



CITY OF  
**PORTLAND, OREGON**

OFFICIAL  
 MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 14<sup>TH</sup> DAY OF SEPTEMBER, 2011 AT 9:30 A.M.

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

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

Items No. 963 and 968 were pulled for discussion and on a Y-4 roll call, the balance of the Consent Agenda was adopted.

<b>COMMUNICATIONS</b>	<b>Disposition:</b>
<b>951</b> Request of Timothy O. Youker to address Council regarding services Printing and Distribution offers (Communication)	<b>PLACED ON FILE</b>
<b>TIMES CERTAIN</b>	
<b>952</b> <b>TIME CERTAIN: 9:30 AM</b> – Annual presentation by Travel Portland (Presentation introduced by Commissioner Saltzman) 30 minutes requested	<b>PLACED ON FILE</b>
<b>953</b> <b>TIME CERTAIN: 10:00 AM</b> – Adopt the City of Portland Fair Housing Action Plan to remove discrimination in the housing industry and ensure equal opportunity and access for all (Resolution introduced by Commissioner Fish) 1 hour requested  <b>Motion to accept substitute Plan exhibit:</b> Moved by Commissioner Fish and seconded by Commissioner Leonard. (Y-4)	<b>36878</b> AS AMENDED
<b>CONSENT AGENDA – NO DISCUSSION</b>	
<b>Mayor Sam Adams</b>	
<b>954</b> Reappoint John McCamish, Bhupindar Matt Dhillon and Jim Ferris to the Electrical Code Board of Appeals for terms to expire August 31, 2014 (Report)  (Y-4)	<b>CONFIRMED</b>

September 14, 2011

<p><b>955</b> Reappoint Creighton Kearns, Andrew McCann, Greg Pelser and Doug Brown to the Mechanical Code Board of Appeals for terms to expire August 31, 2014 (Report)  (Y-4)</p>	<p><b>CONFIRMED</b></p>
<p><b>Bureau of Planning &amp; Sustainability</b></p>	
<p><b>*956</b> Amend Intergovernmental Agreement with Multnomah County and accept additional grant funds in the amount of \$15,000 for Communities Putting Prevention to Work provided through American Recovery and Reinvestment Act (Ordinance; amend Contract No. 30001619)  (Y-4)</p>	<p><b>184857</b></p>
<p><b>Bureau of Police</b></p>	
<p><b>*957</b> Accept and appropriate a grant in the amount of \$172,383 from the U.S. Department of Justice, Office of Justice Programs, National Institute of Justice for the FY11 Paul Coverdell Forensic Science Improvement Grants Program (Ordinance)  (Y-4)</p>	<p><b>184858</b></p>
<p><b>*958</b> Authorize application to the Oregon Department of Transportation, Transportation Safety Division for a grant in the amount of \$70,000 for the 2012 Multnomah County DUII Intensive Supervision Program (Ordinance)  (Y-4)</p>	<p><b>184859</b></p>
<p><b>Bureau of Transportation</b></p>	
<p><b>*959</b> Authorize the Bureau of Transportation to acquire certain temporary easements necessary for construction of the SW Broadway Drive Slide Project through the exercise of the City's Eminent Domain Authority (Ordinance)  (Y-4)</p>	<p><b>184860</b></p>
<p><b>*960</b> Amend an Intergovernmental Agreement with the Portland Development Commission for construction of the NE 97th Ave Green Street Local Improvement District to include construction of NE Flanders St from NE 97th Ave to NE 99th Ave (Ordinance; amend Contract No. 30002072; C-10035)  (Y-4)</p>	<p><b>184861</b></p>
<p><b>961</b> Revise ordinance to replace and to clarify conditions for the vacation of a portion of SE Bush St and a portion of SE 100th Ave for the Emergency Coordination Center construction project (Second Reading 937; amend Ordinance No. 184419)  (Y-4)</p>	<p><b>184862</b></p>
<p><b>Office of Emergency Management</b></p>	
<p><b>*962</b> Authorize an Intergovernmental Agreement with Washington County for the distribution of equipment, supplies and services procured as a result of Urban Areas Security Initiative Grant funds (Ordinance)  (Y-4)</p>	<p><b>184863</b></p>
<p><b>Office of Management and Finance</b></p>	

September 14, 2011

<p><b>*963</b> Create a new Nonrepresented classification of Park Ranger and establish a compensation rate for this classification (Ordinance)</p>	<p><b>REFERRED TO COMMISSIONER OF FINANCE AND ADMINISTRATION</b></p>
<p><b>*964</b> Create a new Nonrepresented classification of Parks Property and Business Development Manager and establish a compensation rate for this classification (Ordinance)  (Y-4)</p>	<p><b>184864</b></p>
<p><b>Commissioner Dan Saltzman Position No. 3</b></p>	
<p><b>Bureau of Environmental Services</b></p>	
<p><b>*965</b> Authorize a settlement agreement with the Eastridge Park Homeowners Association for the repair of a landslide and the extension and improvement of a City storm sewer (Ordinance)  (Y-4)</p>	<p><b>184865</b></p>
<p><b>Commissioner Randy Leonard Position No. 4</b></p>	
<p><b>Portland Fire &amp; Rescue</b></p>	
<p><b>*966</b> Authorize application to the Federal Emergency Management Agency for a grant in the amount of \$518,400 for the purchase of individual facepieces for firefighter self-contained breathing apparatus (Ordinance)  (Y-4)</p>	<p><b>184866</b></p>
<p><b>Water Bureau</b></p>	
<p><b>967</b> Amend contract with Murray, Smith &amp; Associates, Inc. to increase compensation and increase scope of work for Forest Park Low Tank (Second Reading Agenda 944; amend Contract No. 30001295)  (Y-4)</p>	<p><b>184867</b></p>
<p><b>Commissioner Amanda Fritz Position No. 1</b></p>	
<p><b>Office of Healthy Working Rivers</b></p>	
<p><b>*968</b> Authorize the Director of the Bureau of Environmental Services, in consultation with the Mayor and the Commissioner in Charge of the Office of Healthy Working Rivers, to enter into the Portland Harbor Natural Resource Damage Allocation Participation Agreement (Ordinance)</p>	<p><b>REFERRED TO COMMISSIONER OF PUBLIC UTILITIES</b></p>

September 14, 2011

<p><b>969</b> Extend the Intergovernmental Agreement with Oregon Consensus-National Policy Consensus Center, Portland State University to December 31, 2011 to assess issues related to sedimentation and the need for maintenance dredging in Portland rivers (Second Reading 945; amend Contract No. 30002174)</p> <p>(Y-4)</p>	<p><b>184868</b></p>
<p style="text-align: center;"><b>REGULAR AGENDA</b></p>	
<p><b>*970</b> Retitle Office of Cable Communications and Franchise Management as Office for Community Technology (Ordinance introduced by Commissioners Saltzman and Fritz; amend Code Chapter 3.114)</p> <p><b>Motion to set over to September 21, 2011:</b> Moved by Commissioner Saltzman and seconded by Commissioner Fritz. (Y-3; Fish absent)</p>	<p style="text-align: center;"><b>CONTINUED TO SEPTEMBER 21, 2011 AT 9:30 AM</b></p>
<p style="text-align: center;"><b>Mayor Sam Adams</b></p>	
<p style="text-align: center;"><b>Office of Management and Finance</b></p>	
<p><b>*971</b> Authorize a contract and provide for payment for Emergency Coordination Center project (Ordinance)</p> <p>(Y-4)</p>	<p style="text-align: center;"><b>184869</b></p>
<p style="text-align: center;"><b>Commissioner Amanda Fritz Position No. 1</b></p>	
<p style="text-align: center;"><b>Office of Neighborhood Involvement</b></p>	
<p><b>*972</b> Amend Time, Place and Manner Regulations of Establishments that Sell and Serve Alcoholic Beverages Code, to expand authority to allow certain activities be considered nuisance activities and make changes to the violation and abatement process (Second Reading 949; amend Code Chapter 14B.120)</p> <p><b>Motion to add emergency clause:</b> Moved by Commissioner Fish and seconded by Commissioner Fritz. (Y-4)</p> <p>(Y-4)</p>	<p style="text-align: center;"><b>184870</b> AS AMENDED</p>
<p style="text-align: center;"><b>City Auditor LaVonne Griffin-Valade</b></p>	
<p><b>973</b> Assess property for sidewalk repair by the Bureau of Maintenance (Hearing; Ordinance; Y1075) 15 minutes requested</p>	<p style="text-align: center;"><b>PASSED TO SECOND READING SEPTEMBER 21, 2011 AT 9:30 AM</b></p>

At 11:21 a.m., Council recessed.

September 14, 2011

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 14<sup>TH</sup> DAY OF SEPTEMBER, 2011 AT 2:00 P.M.

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

Commissioner Leonard arrived at 2:02 p.m.

Council recessed at 3:00 p.m. and reconvened at 3:10 p.m.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Roland Iparraguirre, Deputy City Attorney; and John Holly, Sergeant at Arms.

		Disposition:
<b>974</b>	<b>TIME CERTAIN: 2:00 PM</b> – Adopt Connecting to Our Future: Portland’s Broadband Strategic Plan and direct the Office of Cable Communications and Franchise Management to develop a work plan for implementation (Resolution introduced by Commissioners Saltzman and Fritz) 1 hour requested (Y-4)	<b>36879</b>
<b>*975</b>	<b>TIME CERTAIN: 3:00 PM</b> – Authorize a contract with Housing and Development Services, Inc. in an amount not-to-exceed \$1,120,000 for a housing and development core software system (Ordinance introduced by Commissioner Fish) 20 minutes requested  <b>Motion that the invoices specify the basis for any proposed increase in the annual maintenance fees and made available to council for review:</b> Moved by Commissioner Fish and seconded by Commissioner Saltzman (Y-4) (Y-4)	<b>184871</b> AS AMENDED

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

September 15, 2011

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 15<sup>TH</sup> DAY OF SEPTEMBER, 2011 AT 2:00 P.M.

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

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

	<b>Disposition:</b>
<p><b>976 TIME CERTAIN: 2:00 PM</b> – Appeal of Buckman Community Association against 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 (Hearing; LU 11-115222 CU MS AD) 2 ½ hours requested</p> <p><b>Motion to tentatively deny the appeal and uphold the Hearings Officer's decision with the following conditions: 1) add a condition requiring the applicant to record a covenant preserving residential use of the applicant's three adjacent lots; 2) to close the parking lot to all activities unrelated to the school:</b> Moved by Commissioner Leonard and seconded by Commissioner Fish. (Y-4)</p>	<p>TENTATIVELY DENY APPEAL AND UPHOLD HEARINGS OFFICER'S DECISION WITH CONDITIONS; PREPARE FINDINGS FOR OCTOBER 5, 2011 AT 11:00 AM TIME CERTAIN</p>

At 4:22 p.m., Council adjourned.

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

By Karla Moore-Love  
Clerk of the Council

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

September 14, 2011  
**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.

**SEPTEMBER 14, 2011 9:30 AM**

**Fritz:** Good morning. It's wednesday, september 14th at 9:30. This is the morning session of the Portland city council. Mayor Adams is out of town so i'll be presiding today. Call the roll. [roll call]

**Fritz:** Before we start, commissioner Leonard has a proclamation to read.

**Leonard:** With the mexican consulate and the community celebrating independence day for mexico. So i'm going to read the proclamation. Assigned by mayor Adams. Whereas, Portland celebrates the rich diversity that exists in our community and respects its cultural traditions and this month, Portland celebrates spanish heritage month and Portland recognizes the importance of the latino community to the economic prosperity of our city and september 15th, mexico celebrates the beginning of the struggle for the independence led by father miguel and josé molares in 1810 and after 11 years of civil war, the independence of mexico was declared september 27th, 1821 through the signature of the treaties. Now, therefore, i, sam Adams, mayor of the city of Portland, the city of roses, proclaims the independence of mexico.

**Fritz:** Before we start on the agenda, there's a request to move item 970, to remove the emergency clause and move it to this afternoon. I need a motion.

**Saltzman:** I would like to set that over one week.

**Fritz:** Oh, ok. So we'll do that for part of the regular agenda. Thank you, please read the title for item 951.

**Item 951.**

**Fritz:** Mr. Youker, thank you. Good morning.

**Timothy O. Youker:** Good morning.

**Fritz:** Welcome to city hall. You have three minutes. We just need your name, don't need your address and the clock in front of you will count down three minutes.

**Youker:** I'm tim youker. I've worked for p and d and hired to work for p and d and i've been in the printing industry for over 30 years. When I was hired --

**Fritz:** Would you tell folks what that means.

**Youker:** Printing and distribution for the city of Portland.

**Fritz:** Thank you.

**Youker:** When I was hired I was under the impression that my knowledge of printing would be helpful to the printing and distribution. After making suggestions to my supervisor, lou, printing and distribution does not have any salespeople, and the city departments are not required to use printing and distribution. They use outside vendors and I was surprised because that's what printing and distribution is for. Why use outside vendors? Instead of going home when it was slow, the printing and distribution, I wanted the management to print me up business cards so I could go to the different departments to solicit printing for printing and distribution. And that wasn't allowed. They don't do that type of stuff there. There's no salesmen at p and d, and I was surprised that metro came on board at printing and distribution, and all of a sudden, doing printing for metro, at least we were when I was medically laid off. And there was no light duty there at p and d and that's another reason I was laid off. I think all of the city departments should be required

September 14, 2011

to use p and d as a print shop and there was expanding p and d, using printing for the nonprofits here in Portland. Would definitely be an advantage to the economic -- and in the area. And p and d is now -- well, they were when I was working for them, they were subcontracting work out to vendors that were charging retail prices instead of wholesale prices which, of course, increases the costs and makes it really hard to make money or help the citizens. They're spending more money than they need to. Of course, I was discredited -- is that my time? 30 seconds? Ok. I'd like to be re-put on the p and d as a salesperson to go out and sell all of these nonprofit companies that need our services. And I'd be interested in helping the city in any way I can with my experience.

**Fritz:** Thank you for your testimony. You're an example of what some of our very diligent public servants here at the city of Portland. The printing distribution department is part of the office of management and financing under mayor Adams. If you could please stop at his suite on the third floor and ask someone to talk with you further about this. That would be very helpful. Thank you.

**Youker:** Thank you.

**Fritz:** That's the only communication we have signed up today. So we'll do the consent agenda before we get to the time certain.

**Fish:** Madame president, the consent agenda, my staff talked with the mayor's office and we would like to refer item 963 back to the mayor's office.

**Fritz:** Unless objections, so ordered and I would like -- unless objections, so ordered and I would like 968 back to my office. Are there other items to be pulled from the consent agenda? Hearing none, please call the roll and consent. Roll on consent.

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

**Fritz:** Aye. Thank you, that brings us to our 9:30 time certain. Please read the title.

**Item 952.**

**Fritz:** This is item 952. Commissioner Saltzman.

**Saltzman:** Thank you, madam president. It's been my pleasure to be the city council's appointee to the travel Portland directors and in that spirit, we're bringing forward their annual report both for travel portland and on the downtown marketing initiative. It's exciting that travel Portland took on the downtown marketing initiative and the synergy created has been fruitful and travel Portland executive director jeff miller will talk about this shortly. I wanted to stress my time on the board has really shown me how tourism is a major driver for our economy and brings in an estimated \$3.8 billion into the regional economy and is responsible for supporting over 28,000 jobs. So this impact is real and significant. Enough about the numbers. Especially since I specifically asked jeff to make this presentation more about the businesses on the ground and real-life experiences that can bring the importance of travel Portland and its efforts home to city council and our viewing public. So jeff miller, please take it away.

**Jeff Miller:** Thank you, commissioners. Really appreciate being here. I want to introduce steve young, the general manager of the embassy suites and board chair. Scott andrews, a great advocate of the downtown marketing initiative, sandy mcdonough, who is head of the PBA and whose partnership we couldn't do what we do without each other. We've got great collaboration in the city focused on making everyone successful. So that's been terrific. I'm really pleased to talk about overall travel up. In the region, Portland and around the nation and when commissioner Saltzman mentioned the \$3.8 billion and 28,000 jobs, I always ask people, think about the last trip you took and remember the credit card bill. \$3.8 billion a big, big number, but if we think about the number of people that come here and how much you spent on your last vacation all of a sudden people go, well maybe that's possible. Where did you spend it? Spending of the 3.8 billion was up 5.4% from last year and in Portland, year to date for the hotels, the occupancy rate in the central city up 4.1%. 5.6% citywide through july and room tax collection is up 7.1%. We always like that.



September 14, 2011

Revenue per or revenue for available room was up 9.6% in the central city through the year of July and that's a great sort of number for us to understand how well the hotels are doing. Nationwide, the travel is increasing and translating into jobs. The travel industry increased jobs at twice the rate as the rest of the private sector economy so far this year. And that accounts for more than one in 10 new jobs created this year. In the United States. So tourism is doing its job. The business journal reported Oregon's leisure and hospitality is a bright spot adding 5200 jobs in June and July of this year. Those aren't just front line. Those are management, entrepreneurs, starting new businesses and tour companies and really, jobs where we have -- people have the opportunity to advance in their career and we'll show a video and have someone talk about that.

**Video audio:** My name Pedro [inaudible] I'm the director [inaudible] I have worked in the tourism industry for almost 20 years. People looking for sustainable hotels, Portland is a sustainable -- we need to continue. Now that we're done with light replacement, we're going with thermal and that means job security not only for me, but [inaudible] because the hotel industry has provided support to my family, and helping us to create the American dream. Tourism is important for everyone, you know? It provides job security.

**Miller:** I think Pedro does a good job of talking why sustainability is important and how tourism helps. You have the year end report which you've got electronically and a hard copy. But I'll have the people on the ground talk about why this industry is important to their business and their economy.

**Video audio:** Hello, I'm Charles Frolick and I opened Frolick Gallery in 1995 and I'm the current president of the Portland Art Dealers Association. Consistently, my gallery has between 45% and 55% of sales to clients outside of the Portland metro area and I know good galleries that have 80% of their sales and provide a livelihood for hundreds and hundreds of people. Including the artists and employees at the galleries and the frame shops and mailing houses that print cards and flyers. I regularly see international tourists and it's exciting to see Portland profiled in a foreign language magazine and I'm thrilled to see theirs Thursday mentioned. We need to keep investing our marketing money throughout the globe and region for tourism because it is proven at least in my industry, how important tourists are to our bottom line.

**Miller:** Stories like Charles' are why we've invested so much in cultural tourism marketing. We have a great arts scene here and we have to talk about that. We've partnered with arts organizations like Oregon Arts Watch, which is a nonprofit arts journalism organization and providing regular updates on previous upcoming arts events and travel updates and at other places and this winter, we launched the Law Buster campaign. If offered two for one tickets to downtown arts events and retail and dining so that you get the robust experience. Over a thousand coupons printed. And I think one of the areas we get better at is the collaboration with the stakeholders and so Courtney Reese on our team has listening sessions with the arts groups and restaurants and retailers, but partners with Lisa Frisch from the PBA and Cory Jacobs whose the downtown retail advocates. Three of them are doing a really terrific job of asking what you need before we put the promotions together and that's working really, really well. We've partnered with several community newspapers and organizations to provide a more relevant and authentic information about our cultural communities, the African American, Chinese American, Hispanic American, Japanese American, LGBT and American Indian and Native American communities and getting true copy and better information and in addition we've created the Multicultural Advisory Council and it's there to help give us advice at travel Oregon and OCBNS which is the Oregon Convention and Visitors Network. To help bring more minority convention meetings here to Portland and it's committed to find better ways to do that. I'll be in Washington D.C. next week with Roy Jay next week for the Congressional Black Caucus and meeting and talking about how to garner that business for Portland. And we work with the

September 14, 2011

minority chambers and business communities to make sure we make the connections when a convention is in town with local businesses and that's an important part of their mission. The portland business journal reported news on the retail front last month and Portland added 3500 retail jobs, ranking eighth among the hundred largest metro areas in the country. Downtown retailers estimate 40%-50% of their business is from visitors. And Charles mentioned the impact from international visitors on his business and there are others feeling that as well.

**Video audio:** My name is Craig Olson, my name is -- my store is named Canoe, and we've been in this location for about five and a half years, we were kind of a pioneer to this particular part of town. The West End, as it's now called. A lot has developed around us. One of the reasons we chose the location downtown rather than in a neighborhood district is because the hotels are primarily located here. We do see a pretty big impact from out of town visitors. Tax free shopping has its advocates and it's quite important to us, I think. We see visitors coming from all over the U.S., I think Portland is firmly on the map. International visitors I can see on a fairly regular basis, Germany, Scandinavian countries and France, some from Brazil and Italy and a lot of Canadians that come down. I do feel that the tourism is definitely increased since we've been open. So I would say maybe there was a tipping point about three years ago, or so, I really started to notice we had a lot of visitors from out of town and becoming more and more important to our business.

**Miller:** When our team went out Veronica Rinard and others talked to the retailers, very, very interesting to hear their stories and find out how tourism really is affecting them. Knowing there's people coming from Brazil is an eye-opener for us. International visitors have longer vacations and spend typically \$4,000 per trip and they're a true opportunity for us as a city and the Brookings Institute is working on the urban export strategies and tourism is a part of that because the Obama administration realize that's the visitors spend their money and leave dollars here and go home and it becomes a true export. We're also continuing our partnership with the Port of Portland and Travel Oregon on those direct flights to Europe and Asia and Canada. Canada has been an uptick. Especially the Chinese community out of Vancouver B.C., it's phenomenal, they love the tax-free shopping and over Christmas, 250 in one hotel alone. It's big business and we're moving into the emerging markets like Australia and New Zealand and Scandinavia. And we've had reports from our neighboring destinations, L.A. and Seattle, that they were seeing a big uptick. The Visit USA trade show, we're seeing that. And we've been able to allocate budget dollars to join them in Australia and that's a important push for us. And looking hard at Scandinavia, a possible sister city. Showing as a top market as we look at what spending is coming to Portland and it's a good service for the Amsterdam flight as a connection on Delta and it's wonderful to have those. On a national level, working with the U.S. Travel Association on visa reform and we need more -- to make it easier to come into the country and spend money. There's a lot of work nationally on that and we're supportive of that. Cultural tourism is also a place where we're planting our flag. We know how good our restaurants are and the food scene is here but we want to make sure that everyone else does too. There's -- culinary in Portland, from food carts and to white table cloth. And we have a video on that too.

**Video audio:** Hi, I'm a food cart owner in downtown Portland and I was written up in the -- a top five of food carts in gourmet.com. The -- helped my business. I have customers that read food blogs from San Francisco and New York and heard about me from the blog and they come to buy a ticket and ride. For us, it's very important for every kind of business in Portland or anywhere. When people come, they bring the money to spend. And it's good for any restaurant, food carts or even like grocery store.

**Miller:** Two things I love about that clip. First, her smile. And second, as you can see, the rain is coming sideways. [laughter] from the side of the food cart. Such a Portland video. This year, we

September 14, 2011

brought back the dining month. And three course meals and got \$1 parking at smart park garages and we heard from several restaurants they had record breaking business in June and downtownPortland.org, where you went to find the information, had 41,000 hits on the website, which is a 33% increase over last year. A total -- we partnered with Open Table, which is a dining restaurant reservation system and they had 2200 diners with \$67,000 in revenue tracked that way. And we also partnered with them on commissions to benefit the Oregon food bank, and that was a nice extra we did that we hadn't done before and we're looking forward to finding more opportunities to benefit nonprofits. And we'll partner with Travel Portland on a Portland food and drink festival, in September of next year. It's going to be very high end, very Portland. But we'll do a great job of putting Portland on the food scene and in a higher way next year. Restaurants are another area we're seeing jobs being added and the spirit of 77 opened near the convention is one of those and we have a clip of that.

**Video audio:** My name is Davey, the general manager of Spirit of 77, which is a sports bar in the inner north, Portland, Oregon, across the street from the convention center. And it's named Spirit of 77 for literal connotation, that's the last year that the Portland Trail Blazers won the NBA championship. The most common visits we get stem from specific businesses large and small traveling to Portland, traveling to a convention and they either want to -- they want to host and sort of throw a certain type of event. Sometimes it's 200 to 400 people and requires a renting of the whole space. Sometimes it's more small and focused where they even want a customized dinner menu. And it sort of crossed all lines from our business -- and we opened like all new businesses, brought in probably a little more stuff we needed and that created jobs and we're going on 11 months old and continuing to grow more into -- in the future I'm sure we'll be able to expand and have more employment opportunities for folks.

**Miller:** We like to hear that, don't we? Our partner services department and convention services department is in charge of making sure that those businesses are connected with customers coming in for conventions and leisure travel. Conventions are easier to track but it does show you how important those convention delegates are to businesses not only to businesses but in town, we were pleased we were garnered \$10 million in revenue to the OCC alone from convention business to Travel Portland. And that was over the high water mark of last year, \$9.2 million in revenue just to the OCC and that will double our goal of 5.75. We earned 52.6 -- over our goal for the city and excited about that number. This year, we booked future convention business that will have an economic impact of \$137 million of sales for businesses in Portland. So those are big numbers, but exciting numbers and that's just on the convention side. Another area where we had success this year was media coverage. And many of you probably saw the "The New York Times" article with 36 hours in Portland. Our team helped on that. Proud of that effort and that kind of coverage is just -- it's hard to measure what it means in a publication like "The New York Times." The team garnered an \$11 million ad i-5sy. If we had to buy that advertising, it would cost us that. The Chicago Sun Time, Toronto Star and a Portland feature last November on the Today show and the travel and leisure editors were on the show and Portland was a top -- and top ranking was access to the outdoors and imagine that. And we had mentions high in the beer category. Something else that's near and dear to our heart. We supplied the B-roll footage and highlighted the Japanese gardens and city parks and microbrews and the travel and leisure magazine, it's terrific. And Portland is at the top of the many of the rankings. Number one, we can't afford to advertise and media coverage by third parties is more credible in advertising anyway and that's where we want to extend our efforts. Social media efforts, that's a place where we can have conversations and visitors can have conversations and get information that directly from people that live here and as well as from us and it's a conversation and not us from talking to them and that working better. The growth of

September 14, 2011

social media has been phenomenal. We have 46,000 people who like us on facebook and people following us on twitter and it's not just the number of eyeballs but the engagements and the conversations. And we know from industry research those customers brand loyal tend to come and buy more, so we're very excited about the 46,000 people that like us. We also are leveraging travel Portland money from the state for the regional cooperative marketing program and travel Portland realized with travel Oregon that the customer doesn't know where the county lines are. They don't care. We also know that the region is stronger as a whole in the marketplace than any one part of it so it's important we talk about the region as an area, not just the city of Portland and we have somebody to tell us about that too.

**Video audio:** My name is jeff, i'm the area operator at timberline lodge, my company is a family-owned business that has a lease with the forest service and operated since 1955. We view tourism in our area very regional, there's a lot of people who come to timberline to see timberline but there's a lot more who come as part of a itinerary to see the region, along with Portland and the coast and maybe crater lake and together, that's an unbeatable travel destination. From our perspective, travel Portland and the tourism effort in Portland is extremely important to not only let's call it the metropolitan region, but even wider. We definitely know when a certain convention is in town. Some of those conventions, whether it's the square dancers, you know when they're in town and they're up at timberline before or after the convention. And that bleeds over and I know not just at mount hood and timberline, but at the coast.

