generation to have corrected the problem and your team is to be commended and commissioner Saltzman and others have worked very hard on this. So we get a lot of flak for the things we do wrong. We get a lot of flak that we've done right and people think we've done wrong. This is something we all should be proud of and it's a investment by the ratepayers and we're very grateful for their understanding and your careful stewardship of their money.

Marriott: and thank you very much, commissioner.

Saltzman: I would like to --

Saltzman: Along the lines of what commissioner Fritz was saying that it take as I long time to live down bad reputations. People still refer today to the cuyahoga river catching on fire. But it's still something that people know about and people still think the willamette river is extremely contaminated with sewage. And we're not saying there's not sewage in the river still, but we've

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reduce it had over 75% from its heyday of six billion gallons a year and within the next 14 months, we're going to be completing the project and reducing the volume well below, well below a billion gallons a year. And I think water quality tests have shown, there's fewer bacteria associated with sewage in the river. Nevertheless, sometimes it takes a long time to get the word out and I think that's something that we're working hard on and I just want to commend cso, the staff and the staff of the contractors working on this project again for making truly the biggest investment, the largest public works investment in the city's history in the cleaner rivers and slough and I know the appreciation if it doesn't happen immediately, we'll get the story out and gradually begin to change people's perceptions of things like that.

Marriott: Thank you. Be on the lookout -- we're going to be inviting the public to send in a coupon if they would like to take a tour of the facility before it's put in use. As you suggested, a lot of people are unaware of exactly what's going on because so much of it is underground and so in the next year, we're going to be trying to tell the story so that everyone understands where we've been investing their money. Thanks.

Adams: I'll entertain a motion to accept the report.

Fritz: So moved.

Saltzman: Second.

Adams: Moved and seconded. Karla, please call the vote on the motion.

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

Adams: Aye. Motion is approved. We'll now -- thank you, gentlemen. Now entertain the acceptance of the consent agenda. Is there any item that anyone wishes to pull? Karla, please call the vote on the consent agenda.

Fritz: I need to highlight 1360, which is accepting \$495,000 grant from the safe routes to schools that is federal and state money coming to Portland being used to provide pedestrian and bicycle improvements near eight elementary schools, two in northwest, one in southeast, and three in east Portland and this is money coming at almost no cost to the city, coming from the federal and state taxpayers which is going to provide very necessary infrastructure near our schools so I wanted to commend mayor Adams and his staff for the work on that project. Aye.

Fish: Aye.

Saltzman: Aye.

Adams: Aye. Consent agenda's approved and we'll move on to -- we cannot vote on yet. So we will go to the regular agenda. Can you please read the title and call the vote for 1371.

Item 1371.

Fritz: As I mentioned last week, I want to emphasize i'm agreeing with the creation of the classification and doesn't indicate that I think it's a critical function, which is, of course, a different process to assess. Aye.

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

Adams: Aye. Can you please read the title for 1372.

Item 1372.

Adams: Hi, welcome.

John Hunt, Fleet Manager, Fleet Services, OMF: Thank you. Good morning, mayor and city council. I'm John Hunt, fleet manager for the city of Portland. The item before you today is pretty much business as usual. Just bringing to council items that we would like to add to the fleet or upgrade or in the case of lease rental, identifying those units. I think the thing that makes this special to me is that we've gone through our entire fleet, worked well with the bureaus and in cases where they could return vehicles to us, and trade those up for vehicles that will work better for the jobs they do, we've actually identified those and we'd like to seek approval through you all today and move forward with this project.

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Adams: Discussion from council? Anyone wish to testify on 1372? This is an emergency ordinance. Karla can please call the vote.

Fritz: Thank you, john. I appreciate the fact that you sent us all the purpose for all of these vehicles and that's very helpful. I note one of them is for the new park ranger for forest park and that's exciting news from commissioner Fish. Aye.

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

Adams: Aye. 1372 is approved. Well -- we're in betwixt and in between. Do your items have -- controversial?

Saltzman: I don't think so, we have people here.

Adams: Please read the title -- first reading of a non-emergency ordinance, 1373.

Item 1373.

Adams: Commissioner dan Saltzman.

Saltzman: Thank you, mayor. The bureau of environmental services is designing an enhanced primary treatment process which will improve the treatment plant efficiency at columbia boulevard, our main treatment plant. The bureau is designing a wet weather flow screening facility to expand treatment capacity and both of these programs make sure the increased flow from the big pipe can be appropriately tested. This amends an existing contract with ch2m hill for additional software and professional maintenance services related to these improvements. The cost is estimated at \$178,000. And is needed as a start, bumping up against the deadlines for the big pipe completion. This is first reading.

Adams: Is there anyone who wishes to testify on 1373 moves to second reading next week. Please read the title for 1374.

Item 1374.

Adams: Commissioner Saltzman.

Saltzman: Thank you, mayor. This ordinance authorize the bureau of environmental services to acquire easement in properties to construct an earthen berm to separate public and private property and a new street from s.e. 112th avenue to s.e. 108th in the east lents floodplain restoration project and it will allow bes to improve bridges on s.e. 108th and s.w. 112th that cross johnson creek and clear the way for the restoration project. For more than 10 years, the city has been purchasing property through its willing seller program and removing structures from harm's way and it will improve water quality and wildlife habitat and increase flood storm capacity in the east lents floodplain area and this differs from a similar ordinance that council adopted earlier this month. The september ordinance authorized a permanent easement from jameson partners and this gives bes the ability to construct a new road -- the residents who moved out of the floodplain and the mayor took a strong leadership role in convince can the property owners to sell to us. And at an appropriate point, commemorating the construction of this project that will improve the water quality habitat and reduce flooding and this is also a first reading.

Adams: Is there anyone who wishes to testify on 1374? All right. This moves to a second reading next week. Congratulations. Please read the first reading of 1375.

Item 1375.

Adams: Commissioner Saltzman.

Saltzman: Thank you, mayor. This ordinance was what was the one referred to in the presentation on the cso update. It's related to constructing the portsmouth force main tunnel and during the tunneling for the problem, the contractor encountered some difficult soil conditions that were not foreseen by our -- or encountered by our geotechnical analysis, hence delaying the construction and increasing the cost. This gives environment at services an added changeover authority to move the work ahead quickly and the authority to compensate the contractor for additional cost. Paul gibbon as you heard from earlier is here to answer questions.

Adams: Any discussion on this matter from council.

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Fritz: I have a comment and that is -- and 1373, show why we have a contingency and why we are prudent in our budgeting, and why we were very careful when looking at the savings from the big pipe project that we needed to continue to leave a good size of contingency because you don't know what you're going to come across when doing a project of this magnitude. So I greatly appreciate the careful budgeting including the importance of the contingency.

Adams: Moves to a second reading -- oh, anyone wish to testify on this matter? Now it moves to a second reading next week and that gets us to our 10:15 time certain, which is a vacation request. Please read item number 1356.

Item 1356.

Adams: Hi.

Kurt Krueger, Bureau of Transportation: Hi. Good morning.

Adams: What are we looking at here?

Krueger: Good morning, mayor Adams and city council. Kurt Krueger with the Portland bureau of transportation and. Our presentation has changed slightly since last night so I'll keep my comments brief and what will be valuable is hearing from the petitioner and residents. A short background. We have one of the longest street vacations on report before the city today and one of the commissioners on the council may have seen this in a past position on a planning commission as well. We have a street vacation on southwest hillside court. Approximately s.w. 43rd in southwest Portland. About a 500-foot section of the right-of-way that's fairly unimproved and quick glance looks to be easily vacatable. There was agreement along with the city and the engineer and the recommendation from the planning commission to support the vacation and before we came to council to work out at the time minor details of access issues that had to be resolved. This was after the almost at city council approximately three years ago we've been able -- unable to reach a agreement with the property owners who have changed over time. And the -- the denial we were going to be with here was to put an end to the project that's gone on for as long as and with property owners who have changed names and if it was going to start over, with a new petition. This is where I'm going to turn it over to the petitioners who have possibly been able to reach compromise with the property owners and before we can give you a recommendation, we need to hear what may have come up and what we may need to review after hearing the proposal in depth and then come back in a recommendation how to proceed with this.

