



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **5TH DAY OF OCTOBER, 2011** AT 9:30 A.M.

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

At 10:48 a.m., Council recessed.
At 10:55 a.m., Council reconvened.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Ben Walters, Chief Deputy City Attorney; and Greg Goodwin, Sergeant at Arms.

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

COMMUNICATIONS	Disposition:
<p>1039 Request of Michael Krupp to address Council regarding the basis of any Commissioners remaining in the seats they hold (Communication)</p>	PLACED ON FILE
<p>1040 Request of Charles Froelick to address Council regarding the 25th anniversary of First Thursday (Communication)</p>	PLACED ON FILE
TIMES CERTAIN	
<p>1041 TIME CERTAIN: 9:30 AM – Declare October 2011 Domestic Violence Awareness Month in the City of Portland (Resolution introduced by Commissioner Saltzman) 30 minutes requested for items 1041-1043 (Y-5)</p>	36884
<p>1042 Accept report on one year of operation of the Gateway Center for Domestic Violence Services (Report introduced by Commissioner Saltzman) Motion to accept the report: Moved by Commissioner Saltzman and seconded by Commissioner Fritz. (Y-5)</p>	ACCEPTED
<p>*1043 Authorize funding for two domestic violence crisis response advocates to work with the Portland Police Bureau on evenings and weekends (Ordinance introduced by Commissioner Saltzman) (Y-5)</p>	184918
<p>1044 TIME CERTAIN: 10:00 AM – Declare intent to initiate local improvement district formation proceedings to construct street, multiuse path and stormwater improvements in the SE 33rd Ave and Pardee St Local Improvement District (Previous Agenda 743; Resolution introduced by Mayor Adams; C-10042) 30 minutes requested</p>	RESCHEDULED TO NOVEMBER 16, 2011 AT 9:30 AM TIME CERTAIN

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<p>1045 TIME CERTAIN: 10:30 AM – Accept Portland Commission on Disability 2011 progress report (Report introduced by Commissioner Fritz) 30 minutes requested</p> <p>Motion to accept the report: Moved by Commissioner Fritz and seconded by Commissioner Fish.</p> <p>(Y-5)</p>	<p>ACCEPTED</p>
<p>1046 TIME CERTAIN: 11:00 AM – Tentatively deny with conditions appeal of Buckman Community Association and uphold Hearings Officer's decision to approve with conditions the application of Central Catholic High School for a conditional use master plan with adjustments to expand and renovate their existing facility at 2401 SE Stark St (Findings; Previous Agenda 976; LU 11-115222 CU MS AD) 5 minutes requested</p> <p>Motion to adopt amendment to Condition E to clarify use of the new 15-space parking lot: Moved by Commissioner Saltzman and seconded by Mayor Adams. (Y-4; Fritz recused)</p> <p>Motion to adopt findings as amended: Moved by Commissioner Fish and seconded by Commissioner Saltzman. (Y-4; Fritz recused)</p>	<p>FINDINGS ADOPTED AS AMENDED</p>
<p>CONSENT AGENDA – NO DISCUSSION</p> <p>Mayor Sam Adams</p> <p>Bureau of Planning & Sustainability</p>	
<p>*1047 Authorize application to the Kaiser Permanente Community Fund for a grant in the amount of \$150,000 for the Bureau of Planning and Sustainability to work with community partners to promote residents' health and well-being through the design of affordable multi-family housing (Ordinance)</p> <p>(Y-5)</p>	<p>184904</p>
<p>1048 Authorize Intergovernmental Grant Agreement and accept funds from Metro in the amount of \$16,000 for the Multifamily Recycling program to support waste reduction and recycling outreach and assistance for multifamily communities in Portland (Ordinance)</p>	<p>PASSED TO SECOND READING OCTOBER 12, 2011 AT 9:30 AM</p>
<p>Bureau of Transportation</p>	
<p>*1049 Authorize a Supplemental Intergovernmental Agreement with the Oregon Department of Transportation to administer the design and construction of the Safe Routes to School Program for bicycle and pedestrian safety improvements at eight Portland public elementary schools (Ordinance)</p> <p>(Y-5)</p>	<p>184905</p>
<p>Office of City Attorney</p>	
<p>1050 Authorize the City Attorney to join and participate in court proceedings in <i>Dep't of Human Servs. et al. v. AFSCME Local 3295 as amicus curiae</i> (Resolution)</p> <p>(Y-5)</p>	<p>36883</p>
<p>*1051 Authorize Legal Service Agreement with McCool Smith P.C. (Ordinance)</p> <p>(Y-5)</p>	<p>184906</p>

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Office of Management and Finance	
*1052 Pay claim of Rich Grimes involving Portland Parks Bureau (Ordinance) (Y-5)	184907
*1053 Pay claim of Portland General Electric involving Water Bureau (Ordinance) (Y-5)	184908
*1054 Authorize a contract to purchase three hybrid vehicles for \$77,400 (Ordinance) (Y-5)	184909
*1055 Authorize a contract to replace seven Aerial trucks for \$1,603,000 (Ordinance) (Y-5)	184910
Commissioner Randy Leonard Position No. 4	
Public Safety Systems Program Revitalization Program	
1056 Authorize a contract with Federal Engineering, Inc. for Voice Radio System Specifications Development for a total not-to-exceed amount of \$160,482 (Second Reading Agenda 1021) (Y-5)	184911
Commissioner Amanda Fritz Position No. 1	
Office of Neighborhood Involvement	
*1057 Amend Memorandum of Understanding between Portland Police Bureau and Office of Neighborhood Involvement regarding administration of Time Place and Manner Code (Ordinance; amend Administrative Rule ENB- 8.02) (Y-5)	184912
Commissioner Nick Fish Position No. 2	
Portland Parks & Recreation	
*1058 Authorize agreement between Portland Parks & Recreation and Sellwood- Moreland Improvement League, Inc. to define roles and responsibilities at Oaks Pioneer Church (Ordinance) (Y-5)	184913
*1059 Authorize Lease Agreement between Portland Parks & Recreation and Union Pacific Railroad Company to provide use and access at Eastmoreland Golf Course (Ordinance) (Y-5)	184914

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<p>*1060 Authorize an Interconnection and Net Metering Service Agreement with Pacific Power for a solar electricity generation system at Dishman Community Center (Ordinance) (Y-5)</p>	<p>184915</p>
<p>1061 Authorize the Director of the Bureau of Parks & Recreation to execute certain Intergovernmental Agreements or Real Property Agreements needed for Parks & Recreation purposes (Ordinance)</p>	<p>PASSED TO SECOND READING OCTOBER 12, 2011 AT 9:30 AM</p>
<p>1062 Execute a Memorandum of Understanding between City of Portland Community Gardens Program and Oregon Microenterprise Network to provide an AmeriCorps*Vista intern for program support for one year (Second Reading Agenda 1027) (Y-5)</p>	<p>184916</p>
<p>Commissioner Dan Saltzman Position No. 3</p> <p>Bureau of Environmental Services</p> <p>*1063 Authorize grant agreements with Columbia Land Trust and SOLV to implement acquisition and restoration activities in the Baltimore Woods Connectivity Corridor as Phase II of the project (Ordinance) (Y-5)</p>	
<p>REGULAR AGENDA</p>	
<p>Mayor Sam Adams</p>	
<p>1064 Authorize an Intergovernmental Agreement with the Portland Development Commission for the land disposition and development of the Oregon Sustainability Center within the South Park Blocks Urban Renewal Area (Previous Agenda 1028) (Y-3; N-2 Fish, Fritz)</p>	<p>184919</p>
<p>1065 Authorize an Intergovernmental Agreement with the Oregon University System to jointly share the costs to obtain design development and 50% construction documents for the Oregon Sustainability Center within the South Park Blocks Urban Renewal Area (Previous Agenda 1029) (Y-3; N-2 Fish, Fritz)</p>	<p>184920</p>
<p>Bureau of Transportation</p>	
<p>1066 Amend contract with Portland Streetcar, Inc. for Portland Streetcar Operations Assistance (Previous Agenda 788; amend Contract No. 33325) 10 minutes requested (Y-5)</p>	<p>184921</p>
<p>Office of Management and Finance</p>	

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1067 Authorize long-term bonds for local improvement, system development charge and sidewalk repair projects (Ordinance)	PASSED TO SECOND READING OCTOBER 12, 2011 AT 9:30 AM
Commissioner Randy Leonard Position No. 4	
*1068 Authorize a grant agreement not to exceed \$50,000 to CARES Northwest to perform medical child abuse assessments (Ordinance) (Y-4; Saltzman absent)	184922
*1069 Authorize a grant agreement not to exceed \$25,000 to VOZ:Workers' Rights Education Project to operate and maintain their day labor hire site as approved by Council (Ordinance) (Y-5)	184923

At 12:00 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 5TH DAY OF OCTOBER, 2011 AT 2:00 P.M.

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

At 3:10 p.m., Council recessed.

At 3:22 p.m., Council reconvened.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Kathryn Beaumont, Chief Deputy City Attorney; and Greg Goodwind, Sergeant at Arms.

	Disposition:
<p>1070 TIME CERTAIN: 2:00 PM – Appeal of Cottonwood Capital Property Management LLC, Frank Fleck and Gary Gossett against Hearings Officer's decision to approve with conditions the application of Recology Oregon Material Recovery, Inc. for a conditional use to establish a waste-related use that accepts and processes food waste that is blended with yard debris, within a fully enclosed building at 6400 SE 101st Avenue (Hearing; Previous Agenda 950; LU 10-194818 CU AD) 1 hour requested</p> <p>Motion to amend Hearings Officer's decision with additional conditions concerning odor, insect pest management, good neighbor agreement and no commercial waste: Moved by Commissioner Fritz and seconded by Mayor Adams. (Y-4; N-1 Leonard)</p> <p>Motion to tentatively deny appeal and uphold Hearings Officer's decision with modifications; prepare findings for November 2, 2011 at 11:00 a.m. Time Certain: Moved by Mayor Adams and seconded by Commissioner Fish. (Y-4; N-1 Leonard)</p>	<p>TENTATIVELY DENY APPEAL AND UPHOLD HEARINGS OFFICER'S DECISION WITH MODIFICATIONS; PREPARE FINDINGS FOR NOVEMBER 2, 2011 AT 11:00 AM TIME CERTAIN</p>
<p>1071 TIME CERTAIN: 3:00 PM – Appeal of Rodney Grinberg on behalf of Lindquist Development Company, property owner, against the Hearings Officer's decision to deny a conditional use review to establish a detention facility to be operated by the Immigration & Customs Enforcement Agency at 4310 SW Macadam Ave (Hearing; Previous Agenda 1007; LU 11-124052 CU PR) 30 minutes requested</p> <p>Motion to uphold the appeal with the following conditions: 1. The Detention Facility shall operate in conformance with the approved Security Plan (Exhibit A8), as amended by the ICE Custody Release Plan dated September 2011. 2. The Transportation Demand Management strategies identified in Exhibit A5 shall be implemented. 3. No razor wire or barbed wire will be used on the perimeter fence: Moved by Commissioner Leonard and seconded by Commissioner Fish. (Y-5)</p> <p>Motion tentatively grant the appeal with conditions and overturn the Hearings Officer's denial of the Conditional Use Review; uphold the Hearings Officer's approval of the Central City Parking Review; prepare findings for October 19, 2011: Moved by Commissioner Fish and seconded by Commissioner Fritz. (Y-5)</p>	<p>TENTATIVELY GRANT THE APPEAL WITH CONDITIONS AND OVERTURN THE HEARINGS OFFICER'S DENIAL OF THE CONDITIONAL USE REVIEW; UPHOLD THE HEARINGS OFFICER'S APPROVAL OF THE CENTRAL CITY PARKING REVIEW; PREPARE FINDINGS FOR OCTOBER 19, 2011 AT 9:30 AM TIME CERTAIN</p>

At 3:45 p.m., Council adjourned.

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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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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 5, 2011 9:30 AM

Adams: We're going to begin in a minute but a few introductory announcements. If you're here to testify, be sure to sign up on one of the sheets out front. That does not include the special presentation so you're ok. If you're signed up, you'll be called up in the order you wrote your name down. Folks are called up in groups of four. Testimony is three minutes or less, there's a clock in front of -- or behind the microphone there in the big piece of wood that will count you down from three minutes. Here, you just need to give us your first and last name. We do not want your address, we do not want your phone number or email address, except for chair cogen.

Fish: And his home phone number.

Adams: And his home phone. And by local law if you're a lobbyist representing an organization, you need to tell us that as well after you give us your name. We're glad you're here and i'm going to start by recognizing commissioner nick Fish.

Fish: Are we going to do -- oh, before? Thank you, mayor. It's an honor today to partner with the mayor on a important celebration and i'd like to invite you to come to the dais while I set this up and i'll ask you at end to acknowledge and identify the other gallery owners here so we can also celebrate their -- with them. I have a proclamation which the mayor is issuing today to read and then we'll turn it over to you for comments, whereas october 2011 marks Portland's first thursday art walk and the 300th first thursday hosted by the Portland art dealers association and the city's many galleries. And whereas first thursday has contributed to Portland's national and international reputation as a thriving arts community and whereas, first thursday and pata offer arts education to students of all ages from throughout the pacific northwest annually and the exciting and welcoming setting offers both new and experienced art lovers and collectors a chance to participate in Portland's art scene and the pearl district, one of Portland's most dynamic neighborhoods benefits from the creative and economic contributions of first thursday and whereas exposure to visual arts enriches and expands understanding of our world and neighbors and our cities and ourselves, therefore, i, sam Adams, mayor of the city of Portland, Oregon, the city of roses do hereby proclaim october 5, 2011, to be first thursday day in Portland and encourage Portlanders to celebrate by taking part. Congratulations. [applause] Charles froelick, we have a proclamation signed by the mayor which we'll hand you in a second. But why don't you start.

Charles Froelick: Thank you Nick, commissioners Fritz, Leonard, Saltzman, Sam Adams. First I want to say a thank you to sam, in the winter of 2009, he gathered arts leaders and he knew the hard times had started hitting and he encouraged -- he with his team, jennifer yocom, encouraged and required creative collaboration and it made all of us think differently how the public and private and all of the nonprofit sectors work together. The Portland art dealers association evolved to include nonprofit, museum and academic galleries in its flyers and you'll see us expanding east and west side of the river and that was a wonderful encouragement from sam and also it was lending a hand and ear to get us through the hard times. We started 25 years ago at the -- the idea of bob kochs and william jamison, who you might remember and it would not have been possible had not all of galleries signed on. It's tens of thousands of people every thursday wandering the streets but it's not just the galleries that benefit. You might ask the restaurants, usually their strongest night of the month. The art shippers and printers and the mailing houses, the travel industry, the hotels. So travel Portland and Portland art dealers association are close partners and they sense what impact

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we have. I want to ask if you get out for first thursday, nick, I know you do, sam, I know you do, commissioners, please join us sometime. It's every first thursday of every month. Even tonight, we have first wednesday, that's an inside thing. You can come and have a glass of wine. Tomorrow is the first thursday, it's the 25th year. We bring artists from all around the world and region and we really hope you'll join us. Thank you very much.

Leonard: I will be at the Lee Kelly exhibit this evening.

Froelick: Fantastic.

Fish: Charles Thank you for all you do. Your gallery is at the de soto building. Elizabeth Leach why don't you take up?

Elizabeth Leach: I want to thank mayor Adams and the commissioners for recognizing the work that the first thursday galleries have done for 25 years. In 1986 there were six of us and now there's 12 of us that publish this publication along with the non-profit organizations-- and it's a really great vehicle, we're basically the ambassadors for Portland. This magazine goes all over the country. It's why brian ferriso decided to take a job with the Portland art museum-- we need to continue to support each other and it's often the first place people come when they come to our city, the galleries and we can be again the ambassador, our portal and we represent the city when we travel and do art fairs and it's exciting to be part of the community. I think first thursday and first wednesday works better than any city in the country, because it's a community strengthening on the east side and west side and helps, as charles mentioned, the businesses, like the restaurants, so thank you for recognizing our efforts on behalf of the community.

Fish: Before we introduce bob kochs, the name "william jamison" was evoked. Some know that name because it's one of our newest and best parks in the city of Portland, in the heart of the pearl district. Welcome.

Bob Kochs: Thank you, when we first started this event a number of years ago, we were six very small businesses. Which made a very small economic impact on the city of Portland and through a great degree of perseverance, it's come to represent and change the social impact on the city as well as cultural impact on the city. It's a testament to the perseverance of the dealers that almost everybody who began this 25 years ago is still involved with this event, aside from the two we lost. William jamison and laura russo. But even those who work for william are still involved and people who work for laura are still involved in the event. That gallery continues to go on. It has become an educational tool for a lot of the under-funded art programs around the city, in the three-county area. Any given first thursday, teachers will pull up in buses with their students and conduct classes within the galleries. It should be noted that a lot of people have met their spouses at first thursday. [laughter] some people have proposed to their spouses at first thursday galleries and others gotten married in the same gallery they've met in. When we first set this up, it was simply to try and promote the welfare of these very small businesses. None of us had any idea it would develop into the kind of event it has and would impact the city in the way it has.

Fish: Congratulations, mayor, can we get a picture with the dealers that are present and Jane Beebe and the other gallery owners here, would you come forward and we'll get a group picture.

Adams: Absolutely. Hi, how are you? [laughter]

Fish: Can we start at the end and introduce themselves and their gallery?

Fish: A round of applause. [applause]

Adams: One more. Thank you all. Thanks for coming.

Adams: All right. [gavel pounded] today is wednesday, october 5th, 2011. It's 9:30 a.m. And the city council will come to formal order. Good morning, Karla, how are you?

Moore-Love: Good morning, I am fine.

Adams: Are you raking leaves yet?

Moore-Love: No.

Adams: Soon? Can you please call the roll? [roll call]

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Adams: I'm already raking leaves. Here. Quorum is present. We shall begin, beginning with communications. Please read the title for 1039.

Item 1039.

Adams: Welcome back, mr. Krupp.