**Miller:** Jeff's been a great supporter of tourism and Portland's efforts because as he says, he sees it up at his business. Two years ago, we were given a downtown marketing initiative and had great successes. And in addition, we partnered with the Portland business alliance's charitable foundation on the coupon. And t the program started out of a meeting in the mayor's office to talk about how private sector businesses could help and commissioner Fish's office was there too. People can download a coupon at downtownPortland.org and this year it went to the bud clark commons and we got terrific media attention on that too.

**Video audio:** Good evening, who doesn't love a bargain? Now downtown retailers are taking the idea of giving you a break it a new level while helping those who haven't had many breaks. They're called compassion coupons, giving you a deal while helping others heal.

**Video audio:** We do a compassion coupon once a year, with the city.

**Video audio:** A woman's apparel shop in downtown is back on board to offer compassion coupons.

**Video audio:** The power of your wallet.

**Video audio:** It's why 20 downtown retailers and businesses have signed up again. Discounts from senator park to restaurants and two for ones at the nutcracker. Retailers give you the doe discount and then a donation to help the homeless.

**Video audio:** For us, it makes a bigger difference down the road.

**Video audio:** Discounts doing double duty.

**Video audio:** For every coupon redeemed, \$5 is donated to bud clark transition project.

**Video audio:** As part of the Portland business alliance charitable institute and used to hire 10 mentor, people who will pay it forward with on the street outreach.

**Video audio:** It's the same goal in the end. How do we get people off the streets and into permanent housing? The mentors work with the homeless downtown.

**Video audio:** Out of the 500, hoping to get 25 people into permanent housing. Through august, you can download the coupon to your smartphone or print them.

**Video audio:** Handing money to someone on a street corner won't create the change --

**Video audio:** To find a list of those participating, we've got a link at kgw.com.

September 14, 2011

**Miller:** That was very successful this year. The compassion coupon. It was great. We had a successful holiday season last year and already planning for the 2011 season. We finished fashion's night out on september 8 and had more than 30 retailers participate versus 18 last year. A very nice uptick. There were fashion shows in director park and free gift bag offs and these events creating a year-round drum beat, promotions in downtown and whether loam locals or ohsu the area, we're able to leverage those to tell a bigger more robust story and leverage the dollars further than we typically could. You know, there's a lot of -- typically could. There's a lot of moving parts, and we're fortunate to have partners in the business community. Other regional tourism marketing organizations and especially local elected officials who understand the value. Commissioner Saltzman, you've been on our board and on the visitors development board and insight and help is greatly appreciated. Commissioner Fritz has been on the visitors development fund board and those are fun meetings on friday mornings, but you understand the importance of conventions. And commissioner Leonard, helping to bring the rock 'n roll half marathon here. We'll have 15,000 participants. And commissioner Fish, you've been involved with the arts groups and also the bud clark commons and what that will do for homeless is terrific and means a lot to us. It's important to the efforts and we're glad to have the compassion coupon monies go there this year. Mayor Adams has been on our board before and been a strong supporter of tourism and downtown marketing initiative and those efforts are much appreciated. I want to thank our staff, our board who are here. If you would stand up. We -- we're a small but mighty group of people very interested in making Portland one of the best places to come and visit. Thank you for your support.

**Fritz:** Thank you all for being here. That's wonderful.

**Saltzman:** Well, this concludes the presentation. I want to personally also recognize jeff miller for his outstanding leadership of the organization and for the many fine people who work very hard to grow this sector in -- important sector of our local economy. Congratulations and thank you to the board as well.

**Miller:** Also thank chris who is the technical person because you don't want me anywhere near a computer.

**Saltzman:** Thanks Chris.

**Fritz:** Thank you very much, jeff. Anyone wants to testify on this issue? Any council remarks? Thank you all very much. This is a wonderful service but bringing in a lot money and providing good jobs for our communities, and thank you for what you do and thank you, commissioner Saltzman, for that report. That brings us to 10:00 time certain. Please read the title for item 953.

**Item 953.**

**Fritz:** Commissioner Fish.

**Fish:** Thank you, madame president, if director van vliet and danielle would come forward. In 1968, the congress adopted title viii of the civil rights act of which have declared clearly federal intent and discrimination in our country. The original law, however, was seen of something like a toothless tiger and it wasn't until congress revisited the question in 1988 with the fair housing act amendment that a number of changes were made to really strengthen the law. And among the historic changes were new protective classes, including people with disabilities and families with children. And new opportunities for recourse, the state of Oregon and city of Portland have over the last 25 years also stepped up and adopted laws to strengthen fair housing and to expand the categories of protected classes. But we know today in 2011, that our work is not finished. That too many people in our community experience unlawful barriers to seeking the housing of their choice.

The fair housing action plan, which is being presented to council today, is our response to ensuring access and opportunities for people experiencing barriers in finding safe and decent housing in our

September 14, 2011

community. We originally announced this plan on June 10th at a forum held at city hall and I was proud to be joined by assistant secretary for civil rights and fair housing, John Trasvina, and labor commissioner, Brad Avakian. The secretary, Commissioner Avakian and I stated clearly that day, that our community will not tolerate discrimination in rental housing. A lot of work has gone into the documents before us today. The underlying document is the fair housing plan which has been submitted to HUD. This plan was part of the comprehensive plan that's previously come before council and is required every five years of this jurisdiction. A lot of people worked long and hard on this plan, but I want to specifically call out the members of the analysis of impediment committee. Not my words. Federal words. These are the folks who did the heavy lifting, they're a broad-based group of community leaders. We will be calling out them more specifically later. But we would not have the plan before us today without their great work. This is the city of Portland's first action plan. But we will not be successful without the commitment of all of our partners. Landlords, community leaders, housing advocates, the city of Gresham, Multnomah County, Home Forward, to name a few. The fair housing action plan is the culmination of an extensive community process we launched in November of 2010. I'm proud of the work of the staff at the new Portland housing bureau who worked tirelessly and on all in the community who participated. Today, we ask the council to formally adopt the plan. Tomorrow, I pledge to roll up my sleeves and work to implement the plan and it's my honor to introduce Margaret Van Vliet, the director for at least one more day of the Portland housing bureau and Danielle. Ladies, welcome.

**Margaret Van Vliet, Director, Bureau of Housing:** Thank you, members of council, I'm glad to be here again. I'm Margaret Van Vliet, the director of the Portland housing bureau. I'll pick up and just sort of affirm that questions of equity and social justice and fair access to housing have been bedrocks for the Portland housing bureau. When I came on board a little over two years ago and talked with employees and community stakeholders what should be really embedded as we launched the bureau, the themes of equity and access to opportunity resonated and -- across the board, people said this is our time to really take this up and do something different when created a new bureau. And you'll recall we were hearing about the coalition of communities of color report on disparate and also by the Urban League and so the time was ripe, as we were creating the PHB to think differently about how we could deliver housing resources in the community with a stronger equity emphasis. It resonated for me and leadership and employees and so we took it up, really, in a wholesome way and when it was time to do this five-year exercise, it can be a little bit of a regulatory exercise for HUD, we do the consolidated plan and the analysis of impediments, the employees said to me, boy, this is an opportunity to take the equity talk and really make it real and that's what we did. And we had a very robust process and it was really hinging on the idea if you don't have access to housing, the rest of the things in your life are going to be a lot harder to come by in terms of opportunity. So the employees took it up, lots of jurisdictions actually hire consultants to manage this process, we said no, we've got capable employees and they want to engage the community and they did just that. So the process was robust, it was challenging, they debated things but I think you'll hear from a few of them today it was an honest process that resulted in real actionable steps that we as a community can take together to really reverse the trends of about fair access to housing in this community. I want to they're with you before I turn this over to Danielle, that I have heard from our HUD colleague a couple weeks ago that when they reviewed in Washington our version of the fair housing and the analysis of impediments plan, they said it was one of the best. We've seen it. Did you hire a consultant? We said, why, no, we did not, we had our staff, our community partners asking hard questions and offering insights and perspectives. So it's a rich plan and I know that you've spent time looking at it. We think this is an important day because it marks when he actually start to take action steps forward. Glad to be here. It's a good

September 14, 2011

day for me and us and I thank you for your support. With that, i'll turn it over to danielle, who is the newest member of my staff.

**Danielle Ledezma:** Hi, there. I'm danielle. I'm so happy to be in front of you today in my new role as the director of equity policy and communications at the Portland housing bureau. As you know, this is a new position on the executive team at the Portland housing bureau and really underscores the importance that commissioner Fish and margaret have placed on equity at the bureau and core to the work i'll be doing is implement can the fair action housing plan, the team I will take the lead staff role in implementing this role. Today, i'd like to provide an overview of the plan you have before you and you have a revised -- a revised version that reflects the continuing conversation and dialogue we're having with our partners across the jurisdictions and our a.i. Committee and what we'll be doing moving forward and also go ahead and place importance on how we will be working out many of the revisions moving forward, through our advocacy committee and i'll tell you a little bit more about that. As you've heard before, this is a plans that directly built on the recommendations of our diverse a.i. Committee. Both commissioner Fish and margaret told you that this committee contained a broad cross-section of members of the community representing folks from the protected classes, as well as folks who, you know, work with folks in protected classes every day. We had advocates and landlords at the table and we intentionally wanted to make sure we set a large table so that we could have the honest and robust discussion that margaret alluded to so we could get the best possible outcomes. The action plan lays out in as much specificity as we could, the actions that the Portland housing bureau will take in fiscal year '11-12 and includes the sample report. We want the plan to have legs and make sure that the public and you know where we're going to be holding ourselves accountable. The plan focuses on two outcomes. One around removing barriers and the other around creating opportunities. So you'll see action steps around removing barriers that focus on steps we can do to enhance our work around enforcement and we'll continue to coordinate with our partners at the bureau of labor and industries and our partners -- or nonprofits at the legal aid services of Oregon, Oregon law center and as well our friends at the department of justice and the u.s. Attorney's office and create efficiencies in taking the complaints and try to work with our partners to create a single point of intake so there's less confusion in the community where to go if you feel you need a file a complaint of fair housing. And we'll work with partners to continue to enhance education efforts. Not only for tenants but landlords and continue to work with partners at the community alliance of tenants at 2-1-1 info, the fair housing council of Oregon and the attempts and landlord community to create a public awareness campaign so that everyone knows what folks' rights are and the responsibilities as landlords and we can be a community that's aware of the work we're doing. We'll continue to work on refining testing and making sure we have a robust protocols for testing, the expectations that will come out of testing, how we'll use the information and hopefully drive increased enforcement around these efforts. And we're very concerned about accountability and one of the things we're excited about we'll be instituting a fair housing advocacy committee whose primary responsibility will be to hold us accountable against the goals and action steps we've set out in this plan but also have the continuing conversation on a communitywide level including gresham and fair view and Multnomah county and home forward, so we can have the communitywide conversation and to continue to make this plan a living document so we can continue to refine and improve it as we learn more about the community and the strides we're making through the work of this plan. It would be only half a victory to only remove barriers if we didn't also think of ways to increase opportunities for Portlanders and people in the community to have access to affordable housing. So in addition to the work we'll be doing around removing barriers, we'll taking up a lot of work expanding the supply of affordable housing which I think you

September 14, 2011

see the Portland housing bureau in front of you, a lot on those issues, we'll continue to focus in on serve can the most vulnerable population and try to increase the number of family-sized units because we know that's a need in our community. We will with our partners at the bureau of planning and sustainability, would be work on a citywide planning strategy that looks at where are there opportunities for Portlanders to live and thrive close to school, close to transportation? Where do we need to increase those opportunities? And we'll do that through opportunity mapping. We also will be taking a tough look at the unintended consequences of gentrification and in the city there's been involuntary displacement and how we can target our tools so that Portlanders have opportunities across the city to -- to things we all love -- what we love about Portland. We'll continue to use our tools that were effective at preventing homelessness, like rent assistance and with your support like we had at the last budget session we'll continue to advocate for funding for rent assistance. We know that's an effective tool in keeping families stable in their housing. We'll continue to look for additional resources and increase the supply of affordable housing. In a few weeks you'll be taking up the rule of the 30% set-aside. But we'll also engage with our partners throughout the region to look at additional resources for housing. I want it take this opportunity to thank all of you. You've shown so much leadership and commitment to issues of equity and affordable housing and Portlanders know this is a council supportive of our work and it's an honor to be able to do this work with you. Commissioner Fish has -- has provided a lot of leadership in the housing industry but we know with your support, he's able to do that as well. I really look forward to reporting our progress to you soon and I want to introduce our next series of speakers --

**Fish:** Housekeeping matter. I move the substitute, madam chair, which has changes but not any substantive changes in the plan that's before you.

**Saltzman:** Second.

**Fritz:** Moved and seconded. Please call the roll on the substitute.

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

**Fritz:** Aye. Are there other questions from council for staff here? I just --

**Fish:** Go ahead.

**Fritz:** I had one. A clarifying question. You mentioned testing and I see in my summary that means contracting annually with a hud approved agency to conduct the testing so we'll keep going back and make sure that what we're doing here gets the results we want in the community. And that's going to go to the fair housing advocacy committee. Is that what you meant by that?

**Ledezma:** That's right.

**Fritz:** Thank you very much.

**Fish:** We've invited some people to testify and then we'll take public testimony. So danielle, can why don't you introduce the first panel.

**Ledezma:** We wanted to make sure you got to hear from a cross-section of the community members and partners in this work. You'll hear from robin, who is the hud office field director for Oregon and idaho. And steve, the director of home forward, and also hearing from daryl, who is the director of Multnomah county's office of equity and diversity. And lisa, who is a director of the community alliance of tenants. John miller, the executive director of the Oregon opportunity network, and the fair housing attorney for the Oregon law center.

**Fish:** Why not invite robin, steve and daryl up as the first panel. Thank you, ladies, and you'll stick around for questions if we have any at the end. Welcome, honored guests. I had a chance to participate in a panel with robin yesterday. And with the Oregon opportunity network and it was very informative. She's the field office director for hud. Which is our federal partner. Robin, welcome, kick us off.



September 14, 2011

**Robin Pritchard:** Thank you. On behalf of the u.s. Department of housing and urban development, I would like to thank you for this opportunity to appear before the city council today. As you're well aware, the fair housing act is an important and effective tool in protecting the american people against discrimination in housing on the basis of race, color, national origin, religion, sex, family status and disability. Hud is the federal agency charged with principle responsibility for enforcing the fair housing act. A week ago, we submitted our annual report to congress indicating we received more than 10,000 complaints under the act in 2010. And more than 100,000 complaints over the past decade. As assistant secretary for fair housing and opportunity said recently, we've made progress in reducing housing discrimination but more work needs to be done to make fair housing part of the american way of life. How does hud do this? It's done by making fair housing part of our way of life. Quite simply, through partners like the city of Portland. And the state of Oregon. Partners like the nationwide network of local fair housing organizations and advocates and obviously, partners like private citizens who have the courage to stand up for fair housing rights. A critical piece is a local government fair housing plan, a plan of the sort currently before council. Obviously, a local government receiving hud fund dollars required by law to have a fair housing action plan. But it isn't a document that once developed should be promptly be put on a shelf and forgotten. To the contrary, it's a roadmap intended to lay out the circumstances and challenges faced by a particular community and outline the education and enforcement activities that will advance the cause of fair housing in that community. No plan that focuses only on education or focuses only on enforcement will work. There must be as is true in this plan, a thoughtful informed balance. Just as critical is a plan that doesn't set itself in concrete. Communities are dynamic places and circumstances change, challenges changes. And to be successful, a plan must build in the flexibility and adaptability that allows the local government and its fair housing partners to quickly and effectively respond. Developing a good fair housing plan is hard work and implementing a good fair housing plan is even harder, but please be assured that the u.s. Department of housing and urban development stands ready, willing and eager to put our resources to work hope helping you -- helping you realize the goals and achieve the benchmarks this plan sets forward. As proud as hud is in the advances we've made in fair housing, we're aware we could not do that without the accomplishments and work of our partners. The good ideas and commitments of partners in fair housing is critical. To the degree they succeed, we succeed and the mission of fair housing is advanced. Thank you for your actions on this and I look forward to working with you in the housing -- and the housing bureau and the many partners here in Portland.

**Fish:** Thanks, robin. Thanks for joining us. Steve is the executive director of home forward and congratulations on the leed platinum we received, the goal of this council. Commissioner Saltzman, drew a line in the sand on that issue. But the reality is there are few buildings in america, public buildings that have achieved that standard and for it to be a one-stop center for people experiencing homelessness is extraordinary.

**Steve Rudman:** My name is steve rudman, a director of home forward. The new name of the housing authority of Portland and we serve all of Multnomah county. Furthering fair housing is at the core of what we do at home forward. Our mission is to provide shelter and support for neighbors in need with a special focus on those who face barriers because of income, disability or special needs. As the largest affordable housing provider in Oregon, we would like to believe housing is a right, not a privilege. We know that's not the case in this country and indeed, the demand and need for affordable housing far outstrips the supply. That's one of the reasons that our tagline, the word "access," the concept of access, hope, access, potential. We strongly applaud the city making -- around fair housing and proud to be a partner. And pledge to be an active partner to

September 14, 2011

help the city achieve its goals and look forward to working on the implementation. We have a lot of plans in this city and as we know, the success is going to require sustained leadership and dedicated budgets and partnerships from all jurisdictions and partnerships and clear accountability.

We're prepared to do our part. We work across our agency to promote and ensure fair housing practices. Because new people come into the system all the time, and we own more than 6,000 apartment homes, throughout Multnomah county. And as a responsible landlord, we affirmatively market the apartment communities we manage and require such plans from the firms that manage on our behalf and we provide rent assistance to more than 8400 households in Multnomah county and help those in the program understanding their rights and counsel them on steps they should take in they encounter discrimination. Tenant education and an informed public is the key for a success of plan. In closing, you have home forward's assurance that these commitments will continue and we'll embrace other best practices that develop, as the plan is developed. I want to commend the city staff for hard work and especially commissioner Fish for his leadership in bringing this to council today. We think this issue is vitally important to the health of our community. Thanks.

**Fish:** Thanks, steve. We have next, daryl dixon, the director of the county's office of equity and diversity. An office that the city is studying as a model for what we hope to do but also a community leadership who came in and sat with me and my team how to get it right going forward.

And thank you for being here and thank you for your wise counsel. Welcome.

**Daryl Dixon:** Thank you and good morning commissioners, i'm here on behalf of chair cogen who is unable to attend, due to travel. In my role, leading the county's office of equity and diversity, we know people of color and people with disabilities face challenges in securing fair housing and we support the city's effort in alleviating these challenges. Multnomah county is a proud partner of the city of Portland and on behalf of chair cogen, we're looking forward to working together on these issues. Thank you very much.

**Fish:** Thank you for being here today. The next panel is Elisa harrigan. John miller and cashauna hill. If you would come forward. Alicia, congratulations in order.

**Elisa Harrigan:** Thank you.

**Fish:** Is it harrigan hyphen?

**Harrigan:** No, just harrigan. I'm getting used to it myself.

**Fish:** Congratulations.

**Harrigan:** Thank you.

**Fish:** Lisa is one of the great and stalwart partners of the Portland housing bureau and a fierce champion of tenants in our community. Kick us off.

**Harrigan:** Thank you for your time. Good morning council, i'm alicia, the executive director of the community alliance of tenants. So it's made up of low income tenants and seniors on fixed incomes, female heads of families and people with disabilities and people of color. That makes up our staff, board and members. We have 2,000 members just in the Portland area alone we work with. Last year, we counseled over 1600 calls from tenants calling about different issues and struggles they were having in their tenancies, many had underlying issues of fair housing. People asking questions, why won't my landlord accept my application because of my wheelchair. Or families denied housing or getting extra tickets or fines. There are many good landlords but there are some folks who -- where there's violations and this is very important to our community as a whole. Our membership asks information about what's going on with the fair housing issues and heard bits and pieces through the media. We've been doing our part in trying to educate about the fair housing and work of council and varieties of pieces you guys passed over the last couple years in order to deal with these issues. Such as additional funding for the inspections program. The

September 14, 2011

office of equity and we're look toward and our membership is very excited about this plan as we look forward to ways this will impact our community. So this is an issue of access to housing around discrimination and also an issue of equity. And you've all been champions on housing in a variety of areas for the past several years and we thank you for that. And so we just wanted to let you know many of us here have been working on these issues and certain pieces of this plan for a long time, so that Portland is intentional about the work we're doing and gets us all on board. This plan sends a message, not only does Portland not tolerate discrimination, but it's a message to impacted communities that the city recognizes and acknowledges the daily struggles of the access to sustainable housing we have. I'm confident with this plan, if it's passed, implemented and funded it will reduce the barriers to housing and positively impact our community and cat is supportive of the plan and addresses many of the issues we've brought up and our membership and staff and board are excited to keep the city accountable with the number of pieces on it and then keep working to make Portland more fair for everybody so we can choose where we live and be confident everybody has an opportunity. Thank you.

**Fish:** Thank you. An attorney with the Oregon law center and specializes in fair housing litigation and an enormous resource to the city in understanding the law and how it's enforced and shaping the plan and wearing various hats and welcome.

**Cashauna Hill:** Thank you, commissioner Fish. Good morning to you all and thank you very much for inviting me here today. My name is cashauna hill and a work at the Oregon law center's Portland office and serve low-income people who are experiencing housing discrimination and I recently had the opportunity to serve on the analysis of impediments committee and found it a wonderful experience under the very capable leadership of commissioner Fish and director van vliet. The Portland housing bureau convened a diverse group of very engaged stakeholders and i'd like to thank the phb 1256 and the a.i. Members. Seeing the data faced by low-income people and communities of color and disabilities, wasn't a surprise as we went about the process of convening the analysis with the impediment committee. I believe the fair housing action plan gives us a fair roadmap to ending discrimination in the rental market. I believe the plan will work because it's visionary and the ideas in the plan come directly from the recommendations of the a.i. Committee. The folks were leadership leaders and experts in the field who understand how people experience discrimination and other barriers affect where people choose to live. Because the plan reflects the experiences that the people we serve shall having, I believe the plan will positively impact the people in the communities I serve and the plan takes a holistic and balanced approach to ending discrimination in the rental market and focuses on enforcement and also on education. The plan calls for leadership and buy-in from the city and jurisdictional partners and plan already has leadership at the highest levels and commissioner Fish and the city has a unique opportunity to continue to provide leadership around an issue that we know is continuing to affect Portlanders. I thank you for inviting me here and a encourage you to provide much needed support for this plan. Thank you.

**Fish:** Thank you. John miller is the executive director of the Oregon opportunity network and -- creating homeownership opportunities for low-income members of our community and served as executive director of Oregon on, he's been a dynamic partner with the city. Welcome.

**John Miller:** Thank you. Good to see you all again. It seems like I saw you just a couple of days ago. I'm john miller, executive director of Oregon opportunity network. And Oregon on is a statewide organization of 42 nonprofits and housing authorities and we focus on affordable housing and community development. We have about 17 members here in the city of Portland. And we represent about 24 how units across the state -- 24,000 units across the state. Through our nonprofit members. We did a few things at Oregon on, one is we do membership support and

September 14, 2011

industry training and a lot of that is around best practices and we do asset management, property management and fair housing is one of the ones we've recently added as an area of focus. While fair housing is in most of our member organizations' missions as one of the top things they focus on, we've decided that as an industry, we really wanted to develop our own set of best practices that we all adopt. The nice thing is that with this plan, it really sets a roadmap for getting that work done. Just yesterday, we had a conference and we launched the first session and it was a joint conference with our executive directors and property and asset management workgroups and we really started to get into the details on some of the plan and so far, it looks great. I think we're looking into some aspects that this plan talks about and we're actually expanding and strengthening them a little bit more. I -- yesterday, commissioner Fish was gracious enough to come and sit on a panel about fair housing in front of our entire membership and he gave us a preview of the plan we have before us today and it was very well received by membership and I think overall the feedback we got after the session was that people are enthusiastic about the plan and felt it was definitely going in the right direction. We believe that this work is extremely important, we are concerned about displacement caused by gentrification. We're also very concerned about populations having to move into other areas that because they can no longer live in their original area and are being discriminated against in the new areas. And looking at ensuring that access for all everywhere is a critical importance for our members. We also are very concerned about once the folks get into the housing, they're also welcomed and remain a part and feel included and welcome in the housing. So we're looking at not only getting into the housing, but also once they're there, making sure they're included and have an opportunity to thrive. So Oregon on is in full support of the plan. We do look forward to continuing to work with the city and with all of our partners to ensure this plan is fully implemented and look forward to developing all of our best practices and sharing those with you as they come forth. Thank you very much.

**Fish:** Thank you, john. We had the honest -- commissioner Fritz and I had the honor of attending your banquet and you have a new award. The champion for equity.

**Miller:** That's right.

**Fish:** And highlights equity and I think it was terrific that you gave the award to habitat for humanity, the local chapter, for their good work. Congratulations.

**Miller:** Yeah, habitat, a quick plug for them. They've built 200 homes in the last several years and 80% of those homes were purchased by minority families. So I think that's an incredible statistic. When I was at host, we were at 50%, and I thought that was good, but breaking the 80% barrier was commendable.

**Fish:** I think probably people want to testify from the public and if I could, i'll invite margaret and danielle back up to wrap up. And it's a resolution we hope will be adopted.

**Fritz:** Thank you.

**Moore-Love:** We have one person signed up.

**Fritz:** If anyone else would like to testify, please come up and sit in the seat. Good morning, thank you for being here.

**Ben Loftis:** Good morning, commissioners. I'm ben, I work for Portland community reinvestment initiatives. We have over 700 units in the city of Portland and I served on the analysis of impediments committee and alongside with the housing bureau staff and community partners that served on the committee, we are a group that is -- to coin the phrase from people that have spoken, it is a robust plan, it was a robust process and we're excited that at this point we have a plan that putting in front of you we support the city moving forward with the fair housing plan and pcri is a part of a coalition to ensure people looking for housing in our community. Thank you.

September 14, 2011

**Fish:** Thank you very much. If we could have Margaret and Danielle come back up. Deborah of multifamily housing wanted to be here to testify. She was traveling but submitted a letter expressing the strong support of the local landlord industry for the plan and we also received word that the Oregon Commission on Black Affairs voted to strongly support this plan. I had the honor of appearing before them with the labor secretary and we laid out the details to the commission and they've pledged to use their resources to help us move forward. You've heard from our primary jurisdictional partners that they are unified behind this and I think if council has any questions, we have Margaret and Danielle back up.

**Fritz:** Questions from council? Thank you very much for all of your good work. Please call the roll.

**Saltzman:** Well, I want to thank Commissioner Fish and Director Van Vliet and Danielle and everybody else who helped to produce this fair housing action plan. I'm impressed with it and look forward to the continued action plan steps being implemented and moving forward to make sure we have housing and that also we deal with discriminatory practices. Aye.