Fritz: You will be coming back?

Adams: Ok, thank you. Let's go to the sign-up sheet.

Moore-Love: We have two people, Barbara Sedlin and Jack Stanley.

Adams: Good morning.

Peter Finley Fry: Barbara Sedlin, the petitioner and Jack Stanley is a person testifying.

Adams: Ok.

Fry: We're the presenters.

Adams: Ok. We'll hear from the presenters, then. Welcome to city council. You just need to give us your first and last name and if you're a lobbyist for anyone else, you need to disclose that fact.

Barbara Zidell Sedlin: My name is Barbara Zidell Sedlin and I'm not a lobbyist.

Dean Alterman: My name is Dean Alterman, appearing as he attorney for the petition.

Fry: I'm Peter Finley Fry and I'm a land use planning consultant.

Adams: Would who like to begin?

Sedlin: I would like to take the opportunity to thank the councilmen and women for allowing me to appear before them. As I said, my name is Barbara Zidell Sedlin, born and raised in Portland. For the last about 40 years, I've lived in New York. Journeying to Portland at least, I would say on average twice a year. Because I still had family members here and because I own four pieces of property here or I was helping my mother manage them when she was elderly.

Fish: Are you a member of the family that includes Jay Zidell?

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Sedlin: Yes, my half brother's son.

Fish: What possible reason would you have for choosing new york over Portland?

Sedlin: Nothing now, but at the time, I was making the decision and Portland only had parking lots downtown, and it's not that I don't like them, but it was totally empty and the work of prior city councilman and other people too. Although I lived in Portland, I carried out two other projects here in the 13-year period, both of them on the east side, I totally renovated a building, changed the use from a sort of desolate wholesale use to a mixed use building and I subsequently sold that to a local business person, the same thing with an adjacent warehouse, I changed it into a showroom and rented it for 10 years and when the lease was up, I sold it to another local businessman and during this time, I have no staff of consequence. In new york, I worked only with local planners, architects, lawyers, engineers, i've had about nine different firms i've worked with and still working with four of the original firms. Not working with engineers right now. So, you know, i've had experience and we did not expect this street vacation to take 13 years. We Thought it would take two years. Well, it took us over three years to get the petition themselves, because the area was extremely large. In Portland, I operate under the same of sam rose properties and each of the properties I had was just for convenience in a different subsidiary. You may have heard the name. When I started the street vacation in late -- I think, late 1997, early 1998, I thought it was going to be simple, since then, i've spent over \$125,000 in direct project costs. This does not include my stays in hotels, my transportation, my eating and many other associated costs. This is actually costs that went into the Portland economy directly. And, of course, that does not include my time because I am a professional city planner and also have a degree in economics. And that's how I actually got into this. I looked at the area, as a planner, and I felt that there was a big opportunity here. And the area we're talking about is about 10 or 15 minutes from downtown Portland on beaverton-hillsdale highway. In addition, it's accessible from council crest and the expressway, should a person not want to go out barbur and beaverton. And -- barbur and beaverton and lies between the council crest neighborhood and the hayhurst neighborhood and it's got an interesting and strategic location. I won't go into details. I've had many opportunities to sell this in the past. But I had a certain idea it wasn't in the right condition to sell this in the past. I felt the property was obsolescent in its current form. I still feel that. If you look at the that street picture up there, it's dim, but you'll see that the street is in disrepair and has not been paved by the city in the entire 30 years that I have known about it. There are potholes in the street. The property to the west, particularly, mr. Hogleton's property is subject to flooding from water coming off the hillside to the east. Flowing over my property and going into his property so I know --

Adams: If I can interrupt. We normally have testimony at three minutes each but for the sake of this discussion, i'm going it give each side 10 minutes. So you've got four and a half minutes. So we'll give you another -- what is that? Five and a half minutes.

Sedlin: Ok.

Adams: But if you can stick within the 10 minutes so I keep both sides equal, that would be great.

Sedlin: The size of the property I now own is about an acre and a third. If the street were vacated.

It would be slightly under two acres. The vision I had was to have -- when -- 2005 when I presented it to the planning commission, we drew up this hypothetical plan, that this plan include two retail buildings of approximately two to four stories along beaverton-hillsdale and 30 to 40 townhouses. I don't want to get mired in any details because the market has totally changed since then and I would like to turn this over to my planning consultant, peter frey.

Fry: I'm going to go through some talking points. I did want it make one quick point though in deference to the -- in deference to a mayor. This is a little different than a land use process. This is a petition to the king, we're petitioning to our rulers here. I think it's funny that way but that's truly what this is all about. What we're dealing with here is an old remnant highway. It was basically replaced by the beaverton-hillsdale highway and so we're dealing with a fragment, a highway that is

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no longer a highway. And it's not even -- it's not the right size, not maintained, it's just a fragment and it fragments these properties because the property behind it used to be a street frontage property and now it's hidden behind these fragments in front of it so none of these properties, they're all blighted. It's a brownfield and the old right-of-way purpose -- a brown field. And the right-of-way purpose is replaced by the new highway and in the wrong location and --

Adams: Can you get to exhibit 7? So we can -- there.

Fry: Yeah, sorry. Ok, and then moving now to 11. So in order to do this petition, I know the staff talked about doing another petition and this is -- it was extraordinarily difficult petition because even though there's five property owners affected -- or six -- we had to get literally 30 property owners out of hundreds and people live all over the united states and you have to deal with condos and to do this again, I think would be almost impossible. And then as the -- barbara sedlin pointed out, there's extraordinary expenses in doing this. Why should we do it? First, is because the consolidated property would be large enough to develop in a multiple use project. The redevelopment would allow pbot to place access points at safe and logical locations and allow the sidewalks to be widened along a significant length of the highway and the rear of the properties, is a conservation zone and the street development pushed forward north outside of the resource area and it's a prime location of transit oriented housing and the develop results in increased property taxes obviously and sdc's and gain jobs in construction. Lastly, I wanted to add that we've gone through an extensive manning process and had extensive community meetings and we were blessed by the southwest community planning process and worked extensively with the neighborhood in that process. The zoning and this isn't something we're just springing on everyone new. It's been a long road.

Fritz: When was the last time you talked to the southwest neighborhoods?

Fry: I think the last time we came to council, two years ago, I haven't talked to them since. I mean I talk to them all the time, about this --

Fritz: Right.

Fry: -- it was two years ago when I came to council.

Adams: Ok.

Alterman: Mr. Mayor and councilors, this is an old highway and it has at least two coats of asphalt and old and storm drains and curbs across part of it and it's a street that the city has chosen not to maintain. The petitioner asks if the city is not going to maintain the street that was given by the state that it give it back to the adjoining private landowners to use and make part of a development. It's taken a long time to get to this point. Three neighborhood concerns were raised of the five landowners on the street. With regard to the business on the east, there was a question of access and there's no vacation in front of that property and it retains access to the highway in an existing curb cut or driveway to the highway and retains the right-of-way. There are two businesses to the west. One is a small industrial business and uses the street for parking and truck turn around. The applicant has offered to grant an easement for the half of the street below that, it's the yellow property on this side. The yellow property would be vacated and go to that property. Not the petitioner. The applicant's offered to grant an easement for the portion of the green property parallel or even with that vacated street so there's still room for a truck turn around, for that business' truck to enter and exit. The third business is a restaurant it. Requires parking and used to have on-site parking and it doesn't now. We've proposed a parking design for the west end of this street that would provide quite a lot of parking. Back when there was a business on this property on the south end, the old l and m lumber company, there was no on-street parking in front. You had a continuous driveway from that point. We've satisfied and responded to all three needs identified. It's time for the city at the end of this from barbara's point of view, 13 years, to either accept the street or let it be redeveloped and make it a developable site for a project that will benefit the city. Thank you.