Michael Krupp: Thank you for this opportunity to address you and the world. That you abuse the power we have given you, conduct shady business deals behind closed doors and ensure downward economic spiral that will result in our mutual lack is unremarkable, in that you do so with graceful arrogance while clearly lining your pockets, you poison the city. My life, as you recall. When I requested an audit of mr. Leonard's personal finances last year, I told him we'd feel better afterwards. I was half correct. I do feel better and in his unexplained departure from politics has created a whirlpool to sink the ss sam Adams and ss michael krupp. It's as good as a confession, to which the d.a. Responds, bring me the evidence. I will assist in this effort with the mass migration of political parasites bees, there's a break in the chain of succession and no one in the batter's box for mayor and the city club only serves to contrast truth from falsehood, the old world from the new. Therefore, i'll walk through the front door of city hall, obligated to and obliged by none. The first american revolution was valiant, not fully cured by -- not protected by our constitution, the disease of corporate government spread to the highest institutions and fuels the lust for power through war and conquest. We suffer from starvation while the bankers gnaw on our bones. My -- gnaw on our bones. Our trees and crops are not biofuels. The air is not an aerial dump site. We will not tolerate nuclear power generators located on fault lines and coastlines and near large drinking water bodies. For similar purpose, it seems. I'm the 99% who comprise 100% of what is human. To love and help each other and promote and celebrate the children, our future. This is only possible through the highest respect for our mother and her creations and the creations of her creations at infinitum. Your way has not been usurped. You suffer from patriarchal insecurity. Rejoice, people of Portland, it's from here, we the people, all the people were turned back, the pigs of power, the worms of war and the dogs of death and doom. Amen, sisters and brother. Down rover:

Adams: Thanks for your testimony. We don't have to read that, do we? We'll now consider the consent agenda. Anyone wish to pull any items from the consent agenda. Please call the vote.

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

Adams: Aye. [gavel pounded] consent agenda is approved. We have a 9:30 time certain. Please read the titles for 1041, 1042, 1043.

Item 1041, Item 1042, Item 1043.

Adams: Commissioner dan Saltzman.

Saltzman: Thank you. Mayor. Today the council designates october, 2011, as domestic violence awareness month. And recommit ourselves to end the cycle of violence in our community. Domestic violence continues to be a pervasive problem in our city, accounting for approximately 5,000 calls for police services each year. Part of this council an commitment to stopping the cycle of violence has been the opening, little over a year ago, of the gateway center for domestic violence services. It opened in september, 2010. The gateway center creates an entryway to supportive services not available before the center opened. It makes it easier for victims to receive a variety of services under one roof, offers cultural appropriate services, for traditionally under-served populations. The gateway center also brings together 19 different partners to cohesive serve victims and their children. And many of you were there for the opening, for the first time ever, victims are able to have restraining orders issued by a remote technology. They can go to the gateway center rather than to the downtown county courthouse and speak to a judge via a two-way camera and receive temporary restraining orders in a much easier and compassionate environment. We believe. The final item on the agenda is for the city to contribute a small portion of the funds necessary for a one-year pilot program with Multnomah county which will partner domestic violence advocates with Portland police officers to provide crisis intervention services on evenings and weekends,

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services like the gateway center -- when services like the gateway center are not available. After the presentation, if the council has questions about the last item, we have captain donna henderson of the Portland police bureau and andy neal of the Multnomah county domestic violence coordinator. Here to answer questions on the last item. To start off the presentation on the gateway center's annual report is Multnomah county chair jeff cogen. The gateway center is a joint project between the city and county. He'll be joined by martha strawn morris and a survivor who has received services at the center. Interpretation provided by karina rutova, the gateway center program coordinator. Welcome all of you. Chair cogen.

Jeff Cogen, Chair, Multnomah County Commissioners: Good morning, mayor Adams and members of council. I'm jeff cogen, jeff.cogen@multco.us. I'm happy to be here to bring awareness to domestic violence awareness month and to sell brought the first year of operation for the gateway center domestic violence services and share perspectives why it's such a successful it's said that good ideas are common, what's uncommon is people who work hard enough to bring them about. We have the gateway center, a good idea and a lot of people who've worked really hard to make this happen. City-county collaboration that got the idea off the ground is a reflection of our shared commitment to find ways to address the epidemic of domestic violence in our community and worth noting that while crime generally has been decreasing, domestic violence is an exception to that and the incidence has been increasing rapidly and a coordinated response was necessary. But as we know in these challenging times when all of us are under fiscal pressure, increasingly we need to address problems through partnership and this is the kind of partnership I think that speaks well of our ability at the city and county to work to address our challenges. But i'll say while partnership is the right way to go, the simple truth is partnership is very difficult. And particularly partnership to address a challenge like this. In order to make something like this, the gateway center, a success, what you need more than anything else is a champion and i'd like to take a moment to acknowledge commissioner Saltzman an leadership to that end. Commissioner Saltzman has been the pied piper who has drawn together members of the community to create this really needed service and without your leadership on this, it would not have happened. Thank you very much. But it also took a lot of people to come together. This is truly a broad community-based partnership. The sheriff, the courts, the police, the state of Oregon, the city of Portland, a range of nonprofit providers and the community of survivors. The gateway center's governed by a committed advisory committee co-chaired by commissioner Saltzman and myself. I want to take a moment to acknowledge the members. Chris billheart from volunteers of america. Tana sanchez from native american youth and family center, leslie kay from legal aid, donna henderson from the Portland police bureau and rod underhill from the Multnomah county d.a.'s office and trish martin from the ywca, Gloria wiggins from catholic charities and terry doyle, a survivor, carl from the Oregon dhs, annie neal, the county's dv coordinator and judge Maureen mcknight from the circuit court. Domestic violence touches all of our public safety and human service systems and makes sense to work together to help make sure our residents are safe. I'm proud of the work we've accomplished and it's great to have something to celebrate and i'd like to turn it over to the executive director of gateway center, martha strawn morris and i'd like to acknowledge that this has been a tremendous accomplishment. It's been a startup, it's been something new, it's been something that required skills to work with a broad range of community members and martha has done a phenomenal job and we're really lucky to have her. So thank you for your service Martha.

Martha Strawn Morris: Thank you chair Cogen. Mayor Adams, commissioners, I'm Martha Strom Morris, the director of the gateway center. And I'm so pleased to have this opportunity to update you on what's been happening with the operations at the gateway center over the last year. I'm looking up from my power point to start oh, she's got it. I think a little over a year ago when we opened, we wondered if it was going to be a success. And at this point, I think some really good questions to ask are, are people coming to the center? Are they -- where are they coming from? Are they a diverse population? Are we meeting an unmet need in the community? If the center is

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working, why is it working? And how do participants feel about their experience at the center? And before I share more, a brief reminder about the sort of core components of the gateway center. It's co-located a variety of services. Victims and survivors of domestic violence and their children and we work in a public building. It's a homey physical environment and we have on-site child care and as commissioner Saltzman mentioned, we're an additional access point for domestic violence restraining orders. So to the first question: Are people coming to the gateway center? Yes. In droves. In the first year we served more than 2,000 unduplicated survivors who made more than 4500 service visits to the center. Another almost thousand support group visits were made to the center and 1400 visits to the childcare were made. Which means all told, the gateway center staff handled almost 7,000 visits to the center. It's a huge number. Especially for the first year. And I'm particularly proud that our relatively small administrative staff of three was able to build a operational infrastructure capable of managing that volume. So I'd like to thank Karina Rutova my program coordinator who is here and Diana Lee, our receptionist and admin assistant working at the fort right now, but I sure appreciate her service. This slide shows the quarterly visit rate over the first year. We're trending upward. This is a density map showing where the participants are coming from. As you can see, they're coming from all over Multnomah county, every zip code is represented. Some a little bit more than others. But they're reaching us from far and wide. And they're very diverse population. I promised this body that I would do everything I could to make the gateway center welcoming to people from all walks. I think we've done a great job doing that. We -- participants indicate to us at high rates they find the gateway center welcoming to themselves and others from their cultural communities.

Fish: Can I just go back one slide?

Strawn Morris: Sure.

Fish: What is encompass?

Strawn Morris: This one?

Fish: Yea. The 5% other, what are some of the groups represented in that category?

Strawn Morris: African immigrants and also some people identified as European and then also some people identified as multi-racial. All of those are included in the "other."

Fish: Thank you.

Strawn Morris: Sure. So I think a good indicator we're meeting an unmet community need is found in our referral sources. 50% of people learn about services from other service providers. So it's healthcare workers, social workers, just a wide variety of service providers and we're gathering information more specifically, we know people are coming straight from doctor's offices in some cases, walking into the center. I think it indicates to domestic violence intervention, takes time and a particular expertise and the folks who come into contact with it need us there and sending folks to us. 20% of referrals come from family and friends which is a indicator we have a good representation among citizenry. And 20% of our referrals are coming directly from law enforcement. So one in five folks say they heard about us from police or another member of law enforcement. The gateway center information is right on the victim complainant form that Portland police has. This is in every patrol car that they give to victims at crime scenes and we see -- it's hard to read, but we see these forms physically come into the building often with the gateway center highlighted or circled like it is here. So I talked about people are coming and coming from all over the city. Very diverse. I believe we're meeting an unmet community need. I didn't want to leave today without telling you my best thinking on why I believe the center is working as well as it is. I think the center is working because we've included and integrated four key components. We have navigator advocates as our front line of service. We have a great variety of services in the building. We have restraining orders and childcare. And I think without any one of those, it would not be the same without each one. They meet first with a navigator, our participants come from such a variety of walks of life, they present with such a myriad of issues and circumstances and needs that unless we had a neutral and knowledgeable person to sit down with them first, I don't think we

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would be able to support them the same way. 20% -- excuse me, 30% of our first-time participants to the center indicate to us they don't know what they want to do. They just want to explore their options. They don't have words to talk about what they want to do. And I think it's the navigators who help them think it through and decide on next steps and connect with other services in the building. Our navigators come from six different community-based organizations. I would like to give my great thanks to these organizations. They've trained primary navigators and backup navigators to ensure full staffing. They come from ecumenical ministry and catholic charities and ywca and bradley angle and speak eight languages and they're a great diverse group. Karina has led them and they're a great team. And they're back at the fort working away. Right now, I wish they could be here to hear how strongly I feel -- how important I think they are in the work we do every day. So thank you to wendy and dacomi and others for doing the great work and they see sometimes four or five every day. These are common sentiments. Things like she put me at ease. Explained things clearly. Made me feel comfortable. We also wouldn't work well if we didn't have a great variety of services. These are agencies that partner with on-site services in the building. Done a great job jumping in and rubbing shoulders and getting the best out of co-located services. A big thanks to dhs, and Multnomah county district attorney's office and sexual assault resource center and Multnomah county sheriff's office, the circuit court and the family court bench and everyone who partner in our on-site services and another thing we hear frequently from participants both in the written comments and these are all written quotes people make on the checkout forms and tell us orally as well and it makes such a difference to have it all in one place. I didn't know what to do or where to turn and this place helps with everything. Restraining orders are another key component. Without which I don't think we would do as good work. Many people come seeking restraining orders and then connect with supportive services in the building that they may not have realized they needed. We did 24% of all of the restraining orders filed in Multnomah county in the same period. 16% interpreted. We believe the higher interpreted rates, which indicates some accessibility we're created for potentially under-served population. Again, something we hear over and over. Thank goodness I got help with the restraining order. The quote on the bottom: My navigator made me feel relaxed and safe even when filling out a restraining order, which is stressful. Thank you. I just don't think we'd be in the same place without the childcare either. For them to know that their children are well cared for and happy while dealing with extremely difficult emotional issues is tremendously important and I really appreciate the funding provided by the Portland children's levy to make this critical service possible.

Fish: Can I ask you a question about childcare?

Strawn Morris: Sure.

Fish: Is the program linked to the family relief services in town.

Strawn Morris: The volunteers of america.

Fish: Inner southeast.

Strawn Morris: Right.

Fish: And they're contemplating expansion to outer southeast?

Strawn Morris: I believe so. I can't answer --

Fish: Some Proximity to this center might be appropriate.

Strawn Morris: Sure, and they do regularly make references for families into other supportive children's services. Every parent who checks a child in to the childcare receives information in the wider community that serve vulnerable children and the fact that the teachers are trained and managed by relief nursery staff is appropriate because they understand working with children who may have been impacted by trauma or witnessed violence in their homes and they have loving hearts and room for a variety of behaviors that these kids might show up with that day. It works out well. Having the childcare helped to distract my child and made it easier for me to continue with the process. We hear similar sentiments frequently. So having gotten through the first five points, I want to spend a brief moment on the aggregate data we collect. We asked participants seven

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questions at the end of their visit and these are four examples but all seven, we consistently hear -- receive responses between 95% and 100% positive. I feel good about this as the director. I watch this information very closely. If I saw any dips, I would be looking at my program to see where we were losing quality. But this has been very consistent. These are the types of comments that sustain us doing the work. Again, we hear these not just in writing but orally as well. People find hope when they come to the gateway center and I think we're doing very hard work. We're around a lot of trauma every day. And it matters to us to hear these sentences of hope and gratitude and I wanted to share them with you. I hope you feel pride in what you've done investing in this program for these citizens continues that need -- these citizens that need it. Thanks on their behalf. That's my part of the presentation. I have a very brave survivor hero who would like to tell her experience at the gateway center. She's asked we not use her name today. Her words will be interpreted by our program coordinator karina Rutova. Thanks for your time.

Karina (interpreting for speaker): I got married and came to the u.s. with my husband. A good and honest person. He was from the u.s. Army and I entrusted with him my life and the life of my child. But after we came here, everything changed and he started to abuse us physically and emotionally, me and my son. We work in construction of his house and he -- at the same time telling us he's feeding us. He made us feel better about it. Even didn't have any immigration papers, social security numbers. December of 2010, he got drunk and threw his dinner and started to break dishes from which my son ate. And he threatened us with a gun and he threw stuff at us and teapot with boiling water. There weren't too many houses around so we ran from the house, barefoot, through the forest to our neighbors. We called police from clackamas county came. And they started to talk to my husband like their friends and they -- going to the car, or, his car. They didn't provide for us an interpreter even though we didn't speak english. Only gave us interpreter -- and -- the police report, was not what really happened -- everything was like not right. I started to look for social service administration which can help us and found one which would help, I thought, would help us. But they refused and said that we don't have any rights and it's best for us to go back to our husband -- to my husband. But we could not go back because we almost got killed. And I found myself shelter and moved with my son. And got phone number of karina and they said there's an organization which can help us. I called the gateway center and told my story. And I said -- karina says -- [laughter] -- the gateway center was able to help us. And first what we did, created a service plan which was like necessary for me then. And started to come to the gateway center, the gateway center has good atmosphere and people treated me warm and caring. And karina -- clackamas police department -- police report. And the gateway center police restraining order because my husband continued to call me and said terrible emails threatening me. When my husband violated the restraining orders, she referred me and they helped me. I met with district attorney advocate at the gateway center. My husband called my immigration case because I left him. And karina, and the gateway center staff helped me to gather another case for immigration and referred to catholic charities. And also she conducted research at the gateway center and helped me get a letter and this is the letter I was able to get social security number for me and my son. And were able to get public benefits, cash, food stamps and medical insurance. And also that gateway center found for us programs, so we were able to move to an apartment after shelter. And I -- I received a presentation from the gateway center and provided for me and -- for my contested restraining order and divorce. Like a free attorney. And also, the gateway center assigned me to a program because I was afraid of my husband. And also, she provided consultation about educational programs for me and my child in this area. And now I know -- my degree from russia and get the degree with just -- like what I did in russia. And the gateway center, I was receiving food when I didn't have food stamps. And most important, psychological help for me, my child, we came together. And I felt like I have rights and not -- and I can be protected and the gateway center was a [inaudible] for me. I've had very difficult -- I was in a difficult situation but at the gateway center, I never heard no. They were -- like helped me to solve all of my problems. Everything was

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-- all services were effective and important for me. And it's very important that the gateway center - all sorts of organizations and you can do everything at one place. And at the gateway center, I met martha. And I feel like she's a very good manager and she's -- if you can feel -- you can feel it when you come into the center. It's -- there's very good operation, how different staff members work with each other. And martha, I felt support and understanding for my problems. I want to thank you very much. And I want to say thank you for karina. My son calls her a firry from a fairytale. A fairy. Because after, we can start our life, a change for the better. Much better. And also want to say a special thank you for people who created this center. Because gateway center is a real help and effective. And they helped to believe in better -- want to live. And help to find solutions for any situation which seems like -- doesn't have a solution. And I never will forget the people from the gateway center and everybody who helped me and I want to say a very big thank you. And if I didn't come there, I don't know what would have become of me and my son.

Adams: Thank you.

Fritz: You're a very courageous woman. Thank you for coming and telling your story.

Saltzman: Our final invited panel is chief deputy district attorney rod underhill and Multnomah county commissioner deborah kafoury. Welcome.

Adams: Welcome back.