**Leonard:** Shortly when I arrived on council, I was approached by firefighters and others who described either from the police perspective, a magnet for crime and from the fire perspective, conditions ripe for mass casualties in a fire in very specific multiple family housing units in the core of downtown. I -- at the request, I toured the venues with them and notwithstanding my own experience, had never seen people living in such appalling conditions. Rats and fleas and lice. Fleas and lice. The odors and conditions were appalling. I reviewed the records and it was clear to me that those conditions had been allowed to exist for a variety of reasons, in some cases for decades and I concluded it was a lack of coordination, certainly on the part of the bureaus responsible, but also a lack of political will at the council level to actually take the hard stands one needs to take with intransigent property owners who refuse to comply with the law. I think an ordinary person not versed in the processes required under not just federal, state and local law, but under common law when enforcing against such appalling conditions would be shocked you can't just instantly go in and say you can't have people live like this. It has to change today. And while each of those cases received ultimately a lot of publicity, the hotel and some commercial occupancy, a restaurant had similar conditions, what went unrecorded was the countless hours of meetings we had in the rose room or my office and the police bureau and fire bureau and coordination and documentation required to make sure that we didn't just cite the owners for the obvious violations, but that ultimately we knew we had to be able to be sustained in a couple of these cases by a federal judge. And we have been. In one case, one is still going through the process. That's a long way of saying these kinds of issues specifically housing aren't fixed overnight and aren't fixed easily. Yes, they require political will and two decisions but before that, a whole lot of groundwork needs to be done and needs to be thoughtful and needs to be -- to be clear and it needs to be ultimately demonstrable in how I view when taking those actions to a judge that you did everything that common law, federal law, state law and local law requires before you take an enforcement action. I have Commissioner Fish's actions up until now as doing that. And I have viewed him doing more publicly than what I had to laying the ground work, to take the next step. And -- and as much as people might have wanted instant gratification over what they identified and what we all agree are possible, that's not going to win the case at the end of the day. You have to be able to stand before a judge and with stand withering and I'm giving you my personal experience, cross-examination from the attorneys from the other side that demonstrates you did what your duty requires and you are sustained by law. I have watched from afar as Commissioner Fish has taken this task on and maybe appreciated more than most what's required to get to the point we're at and I know him personally and know he has the political will now to do the

September 14, 2011

second part. But is tough. And sent the message clearly to the community, discrimination won't be tolerated. We won't tolerate fire hazards or intolerable living conditions and won't tolerate discriminating against people based on race, sex, sexual orientation, handicaps or a variety of measures that people have used and we know they've done that in discriminating. Now we've laid the ground work to be able to enforce and I appreciate the work you've done and i'm confident that the next level will -- will not only enforce the law, but it will be sustained ultimately when and if we have to take those actions. So thank you for the great work. Aye.

**Fish:** I want to thank my colleagues for steadfast support of their work at the new Portland housing bureau. Every step of the way, they have been there. Supporting our difficult work and i'm deeply grateful. Tomorrow is margaret van vliet's last day with the bureau. I was going to save for the afternoon gushing about her tenure. She's leaving us to go to the governor's cabinet to serve as the statewide leader on housing. I don't remember a time when a bureau director went from that position to an even more significant leadership position at the state but it's a testament to the extraordinary capacity she's demonstrated and the extraordinary record of accomplishments during tough times but i'll save to this afternoon my comments more specifically about her tenure. I want to thank margaret and danielle for their hard work and jenny and -- jenny would you raise your hand for a second? Margaret mentioned this and i'll underscore it, most jurisdictions retain consultants and bring a lot of people in to do this work. What we learned when we took over the bureau a few years ago, we had the talent right in our backyard. And so kim and jenny -- excuse me -- drafted the plan and worked with the committee and we're very proud of your work and thank you. And I also want to acknowledge nalene and kate, who worked tirelessly with stakeholders to revise the plan and I want to thank two people who have concluded their service with the bureau but worked in a significant capacity to bring us to this point. Andy and beth. And all of the folks at the bureau who made this a priority. I want to put today's action in context, because I think the city council is poised to make history this year. Equity is something that the community has talked about for a long time. But I think it's only recently that we've made concrete steps to institutionalize everything we do principles and values of equity. When I use the term "equity" I mean equity in the sense of creating opportunities for everyone in our community and removing barriers and in this case -- opportunities for everyone in our community and removing barriers. We're poised to launch the first office of equity that's taken an enormous amount of time and current and energy on the part of the mayor and commissioner Fritz and i'm confident we'll be able to as a council launch an office of equity. Not long ago, I presented the disparity findings for council. And we learned in many of our contracting practices, we're not living up to our highest ideals of creating opportunity for everyone in our community. And we've tasked staff to come back with new measures to make sure that everyone gets a fair piece of the pie. And today we take a first step, a clear roadmap how we'll go forward as a city to combat discrimination in rental housing. This has been a challenging task to get to this point because people feel strongly and passionately about this issue. But as the secretary and brad avakian and I said in june and saying again today, through our actions we want to send a clear message to our community. We will not tolerate discrimination in housing and to those who discriminate, there will be consequences. The plan will not change things overnight. It will take time and effort but as long i'm on this council, I commit to making this a core priority. And on a personal note, not only is this something that I care deeply about on the merits, but it's something that touches me deeply on a personal live because as some of you know, the '68 act I referred to, the paper tiger that never delivered on its promise of getting at fair housing because it relied on administrative remedies and didn't apply to everybody who needed our help, strengthened greatly in 1988 and took 10 years of negotiation in congress to bring about that change and many thought it wouldn't happen but there was one

September 14, 2011

member of congress who made a commitment to bring the realtors and the civil rights community and the entire congress together behind those changes. And that was my father. And it was the proudest accomplishment of his career to be able to author and present to his colleagues the fair housing act amendments of 1988 and for me, it's one of the proudest moments in my career to be able to come to council with a fair action housing plan which we've been told by Washington one of the best in the country and signal our historic commitment to continue the work that my father championed. Thanks to my colleagues and staff. Aye.

**Fritz:** Thank you, commissioner Fish for your ownership and leadership of this problem. And thank you, director van vliet and danielle. When I first moved to this country, I lived in a salvation army shelter and then moved to an attic, after I got married and moved to rochester, new york, I lived in a triplex shared with someone who was living on social security and someone using section eight vouchers so I have the advantage of talking the language I do and looking the way I do. And recent reports have shown we in Portland have serious problems with discrimination in housing in our city. This plan addresses those problems and I greatly appreciate the work that's gone on in the community and the community alliance of tenants who have been partners and commissioner Fish, your leadership in stepping up to the problem and acknowledging and recognizing that the government can't do it alone. We need to do it with our community partners and be accountable. I'm happy to see bold furthermore language in the ordinance, pledging to eliminate discrimination, not just reduce it, and that's important. It's -- I particularly also appreciate hearing over and over again, that we're eliminating discrimination for people of color and people with disabilities and in those homes I lived in, I had the fortune I would climb 50 flights of stairs to get to my apartment. Those who don't have that privilege still need housing in Portland. We want this to be a welcoming community for everyone. And it's indication of something that the office of equity and human rights which includes civil rights will be partnering and encouraging and publicizing the good work that's been done, and won't have the staff or experts. You in the housing bureau are the experts and gotten ahead of what some of the other bureaus are going to be doing with the encouragement and support of the office of human rights and thank you for being a model and I look forward to continuing to work with you and continuing to watch your career and see you doing the same good work at the state level and again, thank you, commissioner Fish for your leadership on this challenging project. Aye. Thank you all. The mayor says you're welcome to stay and watch democracy in action, but if you have other things, you're welcome to leave at this point. That brings us to item 970, please read the title then I'll entertain commissioner Saltzman's motion to move it.

**Item 970.**

**Saltzman:** I would move to set this over until next week.

**Fritz:** Second. Please call the roll on the motion.

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

**Fritz:** Thank you, please read the title for 971.

**Item 971.**

**Fritz:** This is an item brought forward by Mayor Adams, please tell us what we are looking at here.

**Jim Coker, Office of Management and Finance:** Madam president, city council members, I'm Jim Coker with the Office of Management and Finance, Facility Services Division. The emergency coordination center project is ready to bid and this ordinance enables us to award to the lowest responsive bidder, to begin construction. Since all contract documents are ready for bid, this is also a good time to report to you on how the project is meeting sustainability goals. In brief, the emergency coordination center is designed to meet the leed gold certification for new construction,

September 14, 2011

it will meet all conditions of the city's green building policy, as well as the State of Oregon's 1.5% for solar program. I would be happy to go into more detail about how this project meets these sustainability goals or answer other questions you have.

**Fritz:** Questions from council?

**Saltzman:** Very pleased to hear of all that. Good work.

**Fritz:** Does anyone want to testify on this matter? This is an emergency ordinance. Please call the roll. [roll call taken]

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

**Fritz:** I was particularly glad to see the public involvement statement and recognition of their responses on the issues that we were concerned about before. So thank you for that. Aye. Please read the title for 972.

**Item 972.**

**Fritz:** This is the second reading. I move to add an emergency clause, reason being that to delay would cause unnecessary harm to the public if incidents arise as in the ordinance. Immediate action is needed as described in the ordinance so this would be in full force and effect from its passage today.

**Fish:** So moved.

**Fritz:** Second.

**Fritz:** Please call the roll on the amendment. [roll call taken]

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

**Fritz:** Thank you colleagues. Aye. Please call the roll on the original ordinance. [roll call vote]

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

**Fritz:** Again, I note commissioner Leonard's groundbreaking work on this in 2004 and I was talking about this revised ordinance last night. I know there's going to be a lot of support in the community for making the ordinance even stronger and allowing as much local control as we can, given that the Oregon liquor control commission remains the overall arbiter of when establishments get licenses and when they are revoked. Thank you very much. Particularly teresa and amy from the office of neighborhood involvement. Wonderful work. Aye.

**Fritz:** Please read the title for item 973.

**Item 973.**

**Fritz:** Staff please come forward.

**Sharon Simrin, Auditor's Office:** Good morning. I'm Sharon Simrin from the city auditor's office. This ordinance is brought before council by the city auditor's office on behalf of the bureau of transportation for sidewalk repair that was required and provided by the city and any remonstrances that we received have been pulled from this ordinance.

**Fritz:** Okay. Did we need a substitute, then, to pull the remonstrance or the ordinance --

**Simrin:** It's been pulled.

**Fritz:** Thank you very much.

**Michael Zeller, Bureau of Transportation:** I'm michael zeller, one of the sidewalk inspectors, bureau of maintenance operations.

**Fritz:** Any questions from council? Does anyone want to testify on this issue?

**Moore-Love:** We have three people signed up. Please come on up. Diane jones, daryl griffith and jim montgomery.

**Fritz:** Good morning. Welcome. Thank you for coming to city hall. You each have three minutes to testify. Please state your name. You each have three minutes to testify and please state your name at the beginning and the clock in front of you will count down your time. Thank you and welcome. Please start.



September 14, 2011

**Daryl Griffith:** I'm down here because of a letter I got that the sidewalk was repaired in front of my house at 15 northeast monroe.

**Fritz:** Please give us your name.

**Griffith:** Daryl griffith. The property is 15 northeast monroe, sidewalk repair. I didn't give them permission to repair it. I guess I was cited by the city, and I can't cut the tree down because it's an elm tree. I don't own the tree. I'm responsible for the 14 feet above the street. I guess it's city forest. I may be required to leave the tree there, then my insurance has to pay for it. I had a little bump in that sidewalk and I kept it straight. This is right on the corner. Her sidewalk has lasted for years but she passed on. After she passed, they are trying to get the house back, somebody trying to take the house she had. Sidewalk was terrible for years. I have been with the city for a long time about this tree. I don't like the tree. You know? I'm responsible for when I cut over my house, and I got all kind of scathing letters telling me I butchered the tree. It's on my roof. It's a city tree, why don't city take care of it? They said it's your responsibility but it's not my tree over 14 feet, so I had to cut the dang tree down. It was across the street. I got rid of the hazard because I didn't want nobody to get hurt. That sidewalk, I used to be a contractor before I had my heart attack and things, and I could have fixed this sidewalk myself but I don't have the memory like I used to have, and i'm assuming i'm assessed at \$1558 in two parts. Half of that driveway I don't own. The six inch driveway, that's 320. And \$1137, right in front of my tree. Me, I would take the tree out. If I cut the tree they will put you in jail. Tree don't belong to me. If the tree don't belong to me them i'm responsible for it. It don't make good sense to me, but I didn't ask you to repair it and then you got your own private contractor. I used to try to do city work. I didn't know how to get the stuff. The city was going to do a little hiring, well, I was going to -- I can't pay them because I don't owe nothing. Then they put all these requirements that I couldn't meet. I cannot talk about this. I just think it's unfair. I don't know how you're going to assess me. I know you got layers and layers and layers of government and I can't find my way through none of them. I go down to the city building. We don't do that. It just sticks me. But I don't think I should pay for this. I will pay for it because you're going to tax me on it.

**Fritz:** Thank you, mr. Griffith. Staff will wait and talk with you afterwards.

**Jim Montgomery:** I'm jim montgomery. I just come down here to testify. This is exactly what happened. There's nothing that nobody can do unless it's done by you. I'm just going along with this program.

**Fritz:** Mr. Montgomery, you're here on the same issue, the same property?

**Montgomery:** Yes.

**Fritz:** Thank you. Ma'am?

**Dianne Jones:** I'm Dianne jones. I own the property at 728 and 732 northeast Siskiyou this is about a sidewalk repair. I was notified last november that my sidewalk needed repair, which I knew it needed repair. I had somebody file it down because of the abruptness of the sidewalk. It was actually lifting. I have five huge trees on my property. I brought pictures. And it was not only tearing up my sidewalk but it was also tearing up -- headed towards my duplex. At any moment I expect it to be a two-story with these roots because my whole yard is riddled with it. I called the city of Portland to ask them, you know, when I got the notice to fix it, what was I to do? They said you need to fix it. I said, I don't have the money to fix it. I work for Portland community college. I'm on a so-called fixed income. I didn't have the money to fix it. Then my taxes were due right at the same time that they give you like seven days to fix the sidewalk, so my taxes, my city taxes were due. I had saved money for that. I paid my city taxes. So then we had just a horrendous weather, I had like four people do assessments and tell me how much it was going to be. The highest bid was like \$3200. Still I didn't have \$3200. I just paid \$4,000 on my

September 14, 2011

city taxes. I did not have any savings. Only family in my duplex. The winter went on, and nobody -- you know, I knew it needed repair, but even the contractors said they couldn't repair it with the weather being so inclement. About in february, a contractor came out and started repairing it. I called the city again and I said, so what am I to do with this? They said, well, you can sell your property. Sharon someone said that. I was devastated because I didn't know what -- what do you do about it if you don't have the money? So I said, I reported her as not having being customer service friendly, and I said, or sympathetic. So the guy came out that was inspecting it and he says, well, you know, the city will repair it. The city will repair it. I said, I guess they will have to because I don't have the money to pay even the \$3,000. So the city came out and repaired it. They did a wonderful job on it. I don't have any complaints on that. It's still lifting in some areas that they didn't repair, but then I get this assessment and it's \$8,334 on it. I sent them a letter and I said because they said you could send a letter of objection. Again, I work for Portland community college. I was given a layoff notice. Does that mean my time is up?

**Fritz:** It does. If you want to just finish your thought.

**Jones:** A layoff notice. I only work four days a week when I was making \$62,000 i'm now making \$48,000 during these major cuts. I don't know how i'm going to pay this. I'm just really -- up a tree on it. I did know that they needed to be repaired.

**Fritz:** Thank you for coming in. If you could all wait until staff can talk with you.

**Jones:** Thank you.

**Fritz:** Could staff provide some response? Thank you. Had you heard these concerns prior to today?

**Simrin:** Yes. Diane has been through the remonstrance period, and been through the remonstrance process. Her remonstrance was sent to sidewalks and they researched it and made the determination she does have options. She can assign a five, ten or 20-year contract with the city at a low interest rate.

**Fritz:** The other property?

**Simrin:** The other property he needs to talk about because that has to do with when I get the paperwork, the work's all done. He's talking about the work.

**Zeller:** This property came in on a service request -- looking for my notes here. On the 17th of september, 2010.

**Saltzman:** What does a service request mean?

**Zeller:** Complaint about a sidewalk, raised areas. There was nobody fell on it but it came in on a standard service request. It actually -- a notice wasn't filed to repair until january 19 of 2011. That's when the notice was sent to the property owner, you need to make repairs. On march 8 another letter was sent. It's midpoint. It will give you an estimate of how much the repairs would be if the city crews had to move in and make repairs. Then on may 13, a 30-day letter was sent, more estimates and a deadline for the property owner to make the repairs. On june 24th this property was marked out for repair by city crews. July 8th contractor left notice that he was going to make repairs and the work was completed on august 4th of 2011. All these notices were sent to the same address to mr. Griffith and no response. We did not hear from mr. Griffith on any of these. We never met him until he came out and actually met with the city crews. I have pictures here of the actual root damage, or the roots involved from the moving in and then the actual repair.

**Fritz:** Could you also comment on the concern that private bid was \$3,000 and the cost billed by the city was \$8,000 plus from ms. Jones's property?

**Zeller:** You can get different bids from different contractors. Property owners have an opportunity to do a partial repair. They can cut corners, do half stone repairs, grindings. That

September 14, 2011

reduces costs quite a bit. They have an opportunity to do that. There's a record as far as ms. Jones' meeting with one of the inspectors, i'm sure that was covered on that meeting.

**Fritz:** What about the concern that in february it's very difficult to do the construction in the time allowed?

**Zeller:** Sometimes it can be. But like ms. Jones said, they did a nice job.

**Fritz:** She got the notice it wasn't --

**Zeller:** She got her first notice right around the 11th of october in 2010. This was actually a fall on the property. She was required by -- they wanted her to have the property done by november 8th of 2010 repaired per city engineer. We actually didn't move in -- I marked it out on the 3rd of december for repair. The contractor placed his notice that he was moving in on february 1st of 2011, and actual repair wasn't started until february and completed february 24th, 2011. And, I would like to add there was quite a bit of repair made, and quite a bit at no cost to her.

**Fritz:** Commissioner Saltzman?

**Saltzman:** I just want to make sure I understand this correctly. When we give the property owner a chance to hire a contractor, their own contractor, to fix the problem.

**Zeller:** That's correct.

**Saltzman:** And then absent that, does the city do it or do we have a list of contractors we use?

**Zeller:** We have -- the city has contractors. We have companies that work under contract for the city. We have two. They moved in. They are assigned to work. I assign the work. I mark it out for them. As a courtesy they notify the property owners they are coming in.

**Saltzman:** We send the property owner an estimate of what it will cost?

**Zeller:** In the 45-day and 30-day letter there's an estimate of the cost.

**Saltzman:** I guess i'm confused as to how ms. Jones received an estimate of \$3,000.

**Zeller:** That would be from a private contractor. In this case, the city -- the crews working under city contract have a fixed cost that they will bill.

**Saltzman:** The estimate she received for three plus was from a private --

**Zeller:** Yes. It wasn't from us. They can hire any contractor they want. Or do the work themselves actually too.

**Saltzman:** The \$8,000 was the cost we said it would be?

**Zeller:** It's actually about 7500. That was the cost we assessed her for.

**Saltzman:** You mentioned five, 10, 15 years --

**Simrin:** Five, 10 and 20-year contracts. Monthly at a 20-year semiannual.

**Fish:** What's the interest rate on that?

**Simrin:** 6.75.

**Saltzman:** Thank you.

**Fritz:** We did, as part of the tree protection project issue a street tree causing heaving which citizens adjacent are responsible for repairing. That issue came up and I think it's something that the city needs to deal with as a policy issue which can't be done as part of this. This is a nonemergency ordinance so we don't vote on it until next week. For myself, I would like to get written reports on these two particular properties to better understand the process, why the private company's estimate was less than half what the city's repair was, any other questions or concerns that council would like more information on?

**Leonard:** I think out of fairness we need to get a copy of the private estimate. It's been reported. I would like to see a copy of it.

**Fritz:** Can you provide that to us, miss jones?

**Jones:** I might still have it. [audio not understandable]

September 14, 2011

**Fritz:** It's a little out of order, but if you'd like to email us or write us a letter, we have another week. It probably would be helpful to meet with the staff now and see if there's anything else that can be worked out particularly as far as payment schedule or whatever. Thank you very much for coming down today. Really appreciate it. Thank you, staff, for your work. Any other matters that council would like to bring up? In that case we're adjourned until 2:00. Thank you.

At 11:21 a.m., Council recessed.

September 14, 2011  
**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.

**SEPTEMBER 14, 2011      2:00 PM**

**Fritz:** It is wednesday, september 14th, this is the 2:00 p.m. session of the Portland city council. We're returned from recess. Please call the roll. [ roll call ]

**Fritz:** The mayor is out of town on city business. Please read the title for item 974.

**Item 974.**

**Fritz:** Commissioner Saltzman.

**Saltzman:** Thank you, madam president. It was a little over a year ago that city council approved resolution 36816 that directed the creation of a broad band strategic plan for Portland. I'd like to thank my colleague, commissioner Fritz, for introducing this resolution and cosponsoring the plan before us today. Over this past year each of the council offices has led work group teams that shepherded this plan through a lengthy process that involved over 50 participants. Immediately prior to this hearing I was handing out certificates of recognition to many of those 50 participants, but it truly is remarkable the diversity of people that helped put together the plan before us today. Connecting to our future represents Portland's recognition that leadership in the adoption of broad band technologies will benefit the City of Portland in enhancing public safety, economic opportunities, engagement of the public, education, and in meeting our urban planning and sustainability goals. This plan represents some of the most in-depth analysis of addressing these issues I have a broad band technologies of any major city in the united states. The strategies in this plan will serve as a road map to a more detailed work plan that will come back to the council with specific action items this spring. So i'd also like to thank the council for their participation in the work session we had on the draft plan which was last month, and we will be planning on an ongoing dialogue with public and the industry and as this work plan and action items are being refined. This will require ongoing effort in this its implementation. I'd like to turn it over to my chief of staff, the chief enthusiast as I referred to him a moment ago, for the broad band strategic plan.

**Brendan Finn, Commissioner Saltzman's Office:** Thank you, commissioner, brendan finn, commissioner Saltzman's office. Madam president, members of the council, as a commissioner alluded to, we did go through kind of an in-depth analysis of the plan in the work session we had on july 26th. So in consideration of that we'll keep the presentation very short for you this afternoon. But we are going to continue as commissioner Saltzman stated to engage the public and industry as you move forward to the work plan and the implementation stages which we're asking for your support for today. Those tuning in that want to catch up on where we are today, the work sessions and all the work that we've done to date are available on our website, [Portlandonline.com/cable](http://Portlandonline.com/cable). I'd like to highlight one part of this effort that is now -- analogous to one of our policy and actions we've done to encourage green building in the city of Portland. Which started with the city taking actions within its own operation and functions and business practices, these actions proved to be catalytic in driving forward demand and enhancing our national reputation as leaders in that industry. I'd also like to point out that this has been done on parallel with other efforts led by commissioner Leonard. I'd especially refer to biodiesel production and of course Portland loos. The plan for you today directs the city to work closely

September 14, 2011

with industry and stakeholders on implementation, particularly as it pertains to the city's adoption of technologies that will assist in our efforts to function more efficiently as a government. An example of that, a good example that we will explore similar opportunities to is the upcoming information technology and advancement project within the bureau of development services. This project among other functions will digitize the land use review and building permit process by having the potential to save us on operating expenses but also meet our sustainability goals as they pertain to waste reduction and vehicle miles traveled. Identifying such opportunities within city government is one of the components of the plan. The work plan will also address how technology can help sustain our goals around livability and equity issues, as well as policies that facilitate further provision of enhanced broad band infrastructure and planned district. This strategic approach may be considered overly methodical, that's because it is. As commissioner Saltzman stated, this is one of the first of its kind efforts in the united states, it will surely be replicated as technologies associated with the internet continue to change the way our society communicates, creates, and connects. In a moment i'll turn it over to mary beth henry, the deputy director of the office of cable communications and franchise management, and has also been the project manager for this plan. We'll see a very brief video that will be three minutes, then we'll hear from kayse jama, the executive director of the cultural for intercultural center -- center for intercultural organizing. He'll be followed by skip newberry from the mayor's office, who's been integral to this plan. And i'd like to thank skip for all the work that he's done over the years in the mayor's office. We're going to be losing him, but we're going to be continuing to work with him on this plan as he becomes the incoming president of this software association of Oregon. Then we'll also have miles, the director of pediatric telemedicine at ohsu, leslie reeser, the chief information officer of Portland community college, and then we have three industry representatives here from comcast, century link, and integra telecom. So thank you, and i'll turn it over to mary beth.

**Mary Beth Henry, Deputy Director, Office of Cable Communications:** Thanks, brendan. Madam president, commissioners, Portland's new broad band strategic plan provides a road map for this city and its people to compete and succeed in the emerging and increasingly global digital economy. It's a plan to literally broaden Portland's bandwidth. To expand our capacity to achieve our shared goals of equity, livability, and prosperity. It's a strategy that defines how we can best use the assets we influence and control in order to spur innovation, competition, and investment. How to partner with homegrown and national providers in order to better achieve local priorities. Many of the building blocks for this strategy are already in place. We have a software community poised to develop novel applications with potential to be transformational. We have established partners willing to help increase internet adoption, to bridge the digital divide and align our many wire line and wireless networks. What's new, what this broad band strategic plan provides is focus. Focus on our most urgent priority. What steps we must take and how we can all work together. The city, our businesses, researchers, nonprofits, educators, developers, users, and our telecom providers. The famous computer scientist alan kay once said, "the best way to predict the future is to invent it yourself." and that's what this new strategy is meant to do. To connect us to our future. The future Portland needs. You've already heard about how the plan was community sourced with 50 citizen volunteers. And how we then engaged the community, businesses, and providers to get feedback. In all of this, we recognized our most important resources are both our existing partnerships and the new partnerships we must now create. Partnerships within and among city bureaus, k-12 schools, higher education, other local public entities like tri-met, metro, and Multnomah county, other cities in our region, but also and equally important, the small and large businesses of Portland, the nonprofits and the providers. We must work together on job creation, work force readiness, and continuing Portland's culture of innovation. We need to do everything

September 14, 2011

possible to help the one in every five Portland households who are not online, get online. We need to help them understand that the value of being online has become essential. And then we intend to lead by example. To increasingly use broad band tools to deliver civic services to our citizens and to keep Portland livable, sustainable, and green. Finally, we are going to make a special effort to help small businesses. Use broad band to grow. Something this strategic plan makes clear is that bringing better broad band to small businesses and home businesses will make it possible for everyone in Portland to have the ability to work anywhere at any time. And to kick off today's program, I have the short video, "jobs and broad band."