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Adams: Thank you. Discussion from council.

Fritz: There's no development proposal been submitted?

Alterman: None whatever.

Fritz: So what's the certainty for the property owners they will continue to have the use of the right-of-way or won't be a right-of-way anymore?

Alterman: No, the certainty they'll have the use of the right-of-way, we're proposing a parking reconfiguration on the west side to put in nose-in parking to provide parking.

Fritz: Supposing your design changes once you adapt to market conditions. What's the certainty for the property owners that have currently have a right-of-way there and getting some future promise for parking instead?

Alterman: No, the parking is shown as a design in the right-of-way. But we couldn't, of course, redesign the public right-of-way without approval from the city. We're proposing replacing it with parking that's in the right-of-way. This nose-in parking.

Fry: Can I answer that too? The city engineer has a right to decide the design of the public right-of-way. I did a comp plan zone change, for example, and are city council conditioned it specifically on Broadway, as to the design and the city attorney informed council that the city engineer could modify that design according to their standards and safety. So when a development comes in to the city, nothing will really change, but when the development comes in, the city engineer has the authority and you can talk to your city engineer about this. To decide based on the development where access point also go and how the right-of-way will be designed specifically. That's that their authority and their right.

Fish: Peter said that given the time that's elapsed and the difficulties in having originally reached the affected property owners and communicated it would be almost impossible to replicate that. Why, if you've been successful in the past communicating with the property owners, why would that be a bigger challenge now going forward to communicate with them again?

Alterman: For one thing, there are a number of different property owners, when the petition started which was actually sometime before I was involved in the project, the property owners we had to ask were fixed as of that time. Since then, I believe one building has gone condo, in the affected area. Which means notifying and securing permission from quite a lot more owners than there used to be. For it to be undertaken again. I don't think anyone would start the process thinking it would take 10 years to get to completion or a developer condition a proposal on getting a street vacation thinking it would take three or five or six years to get to street vacation. So the practical impossibility, nobody will be motivated to start the process again seeing what it took to get to stage.

Sedlin: May I answer that? I had two recent offers on the property. By local -- I think local people. But both predicated on there being a street vacated because they can't -- both of the -- all of the adjacent lots are shallow, the ones on the front side and the ones on the rear side are impinged upon by a conservation district so you have series of shallow lot, with an 85-foot wide street and it's hard to develop according to modern standards with lots that are not very deep. You wouldn't be able to provide the parking, for example.

Saltzman: I have a question on the -- with the capable counsel on either side of you and yourself, if we were force allow the vacation and then you -- and you've showed us proposals how you would handle parking, but if it gets sold, is any of that binding?

Alterman: The proposals for parking inside a future development that's something that the city has to look at through the application to develop property. The proposal how to provide parking in the right-of-way that remains, binding. You're the city and you control the remaining right-of-way. You can say the parking will look like this or that. And impose whatever conditions you want to.

Fritz: I'm confused, what part of the right-of-way are you proposing to vacate?

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Alterman: If you look at the exhibit 16, commissioner Fritz, the north-south portion of 43rd avenue, it's a strip between two tax lots running south from the highway. The area in green, that's within the existing right-of-way --

Adams: Can you use the cursor?

Alterman: Let's see, here we are. This is the north-south part of 43 avenue that would be vacated. I'll draw the cursor around the outline of the area that would be vacated. Like so. And up here, at this point, the golden area here, it property that we're proposing to be vacated but would accrue to the adjoining landowner. Not to ms. Sedlin and the vacation continues up here and back to where we started of the area here, would remain public right-of-way. That's area that pbob and the city engineer control. We're showing a parking layout we propose, but it's up to the city to say how the parking is arranged there and what use will be made of this portion of the right-of-way.

Fish: thank you for the clarification.

Fry: This was not just arbitrary. We have been working with your city engineers all way with those designs and we're not just bringing these into you.

Adams: Thank you very much. Appreciate it.

Fry: Thank you.

Adams: Is there anyone else signed up?

Moore-Love: I believe it's jack stanley -- [speaking simultaneously]

Adams: You might want to sit by the computer there. If you want to point something out to us.

Adams: Are they with you.

Moore-Love: Do you want to come up as a group.

Adams: You're together? Go ahead, sir.

Jack Stanley: My name is jack stanley. Can you see this exhibit 16?

Adams: We will --

Stanley: I own the property with the bright yellow 4342, it's a restaurant called cactus jack's. I've owned it since '94. I've been the property owner since 1999. And to the west, there's an acupuncture place. A business that was a pest control and now an acupuncture. In the white area here, there's an audio repair shop. The original is an industrial hvac business and to the far west of the blackwell who operate a body shop, and the reason -- there's several things that these fine attorneys and planners said, don't make sense. The reason why there's no resolution over 10 years, as commissioner Saltzman said, if they were to sell it, there's no binding commitment to the development of the property. And this property is unique because it is an old highway and since the new highway's in, there's no street parking and back here is an extremely steep hill. If you want viable businesses in this area, the only way your customers can access your business is through this street access. And by eliminating the street access or having barbara and her planners make no commitment to what is going to happen, is the reason why there's always been argument. I own a restaurant, but all mean, let's make the streets in the area look nicer. More people come to areas that look nice for restaurants. But the problem is if barbara was the developer and she had a clear-cut plan, here's what I want do with it and benefit her and the beauty of her area as well as maintaining us business owners that have been there. I've been there for 15 years, some longer. 30, 40 years, and so the concern has always been vacate this property and increase barbara's property value. Sure, she can sell it for a lot more money. But what does it do to the rest the us? They want to put a turn around in front of my restaurant and there's no parking for the automotive shop behind when. I'm a restaurant so at night, we have my customers come in. His during the day. And then to even get through the street, if you blocked that off to come in and do a cul-de-sac to turn around or have a dead-end, it doesn't make sense. And my only -- my real short argument is, again, if she was the developer, or if there was a clear-cut plan for the development of it, it would make sense, but it never does. It always comes in to how can we improve the dark green area on this map and

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the other area guys, you know, her attorney dean just said, well, we can't make a commitment to parking, that's up to the pbod, well, we've talked to --

Adams: Have you opposed this all along?

Stanley: Yes.

Adams: Even when she had firmer designs --

Stanley: I've never seen firmer designs.

Adams: Well, the designs we have you've never seen before?

Stanley: No, the ones there, there were the trees, that's never been presented and there's no commitment to it.

Adams: You're concerned that -- I mean, i'm looking at this exhibit 4 and see that parking in the cul-de-sac, and we can make that a matter of city law or subject to the final interpretations of the engineers for the city. Tell me why that doesn't work for your parking needs? It's nice to have the whole area for parking, but why -- I don't quite understand your argument that on street parking doesn't work for you.

Stanley: Number one, it's a lot less. I mean, I don't know -- we've never actually talked about how many parking stalls would be there. Right now, right or wrong, we use, you know --

Adams: [inaudible]

Stanley: -- park up and down the street. I'm a small restaurant.