Rod Underhill, Chief Deputy District Attorney: Thank you very much. And well, i'm about to enter into the danger zone. Going off script. Having listened to what we listened to i'm inspired to make comments not part of my talking points. You might remember two years ago, we were here seeking support and participation funding, if you will, and during that conversation, I made a prediction and the prediction was if the gateway center was built, we would save the lives, we would save the lives of members of our community. And I -- you know, I made that statement from experience. And I now am comfortable, I think, in making it a claim, and not a prediction. You just heard from a individual who, I think, tells us she believes her life has been saved because of the existence of the gateway facility. And is she the only one? The answer is probably no. We've heard that thousands of members of our community went to the gateway center in one year. Do we have a person whose life has been saved and made substantially better? No. We have hundreds and probably thousands. Thank you for that. Thank you for that. Now, to the talking points. Because of the gateway center for domestic violence, the district attorney's office has been able to place resources out at that facility. The resources come in the form of a prosecutor, and a domestic violence crime victim's advocate. Initially the funding for the prosecutor was grant funding. The grant funding has ran out and because we have seen the extreme value, the extreme value of having a prosecutor physically located at the gateway center from conversations with our district attorney, mr. Schrunk, he agreed that we needed to have that physical presence, that person needed to remain involved and tied in to the gateway center. The reasons are we know, we know in the district attorney's office, the best practice is going to be hands on at the front end of the case and by physical location and proximity to this central hub where the victims are coming to, we know that at the front end when we intersect and work with them as a coordinated team effort, we'll gather more evidence and trust and support and as a result, we'll have a better case for prosecution and be able to reach the remedy, the safe remedy for a family relative to those efforts. The involvement at that front end is a critical stage. We know this from examples such as the neighborhood prosecutor unit. The neighborhood d.a.u. is what we call it. We know people out in the community when they're out and able to there, at the front lines are going to give us the best product and we also know that's resource and logistically sometimes challenging. We're not able to do it all the time. We do it in the neighborhood's prosecutor unity and here. And that -- unit and here. And how serious we treat this kind of violence and interested in continuing the participation. Last thursday, I was asked by the ywca, yolanda house, to make comments at the lighting of the morrison bridge where we have purple lights signifies domestic violence awareness month and it was at that event that I made a comment, one. Them was that we in positions of leadership, we in positions of city and county

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leadership need to continue to lend a loud voice, a loud voice to ending domestic violence. The efforts here at gateway center for domestic violence is one of the loudest voices we could have done in the last year, certainly, it's one of the most significant things we've managed to do. I want us to continue to redouble those efforts and continue to have enthusiasm for the program because it's doing tremendous work. Martha is doing tremendous work and having visitors from outside the area come in for tours. And we had the chief justice and we guided him around and showed him the tremendous work. State officials and elected officials -- representatives, Lew Fredericks and others have had the opportunity to hear about the program and see the great work being done. Let's keep it up. Thank you.

Deborah Kafoury: Good morning, I'm Deborah Kafoury, Multnomah county commissioner. Appreciate the opportunity to be here. At the one-year anniversary of the gateway center, we have a unique opportunity to examine how we provide services to domestic violence survivors and children in the community. Last year, before the center opened, there were a lot of questions and concerns within the domestic violence community about how this new center was going to operate. I think there was concern we would just be adding another door to an already stressed, maxed out system. But, in fact, the gateway center has given a new entry point to services for women and children who may be wouldn't have come through the traditional doors and from the data, we've had a whole new group of survivors and families who have come forward and gotten help that might not have otherwise gotten the help they needed. The variety of participants seeking services at gateway reminds us that domestic violence impacts every socioeconomic strata. And as we come together today I think you read my talking points, too, because I think it's incumbent on all of us in leadership positions to look at the results we've seen and think critically about the services we have for survivors in our communities and admit we can do better and advocate for more. The county recently concluded a special report on domestic violence and, quote, the existing system is structured and funded for crisis and post-crisis response, not outreach and prevention. That means we wait for women to be in crisis before we give them the help they need. We wait until they're in danger of losing their lives and until they're able to access services and in nearly every case when a woman calls a shelter for assistance, she is told there's no room at the inn. I believe and I think we all do, that domestic violence services should be available to everybody who needs them. And we can and should do more to help these families before they reach the crisis point. I want to thank Martha and her staff at the gateway center in impacting people's lives every day and commissioner Saltzman and all of you on the city council for funding these really critical services in our community and partnering with the joint. I think we talked -- partnering with the county. I think this is another way, another example how we work together, we can do amazing things. Thank you very much.

Saltzman: Thank you. I don't know if we have anyone signed up to testify.

Moore-Love: No one signed up.

Saltzman: I'd like to close by first of all, saying, I don't think we've mentioned where it is. 102nd and East Burnside, opened 9:00 to 4:00 Monday through Friday and you don't need an appointment. You can just show up. I would like to thank our participants, especially Multnomah county represented by Chair Cogen and Commissioner Kafoury and the district attorney's office, Mike Schunk and Rod Underhill, who made a significant staffing commitment to the center early on and I want to thank Sheriff Dan Staten, who made a commitment to provide a facility security officer to provide security at the gateway center. And then I'd like to acknowledge Martha Strawn Morris, and her staff, Karina and Diana. And all the service providers at the gateway center for the intense hard work they do day after day to make it easier for victims of domestic violence to become survivors. Thank you all. That concludes our presentation.

Leonard: I have a question.

Adams: All right.

Saltzman: Question on the budget question, now is the time.

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Leonard: I obviously support resolution 1042, domestic violence awareness month, and the report on the gateway center, I was pleased to support commissioner Saltzman's initial proposal that forged this partnership with the county some time back and intend to continue doing so. I appreciate the work and testimony of everybody involved. So I apologize in advance for the questions I'm going to ask. But this week, we've been briefed by the mayor that public safety bureaus which are the police bureau and the fire bureau and the bureau of emergency communications will have to prepare a budget for next year that would require a 4% cut, which amounts to three fire stations closing and a rescue. I don't know how much that means in reduction service in boec or police. But it's significant and all other general fund bureaus have to prepare up to a 8% cut. Including parks. So I'm -- I'm fully intending to vote for the \$41,000 allocation, but I do think in the context of -- of acknowledging that next year we're going to see serious reductions in all services I have a couple of questions about \$41,000. It's not a lot of money but it's important for us at this point to begin asking these questions for budget amounts outside of our normal process we go through. So what process did you go through too identify the \$41,000?

Saltzman: Well, we -- I don't know if andy and neal and the captain from Portland police want to come up --

Leonard: I'm not talking about specifically the process for the positions or the wisdom of the positions. That I don't need an explanation. I actually mean the fiscal process that internally here in the city -- I would remind you that in -- in proposals like this in the past, you've voted no. Because they came to us outside of the budget process. I'm not going to vote no, but you've raised this same kind of concern. I think now more than ever given the cuts that we're inevitably going to see in all of the services we provide, not to mention a follow-up question, if we fund these positions, as one-time money, I fully expect them to come back next year to be funded with ongoing revenues. If you can explain your thinking.

Saltzman: Those are fair points. You can stay up here, just in case. Don't run away. The decision to seek funding at this point in time was really my decision. It was based on again, a partnership with Multnomah county. Multnomah county, I believe is -- is providing I think over two-thirds of the funding for these positions. And it really is to -- I felt it is a high priority to provide advocates riding with police officers on the weekends and evenings at the times when most calls for domestic violence occur. And this was -- it is a pilot. And we will certainly keep track of the money. But yeah, if it proves successful and prove what is I think we all think, it provides a critical service at a critical time of day and days of the week, I would attempt to seek funding for it next year, too. Although it's a pilot project at this point and we want to -- just like the gateway center a year ago, over a year ago, we carefully evaluated how we've done. I think as you've seen in the presentation, we've exceeded expectations and provided a service needed by many in our community.

Leonard: I'm curious, given that as I said, you've raised legitimate concerns about funding these programs outside of the normal process in the past and knowing we're going to make substantial cuts. How -- I'm trying to understand the consistency of now buying into what will inevitably be a request for ongoing funding knowing we're going to have to cut live police officers and live firefighters and probably close parks and community center, undoubtedly, doesn't this put us in a awkward spot committing to more services when we have to cut back on services?

Saltzman: I agree it puts us in an awkward spot. I recognize we're all going to have -- all five of us are going to have to make tough decisions in the months ahead as we adopt the built for the next fiscal year. It's not going to be easy.

Adams: Additional discussion? All right. Should we work our way down each of the three items? The resolution, can you please call the vote.

Item 1041 vote.

Leonard: I do very much appreciate the report that we received today. And was with commissioner Saltzman a year ago when we had the grand opening of the domestic violence center and it has proven to be a success and I appreciate all his work to make that happen. Aye.

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Fritz: Thank you, commissioner Saltzman, for your leadership on this and the staff and everybody who came today for all of your diligent work. It's really important that this service exists and that it indeed has saved lives, thank you so much for all of your work. Aye.

Fish: I want to thank martha and the team for your great work. I hope that the one-year report of the bud clark commons will be as thorough and comprehensive as what you've done and thank you to everyone who testified today. Aye.

Saltzman: Aye.

Adams: Aye. [gavel pounded] can you please call the vote -- entertain a motion to accept the report.

Saltzman: So moved.

Fritz: Second.

Adams: It's been moved and seconded. Karla, call the vote on the motion related to 1042.

Item 1042 vote.

Leonard: Aye.

Fritz: Thank you to martha for her report and commissioner Saltzman for bringing the report. Whenever we have a significant new program, it's important to keep going back and giving the updates and finding out is the investment in taxpayers as money working? It's clear we need to get upstream of the crisis intervention and provide services ahead of time so that people have a place to go to get the services they need. So thank you so much for the report. Aye.

Saltzman: Aye.

Adams: Aye. Report accepted. Please read the title for emergency ordinance item 1043.

Item 1043.

Leonard: And this is the resolution -- or, the ordinance, actually, that I think is awkward in the sense that it obviously is funding in a partnership with the county crisis response advocates as the ordinance says that partner with patrol officers who encounter victims and need immediate assistance during evening and weekend hours and undoubtedly important services and the county is contributed \$83,155 to fund those spots and the city, \$41,720. And how the county in the context of its own reduction in resources that provides to be clear, essential services to the handicapped and elderly and to treatment services for those addicted to drugs and alcohol oftentimes combined with mental health issues, all three, how they can identify these resources, I leave up to them and applaud the efforts to fund that. I only know where I sit for the last two days, i've ruminated over where we're going to begin identifying over \$4 million in cuts in the fire bureau. Over \$6 million in cuts in the police bureau. And I don't know how many millions of dollars of cuts in the parks bureau. I recognize these are one-time dollars and in our parlance, that's an easier ask to fund from onetime dollars from ongoing dollars. But as commissioner Saltzman pointed out in this kind of discussion before, this will inevitably return to us next year in our budget as a request for ongoing dollars and a need to stake out that I will vote for this based on the success of the program and how -- what good work it does for these one-time dollars but I also need to make it clear that I cannot support, if the revenue projections come back as the mayor has told us they are, having this translate into ongoing dollars without being looked at in the context of our entire budgetary obligations that we'll be painfully going through this upcoming year. Aye.

Fritz: I appreciate you airing those concerns, commissioner Leonard. This funding does leverage additional funding in grant money and it's a pilot project so we will be getting the results back. It's similar to what we're doing with the police bureau in mental healthcare in co-locating project respond staff with our police officers in a mobile response unit. I reported to the council on in august in the safer pdx project. It's recognizing we need specialists in the subject areas to help victims at the point of crisis and our police officers are not best suited to do that work and frees up the police officers addressing the crime they need to do and puts the topic experts doing the work. I would note that I worked evenings at ohsu in psychiatry for 22 years and most of our admissions were evenings and nights and did most of the discharges on week days. As part of the pilot project when

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you come back I would like to see an evaluation whether staffing could be shifted to provide weekend and evening coverage. Obviously, we would like to add, but under the current budget crisis we've been going through, that's possibly not realistic so we need to look at where the resource is most needed and how to keep the center open at those times or close to it. These are things part of the pilot process and looking at these difficult questions and how best to provide the best possible help by the best possible professionals in the moment and I appreciate this has come to us. Aye.

Fish: Is this the new voting order?

Moore-Love: Yes.

Fish: Sorry. Hard for me to keep track. One other piece of context, if I could. I think it's helpful since people are interested in our budget process. I just started -- and dan just started a four-year term. This will be coming back to us in the next budget and it's important that we both are clear how we look at this issue. The old rules were in our fall bump, our adjustments, we were more sort of free for all, or had a more flexible rule in looking at asks for compelling purposes and I think you're hearing from the colleagues that this is compelling. The challenge is we're going into a budget season where the office of budget and finance is going to direct us we're prohibited from putting in any one-time asks that expands or adds new programs. So that's going to be an iron clad rule that will govern us. This technically qualifies as a new or expanded ask. So -- and then the other piece that's important to know is that our pool of money available to being converted to ongoing is shrinking and there may be none of that available absent cutting other programs and for me, as the parks commissioner and housing commissioner who disproportionately sends money back to the county in the form of transfer payments to cover the youth homeless continuum, older adults around services in our parks and other things, this has to compete with those other priorities and we'll have to talk about how the county and city prioritizes those and that's what we're talking about. A limited amount of dollars and compelling asks and how does it compete? And we're committing to a one-year pilot but raising a red flag whether this can be converted to ongoing. We may not have any ongoing money to convert. Just the context but it doesn't take away from the validity of the ask. Aye.

Saltzman: I appreciate the points that commissioner Leonard and Fish and Fritz, and they're legitimate concerns. I would say that this is, you know -- basically, a federal-funded pilot. One year, and we'll evaluate it carefully and if it does, in fact, prove to be success successful, we would like to continue it, but as commissioner Fritz said, we might find ways to operationally change the hours of the gateway center to may be pick up slack and reduce the need for further requests for ongoing. But i'll say as I said a minute ago, that before we opened the gateway center, we had lots of questions about its effectiveness, would it truly add value to helping survivors in crisis. And you heard chief deputy district attorney rod underhill say a moment ago their commitment to have a d.a. There was grant funded too. But they found such value by having a deputy district attorney at the center, that they found a way to keep it going and as we know, the county and city are not in good fiscal situations now or in the future. But I do appreciate my colleagues' support and I do promise you we'll measure the effectiveness and look at other alternatives within the parameters of the gateway center operations itself. To see if the service proves to be critically necessary, then we'll figure out a way to do it. So thank you for your perseverance on this. Aye.

Adams: I want to thank commissioner Saltzman for leading efforts to see the creation of the domestic violence gateway center. And I want to thank the team that he assembled. For the great work and starting up a program. I'm -- also share in complimenting the county partners at a variety of different levels. This really, I think, is not only providing vital services in a more effective way, it also is -- the partnership that has been assembled around it, I think, is an example of the kinds of partnerships that will be required moving forward. Probably added to the partnership would be more charitable or private fundraising and I would like to see especially the insurance and hospitals be bigger partners. I know that kind of fundraising is difficult, but as has been discussed up here,

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the next budget cycle, we're going to contemplate making more cuts in the city, in the county, more cuts at the state level and federal government super-committee is meeting now to essentially cut the heart out of a lot of programs, a lot of funding for programs at the local level. So I think this -- though this general approach is -- for the gateway center is spot-on, and I hope that as we look to pilot these positions, we also look to find potential new avenues of charitable or private funding. But congratulations and thank you to everybody. Job well done. Aye. [gavel pounded] great, that gets us to -- oh, and if council could make sure that I get your comments back on the memo. Since we've talked about it publicly, I need it like -- now: Your homework. All right. We're going to take a five-minute break. Since -- a compassion break for five minutes. See you back. [recess]

At 10:48 a.m., Council recessed.

At 10:55 a.m., Council reconvened.

Adams: We have a 10:30 time certain for which we're 25 minutes late. Please read the title for report item number -- sorry, first we've got to reschedule an agenda item. Please read 1044 and then we'll set a date on which it will be rescheduled.

Item 1044.

Adams: Unless there's objection, this is -- this has been rescheduled to wednesday november 16th at 9:30 a.m. Hearing no objection, so done. [gavel pounded] now please read the item for report 1045.

Item 1045.

Adams: Commissioner amanda Fritz.

Fritz: Thank you, mayor Adams, i'm so happy to be the commissioner in charge of neighborhood involvement which houses the disability program and the Portland commission on disability. I've observed the amazing work that city employees and community members do to improve access to programs and services for people with disabilities. We certainly have a ways to go to ensure universal accessibility to city programs and services. We've achieved huge accomplishments in my time in office and I'm happy to bring this report to council today. The creation of the Portland commission on disability occurred in october 2009, the commission was seated in february 2010, and has been doing wonderful work. The commission is charged with guiding the city toward ensuring it's a universally accessible city and to advise on disability-related issues. We have increased accommodations for people with disabilities. In council chambers for all meetings and the council made a commitment of funding an inventory of all city-owned facilities and made other improvements as well. There are other community programs that work with community members to provide accessibility for people with disabilities including the disability program in the office of neighborhood involvement, the Portland parks and recreation adaptive and inclusive recreation program. Portland police bureaus developmental disabilities advisory committee. And portland housing bureau's housing connections program and volunteer emergency registry program and many others and still there needs to be more. I've been amazed at the involvement, commitment and expertise of the commission. The commission has been involved in the creation of office equity and human rights and informed the creation of that new bureau. I'm happy to introduce nyla mccarthy, the chair of Portland commission on disability to present more of the work of commission.

Nyla McCarthy: Thank you, commissioner Fritz and mayor Adams and fellow commissioners. Two things -- we're scheduled for half an hour. You'll be happy to know that I have no intention of using the entire half hour and i'm not going to read the power point. But do I want to say i'm here in an incredible spirit of gratitude and celebration and also -- and pride. And the pride piece i'd like to take a moment. We have a third of our commissioners who showed up. And so with your own gratitude i'd like to ask each them to state their name for you, because I believe they deserve a moment of notice.

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Nicholas Johnson: My name is nicholas Johnson commissioner [inaudible]

McCarthy: Thank you.

*****: [inaudible]

*****: I chair the executive committee [inaudible]

Allan DeLa Torre: Allan Dela torre [inaudible]

Denise Brown: Hello, denise brown [inaudible]

McCarthy: And our staff people you know. Nicole and patrick. So -- so what you've -- you've got the power point and you may or may not have looked at it. What you may not know, are a couple of things I thought would be helpful to share with you somewhat off point but really on point.

There are 30 commissioners and we represent pretty much every disability, as well as the state, the county and city. And we have people who represent almost every agency that serves a person with a disability and we're diverse in terms of race and as well as different cultures and ethnicities and we're very happy to have that size of a commission. Less than a year -- really a year and a half -- since our first meeting when none of us knew each other and had no work plan, i'm proud to share what we've accomplished in that time, on limited resources, a .2 staff person which we shared at the office of neighborhood involvement, and a .5 support person. Because of the hard work of folks who are here today. Our mission, our core objectives and what I want to say about bureau liaisons, we're grateful to all of you, because you're liaisons have been coming to our meetings, many of them have been very involved in all of the subcommittees and assisted us in providing guidance and information carrying back to you, we hope. We have four subcommittees and i'll talk about those in a moment and we've developed numerous ad hoc committees and I realize in this report, we didn't necessarily do those. We had a chance to completely revise the bylaws this year, because the bylaws which were put in place didn't really reflect the work as we began evolving. We created our offices and procedures because though the commission, birthing committee, which had brought PCOD together had done a lot of great work. Once we became a body it was clear we needed to fine tune it. We're sort of like toddlers now, at best. I think with our work plan, I was pleased to facilitate a five year work plan for this commission but because things like the Office of Equity and the Portland plan came up, a lot of our resources really ended up going to those. So some of the things on our full work plan, which are available on website, which we didn't make you look at today, are still waiting to be addressed. So, this is a little bit about empowering, I don't need to say that. These are however our four formal subcommittees. We have a livability and wellness subcommittee. And I'm going to talk briefly about each of those in a moment and what they've done. We have an accessibility in the built environment committee

That committee is taking a look at the city of Portland, at it's facilities at accessibilities at all levels.