**Finn:** It's going to be a tough act to follow. That travel Portland presentation was pretty good this morning.

**Video audio:** We need jobs here in Portland. And that's why we need broad band. Because it is broad band, wired and wireless, the foundation for creating jobs, finding jobs, and doing jobs. Today 62% of american workers depend on the internet to do their jobs. But in Portland, up to 60% of black men aged 18-34 don't have a job. What we're beginning to understand is that in order to change that -- [inaudible]

**Finn:** We'll start it again once we get the video going.

**Video audio:** We need jobs here in Portland. And that's why we need broad band. Because it is broadband, wired and wireless, that supplies the foundation for creating jobs, finding jobs, and doing jobs. Today, 62% of american workers depend on the internet to do their job. But in Portland, up to 60% of black men aged 18-34 don't have a job. And what we're beginning to understand is that in order to change that, we're going to need better access to broadband. Last year in north Portland, we had a job fair. 1200 jobs were up for grabs. A lot of the folks in my district never heard about it. Why? Because you have to be online to find jobs. Online to apply for jobs. With an electronic resume. If you don't have online, you are in trouble. And a lot of folks in Portland are in trouble. They don't have equity. They don't have easy access to broadband. They don't even know about it. That's why Portland has been developing a new strategic plan for broadband. And what's the number one goal? Generating new jobs for Portland. The federal bureau of labor statistics says jobs that involve using broadband internet will grow 25% by 2018. 2½ times faster than other jobs. Which explains the second goal of Portland's broadband strategy. To eliminate the gaps in equity, access, and capacity. Today our focus seems to be supplying broadband to businesses, early adopters, start-ups, which is good. But not to the exclusion of other Portlanders. It's time to start focusing on all our communities. Especially the 28% who need broadband but do not have it. We want abundance, affordable broadband in every neighborhood and every household. Because remember -- Portland has more small businesses, many of them home-based businesses, than any other city in the u.s. It used to be waterways and roads were the critical infrastructures cities and economies needed to grow. Now it's computing and communication. Broadband, fiber and wireless, that drives economic development. We can't attract new businesses and jobs to Portland without abundant bandwidth for global connectivity. Plus, companies want educated internet savvy broadband empowered workers. Who know how to embrace change. So education is part of the job story too. And so is bandwidth, to improve health care with services like online health records and real time monitoring patients. So is public safety. And city center nets with sustainability. Better transport. All of that requires better, faster, more ubiquitous broadband than we have now. That's why we're asking you to take a look at Portland's Broadband strategic plan. This is not just about jobs today. It's about assuring more jobs and better jobs tomorrow. It's about connecting to our future. Portland's broadband strategic plan.

September 14, 2011

**Finn:** Great. We got over our technical difficulties. I'd like to thank the talented staff at Portland community media for helping with us that video. And now we're going to call up kayse, skip, miles, and leslie, it looks like we are ready for four.

**Skip Newberry, Mayor's Office:** Skip newberry with the mayor's office. Commissioners and especially commissioner Fritz and commissioner Saltzman, I just want to say thank you for leading this process to its conclusion here today. It's obviously much more work that needs to be done, but a lot of work has already gone into it to get us here today. I'll start with a quick little anecdote I think underscores the importance of the work that's going on. On monday I had an opportunity in the evening to talk to a couple of software ceos locally. They're not by any means the largest companies in the area, but they're growing, and to a large extent the two ceos mentioned between the two of them they have 60 job option currently right now that they're looking to fill, and there are many others like them locally here. So what that really underscores is these high-growth companies continue to scale, they need the broadband infrastructure to scale with them. Similarly from a work force standpoint, as we're looking to hire more people, we need to add adequate infrastructure that's deployed and it's done so in an equitable way across Portland so we can provide greater opportunities to people locally to help fill those positions. I served on the economic development subcommittee for the broadband planning process. And we looked at a number of different sort of components we thought were important. We looked at sort of a market driven approach as sort of the umbrella that we would use to approach the recommendations that we were going to make to council, and we decided that one of the areas should be a focus on a neighborhood hub, focusing on small businesses, home-based businesses, how can we in a strategic way provide resources in a limited way to start but then gradually growing it in a way to leverage existing resource and ask that libraries, schools, community centers, and areas that are kind of consistent with the 20-minute neighborhood framework is articulated in the Portland plan. We also looked at how we could build strategic infrastructure ahead of time, maybe a little bit ahead of demand. So we looked at key development opportunities that Portland development commission is looking at, around the city where you already have a natural clustering of firms that are heavily reliant on broadband, or where there opportunities consistent with the development strategy to talk to tenants and get them all in a single location so then it's easier for the broadband providers to be able to -- that's what the demand is for ultrahigh-speed broadband. The thought is those clusters would create a spiderring effect outward. We're also looking at institutional players like ohsu, and the research universities here, psu, and some of their demands in processing lots of data there. Could be great opportunities to look at, for example, data centers and broadband infrastructure that goes into the processing of large amounts of data, whether you're talking about climate change or whether you're talking about cancer research. And so these are all opportunities I think could be pursued in the short, medium, and long-term. We didn't rule out the possibility of looking at importance of home-based businesses, and providing fiber to the home maybe in a limited pilot project. Again, there needs to be more data that's developed over time. With that, thank you again for allowing me to participate, and I found the process to be both rewarding and enjoyable.

Thanks.

**Leslie Riester:** Madam president, commissioners, my name is leslie riester, and I am the chief information officer and associate vice-president of Technology solution services for Portland community college. My remarks are based on my experience as the largest institution of higher education in the state, the issues are applicable to all educational institutions, from kindergarten through graduate school. Why are we interested in a broadband strategic plan for Portland? Our mission statement says it all. Portland community college advances the region's long-term vitality by delivering accessible, quality education to support the academic, professional, and personal



September 14, 2011

development of the diverse students and communities we serve. We view affordability and online access as critical elements of accessibility. Last year more than 94,000 students took credit classes from pcc. On any given day, 30-50,000 students accessed mypcc, our online portal. Everything we do depends on access to reliable networks. We teach thousands of classes every year and every one of them has some element that requires access to digital content. Our official communication channel is online, and all of our business processes are online. Students who do not have access to reliable, affordable broadband at home are limited by their access to our on-campus open computer labs. Even if we could afford to keep those labs open seven days a week, 24 hours a day, we wouldn't meet the needs of the majority of our students. Who are working adults with families, who are doing their homework at home after the kids have gone to bed. I know this is true for many Portland state students as well, since psu is primarily a commuter campus. I think the same holds true for k-12 students. It's called homework because that's where you do it, right?

Additionally, we had almost 54,000 enrollments in distance education courses last year, and we're trying to increase that number. Sustainability initiatives are high on our list, and we see the ability of students and staff to work from home as critical to meet our sustainability goals. I could talk for a long time about how education now depends so heavily on digital access to information, and how our students are falling farther and farther behind the rest of the world because of limited access to affordable broadband. Since my time is limited i'll just say that adopting the proposed broadband strategic plan would be a step in the right direction. In close i'd like to report pcc has served more than 1.3 million people in the past 50 years, and at the rate our enrollment is growing, we will hit 2 million in the next seven years. I hope the issue of affordable access to broadband will be solved by then. Thank you.

**Dr. Miles Ellenby:** Madam president, commissioners, thank you for opportunity to share my Thoughts. I'm dr. Miles ellenby, I work at ohsu's doernbecher children's hospital in the pediatric intensive care unit. I serve as the medical director for the new telemedicine program. We currently provide psychiatric, emergent stroke, trauma, pediatric, and neonatal intensive care telemedical consults to 12 hospitals and clinics around the state of Oregon. In some rural setting, but also right here in Portland to adventist medical center. This happens to be a real time videoconferencing. Assisting on-site emergency providers with immediate specialist involvement when caring for a critically ill patient. The benefits of face-to-face communication allow for exterior data exchange as compared to the old standard of telephone only. We would all agree a picture is worth a thousand words, but moments of severe critical illness, live interactive video is priceless. Additionally, ohsu is starting pilot projects in outpatient telemedicine for those with limited access to care based on geography or limited mobility, as well as exploring opportunities in remote and place monitoring I have a an ever expanding array of broadband-enabled devices. These technologies allow those with chronic conditions to be better monitored. Health care is facing a growing global aging problem as the baby boom hits retirement age. These seniors will want to live as independently as is safely possible. Envision a future where that is increasingly possible through in-place monitoring. Finally, ohsu has been at the forefront of health i.t. and in the implementation of the electronic health record. The broad areas that i've touched on, acute and chronic care video consultations, health information technology, and remote patient monitoring, are the pillars of the rapidly growing field of telehealth, also called connected health, mobile health. But none of these quality improving and cost-saving technological things would be possible without the real time connectivity afro bust broadband infrastructure. Broadband facilitates delivery of health care by extending the reach of a limited presource of providers, increasing access to both geographically and temporarily. In both acute care and chronic care situations. This connectivity allows patients and providers rapid access to the health record and facilitates data

September 14, 2011

sharing across providers. On a statewide level, the broadband infrastructure builds between health care facilities as being spearheaded by ohn, the Oregon health network. But technologies like in-home monitoring require adequate last mile connectivity to where people live, whether it be personal residences, skilled nursing facilities or independent care facilities. As we struggle with an ever mounting health care crisis, new efficiencies, cost savings, and improved outcomes are all possible with the application of these technologies. Realization of this is dependent on a strong broadband backbone. We support the goals and direction as laid out in this forward-thinking proposal. Thank you for your time.

**Saltzman:** Thank you. Kayse.

**Kayse Jama:** Good afternoon. My name is Kayse, I am the executive director of the center for intercultural organizing. Before I start my testimony, I would like to thank the staff of the office of cable communication and franchise management for their support. They provided us and engagement for the -- for people of color. I think the relationship we build is one based on mutual trust, relationship building, and commitment for equity. Having said that, i'm here today to represent the diversity and civic leadership project which is a partnership between five community-based organizations, serving people of color, immigrant and refugee community. Those organizations include urban league of Portland, native american youth and family, immigrant and refugee community organization, and latino network. Our organization started spearheading this process [inaudible] first we started engaging through your voice technology communication initiative, launched by the mt hood cable regulatory commission. Later on we also provided a feedback and -- for the broadband adoption. As you heard before, there is a disparity, and as we call -- let me give you an example. A white household in Portland median income is over \$51,000. A black household median income is \$26,988, less than \$27,000. As those initiatives show us, 50% of the households that make less than \$30,000 do not have internet connection. This clearly shows that there is a direct correlation between income gap that under represented communities experience. Later this summer the diversity and civic leadership project partnered with the city's -- city of Portland's office of neighborhood involvement and the cable regulatory commission in order to ensure immigrant refugees and people of color participate and provide feedback for the broadband strategy plan. The individuals provided a video contest that allow communities to provide their ideas and solutions for the developing high-speed internet infrastructure for Portland. That issue is equity for all. Let me share with you a quick video that will highlight some of the feedback that we received from the community.

**Video audio:** If I didn't have the internet -- actually, I don't have the internet right now.

**Video audio:** I do have high -- internet? I don't know.

**Video audio:** I know I could talk to my dad, but he was in laos real easy on email, if he knew how to use skype it would be easier.

**Video audio:** How will internet access enhance one's quality of life?

**Video audio:** My daughter is kindergarten, so the school requires them to get on the internet.

**Video audio:** The most important thing I use it for, I don't go to the doctor, I just look for remedies Online. If i'm sick, before I get super sick i'll try to figure out how to heal myself.

**Video audio:** When it comes to quality of life, the internet is all about convenience.

**Video audio:** Doing research is easier for school projects, and life is easier because you just have access to everything.

**Video audio:** Some people you really can't talk to them until, like, 10:00 at night online.

**Jama:** Why it is important to give feedback for city's broadband strategy? As the national broadband is developed by the federal communication and commission fcc, state and local government we must consider the question of inclusion. People of color and immigrants face

September 14, 2011

equity issues, including employment, education, affordable housing, lack of overall economic opportunity. We also know that the internet has become part of the fabric of our society. I think the importance of that this opportunity as the city will allow us as we start this plan engage and move forward. We really have an opportunity to think about equity. As we also think about Portland in 20 year plan for infrastructure building, this is a unique opportunity we can uplift people who are left behind. I really encourage you to support this effort and I think it will be important milestone for Portland creating inclusive community for all. Thank you very much.

**Saltzman:** Thank you all very much. Our next panel represents industry. We'll start with Chris.

**Chris Denzin:** Chris Denzin with century link. I want to thank the city and the community citizens who spent more than a year on this program talking about how future the broad band is in the Portland area. I think the plan highlights a lot of key goals and initiatives that the city wants to accomplish and move forward with over the next 20 years, and just like sustainability started with the city, the initiatives and talking about how important it is to the long-term sustainability of the region. I think it's broad band is the same way. Reading through the plan and some of the key recommendations, there are four key highlights. I want to talk about four of those today. The first one would be adoption, education, innovation, and then economic development. First with adoption, as we heard earlier today, one in five citizens in Portland does not use broadband in some capacity. Nationwide, that number is over 30%. We have a long ways to go. That adoption rate should be close to 100%. Some of the things that need to be done are talking about how important broadband is. Making it imperative to -- as we navigate through the city and the different functions of this organization and the different businesses, that out rising broadband is vital to our success in the future. That will drive utilization from those who don't have it today. In addition, you have to have this service to utilize that, and central -- centurylink has committed to providing low-cost broadband service to low-income families. This will begin october 1st. It will provide broadband service for \$9.99 a month for those who meet the qualification. On top of that, for those that don't have the equipment to go online, we'll provide discounted equipment for those families as well. It doesn't stop there. As we move forward, it talks -- we talk about education, which is a big part of the broadband plan. Education starts k-12, we talk about creativity, we talk about innovation, we talk about solving business problems, we start talking about public problems. Having that creative spirit that initiative brought down into our educational programs. From there we heard a little bit about the programs we have in higher education. And challenging those institution was solving public problems, solving private problems, solving business problems and solving growth. Along with this educational initiative, centurylink is committed to implementing training programs, distribute educational materials on the benefits of broadband, host in-person training and demonstration and create and distribute materials to assist consumers with basic literacy and adoption programs. Third I want to talk about innovation. As we begin to develop a highly skilled work force that work force will lead to innovation. We do that by getting clusters of groups together, whether it be general software clusters, it could be engineering clusters, it could be health care clusters, it could be entertainment clusters, or general technology clusters as well. By doing this, we foster creativity and innovation, which fosters job growth, sustainable growth and healthy wage growth in the Portland area. And lastly, the plan talks about economic development. This would be the attraction of technology organizations throughout the united states and across the world to come into Portland to work with and innovate and create with the citizens that we have in our particular area here as well. Centurylink has committed to be a partner tone sure any organization who has broadband needs and wants to be competitive in a global marketplace that we will be there for them as well. Utilization and demand drives investment. Centurylink has spent millions of dollars providing broadband investment to the city of Portland. Centurylink is also

September 14, 2011

committed to the city to partner in the development of high capacity business districts, attraction of new companies to the area, adoption, and education. Centurylink welcomes the inclusion of our organization to support the strategies outlined in the broadband plan and look forward to public and private partnerships that will meet the needs and goals of its citizens. Thank you very much.

**Saltzman:** Next?

**Steve Anderson:** Madam president, commissioners, my name is Steve Anderson, vice-president state operations for Integra Telecom. I want to apologize for -- Tom asked me to extend his apologies to you guys, he's our CEO but he's out of town at a prior commitment. First we want to recognize the thoroughness of planning that's been done and appreciate being asked to participate in this process. And we appreciate it a lot. As one of the largest employers in Portland with over 600 Portland-based employees, Integra has enjoyed the benefits of growth, Integra believes quality service, and lower prices are byproducts of competition. The city can make substantial progress toward their goal of having more of their citizens enjoying the benefits of broadband if they were to foster competition among private enterprise. Competitors would be drawn to Portland, investing more capital, enhancing the local broadband network while providing quality service at market rates a critical element in fostering competition is to set a level playing field and treat all telecom providers, including wireless, the same. And then let the marketplace dictate the service and prices for the end users, and businesses. The city should also be aware of at least two community-based telecoms, Utopia and Burlington in Vermont, that have struggled financially, Utopia's projections resulted in costly fiber assets being sold, private companies a fraction of the cost. It's a business, most businesses like to purchase assets on that basis. But we don't want to do that to the detriment of our community. Cities could have the best of intention and build financial models that appear to work, but success depends on achieving certain penetration rates and revenue targets. Innovation and telecom service technology is rapid and user behavior changes quickly. In many ways, cities are forced to rely on a business model that may not be flexible enough to adapt to changes in the technology and consumer behavior or have access to necessary capital to innovate on their own. The city deserves credit for being proactive in seeking solutions for their citizens and fellow citizens as well as the locally headquartered company. We look forward to working with the city in our joint efforts together. Thank you.

**Marc Farrar:** Madam president, commissioners, my name is Marc, regional vice-president of government affairs for Comcast here in Portland. We appreciate the opportunity to also provide comments today. We certainly appreciate the effort that city staff and all the members of the work group have put into this effort over the past month. Certainly a laudable effort and a laudable goal that we encourage the forward thinking, and we are encouraged that we'll be part of it going forward. I think the key message that as we read and instill the report, part of what you heard today in some of the presentations is it's all about adoption. Adoption, adoption, adoption. If there's one thing that the city can do, it's to talk about adoption. To talk about why broadband is important and relevant to the residents of Portland. We see that the city of Portland has a relationship deep into the neighborhoods with the residents of Portland that frankly probably no one else has. And the city is in a special place to talk about why adoption of broadband on an individual basis or even on a business basis, it was talked about small business, is a key thing that the city can do to actually make a difference here in Portland. So if there's one thing that I hope the commissioners take from the report, it's all about adoption, and there are specific things that the city can do to actually raise the rate of adoption for broadband here in the community. And we hope that the city will look forward to continuing efforts down that road. It's great to hear the city is going to lead by example and put more of its interactions online. That's a build and it they will come mentality that I think you'll see fruits of your labor come to fruition over the years to come.

September 14, 2011

There was mention of centurylink's program to get adoption up through their low-cost internet access plan. Comcast as well just announced an internet essentials plan that we're rolling out, at the \$9.95 internet package for low-income families that qualify through participation in the free lunch program. So we're doing our effort to get the word out that members of this community can have access to \$9.95 very high-speed internet tomorrow, frankly. So the good news with respect to broadband that we also found in this report is that when we hear about representative frederick in talking about it being available, it's available. Broadband is not only available in this community, but it's readily available in an immense proportion. Whether it's from one of the companies at the table, or comcast, companies to my left or comcast, we know there's plenty of broadband available in this community in neighborhoods, for businesses, and it's really a matter of supply and demand, not necessarily needing to increase the supply, but going back to that, let's talk about adoption so we can increase the demand. We know that tomorrow any resident of the city of Portland could get 100 megabit per second speed at their home from comcast. Speed is not a question, and for businesses, we know that the capacity is there to get multiple gig a about it per second speed for businesses in the community, and I think other companies could provide that. The good news is Portland is not falling behind. There's no deficit of broadband, there's no crisis. Now let's look into the future. What can we do to continue to move forward? I think these companies will continue to invest. I know comcast is. So one other item that I did want to mention, I would urge caution around the dig once policy in other communities, there have been a lot of pitfalls that folks have encountered. So I hope the providers will be brought in to the discussions as part of development that dig once plan, if it moves forward, because we want to avoid the pitfalls that other communities have experienced. Lastly as we move forward we just asked just that, to be brought in to the discussions while they're happening. We certainly want to be part of the development process because we think we have a lot to offer in the dialogue, and we would much rather be involved and help avoid the pitfalls than have to raise our hand later in the process and say, hey, did you think about this? Congratulations on getting to this point, and this is where the real work begins. Thank you very much.

**Saltzman:** Thank you. Do you have a question?

**Leonard:** Integra telecom, you mentioned that one of the ways to create more access to broadband was to have the city do something to increase competitiveness. And one of the examples you used was doing something to put you on equal footing with cell phone companies. Were you talking about the franchise fee?

**Anderson:** Yes, that's one of the areas.

**Leonard:** What are the others? So the 5% franchise fee you're required to pay they aren't?

**Anderson:** Yeah, equal franchise fees for providers in the Portland area. Yes.

**Leonard:** But there are areas besides that that would --

**Anderson:** That's the primary one yes.

**Leonard:** Ok.

**Saltzman:** I believe our last panel is -- last presenter, is chief john klum. I don't have my agenda. Who am I leaving out? Mark greinke? Ok.

**Mark Greinke, Bureau of Technology Services:** Mark greinke, the city's chief technology officer. I want to actually recognize the great work we do with the cable office today. We're experienced broadband providers, we provide broadband service in the community to over 250 libraries schools, and communities centers, and i'm just -- I just wanted to voice my support for the work that's been done. I've enjoyed working on the plan and I think it's a goal the city should support.

September 14, 2011

**Chief John Klum, Fire Bureau:** John Klum, fire chief. I just want to express my appreciation for being involved with the process. The public safety aspects of broadband are of great importance to us. Not only just for our operational readiness with our crews to deliver critical information in the very fast fashion, but it also -- the Adoption component is critical for our community outreach to help us in our diversification of our work force, because it was said earlier in the videotapes that if they don't have access to an internet, a lot of the messaging we're pushing out through our social media and our website is not getting to that particular audience that we're trying to get the information out. So it was a very good process, it was an inclusive process, and I really appreciate being part of it. Thank you.

**Saltzman:** That completes our invited testimony.

**Fritz:** Did anybody sign up to testify?

**Moore-Love:** We have three people signed up. Come on up.

**Fritz:** Welcome to city council. You have three minutes to testify.

**Andrew Frazier:** I think I was invited.

**Saltzman:** Oh my mistake, I don't have my agenda in front of me.

**Andrew Frazier:** (laughter) I'm here on behalf -- andy frazier on behalf of the small business advisory council. I have a letter that will go around to you guys as well. The small business advisory council would like to show our support for the broadband strategic plan. Over the course of the last year the members have been active participants of this plan, meeting with the city and industry professionals. Members of sbac recognize the benefits of adopting a citywide broadband strategy, specifically for the city's efforts in regards to education and economic development. It is our understanding this is a 30,000-foot look at the various options and ideas regarding broadband Portland and the conclusion is that broadband does and will play an increasingly important role in our everyday lives. We support the overall concept and the conclusion that was stated. The business community and industry professionals look forward to working with the city to determine the best course of action to further this plan and determine the best use of taxpayer dollars and other resources. We believe that industry leaders, city leaders, and citizen lead verse an opportunity to rally behind it to ensure our short and long-term goals are met. From the questions surrounding installation of wireless facilities and hard line installations to factors needed to ensure progress towards the goals of equity, economic development, public safety, and education. I think the work is just beginning, and we look forward to participating in that process.

**Fritz:** Thank you for your service on the committee.

**Robert Wilcox:** I'm robert wilcox, commissioners, thanks for the opportunity to speak on this.

I've read the plan, I think it's an excellent plan and I have a written statement you can read offline. I want to stay that as we go forward, building measurements into the program is critical, and unlike so things that are hard measure in government programs and the wormed, the networks have built-in measurement system. I'm hoping that city working together with the private industry, will figure a way to share that information to involve the program. Thank you.

**Matthew Klug:** Madam president, commissioners, thank you. My name is matthew klug, I was born and raised in Portland, i've been thinking about this for 10 years and working with volunteer groups to try to bring internet and high-speed internet to everyone in Portland. Now over the 10 years, I think there have been many different studies and models, and today there are actually believe it or not, a couple going forward. Google is in kansas city, kansas, I think we should listen to them. Let's wait. Chattanooga, tennessee, has a network already up. It's called epd, they own it. They are selling tv, phone, internet, and all sorts of other services, the city themselves owns the net. Sandy, Oregon, has sandy.net. We should look at them. Seattle is doing an experiment around pioneer square. We should look at them. It's right up the street. I encourage the name

September 14, 2011

change of the office to reflect what it should be doing instead of concentrating on the franchise, incumbent players. It should be looking out for the citizens. And what Lou was talking about was fth, fftp, fiber to the home, fiber to the premise. This is not what these other people are talking about. I think like Leslie and some other people would enjoy the idea of having potential student learners being able to take classes from their home, that is a huge potential for PSU, PCC, U of O, OSU, PSU, Southern Oregon, all sorts of other places. And basically there's another experiment happening right now in Canada, Lake Ontario, and Toronto is doing a similar thing with fiber to the premises. We need to talk to these other technology officers, the chief technology officer in Seattle has incredible videos on the internet. They're very explanatory, and they're taking a very measured, slow approach. The Mayor doesn't want to get left out in the cold on this, he's taking a very slow, measured approach. They're doing a trial in Pioneer Square. There's a lot of tech companies that need it, and it's an experiment we should look at. And the idea that -- I don't have a TV. So the idea that I would get Comcast is silly to me. I enjoy the idea of perhaps pushing a la carte pricing in cable. I know I'm the -- in the room now, but contracts are ridiculous. I brought my little Wi-Fi thing, excuse me, my Wi-Max clear router today because if I move, I can take it with me. I can't just easily disconnect Cable. And reconnect it. So I appreciate your time. Thank you.

**Fritz:** Thank you for you and Russell Senior and others who have worked so hard on the Telco project, and for your testimony today. Does anybody else want to testify? Thank you all for being here. Please call the vote on the resolution.

**Saltzman:** Well, as you can see, a lot of work has gone into connecting our future, connecting to our future, I should say. Our broadband strategic plan and much more work remains to be done to come up with action strategies, action plans to implement these strategies. I appreciate all the various interests that have worked together to bring us here. Some 50-odd people participated in the various subcommittees, and I also want to particularly again acknowledge the great work of my chief of staff, Brendan Finn, Mark Greinke, our chief technology officer, Mary Beth Henry, deputy director of the office of cable franchise -- cable communication and franchise management, and all the staff of the office of cable communications and franchise management, and the public. So we look forward to the work ahead and the challenges ahead to make our city truly -- as somebody might have remarked I'm probably stealing their line, but we hope that we can be -- Portland can be known for its broadband strategies and accessibility and affordability as much as we are known for -- as we're working to become known for our track record in sustainability and doing things green. And we think that's the goal we're shooting for. Aye.

**Leonard:** This is an excellent plan. I appreciate you bringing it forward, Commissioner Saltzman. I do think, however, one of the things that was testified to that it's long been of interest to me is the disparity in the treatment between cell phone companies and those who provide land line service. Cell phone companies don't pay the franchise fee that land line services do, and that creates an inherent lack of competitiveness that I think was addressed that I think the council needs to address at some point in the future. That also would provide I think what's needed. It's not in the plan now, but at some point we have to address the issue of revenue. And how to best use revenue to if not extend broadband services to some of the poorest communities, provide the support that those in those houses can't afford now to spend to get that broadband service. So maybe this revenue could not only level the playing field for the companies, but provide a resource to help the poor communities, actually access broadband that may be available in front of their house. Thank you. Aye.

**Fish:** Congratulations to the leadership team, and to Dan, and Brendan Finn and your whole team for bringing us to this point, and to the bureau staff. This is an outstanding document. I think for the whole council this has been a very useful discussion about the road map that you're charting for the

September 14, 2011

future, I want to thank sonia on my team who was part of the leadership team, was delighted to participate. And looking forward I will -- I look forward to the regular check-ins on our progress and particularly the progress at getting at the equity piece you've identified. The digital divide, which I think we must narrow dramatically if we are to involve all of our citizens in our economy and our civic life. Aye.