Adams: I don't think that's in the best interest of everybody to continue the status quo like that?

Stanley: Absolutely not. I think what's in the best interest of the community and making the rest of the area having viable businesses is to have some way to get through the property or parking. Some commitment to saying we're not going to block off the area.

Adams: You said parking and then you said through-way.

Stanley: There needs to be a combination of both. I'm sorry I can't give you a concise answer.

Adams: Why do you think there needs to be a through-way?

Stanley: How do cars get in and out the? There needs to be a turn around.

Adams: They propose a turn around.

Stanley: That eliminates a bunch of parking. If you put a big cul-de-sac in front of there, i'll have no parking in front of my business.

Adams: If there was loading only during certain hours and the rest of the time there was parking like we manage downtown every single day, that wouldn't work?

Stanley: That's not enough. You're trying to pin me down and I respect that --

Adams: That what we do here.

Stanley: I'm going to give you an answer, the proposed deal is not enough.

Adams: How much parking do you need?

Stanley: You want a number of spots or --

Adams: That's what we do here, yeah.

Fritz: Could I help here.

Adams: Do you know the number of spots you need?

Stanley: Not -- not -- just like barbara, I don't want to be pinned down. 30 spots, how about that.

Fritz: I don't know if we have this Portland maps photograph and i'd like to make sure it is in the record. I don't know who gave it. Linda is telling me it is. Having visited this site several times it shows all of the perpendicular parking that's available now and people use it for commuter parking as well with it being on the highway. And there's no parking on beaverton-hillsdale, is that right? Or a single strip on beaverton-hillsdale?

Stanley: There's none on beaverton-hillsdale.

Fritz: Thank you.

Adams: Thank you very much.

Adams: Hi, welcome.

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Alise Goforth: Thank you. My name is Alise. I have a project. Wings property management. Barbara Sedlin is a client of ours and we do construction management for her on other her properties as well as helping her through the street vacation process on this property. One of the tasks that's fallen to me is to remediate the vandalism that takes place on this lot or series of lots in its current condition and so although it's my estimate that six times a year or bimonthly, we're hauling off illegally dumped debris, toilet, sofas, tires, etc. As well as vandalism to property, graffiti, etc. The other thing I wanted to talk to you, I'm the one who personally obtained the signatures from the property owners 10 years ago. I'm the one who met with each and researched and each one of the neighboring people. Jack Stanley's signature was one of the signatures I obtained at that time. So there was a point in time when he did think this was a good idea. It took me over a year of diligently working through that process to be able to complete it. And I agree it's not something that anyone would volunteer to have to repeat. And then finally, speaking for the local construction industry, it would be greatly welcomed, the jobs that this would create if we were able to develop this lot.

Adams: Thank you. Hi.

Richard Freimark: Hi, my name is Richard Freimark of Trust Real Estate. When he moved here, there was a lumber company located in that location and since the fire and vacation -- leaving the location, it's really become an attractive nuisance in the neighborhood. I've had three children go through Lincoln High School all of which have partied in that area at night and recently listed by Macadam and Forbes. And it is made available to all commercial listers in Portland. We showed it to four different developers who had concerns about the access and the setbacks due to the environmental constraints on the property. And the city's plan -- planning department now wants properties to back up to the major highways with parking in the back or not necessarily visible from the street for a more attractive streetscape and all of the people we were working with on the property with the current configuration could not make a development in this area financially feasible because of the development restrictions to the south and the requirement to build along the streetscape, not giving them another parking either internally or within the project.

Adams: Thank you, thank you, both. There's more? Sorry. Welcome to city council.

Charles Denkers: Good morning, Mayor, Commissioners. I'm Charles Denkers, a lawyer out of Milwaukie, Oregon, this is Mr. Blackwell, my client. I've been representing him for 25 years and been involved in this project since 2007 or '08. Mr. Blackwell is the property owner to the east and owns the body shop down there. And is concerned about the proposal because he actually uses this road and if we can go back to this exhibit that services his property right here. To get in larger trucks, tow trucks hauling vehicles behind them, semis, delivering materials to his shop and he needs that space to turn around those vehicles. The proposal plans to give him access to Beaverton-Hillsdale threw a little sliver of land up here toward the front in that little triangular position. I can't read the number on that. But that causes problems because the property slopes uphill significantly as you get down there and the trucks won't be able to clear that berm that's coming on in and once they're on his property, he'll have a problem to get them turned around out back on to Beaverton-Hillsdale. And lastly, we were working on this diligently in 2008 and there were a series of meetings we had and I recall three and then this thing died. But it's sprung back to life magically and Mr. Blackwell's concerns have never been addressed at least to my knowledge and in my file.

Adams: Anything you'd like to add?

Mr. Blackwell: I have been in business since 1991 and I used to rent her building and ended up buying my building and ever since I've been in this business, Barbara's complained how everything looks horrible around there. And Barbara hasn't done one thing to make the area look good. Her building looks the worse of everybody's, her land, she never maintains it and I'm concerned -- we're businesses and I have five employees and I'm concerned she's going to put a squeeze on my

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business to try and better hers, better her land and like I said, she -- it goes away and comes back and she's never tried to please anyone other than herself.

Adams: Can you go back to the map, Karla. Just so I understand. I didn't quite follow. So your building is 5400?

Blackwell: No, my building is 4200.

Adams: 4200.

Fritz: It's by 42nd.

Blackwell: Yes.

Fritz: The vehicles arriving at your property currently do the loop through

Blackwell: Yes.

Fritz: You need the connectivity?

Blackwell: Uh-huh. And if she vacated it, then they would have to come in and it would be hard do with a tow truck and we get semis, i've seen on one of the pictures they had a big semi back in there. They're not going to turn around the way she's wanting to design it.

Adams: Do you have parking behind your building?

Blackwell: No, I don't. My parking is all right in front of my building.

Adams: Do you have customers who access along 42nd?

Blackwell: No it's a curb all along the corner there.

Leonard: And steep too.

Adams: What kind of work do you do on vehicles?

Blackwell: Auto body and paint.

Fish: You put the vehicles in the building.

Blackwell: Yes, in the building.

Fish: And they're in the coup to be worked on -- in the queue to be worked on.

Blackwell: I don't store anything outside, everything is in the building.

Fish: In the picture, what would those be?

Blackwell: Customer cars. All of the cars in front of my building are customer cars.

Fish: And they come to you because someone drives them and drops them off or the tow truck brings them?

Blackwell: Yes, most of my cars come in on a tow truck through insurance directo repair. They send them to us and parts come in in big diesel trucks that are 18-wheelers and, you know, big trucks come in there and they come in off beaverton-hillsdale and they head on that little road and go back out on to beaverton-hillsdale on 43rd.

Fish: Thanks.

Adams: So what do you -- what does the bureau recommend?

Krueger: For the record, kurt kreuger with transportation. A little disappointed. I thought the council was going to hear some possible purchase agreements in the works on some of the affected property owners. It would have significantly changed our recommendation to council today. My --

Adams: Which properties?

Krueger: There's an individual -- it's not represented here. If we can go back to the map. The properties highlighted in orange, tax lot 2900. Given all the design concepts we've developed with parking and turnarounds, that's one property we've been unable to find a solution for the large trucks that currently stage, turn around, and use that right-of-way today. Its my understanding and I don't believe i'm divulging any confidential information that property was considered to be purchased by the petitioner. Had that been the case today, we would have recommended a continuance or move this for another 60 days to see if we can work out the issues if that was the case. Unfortunately, I did not hear that today and i'm not sure we can change the recommendation

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to the council. What you're witnessing is what we've worked with, the petitioners and property owners for three years, trying to find a viable workable solution and we haven't to date.