Public outreach and awareness is to assist people, help city officials recognize the role that people with disabilities might play, and we're going to be developing a leadership academy and institute to try to recruit new leaders from the field of disabilities to come to meetings, and we hope to see one or two of them on the council in a decade at a minimum. The liveability and wellness subcommittee, which the goal is to increase community connection, has begun with the emergency preparedness folks, your new city named office. So we're spending some time taking a look at how response is going to be and emergency preparedness. And that coordinates with the State. That is of some interest to me because I am also the director of the State's training and prevention unit for abuse. And actually was quite interested in your response, and thank you for supporting the work of domestic violence against people with disabilities is unbelievably high. In fact, women with disabilities are the highest victimization rate. But I'm not here to educate you about that today. I'm just grateful to thank you for doing that. I want you to know that what this committee's been really working at was auditing all of the waterfront and park activities to make sure they'd be accessible for all forms of disabilities, people with physical disabilities, vision disabilities, hearing disabilities; they've worked closely with your city staff to take a look at the movies and films that are accessible and they are going to work very closely with the emergency response team to begin taking a look at

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the procedures, particularly with 9-1-1 and police that are going on. We can see that our built environment subcommittee --

Fish: Can I just ask a question?

McCarthy: Absolutely.

Fish: You said to make sure our movies are accessible, I'm assuming you are talking about our movies in the parks?

McCarthy: Yes.

Fish: So what is a typical issue that comes up about access to a park for someone who wants to see a movie?

McCarthy: So depending on your disability the most obvious one people think about is physical mobility. So being able to get to the site would be an issue. Does the site have loose gravel or grass that would make it difficult for people with chairs or mobility disabilities to get there? Or does it actually have nice compact gravel or cement or some form of hard turf that would make it accessible? Are there spaces set aside for folks with vision disabilities who can perhaps have limited vision and would want to be able to see close up? Are there captioning available for the film for folks whose might be having hearing disabilities? Those are all issues that we've been looking at, auditing, and working very successfully with city staff on addressing. That's a good question. Thank you for asking that, because most people don't think about that. When we're not with the disability, those issues don't come into mind. As people age, more will be struggling with that. Our built environment subcommittee has been really active and has a lot of city staff actively on it as well as community members. That's something else I want to say. We were talking about budgets earlier. We have so many community members involved in all of our subcommittees, which is really wonderful. Thank by, there's about a third of the commission that are highly active. Mayor Adams just signed a proposal that the chair of our subcommittee just went to doubling on making Portland accessible for all levels of abilities and disabilities, a united nations thing. We're looking at public facilities. These are all from our work plan. What they have done is kind of what I want to focus on. In the past year, we audited council chambers for accessibility, and we're kind of looking forward to looking into our movement. I was here in a slightly less celebratory mood before, and we're looking forward to having the office assist us with ongoing you had a deaths as well as data collection. We've written letters and been very active in working with tri-met around accessibility issues especially related to budget cuts and how that affects folks with limited access to transportation. We've been involved with the buildings code division, sending letters of support there, and that subcommittee continues to work on disability as well as looking at an issue which wasn't on there working with Portland state university on the accessibility grant. Our public outreach and awareness committee has -- our general goal was to make the general public aware of disability as well as looking at leadership and increased awareness of how many people with disabilities are present and visible in the city. We've done lots of technical advice to the Portland plan. I believe you have a document in front of you which showed all our recommendations. The original Portland plan language did not include people with disabilities, and so we really spent some time going through it and making recommendations of how the language could be more truly inclusive of all citizens of the city. We've been highly involved with the creation committee and will continue to do so. We have created our own website and facebook page. There's a brochure which we take out when we do speaking engage. If we had adequate staff support, we probably would be able to really get out there and do more, because all of us have jobs. I commute to salem every day. I've asked commissioner wall to come and talk. He'll use this as an opportunity to talk about our employment proposal. Thank you.

Travis Wall: Good morning, mayor, commissioners. Glad to be here. Thank you for this opportunity to talk with you about our work. So over the past 18 months since the employment committee began to work, we've sought to deepen our understanding and, of the employment barriers and opportunities available to residents of Portland with disabilities. People with

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disabilities have been and continue to be significantly underemployed and unemployed. In fact, while 18 to 24% of our population have a disability, less than 35% of people with disabilities, working age adults with disabilities, are in fact employed. People with significant or severe disabilities are unemployed and underemployed at a much greater rate, and, in fact, many work in segregated work sites often for subminimum wages. And the city itself, from the information that's available to us, its workforce doesn't really represent our community in the sense that it doesn't have a significant number of people with disabilities in its employ. In looking at how we might address this issue and again trying to deepen our own understanding, we've talked with a number of folks over the past year, organizations and individuals, the office of vocational rehabilitation services, the Oregon commission for the blind, the bureau of labor and industries which houses of course the civil rights division. And we've begun to formulate some ideas and thoughts as well as a proposal about how we might address some of the issues that we've had come before us. We think it would be very useful for the city to designate itself as a model employer of persons with disabilities and develop a plan for carrying out such a status. We have crafted a proposal for doing just that and have begun to talk with staff about this proposal. We hope in the coming months to bring that before you when we complete it.

Fish: I have a question. Have you had conversations with our staff about how they do recruitments for oppositions, and have you identified some existing barriers that preclude qualified people with disabilities from seeking employment with the city?

Wall: We haven't had a conversation about that specific issue. We have been talking with the bureau of human resources staff about this issue, and that's something that we'd be looking at to look at more carefully in a planning process for addressing how the city might better become an employer of persons with disabilities.

McCarthy: We're really just beginning. You're sort of hearing about this for the first time today. There are so many issues that prevent people with disabilities from normally considering themselves for applying for jobs. Having a lifetime of messages of being kind of invisible and being told that no matter how skilled you are -- even my own self, I remember being put on the spot once in a public job interview about my disability, and normal people, quote-unquote, don't usually get asked those kinds of questions, so people are often afraid to come forward. They might not think they're going to have a chance. So working with recruiters to find new and innovative ways to do outreach is a big one. The normal methods don't always work, posting ads, things like that. When the proposal makes its way to you, we'll be hopefully in partnership with you in figuring out how to move forward on that.

Wall: The proposal will be a process for further identifying, analyzing the problems, and then in fact forging a response to those issues. I might share with you that there are similar initiatives being carried out by other cities as well as the federal government. Roughly a year and a half ago President Obama issued an executive order declaring that the federal government would become a model employer for persons with disabilities and outlining a plan for the government to carry this out, designation of those that would be responsible for carrying out that process. There are cities, including Baltimore and Chicago, that have also initiated similar kinds of efforts.

Fritz: You mentioned President Obama. He has proclaimed October, 2011 as National Disability Employment Awareness Month, and the council will be having a proclamation in the next couple weeks to have that proclaimed in the city of Portland as well. Your comments and your work are an example of why I'm so happy about the commission partnering with the new office of equity and the work of looking internally at what the city of Portland can do in making our hiring practices, what we do within all the bureaus, more equitable. So I'm very excited to hear about this initiative. I think it matches well with the work the new office will do. I compliment you right now on all of the volunteer work you've put in. Also Patrick and Nick who have been doing sterling work with very limited resources. It's very important to have these partners when we have such limited resources. We continue to struggle through this recession. Thank you for your work.

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McCarthy: I'll be talking about just that issue in a moment when we get to general accomplishments. So the final subcommittee actually is -- excuse me. The other work we've done outside of the formal committees, the executive committee and members of the commission, we've served on the senate bill 716 task force, been working with the charter commission to examine all of the issues that exist within the charter commission, were highly involved with the equity tag, looking for housing for people with all disabilities. We serve on the neighborhood involvement advisory committee. We've written so many letters of support related to every type of issue that comes up for folks with disabilities. We've done our bylaws over. We did lobby -- we began lobbying once we had our five-year plan. It was pretty obvious that Portland being the city of sustainability, the things we identified in our first year as projects for the commission to go forward simply could not be sustained on a .2 staff person and .5 administrative person. I know there's budget cuts, so that's why I said i'm in the spirit of gratitude thanking you for what you've given us.

You've given us a full time administrative person. What we've asked patrick and nicole to do is probably not fair or human, but it's probably going to continue. The office of equity will be one place where we'll continue to get more support, but one of the documents that you have with you is a budget proposal, and so i'm not going to ask you for that budget now but want you to know what we would have asked had it not been such a grim budget cycle. There is a two-year budget proposal. We convened several times. I have a friend who's the head of massachusetts state disabilities commission, and I asked her for operating budgets for other cities who have similar programs. Most commissions on disabilities and programs on disabilities that are doing the kind of work that we do have any where from three to five full-time staff people to ensure the integration happens across the city as well as with us in something like a county. We thought this was a fairly lean and mean budget given what we needed and then found out the reality of the world. The in kind donations agencies you bring to us are wonderful. As we get our bumps and bounces, it's going to get increasingly difficult, so we're sort of all in the same pot. Be looking at it, 'cause i'm sure you'll see it again in the next budget cycle. At which point, i'm sure we will—for those who do not know is actually a negative term. It reflects the era in which people with disabilities were put out on the streets to die and came forward with our cap in hand to beg. We'll be cap in hand once again looking for additional support. We're working right now on a political paper. It's close to being finished. I was looking at the final draft the other night. There's a small group of us who are working on it because it is an election year and we believe there are a lot of issues related to disabilities that political candidates would want to be informed on, so we'll have a position paper that will be circulating to political candidates. We intend to invite them to come and discuss -- we're even thinking of holding a candidates' forum. Not sure whether folks would prioritize that. We might partner with the league of women voters on that or someone else. We form a -- we form a rather large part of the voting constituency at 25%. We worked on the ada's anniversary and making a difference awards. By the way, i'm inviting you october 20th to the connecting communities event which will be held. The making a difference awards will be passed out. There were 500 people last year. We're expecting about 800 this year. Many who show up have disabilities or serve people with disabilities, and many are just allies or friends. Every person in this room is invited. We'd love to see you there. And of course the rally for the federation and national association of the blind. Yes, did you -

Adams: I'm impressed with all your sponsors.

McCarthy: Sponsors, yes. Times are tight, so connecting communities is looking for ways to -. And we don't charge anybody. It's amazing that we can bring 800 people in, feed them. There's alcohol and non-alcohol donated. And it's a celebration. It's truly a celebration of people coming together. It's a highly diverse group, and most of the populations come, so please come. It will be a great time. That's what we've accomplished in our first actual year. Any questions?

Fish: I just have one comment, in one of your powerpoint boxes, it describes your public outreach work and some of the work you're doing to influence legislation, do public awareness, and I would

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encourage you on that stuff to just routinely copy electronically the council offices if you don't already so that we're aware of what's in the pipeline and what you're advocating about.

McCarthy: Absolutely.

Fish: You may already do it, but a routine electronic cc would be helpful so we know what issues you've prioritized.

McCarthy: Thank you for that. We try to be very careful because we know, as a commission, we have to be careful. Now that Patrick is full time, you'll be besieged with as much information as you want. We're very eager to keep you informed. Honestly, this issue affects everybody in this room, and we're really grateful for the support you've given. It's been wonderful having such a strong advocate as commissioner Fritz. We do look forward to working with you. We know even though demographics are now something like 55% of the city is under the age of 50, many of us are aging. As we age, when you reach the age of 60, which some of us are closer to than others, that number of 24% of the population with disabilities, national statistics, say that number raises up to somewhere between 50 and 60%. So it affects every single person. Even though not all disabilities are visible, it affects, regardless of race, regardless of age, regardless of religion, it affects everyone. So we just really want to work with you about that. So thank you.

Fish: Thank you.

Adams: Thank you.

Fritz: Thank you commissioner Fish for that comment, it reminds me that although the Portland commission on disability has been housed in the office of neighborhood involvement and now will be in the office of equity and human rights, you serve the entire city and the entire council, so I encourage you to set up liaisons with each of the council offices and meet with us quarterly just for updates and relationship building and getting to know what the issues are.

McCarthy: We're happy to do that. We have folks who want to be liaisons, and I think which of you have been contacted. We're having a January retreat to revisit our work plan, and I want to spend some time developing some additional leadership. The new leaders will be coming to see you and finding out what issues are important to you and how we can advise you.

Adams: Anyone else signed up to testify?

Moore-Love: No one else signed up.

Adams: Please call the vote.

Fritz: Move to accept the report.

Fish: Seconded.

Adams: Seconded, please call the vote on the motion.

Leonard: Thank you for this very nice work, commissioner Fritz. Aye.

Fritz: Thank you for taking the time to be here today. The commission on disability has made amazing accomplishments in a very short time and has proven how 30-plus very different folks from different backgrounds can work together in the common cause. It's truly an example for the office of equity and human rights, looking at all bureaus and working with all bureaus involving staff and doing a lot with very little. I note that your proposed budget was close to \$400,000 for next year and \$470,000 the following year. That indeed is what I believe it would take to staff appropriately. That brings into context the budget of the office of equity and human rights which doesn't allow for that. Particularly looking at how we're funding other aspects of what the equity work needs to accomplish. You are all used to doing above and beyond with challenges beyond what many could comprehend, and so I appreciate the commitment to work together, to work with me to, work with staff. The staff puts their own time and their passion and their heart into this. It's a remarkable project and has come a long way in a very short time. And it's poised to continue the work and expand, working with each member of council and each bureau on the important work that you do. Thank you very much. Aye.

Fish: Chair McCarthy, thank you for an excellent presentation and to members of the commission who are present and special shout out for the work that you did on the analysis of impediments

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portion of the city's comprehensive plan. We've received extremely positive feedback on that portion, and there is a wealth of very useful information in that report about existing barriers to housing choice, so we thank you for your full participation. Aye.

Saltzman: I want to thank commissioner Fritz and the commission for its outstanding work. You definitely have your feet under yourselves and lot of progress ahead, so I look forward to it, appreciate your continued advocacy, analysis, and everything you're doing. Great work. Aye.

Adams: Thank you, commissioner Fritz, for your excellent leadership on this issue and the equity issue. Chair mccarthy, the entire commission and subcommittee participants, I am, as mayor, interested in Portland being a model on this issue, and so your work has gotten us off to a really, really strong start, and I think the inclusion in the office of equity will help you even go further and faster. The one thing I would just reinforce, a pet peeve of mine, and that is the numbers -- the baseline numbers, and we're not going to be able to -- the baseline numbers and investing in the solutions that are going to yield the most results. Sometimes those are really obvious, concrete investments, and that's exactly what it takes to improve the quality of life, and sometimes they aren't so obvious. But as long as they're strategic and we can see the actual improvement in quality of life and improvement in the prosperity, then we'll really be moving as quickly and in the direction that i'd like to go. So I look forward to that. I know, with the numbers emerging, if you all come up with interim numbers and goals and a baseline of where we're at and the improvement we're looking for, i'm interested in that. That's a key part of what the office of equity will do. Because when I look back again over 20-some years of service here in the city of Portland, I see an absence of that, and so we really have not held our collective selves accountable to sustainable improvement on this area or other areas of equity, but I feel very hopeful and enthusiastic we'll get there because, with very little support, you've done so much in such a short amount of time, and I am very, very grateful. Thank you. Pleased to vote aye. Please read the title for 1046.

Item 1046.

Adams: Welcome back. I'm hopeful you'll be able to help make up for lost time here.

Douglas Hardy, Bureau of Development Services: I will try.

Saltzman: Can I offer you the amendment at this point?

Adams: As soon as you get recognized, I thereby recognize you.

Saltzman: O.K. This is an amendment to the findings, and mr. Hardy, can explain it, but it does reflect the council discussion on the hours of use for the parking lot, so I would move this amendment.

Adams: Second.

Fritz: Mayor, I was not present for the hearing, and have not had time to review the record, so i'm going to excuse myself and go thank the commission on disability.

Adams: Sounds good. It's been moved and seconded, Mr. Hardy do you have any comments on this other than you think it's a great idea?

Hardy: I don't have any comments. I'm here if you have any questions about the amendments.

Adams: Questions from council?

Leonard: Has the amendment been floated past the representatives of central catholic?

Hardy: It has.

Leonard: It has.

Hardy: Yes.

Adams: Unless there's additional council discussion, please call the vote.

Leonard: If I could just ask. That's a modification to condition e, has condition m also i'm assuming reviewed by central catholic?

Hardy: It has been, yes. The amendment to condition e is the sole amendment -- is the sole amendment at this point.

Leonard: Thank you.

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Adams: Alright, unless there is additional council discussion, Karla could you please call the vote on the motion to amend?

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

Adams: Aye. So amended. What else do we need to do today? Is that it?

Hardy: That's it.

Saltzman: We need to adopt the findings.

Adams: We will now take the vote on the item before us. Do I need to say any more?

Kathryn Beaumont, City Attorney's Office: Kathryn Beaumont, city attorney's office. What you have before you is the findings that would reflect the council's final decision on this matter. If you adopt these findings, your vote will be to deny the appeal of the Buckman neighborhood association and uphold the hearing officer's decision as modified, so all you need to do is take a final vote to adopt it.

Adams: Unless there's additional discussion from council or the clerk --

Fish: So moved.

Fish: Seconded.

Adams: So moved and seconded. Karla, please call the vote.

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

Adams: Aye. Thank you very much. Really appreciate, everybody. That gets us to -- can you please read the title for item number 1028.

Moore-Love: 1068?

Adams: 1064. This is actually a second reading although it says previous agenda. Please call the vote.

Leonard: Aye.

Fritz: I generally having lost a vote will then vote in support of, I think, the subsequent resolutions and ordinances if they're in compliance with that. However, on this one, the land is zoned r.x. Residential. And we have a policy of no net loss of residential housing. So I don't think we should be removing the housing opportunity at this time without doing the zone change. No.