**Fritz:** It was my honor to agree to initiate this plan when I was the commissioner in charge of the office of cable communication and franchise management, when director david olson and deputy director mary beth henry brought the concept to me, I appreciate particularly the partnership with comcast that donated money so we could do outreach to our diversity leadership partners through the office of neighborhood involvement and include the community inclusively in the development of the plan in order to be able to address any kind of divide and inequity, we need to include those who are most affected in the planning for how to resolve the problems. So similar to our discussion on housing this morning, this is another example of our bureau taking the initiative to address perceived problems with disparities in our city, and I greatly appreciate the work that's been done. Thanks tim and my staff for leading the project for us and also jeri williams in the office of neighborhood involvement, and Portland community media folks who helped with outreach and others. Certainly commend commissioner Saltzman and brendan finn for taking up this effort. We'll just call him the chief enthusiast, Brendan finn, I think that's a very good tone for him for this project, and skip in the mayor's office. It's another example of city staff recognizing that collectively we have a problem, and then in working with industry partners, small businesses, and others to discuss collectively how are we going to address that problem. I do notice that in the ordinance it calls out a few bureaus, I would offer the services of office of neighborhood involvement and the soon-to-be formed office of equity and human rights in continuing to participate on this plan to inform and guide and assist with outreach to other communities, to all of our communities. This is a prudent plan for tough time. And I certainly heard the disappointment from some that we are not embarking on our own fiber network project or some of the more ambitious plans, we don't have the money for that right now. And we still recognize this is a priority to get it done. It's particularly what I like about this plan is it recognizes that we don't have the money right now to implement what some would think is the optimal solution or the one that would get us furthest in the long run, but in the short term what are we going to do and how far can we get looking at these goals. I like the way the plan sets the goals and then is meant to come back with more action items and continue to work. So this is the end of the beginning, it's not the end, and we will appreciate the ongoing partnership with industry folks, with the neighborhood folks, and others to make sure just as well as we have started doing this together and with the enthusiasm of the entire council, we continue to partner to achieve the outcome that are desired in this plan. Thank you, commissioner Saltzman. Aye. With that we're going to take a five-minute recess and then we'll come back for the 3:00 time certain. [recess]

At 3:00 p.m., Council recessed.

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

**Fritz:** Commissioner Fish.

**Fish:** Thank you, madam president. President Fritz and colleagues, the ordinance before you today authorizes the city to enter into a contract with housing development systems for a core business software system for the new Portland housing bureau. Phb has made great strides as part of its transition into a new bureau, and our leadership is committed to continuous improvement. To that end, the implementation of a comprehensive software Package is necessary to make the operations



September 14, 2011

more efficient. Now, everyone here recognizes that any i.t. Implementation carries some risk. However, I thought it essentially important after partnering with commissioner Saltzman to create the technology oversight committee that my team brings the highest levels of attention to detail and transparency in the selection of this software. The further oversight I asked the director to provide briefings for each of my colleagues if they wish to have them prior to this hearing. The solution will generate long-term savings for the city and improve data integrity. Portland housing bureau will have a better software program for less money. And ever i'm pleased to welcome director margaret van vliet and Alissa Mahar who are here to provide with you additional details about this initiative.

**Margaret Van Vliet, Director, Bureau of Housing:** Margaret van Vliet, as commissioner Fish mentioned this will execute a contract with the vendor, housing and development software hds for the purchase of this system. Just by way of context, the -- an important aspect of the creation of phb and merger of Portland development commission hasn't been fully completed, and that centers around implementation of this very long service and data management system for complex causing investment business. We've been using an old system under contract with pdc but they've already moved to a more effective system so it's in our mutual interest for phb to migrate as well. So your approval of this contract will actually save us each money each year while allowing us to streamline business processes and generate more reliable data for management purposes and for accountability. The contract amount is for \$1.1 million, over five years. With \$700,000 in the first year and the balance over time reflecting maintenance fees. The funds have been set aside for a couple of years since the creation of the bureau was envisioned, so we're not asking for an appropriation. I also want to stress that we have enjoyed excellent help and collaboration with our partners in the bureau of technology services and purchasing, and ensuring that the scope and pricing and other specifics are in alignment with overall city interests. From the beginning, purchasing staff took the lead in the complex negotiations to be sure our collective interests are met, and bts leadership took an active role in making sure risks were managed appropriately. It's also very important to note that we are ahead of the technology oversight committee convening on this authorization, but we do fully expect that as that group convenient, that the implementation of our project will be reviewed and become part of their charge. We've endeavored to adhere to the principles used to establish the toc and have instituted such things as a third-party quality assurance professional. I know that you all know too Well that no i.t. Project is without risk. I want to do my best to reassure you my assessment is that not moving forward with this product presents more risk than the status quo. I want to turn it over to alissa, she's our very capable cfo and business operations manager. I'm going to let her walk you through a few more of the specifics, and then we can take your questions.

**Alissa Mahar, Portland Housing Bureau:** What margaret mentioned is correct. Our existing system carries a lot of risk with regard to our data integrity. The existing system would cost the city upwards of \$2 million just for implementation alone. And it would not meet our business needs. So for those reasons phb was transparent and took adequate time to develop this project. It's been nine months since we initiated the rfp with -- we spent seven months with hdz. We worked collaboratively with both purchasing and bts to mitigate contract risks, we extended our negotiation to try to mitigate those risks, and we also selected as margaret mentioned a quality assurance vendor who will monitor the implementation throughout the process. We will also have the technology oversight committee involved, and we'll have a couple of committees that will guide our work. We are really in a critical point in time because the service agreement through pdc expires at the end of september, we're ready to advance our capabilities and become more comprehensive in what we do at a lower cost to the city. We have four different systems today

September 14, 2011

along with several databases. And this fragmentation has evolved over the past 20 years through efforts to manage a portfolio of 1900 loans, investment and grants totaling over \$320 million. PHB is moving to a hosted software system with hds which eliminates the cost of city server i.t. maintenance and system support. In negotiating the contract, we've managed the majority of the risk and put city in the best position possible for successful implementation. Our partners at city purchasing and bts have been instrumental in helping us mitigate those risks. We've contained costs through not to exceed clauses for each of the modules of hds. Phb will further commit to aligning business processes with the software to avoid cost overruns. There will be no escalation of maintenance fees in the first two years of the new software program. And we will have acceptance criteria to guide the acceptance testing of system functionality. We have included additional warranty language to insure all functionality is covered by the warranty. As Margaret has mentioned, staying with our existing system is far more risky than accepting some level of risk with hds. It impacts our data integrity and we want to provide good data for our partners to the council and to bureau management. With hds we'll have one system for accurate and consistent data collection and reporting, we'll have improved business processes through streamline and project initiation, project funding, disbursement, loan services, asset management compliance and reporting. We'll have improved internal communication regarding project status and progress. PHB will avoid maintenance costs for the existing four systems in the amount of \$227,000 annually, hds comes highly recommended by a multitude of agencies and we have seen 40 to 50 implementations of hds. One of those is organize housing and community services. They currently use the system on a smaller scale and they're fully satisfied with the product and ongoing maintenance and customer service received. Ohcs and phb are receiving national recognition for streamlining compliance efforts and in using the same system we'll see greater efficiency and easier access to consistent information. Hds has established relationship with hud, the department of housing and urban development, and regularly updates their system to be in compliance with federal regulations. This is critically important given the complex federal funding requirements. If you have any questions we would be happy to answer them.

**Fish:** I just have a question. Can you -- in the ordinance in paragraph -- in section one paragraph 4, it breaks out the cost for the software. Could you walk us through those categories again?

**Mahar:** Sure. So the total cost to purchase the software is \$352,500. And then the implementation is \$302,000. So those are both considered one-time costs and have you an ongoing cost of approximately \$90-95,000 for ongoing maintenance fees.

**Fish:** As you've done your risk assessment and work with our technology folks at the city, what portion of this do you consider has the highest risk?

**Mahar:** The implementation cost of the 302,450.

**Fish:** We want to be forthcoming with people given that some of the history at the city, what are some of the risks have we identified and what are the steps we can take to mitigate those risks?

**Mahar:** Sure. One of the risks is doing a time and materials basis for charging us for the implementation, instead of doing a flat rate. So let's say you have one module that's going to be \$100,000 implementation at a flat rate. You if you did a time and materials at a not to exceed, which is what we've tried to mitigate to, then if you only spent \$50,000 through close monitoring and project management you might save yourself some money. So, what we tried to do to mitigate the risk because we didn't go with the flat rate contract, we put a time and materials basis on each module so as we implement each module it cannot exceed a certain amount of money. That's how we've attempted to mitigate that risk, through contact management, quality assurance vendor monitoring our work and also having the talk oversight.

September 14, 2011

**Fish:** Second question. You described this software as being software that is used by the state's housing bureau. And let's be very clear, Margaret, while you are leaving us soon to work with the housing bureau, that's the development in the last month, and the discussions with this software predates that decision by almost a year. But you describe some of its benefits, and one has to do with the fact that were you able to see how it's functioned at a sister organization, you've also described that they work to get regular updates and alignment with hud, which is after all our regulatory super partner. So my question is, in looking at the marketplace is there another software that provides the same level of functionality that we've identified?

**Mahar:** No. We have not been able to find one that has the full scope of functionality that this has. Even our existing application.

**Fish:** And my final question before I turn it over to my colleagues, you said that the midas contract, and that's the contract that pdc has with the provider?

**Mahar:** Correct.

**Fish:** It's important for my colleagues to note that even though the loan portfolio migrated to the Portland housing bureau, because we haven't had this software and the technology, we've been contracting with pdc to do that function.

**Mahar:** That's correct.

**Fish:** You said as of the end of september that contract ends?

**Mahar:** That's correct.

**Fish:** So tell me, what does -- if we don't take action now, this emergency ordinance, to give our technology folks the authority to finalize this contract, what are the repercussions in terms of your work and what are the potential costs that we are looking at?

**Mahar:** So i'll address the cost first. If we continue with midas, really the best practice in i.t. is for us to continue our service agreement with them through pdc. We have to do a yearly renewal. It's \$50,000. And pdc negotiates that with midas and passes the charge to our bureaus through our interagency agreement. That's the cost implication. The time implication is that it condenses down our implementation schedule and a couple key points in time are the 1098 reporting for our borrowers, which are supposed to be done at year end. We have grace period into january of next year, but it accelerates our time line for getting the correct modules in place to do the 1098 reporting. So those are probably the biggest factors.

**Fish:** Thank you.

**Fritz:** Other questions from council?

**Saltzman:** I'm curious, does the state contract have a 10% annual increase in the operating, or the service agreement?

**Mahar:** We, until recently, and I might ask scott Schneider from purchasing to comment, I think only up until today or yesterday we weren't able to receive copies of the contract for hds, without certain pieces of information redacted, included the percentage increase in annual maintenance fees. We were able to negotiate a freeze for the first two years of the annual maintenance fee, so they will hold it at the same amount for year one and two. That was a compromise hds was willing to come to. So i'm not sure if the contracts we received in the last couple days included any information about escalation. But if we wanted to --

**Fish:** Who is here that could answer that question? Come up if you would and take the mike.

**Scott Schneider, Bureau of Procurement:** I'm scott schneider from the bureau of procurement. In the past couple days we've received two contracts. These both came from hds, they're contracts with other clients. One of the two clients identities has been redacted. The other one was with the los angeles lomod corporation, both of these with regard to the increase in the maintenance fees

September 14, 2011

had the same terms that hds has negotiated in the contract with the city of Portland. They're to a maximum of 10% per year. Neither of them have the maintenance fees fixed in the first two years.

**Saltzman:** Ours is 10%, not a maximum --

**Schneider:** It's a maximum of 10%.

**Fish:** A freeze in the first few years. You're saying the deal we have on the table is better than the deal that they struck with those two jurisdictions?

**Schneider:** It's better in years one and two. After year two it's on the same terms.

**Saltzman:** How is the annual increase been derived at? I thought it was a straight 10%. How does-

**Schneider:** Hds -- hds makes a determination based upon the amount of updates and upgrades they're making to the system as to what the appropriate charge should be. And then they submit the invoice to us.

**Van Vliet:** Let me just add, please, in conversations with them about the rationale for the 10%, they were able to give us some backup documentation about things they've included in past years, maintenance fee, escalations. And what I can share is that's included updates that are -- help all these agencies comply with hud's changing rules, so they were able to cite very specific things about the home regulations, about section 8 things, about hud systems, that they were able to match and that that got included in what their customers got in their annual upgrades that's included in the 10%. So we looked pretty hard at the question of what are we going to get for that 10%, other than maintenance, and I was satisfied the substance of the business product that they're offering is reasonable in this industry.

**Saltzman:** Will they document then the service agreement increase cost?

**Mahar:** I'm sure we could probably get them to do that, yeah.

**Saltzman:** Dpi plus whatever hud required updates?

**Mahar:** Give us a breakdown for that percentage.

**Schneider:** It's not broken down in terms of inflationary indicator plus whatever they're building in. Our --

**Saltzman:** I'm wondering if they'll do that prospectively with us. This is what -- why it's x% in year three --

**Fish:** Let me also just translate that, I think commissioner Saltzman is saying, he would be more comfortable if as part of our agreement, side agreement or these terms, or just understanding that in year three, which is when they would be able to put in for an escalator, that that be submitted to us with an invoice describing the basis of that cost and made available to the public for review and inspection.

**Schneider:** Sure. We don't have that specifically broken out in the contract, but I think that would be a reasonable thing for us to ask for.

**Mahar:** Makes sense to me.

**Saltzman:** On the -- I discussed with commissioner Fish and his staff the last couple days, i'm also concerned about a time and materials, and I really -- I can't reconcile what a not to exceed means when you have a time and materials. Because if they get to the point where, hey, you've exceeded what we estimate, they say, well, time and materials. How do you reconcile those two? What does not to exceed really mean when you're doing a straight time and materials contract? Or what's the protection?

**Schneider:** The not to exceed would be a more granular limit on the ability in the contract to continue to make expenditures through contract, and so when you hit the not to exceed on the deliverable basis, there would be a stop. When it comes to managing the time and materials, it will be up to the project management team to be paying close attention to the invoices that are being

September 14, 2011

submitted to the city over time to make sure the projects remaining on time and on scope, so when we get to the end of our available funding, that we're not getting into a position where we may -- .

**Fish:** If I may, just so I am tracking what my colleague is asking, it's important question to me, we're talking about the potential here, we're talking about what are the mechanisms in the contract that give us some confidence that there won't be cost overruns beyond the \$302,000?

**Van Vliet:** Correct.

**Fish:** On implementation?

**Schneider:** It's true, and it's also not to exceed on a module by module, or actually on an implementation by implementation basis. There are I think five or six implementation pieces for the individual modules, and each of the costs are broken out in not to exceed amounts.

**Van Vliet:** Those are subsets of the 302.

**Fish:** Just so I'm clear, it's a not to exceed contract by 1.12 Million, but of that, it's 95,000 a year for five years, for maintenance, subject to potential increases, freeze in the first two years, and then we've -- we're going to -- I'll offer a friendly amendment soon, that says it's subject to an invoice on any increases in year three, four, and five. The software cost of \$352,500, we don't expect that to go up, that's a flat contract, that's an agreed upon fee.

**Schneider:** That's correct.

**Fish:** So the risk here has to do with the 302,450 set aside for implementation, and the question is what are the systems within the contract that give us confidence that that won't be exceeded? Am I right?

**Schneider:** That's correct.

**Saltzman:** So I guess what I'm still wrestling with that. I appreciate this discussion, but for simplification, it's estimated to cost \$1,000. And there's however many hours into the project and it's looking like they're going to exceed the thousand dollars. Maybe it was a practical matter, we're not going to tell them to stop work, are we? It's been billed to this firm, it's so unique in what it can do for us, it sounds like -- this is part of what else has bothered me, this feeling that they have us over a barrel. That this is the -- and they probably feel the same way. They have us over a barrel here.

**Mahar:** I think --

**Saltzman:** What happens in that scenario?

**Mahar:** I look that the compared to a flat rate where you potentially have change orders. So I don't know that you're going to see specific language in the contract. I think what we do is we have a system in place to make sure that we don't do any change orders, or do anything outside the scope of the implementation. Unless -- unless somebody is actually looked at that at a very high level, which includes bts involvement, and I think we have to use our quality assurance vendor, our project manager reviewing invoices, looking at what they're billing us for. I think it's going to come down to how well is this project going to be managed, which I have a high degree of confidence in, and we received just glowing recommendations about hds from everyone we contacted. And they seem very reasonable. And I think that everyone will tell you that contract negotiations were tough with them, implementation was great, the product has been great, and their customer service is excellent. So I think you have to consider all things. And I think could you run into the same problem with a flat rate contract where would you have to do change orders if something was over. I feel very comfortable with our project plan and that this is such a good application that we intend align our business processes with the system because they have it really dialed in they know what they are doing and what the right business process is for this line of business. And so --

September 14, 2011

**Saltzman:** Was there an option after flat rate or do they only do time and materials? Did we have an option to negotiate a flat rate?

**Schneider:** We never had a feasible option for a flat rate.

**Mahar:** We tried to negotiate that with them, but they weren't willing to do that. They were willing to go with the five implementation of the modules and do a time and materials not to exceed as opposed to going with the flat rate for the full implementation.

**Saltzman:** In the references you spoke to, was it similar arrangement, time and materials not to exceed and they performed within those parameters?

**Mahar:** Did you ask the question about the comparables? The references. That wasn't a question we asked about the flat rate. Did you ask about the time and materials versus the flat rate?

**Schneider:** I haven't asked --

**Saltzman:** I'm assuming if they do time and materials that's what they did to the other customers. Did the other customers say yes they did perform on time, or on time on a budget?

**Mahar:** Yes. That's what we've heard, yes.

**Fish:** A related -- I want to let commissioner Saltzman all the time he needs, margaret, would you remind me, the funds that we're using to acquire this software and do the implementation, is this -- I should have remembered this, but in the million details, I forgot. Is this all general fund or is this a portion of pdc?

**Mahar:** It's general fund. It's actually split, it's not general fund, it's split between the housing investment fund and the home funds.

**Van Vliet:** It's not general fund. The housing investment fund at one point was an account established with the use of general fund and some other things. As loans have been paid back from that account, we have them in this other --

**Fish:** We're not using general fund dollars for this program.

**Van Vliet:** Correct.

**Fish:** And so let me ask you, then, my follow-up question, if god forbid there is some point in this process where we incur more than we have anticipated, where do those -- where would those funds come from?

**Mahar:** Housing investment fund.

**Fish:** From the hif?

**Mahar:** From the hif, potentially savings in one of our federal sources.

**Fish:** It would not be your intention to come back to the council and seek general fund dollars --

**Mahar:** No. No.

**Saltzman:** My final question, who actually spoke to the references?

**Mahar:** Our project manager. She's not here today, she works for triad technology and she's a project manager that was hired for this project. She conducted the reference checks.

**Saltzman:** So she is going to be the project manager for implementation?

**Mahar:** Correct. She'll be working with hds's project manager in implementation, then we have a third party tech system who will be the quality assurance vendor.

**Van Vliet:** All of whom will be reporting to alissa.

**Saltzman:** So she spoke to the references and what you just told me about hds meeting cost expectations of these other jurisdictions, was fulfilled.

**Mahar:** Yes. And if you want me to ask her to go back and see if she has notes from those interviews, I would be happy to provide those to you. If you're interested in seeing that.

**Saltzman:** Commissioner, if you have an amendment you're going to offer concerning the service agreement?

September 14, 2011

**Fish:** I was listening to your thoughtful questions, commissioner Saltzman, and you've raised this issue about in years three, four, and five, any invoices that we receive relating to any increase in the annual maintenance fees, and I would simply move as a friendly amendment that those invoice that will require, as a condition of this contract, that those invoices specify the basis for any proposed increase and that they be made available to the council for review.

**Saltzman:** Second that.

**Fritz:** We need to vote on the friendly amendment. Please call the vote. Unless there's further discussion. Please call a vote on the amendment.

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

**Fritz:** Aye. Further questions from council? Is there further testimony on this?

**Fish:** Unless there are other questions, we have other people in the audience to answer questions, but this is an emergency ordinance. It really perhaps we should first poll the council to see if we're ready to vote and whether there is sufficient requisite four votes to move forward.

**Fritz:** Does anybody in the audience want to testify on this issue? You're comfortable moving forward? There's been very thoughtful discussion, I think the amendment addresses some of the concerns. And thank you for the thorough presentation and for answering questions. It sounds like we're ready to move forward with a vote. Please call the vote.

**Saltzman:** I appreciate the discussion. I do have some trepidation about this contract still, that being time and materials, that can lend itself too easy to cost overrun, whether it's general fund or housing investment fund, cost overruns are not a good thing. I do think the 10% maximum is high but I'm encouraged by the fact we'll see the documentation and I assume have the ability to dispute it if we disagree. And I do appreciate the fact that there is an independent quality assurance consultant and also that the technology oversight committee will have the ability to weigh in on this as it progresses. Hopefully it will not be something that turns into a headache for any of us. And it will go smoothly. So -- and it's Margaret's last appearance before me, so how could I do anything else but vote aye?

**Leonard:** It's already too late. It's turned into a headache. [laughter] aye.

**Fish:** So first of all, let me just acknowledge that my friend and colleagues commissioner Saltzman did have some concerns which he discussed with us at length. They were concerns that are not only valid, but very thoughtful. They led to some discussions before council and to this excellent dialogue. And so I appreciate that, Dan, you took the care to read the materials, adjust them, express your concerns. I think it's safe to say your concerns are our concerns, and we will monitor those very closely and we hope that we can at the end report back to you that we hit the mark. And I want to thank my colleagues for supporting this final piece of the puzzle. And it sort of brings us to an important point. Two years ago I asked director van Vliet to take on this responsibility as director of the new Portland housing bureau. And what made it unique was that we didn't actually have a bureau yet for her to lead, but we asked her to create the bureau and lead it. You know, I had penciled her in for another one or two years going forward, but the truth is I'm surprised she lasted this long. This job has been --

**Leonard:** So are we.

**Fish:** I had not fully disclosed to her, the extent of how unreasonable my colleagues were, and -- no, I -- it has been an extraordinary experience working with Margaret. And her team. Many of the team members, every time you come before this council I feel less guilty about the fact we stole you from the fire bureau. We're so grateful to have you. Margaret, you've made an enormous contribution to the city, and you took on a job that very few people I think could have handled with the dynamism and deftness and success that you have. And I would remind everybody listening that the last two or three years were probably the worst stretch in housing in the history of the

September 14, 2011

republic, or certainly in the modern era. And it often gets forgotten at the presidential level, but it was a crisis in housing that led to the meltdown in the economy and has continued to dog us. And I -- we asked you to come in and lead the bureau during one of the most perilous time in our history to create a bureau, and then to do some very innovative things. And I won't go through the whole record of what you've accomplished, but I think that any fair reading of your record would acknowledge that you helped put bud clark commons on track, you helped us get the veterans housing in south waterfront to a point where there's now construction. Create add new bureau, you Assembled a new advisory commission made up of a cross-section of dynamic community leaders that is now providing wonderful oversight and advice to the bureau. You put equity at the heart of everything we do at the bureau, the heart of our strategic plan, and every action we take. You work with the community to come up with a strategic plan, the first for the bureau and one that gives a clear road map for your successor. You made extraordinary progress in our preservation agenda, we call 11 by 13, I think you stole that at nine, only because I think of a death in the family delayed the other two. We'll get there. I could go on and on and on about your record of accomplishment, but beyond those accolades, let's put it in the human context. Thousands of people in Portland today experience a better life because of your work. They have shelter, they have access to services, and they have a chance for a better life. We don't do this work just to create plans and monuments. We do this work to help people. You have helped people. At an extraordinary level for these two years. The only solace I have as you prepare to leave is that in your new capacity in salem you'll be able to help even more Oregonians. On a bigger stage. So from a grateful housing commissioner, I want to thank you for your service to the city. You will be greatly missed, but I think it's also safe to say, you have left us a very strong foundation to continue to build our work. So thank you.

**Fritz:** Do you want to vote on the ordinance?

**Fish:** How can I vote after that? (laughter)

**Leonard:** Even you forgot why you were here.

**Fish:** At least she didn't rule me out of order. I'll rule myself out of order. That's outrageous. Aye.

**Fritz:** Thank you, commissioner Fish for voicing what I believe we all agree with, thank you margaret for all of your service to the citizens of Portland, and to us as city commissioners. You have taken the lead on these very challenging issues and pulled it together, and made a difference in the life of Portlanders. We're very proud of you going to the state and hope our paths continue to cross often. Thank you. This last achievement is another step in the way. I'm very glad to see it's being done with the resources in the bureau. I know in the public involvement statement which is exemplary that it's included in the Portland housing bureau's strategic plan. It's something that has been discussed with stake holders, everybody has been included all the way along and included in minority evaluations in the contract selection. So again, you are evidencing that you walk the talk, and you do the things that need to be done to get services Portlanders need. So I want to thank you also, and i'm very proud to support this ordinance. Aye. And with that, colleagues, we are adjourned. You are adjourned until tomorrow at 2:00. I will be out -- I'm sorry, in recess, until tomorrow at 2:00. I will be out of town on city business. I won't be joining you tomorrow. The mayor will be back. We are recessed.

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



September 15, 2011

## Closed Caption File of Portland City Council Meeting

This file was produced through the closed captioning process for the televised City Council broadcast. It has been verified with the audio recording of the meeting.

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

**SEPTEMBER 15, 2011 2:00 PM**

**Adams:** Good afternoon, welcome to the Portland city council chambers. We're glad that you're here. Today is thursday, september 15th, 2011, 2:00 p.m. Do we go ahead and take the roll before we consider the postponed --

**Kathryn Beaumont, Chief Deputy City Attorney:** Yes. We should call roll and have Karla read the item.

**Adams:** Karla, please call the roll. [ roll call ]

**Adams:** Quorum is present, we will proceed. There's one item on the city council calendar today. Karla, please read the title.

**Item 976.**

**Adams:** My understanding is that a request has been made in writing to the hearings officer, which is part of the auditor's office, to postpone today's hearing.

**Beaumont:** That's correct. The buckman neighborhood association has submitted a written request to postpone today's hearing to a date uncertain. They have -- they contend they won't have a number of people here they wish to have speak in favor of the appeal. Central catholic high school, the applicant, has submitted a letter opposing the request, indicating they would be prejudiced by not going forward because they may not be able to schedule all of their witnesses to be here. And indicating that there was some agreement on the hearing date reached more than a month in advance of the hearing. At this point it really is at the council's discretion whether or not to grant the postponement. You may simply discuss among yourselves and make a decision by motion if you wish to hear from the parties you may do that, that's entirely your discretion.

**Adams:** We have a complex task here scheduling the people's work for consideration before the city council, and given that the date was agreed upon a month ago, and we have a whole bunch of other work stacked up assuming today's hearing goes forward, I as a rule as one person of the council, generally do not favor postponements. So unless anyone else -- and it's no bias for your request in particular, this is a general approach to -- and you raising your hand, who are you?