Fish: The neighborhood association in their letter, they refer to the potential negative impact on Fanno creek. It's on the other side of the highway, and I'm not sure I have understood why that's in play in terms whatever happens here. Is that just a concern that any development here that increases in impervious surface could impact.

Krueger: In short, yes. It's a large vegetated area above the current right-of-way and any development would have --

Fish: Fanno creek is on the other side of the highway. I take it there's a bus stop somewhere adjacent to the property.

Krueger: There's a frequent bus service on Beaverton-Hillsdale.

Fish: And also to situate this. Toward Beaverton, you've got development and supermarkets and other services, to the south, we have a Gabriel Park. Which would probably be a decent walk.

Linda Birth: Yeah, considerable.

Fish: And an elementary school within two blocks. And I'm curious, since we've had some complaints raised on the record about the city's maintenance of the street, what is -- I'm curious, what is our legal obligation?

Krueger: It's an unimproved roadway and our title 17 would defer the maintenance to the abutting homeowners until it's brought up to current standard. The one of the positions that the city would take, if we were to vacate is some level of improvement to a current city standard and likely take over maintenance and a condition we would impose on the vacation of the street.

Adams: That would be an lid?

Krueger: Either an lid or a permit that the applicant pursues through the city.

Adams: What was going to be your recommendation?

Krueger: To deny this as we've spent so long working on it and haven't been able to reach a compromise that deals with the access issues.

Fish: How many of the affected property owners -- do you have a rule you have thumb and what consensus you need to get in order to make a recommendation to us?

Krueger: Linda can go into the specifics. But 100% from the abutting property owners and then a certain percentage of the surrounding property owners.

Fish: And that's code?

Birth: It's actually state statute.

Saltzman: I was going to ask you, you haven't found a compromise yet, what -- what, to your minds, what are the attributes of a compromise? One that takes care of it today.

Krueger: Some element of parking and turn around and access and easements that may need to be granted and might propose reducing some of the street vacation area to allow Mr. Blackwell some additional access. I think there's two or three different elements we could put into this to make it work but there has to be agreement among property owners.

Saltzman: We're bound by code if there's not agreement by surrounding property owners to deny it. So we don't have any --

Krueger: The nuance on this is, and correct me here, when the petition was signed -

Adams: The petitioning counsel is shaking their head that's not true.

Krueger: There was support interest abutting property owners but they've changed ownership since the original petition.

Fish: The question for us, I'm guessing at the time it comes to us, is there 100%. People are entitled to change their mind based on information that's developed during the course -- I'm asking the question to understand how it works, not to point fingers but if the planning commission made a recommendation in 2004, what accounts for the bulk of the six-year interval between that and coming to us today?

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Krueger: I'm not sure there was a lot of activity on the petitioner's part between 2004 and 2007 and I got significantly involved in 2007 with the petitioner's design team and consultant and that's when we tried to bring in all the property owners to work out a solution and we had a series of meetings over a 18-month period and the file sat idle for another year and four or five months and at that point, we tried to push this issue to move it along to council to get a decision and close the file one way or the other.

Fish: If I can ask a follow-up. I want to get my head around a public interest question. This is a area of the city where we have in conjunction with metro, made judgments about the need for greater density. We have as a council said transit oriented development is very important. Frankly there could be some development here that reduces the use of cars. It could be a potential development that is less car dependent. Putting aside the state law requirement of getting the approval, what are our options? Let's say this came to council in a different way, and the council looked at street vacation as a way of leveraging development which we think is desperately needed in a community. Are our hands tied in this process because of the 100% approval requirement or are there other options either we have or a property owner has to advance a vision for development, which after all we as a council say we need development to accommodate people coming into our community.

Krueger: I believe council has prevue to direct transportation to come up with the best design that may not suit everybody with needs. But if you were to choose to support to improve this vacation to further those goals, my recommendation would be for us to come back with the best design and put specific conditions on the vacation in an attempt to resolve as many issues as possible.

Fritz: What is the zoning in this area?

Krueger: I believe most the properties are commercially zoned, cg or cx.

Fritz: It wasn't envisioned as a high residential area. Cg is an auto oriented zone. I just wanted to clarify for my colleagues, this street vacation area is always fascinating to me on the planning commission because there's a mixture of quasi judicial and legislative. They don't have specific approval criteria, but they are limited to the one we're considering right now. The guiding policy is in the comprehensive plan, and it's policy 6.21, right-of-way opportunities, and it states preserve existing right-of-way unless there is no existing or future need for them. Established street patterns will not be significantly interrupted, and the functional purpose of nearby streets will be maintained. So when I was on the planning commission, this was actually considered twice by the planning commission in december of 2003 when I was on the commission, when I moved and it was seconded, we denied the application and it came back in the following february, and it was approved. With very similar testimony, very similar discussion, and then a request for please let's have some more time to do some more work on this. I thought then and I believe now that there is clearly a need for the existing right-of-way. It's being used. And the street pattern would be significantly disrupted. We've heard from the property owners at both ends that they need the connectivity and they need the parking. For to us vacate a street and then immediately say we're going to use the rest of the right-of-way for parking doesn't seem at all to me to meet the criteria in the policy for why we would vacate this. I think, if there is a future street vacation, it should be in conjunction with an absolute proposal, and I would be interested at that point in reconsidering this, but with nothing really changed since 2003 and the property owners still concerned about their current viable businesses, I believe we should deny the request.

Adams: So could we -- when I look at the schematic on exhibit 5, if you could pull that up, and I see that's, I assume, a pedestrian way as envisioned with the center court kind of thing, plaza fountain, bollards -- am I reading that right? Am I looking at that correctly?

Krueger: Correct.

Adams: So from a purely professional point of view with a nod to some of the needs that have been mentioned around the table, if you were to -- we've employed skinny streets. We've

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employed, like, northwest 13th where you have streets that are no sidewalks and they provide a certain amount of connectivity but, at the same time, they discourage a lot of cut-through traffic, since this debate began 13 years ago, we've made a lot of innovations and access corridors. You could see, back to some of your conversation with commissioner Fish -- could you see coming up with, just from a function that will point of view, a way to provide a certain amount of connectivity but also to allow for the kind of development -- and we just got out of a meeting recently with a shopping center on hayden island where we did exactly this, where you had internal streets that are designed like city streets with some site modifications, and everybody kind of gets what they want. Is that something that you feel like you're professionally qualified to come back to us approximate or to go back to the property owners?

Krueger: I think, if we had a petitioner and developer before us today that was very interested in the scenario, yes, we could get to that solution. If I may, the challenge I see is we don't have a petitioner that is currently proposing a development, a petitioner that's looking to sell this property.

Adams: Let me ask this a different way. We, the city, have the right to impose street grids.

Krueger: Correct.

Adams: We have to buy them. We don't get to just take them over for free, but the transportation engineer could decide. There's a lot of authority there. So we could modify this street, if you wanted to. The city could, could they not?

Krueger: They could.

Adams: And it could be modified in a way that had future standing regardless of who owns the property.

Krueger: Correct. So in your professional opinion, should we pursue that or is it your professional opinion, based on what you've heard today, we just deny it and see what happens next?

Krueger: I'm going to reluctantly recommend that we come back in 60 days, see if we can try one more time with the petitioner and the property owners to come up with something that meets what you're describing, tries to meet some of the requirements that are causing some concern of the property owners.