Fish: No.

Saltzman: Aye.

Adams: Aye. Motion's approve. Please read item 1065.

Item 1065.

Leonard: Aye.

Fritz: I believe the city should not be paying half the design costs on a building when our state could be only one-third ownership. No.

Fish: No.

Saltzman: Aye.

Adams: Aye. 1065 is approved. Please read the title and call the vote for what is second reading item number 1066.

Item 1066.

Leonard: Aye.

Fritz: Several weeks ago, I pulled this from consent because the numbers in their request didn't add up. There was \$13,000 in cost but the \$20,000 increased in allocation. In working with the wonderful staff in the streetcar program, it turns out the overhead is 118% of the salary, and city overhead is much less than this. I understand that different agencies calculate overhead differently.

However, this has brought to light, and this is an industry standard. This has brought to light the fact that many of our contracts include a high level of overhead, and I think we need to look at that as a global issue particularly given the economy at this time. However, because a contract is a contract, a promise is a promise, we do have the contract with Portland streetcar at this level of overhead, and therefore I vote aye on this ordinance.

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

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Adams: Aye. 1066 is approved. Please read the title for item number 1067.

Item 1067.

Adams: Good morning. This is the standard ordinance. Right?

Jonas Biery, Office of Management and Finance: Indeed. My name is jonas biery, city debt manager. Ordinance authorizes up to 4.5 million of limited tax improvement bonds that will finance costs of certain completed local improvement district projects and certain existing system development charge contracts. These bonds will be repaid from the revenues collected from existing assessment contracts between the city and property owners that are benefiting from the finance the improvements. Mechanics of the assessment contract program provide a reliable form of payment, however the bonds will carry the additional pledge of the city's full faith and credit. Bonds are expected to be sold via competitive bidding process in december. I'd be happy to answer questions if there are any.

Fritz: I have a question. I thought we had the bancroft fund which can be used to back l.i.d.s and such. Why are we having to take out additional bonds?

Biery: There is a fund that's used to back stop some of the program. What this does is take some of the existing contracts that are financed on an interim basis and fixes them out over longer term based on kind of current market conditions. And so it effectively -- if there's specific programmatic questions that, probably is best addressed with the people who manage the program. I'd be happy to help facilitate that. But the volume of assessments in contracts within the program I don't believe can be supported strictly from using that to make those payments.

Fritz: If you could get me some more information on that? This ordinance authorizes bonds not to exceed 4.5 million, and the bancroft fund is much more than that. If you could, before next week, get me more information about why we need to borrow more, i'd appreciate it.

Adams: All right. Additional questions? Anyone wish to testify on this matter? It moves to a second reading next week. Commissioner Saltzman has a conflict, and so he's going to be leaving us. The next two will be unanimous or they'll be all over. Please read the title for item number 1068.

Item 1068.

Adams: Commissioner Randy Leonard.

Leonard: Kevin, do you want to come forward? I brought this through our budget process last time as one of the requests I made for one-time money to cares northwest. The only reason I asked kevin to be here today and to have this on the regular agenda is not a lot of people are aware of what cares northwest does because of the nature of what they do. The nature of what they do that I became familiar with a number of years ago is probably working with some of the most severely abused children that one can possibly imagine, often at the hands of the people they should trust the most. I've had an opportunity to work closely with cares northwest to see the outstanding work they've done. I am very grateful for their existence and the work they do. Kevin and I talked about the irony that they couldn't publicize more of what they do because of what they do. Because of my own experience with that organization, I certainly wanted to do, on behalf of the city, what I could to help them achieve the goals of not just examining children that had been abused but the counseling services and the variety of help they give children who oftentimes have been just devastated beyond imagination. Kevin, thank you for the great work you do, and certainly take this opportunity to speak to whatever you'd like.

Kevin Dowling: My name is kevin dowling. I work as the manager at cares northwest and want to thank commissioner Leonard for bringing attention to the work that we do. I don't think people in our community appreciate the scope of child abuse that's happening every day. We are Portland's only medical program that sees children for concerns of abuse. We're very much a collaborative effort in responding to child abuse in our community. Collaborative in a couple ways. We are part of four large health systems, and we are also -- even though we're medical providers, we work closely with law enforcement and child protective services. We have a county nurse practitioner

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on-site at our program. We respond to about 3000 referrals a year and see approximately 1500 children in our outpatient clinic for child abuse concerns. We see an additional over 200 children in emergency departments at Randall Children's Hospital, Legacy Emanuel Hospital, and see between 100 and 200 children a year who are inpatients at Randall Children's Hospital over at Emanuel. The funding to serve the population has always been a challenge. I worked at CARES since 1994, started as a child abuse interviewer there, around I've been the manager since 2001. I think a lot of the gray hair on top of my head is from worrying about how we're going to provide the services that kids and families need regardless of their ability to pay for those services. That's why we have multiple funding streams to help with that. As an outpatient clinic, we bill medical insurance, but about 70% of the children we see are either on Oregon Health Plan or don't have insurance. What means, for a large population, for every \$1 we bill insurance, we get 33, 32 cents back, around that makes other sources of funding really critical. Those other sources of funding come from state criminal fines and fees that are collected that support our disciplinary response to child abuse in our county. I want to thank you for the support to help us in terms of providing the medical care to the kids that need our help and just really wanted to thank you.

Leonard: Just so you understand, this is the organization that, if somebody calls with suspicion of child abuse and the police arrive and find there's some reason to believe it's occurring -- it's this group of people that see the children first, do the assessment of the child.

Dowling: The goal is really, when children and family consistent up to us for an assessment, they're being seen by a physician and nurse practitioner and a master's level social worker. We're going to take a detailed medical and social shall history, not just focusing on that current concern, but a lot of times kids live in really high-risk environments, and it behooves us to take a look at the whole child. We also coordinate that medical care. If there's a detective assigned to the case, we want them to be there to listen to what the child says so hopefully the child doesn't have to repeat it over and over. We want the social worker should be present to listen to minimize the trauma kids have to go through by retelling of what happened to them.

Leonard: Thank you for what you do. This is our small way of acknowledging that.

Dowling: Thank you.

Fritz: Thank you very much for what you do. Can you tell me, is there something specific that the \$50,000 is dedicated to?

Dowling: It would go toward salaries and benefits of the medical providers and staff that see children for concerns of abuse. So it would go to help fill that gap between the cost of providing care and the resources that we have available to provide that care to make sure all kids would have medical evaluations.

Fritz: And what are your other funding sources?

Dowling: The largest source of funding is outpatient billing revenue, and that's approximately 42% of the funding. The next largest source of funding is called CAMI funds. There are fines that are collected across the state for different kinds of crimes, and they go back into a pot of money that goes to victims, and a portion goes to child victims, and addressing child abuse in each of Oregon's 36 counties. That's approximately 28, 29% of our revenue. Each of the four health systems contribute. We have grants. One of the significant grants we have now is Portland Children's Levy grant that helps fund urgent assessments and support for urgent assessments. We also have other smaller grants and then rely on fundraising.

Fritz: Thank you.

Adams: Thank you very much. Does anyone wish to testify on this matter? Karla, please call the vote on 1058.

Leonard: Aye.

Fritz: I appreciate that this did go through the regular budget process and certainly appreciate the work that you do. Aye.

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Fish: Thank you very much. I was at a gathering of volunteers of America Oregon last night and talked a little about children at Lee's nursery and a program designed to help stressed-out families and high-risk families avoid child abuse, and we also talked about some of the very discouraging data that's piling up. I call it like cars on I-5 at rush hour. And that includes 20,000 children statewide who are attending public school or classified as homeless, 3% of the Portland public school population. That's 1200 people are classified as homeless and still going to school, so it doesn't account for homeless children that are not able to go to school. All of these risk factors contribute to, as you know -- these risk factors to the greater likelihood of there being abuse. I appreciate the work the whole team is doing upstream to try to address these problems before they become acute. Thank you, Commissioner Leonard, for putting this on the regular agenda. Aye.

Adams: Thank you for your patience and sitting through the morning so we could put a face to the organization. Thanks to Commissioner Leonard for bringing this. I'm very pleased to vote aye. So approved. Unless there is objections, I'm going to suspend the rules and ask that departing acting U.S. Attorney for Oregon, Dwight Holton, please come forward. And soon to be departing --

Dwight C. Holton: Soon to be departing tomorrow, or no Friday I hand over the reins. Thank you very much for the opportunity. I wanted to stop by. I know Commissioner Saltzman had to step out, but I hope he's listening, because I wanted to thank each of you individually. I've had 20-some odd months now in a job they told me I would probably have six weeks. We've been at sprint pace the entire time. You know, I started with kind of a list of 10 things I wanted to get done. We got that done and I was still on the job, so we came up with 10 more things. Throughout that entire time, oh good, hi Commissioner Saltzman, my principal mission in this office has been to transform it from a traditional law enforcement agency into a community action agency. And get us into the community more. Not just here, but from here and Baker, Southern Oregon, Rogue Valley and the coast. My key partner in getting the community here in Portland has been Council, and working through each of you on different pieces, human trafficking with Dan early on, mortgage fraud and fair housing with Nick, various diversity stuff with Amanda -- excuse me. Commissioner Fish, Commissioner Saltzman, Commissioner Fritz. And Commissioner Leonard who's given me guidance in all sorts of ways and of course the Mayor on a whole host of public safety issues from gang concerns, which are unfinished business from my perspective, which I'm handing over to my successor, to our efforts with guns which has had some success and some not so great successes, our concerns about Old Town where we're working very closely with the D.A., Mike Schunk, and of course on terrorism matters. You have all been willing and able and committed partners in a way that I think -- the first time I knocked on most of your doors, it was, what is this guy doing here? But I've appreciated your openness to working with us, 'cause the mission, as I received it from Treasurer Holder, who was here last week actually, was to serve as a community convener, and we have this remarkable power as U.S. Attorney. We're not politicians and therefore we can say things -- that when they come out of the mouths of politicians, everyone wants to ascribe motives to it. The advantage of this office is that's not true. When I say things, people generally believe it, because I'm not running for political office. That's ineffective without partners in the community. I've had more fun than anyone should be paid to have. I'm exhausted, I'm ready to relax a little bit. But I wanted to stop by and thank you all because it's really been a lot of fun. I will say that it's not the only thing we've worked on by any stretch, but the the j.d.d.f. I consider a tremendous success, of this organization through your leadership Mayor, and your closing out Randy, but it's really a piece from all of you, Dan and Nick providing early bedrock support and thought about it. So, that's working, by the way. I think it's working very well. It's informal. We're working better together. And we're not wasting anyone's time. I very much appreciate your thoughtfulness throughout that process but also just through all the projects we've worked on together. So thank you very much.

Adams: I want to take the opportunity thank you for having such an enthusiastic, deep, deep and sincere enthusiasm for working on problem solving on a whole host of issues, your willingness to

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be out in the community at community events that are city events and non-city events to a level and degree that i've never ever seen before in almost 20 years here in Portland. Your work speaks for itself. It's been amazing work, and i'm very grateful for it.

Holton: Thank you, mayor.

Saltzman: I'd like to add my accolades for your service, mr. Holden. I've never seen a u.s. Attorney for Oregon who's been as active over in city hall as much and working on issues, as you said, that all of us care about, trafficking, fair housing, joint terrorism task force. I've never had the opportunity to really interact so directly with a u.s. Attorney as I have with you. You've always conducted yourself with sincerity, conviction, and tenacity. I appreciate you as a person and also your tenure as u.s. Attorney. I want to thank you very much for all you've done for us.

Holton: Thank you commissioner.

Fish: I would give \$1 to anyone who could name the last four u.s. Attorneys. It doesn't take away from their service, but it's historically been someone who was a little bit in the background. This u.s. Attorney invited us in on the ground floor on his mortgage fraud work, sat by my side when we did our fair housing roll-out, walking a thin line on advising us about things he could and avoiding things he couldn't talk about. There was an editorial in the paper the other day that was very critical of the confirmation process and how dysfunctional it's become and that a president shouldn't have to wait this long to get his or her nominee in, but I think my takeaway from that editorial and other commentary i've seen is that it also acknowledged that, with an interim appointment, unlike in other situations, there was no drift here. This was an interim appointment that could have very easily have ripened into a full appointment, taking nothing away from your successor who thought you'd be an ideal candidate for the permanent appointment, but the congress has acted, and we welcome your successor and will support her fully, but it's unusual to have someone who serves as a, quote-unquote, interim who has left such a mark as you have in such a short period of time, and it was acknowledged in that editorial. Congratulations.

Holton: Thanks commissioner.

Fritz: I'm not surprised that you're exhausted, because you've been texting and phone calling me late into the evening and on weekends. I call you dwight, and i'm glad you call me amanda. It's significant that you know many members of our community by their first name and have made a huge effort to reach into our diverse communities and to get to know them and let them get to know you. It makes a big difference. We have had very troubling time over the last three years, and over the time you've been in office. You've made a big difference. What are you doing next?

Holton: I'm not sure yet. I'm going to be staying in the office at least for a while to do transition, and I may stay there indefinitely. The assisting united states attorney job is the second best in the world the US Attorney job being the best job in the world for someone like me. I'm going to stay for at least a little while, I may stay long-term. I'll sort it out once i've gotten some sleep.

Fritz: I hope our paths do continue to cross, because i've very much appreciated working with you. I hope that your successor will build on the good work that you've done. If you could let her know that we are quite friendly here at city hall, and we'd like to hear from her as soon as possible, that would be great.

Holton: I certainly will do.

Leonard: I think I do remember the names of the last four u.s. Attorneys but I'm gonna ask you to confirm.

Fish: The dollars are on my table.

Leonard: I'll ask you to confirm. I think the longest serving US Attorney in the United States was appointed by president kennedy and served here 30 years or more, was it Charles Turner?

Holton: Syd Lezak.

Leonard: Syd Lezak. I should've remembered that.

Fish: Commissioner Leonard, if I could just note --

Leonard: I lost \$1 in that.

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Fish: No, if you would yield on that one point, sid lezak who as we know died not long ago, was one of the first people I met when I moved to Oregon, and he and I became friends, but I didn't realize at the time a particular piece of history that brought us together. Which is, by tradition, the ranking minority member of the judiciary committee has a potential veto to apply to a u.s. Attorney particularly of that duration. For some time, my father was the ranking minority member, and it was a testament to Syd, who was always a favorite of democrats in power, but no republican ever exercised essentially a veto.

Leonard: Right.

Fish: And for that reason, he served with great distinction as the longest server.

Leonard: The reason I bring that up is I remember reading when he left office that he avoided ever being photographed, never wanted to appear publicly in the newspaper because of the nature of the work that he did. It would be interesting to have you two in the room together to discuss your different styles, because you certainly have taken a different approach than sid did. From my perspective you and I approached the jtjf beginning from different places. Some of my best friendships have been forged with people that i've been on the opposite side of the negotiating table with. David shaff, now the director of the water bureau, I actually negotiated against for 15 years as he represented the city and I represented the fire union. I always appreciate the skills and the people -- the very few people -- that I have been able to negotiate with and actually understand what their goal is and it's not personal and they're looking for a solution. I recognized that in you instantly, and that's a reflection, I think, on why you are where you're at and why you will always succeed in what you do, because you really do have, I think, the appropriate focus on what your role is, and you look for finding that common ground. And I find that very unusual, whether it's people in your position or elected position. So I appreciate very much working with you. Like commissioner Fritz, I appreciated your timely updates even on the weekend and in the evening on a variety of subjects. It was always very appreciated. Good luck to you in the future.

Holton: Thank you very, very much. Thanks again, all of you.

Adams: Thank you. We'll go back to the agenda. Karla please read emergency item 1069. And I have four minutes before I have to be in a meeting.

Item 1069.

Adams: Commissioner Randy Leonard.

Leonard: Romeo could you come forward, bring your, both of you come forward. I have been working with Romeo and those folks for, I don't know was it 2007 we first opened?

Romeo Sosa: 2008.

Leonard: 2008 we first opened, this was something actually mayor potter and I worked on together to identify a site, come up with the funding for the site for the temporary work, and our office has been, from that date until now, the point of contact for the folks at vos. And we have each year contributed money to help them meet expenses to do the important work to try to find good dignified work for people at a fair, legal wage. You all have done a good job at that. We appreciate that, and I wanted to give you a chance just to say whatever you might want to say today.

Romeo Sosa: Good afternoon. Thanks for the opportunity to be here today. I really appreciate your support for those years and for all the commissioners and especially for randy Leonard who is taking the leadership on this. On behalf of the community, we are really happy that the city is with us in all those moments when we really need them. We have create, like, a lot of support in the community. A lot of students at college events supporting us, supporting the work we do at the worker center, and also foundations. We create, like, friends with them, and they've been supportive of us. Also we create all kind of stuff, like, to maintain in the worker center. Commissioner amanda Fritz was there. They are putting a dollar in every time they go to work. They give us a dollar to keep open the door. So we can see a lot of people, even day laborers. They are contributing to common effort to keep the doors open. And also, besides that, we have skill

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trainings there and health and safety workshops. So it's not only a place where you can wait for work, but also it's a place where you can learn a new skill, and also you can learn how to use the ladder, how to use the tape measure while you're waiting for work. And I really thank you.

Leonard: Thank you.

Ignacio Paramo: I'm the director of the MLK work center, and again thank you so much for your support. I just want to say we're also getting very diverse. At the beginning, we used to be the big majority. It used to be mostly latinos but now more women, asians. We're glad to see that happen.

Leonard: In about a year, I might show up for someday work.

Banum: You're welcome.

Adams: He'll need a lot of training.

Leonard: I know how to read a tape measure.

Adams: You kind of set yourself up for that. Thank you very much. Karla, please call the vote.

Leonard: Aye.

Fritz: I really appreciate your work. This is about helping people get good jobs and fair pay for a fair day's work, and I also particularly appreciated the postcard campaign you did. Many people put their comments on the postcards, and that was very heartwarming to hear. Aye.

Fish: Thank you very much. Aye.

Saltzman: I think you're doing great work, and i'm pleased to support you. Aye.