**Linda Gerber:** [inaudible]

**Adams:** Why don't you come up. Who represents the other side? Would you please come forward?

**Gerber:** We are willing to waive our request.

**Adams:** Willing to waive your request. Ok. Very good. The request has been waived. That's as fast a resolution --

**Gerber:** We try to please.

**Adams:** All right. So --

**Beaumont:** Mayor Adams, members of the council, there are several announcements i'm required to make benefit hearing begins. First, one is to remind you the hearing we're having today, the second is to identify the order of testimony, and third is some guidelines for presenting testimony. First, today's hearing is an evidentiary hearing, which means you may submit new evidence to the city council in support of your arguments. In terms of the order of procedure, we'll begin with a

September 15, 2011

staff report by douglas hardy, the bureau of development services for approximately 10 to 15 minutes. Following the staff report, the city council will hear from interested persons in the following order -- the appellant will go first and will have 10 minutes to present the appellant's case. Following the appellant, persons who support the appeal will go next. Each person will have three minutes to speak to the city council. The applicant will then have 15 minutes to address the city council and rebut. After the applicant, the council will hear from persons who oppose the appeal and support the applicant. Again, each person will have three minutes. And finally, the appellant will have five minutes to rebut the presentation of the opponents of the appeal. The council may then close the hearing, deliberate, and take a vote on the appeal. If the vote is a tentative vote, the council will set a future date for the adoption of findings and a final vote on the Appeal. If the council takes a final vote today, that will conclude the matter before the city council. Several guidelines for presenting testimony to the council today are as follows -- any letters or documents you wish to become part of the record should be given to the council clerk after you testify. Similarly, the original or a copy of any slides, photographs, drawings, maps, videos, or other items you show to the council during your testimony, including power point presentations, should be given to the council clerk to make sure they become part of the record. Any testimony, arguments, and evidence you present must be directed toward the applicable approval criteria for this land use review or other criteria in the city's comprehensive plan or zoning code you believe apply to the decision. The bds staff will identify the applicable approval criteria as part of the staff report to the council. You must raise an issue clearly enough to give the council and the parties an opportunity to respond to the issue. If you don't, you'll be precluded from appealing to the land use board of appeals based on that issue. Additionally if the applicant fails to raise constitutional or other issues relating to proposed conditions of approval, with enough specificity to allow the council to respond, the applicant will be precluded from bringing an action for damages in circuit court to challenge the condition of approval. That concludes the opening statements I need to make.

**Adams:** Thank you. Do any members of the council wish to declare a conflict of interest regarding the matter before us?

**Fish:** I've not spoken to any of the parties, and as is our normal practice, any communication on this issue has been handled by staff, and is part of my briefing book today.

**Adams:** All right. Is there -- hearing no others, is there any member of council that has had ex parte contact to declare or information gathered outside of this hearing other than the explanation provided by commissioner Fish? No members of council have had ex parte contacts to declare. Do council members have any other matters that need to be discussed before we begin this hearing? I would just remind folks under city code, if you are a lobbyist authorized to speak on behalf of a business, organization, then you need to declare as you introduce yourself. Otherwise, it is your name and you have three minutes for your testimony, unless otherwise noted. And there's a clock on the front of that big chunk of wood that will help you count down from three minutes. So we will begin with staff report.

**Douglas Hardy, Bureau of Development Services:** Thank you, mayor Adams, council members. My name is douglas hardy, i'm with the bureau of development Services land use services. And i'm here today to present the hearings officer's decision on the central catholic high school proposal and the appeal of that decision. The applicant, again, central catholic high school, is requesting approval of a 10-year conditional use master plan. The school has been operating at the site for over 70 years. As part of the requested master plan, the applicant proposes to increase the floor area of the existing facility by approximately 40,000 square feet. The new floor area will be located in the second story addition as well as in a two to three-story wing located internal to the

September 15, 2011

campus. The new floor area is not intended to accommodate an increase number of students beyond the current 800-850 enrollment level. Instead the floor area allows the school to provide more specialized space basically for the existing student body. And the applicant indicates the proposal will result in an increase of only one new classroom. The proposal also includes expanding the campus boundary by approximately 9600 square feet west of southeast 24th to accommodate a new 15-space parking lot, and i'll have a site plan of that later in our presentation. Also as part of this request the applicant is proposing several improvements to the public right of way. This includes the widening of southeast 24th avenue that runs along one side of the school. As part of this review, central catholic is requesting several exceptions to the applicable development standards that apply to the campus. Specifically the applicant requests increasing the maximum allowed floor area ratio that would in this case represent an allowed floor area increase of approximately 29,000 square feet over what code would allow. The applicant requests decreasing the minimum building setback along portions of southeast 24th and southeast stark along southeast 24th the reduced building setback is primarily the result of widening the street and not the result of new buildings coming closer to the street. The applicant also requests to reduce the landscape buffer along southeast 24th avenue, and this is primarily the result of widening the street along 24th and not a new building displacing landscaping. And lastly the applicant requests reducing the minimum amount of landscaping on the entire site by 1.5%. The site indicated here in the gray hatch area is located in an r-5, that's a single-dwelling zone. Institutions such as schools are allowed to locate in the r5 zone only if approved as a conditional use. And central catholic was most recently approved to operate at the site as a conditional use in 2002. So basically the site is what's referred to as the main campus, and then the two lots on the East side of southeast 24th. The -- as seen here, the surrounding area is also predominantly zoned single dwelling, but the others are single dwelling zones. The only exception is to the south across stark, the o.s. Or open space zone, developed by the lone fir cemetery. In terms of the site, the site is slightly over two acres, identified here within the red line. It's located at the northeast corner of southeast stark and southeast 24th. The existing building is basically an l-shaped building that fronts along southeast 24th and southeast stark. There's an unlit athletic field in the northeast corner of the site. The site currently has 17 cars -- 17 spaces on site for parking that are basically located behind the building in this area, and also the southeast corner. It's indicated central catholic is proposing to expand their current boundaries to incorporate the two vacant lots on the west side of southeast 24th for use as a parking lot. The parking lot is limited to -- it will be limited to 15 spaces, they will be reserved for carpool-only spaces with cars accommodating three people. So essentially accommodating up to 45 students. During after-school ours that lot will be -- hours that lot will be used for the loading and unloading of students, and third for special events that parking lot would be used for what we call stacked parking where have You an attendant move cars, and for that stacked parking would it accommodate 35 vehicles. The parking lot will contain perimeter and interior landscaping, and with this new lot the school would have a total of 19 off-street parking spaces. And also visible in this photo is basically the surrounding development pattern as seen here, and the surrounding areas it's predominantly built with single-dwelling development was the lone fir cemetery to the south. In terms of the proposed additions to the building, this is a perspective view of that floor area highlighted in sort of the blue color here. The new second story will be stepped back from the existing building wall. That extends along 24th and stark. This part of the building will exceed the minimum building setback, as required by code, and even with the second story addition, the building will be approximately 10 feet less than the code allows. The largeness of the additions that are proposed is internal to the campus, and it's set back roughly 370 feet from the nearest residence. Next for a quick tour of the site and vicinity, this is a view of the

September 15, 2011

school's main entrance located at the corner of southeast stark and 24th. As seen here the building extends eastward along southeast stark and is heavily screened by existing street trees along that frontage. This is the area where some of The second story additions are being proposed along this portion of the facade and in this area. This is a view of the building looking north on southeast 24th. This is the west facade of the building. The second story addition is also proposed along this facade. Even with the street widening along southeast 24th, this portion of the side would be set back more than 20 feet from the new street lot line, with that setback area landscaped. It's really only the northern most portion of the building that would be reduced down to 6'6" with that street widening. But that remaining six-foot area will be also landscaped. This is the view of the existing vacant lot west of southeast 24th and stark that will be converted into the 15-space parking lot. As indicated -- as seen here, it's basically a grass lot, there's really no landscaping on that lot today. The abutting two residences to this parking -- to this proposed parking lot are also owned by the school, and there is no proposal for the school to use those abutting houses as part of the master plan. Traveling around the perimeter of the campus, this is a view looking east on southeast pine along the school's north boundary. An issue that was expressed by the neighbors, both prior to the hearings officer's hearing and at the hearings officer's hearing was the idling of buses related to the school along this street that they would block traffic and with the idling it would create exhaust fumes that were annoying to the neighborhood. And I'll speak to that a little later as well. And then in terms of the surrounding area, it is characterized by one- to two-story single-dwelling residences. This is the view along southeast oak immediately east of the school. And the -- this is a sign along southeast oak that notices that no event parking is allowed on the street. It's part of the 1985 and 2002 conditional use reviews for central catholic, there were two separate parking and traffic management plans that were intended to regulate where on-street parking may occur, and how traffic and parking associated with special events would be addressed. These two plans were required as conditions of approval as part of the previous land use reviews for the campus, and the applicant proposes as part of the current review to supplement these plans with elements included in what is termed the 2011 traffic and parking mitigation measures. Just quickly, this is a view of southeast 26th where the applicant has proposed to put in diagonal parking along the edge of the cemetery here. And in terms of the approval criteria, they're found in 38.815.105 of the zoning code, and the approval criteria addresses five topic areas. The first deals with the proportion of household living -- nonhousehold living uses in the area and also considers the intensity of the use. The second approval criterion deals with physical compatibility and ensuring the scale and design of the proposal is in keeping with the surrounding neighborhood. Regarding livability, this criterion requires the applicant to demonstrate the proposal not have significant adverse effects on factors like noise, odors, late-night operations. And as detailed in the hearings officer's report with conditions of approval, it was found to meet those approval criteria. The next set of approval criteria deal with the adequacy of public services including the impact on the transportation network and sharing that network is capable of serving the proposed use, and the last approval criteria requires addressing the consistency of the proposal with adopted area plans. This site is located within the adopted buckman neighborhood plan area. And again, as detailed in the hearings officer's report, with conditions, those approval criteria were deemed to be met. And regarding the request to -- the exceptions to the institutional development standards, the six approval criteria, there are six approval criteria that must be met, and they primarily focus on ensuring that the proposal still equally meets the intent of the regulation that's being modified and that there are no adverse impacts on appearance or livability, and the hearings officer found that the proposal did meet those criterion. So the hearings officer did approve the 10-year conditional use master plan as well as the four exceptions to the development standards. The -- there were about a

September 15, 2011

dozen conditions of approval associated with the hearings officer's decision, and brief summary these include implementation of the 1985, the 2002, and the 2011 traffic and parking mitigation plans. They included applying for public works permits for the widening of 24th, the construction of curb extensions on stark and the widening of the sidewalk and angled parking on 26th. And other conditions included constructing the 15-space parking lot prior to the loss of any parking on the main campus, and requiring that loading and unloading of buses occur in that new parking lot. And the hearings officer's decision was appealed by the buckman community association. In summary the stated grounds for the appeal are that the hearings officer decision did not specify how violations of the conditions of approval are to be addressed, and staff, bds staff notes all conditions of approval are enforceable by the bureau of development services compliance services, and any violations of the conditions can be either phoned in or in fact emailed into compliance services and compliance services then investigate the circumstance. Secondly the appellant raised issues of how the new parking lot in combination with the increased height and reduced setback for buildings along 24th, would adversely impact the area's residential character, and third, the applicant raised issues with how the use of the proposed 15-space parking lot would adversely impact factors, livability, specifically related to noise, litter, and light glare. And that concludes staff's presentation. I would be happy to respond to questions now or later.

**Adams:** Initial questions from council?

**Saltzman:** Is the parking lot going to be lighted? Overhead lights?

**Hardy:** There were no specific indications in the approval that it would be lighted. In the case it is lighted there are what are called off site impact standards in the zoning code that specifically address light glare. So any lighting the parking lot would have to meet those standards.

**Saltzman:** How wide -- how much widening of southeast 24th is proposed?

**Hardy:** If I remember correctly, the roadway itself is being widened four feet, and the intent for that widening is not necessarily to accommodate more parking, it's really to facilitate the movement of vehicles passing along that street.

**Saltzman:** And finally, the bus parking on southeast pine, that's currently the situation.

**Hardy:** We've heard from the neighbors particularly along southeast pine that that is where buses have been double parking, idling related to the school. And that's the current circumstance.

**Saltzman:** Nothing to do with parking lot per se. That's just the way it is.

**Hardy:** Under the proposal it is to relocate that bus loading area to the new parking area.

**Saltzman:** Thanks.

**Adams:** Thank you. We will now hear from the appellant. Welcome.

**Linda Gerber:** I'm Linda gerber, oak street, have been in the neighborhood since 1984. Thank you for the opportunity for the Buckman Community Association to express our opposition to really two elements of the conditional use master plan. I represent the bca and am a board member.

From the 1950s through the 1970s, buckman was a neighborhood in decline. In is that period, owner occupied structures declined by 65%. But now it is a thriving neighborhood where people desire to live. In large part this is due to the vision and commitment of past city leaders. Your position on city council who made tough policy and operational decisions to protect the residential nature of buckman. The most significant of those decisions was to rezone it, prohibiting the building of apartments, commercial structures, and parking lots. The bca has been a long-time partner with the city in this effort to revive buckman and has a long history of working to protect the residentially zoned lots in our neighborhood. Bca and neighbors who oppose the master plan are supportive of the school's educational mission. However, we have found the school determined not to compromise on the one issue that is most important to the community. That is the conversion of two r5 residentially zoned lots into a paved parking lot. The bca has steadfastly

September 15, 2011

opposed this conversion since the idea was first forwarded in 1977. In the past, central catholic has been unsuccessful in its effort to convert these lots. It did, however, purchase the lot and despite having not received a city approval to build a parking lot, demolish the duplex and the house that stood on them. It's relevant to note that in addition to these two residential lots, the school has purchased three other houses within a block of the school which they now rent out. In the version of the conditional use master plan that the city planning bureau posted on its website prior to the June 6th hearing, the school's vision for these two -- three additional properties was made clear for the first time to neighbors. In that online document very deep in the text was the plan to review for possible future uses converting those properties to offices for school administrative use. Well, neither the architects nor school officials had revealed this vision during our year-long negotiations. So we were totally surprised and dismayed to find it in the planning document. But we hurriedly prepared to address and oppose this new element in the school's plan at the hearing and we were again surprised when we arrived at the hearing and found the paper copy of the plan distributed at the hearing was different from the one posted online. In this new paper copy the conversion of the three rental lots had been removed. Why is this important to the parking lot question? First the change of documents represents what we think was unintentional but still serious flaw in the hearings process. We weren't notified of the plan, neighbors had submitted comments to the planning officer and should have expected or could have expected that we would then have been told of these changes in the planning document. But the planning office responsible for the integrity of the process failed to ensure that the planning document posted on the bureau website was the same document presented at the hearing. Second, the school's architects have sent two letters to Susan Lindsey, the BCA chair, making misleading and erroneous statements about a grievance they purport either the BCA or the immediate neighbors of Central Catholic High School, which is the subgroup negotiating on this issue, had actually made. So this unexpected appearance and disappearance of information about the three lots made us think, heightened our belief the school wasn't negotiating in good faith. This lack of transparency leads the neighbors to believe that the school's long-term vision is indeed to pursue incremental expansion into the residential areas of our neighborhood. We believe the parking lot is but one development in this process. So the BCA believes the hearing officer's decision to approve the master plan was flawed in the process and in the decision. The decision we believe in the decision we believe livability issues did not receive the weight they deserved. We ask you, our city council members, to overturn the decision and require Central Catholic to adjust its plan in the following ways prior to approval. First, require the school to drop or at least delay its plan to build an unneeded parking lot on residentially zoned property. Second, require that the plan include a method by which neighbors can report and have enforced noncompliance with the conditions of approval. And this response really is in -- this request, number two, is in response to an ongoing failure of the school to fully implement its current traffic management plan. So why do we oppose the parking lot? The city has found in the past and it continues to be true today that a parking lot built on a block surrounded by single family dwellings conflicts with the residential nature of that block and violates the zoning regulation in place to maintain it. Any reasonable person would agree that a 10,000-square-foot parking lot developed at the end of one of Portland's small historic east side blocks creates a significant livability impact. It reduces property value, it creates an ongoing nuisance, and it will attract more cars to the already congested 24th street and oak streets. In addition, it takes out of the housing stock land that could be used to address Portland's density issues. A parking lot is not good for the neighborhood, and it's not good for the environment. After 25 years of saying no, Portland is about to say yes to a lot to a parking lot at the very time we proudly proclaim we are one of the most sustainable cities in the country. The school's plan for a parking lot prioritizes cars over the

September 15, 2011

neighborhood's single family homes. Why do we request a reporting mechanism for conditional use violations? Well, for over 30 years, bca has worked with the school to establish a balance between the school's objectives and the livability objectives of the neighborhood. We have a parking and management plan with them, and when it was fully implemented by the school, the plan adequately managed traffic and parking and the neighbors were quite satisfied. But the school has a history of not adhering to conditional use traffic management agreements, and we know those agreements have now been folded into the new Conditional use master plan. The school's traffic experts found that there is adequate parking available in the neighborhood and we agree there is parking available. But it's not managed according to plan, so whether the school has a management problem, not a parking problem. In conclusion, the livability of the buckman community will be negatively impacted by this parking lot. There are many other better uses for the two now vacant lots. For example, it could serve as a small park for the school, or learning garden for the students. Or they could be sold and used in a way consistent with the r5 zoning, to add housing stock to the community. The school has many options for using the lots that the neighbors would not oppose. The buckman community association asks you to intervene to require central catholic to work in good faith with the buckman community to address the significant livability issue their master plan's parking lot will create, and to ensure that the school adheres to the traffic management plan in the conditional use permit. We ask you, our councilmen, to walk the courageous path your predecessors on city council walked, and protect the residentially zoned lots of buckman community. Thank you.

**Adams:** You ended right on time. I'm so impressed. We'll now hear from supporters of the appellant. How many people have signed up?

**Moore-Love:** 15 people signed up.

**Adams:** We have found what can be said in a very, very compelling way in three minutes can usually be said in even more effective way in two minutes. We'll set clock for two, if you prepared for three and you need three we'll give you three, we'll call four people at a time.

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

**Chris Marston:** My name is chris, and I live at 2315 southeast oak street. I've been living there for 16 years. We expect that those presenting on behalf of central catholic will characterize the neighbors who have worked in good faith to come to reasonable agreement on this issue as inflexible cantankerous cranks. That is not accurate. We are citizens who have invested our lives and our savings into this neighborhood, which we are dedicated to preserving. We expect that you will be told the law requires to grant this parking lot because to do otherwise would violate laws regulating religious freedom. If city attorneys look closely at this law though, they will discover that denial of the parking lot will not violate federal laws. You may also hear from the school that the school has held many meetings with the neighbors and accommodated our concerns. We have had many meetings, but while a few of the neighbors' recommendations were adopted, the school refused to make the changes that are most important to us. On several occasions the architects leading this process has stated in written documents that we agreed to points which we consistently had not agreed to. Today we have with us our responses to those communications clearly stating that no such agreements were made. Council should be in possession of seven exhibits that document this testimony. We suspect that these peculiar erroneous communications were planned to create documentation that makes us look as if we had not been consistent in our position regarding these lots. As you might expect, this has contributed to our feeling that central catholic was not negotiating in good faith. The neighborhood is united in opposing the parking lot. And though many neighbors were unable to take off work to attend this hearing, I have with me a petition signed by many of them stating their opposition to the lots. May I submit this?

September 15, 2011

**Adams:** If you would, give to it Karla, the council clerk.

**Marson:** Thank you.

**Adams:** Thank you, sir. Who would like to go next?

**Charlie Christensen:** I will go next. My name is charlie christensen, 2221 southeast oak street. I have lived there since 1983. So that's been quite a while. I wanted to mention that there were 50 signatures on that petition of people that wished they could be here but could not. Central catholic recently received a conditional use permit contingent on the outcome of this hearing to build a parking lot in our neighborhood. The neighbors, buckman community association, southeast uplift and the city of Portland have been against this expansion into the neighborhood since 1984. The neighbors have been against the parking lot for a number of reasons, first of all, we feel having a parking lot in our midst will lower the livability of our neighborhood. Secondly, we feel it will be a magnet for gang participants and visitors to come into the neighborhood to park even when the lot is full because of course they won't know the lot is full until they get there. I don't care how much landscaping is done, it's still a parking lot. The noise and lights associated with the parking lot will decrease the livability of our neighborhood and lastly property values. I don't care what the school and the architects say, I don't care how much landscaping, no one wants to live next door or even near a parking lot. Buckman neighborhood plan was written and adopted by the city in 1991.

The school's construction of a parking lot on residentially zoned property flies in the face of the buckman plan. The plan specifically states in policy two, housing, objective 2.8, discourage demolition of residentially zoned housing for purposes of providing surface parking. The bds staff report comments on this as follows, and I quote -- central catholic high school is proposing the development of a new 15-space surface parking lot on two residentially zoned lots that are currently outside the school's conditional use boundaries. End of quote. The staff report is in direct opposition to the buckman neighborhood plan and also represents an expansion of central catholic's traditional boundary. While the demolition of these houses was 27 years ago, the passage of time doesn't change the facts of the case, houses -- housing stock was removed in order to build a surface parking lot. Thank you.

**Adams:** Thank you.

**Aneza Drazil:** Good afternoon. My name is Aneza, I live at 2222 southeast oak street and i've lived there over 18 years. The city of Portland has not supported the building of a surface parking lot on these residential lots either. In an august 1st, 1984, article in "the Oregonian" on page 66 headlined "city delays parking plan action" the hearings officer for the planning bureau requested a four-month delay for the hearing after plan to develop the lot on 24th avenue between oak and stark streets in part to encourage edwards, the principal of central catholic, to discuss the master plan with the bca and consider area residents' ideas. The article also states, quote the buckman community association and the land use committee of the southeast uplift neighborhood program submitted written opposition to the parking lot request because of concerns about the loss of housing. In the same article, the hearings officer also said, referring to the removal of the housing, quote -- I always feel it's a bit presumptuous of an applicant to begin work before an approval is granted. Closed quote. Central catholic's conditional use application from 1985, hearings officer george in referring to the residential lot stated, quote -- such an expansion could result in incremental expansion over time, which may have major ramifications for the character of the neighborhood, end quote. He went on to say that the issue of precedent of concern. The most tragic part of an issue of a parking lot on residential zoned lots is that it is not needed. Central catholic's own engineering firm, lancaster engineering has said on page 18 of their traffic analysis report for the school's master plan application that even at the most highly attended functions, such as a rivalry basketball game like with one -- like with one jesuit high school, only 83% of the



September 15, 2011

spaces are used. This includes all participants, fans, students, guests, and residents. Chris linn of bora architect testified in the master plan hearing and i'm quoting from the Hearings officer's report, "at full occupancy of available parking space around the school, there exists a 20% surplus of available parking space in the immediate area. Either land ever lancaster is right, or they are wrong. Because you can't have it both ways. If they are correct, a parking lot is not needed. If they're wrong, let's go back to square one and go through the process.

**Adams:** Thank you very much.

**Larry Walters:** Hello. My name is larry walters, I live at 2203 southeast oak and i've lived in the neighborhood for 12 years. If despite all our objections you feel the parking lot has to be built, there are ways to mitigate the impact on the livability of our neighborhood. The neighborhood has taken the brunt of the school's solutions for parking for 27 years, and creating a special lot in the neighborhood is a continuation of that policy. However, one of our -- one of the ways to mitigate the impact on the immediate neighbors is to not allow an ingress or egress point on oak street. The lot would be a magnet that would bring people to oak street who may have parked somewhere else. Human nature is such that people want to park as close to an entrance as possible. So the parking lot will draw more people than ever to oak street and 24th avenue. Looking for that last empty spot in the lot. And when it is full, they will cruise down oak street looking for the next most convenient spot. Alternately, dead ending oak at the parking lot with the planning strip or pilings would control the increased traffic problem much like the streets near the Broadway Fred Meyer. The streets were dead ended to protect the neighbors of Sullivan's Gulch from the increased traffic of having a Fred Meyer in their midst. Dead ending oak street at the parking lot or not allowing an entrance or exit on oak street would mitigate the adverse effects of the traffic associated with the parking lot. The school will try to convince you that they are doing our bidding by building this parking lot. Nothing could be further from the truth. The BCA has been against this lot for at least 25 years -- 24 years, also the Bureau of Development Services has been against this parking lot for 24 years as well. And the neighbors have been against using R5 lots for parking since the first time it was proposed in 1984. We have never asked for a parking lot in our neighborhood, and are adamantly opposed to its construction. An underground lot on their campus or use of an existing site like the vacant Wells Fargo lot on 26th and Burnside or the lot on the old Washington High School property just down Stark Street would be an alternative the neighbors would accept. The school has refused to honestly examine alternative sites that already exist. They continue to put their convenience over the neighbors' livability. For all of these reasons, the BCA, the Southeast Uplift, the neighborhood, and traditionally the city, are against this surface parking lot being built in residentially zoned lots in our neighborhood. We ask for your support in protecting the character of our neighborhood.

**Adams:** Thank you. Thank you very much. Really appreciate it. The next four? Welcome. Glad you're here. Who would like to begin?

**Khris Soden:** I'm Khris Soden, first on the list, i'll start if I may.

**Adams:** Please.

**Soden:** I'm a cochair of the Buckman Community Association along with Susan Lindsey. Susan did file a letter with you today, and it repeats quite a bit of what you heard everybody testify already. So I think rather than just reading her letter, i'll add my own perspective of this, which hopefully gives a bit of an intro, because i've only been a cochair for just a few months now. And i've only been going to the association meetings for about a year. So this is -- i'm really green in this scenario. As an example of that, the neighborhood has been opposed to this lot since I was 9 years old. That's a bit of a time, and I don't have -- I wasn't really involved in the policy on it at that time. **Adams:** Slacker.

September 15, 2011

**Soden:** Yeah. But I read the land use approval, and i've read over central catholic's plans and stuff, and I think they are acting on a lot of good faith, and they -- I think from their original plans we've made a lot of concessions to get to the point they are now. So good on them for that. Then i've seen a lot of emotion with the neighbors, and some of the emotions, some of the statements i've heard I think there's maybe more emotions than logic behind it, but I think both people are coming from a good -- both sides are coming from a good place. And you're going to hear our appeal, and you're going to hear more evidence toward this. Yeah, I just want to say I respect both sides, but I am definitely in agreement with the neighbors that we do oppose the parking lot.

**Adams:** Thank you.

**Sandy Sampson:** My name is sandy sampson, and i've lived at 2238 southeast oak street for over 17 years. We submit that the decision as it stands is flawed, specifically because of a lack of clarity. Similar to the land use approval in 2002, it states conditions and says that the city is responsible for enforcement, but not monitoring compliance. Yet there's no clear instruction on how citizens can report noncompliance or indeed who to report it to. Also similar to 2002, neighbors asked again this time for a meaningful process for reporting and enforcing noncompliance with conditions cited in the decision. During central catholic's comp application hearing, there were several complaints by neighbors of noncompliance by the school. The lawyer and the hearings officer rightly stated that there was only one documented case of a complaint they could find in the record. That was a complaint lodged by chris marston concerning noise from the hvac system. The school responded and spent several thousand dollars to try to remedy the noise and while it's now mostly within the city's noise limits, it's still audible from 22nd street two blocks from the school. It's only because there is a city department that handles noise abatement issues that this issue was able to be logged, documented, and addressed. I know other people who have notified the city of violations when linda called twice to complain of people parking on the vacant lots, in violation of the traffic management plan, the bds told her it was private property and there was nothing they could do about it. Bds was unable to provide a number to call that would accept a complaint of that nature. I myself called both the school and the city to inquire about newly installed curb cuts, approaches leading into the residential lots on 24th. City code states that abandoned driveways within the city should be re-poured to sidewalk specifications. I was only able to leave messages and wasn't given any other number to call to pursue my inquiries. Most calls have been to the school itself. Central catholic is required to keep a log of these complaints and have them available for the bca's inspection with notice. When this complaint log in by the school was first mandated, the school would report to the bca meetings. After a time, the bca requested that they no longer make reports at the meetings but they did continue to log the complaints. Thank you.