Fish: Mayor, we do have another example. You mentioned a couple that are great. I'm thinking about the investment we made around director park where we created streets that are multipurpose. They're green streets. Also we brought the park to the abutting property owners. We have a process whereby they can be closed for certain events. I appreciate what commissioner Fritz said earlier, and I always, because of her experience on the planning commission, give great weight to what she has to say, but i'm also thinking what if this was a slightly different application to us a community saying they want to vacate the street because it's a park-efficient area and they want a park here? We wouldn't get too hung up on zoning. Yes, it was zoned appropriate for the time, but zoning changes all the time, reflecting the changing needs of a community. This is a pretty residential area, and it's probably park deficient. I want to make sure that I understand these moving pieces going forward, because they're going to come at us more frequently, and they're not just going to be development driven. They could be other public amenity driven. And i'm also concerned that -- you know -- we made it very clear that we need to accommodate more people, and we need to take underused area -- and this is a clearly underused site -- and create greater density. I hate to think we're putting major roadblocks in something we've articulated as a policy.

Fritz: I'm directing the staff to work with the applicant to come up with some future scenario, we are crossing the line between quasi judicial and legislative. This proposal with a pretty picture here is totally not feasible because there's a conservation zone. Then the neighborhood would be allowed to participate. There would be a pre-application conference, a hearing. There would be a whole land use process to discuss what's best to happen on this project. If we ask the applicant to work with the staff to figure out something that might work, the neighbors are not going to be involved in this.

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Adams: I'm maybe inappropriately splitting hairs. My point is that, schematic or not schematic, what they have a tip of the hat to -- and granted there are other buyers that may not agree with this -- is that there is a certain amount of connectivity. It happens to just be pedestrian connectivity. We have changed the way we're willing to be much more flexible on loading zones and a whole host of things that have changed since everyone got into this discussion. I'm actually going to modify what Kurt says to see if it addresses your concern. I would just come up with something that you believe would work without necessarily -- for us to consider prior to technically going to the participants.

Fish: Could I get a clarification? I didn't understand we were in a quasi-judicial hearing.

Fritz: We're not, but once you have a specific development proposal on the table, it becomes part of the vacation issue, then it is. It's really site specific.

Fish: But I understood the mayor to be proposing that we try to find a solution for this particular street which is sort of a precondition to someone then looking at the overall site and determining whether there was development possibility. I thought we were simply trying to see if there is something we have some control over that maintains the connect that the businesses want but create as more favorable template.

Fritz: The staff has been working since 2007 without any pay to help them do that. For us to now direct the staff to come and put forward a development proposal, again with no application --

Adams: I'm not suggesting a development proposal. I'm suggesting -- you've indicated and others have indicated a need for connectivity. Our interest is to -- we have a rare single-ownership piece of property in a part of town that the size of ownership is relatively rare on a transit stop. So it's transit-oriented development opportunity. We want to keep the existing businesses and actually make them more successful, that's going to be hard. No question about it. We have, have we, the council or anyone ever asked you to come up with an alternative to the vacation for both connectivity and allowing for the connectivity that allows for higher, better development? Have we asked you to do that before?

Krueger: Not directly.

Adams: So it's kind of like 13 years of disagreement. I think we've got a great team in pb0t. I think we've learned a lot. I would send a message to Barbara and all the folks involved -- Barbara? I would send a message to Barbara and all involved, including the fellow, the owner of the restaurant and the owner of the body shop, you know, don't throw in poison pills. You know, if you need 30 spots, you need 30 spots. You know? If semis need to back up to service your parts and such, then we have new ways of providing that kind of access. They don't necessarily need to back up to a loading dock anymore like we used to do it in the old days. There are all kinds of ways now. We have more flexibility, so I think there is flexibility here to potentially come up with something. Otherwise we're going to deny it. So there's got to be -- everyone's got to have flexibility, and I realize everyone's patience is all used up, especially our staff, and you're running on vapors, but I would strongly recommend we try for 60 days.

Krueger: Can I recommend that the city council set a time certain date on a future notification requirement and actually get a time scheduled to be here?

Fritz: Was the neighborhood notified of this hearing?

Birth: I believe so from the city auditor's office. I'd have to confirm. There is a process. There's a notification process.

Fish: Well, I have a letter as part of my package from the neighborhood association.

Birth: But it's dated.

Adams: Would you confer with the neighborhood association as you look at this?

Krueger: We will.

Fish: Is your suggestion in the nature of a motion?

Adams: Yes. What's the right motion, though? Continue? So can you give us a time certain in two months here?

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Fritz: I'm wondering whether it should be an evening so that neighbors wouldn't have to take time off work to come in.

Moore-Love: That puts us into the december holiday, december 20th. Did you want to go to january? Or mid december? December 15 would be a little less.

Adams: First part of january. Why don't you come on up here.

Krueger: Mayor Adams, as barbara is joining us, we have not had any negative neighborhood involvement in this. I'm going to speculate the neighborhood is overly supportive if we can find a way of cleaning this right-of-way up. If we can set a day time certain, then I will extend an invitation for the neighborhood association to join us at a work session.

Adams: We'll do a daytime session in january?

Sedlin: I cannot be here in january.

Adams: Ma'am, you're going to have to make an extra effort.

Sedlin: I'm already prescheduled, by due respect. I have other commitments. I'm prescheduled. I have another business, additional business. I am prescheduled for a long time to participate in another event.

Adams: All of january?

Sedlin: Could we possibly do this, like, december 10th?

Leonard: What was wrong with the december 20th date?

Moore-Love: It's the holiday week, and I don't know if we're meeting yet.

Adams: I'm not here. So you have an event all the month of january?

Sedlin: Yes, I do. It's out of the country.

Fish: Two months from now would put us middle of december. Right?

Moore-Love: Today's the 20th, so we could do a mid december, december 15.

Adams: Are we ok with that?

Moore-Love: It's a little less than 60, but --

Adams: What time?

Moore-Love: Morning would be 9:30 or 2:00 in the afternoon.

Fish: I think typically neighbors prefer the afternoon.

Adams: So 2:00 on december 15. This hearing is continued until such time unless there are objections. It is so continued. Thank you. Compromise, folks, and be creative and listen to our staff. Can you please read the title first hearing of item number 1369? Andrew, how are you?

Item 1369.

Andrew Aebi, Local Improvement District Administrator, Office of Transportation: Very well, mayor Adams. Thank you. Karla, could I get your help to switch over to the couple of slides I have here on 87th and columbia? Good morning, council members. Andrew aebi. This is an lid that we formed five years ago. The first slide -- i'll wait till Karla turns out the lights here. This is a map of the lid from lid formation about five years ago. This is what the intersection looked like before we formed the l.i.d. That area is shaded in orange, the limits of the paving of the intersection. We had a fairly tight turning radius in there, so what we heard from businesses is that it was an unsafe intersection because the trucks coming down the street were having to swing into oncoming lanes of traffic to make that turn onto 87th avenue. Coming off of 87th onto columbia boulevard, they were having to drive up on private property there, so they were actually driving off the pavement and crossing over the corner of that property. The other thing, too, was that the pavement there was substandard. It was among the worst 1% of streets in the city in terms of the condition of pavement, and there was no storm water drainage or sidewalks. After we formed the lid, we embarked on right-of-way acquisition, and we bought some of the property there on the corner properties, and area in green is now the limits of the paving. So just to kind of jump back and forth, you can see that we've widened up the intersection so trucks can get through that intersection now. In terms of just recapping the lid, we are very slightly below the budgeted lid

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formation. We did actually stage construction in two different phases. One of the things that we hear often at the city is complaints about the project gets done. Six months later, the city comes in and tears up what just got built. As we were going through this project, we learned that they wanted to extend the sanitary sewer end of the intersection, so we made the decision to do only what's paved and then wait to extend the sanitary sewer to finish off the intersection, 'cause we really didn't want to be assessing the property owners and then, six months later, tearing up the project they just paid for. The benefits of this project are freight mobility. It will improve poor condition pavement.