Adams: Thank you, commissioner Leonard, former mayor potter for beginning this public/private partnership. I hope it continues. With very modest resources, you're providing an amazing benefit to the entire community. Thank you. Pleased to vote aye. We are in recess till 2:00 p.m.

At 12:01 p.m., Council recessed.

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Closed Caption File of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

OCTOBER 5, 2011 2:00 PM

Adams: Today is wednesday, october 5th, it's 2:00 p.m. The city council has been at recess and will come back to order. Karla, can you please call the roll? [roll call]

Adams: We have two items on the agenda this afternoon. All -- both are land use related. And can you please read the title for the first item.

Item 1070.

Adams: If we could hear opening remarks, and advisories from deputy city attorney kathryn beaumont.

Kathryn Beaumont, Chief Deputy City Attorney: Thank you. I wanted to just, since it's been a while since the council heard this matter, I wanted to briefly review where we are procedurally, the purpose of today's hearing, the decisional options for the council, and just a few preliminary matters. First, the council held an evidentiary hearing on this appeal on july 13th. At the conclusion of that hearing, the council continued this matter to august 31st, and provided opportunities for the parties to submit additional evidence as follows. Until july 27th at 5:00 p.m., all parties could submit new evidence. Until august 10th at 5:00 p.m., bds could submit a response to the evidence and questions council posed at the July 13th hearing. And until august 24th at 5:00 p.m., all parties could rebut evidence submitted during the initial open record period. At that point the evidentiary record was closed. On august 31st the council continued this matter until today. The purpose of today's continued hearing is primarily for council discussion and deliberation, not additional testimony. The council may if it wishes, ask questions of staff or the parties, but to the extent possible, questions should be narrowly focused and limited to the evidence in the record. If council intends to make any decisions today in most instances it should be tentative only. And, we would need at least three weeks to prepare findings to support the council's final decision. The decisional options for the council today are three. One, the council can uphold the hearings officer's decision as is, and this is the only option that would result in making a final decision today to approve recology's proposal. A second option is for the council to uphold the hearings officer's decision with modifications. This would be a tentative decision today to approve recology's proposal, and the council would need to set a future date for the adoption of findings and final decision making. The third option would be to overturn the hearings officer's decision, and this would result in a tentative decision to deny recology's proposal. Again, the council would need to set a future date for the adoption of findings and final decision making. A few preliminary matters before you start. First, I understand that commissioner Fish, who was not present at the prior hearing, has reviewed the record and is prepared to participate. Is that correct, commissioner Fish?

Fish: Yes Kathryn, I was not present at the original hearing. I have reviewed carefully, the transcript and the complete record and I also have some ex parte contact declarations to make at the appropriate time.

Beaumont: All right. Secondly, if there is any evidence that was received after the close of the evidentiary record on august 24th, the council should expressly reject that evidence, unless it determines to do otherwise. And third, again, the council members should disclose any ex parte contacts they've had since the july 13th hearing. And that concludes what I need to do to set the stage.

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Adams: Ok.

Leonard: Mayor Adams.

Adams: I need to go through my little script.

Leonard: OK.

Adams: Unless you've got something --

Leonard: No.

Adams: O.K. so as you heard today, council will discuss and deliberate the informational -- information that was submitted to the record after the initial July 13th hearing. In a moment we will hear from senior planner Sheila Frugoli, from the Bureau of development services, about their staff finding and response to the additional information that was submitted. But, before we hear from Sheila, do any members of council have any ex parte contacts that they wish to declare?

Fish: Thank you Mayor Adams, I have a bunch. I have reviewed constituent emails, all of which are in the official record, and consistent with our practice, I have not responded to any of them. I have read some of the media coverage of this issue, including editorials, letters to the editor and news stories that have appeared in a number of local papers. Members of my staff met with Tom Rask, who represents the appellants, on July 14th, and later with Gary Conklin who represents the applicant, on August 3. My staff shared the general content of those meetings, all of which is contained in the official record with me, consistent with our practice. And I have one additional sort of interesting ex parte contact to disclose, which is on a recent trip out to the Lents area, I actually drove into freeway lands to take a look at the site, and drove around, just to orient myself. I had been given a map, as part of my package, but I thought actually seeing the site would be helpful. That actually technically constitutes an ex parte contact. So I'll disclose all of those.

Leonard: Well, in that, in that case I, I pass the site twice a day, so--

Adams: Shame on you. (laughter)

Fish: See I went in, but I went in.

Leonard: I'm just curious, did you need a map to get to Lents, or once you were in Lents get around? (boos from audience)

Fish: Thank you. See we know whose side they're on on that one. Thank you.

Adams: I forgot to say no booing no hissing. No clapping, no burping except, if it's Commissioner Leonard.

Fish: I felt the love and I want to thank my friends in the audience. Go ahead Commissioner.

Adams: We're working our way from North to South, Commissioner Saltzman. I have a let's see -- I have read various newspaper stories including trash talk in Lents, including a couple of Oregonian story. In response that's one, a in response to an inquiry from Commissioner Amanda Fritz's office regarding a list of residents who were selected to participate in the Lents neighborhood association subcommittee to work on the good neighbor agreement, my staff, Raihana Ansary, raise your hand please, conduct -- contacted Dave Dutra, of recology yesterday, to ask him a question regarding the Lents neighborhood association subcommittee, that was formed to work on a good neighbor agreement, during her phone conversation. Dave Dutra informed Ms. Ansary that as far as he understood, no subcommittee had been formed yet, as far as he knew names were collected from residents who expressed an interest in participating in the G and A process during their presentation to L and A's general meeting in July. According to Dave Dutra, the Lents neighborhood association land use chair recommended holding off on any finalization of the good neighbor agreement until council deliberation and discussion during today's hearing so that the good neighbor agreement could reflect the outcomes of the hearing. And then I think that's it. Commissioner Fritz.

Fritz: I also of course have had the multiple emails and letters, have recycled styrofoam at the facility in the past, and the letters that -- the emails that came in before the close of the record, I have read and responded to the emails that came in after the record, my staff has read and responded to. There are a few that came in over the past week or so that I did look at and none of

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them contained any new information. And, so I just responded saying that I would be part of this hearing and make my statement as - at the public hearing.

Leonard: I have received emails and one lents neighborhood resident who came in to visit me.

Adams: All right, ah do -

Beaumont: Mayor Adams, it would be appropriate to ask if any members of the audience want to either ask questions about – talk to council about ex parte contacts that you've disclosed or wish to rebut them.

Adams: Does any member of the council want to ask additional questions about the ex parte contacts that you've just heard a report on, and/or rebut the a report of any member of the city council on ex parte contacts? I hear none.

Fish: Mayor may I just make one other comment? I didn't read the last sentence of my script.

Adams: Sure.

Fish: The contacts that I've identified have not impacted my decision in this matter, my conclusions are based solely on the information contained in the record.

Adams: Do any other member of council have other matters that need to be discussed before we begin the hearing? And, it is the assumption of the chair this meeting, me, that a what commissioner Fish just said unless I hear otherwise, also holds true for everyone else on Council. All right. Hearing affirmation by silence, since both sides have had the opportunity to submit additional information and rebut, we will not accept additional testimony unless it is in regards to information in the record. In this case the testimony will need to be focused and limited and I will interrupt you. I will ask staff to interrupt you, if necessary. Sheila, can you please provide an overview of your recent staff findings dated August 10th 2011? Sheila can then answer any questions and they can be addressed with information contained, if they can be addressed with information contained in the record.

Sheila Frugoli, Bureau of Development Services: Good afternoon. I'm sheila frugoli, the assigned bds planner for this land use review. I'm here today prepared to answer questions and/or to quickly summarize my memo to you dated August 10th. As you know, this memo was prepared in response to the testimony and information submitted into the record on or after July 13th, at the date of the appeal hearing. The record was held open two weeks, and a significant amount of testimony, documents, evidence, and arguments were submitted, included in the record are four memos from staff. Staff reviewed all of the information and recommends that the hearings officer's decision be upheld. But to respond to concerns raised by opponents as well as council, the August 10th memo recommends changes to conditions of approval. Would you like me to summarize the key elements of the August 10th memo? Ok. The first topic covered in the memo was the -- is source of material. On July 27th, I submitted a memo that alerted council to a question about the hearings officer and what he approved and what the applicant intends to do. In June, hearings officer Gregory Frank determined that the other approved recology facility at North Suttle Road had been approved for only blended food waste -- blended food and yard debris waste that originates from residential sources. Given that Mr. Dave Dutra testified to you that recology intends to accept waste from commercial uses, such as restaurants, staff was compelled to alert council that the decision needs to specifically identify what the source materials that should be or can be allowed at the Southeast facility. In my August 10th memo, I offered two options. Option one, you could approve the facility but the approval would specifically state that only residential source food and yard debris waste could be accepted there. As an alternative, council -- the council decision could give recology more flexibility in the source or types of food waste that would be accepted at the facility. If so, staff recommends changes to conditions that require the applicants to document, via the building permit, that the aeration and bio-filter system be installed in the facility and that it will provide sufficient odor control for the potentially large volume of commercial source waste, food waste. Also, a condition should be imposed that requires the leachate containment system be sized adequately to accommodate the liquids from both residential and commercial source food waste, as

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well as accommodate the liquid from truck and equipment washing. The second topic covered was level of intensity. Concerns were raised about the level of intensity or size of the operation that would be approved. To address this concern, staff recommends a condition that limits the number of trucks coming to the site with food waste to 35 trucks per day. This of course means that there could be up to 70 garbage hauler trucks daily.

Fritz: Just to clarify, that's trips, not the same truck back and forth 35 -

Frugoli: 35 trucks, but then that would mean 70 trips.

Fritz: Right, thank you.

Frugoli: Yes. The condition would also limit the number of recology trucks which transport the material to its final composting location. That limit would be 10 trips per day. Also, to control intensity, staff recommends a condition that limits the hours when food waste may be accepted at the site, between the hours of 7:00 a.m. and 5:00 p.m. Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturday. Next, in addressing monitoring and inspections, so that complaints are monitoring are allowed to occur without delay or obstruction, staff recommends a condition that requires recology to allow unscheduled, unannounced visits into the facility by deq, metro, and city of Portland code inspectors. To address possible noise issues, the bds noise control officer recommends a condition that requires additional noise analysis submitted by recology if recology wishes to conduct nighttime operations at the facility. The noise code sets lower decibel limits during the hours of 10:00 p.m. and 7:00 a.m. This condition would require the applicant to be proactive in documenting that the lower noise standard would be met during the nighttime hours. Regarding storm water impacts, staff is not recommending any additional conditions. The proposed containment in the building will reduce the occurrence of tire track-out, and at building permit review, bes staff will verify that all source control and storm water management requirements are met. In regards to emergency flood management, at the hearing on July 13th, citizens raised concerns about Johnson Creek flooding and the potential of food waste polluting the area. Even though the facility is not located within the hundred-year floodplain, if council sees the need, it could apply a condition that requires recology to remove all food waste materials from the facility prior to a flooding event. And then lastly, regarding a good neighbor agreement, to acknowledge the communications that has – that have already occurred between the Lents neighborhood association and recology, staff recommends a condition be added that requires the parties to finalize a good neighbor agreement. Bds does not recommend a condition that requires enforcement of the elements of the good neighbor agreement. Any questions?

Leonard: I do. So, in the original hearings officer's decision, this is relating to the issue that I raised at the last hearing on traffic impacts. And I appreciate the proposal you've made. In the hearings officer's original report that we considered at our last hearing, the total number of trips at the site without any changes then was 290 trips?

Frugoli: I'm sorry, do you have a - a page that I can look at --

Leonard: It's on page 9 of the decision of the hearings officer. Toward the second-to-the-last paragraph. It says the existing uses at the site generate 290 trips with 15 occurring in the a.m. peak hour and five occurring --

Frugoli: Yea, I believe that's the count for the -- all of the existing facilities at the site right now.

Leonard: And what they, what the hearings, uh or apparently what recology is -- was recommending was a total of 400 trips, an increase of 100 and x 10 extra trips a day. And what you're recommending then is 70 trips. So 40 fewer?

Frugoli: Well, staff is recommending to specifically limit the garbage hauler trucks which we can identify through the logging, the logs that are kept by recology, the number of garbage haulers, as well as tell recology the number of truck trips that they can do to take the compost to the -- uh or take to take the food waste to the composting facility. There are other trips that are generated at that site. Recology allows a yard debris folks to bring their yard debris to the site and other activities. So this would this would account for all of the all of the trips, but to really identify

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and limit the level of intensity, the major intensity at the site, we we're recommending that we limit garbage hauler trucks and recology trucks.

Leonard: So that distinguishes, what you're proposing distinguishes -- is distinguished how from the current activity?

Frugoli: It's not distinguished but its - it's specific so that we can -- we and those are measurable things that we could monitor. Our garbage hauler trips to or trucks to the site, and the recology trips. It would - that's included in the count that - that they gave us in their traffic analysis.

Leonard: So it's still not clear in my head. So - I need to -- because this was a fundamental issue for me. The number of trips, because just to be clear, on the record there was a discrepancy between your testimony and the testimony of Mr. Dutra. He said that the number of trips to the site was dictated by the capacity of the site, and you disagreed with him on the record. And you said, and I took notes, that that's not true, that the site did have the capacity to accept more. So for me that was a fundamental a discrepancy that -- so i'm happy you're addressing this point, but I need to thoroughly understand what we're doing.

Frugoli: The Portland bureau of transportation analyzed the traffic information, the information submitted by the applicant, and finds that there are -- there's ample capacity for traffic in regards to traffic impacts. That was not the concern. The reason for staff proposing the garbage hauler limit and the recology limit is to address your concern about intensity and this facility expanding far beyond what what folks are envisioning.

Leonard: Exactly. And to be clear, that was my concern, and my fear was that a contrary to the testimony from recology, that there was more capacity at the site to have more transportation. He testified that's not ac -- that wasn't accurate. You contradicted that and I agree with you. What you're saying now is that that -- you're recommending that we amend into the findings a maximum of 70 trips per day for just the garbage vehicles. And that's in addition to the existing 290 trips that are at the site. So that would be a total of 460 trips, and so I'm try - i'm sorry,

Saltzman: 360.

Leonard: I'm sorry, 360 additional trips. And that's down from a - a total of a - what - 400 trips that would have occurred. So, how - is there some possibility that the trips that you're not making a recommendation to, that is the 290 trips, could somehow increase by the expanded capacity of the site to take in food waste?

Frugoli: Yes, I can - there is that - there is that potential.

Leonard: What would that circumstance be that would cause that to happen?

Frugoli: If private haulers came to the site, I suppose.

Leonard: Private haulers. And so what would be an example of that?

Frugoli: A private hauler is a - is a landscaper who brings the yard debris material to the site.

Leonard: Would there be instances where private haulers would bring food waste?

Frugoli: I can't - I don't know.

Leonard: That you're aware of?

Frugoli: I assume that's not, that would not be allowed, but I'm -- I can't answer that.

Adams: It's my assumption that would not be allowed.

Leonard: O.K.

Adams: We're trying to limit the number of a food-related truck trips to the site. The site is obviously -- the total number of trips to the place -- and by site a do you mean freeway lands or site -- I just want to make sure that -

Leonard: This site that we're considering.

Adams: Yea, so we're just - when we say "site" we mean the recology site. So, the number of food-related trips a serviced by company provided by the company a compost related trips as limited as described, in your description, and I I hope that's clear. Now, whether as a drop-off site for yard for yard waste and other things, that we have -- is not capped, but -- and we have inspection provisions in here related to the food scrap. So that it's actually, and again, it can be

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somewhat confusing because it's food scraps combined with a yard debris. Those trips, anything with yard debris is limited as described. But if neighbors or somebody else is driving, and I can't remember if you -- if even private folks can drop off stuff, but if a landscaper drops off purely drops off loads that do not contain food scraps, that is not, right now, limited.

Leonard: So, essentially this - this allows 35 trips by garbage trucks in and out to deposit.

Frugoli: 35 trucks, which would mean 70 trips.

Leonard: 70 trips 35 trucks, in and out that currently are not allowed and how do we - how will we monitor that?

Frugoli: It is my understanding that deq and metro requires logs be kept as well as the hearings officer imposed a condition that requires or -- or excuse me - we're -- we're recommending a condition that requires logs be kept as well.

Leonard: And who monitors those logs?

Adams: We have in here the - we have in here the -

Fish: Unscheduled or unannounced visits.

Adams: Thank you, fire inspectors.

Leonard: Alright, by somebody from BDS.

Frugoli: Yes, as -

Fish: Deq, metro, and city of Portland code inspectors.

Adams: So we're not relying on any one of those, but all three of them can?

Leonard: Thank you.

Adams: Commissioner Fish -- a Fritz. The F's.

Fritz: Does anybody else have any more questions, clarifying questions?

Adams: I'm sorry.

Fish: I I have one clarifying question. I just a -- the last sentence of your potential conditions of approval about good neighbor agreement,

Frugoli: Yes.

Fish: You recommend against requiring compliance with the gna as it cannot supersede the authority various permitting jurisdictions have to address violations. I'm just curious, unless i'm missing something, can't they, can't we have them operate on parallel tracks an enforceable good neighbor agreement that deals with those issues and the other conditions? This is just that it cannot supersede the authority. Am I misreading that, commissioner Fritz?

Fritz: Well, the challenge has always been with good neighbor agreements that except in convenience stores, they're not considered conditions of approval of the land use. So what i'm going to propose is that we incorporate any of the huge elements, the necessary elements of the good neighbor agreement as standards of conditions of approval.

Fish: Without getting to the water's edge of compliance.

Fritz: Yes. Because the intent with the good neighbor agreement is to partner and a - cooperate and collaborate to get to be good neighbors.

Fish: O.K. I that's what I was I was trying to understand, how they fit together. So that's, that answers my question.

Adams: So kathryn? I think, let me just interpret the body language on council. We're at the point now where we would a -- we could propose changes or acceptance, amendments or acceptance?

*****: The markup.

Adams: And the markup, thank you.

Beaumont: At some point the council is gonna want to vote up or down the conditions that staff has proposed, and there may be other council members who have either modifications to those conditions, or additional conditions to suggest. And all of those will need to be voted up or down as part of tentative decision making.