**Adams:** Thank you. Hi.

**Carmen Brannon:** Hi. My name is carmen brannon, I live at 317 southeast 24th, directly across from central catholic. I've lived there 6½ years. Recently susan lindsey from bca contacted the school to request the complaint logs and was told there were no comprehensive logs. But there were some recent ones that we were welcome to. Aaron was helpful and offered to copy everything they had for the neighbors. It doesn't take long for neighbors to quit trying to lodge issues of noncompliance when there's no meaningful mechanism for lodging them. Nor any follow-up. In the hearing, many neighbors had asked for a mechanism to lodge instances of noncompliance of the good neighbor agreements. On page 25 of the decision of the hearings officer, quote "there was abundant testimony that since 2002 the school has allowed cyo events to creep back up to pre 2002 agreement levels. While the testimony was largely anecdotal, the hearings officer has no reason to doubt its credibility. And the applicant appeared to concede that

September 15, 2011

some event creep may have occurred in 2002. However, the hearings officer notes that the record does not contain any evidence that the city received any code enforcement complaints about events since 2002 end quote. On page 29 of the decision, mr. Helms says, quote -- first, there is abundant testimony in the record alleging that central catholic high school has not honored its commitment to the two prior gnas, both of which were rolled into the 2002 approval. Second, the neighbors have asked for a mechanism by which they can better enforce those conditions as they claim that the current mechanism does not work. It is very difficult for the hearings officer to respond to the neighbors' charge that the school has not honored the gnas. The testimony on this subject is entirely anecdotal. The hearings officer does not doubt the veracity of those testifying, it is nearly impossible to quantify in a meaningful way the type and frequency of the alleged failures. One of the fundamental problems related to the above issues is that there is no record of code enforcement action related to the school. End quote. And lastly, from the hearings officer, also on page 29, quote -- failure to comply with conditions if established through the proper enforcement procedures is a code violation and the city has authority to remedy the violation. End quote. We are asking for a message -- method to document code violations. Thank you very much.

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

**Olivia Sifea-Walters:** Thank you. My name is olivia walters at 2203 southeast oak street, i've lived in that home for 12 years, and also on oak street in a different place for three others years. Let me cite a few central cities of alleged violations noted by the neighbors. The 2002 agreement stated that central catholic would provide Multnomah county sheriff to patrol during large gatherings of 250 more people. By 2005 they had stopped providing security because they said it was too expensive and didn't help the parking situation. Neighbors felt the sheriff did help, but we had no recourse so the security was gone. Also in '02 the school agreed to stop having cyo football games on the weekend. Those games clogged the streets around the gym entrance on 24th and on oak and pine streets all weekend long. The school has been having cyo football games on weekends for several years now. In their 2011 application, they are willing to cut the number of games in half from 12 to six. My questions. What happened to the 2002 promise not to have any cyo games? In '02 there was to be a dedicated phone line for parking issues. That's gone. Charlie christensen called a number this fall to report problems and found the number had been disconnected. Now neighbors must call a non-dedicated number in the main office. This change was made without warning or consultation with the neighbors. In '02 there was a promise to not renew some other events that drew cars to park in the neighborhood in 2011 they are asking to reinstate at least one of those, an a.a. Meeting that had gotten quite large over the years. Even when they agreed to cut back on activities over time by their own admission, the activities crept back in. For all these reasons we feel we need a mechanism for reporting instances of noncompliance. At the hearing the school's lawyer stated that the hearing was not the venue to discuss code violations. I do not understand why violations of past conditions because they are code violations, should have no bearing on the decision to grant additional approvals to the school. Approvals based on the same and additional condition. However, I now understand that any violations are functionally invisible to the city, unless they are code violations. Without a clearly articulated reporting and enforcement protocol in place, most of the conditions in this decision are meaningless. Thank you.

**Adams:** Thank you.

**Saltzman:** I keep hearing about we need an effective reporting mechanism. What to you is that ideal mechanism? You refer to protocols, and -- is mechanism a code word for something we're not getting up here?

September 15, 2011

**Sampson:** We aren't wonks -- we don't know exactly the right word-- basically I think what we're looking for is something clear, embedded within the approval that we know, ok, if these conditions are not being met, this is the number we call where it will be officially recorded by the city and whatever enforcement or remedies need to happen, that the city is responsible for, will be put in motion. Does that make sense?

**Saltzman:** Yep. Why did you stop asking for central catholic to report violations --

**Sampson:** Oh. We're members, but we're not the board. I think it was because it just too much time to go through the list of all the complaints. So I can't speak for the board.

**Saltzman:** Thanks.

**Adams:** Thank you all very much. The next four?

**Larry Brannon:** Larry Brannon, I live at 317 southeast 24th avenue. Directly across from central Catholic high school. Some of the conditions in the current decision such as providing message boards and staff to direct incoming traffic to appropriate parking during large events closing or making exit only certain doors on weekends, and during the summer or ending evening events by 10:00 p.m., are meant as mitigations of impact on livability for residents. But who would we call to have noncompliance for these types of conditions documented? Or enforcement engaged? What is the appropriate city number to call to report -- gym doors being entered on a sunday or the absence of message boards on the evening of an event it? Seems onerous enough, we as neighbors have to live with the impacts created by the school and that we are burdened with the monitoring of the school's compliance with conditions as the city is only responsible for enforcement. We did what we thought we were supposed to do after the 2002 ruling, called the school, even after the dedicated line that was part of the 2002 agreement was disconnected, only to learn that the formal comprehensive log also a condition, has not been kept. And apparently would not rise to a level of documentation needed anyway. I hope this testimony makes clear the neighborhood's profound need for a clear reporting, recording, and enforcement mechanism that meets the legal threshold the city requires. Also as far as something we've just found out, or seen, we have just today been made away in a letter to the council from bora that the department with an online reporting form and a phone number for reporting these types of violations exists. We request this information be included in the decision and we wonder why it's taken so long to provide us with this information.

**Adams:** Thank you, sir. Welcome.

**Jenny Stenseth:** Hi. I'm jenny, and I live on pine street for --

**Adams:** Your last name?

**Jenny Stenseth:** Stenseth. I'm relatively new to the neighborhood, i've lived there five years. I lived there with my husband and my 16-month-old daughter. And I live directly behind the school on pine where the buses currently double park and idle almost every day. So you can imagine that i'm pleased with the idea that they would be moved off of pine. However, I question the physical capability of this parking lot to accommodate sometimes up to i've seen eight buses parked on that street. More often the average would be three to five large charter buses. So I question the wisdom of this parking lot plan for that reason. And believe it's flawed for that reason. And I also oppose a lot for the same reasons stated by my neighbors that we already live among traffic and noise associated with the school, and this parking lot would only further exacerbate those issues. Thank you very much.

**Adams:** Thank you. Hi.

**Christine Yun:** Hi. Christine Yun, 1915 southeast alder. I'm a buckman activist, and i'm also chair of the buckman historic association. I find myself in a difficult spot because i've been the recipient of the generosity of central catholic in the past. They've been very good with sharing

September 15, 2011

their facilities with us for community meetings, and I really do appreciate that and I love working with their staff. I'm kind of peripheral to this friction between central catholic and the immediate neighborhoods since I live probably like six or seven blocks away. Over the past 10 years, though I've often heard about sources of the friction, such as noise, the hvac, parking issues, parking at special events, and it just seems from listening to all this testimony and also hearing past complaints that number one, there is sufficient parking in the neighborhood to accommodate their parking needs. Number two, the previous parking management plans haven't been fully implemented. Apparently part of those plans was good faith effort on the part of central catholic to identify other ways to accommodate parking such as sharing parking lots with facilities nearby, have parking needs at different times of the day. And then I'm learning from the hearings officer -- from Douglas Hardy's summary that this parking lot is for student commuters and it's directly across the street from the school. I just feel like that's really coddling them. They're already driving to school, they can at least walk four or five blocks. They don't need to have a special parking lot right next to the school. And then the fourth point is that it seems like enforcement is really the issue here. How are you going to verify that a violation was occurring when people call in and say it was? How do you video the bus idling and you have to say what time it was idling, and it just doesn't seem practical.

**Adams:** I need you to summarize.

**Yun:** I'm summarizing. I feel that a surface parking lot no matter how landscaped, is not physically compatible with a neighborhood of historic single family houses, and it will severely impact the appearance and livability of buckman. Thanks.

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

**Patricia Sweeney:** My name is Patricia Sweeney, I'm directly across from the school on pine street. I'd like to make sure I can draw a picture here, it's not just a school, it's an event center as well. I think if it was just a school that has a certain thing, but there's this relentlessness to it. If it were more contained and not so relentlessness, morning, day, evening, weekend. It's the relentlessness that is part of the issue. Also, in the morning when the kids are coming to school, the staff monitors the corner in front of my house and it is a perfectly wonderful system. So there is a functioning adequate wonderful system from my experience because the staff is standing on southeast 24th and pine street and monitoring the traffic. We are told there are plenty of spots in the neighborhood to contain the parking for their school, it's an issue of getting those cars to those spaces. They do it adequately during the school hours, they fail at weekend and evening events. There is no one standing there monitoring the traffic to make sure they don't park in front of our houses, but they actually park on stark street. They actually park in front of lone fir cemetery. That they actually park down 26th along lone fir cemetery. They're parking in front of the neighbor's house because there's nobody out there monitoring and making sure that they get to those parking spaces. I have had many instances where cars are parking all the way in my street and there are 200 of their token parking spaces that are not being used. They have an entrance for these events that are right in the neighborhood if you look at the diagrams that Douglas Harding showed, their main entrance should be for their event so that people -- the parking and stark street and lone street is where people will park, because it's close to the main entrance. The entrance that is in the parking lot for the events creates a second problem. The third thing, they tell us the students have community service hours that are required. These are commuter students coming into our neighborhood, that are not connected to the direct neighborhood. These are students who are doing their community service hours picking up garbage in lone fir cemetery or down at saint Joseph nursing home, but their contention and their problem is right here, so why can't those

September 15, 2011

students serve the neighborhood with their community service hours by patrolling the weekend and evening events to get those cars to those spots?

**Adams:** How long have you lived there?

**Sweeney:** 10 years, and i've gone to the meetings for 10 years, and the second piece of those 10 years is, I have consistently come up with creative ideas that have been ignored. I really love my neighborhood, the signs that they have for our -- in front our yard do not work and they're ugly. I have asked for the art students to create something. I've asked for student council to come to those meetings and be very real participants so the students themselves are doing conflict resolution with the neighborhood.

**Adams:** Thank you. Thank you all very much. Appreciate it. Next four.

**Timothy Askin:** My name is timothy askin, I live at 934 southeast 15th avenue and i'm a member of buckman community association Board. I live at some distance from the school but i've been asked to speak to specific land use regulations that we have, that we suspect central catholic will raise. They have insinuated in previous communications that they tend to sue under federal law if the city does not grant their conditional use permits. However, the law they cite requires a substantial burden on their religious exercise. Lack of parking in no way is a substantial burden on religious exercise. Furthermore, the hearings officer decided in the final decision that the creation of the surface parking lot does, quote, not significantly impact the residential r5 character of the surrounding neighborhood. The only reason this could be the case that it does not significantly impact the residential character of the neighborhood is because central catholic chose to demolish those homes 30 years ago in hopes of getting their parking lot that the city has appropriately still continued to deny.

**Adams:** Thank you very much. We will now hear from the principle opponent of the appeal. Welcome.

**Steve Janik:** Good afternoon. My name is steve Janik central city, i'm a lawyer representing central catholic and i'm a graduate of central catholic. With me today is chris linn bora architects, principle architect todd mobley of lancaster engineering, our traffic engineer and john harrington the President of the school. Jim mountain the board chair and tony linewebber area board member. For over 70 years central catholic has provided college preparatory education at this site for over 11,000 graduates. The last decade the enrollment has been between 800-850 and that will continue if you approve our request. Central's graduation rate is nearly 100%. And 97% of its graduates go on to college. It has a diverse student body, 30% of minority students over half the students are on financial aid and has a significant number of learning disabled students. This year's graduating class in their four years produced over 28,000 hours of community service. That's 140 hours for each student for each of those four years. That's an in excess of the 80 hours per year per student the school requires. And that included seven major buckman community service projects. Central is the only coed catholic education opportunity within the city of Portland, it's an integral part of the buckman neighborhood, and as said by one of our opponents, we host buckman neighborhood association meetings. In order to maintain that educational success, central needs to modernize its plant. As is unfortunately the case with many schools, the school facilities are significantly in need of improvement. As chris will explain to you with some visuals, the classrooms are too small, some are in the basement, handicapped needs are not met, the music room is a locker room, there are too few meeting rooms, no language lab, the needs of students with learning disabilities are not being met by not having a special place, the list of deficiencies goes on and on. And in order to fulfill the mission of central catholic, which is a catholic college preparatory education and a quality education to a diverse group of students regardless of income, central must modernize. That's why all the funds for this modernization are coming from alums who are donating. It's not extravagant,

September 15, 2011

even after that we're only going to add one classroom, student size will still be at 26. And many schools in this metro area have class sizes that are even smaller. The modernization is not extravagant. It won't lead to greater enrollment. It's intended to serve our current level of enrollment. The code standard is pretty clear and the hearings officer applied it correctly. You have to determine whether or not we're requesting here is going to have a significant adverse impact on the neighborhood. As I said, we're only going to add one classroom, the number of school events which I'll talk about in more detail, will decrease, not increase. If you look at the record in this case, the hearings officer's 53-page decision, the Staff report, and the report and commentary of every single bureau that has reviewed this has supported this request as well as the request for the surface parking lot which we'll get into more detail later on. Now, you've heard complaints from the neighbors. What's really interesting about where we stand today is having handled the hearing in front of the hearings officer. We heard complaints about the parking lot, but the primary complaint was from the neighbors was there's inadequate on-street parking. They're not able to find parking when they need it in front of their houses. The remarkable thing is the neighbors are now conceded there is adequate on-street parking and have turned their attention to the implications for the neighborhood of this surface parking lot. We were prepared to spend time today making you clearly aware of the evidence in the record confirmed by pbot, the hearings officer, of the adequacy of the on-street parking but today they have said that's not the issue. That issue has now I think been put to rest by their own statements. Let's talk about the surface parking lot. First of all, let's get some facts straight. The surface parking lot is 9700 square feet. The basis for the desire to have the surface parking lot is driven by two things. The complaints of the neighbors about having inadequate on-street parking, this will create more off-street parking for vehicles occupied by three students. And for people coming to events. The second thing we heard in the first hearing was the neighbors complaining about the sound of the buses. You heard someone mention eight buses. Actual reality is two to four buses a day during portions of the school year. During better weather months, it's four per day, round trip other months, two per day during school day round trips. The complaints they have made we have listened to. Those complaints are that the buses make noise. The students, shockingly, make noise getting on and off the bus while they wait for 20 minutes or whatever to load. They load on oak street at this present time, there are other areas where the neighbors have suggested they should load. None of them work. We thought the surface parking lot, and pbot agrees, is an excellent solution to those complaints. Now, on the issue of what we are trying to do here, we have agreed over the course of many years to something that no other high school in the city has. A good neighbor agreement with the neighbors that's been in effect since 1985. In addition to that, as part of these hearings officers as -- hearings as we made small expansions, we've agreed to a 1985 city approved parking and traffic plan. A 2002 city-approved parking and traffic plan. Those have become conditions of approval. And accordingly, they have the full force of effect with the code and our enforceable. No other high school in Portland, and you'll hear from others other than me on this, have agreed to any of those kinds of measures to be good neighbors. As for the violations, the hearings officer heard all of that. And the hearings officer simply concluded there was no evidence of any violations, in fact except for one noise issue, which was promptly remedied and solved about 10 years ago. You've heard about the expansion of the events. Let me make this very clear. The person who referred to a prior approval that said we would eliminate all cyo football games, that's not correct. All the report at that time in 2002 says, the hearings officer concludes that central has therefore agreed to eliminate some nonstudent events and work to mitigate the remaining events, which is exactly what we've done. Today we have proposed, and at the hearings officer stage we proposed going beyond what we have done in the past. We will eliminate all city volleyball events,

September 15, 2011

all cyo basketball events, all concordia university events, all freshmen football events, we'll reduce the cyo football games by 50%, we're eliminating the school dance, and the hearings officer's report on pages 24-25 list as number of other operational measures we're taking to reduce the demand for on-street parking from events. Now, the issue of the surface parking lot. We thought this was a solution. And now we're being told it's a bad thing. That surface parking lot, those houses were torn down 24 years ago with city demolition permits. Central catholic owns three other parcels that are immediately adjacent. Those are rental houses. This notion that central is going to somehow creep over time into the neighborhood, let's point out the fact that that lot has remained unused for any purpose for 25 years. We have an expanded -- we haven't expanded beyond our campus in seven decades. If you look at the block faces, they're all built out. There's no land there to build and encroach anywhere else. They refer to the fact that we somehow were going to try to do something with this lot before in a prior conditional use application. We just listed yet as a possible future use, that's all it was. There was no further pursuit of that. Given the fact we own no other land other than those three houses, and to make our point absolutely clear, we committed to the hearings officer and we commit to you, we will record a restrictive covenant legally enforceable by the city that those three parcels will remain in residential use. There is no sure legal way to make our intentions clear than that. And that is what we are committing to. What will the surface lot do? First of all you'll see pictures of what it looked like which will be a substantial improvement. All buses going to and from the school, and we have to concede that schools need buses to transport students to offsite activities, those buses will instead of parking double parking on narrow streets like pine and 24th in front of neighbors' housings, the buses will pull into that lot, turn off their motors, wait for the students, and when full, will then depart. Those streets will no longer be congested. Whatever noise emanates will no longer be in front of neighbors' front porches. In addition, there will be 15 stalls. They will be used by persons occupying, three persons occupying each car for 45. In addition for events, there will be additional parking there for events to take more cars off the surface streets in front of the neighbors. The lot will be un-lighted, we have no plans to light the lot. We have looked at every other alternative to deal with the bus issue and as you will see shortly, there are no better other alternatives. That's why the surface lot is not just something we've proposed, but pbot wants to see that surface lot to ameliorate the on-site parking situation and to get the buses off those streets. And the hearings officer has agreed with it and why? It's simply the best solution. And i'm going to turn it over to chris linn to give you more detail on that issue.

**Chris Linn:** Thank you. I'm chris linn --

**Saltzman:** Can I ask steve, this restrictive covenant new information?

**Janik:** No. We said that at the hearing. We said that at the hearing. And in addition, one other final point, for those who want to complain, city's website points out that the city is available to enforce regulations and conditions of approval tied to land use review cases. The city code compliance number is 503-823-2633. And last couple of days central did what it does every year, which is to pass out leaflets in the neighborhood with its hotline telephone number. Chris, go ahead.

**Linn:** Thank you. I'm chris linn with bora architects, representing central catholic high school. I think steve did a great job describing in words why the modernization is so critical to the school, but I think a picture is worth a now words as well. You can see some of the existing conditions and you can see the challenges that the building presents in terms of flexibility, technology, small size classrooms, many of which are small to Portland public school standards. The school lacks flexible social and multiuse spaces that are common in new buildings that results in overcrowding in the Halls. There's inadequate space for the counseling, both academic and otherwise that is really a



September 15, 2011

requirement of a 21st century education. And there are many substandard spaces. You'll hear testimony later from a music student as to what it's like to practice in the spaces under the bleachers or to have an art classroom in essentially what is an old locker room. So when central approached us about two years ago, in having worked in the city for over 20 years, I made a commitment, central made a commitment to engage the neighbors in the process early, often, frequently, and on a regular basis, and as a result, you can see on your screen, over a dozen meetings since January of 2010, so very strong engagement with the neighbors. And what we heard from them consistently were three things -- on-street parking and congestion is a big issue for us. The number and timing of events is a big issue. And the enforcement of the good neighbor agreement is an issue. And because we were listening, we took all this to heart and in direct response to what we heard from the neighbors, central catholic has voluntarily agreed to enact all of these new measures called the 2011 traffic and parking mitigation measures, these are above and beyond the current good neighbor agreements and represents a level of commitment that no other public high school in the city reaches in terms of their level. In direct response to some of the traffic and parking issues, central is voluntarily funding a series of right of way improvements meant to alleviate some of these conditions. We're going to widen 24th street along our entire frontage, we're going to construct curb extensions to increase pedestrian safety, we're adding angled parking on 26th and Stark, we're relocating entries away from -- across the street from houses to more public areas. We're creating drop-off zones, and finally we're adding a carpool, bus, and event parking lot in this location right here. So let me run through how the parking lot operates. It's typically -- on a typical day it's for 15 cars. They will be limited to car pools of three or more, which means a total capacity of 45 cars that would otherwise be making single trips to the school, and those are 45 cars that would not be parking in the neighborhood. During the bus pickup time, you can see we can stack anywhere from two to four buses in there, which will take them off of their double park situation on Pine Street, and Steve described how the engines would be turned off and how this really I think is a great solution and a safe solution to dealing with event buses. During larger events, the central will be hiring an attendant to stack cars in the parking lot, taking 35 cars off of what would be otherwise they would be parking in front of neighbors' homes. This is a photograph of the existing lot. You can see the improvements that we're making will actually add trees, add shrubbery, have extensive screening, and really mitigates all kind of adverse visual impacts you might associate with a parking lot and I think it looks pretty good. So the neighbors, Susan Lindsey called me after the hearings officer's report came out, and informed me that Buckman was now against the surface parking lot. And so you can see when the lot is removed, these are 40 cars shown here all along Stark that would be dislocated into the neighborhood and Stark is already crowded with parking. So these are cars that will get dispersed even further into the neighborhood.

**Adams:** I need to you wrap up.

**Linn:** I'm on my last slide. Susan suggested that bus stacking could be done on Stark. We've reviewed that with Pbot with our engineers, we believe that is an unsafe situation, Stark is a narrow, high occupancy, high-vehicle street, and simply it's not safe for cars, pedestrians, or bicyclists to stack buses on Stark street.

**Janik:** And finally please join with the staff and the hearings officer and give central the chance to modernize and to fit in better with the neighborhood with all the conditions that we've proposed and agreed to. Thank you.

**Adams:** Questions, discussion from council? Commissioner Fish.

**Fish:** Mr. Janik, I think I have at least two questions. First is, in the prior testimony, some neighbors were concerned about potentially negative uses of the parking lot. And I'm assuming that's largely when it is not used for a school purpose. So after hours, and on weekends. Does the

September 15, 2011

school have any plans to how they would use the parking lot on nonschool hours and how they would regulate the parking lot?

**Janik:** During non-school hours, when there are people at the school, they would go and make sure there are no inappropriate activities going on. We cannot police the lot 24-7, when we're not there. When there are events going on, the lot will be in active use. During the course of a school day, there will be cars parked there. There will be people coming and going. You can look down on the lot, so to speak, from the school. It's a 40 or 50 foot walk. And we can establish a regular patrol, to make sure nothing is going on. What we can't guarantee, of course commissioner is, when there is no one at the school, the activities that might go on there.

**Fish:** I'm just curious, who would be allowed to park there, let's say on weekends when there are no activities planned?

**Janik:** It would only be school people who are permitted to park there. Students. I mean, we're not going to open it up to the general public. There won't be any paid parking. If there's a weekend event, there would be a monitor to make sure these are event attendees. When we have events, for example, we send out information to prospective attendees. For example, a grandparents' day. We'll send out a email or a paper flyer explaining where to park and giving directions and telling them that's where they should park and that sort of thing.

**Fish:** Uh-huh. In my neighborhood, the grant park area, we have lots of parking lots and there are places we host farmers markets and do community events. Are there plans of that nature?

**Janik:** No plans.

**Fish:** Other than what the school negotiates with the neighborhood on a case-by-case basis.

**Janik:** Quite frankly, over time, if the lot is built and the neighborhood would like during non-school, non-event times to use that for activities like that, we're open to that. But we're not anticipating any program other than using it for the purposes we outlined. To relieve the neighborhood from having the buses on the streets and to provide more off-street parking.

**Fish:** Thank you. One of the memos in my file refers to the federal religious land use and institutionalized persons act of 2000. I have familiarity with this in another context and I wanted to give you a brief chance to tell us what extent you think this act applies to the parking lot, if at all.

**Janik:** I don't think it does. As a lawyer, you'll understand --

**Fish:** Recovering lawyer. [laughter]

**Janik:** - my responsibility. We need as lawyers to build the record in our case. At the hearing below, some neighbors were testifying that our modernization request should be turned flat down unless we built a multiple story below grade parking facility under our football field which would have a cost estimate by the architects of \$11 million which exceeds the entire cost of our modernization program.

**Fish:** Ok.

**Janik:** It's anticipation of those kinds of propositions that I need to build an adequate record.

**Fish:** Protect the record, but on the face of it, I didn't see an application but it will part of your record on appeal.

**Janik:** That's correct.

**Fish:** Thank you.

**Saltzman:** How does the school intend to create the car sharing parking only? Car pooling.

**Janik:** There's better people to answer than me. This is John harrington,

**Saltzman:** how do you assure it goes to people who have two other riders in the car? And that --

**John Harrington:** Good afternoon, i'm john harrington, president here at central. Our current -- currently our deans oversee the supervision of the students who drive to school and register for permits. To permit their cars to park in the neighborhood or make sure they're in the appropriate

September 15, 2011

spots. I anticipate we would probably have the specific stickers for those kids or staff members, I suppose, for that matter, who are carpooling with three or more in their car so that those cars in the parking lot, we can verify who they are and they're our kids or staff with the appropriate number of people in the cars.

**Saltzman:** You'll verify there are two other riders at least?

**Harrington:** They would have to come forward at the beginning of the school year and indicate that they're going to have three or more in their car. We would verify by giving them a different colored sticker, something appropriate, and easily patrol during the course of the day because it's across from the front door.