We've extend the the sidewalks and added storm water management. That's the extent of my presentation. We do have one property owner here to testify, and i'd be glad to answer any questions that council might have.

Saltzman: Any questions from andrew?

Aebi: Let's hear from the one property owner I have here. Michael on columbia boulevard?

Saltzman: Ok. It doesn't appear that he is here.

Aebi: Maybe he left us.

Saltzman: Is he opposed?

Aebi: Last time I talked with him, he was quite happy with the project. Usually I don't have people show up to recognize that, but last time I talked to him I think he was satisfied with the project.

Fritz: Could you let them know that you told us that and that we appreciate is efforts to come down to join us.

Aebi: I hope i'm not misrepresenting his position.

Fish: He also suggested andrew get a raise and more staff.

Leonard: A better corner office. [laughter]

Saltzman: If no questions, then this will move to a second reading.

Aebi: Thank you.

Aebi: After reading the next item, if I can get your help on the second presentation?

Saltzman: 1370.

Item 1370.

Aebi: I think I may have actually figured this out technology-wise. Thank you. So this is the final assessment of the northeast 92nd drive local improvement district. I wanted to recap the project briefly. We have two council members, commissioner Fritz and Fish, who were not present when this lid was formed, so I wanted to bring you up to speed on this lid. This is a map of the lid on the north side airport way, on the east side i-205. To the south you have columbia killingsworth, and on the west you have 82nd avenue. The area that you see there in pink roughly in the center is the area of improvement for northeast 92nd drive. You can see at the south end of that area in pink we have the columbia slough, the water body that you see there. I should just point out, on the east side of the lid boundary is i-205. In 2003, there was a pretty major tanker incident in which a tanker overturned on the freeway. If you look at exhibit f on your ordinance, you'll see some pretty dramatic pictures that the fire bureau took in responding to that incident. On the south side of the lid where columbia killingsworth is, there's also the railroad which brings through hazard -- hazardous chemicals as well. For properties south of the columbia slough previously didn't have it.

North of the slough, they had multiple ways in and out because they have airport way. Properties south of the slough were limited to one way in and one way out. So we had some testimony at lid formations from then fire marshal klum in support of the project. When we went through and originally petitioned the project, we did the petition, the follow-up, to property owner requests south of the slough wanting an additional access point because of the disruption they had to their businesses the day that that tanker truck overturned on i-205, among other reasons. Now, the slide that I just advanced to is the area of improvement. You can see the area in pink there is the area of the new roadway that we built. The area in green was the existing vehicle bridge that was built in 1961 for \$17,000. I might point out that the paperwork from the file related to that is only about

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three pages long. So you could build a bridge for a lot less paper and a lot less money back in 1961.

The area in orange over there to the right is our new pedestrian/bike bridge. That's what got installed to the east there. You may notice the area of pink overlays on the tax lots there.

Multnomah county hasn't actually recorded that right-of-way dedication yet. They expect to do that later this year. If you're just wondering why the public right-of-way doesn't show up there --

Fritz: If I may interrupt, what was the reason for putting up a pedestrian/bike bridge in that location?

Aebi: I was going to cover that on this next slide. Why don't I jump to the center section. We did value engineering. When we went through the first petition effort, we had a project budget to the property owners of \$3,022,000, and the project scope at that phase was to demolish the existing vehicle bridge that was built in 1961 and replace it with a newer bridge that was wide enough to accommodate sidewalks, bike pedestrians. But what we did instead is we came back with a second petition effort where we upgraded the existing vehicle bridge that we build in 1961, basically just upgraded the approaches to it, made it earthquake-safe, and then we went ahead and did a prefab ped/bike bridge. You may recall back in January council approved the change order for that. So it was a very cost-effective, efficient approach to getting the work done, and it involves a lot less in water work and all the attendant risks that go with that, all the land use reviews, approval, dsl court, you name it. It really took out a lot of project risks. We went into this project thinking that we were going to probably save at least \$600,000 with the revised scope, and I'm pleased to note that the final amount of the project, in terms of what's being assessed to the property owners, has further reduced the 1.8 million. We took \$600,000 cost out between the two petitions, and then we are coming to you today with a project that's about \$600,000, a further \$600,000 below budget. So the property owners are getting the benefit of those savings. So to recap the assessments, the assessment range ranges from \$159 on the low end to \$183,000 on the high end, the overall estimate 23.4% below the estimated lid formation. The median assessments, half above, half below, is slightly under \$10,000. Just to recap on the high-level project benefits, connect the north side of the Columbia slough. Those on the south side get a secondary access point. It lifts a de facto development moratorium south of the slough. If I remember directly, the square footage threshold, there's 144,000 square feet. It also provides access for property owners south of the slough to access shopping, retail, and transit such as the max red line north of the Columbia slough. By the same token, it also provides additional access to properties north of the Columbia slough and brings business to them. So here's a picture of the original existing vehicle bridge, what it looked like prior to construction, and again we plan to originally demolish it and replace it. If you look at that picture there in the lower left-hand corner, you can see that there's nothing underneath that bridge approach there, the corner, and so we were very concerned that, if we didn't get the bridge upgraded and we had an earthquake and there were to be structural damage to the bridge, we would have had no choice but to tear it down and replace it. That's all been rectified. This is an after picture. The top picture there shows the existing vehicle bridge. We refurbished that. And the lower left corner shows the truck going over that existing vehicle bridge. The lower right corner shows on the right the edge of the existing vehicle bridge with the pedestrian bridge over to the left. This is actually a picture. It's not a painting. When I first saw this picture, I actually thought it was a painting, and then I looked closely and saw it was actually a picture. This is upstream on the Columbia slough looking west, and you can see the new ped/bike bridge in the front and then the existing vehicle bridge in the rear. The reason the ped bridge is a little bit longer this is something we hope to replicate on more projects in the city. We put the swale in the middle of the street. It saved us money in several different regards. Number 1, we had less right-of-way to buy, plus we only had to buy one swale instead of two. Plus the center median also works as a traffic calming device. On the right side of the street, that's not actually a sidewalk that we built on 92nd drive. That's around the corner on Alderwood road. But the reason I wanted to show that to you is, in the top of the

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picture, you can see a six-foot sidewalk, and you can see in the bottom of the picture that transitions to a 12-foot-wide multiuse path. One scope element we changed is instead of building bike lanes with separated six-foot sidewalks on 92nd drive, we decided to just built a 12-foot-wide multiuse path. So there were several benefits from that. One is it's much, much cheaper to build a six-foot-wide additional width multiuse path than it is to build it in the bike lane area where you have to build to it a truck standard and the subgrade and all of that. More importantly, it really increases safety. Instead of the bicyclist sharing a bike lane with a truck next to him, they're separated from trucks and have their own facility. It's kind of interesting. As project manager, i've dealt with these standards in terms of how wide a sidewalk or a multiuse path should be, and about six weeks after we built the sidewalk, I went for a walk with my son on a multiuse path that was only six feet wide. He was four years old at the time, and he got clobbered by a bicyclist and broke his collarbone. What I took away from that was that I was very glad we built this sidewalk to the proper width if we really wanted to avoid ped/bike collision.

Saltzman: Is this the first time we've used a center median storm water?