Adams: So, is it your advice that we put the main motion on the floor and then amend it with --

Fish: There are some alternatives --

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Beaumont: I have --

Fish: - a within. So perhaps if we just --

Adams: Well I was asking Kathryn.

Beaumont: I guess my suggestion would be maybe if there are modifications to any conditions -

Adams: Do that first?

Beaumont: - that staff has proposed or additional conditions get those out on the table -

Adams: O.K.

Beaumont: so that you have a discrete list of conditions to vote on.

Adams: O.K.

Fish: Can I just ask, Kathryn there's some alternative conditions in the proposal, so -

Adams: To choose from.

Fish: To choose from, so you're suggesting that we create the comprehensive menu and then go through each one and decide whether there's a consensus on which alternative? Or or some substitute?

Beaumont: That would be one way to approach it. Another way you could do it is where staff has suggested alternatives you could take the pulse of the council as to which of the alternatives you prefer so to sort of narrow your comprehensive list of conditions in the hope that you could vote them all up or down in one vote.

Adams: O.K. Commissioner Fritz?

Fritz: Thank you, mayor Adams. I want to start this by prefacing it saying that both recology and the neighbors and the neighborhood association all all parties have been highly constructive and tried to work together on this issue. Tried to look at the principles involved, and been respectful of each other. And that is the best kind of land use review. So I very much appreciate that. We have heard, and I have read a lot of testimony about whether this facility belongs in the Lents neighborhood. I would not want this facility in my neighborhood for multi -- for various reasons, and I don't think it's comparable to the site in northwest a which is currently in operation with a similar kind of use, because that site is in the middle of a tank farm, it's not a anywhere near a town center or a residential neighborhood. And I don't believe that this is the highest and best use of this prime industrial land. Having said all of those things, those are not the approval criteria on which i'm required to make my decision. So I brought with me the comprehensive plan which I keep by my desk. And I wanted to read the instructions from the comprehensive plan which is one of our highest codes that we have to abide by, and this is what it says for land use approval criteria and decisions. The approval cri -- It's section 10.9. The approval criteria that are stated with a specific land use review reflect the findings that must be made to approve the request. The approval criteria are derived from and are based on the comprehensive plan. A proposal that complies with all of the criteria is in conformance with the comprehensive plan and will be approved. A proposal that can comply with the criteria with mitigation measures or limitations will be approved with the necessary conditions. A proposal that cannot comply with the criteria will be denied. So in keeping with my desire and belief that this is not necessarily the highest best use of this prime industrial land near the lents town center, I was looking for pieces of the record that would could not be conditioned to be met. That's what the standard that's required to deny a land use application, is it cannot comply with the criteria even if there's conditions setting appropriate mitigation measures or limitations. So, having come to that conclusion, the three main issues that I found were lacking in the initial application in which I got more information when the record was held over -- open, were odor, insect pest management and the issue of the good neighbor agreement. And so for -- and also for noise. For odor and insect pest management and noise, all of those things are standards that can be addressed with conditions of approval and that can, so that the application could be conditioned to meet each of those standards. So what I move is that we deny the appeal and uphold the hearings officer's condition, but with revised conditions of approval. And I propose that, this is still part of the motion, keeping all of the conditions of approval in the staff memo except for a revised

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condition one, which we discussed at the hearing saying that the facility may only be used to process residential source food waste and no commercial source food waste is permitted. A revised condition two to specify that it's 35 truck trips per day and not 35 trucks each making five or six trips. I want to make really clear that it's the same standard for recology's big trucks taking them out as well as the little smaller garbage trucks coming in. Then on the other conditions of approval, I find are, do meet the standard of making the application meet the approval criteria, except for the number seven on the good neighbor agreement, which requires the good neighbor agreement to be finalized before the facility could open. That's essentially gives the neighborhood veto power over the facility opening, which I don't think was the intent. And so I have a revised condition of approval – and I have three revised conditions of approval, which I'll read into the record. One would be on odor, a reminding everyone that confirmed violations of title 33 odor standards shall be subject to bds code enforcement policies. And that would then be clearly a condition that – if there are odor problems that are confirmed that bds staff would take action on that.

Fish: Commissioner Fritz, just to be clear, that would be a new number seven?

Fritz: I think it's a --

Fish: We're just going to add those to the end?

Fritz: We're adding them to the end, whatever the number would be.

Fish: This would be seven.

Fritz: O.K. Thank you commissioner Fish. J for insect pest management, that prior to obtaining occupancy approval from the bureau of development services, recology must revise the nuisance mitigation plan which was exhibit h in the July 27th submittal. To address the control of flies and yellow jackets and submit the revised plan to the bureau. And then finally on the --

Fish: Lets call that, just to keep it clear, can we call that condition eight?

Fritz: As you wish.

Fish: It's going to get easier because they're already numbered on the --

Fritz: Condition nine, thank you Mayor, would be the good neighbor agreement, that prior to obtaining occupancy approval from the bureau of development services, recology must meet, in good faith, with the neighborhood association, the lends neighborhood association for the purpose of reaching agreement on a good neighbor agreement. Good faith shall include at a minimum scheduling and being available to meet with the association for a minimum of three dates before opening the facility within a three-month time period from the effective date of this decision. Facilitation shall be provided through the office of neighborhood involvement or a facilitator acceptable to both parties provided by the applicant. A report with a list of persons who attended the meetings, comments from both sides and any participant or observer wishing to comment on the process and outcome and documentation of any agreement shall be submitted to the bureau of development services, the office of neighborhood involvement, and city council offices prior to commencing use of the building for food waste processing.

Fish: Can we call that substitute six? That would be a substitute from the one that staff has recommended.

Fritz: We can call it whatever you wish. Yes.

Fish: I have -- i'm challenged with numbers. So what i'm hearing you say is odor is a new seven, pest management is a new eight, good neighbor agreement is a substitute for Staff number six, and I don't believe the other point you made about 35 trucks per day, I understood that wasn't staff's --

Fritz: If you look on page 3 of staff's memo, the recommended new conditions set a maximum 35 trucks per day. It should say truck trips per day so it's clear that the same 35 trucks can't go back and forth multiple times in a day.

Leonard: To be clear, it says 35 trucks delivering food waste to the facility, but that an additional 10 truck trips, to and from the site per day. So that's 45.

Fritz: Right. But the point is the word is trips is missing from the 35 trucks. And I wanted to make sure the garbage haulers were not coming and going several times with 35 trucks.

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Fish: I'm seeing you grimace on this.

Frugoli: Well, because the truck comes and goes, then to allow the 35 trucks it would be 70 trips.

Fritz: 70 trips.

Leonard: And the 10 truck trips are --

Adams: 35 round trips.

Fritz: Yes. There we go.

Leonard: But you've added in your condition the -- in your staff report, recology's allowed up to 10 truck trips to and from the site per day, so that would be like five trucks out and back?

Frugoli: We envision perhaps the truck stays overnight on their site and then the trip will count. So it doesn't necessarily mean coming and going for their trucks since they manage their trucks and they may keep it at the composting site and come in, pick up, and then leave. They need to count each trip.

Fritz: It is five round trips, not --

Frugoli: Exactly.

Adams: And it's up to is the operative word.

Fish: Mayor, I just had a thought.

Adams: You done?

Fritz: Yes.

Adams: Commissioner Fish?

Fish: I'm just.

Adams: A second for the sake of discussion, commissioner Fritz's motion. Do you want to talk to the motion or do you have additional items?

Fish: No, I'm happy to have a comprehensive matter before us.

Adams: This is the motion is to amend what the underlying staff recommendations, thank you commissioner Fritz, additional discussion?

Leonard: Commissioner Fritz, in the handout, 1, facility may only be used to process residential food waste, no commercial source food waste is permitted, did you add that?

Fritz: I meant to. Thank you for reminding me. That revises one of the proposed conditions from staff, from the august memo, because we discussed that the last time and I think everybody agreed that we weren't expecting --

Adams: Do you know which one it revised?

Fish: I thought without trying to complicate this, I understood that to be the one that the alternate that you had proposed 1a.

Frugoli: Yes. We suggested two options, but we wanted clarity with the decision.

Fish: Preferred option that you -

Leonard: Which is located where?

Fritz: In sheila's memo, number 1.1.

Fish: It's in the August memo.

Leonard: One one.

Fish: One one.

Fritz: Yes we'll be going with one one.

Fish: Limited to residential source food waste.

Adams: Correct. That's the motion. That's the amended motion, and I accept it as a friendly amendment to the motion to amend.

Beaumont: Mayor Adams, for purposes of clarity, for the audience and for the council, it might be helpful to have sheila or someone just briefly recapitulate by subject matter each of the conditions, maybe to the extent --

Adams: From her report?

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Beaumont: To extent they're reflected in sheila's report to identify which condition on which page so it's clear what you're voting on. Maybe you are, maybe i'm confused. But it was the discussion was quick.

Adams: Sheila can you do this?

Frugoli: I think so.

Adams: O.K. please proceed.

Frugoli: We're again looking at my august 10th, 2011, memo, and will address each topic based on the elements of that memo. So the first issue that was identified in the memo is the issue about residential versus commercial source food waste. And commissioner Fritz has recommended that we -- that you use alternative a that allows only residential food source -- food waste -- residential source food waste to be accepted at that facility. Number two, level of intensity, you're accepting both recommendations, however, to make it clear, commissioner Fritz is recommending that we specify that it would be 70 garbage truck trips that sets the limit under recommended revision conditions c. Excuse me, under the recommended new condition. Number three, regarding ongoing monitoring and unannounced inspections, there's no issue with the recommended conditions that require recology to allow unannounced inspections at the facility, and you're accepting a revision to condition g, which would require nuisance documentation and logging of nuisances and sharing that information with the neighborhood association, the east Portland neighborhood office as well as staff per their request. Regarding noise, there's a condition that requires that recology proactively submit noise analysis if they wish to operate in the facility during nighttime hours. And then --

Fritz: And we would add the statement that confirmed violations would be subject to code enforcement. Of course that would be in place anyway, but just to put it in there to be a reminder.

Frugoli: Yes, that would be a new condition would be added that specifically states that violations to the odor standards will be -- subject to bds code enforcement. Regarding emergency flood management, there's a condition would be added that requires the recology facility to stop operations during flood events. And then finally, commissioner Fritz has -- is recommending a significant revision to the staff recommended condition that the commissioner Fritz's condition would require the parties work together, but would allow occupancy if there were an impasse.

Fish: That's as to the good neighbor agreement.

Frugoli: That's the good neighbor agreement.

Fish: Did you also cover the insect pest management?

Frugoli: Excuse me. No. That would be another condition that would be added that would require that the recology facility amend its nuisance mitigation plan to specifically identify pest control, insect pest control.

Beaumont: Sheila, Did you also include the condition on page 3 that deals with hours of operation?

Frugoli: Sorry, I didn't speak to that specifically, but that was included in one of the staff recommendations that would -- in order to limit the level of intensity, a condition was specifically identify hours of when food waste could be delivered to the facility and/or accepted at the facility.

Fish: 7:00 to 5:00. And 8:00 to 5:00 on Saturdays.

Fritz: Didn't you have another proposed condition about when the processing trucks could come, since it was an hour later the trucks could be there to take --

Frugoli: No that was not recommended in our august 10th memo.

Fritz: I think i've had some discussions with staff on that, maybe while you were on vacation.

Frugoli: Ok.

Fritz: So the proposal from staff was to allow the processing trucks, the big trucks to take the mixed waste away, would be allowed to be there an hour after closing of the site, which would make sure that the -- as much waste as possible could be taken off site and not be sitting overnight.

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Adams: So, I'm going to pause us there. We can do more work, kathryn do you have a reasonably accurate sorting of the proposed motion to amend the staff report?

Beaumont: I believe if I am interpreting commissioner Fritz's motion correctly, it would be to deny the appeal and uphold the hearings officer's decision as amended by the conditions that have been -- the condition -- modify them -- the conditions as sheila identified in running through the list with the council. And this would be a tentative decision only, and when she -- once you vote we'll set a date to continue this over to vote for adoption of findings.

Adams: That's what we're voting on unless there are additional discussions of clarity. Or any other discussions.

Saltzman: I need clarity on the 35 trucks, we're saying 35 round trips? I thought you said 70.

Adams: 35 round trips or 70 if it -- I think our legislative intent, is the difference between a quarter and 25 cents.

Leonard: That's in addition to the 10 that are allowed?

Adams: Five -- in addition to the five round trips to haul the stuff away, or the 10 one-way trips.

Saltzman: Ok.

Adams: Please call the vote on the motion to amend the staff report, or yea, to amend the staff report as described by Sheila.

Frugoli: Amend the hearings officers.

Adams: Amend the hearings officer's --

Leonard: including the amendments from commissioner Fritz.

Adams: including the amendments from commissioner Fritz.

Leonard: I am -- have a concern with -- I appreciate some of the amendments specifically the staff's work on addressing the issue I raised with regard to trips. That's very helpful. The amendment to the staff's report that includes some of commissioner Fritz's language causes me some pause. And I didn't get a chance to read it before coming to council, I was at a meeting, but in reading it here these are just my -- I understand this is a vote on an amendment to the main motion --

Fish: Would the gentleman yield for a second?

Leonard: Sure.

Fish: Would it be cleaner to do this in two stages? To vote on the staff proposal with the alternative one, and then present the amendment package so we're separating the two?

Leonard: I thought the motion was incorporating all of the amendments into one package. Am I wrong about that?

Fish: You're beginning -- I was just anticipating that you're --

Leonard: I was speaking against the amendment that incorporated some of the language from commissioner Fritz. As I heard it proposed. Am I right, kathryn? I thought you went through a process of actually adding numbers to the --

Adams: We're voting on the motion, the motion will either pass or not. It's still subject to further amendments.

Leonard: But it includes commissioner Fritz's handout.

Adams: Yes. And some redescriptions by sheila.

Leonard: Ok. So some of this is me reading some of the stuff for the first time, but my reaction to the good neighbor agreement while I greatly appreciate commissioner Fritz's attempt to insert that, in my experience, for two parties to be equal at a bargaining table they both have to be empowered. They have to have something the other side wants. And in order for any good result to come from negotiations, both parties have to have something at stake, and both parties have to have the opportunity to gain. And if you have a good neighbor agreement that's defined by meetings that shall only include meeting three times in a three-month period, at the end of which the operation can begin working, that's an imbalance of power to the detriment of the neighborhood. I don't think that was the intent by commissioner Fritz, but that certainly is the result of this language. And so for that reason, I can't support this amendment. No.

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Fritz: Just to clarify the good neighbor agreement language gives four months, because it's from the effective date of this decision, which is a month from when we actually vote on it. And it sets a minimum number of three meetings. The incentive for both sides to bargain in good faith, apart from it being in the amendment, are that the report comes to council so that we are going to be reading as both sides comments as to whether it was indeed a good process and whether they got what they were hoping for. So since good neighbor agreements are not part of the zoning code and they're not enforceable by bureau of development services, I agree with you commissioner Leonard on the imbalance of power, however, I don't think it's reasonable -- it's not a reasonable condition of approval of a land use decision to get the power over whether it's approved or not to the neighborhood association. That needs to be decided in this process. That's why I worked hard to revise staffs proposal, recognizing both the neighbors and recology have been working in good faith and have been trying to listen to each other and work with each other. So I have hope and -- that there is commitment on all sides to participate in this to get to probably more than we could require in standards of conditions of approval. As I said when I began my remarks, if I had my choice and if it was based on, is this the best place and the best use of the site, my choice would be no. That's not the decision i'm required to make. I'm to state land use laws and the cities comprehensive plan.

I'm required to say with the conditions of approval does it meet the approval criteria. I believe with staffs diligent work on the conditions of approval they proposed and with the amendments that we have added on odor, noise, insect management, and limiting it to residential food waste mixed with yard waste rather than solely a lot of commercial food, that it does meet the approval criteria and that's why I vote aye.

Fish: Just so that i'm not as confused, perhaps as some people listening, i'm going to restate what I think we're doing here. We're doing the equivalent of a mark-up to determine what would be the potential conditions of approval in totality that we would then vote on, on the main motion. So this is not a vote on the main matter, it's on the potential conditions of approval which would apply.

Adams: correct.

Fish: The august 10th, 2011, memo contains six categories of conditions of approval. Commissioner Fritz's amendment modifies numbers one and six. Number one, by specifying residential waste only, number six, by substituting a different good neighbor agreement. In addition, she adds a clause with respect to odor and insect pest management. And that becomes the complete list of conditions of approval. With that understanding, I vote aye.

Saltzman: Aye.

Adams: Aye. [gavel pounded] ok. Now we're -- are there any additional proposed modifications to the modified -- just amended staff recommendations? Alright, so we now vote on the underlying

Beaumont: You would now be voting on the main motion to deny the appeal, uphold the hearings officer's decision with the modified conditions that you have just approved with your vote.

Saltzman: Tentative.

Adams: So moved.

Beaumont: This would be a tentative decision.

Adams: O.K. So moved.

Fish: Second.

Adams: It's been moved and seconded, Karla could you please call the vote.

Leonard: I think for a variety of reasons this is not the appropriate facility to have at this site. It is a site that a number of us have been interested in for some time, I think it's 110 acres total and 55 to 60 acres that are developable as an industrial site. A site that could create theoretically great family wage jobs, a site that could be a magnet for one of the most if not the most challenged neighborhood in the city. This is not an enterprise that does that. But that's not one of the issues that is before us. What is before us is this inappropriate use of this property for what this applicant is proposing to do. I became concerned in the last hearing when the applicant testified that the number of trips that were being proposed to bring food waste into the site were governed by the

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geometrics of the site and the infrastructure of the street system, and the staff said no, that's not true, this site is capable of doing much more. This decision has to be -- we cannot make this decision in a vacuum. It needs to be made in the context of us making a major choice to decrease the number of garbage pickups in the city from once a week to twice a week to creating a huge incentive for people to recycle their food in the same garbage bin as their clippings are in, which is precisely the types of materials this site will accept. And it's just -- I appreciate what the staff put in to the amended recommendations and their august 10th memo limiting further the number of trips allowed at the site, but i've been here almost 10 years too, and I understand the process, and I also understand that, that can become at one more time sometime down the road by the occupiers of the site, particularly given that we're doing this huge effort to have people recycle their waste scraps. So I appreciate the effort that my colleagues have devoted, particularly commissioner Fritz to find a balance here, and as most here know, i'm usually the one that makes amendments to try to find balance, but in this instance I find that the neighborhood is a distinct disadvantage of negotiating a good neighbor agreement, that the site is subject potentially to floods that are beyond the control of the applicant, and that for a variety of reasons this is not an appropriate site for this kind of business. No.