Aebi: Yeah. I'm pretty sure this is the first one what we've done. I think bes is pretty interested in replicating this in the future. This is the first time to, my knowledge, we've taken an existing bridge and added sustainable storm water instead of dropping into the water body below. We're piping most of it into a storm water swale and cleaning and treating it. So when you add all of this up, i'm certain we got some savings as a result of the economic environment and bidding climate, but we were recognizing that we didn't have all of the property owners in support of this project. We worked very, very hard to deliver this project over budget. We had 63.8% petition support for this project, but we're pleased to bring it in approximately 1.2 below the original budget, about 600,000 below the budget of lid formation. Be happy to answer any questions you might have.

Adams: Anyone wish to testify? Thanks for waiting, mr. Mencl.

John Mencl: Good morning, mayor, commissioners. Pleased to be with you this morning. I'm john Mencl, the controller for one zone glass on glass plant road. Before you can see a picture of the plant, i'd like to tell you about the contribution to Portland and Oregon. We've been in this location for 53 years. We were one of the first employers in the area when the plant was built. We were outside the city limits of the city of Portland when built. We currently have more than 200 employees working 24 hours a day, four shifts. We manufacture glass containers which are 100% recyclable. We currently recycle 70,000 tons of used recycled glass that we have purchased in the state of Oregon at a cost of over \$2 million, so we do contribute to the area economy.

Mencl: We have a large customer base, many of which reside inside the Portland metropolitan area. We are their sole supplier of glass. A wise position. We have increased traffic coming up 92nd due to the new bridge that was formally closed. The picture we saw was after they took down the fence, there was no traffic allowed to go there on the old bridge. It restricts our access to the main access to the plant. Cars go through fairly fast. The trucks have to swing pretty wide to make it through. It gives better access to transients. We've noticed a significant increase in property damage and trash brought in by those transients. The double wide sidewalks make the bridge really too narrow for us to use for our trucks to go down there. Our main objection to this is we're being assessed \$35,000 for something that we didn't want. We're on record for opposing it. If you bought a car -- I take that back. If somebody bought you a car and asked you to pay for it and said now you can't use it because, instead of putting wheels on the car, we're going to put roller skates on it so it makes it unusable, you would object to the \$35,000 assessment just like we are. The trees are planted too close to the road. The drainage in the road further restricts access to that area. On the design, it clearly accommodates the port of Portland, not the other area residents. Yet we're being asked to contribute significantly to paying for the project. We are on record as objecting to the lid there are double sidewalks on both sides of the road. This is 92nd. We feel that is highly overkill and restricts our access. This is 92nd. I'm not sure where that last slide was taken showing double

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sidewalks, but clearly i've walked that area many times and, on 92nd, I did not see any double sidewalks. I see a limited size sidewalk and the double wide sidewalks on both sides of 92nd are certainly not in -- they're out of character with the rest of the development in the area. This is the double sidewalk. This is on the west side, and it restricts down to a narrow little sidewalk. I don't know what purpose that serves. This is the picture of the bridge, a very expensive bridge. I don't know if you've walked in that area or not, but there's almost no foot traffic in that area. This comes at a cost up into an area highly used by trucks, and it's actually kind of dangerous to walk in that area. Once again, it's given transients better access to destroy our property. Here is a picture of a tree that's planted. You can see that it comes to the inside of the curb. When that tree grows up, it's going to further restrict it. Do you have any questions for me?

Adams: Your objections are the \$35,000 and the design.

Mencel: That's right.

Adams: Thank you.

Mencel: We'd recommend that the port of Portland pay the entire assessment.

Fritz: I have a question. Why do you think that it benefits the port?

Mencel: Well, it appears that their property is just right on the other side. If they wouldn't have access to that shopping center, some of those areas, I think that gives them some access coming off of columbia that they didn't have before. That's my reasoning anyway.

Fritz: Don't they have big trucks, too?

Mencel: I don't know if they have any big trucks or not, but I know our neighbors just right behind us are trying to figure out how they're going to get 600 trucks to that area across that bridge and haven't figured it out yet.

Fritz: Did you ask for the bigger bridge? Were you supporting the \$3 million version of the lid?

Mencel: I've only been with the company for a couple of years, and that took place prior to my employment, so I can't answer that.

Saltzman: I do think owens was opposed originally.

Mencel: Owens is on record to opposing it. Yes, they were.

Adams: The original?

Mencel: The original lid owens opposed.

Adams: So if you opposed the original and you oppose this one --

Mencel: We oppose being assessed for something we can't use. It went through. We can't use it so why should we pay for it?

Adams: You felt that way with the original design.

Mencel: We felt on the original design our trucks come in off of the 23b exit off of i-205, most of them. So we weren't going to use it to begin with, so we opposed it from that basis. But then, if we would want to use it, when you're asked to pay for something, if there's a need to use it, we would expect it to be designed to accommodate our needs, but it doesn't.

Adams: And I just want to give you an opportunity to respond. So you don't really need it as a primary source of access, as a back-up source of access, and that's why you propose the the original. And now that it's been sized to meet the resources available, your need hasn't necessarily changed for it to use as a back-up, but you're opposing the smaller potential lid assessment as well.

Mencel: We're opposing the smaller assessment as well. Right.

Adams: Thank you. Any thoughts?

Aebi: Thank you, mayor Adams. Again, for the record, i'm andrew aebi, local improvement district administrator. Couple of things. If the assessment proposed for owens illinois is not 35,000, \$33,711.33 combined, they have said that they have 200 employees working at the site. If you divide that out -- i'm not quite as fast as the math here as maybe I should be, but if I decide that out, it's a pretty small cost per employee. One of the things that we heard from property owners south of the columbia slough when we were forming the lid was that business disruption was a very

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important issue. Even if somebody hypothetically never used the road on an everyday basis, if they had another recurrence of that tanker truck overturning or, let's say, a freight train derails on union pacific railroad tracks, they could lose the amount of their lid assessment really quickly if their plant were shut down or their employees couldn't get to work or leave work or what have you. I'm a little puzzled by the comment that there's no access to the road, because owens illinois had the gate right on 90 second drive. They can get right on 92nd drive and go out and use the existing vehicle bridge. And I also want to emphasize two other things. Number 1, if you look at the construction process of the bridge, we spent about \$847,000 on construction. Less than one-third of the cost of the construction of this project was the ped/bike bridge. So two-thirds of the construction costs of this project were putting in the new roadway and upgrading the existing vehicle bridge. And then lastly, in terms of the width of the street, not that I would normally refer to the sellwood bridge as a good basis for comparison, but if you took away the structural issues with the sellwood bridge, the deck width of the sellwood bridge is 24 feet across. The width of the 92nd drive bridge is also 24 feet across. So 92nd drive bridge is equally as wide as the sellwood bridge despite the fact that the sellwood bridge is the busiest two-lane bridge in the state of Oregon. Prior to the structural issues on the sellwood bridge, I never noticed any problems with trimet buses or trucks using that bridge. The lanes on 92nd drive north of the bridge are 13 feet wide, if you look at our truck standards, it calls for a standard 12-foot lane with a preferred 13-foot width. Essentially we have built 92nd drive to the same standard as i-5, i-84, interstate freeways in the state of Oregon. So it is fully usable by trucks, as you saw from that picture in the presentation.

Adams: Thank you. This moves to a second reading. Oh. You wanted to testify? Please come forward.

Richard Larson: My name is richard larson. I represent bridgeport 44 systems, and we own a commercial property at 9331 northeast colfax. It's a 20,000 square foot warehouse. We've seen the rent go down 35% in the last three years, and now we have a \$16,000 assessment. That's several months rent. Actually, it's close to half the year. We think that -- I agree with owens illinois that this serves the port of Portland. They own all the property north of the slough, and we don't think the assessment to this degree is justified.

Adams: Thank you for your testimony. Really appreciate it. This moves to a second reading next week, and we are adjourned.

At 11:45 a.m., Council adjourned.