Fritz: I said earlier that I wouldn't want this facility in my neighborhood, and since i'm the commissioner in charge of neighborhood involvement, I consider all 95 neighborhoods my neighborhood, to a certain extent, though I value the recycling ethic that we in Portland hold dear, i'm not convinced this facility belongs within the city limits at all. However, it's been applied for on a land that isn't zoned industrial that a conditional use is allowable, and the approval criteria with the conditions we've put in I believe are met. And I do value recology as a good industrial partner as a service provider, as a company that has worked diligently to meet the approval criteria and has gone back again and again to add information and give as much certainty as can possibly be provided given that this is a different kind of something. It's very close to the lents town center, it's very close to the light rail, which we've invested millions of dollars in, it's in a neighborhood which is up and coming and ready to boom, and so i'm confident that with the conditions of approval that it's not going to be a detriment to the neighborhood in terms of odor and pest and other such things.

And we've put in conditions that if it does become an issue, the company will be required to go back and address those problems. So thank you all for participating in this process. When I was a neighborhood land use chair and I got to a decision, I got a decision from council that either was or wasn't what I wanted, I always looked at what's next. And it could be that we need to look at the zoning on the freeway lents properies in total and take another look at the lents town center zoning and see what else we need to do to make sure that lents does continue to prosper. I do hope that as part of the good neighbor agreement there are discussions so that the good jobs that are being created at recology will be made available, in advertising to local folks, the neighbors, so they will be getting notices when those good jobs come up, and in fact this is an important point, there are hundreds of good jobs at this facility. And it will be increasing in use and in these tough times we need jobs as well as we need neighborhood livability, and I don't think this application as amended with conditions, does impact the neighborhood livability, particularly since i'm confident you're going to work together to get to a good, good neighbor agreement. So, thank you everybody for participating in this whole process, and thank you especially to staff, you've been very diligent and helped and the city attorney has also helped us wind through some pretty challenging, need to understand what are the legal criteria in which we can make our decision, what's the basis for making a solid land use decision. Aye.

Fish: I want to echo what commissioner Fritz just said, and thank the staff from the bureau for an outstanding job as always, and the memos that we get and the briefing materials are as usual, of superb quality. It is for us to take the information and make a judgment and these quasi judicial proceedings require us to be thoughtful and balanced and to look at both sides, and I think this has been an unusually thoughtful process, and i've had a chance to read the record and all the materials

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and I appreciate everyone who has participated. I believe that the amendment and the action we've taken today have resulted in a stronger application which will have a better outcome for the neighborhood. Particularly important to me is the good neighbor agreement be structured in the way it is and have a chance to be successful, and I think among the conditions of approval that we've discussed, the ones that limit traffic and noise impacts that ensure regular monitoring of the facility and that prohibit any expansion without a new conditional use review give us very important protections. Also nothing in the record that i've seen indicates that recology hasn't been a good neighbor at other facilities and i'm confident through this process that they will strive to be a good neighbor at this location. The search for the right balance in these kinds of hearings is often elusive. But today I think we have struck the right balance with the package of amendments. Aye.

Saltzman: I think there's been a lot of good work done by all parties of good faith, the neighbors, recology, our staff, and our attorneys. And I do believe this is an appropriate conditional use and an industrially zoned piece of property. And the dream as we might and we've all dreamt many of us for years about what might happen to freeway lands, everything from eco-business parks to ballparks, the fact is this is something, not much has materialized there. And this is an opportunity for as commissioner Fritz said, some additional good-paying jobs. I believe our conditions limiting it to residential waste only, hours of operation, truck trip limits, all of these things and the good neighbor agreement I think all bode well for this facility being a good neighbor, and also being a positive contribution to not only to the lents neighborhood, but to Portland's economy. And but most importantly it does meet to my mind all the appropriate conditions of a conditional use, and therefore I vote aye.

Adams: I want to thank Raihana Ansary on my staff for all of her work, along with staff in the Portland bureau of planning and sustainability for their work on this. Really a lot of moving parts and issues and operations and policy, and I want to thank you as well for your great work. Just so I reiterate my legislative intent, and that is, it's 35 round trip trucks a day, and delivery trucks and five transport round trips per day that can -- that's what can access the site in terms of delivering food waste or transporting food waste. So I think that's important. This isn't the only in-city facility of this type that's proposed. Or that exists right now. And I appreciate the amendments. This is probably in my almost two decades in local government this is probably the toughest approval i've ever seen. And I think that is totally appropriate. Given where it's at. So I want to thank everybody. Aye. [gavel pounded] Approved. We're going to take a 10-minute break so we can get the other hearing set up.

Beaumont: You need to continue this --

Adams: I'm sorry, I take that back, stay where you're at.

Beaumont: We need a date and time for the adoption of findings, I believe in 3 weeks or so.

Adams: Karla.

Moore-Love: Yes, three weeks out, we're looking at november 2nd. I would say let's go with 11:00 a.m.

Adams: So, we will consider this again on -

Moore-Love: November 2nd.

Adams: November 2nd

Moore-Love: at 11:00 a.m.

Adams: At 11:00 a.m. All right. So we're now in recess for seven minutes. [gavel pounded]
[recess]

At 3:10 p.m., Council recessed.

At 3:22 p.m., Council reconvened.

Adams: Karla, please read the item. Please read the title for item number 1071.

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Item 1071.

Adams: Deputy auditor, would you please tell us what is going on today.

Kathryn Beaumont, Chief Deputy City Attorney: You've conferred a new title, thank you.

Adams: Oh, assistant. Sorry, auditor.

Fish: Does it come with a pay raise?

Adams: Deputy city attorney. I apologize.

Beaumont: Just to again set the stage for where we are today, the council held an evidentiary hearing on this appeal on september 21st. At the conclusion of the hearing the council continued this matter to today and provided an opportunity for the parties to submit rebuttal to what they believe is new evidence until 5:00 p.m. on september 28th. The evidentiary record was closed at that time and is now closed. The purpose of today's hearing is for council discussion and deliberation, not additional testimony. The council may if it wishes ask questions of staff or the parties but to the extent possible, questions should be narrowly focus and limited to the events in the record. The decisional options for the council are one, to uphold the hearings officer's decision as is, if you do that you would be making a final decision today to deny the appeal and deny the applicant's proposal. The second option would be for the council to uphold the hearings officer's decision concerning most of the approval criteria, and overturn the hearings officer's decision concerning the safety criterion. The one the council -- the hearings officer found wasn't satisfied. This would result in a tentative decision to grant the applicant's appeal and approve the applicant's proposal. Again, the council would need to set a future date for the adoption of findings and final decision making. In terms of preliminary matters, the council should expressly reject any rebuttal received after the close of the evidentiary record on september 28th. And council members should disclose any ex parte contacts they have had since the september 21st hearing. And finally just a reminder the applicant has extended the 120-day clock until october 28th. So this decision-making time is short.

Adams: All right. Do any members of the council have any ex parte contacts to declare, beginning at this end. No? No? Commissioner Leonard? No. I don't either. Do council members have any other matter that needs to be discussed before beginning this hearing?

Fritz: I think we've all received multiple emails, some of which have been responded to and others not.

Adams: Ok. So there's nothing that prevents any of us from hearing this matter. Council members have any other matters that need to be discussed before we begin? We'll get a brief summary from douglas hardy of the correspondents and the input received since september 21st. Doug can then answer any commissioner questions. If they can be addressed with the information contained in the record. Mr. Hardy?

Douglas Hardy, Bureau of Development Services: Thank you mayor Adams, council members. Douglas hardy with the bureau of development services. So since the last time we met on this, we did receive four new items, four items in the record. We received two letters from the neighborhood, one from mr. Daneman, one from mr. Davis. Those two letters effectively indicated that any new evidence submitted after the hearings officer's close of record on the July 18th should be excluded from the record, not considered by council. We also received two other letters, one from the property owner's legal representative, and a second letter -- fourth letter in fact from the tenant -- the tenant being ice, we received a letter from daniel brown, and those two letters basically they made the case that at last hearings bds staff had provided you a memo that included some recommendations for conditions of approval. One of those was that the applicant maintain a log of detainees that were released from the facility. The applicant and tenant argue that that log would be of little use because number one, due to privacy reasons, a fair amount of that data would have to be redacted from that log. And in the end, there really wouldn't be anything in that log that would be of assistance to bds compliance services. So they're advocating to remove that as a condition of approval.

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Adams: Can I ask a question about that?

Hardy: M-hmm.

Adams: So the log would state -- there could be a log that redacts names and countries of origin, or anything that might violate privacy, but couldn't the log include the time that someone is released and the manner?

Hardy: From staff perspective, yes. It could. I think probably more importantly from at least the code compliance, or compliance services perspective, would that aid them at all in terms of Determining -- addressing complaints that may be made?

Adams: I would just pose that rhetorical question with another, and that is that we would at least -- a code compliance officer would at least know who has been let out of the front door.

Hardy: They would, yes.

Adams: And the time of day, and how many.

Hardy: Yes. They would know that.

Adams: Which I thought was one of the core concerns expressed in testimony. Proceed.

Hardy: Ok.

Adams: I think it was more -- i'm thinking out loud here.

Hardy: Ok. The -- the other statement included in the letter really from both the applicant and the -- and ice was that there was a signed statement in both of their letters indicating they would comply with conditions of approval associated with the operation of the facility. And specifically they were referring to complying with the security plan that was included as exhibit a8 in the hearings officer's report. And complying with that the -- what's referred to as the ice custody release plan and that is included in the september 2011 signed statement from ice. One other comment, in the bds staff recommendation we submitted at the September 21st council hearing, one of the recommendations, basically prior to assuming final occupancy that the applicant provide a written letter confirming that they did meet all the building element requirements of the security plan and in further discussions regarding that condition, we realize in fact the building really serves that same purpose. That before planning and zoning would sign off on that building permit we would need to demonstrate in fact all the building elements from the security plan had been implemented. Otherwise we would not issue the permit. So in hindsight, that particular condition, in fact, is really not necessary.

Fish: Mayor, I have a question.

Adams: Go ahead.

Fish: Maybe this to council, but do we have the latitude to determine that the ice custody release plan that's been submitted is not quote/unquote evidence but is submitted to help us shape potential conditions of approval? Or by extending the record as we did, is that now moot.

Beaumont: I think that's essentially a moot question. You did extend the record to allow the parties to rebut evidence that had been submitted.

Fish: It's in the record before us?

Beaumont: Yes, it is.

Fish: But without arguing the point, it does seem to me, after reading mr. Danman's thoughtful letter there's a reason -- reasonable people could disagree whether it's actually evidence or proposed finding or rebuttal.

Beaumont: Or evidence or rebuttal, yeah.

Fish: Ok. Thank you.

Adams: Additional council discussion?

Fish: My question would be, mayor, what's the next step here, do we -- do we discuss proposed conditions of approval? Conditions, or is there further submission -- further presentation?

Adams: It's up to the --

Hardy: If I could, so -- so basically at this point, what we're -- bds staff, coming in terms of a recommendation, should council decide to approve the detention facility, is that the operator be

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required to operate in conformance with the approved security plan that's -- again, the exhibit a8 from the hearings officer report. As amended by the ice custody release plan identified in the september 2011 document from ice. And there were a couple of conditions included in the staff recommendation report that went to the hearings officer. One addressed the applicant being required to implement the transportation demand management strategies included in exhibit a5 and those were needed to address the transportation approval criteria.

Leonard: I'm sorry, douglas, did the ice facility have objections to that?

Hardy: At the time, no, they didn't, no. There was one other condition, included in the staff report about no barbed wire being used on the perimeter of the fence. That could be a third thing to consider.

Leonard: To get us off the dime, i'll move to uphold the appeal with the three conditions recited by mr. Hardy.

Fish: Seconded.

Adams: Moved and seconded, discussion?

Fish: I may have may have a friendly amendment. Want to make sure I know where we are. The procedures to be followed for releasing detainees is that also part of your proposal?

Hardy: Yes, the procedures are included in ice custody release plan. The september 2011 memo.

Fish: I see, those are just restated here?

Hardy: Right.

Adams: Other discussion on the motion?

Fritz: Thank you, commissioner Leonard, for making that -- and douglas hardy, great work on this. The key point of the hearings officer decision was whether detainees could be safely released into the community at the site. Everything else was found to be met. And the evidence in the record and the evidence we heard at the hearing was there had been discussion of whether there had been problems from the current site on 511, is a post office and everybody seemed to agree there was nothing in the record, it says in the hearings officer decision no evidence of problems there. So the key concern was whether it could be safe to have folks being discharged from the facility and the ice memo we received in august, specified the conditions they used for when they release people. Including for health and humanitarian reasons and when there's a dispute whether the person is subject to deportation. And, therefore, has no reason to be detained in any kind of facility. So to me, the concerns raised are not any more impactful in this in this neighborhood than in any other neighborhood where there are people all over the city who may be undocumented and maybe released from prison or jail or parole. That's part of living in the city. So I wanted to make sure with the proposed conditions that we limit the release from ice custody to times when transit services are available if the subject being released is using mass transit and if not, the subject being released would be met by friend, family, attorney or non-governmental organization. Taken with funds for transportation fare or home or other mutually agreeable location. Those are in the august memo from ice and part, therefore, of this conditional improvement. As I mentioned in the previous discussion, we are not allowed to consider questions such as is this the best place in the city or is this appropriate to have this facility next to a school. Those are not the approval criteria in the code. And the comprehensive plan says the approval criteria stated with a specific land use review reflected findings that must be made to approve the request. The approval criteria are derived from and based on the comprehensive plan, the proposal that complies with all of the criteria is in conformance with the comprehensive plan and will be approved. A proposal that can comply with criteria with mitigation measures or limitations will be approved with the necessary conditions. A proposal that cannot comply with the criteria will be denied. So I was looking at, is there anything in the application that it cannot be approved, that it's so flagrantly in violation of the criteria that it cannot be approved? Given that a similar facility was existing in the center of Portland for several years without causing problems and given that the application has received extraordinary scrutiny which the council directed when we sent it back from the previous appeal to stay it had to go

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through the discussion of pros and cons of public safety and the release plan, I believe the proposed conditions of approval do mean it must be approved and nothing in the code that says I have anything to -- to base a denial of the application on.

Adams: We have a motion on the floor. Unless there's additional discussion, Karla, would you please call the vote on the motion.

Leonard: Aye.

Fritz: Adding the conditions of approval which specify the release plan which is what the hearings officer called for, should we be overturning his recommendation or approval, adding the information from ice and the applicant who correctly points out it's the applicant who are responsible for the actions of compliance on this site. And adding information to detainees that ice will post in the processing area, specific release procedures. These are people found by ice who are not -- their job is to deport people, my understanding of what the facility for, to process folks who are undocumented and when they deem fit to be taken to tacoma and deported. It doesn't seem likely that ice would releasing people into the neighborhood who have any measure of unsafety at all. They specify in their memo, the reasons they would release somebody to the community and those reasons are the kind of folks in my neighborhood and every other neighborhood of the city. So for those reasons, I vote aye.

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

Adams: Aye. [gavel pounded] approved. The underlying -- we're not done yet, folks. Now the underlying motion. I'll entertain a motion.

Fish: I move to uphold the hearings officer report and to overturn the finding on the safety criteria as amended. With the -- with the conditions that have been adopted by council.

Beaumont: An additional element would be to grant the appeal.

Fish: Thank you.

Hardy: So you would be overturning the hearings officer's decision of denial.

Fish: That's exactly right.

Fritz: Second.

Adams: Moved and seconded. Council discussion? Karla, please call the vote.

Leonard: Aye.

Fritz: I do appreciate the passion and time everybody on all sides have put into this and the evidence in the record is compelling. And I appreciate jim davis and bill danneman and others from the neighborhood association who -- and land use chairs after my own heart, making sure that the process is followed. This decision is based absolutely on the information in the record and on the approval criteria and the code which what is what i'm required to base my decision on and I appreciate the concerns and when my kids were in school, they're now grown, I had talks with them about the unpleasant things in my neighborhood although I don't consider people being discharged from this facility as being unpleasant. I hope they'll be able to get back into the community having been in this facility, so I am much happier having this in south waterfront than people being taken to tacoma and back to Portland if it's found they're not subject to deportation. These are people living in our community and many cases are part of our community. Aye.

Fish: When this first came before us, I respectfully disagreed with staff recommendation because I concluded after reading the code and listening to evidence that there were two uses. The one office and one detention. That triggered a conditional use hearing which is now before us. The only issue in controversy before us has to do with the security component. And after listening to all of the testimony, thoughtful presentations from both sides and reviewing the conditions of approval, I believe we have addressed those issues in a responsible fashion. I think this process has led to a better outcome and an improved proposal. I want to thank my colleagues for their role. Commissioner Fritz for her suggestions and i'm going to vote aye.

Saltzman: Aye.

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Adams: I'm voting for the motion. The existing facility has not -- there's nothing in the record that shows significant problems with it. However, the new location is a slightly different context and so I believe that the conditions and the assurances enacted with the -- this overall decision are appropriate and I want to thank all involved for a lot of very informed problem solving and problem prevention work. Aye. [gavel pounded] approved. We're adjourned.

Beaumont: No.

Adams: We've got to set the hearing as set for --

Beaumont: Two weeks.

Moore-Love: Two weeks would be the 19th. We'll do the 19th --

Beaumont: You can do two or three weeks. We have through the 28th.

Adams: What do you prefer, mr. Hardy? We can -- the possibility exists that we can add an emergency clause when we do it as well. Since the votes up here were --

Hardy: Let's do the two weeks.

Moore-Love: The 19th at 9:30 time certain.

Adams: As noted. We're adjourned. [gavel pounded]

At 3:45 pm Council adjourned.