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

**Fish:** Mayor, may I ask, the applicant or staff?

**Adams:** Staff. We'll hear from the opponents of the appeal who wish to testify.

**Moore-Love:** We have five people signed up. The first four, please come on up.

**Adams:** Hi, welcome. Thanks for waiting. Glad you're here. Who would like to go first?

**Emily Rose Wiltala:** I will.

**Adams:** All right.

**Wiltala:** Good afternoon, i'm a senior at central catholic high school, the younger sister of a graduate and the granddaughter of a 1953 alumni. I'm compelled today to talk about the positive things that my classmates and I strive to do for our surrounding community. As students at central, we're required to do 20 hours of community service a year. Not for our school, but the community, some which is done in the buckman neighborhood. Our student body participates in the buckman neighborhood cleanup and tutors struggling students at Buckman elementary school, and we clean up and lay flags on veterans graves in the lone fir cemetery and serve people at st. Francis dining hall and we're committed to our local community. Last year's senior class did 29,000 hours of community service. That's more than 100 hours per graduate. Also, as a school, we had 114 volunteers do a total of 1,522 hours of community service in the buckman neighborhood last year. I would also like to emphasize that central catholic stresses the importance of being good neighbors and lessening the impact of our shared parking. Many students, including myself carpool to school every morning. Additionally, driving students register their car with the school and hang parking tags to help alleviate a problem if there's an unhappy neighbor. The deans makes it clear where parking is allowed and where we should not be parking. Maps and diagrams are in the front of every student's daily planner. As a student body officer who has attended a buckman neighborhood meeting I can honestly tell you that we as a group have made concessions and given up evening events in an effort to sooth neighborhood relations. An example of this was the canceling of Flicks on the field, a movie event canceled with great disappointment this last june. They came to this conclusion as a courtesy to the surrounding neighbors and we're making an effort to be good neighbors. My feeling by adding parking stalls to the 2 lots adjacent to and owned by the school would help to alleviate the neighborhood impact. The school plans to make these available only to carpooling students and a teacher will monitor the lot and only allow students in with three or more students in the car. An added bonus, is the discussion of having athletic buses load and unload in the parking area as well, lessening congestion on surrounding streets. Central Catholic high school which has proudly sat on 24<sup>th</sup> and Stark for nearly 75 years is soon to be the high school from which I graduate. I'm extremely proud of what it stands for and what kind of community-minded student it's produces. Central catholic's academic and community service and civic minded students is something i'm proud to be a part of. It's my hope that it's a positive one. We're a group who is striving to grow and improve not only our schools but the local community. Thank you very much for your time and consideration.

September 15, 2011

**Adams:** Thank you.

**Natalie Osburn:** I'm Natalie Osburn, the assistant superintendent in the David Douglas School District. I offer two perspectives. As you know David Douglas has one high school with over 3100 students and three middle schools and 9 elementary schools. While some have parking lots, at special events, evening events or events where we invite community members to attend, parking is never enough and our constituents, students and families are relegated to parking in the streets. We have worked hard to make sure we advertise with our community members and make sure that we're consistent with how we make sure that people know there are events coming, that there's going to be crowded and busy streets. It's difficult for neighbors but in an event to try and be a good neighbor, we've tried to listen to complaints and I often get to address those complaints. As stated earlier, Central Catholic is, in my knowledge, the only school in this area that has any good neighbor agreement with their community around parking understanding of the use of facilities. David Douglas is a large district and as much as we try to be good neighbors and as much as our community is glad to be part of that community and proud to be a neighbor, it's difficult and a strain on them. So I commend the fact that Central Catholic has a good neighbor agreement and I know it's a positive effect on the community. We have over 3,100 students at the high school and while there are parking lots for them to park in during the day, oftentimes they park off-campus because it's easier to get out after school. We try to monitor that, and try to make sure, again, our students are being good neighbors but that's a strain even during the day we see happening not just specifically for evening events. Finally, I wanted to talk as a former Central Catholic teacher and coach being well aware of the --

**Adams:** Your time is up. Is the issue of David Douglas part of the record?

**Saltzman:** De novo.

**Adams:** Ok. Never mind. A quick summary.

**Osburn:** As a former Central Catholic teacher and coach, being aware that parking is a long issue in that neighborhood, I know that Central Catholic is committed to be a good neighbor and while parking is an issue around all schools, I know that Central Catholic tries to be a good partner in that.

**Adams:** Thank you. Sir?

**Julius Gakwasi:** My name is Julius, and I'm a senior at Central Catholic. I drive to school every day on a carpool and found myself excited at the prospect of a parking lot. The idea of the parking lot will be accessible to those with three or more students in the car would undoubtedly increase the number of carpool vehicles at Central. The school is clear about the parking rules and after discussing the idea with my peers, they began to think of people in their area they could bring to school to take advantage of the parking lot. One may wonder why I would care about the renovations. I had a brother who graduated in 2009 and a younger brother, Darius, who will be a member of the class of 2020. Central Catholic focuses not only on one particular area of one's development, but various aspects. The Central students perform tens of thousands of community service hours each year and as a former member of the Buckman neighborhood I recall spending time while my parents worked at the Buckman School as volunteers helped to look at me. Another aspect of the school's renovation is the inclusion of the music rooms. I play piano and guitar and am in the jazz band and choir, it contributes to the school in many ways. These programs, as well as student who's wish to practice music, must do so in what was once the school's p.e. Locker room and it's a struggle to perform with such an inadequate facility. When I'm practicing and hearing sounds reverberating off old locker rooms, I wonder how an improved facility would help me. The school is at a disadvantage. Thank you very much for your time.

**Adams:** Thank you. Hello.

September 15, 2011

**Charles Hunter:** Good afternoon, Charles Hunter, currently part of the administration team at Grant High School for the last 22 years. Been a teacher for Portland public schools for 47 years, worked in about all of the buildings in the district. We have no football field at Grant but we're having a football game there this Friday and there will be a lot of buses and cars and visitors. And parking on the street because we have no parking facility. There's no parking for students. I've heard that people have said students were able to park on campus. Out of the 22 years I've been at Grant, there has never been no parking for any students on the premises there. And with the good neighbor agreement, I have called many of the vice principals now working, some that have retired. I've talked with SROs in this district and out of the district, all of them have indicated that they have never heard of a written, good neighbor agreement for this to be in place. They were pretty mazed by it and thought it was a good thing they were doing this. But none of them had never heard of a written good neighbor agreement. My personal observation as a grandparent of a student that attends Central Catholic, prior to the time my granddaughter went there, I was always impressed when I drove by and there were people out controlling the traffic and doing other things and I said, oh, man, this is good that the neighborhood association would be that involved and then as I got there, I found out that the staff members were doing that and I'm very impressed with -- with what Central Catholic is doing and I support them fully.

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

**Moore-Love:** One last person, Dan Kearns.

**Adams:** Great. Mr. Kearns, thanks for waiting.

**Daniel Kearns:** Thank you for waiting. I'm Daniel Kearns, n.e. 21st Avenue. I'm a parent of a sophomore at Central Catholic. My son Gabe, we adopted him from the Ukraine 10 years ago, put him through public school through eighth grade and at the end of eighth grade, it was clear he had learning and behavioral problems and we put him in Central Catholic and all last year and so far this year, it's been a godsend. It's an amazingly supportive place and he benefits from after-school activities and cross country track and swims on the school swim team. I'd point out that we live approximately two and a half miles away from the school and while we're not in the Buckman neighborhood, he commutes by bicycle every day, spring, summer, winter and fall, day and night. And we, from the very beginning were made very aware of this neighborhood, good neighbor agreement. The arrangement with the neighborhood association, the parking restrictions and from the -- every newsletter, every email, as of last night's back-to-school night, notices are sent to all parents about the parking restrictions and where to park and not to park and it's my observation and practice, this is a very serious matter for the school and they do everything they can to monitor this group of parents, primarily which seems to be the problem. I think listening to the testimony today and looking at the record, it's the worst kept secret that parking is a problem in this neighborhood and seems to me that what's proposed here in this very narrow modification of a master plan, it will improve the situation and make it easier on the neighbors. And as a land use appeal, you know that your decision is governed strictly by the approval criteria and this whole plan was analyzed by Pbot and found to be consistent with the 12 conditions of approval. The hearings officer heard all this testimony, evaluated, you have that before you, and impose those 12 conditions and to differ from that, you'll have to find it had -- this plan will significantly impact the livability of this neighborhood and I don't think it will. I think it will improve things and I urge you to approve this plan and deny the appeal.

**Adams:** Thank you, sir. Appreciate it. We'll now hear from the -- hear rebuttal by the applicant. Sorry appellant. I'm kind of jet-lagged.

**Gerber:** Linda Gerber again. I'll not repeat my address. Buckman community association and the neighbors applaud the school's educational mission. And its plan to modernize. We're in essential

September 15, 2011

agreement with the master plan with one exception. Well, actually two. One is the parking lot. And secondly is we would like something included in -- language included in the master plan that explicitly tells us how to report complaints and be sure we have record of complaints and enforcement. What the bca neighbors are asking for is a modest change to the plan. I could rebut some of the statements that the school's agents have just made. And I will to some of them. I don't have time for all. Mr. Janik's testimony that there's a hotline and that information is provided every year is not correct. The hotline was disconnected but the neighbors did receive last night on their porches, a notice that there is a new hotline now. We're happy to hear that, but it's not true that it's always been in place and it is evident, the fact that it's not. Evidence that the school doesn't abide by or adhere to its commitments as they claim. I also want to make it clear that the neighbors have not complained about the adequacy of parking on our street. The complaints during the appeal and currently focus on the school's failure to comply with the traffic management and parking plan. We understand that currently about 30% to 40% of their students are carpooling. We're not sure how this small lot is actually going to increase carpooling but we do think it will have a tremendous impact on 4th street and oak street because -- on 24th street and oak street because probably the students who are carpooling and the visitors will be headed for that lot looking for a place to park and it will become essentially a staging -- those two streets will become staging lanes for cars who want to park close to the school during events to circle around until they can find an available park. We've seen that happen in shopping mall parking lots and we think that will happen here. You know, in addition to my role on the bca, i'm also the grandmother of a central catholic student. So it pains me to be here opposing any part of this master plan. I'm also the president of Portland community college's Sylvania campus. I personally have experience with how to manage parking of an educational facility. I too, get the telephone calls when the neighbors aren't happy because our students are parking in their area. So my day job as the campus president at a southwest community college that serves over 33,000 students gives me some level of expertise in this area. Pcc is surrounded by neighbors and those neighbors are concerned with our students and visitors parking in their neighborhood and as we've grown 30% in the last four years, well, we haven't added parking. What we have done is managed parking. We work closely and in good faith with our neighbors and we're very attentive to the good neighbor agreement with have to be sure it's enforced. So we have been and we believe central catholic can seriously manage its parking without requiring this parking lot. Yes, it takes time, money and commitment to manage parking, but central catholic has able administrators who can do that. Mayor Adams and commissioners, decide today in favor of well manage the transportation and parking, not in favor of a parking lot. Delay the appeal -- delay the permit until central catholic works with neighbors to iron out an agreement for traffic management that will work for us and them. Thank you.

**Adams:** Thank you very much. Staff -- go ahead.

**Leonard:** Sorry.

**Adams:** Commissioner Leonard has a question for you.

**Leonard:** I wanted to give you the opportunity to know where i'm at, at this point so you can disabuse me of any conclusions I may be making.

**Gerber:** Ok.

**Leonard:** I'm struggling throughout the hearing to try and understand how the creation of this 15-space parking lot that will be allowed on the condition that at least three students be in the car negatively impacts the livability in the neighborhood, and let me give you just my intuitive thinking on this. Just so you know. The only information I have on what it is that we're discussing today comes from the hearing, so I came in here really with a clean slate. But it strikes me as counterintuitive for the neighborhood to claim there's a negative impact on the neighborhood if one

September 15, 2011

assumes that there's up to 45 cars currently parked on residential streets that will reduce the lot -- the lot would reduce that amount by, of course, you assume those each of the students drove there in their own car. That probably isn't practically the case, but in any event, I would think at least 15 cars currently parking on the street would be parking in this lot. Help connect for me your argument that that somehow diminishes the quality of the neighborhood.

**Gerber:** Well, let's look at the bigger picture beyond just where people are parking. Currently, if the -- if the good neighbor agreement were monitored and better, students wouldn't be parking in the -- there are areas in the neighborhood, streets that they're not allowed to park on. And -- but they do park on them and visitors park on them --

**Leonard:** We've had no testimony to that. This is the first I've heard from either side.

**Gerber:** Well, oak street is one of them. In fact, that slide you saw that the school put up, it said there was a -- there was a picture of a sign that said we have an agreement not to park on this -- on this block. So there are blocks in the good neighbor agreement students are not supposed to park on. There are -- there is parking available that does not create a negative impact on the neighborhood and according to Mr. -- I think his name is Livingston -- traffic management report, there are adequate spaces in those areas that students could be and visitors could be parking in. Only 85% of the available parking when you take out those areas that the school has agreed not to park in, I think they said 83% is used. And so there's -- you know, around 20% of available parking. So the parking lot is not -- essentially not needed if the parking management plan is implemented and followed. How -- but the bigger picture is how does this parking lot affect the liveability of the neighborhood? Well, these are very small blocks in east Portland and -- and taking up 10,000 square feet to put a parking lot on one of those blocks impacts how we experience living in that neighborhood. Now, instead of having a residential block, we have a block that has a big ugly parking lot and as one of the testifiers said, it doesn't matter how many trees you put around it, it's still a big ugly parking lot and cars will be heading for that and it will increase traffic. It will not decrease the traffic in the neighborhood as cars head for that parking lot on 24th street and on oak street to get to it. I expect cars will be circling around. There will be activity in that parking lot that currently does not exist which includes cars idling, buses idling. Right now, buses are idling on pine street. Why do we think if the school can't get them to turn their engines off on pine street they can get them to turn their engines off and not idle in this parking lot? There will be noise and lights. Maybe not parking lot lights, but certainly lights in the evenings as -- this is a huge event center. As visitors come. It will affect the livability in a very negative way of our neighborhood.

**Leonard:** Thank you.

**Adams:** Staff, would you please come back up. You can return to your seat. Appreciate your testimony. Commissioner Fish.

**Fish:** Thank you. A couple of questions. The attorney for the applicant said that they were prepared to -- or have done or prepared to follow a restrictive covenant on the two rental properties to provide assurance they'll not be demolished or used for another purpose. Is that something that -- is -- that's now in the record, does that become a condition of approval or can we affirmatively make that a condition of approval?

**Hardy:** I guess my first comment would be because under this -- if this plan is approved, those lots are not even within the boundary of the conditional use master plan. So there's no way that today, tomorrow, or 10 years from now, they could use it for anything associated with the school. It's not within the boundaries of the master plan. My immediate response, there wouldn't be a need for the restrictive covenant.

**Adams:** But if the commissioner wants a belt and suspenders, what's the answer?

September 15, 2011

**Hardy:** I suppose there's nothing to preclude you from putting a condition that those properties outside the master plan boundary, there's a restrictive covenant they not be used for school purposes.

**Fish:** Ok, maybe i'll ask the attorney after you, but the second question is, what is the current code requirement in terms of landscaping the proposed parking lot, do you know?

**Hardy:** Well, there are two sets of landscape requirements. There's a perimeter landscape requirement, requiring five-foot wide landscape buffer around the entire parking lot. That requires trees and depending on the size of the tree, roughly 15-30 feet, and three-foot high shrubs around the perimeter of the parking lot and the second set of landscape standards is interior parking lot landscaping and that's based upon the number of parking spaces. So there's x square feet need of landscaping. And the lot of this size, it requires I think four trees within the interior of the parking lot. And something like 25 shrubs within the interior of the parking lot.

**Fish:** We saw a slide in the presentation by the applicant, is that -- is that -- does that slide represent a good faith effort to capture what the code requires or is it just a placeholder?

**Hardy:** I think probably 90% there. I did notice on the slide, it abuts the two houses that the school owns. Not trees planted in that area. If anything, there would be more landscaping than identified in that drawing.

**Fish:** Mayor, before we have council discussion I would like to give Mr. Janik a chance to explain what he meant by the restrictive covenant on those two properties.

**Adams:** Any other council discussion?

**Saltzman:** I have a question for mr. Hardy. I'm a little confused as to the status of a hotline and complaint log by central catholic.

**Hardy:** Yeah --

**Saltzman:** Is it a condition?

**Hardy:** It is, through their -- one of the good neighbor agreements. There was a requirement for the school to have a hotline, a dedicated hotline that neighbors could call in complaints and, yes, I believe there was a requirement for the school to maintain a log of those complaints and stepping back a little bit from that, is -- there was a lot of testimony, in fact, most seemed to be about compliance with the conditions of approval and basically a condition of approval is 100% enforceable by bds compliance services and compliance services has a phoneline 823-code, that anybody can call in to say they don't have their signs up, or the monitor they were supposed to have out there and compliance services will go out and investigate. All of the conditions are entirely enforceable by the city through compliance services.

**Adams:** We have our own hotline.

**Hardy:** We have our own hotline, and any complaint called in to that, is a -- it's logged, a public record and in what we call our tracks computer system.

**Saltzman:** Does that supersede central catholic's agreement under prior to maintain the hotline?

**Hardy:** No, it doesn't supersede it, it's another level because the good neighbor agreement says that the school would have their own sort of hotline.

**Saltzman:** Still in force and in effect?

**Hardy:** Right.

**Adams:** Other? Thank you, sir. There's a question for you. Commissioner Fish.

**Fish:** Mr. Janik, it's been a long day, I want to make sure I understood what representation you made about restrictive covenants and ways we can make that enforceable.

**Janik:** You need to recognize that chapter 33 of the code anticipates the city being able to obtain, in its favor, restrictive covenants on property as part of a land use process or otherwise. So it's a code-recognized mechanism. We'll draft a restrictive covenant recorded against the property that



September 15, 2011

will benefit and be enforceable by the city and state that those three parcels that have houses on them will continue to be used for residential purposes as they are now. And that will be enforceable by the city, not only as part of the code enforcement process and condition of approval, but you can also go to circuit court and get an injunction against us if you have a basis.

**Fish:** That would be for the full 10-year period of the conditional use master plan?

**Janik:** Our intention is that and beyond.

**Fish:** Ok. And do you have any problems -- just make that explicitly a condition of approval?

**Janik:** Absolutely not.

**Leonard:** I find myself in an odd position, not understanding why you're offering that up. I don't know if I can support that kind of condition, what's before us is what we're deciding on and i'm not clear why we would add that as a condition.

**Janik:** Well, you can add it as a condition or not, we're going to do it. Because we basically have told everyone we're not --

**Leonard:** You can do that on your own.

**Janik:** We're not encroaching into the neighborhood.

**Leonard:** I would be more comfortable, you do it on your own --

**Fish:** The only reason i'm raising it, mr. Janik said it was a representation he made to the community below in this proceeding and I have no doubt if he makes that representation, he'll adhere to it, but since we're building a record here and he said it was enforceable as a condition of approval, I just wanted to formally make it part of the condition of approval and I view it as -- offer it as a friendly amendment because the applicant has offered.

**Janik:** Simply, the client agreed that is the clearest statement we can make to rebut the neighbors' continuing arguments we have a mischievous plan to encroach into the neighborhood.

**Leonard:** My experience is that doesn't mollify those kinds of criticisms to your property.

**Adams:** What's your concern about it?

**Leonard:** It's not before us. It was testified by staff it's outside of the boundaries of the master plan and I don't like chasing paper tigers and we have real issues and if mr. Janik wants to add a covenant to property they own, that's their business. And I hear what commissioner Fish is saying, but I find it as much of a struggle just to deal with the issues before us and not add on --

**Fish:** As a student of how commissioner Leonard approaches land use matter, i've noticed his general approach, not always, but his general approach is to make sure that the issues that we discuss here are memorialized in some way as a complete document.

**Leonard:** Fair point. Fair point.

**Fish:** Because it was offered by the applicant and not coerced from the applicant --

**Leonard:** Fair point. [laughter]

**Fish:** I'm a student of that approach, I would offer it be made part of the conditions of approval.

**Janik:** If you don't mind, i've made our position clear, and now i'd like to sit down and you can work it out.

**Adams:** Will the parking lot actually be closeable when it's not in use and there's no one in the building?

**Janik:** Yes, if you prefer that, we will.

**Adams:** We find as police commissioner, we find when the building is not staffed at all, we find it very useful to be able to bar --

**Janik:** Understood.

**Adams:** Especially if it's well landscaped.

**Janik:** Understood.

**Adams:** Ok.

September 15, 2011

**Saltzman:** The issue about the idling of the buses, I assume that school staff will enforce --

**Janik:** Yes.

**Saltzman:** -- the buses being turned off.

**Janik:** School staff has told buses not do that. The school staff is there to supervise the students getting on and of the buses. And school staff will tell the busses not to idle.

**Saltzman:** Does that include after-hours sporting events when there's a visiting team are something like that.

**Janik:** Whenever the busses are there.

**Adams:** And that's something that the people can call in to the city's 823-code, time and bus number, when and if it happened.

**Janik:** Correct.

**Adams:** And the bus -- most new buses do keep track of when they're working and operating and time of day and things like that. It's a lot more trackable than it used to be.

**Leonard:** What are the hours you would be proposing to close the parking lot?

**Janik:** Well, to be candid, we haven't talked about closing it. John, do you want to comment? Come on up.

**John Harrington:** I suppose it would vary to the extent there would be athletic teams, activity buses that would come back, potentially, certainly after school hours, but later at night if they were on the road somewhere and coming back 11:00 --

**Leonard:** Instead of hours, would you be comfortable to say the parking lot is not available for other than school-related activities?

**Harrington:** Certainly.

**Adams:** And the legislative intent of the hearing, another useful -- for our criteria and the police bureau, when it cannot be effectively managed or supervised if there's no one in the building, no security or they can't possibly do spot checks, that would be a time --

**Harrington:** I would say -- my quick comment to that, I would anticipate that the night custodial crew, that would be one more on the checklist for the evening. Pull the chain, close the gate. If there was an athletic bus coming back after hours, that coach would have a key, probably make sure that the coaches on buses coming back late, but that would be infrequent. They would rarely come back after the night crew was off duty.

**Adams:** I'm comfortable as long as the record shows that was our legislative intent. When it's not supervised and not anyone on the premise, it should be locked up.

**Janik:** We have no interest in seeing improper activity there when we're not there. We'll work out something just as John suggested.

**Leonard:** Katherine, a question for you. If you can remind me, when we make these motions following a land use hearing and add conditions, we don't have to be as specific as we we're amending an ordinance because we come back with findings and you capture the gist what it is that we're desiring and you come back with more precise language?

**Beaumont:** I think it depends what the council wants to do today. If we can get specific language for the conditions, the council has discussed, you can amend the hearings officer's decision to include that language and make a final decision today. Your other alternative is you've outlined the concept and you could make a tentative decision today and we can bring it back in a week or two with the specific language of decisions, how far you prefer.

**Leonard:** Prepared for a motion? I would move to deny the appeal and uphold the hearings officer's decision approving the conditional use master plan and adjustment review, but with the following conditions. One, to add conditions as to the covenants to the property that was addressed by council to central catholic, Mr. Janik. Two, to close the parking lot to all activities unrelated to

September 15, 2011

the school. To be further defined by council in the next couple weeks. And three, add a condition that there will be no bus idling allowed for school buses.

**Fish:** A question, is the idling condition different than current g?

**Leonard:** Where is g?

**Adams:** We're going to underscore g.

**Leonard:** It may not be.

**Beaumont:** Current condition g, the second sentence, buses not allowed to idle and engines not turned on until all students are loaded.

**Fish:** Second.

**Leonard:** So I guess that's currently -- to be clear, we don't need that third condition.

**Adams:** Right.

**Leonard:** So it's just to be clear, it was the first two conditions, the one relating to covenants on the two pieces of property, and then closing the parking lot for other than school-related activities along with the conditions that mayor Adams spoke to.

**Saltzman:** So did we also add -- well, I don't know if we need to add a condition, seems like there's been a hotline, a complaint log, but sounds like from the testimony it's fallen by the wayside. Can you add that again?

**Leonard:** I'm unclear why the neighborhood wants that. If you have a hotline to the city that enforces, I would rather call directly to the city, myself.

**Adams:** Why don't you come forward since i've recognized you. You have to say your name again.

**Sandy Samson:** Sandy samson. We weren't aware of this city number and that may make us look kind of daft, but we've called the city, this department and that department and we've been unaware and since 2002 and again this year, we asked for that mechanism, or you were asking, mr. Saltzman, what to call it. So we're excited we have that number. It would be awesome from our point of view if that could be written in. This is the complaint mechanism.

**Leonard:** Ok.

**Samson:** For the city. The school when we do -- if we call when they're open or when the hotline was, and looks like it's operating now, again. That's -- that's very important because calling and leaving a message with the city, a neighbor the other day, a neighbor with a young child comes home and there's somebody blocking, a student or parent. I don't know who it was. Blocking half the driveway, we call up and I think either lara or aaron got on -- found a person and had it moved. We really need both mechanisms.

**Leonard:** Ok.

**Samson:** All right?

**Adams:** Thank you very much. So the motion's made. Moved and seconded.

**Beaumont:** I would clarify, the decision would be tentative only.

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

**Saltzman:** I'm going to support this motion, I think that on balance, I don't think it can be demonstrated that the building improvements or the addition of the parking lot create a significant adverse impact to the neighborhood. I think that there's been some tremendous effort on behalf of central catholic in terms of reducing after-hour events and weekend events. That's commendable and there's a good working relationship despite this hearing here today, I believe there's a good working relationship between the school and neighborhood and I think this is -- as I said, one of -- should improve issues around off-street parking by students. Aye.

**Leonard:** Aye.

September 15, 2011

**Fish:** One of the reasons that I feel fortunate to have this job, in our commissioner-style form of government, we wear three hats. We get to be legislators and executive managers and judges in these quasi-judicial proceedings and this hearing is typical of the quality of hearings normally brought before us and i'm always impressed with the quality of the testimony and the thoughtfulness of presentations. I know the neighborhoods sometimes feel out-gunned but the reality is we come in completely cold and listen to the testimony and make the best judgment we can. We have to balance things. And there's no book that gives us that roadmap. We have to do what we think is in the best interest. I've listened carefully to the testimony, which I thought as I said, was very thoughtful and I concur with my colleagues that I don't think there's been a sufficient showing of significant adverse impact. It doesn't mean there won't be an impact and those of you concerned about an adverse impact don't have justifiable concerns but we have a legal standard we need to address and I believe that there isn't a sufficient showing but I also -- i'm heartened from the discussion here and the dialogue with the applicant, that there are significant efforts have been made and will continue to be made to be good neighbors in this community and we're fortunate to have central catholic in our community and we have a neighborhood that is vigilant about its interests and you've had your chance today to get a couple other conditions in here that hopefully address some of the concerns and i'm comfortable joining with my colleagues in turning down the appeal but i'm grateful for everyone who came and took the time to create a record today. Aye.

**Adams:** These agreements for high schools are rare. So what you have is something to be treasured. Given that it is not a public school, though, it also seems appropriate as well. And given a public school, the accountability back to the citizenry, whether they vote for or against whoever is on the school board. So I think it makes sense, as summarized by my colleagues, we're -- the whole system is set up requires us to interpret the state law. Which we have sought to do to the benefit of both parties. But we have to follow the criteria set out in state law. So thank you for the testimony on both sides, very thoughtful testimony, especially on the neighborhood side. Given that you're all from buckman, i'm not surprised. A very involved neighborhood in the city and we appreciate that. I want to thank central catholic for their efforts. I've been to neighborhood meetings at central catholic over the years. 20 years, many times, thank you for that involvement. Keep it up and look forward to the next steps in your renovation. Aye. [gavel pounded] all right. We're adjourned --

**Beaumont:** No not yet. We need to set a date for the final decision making.

**Adams:** When is the next date.

**Moore-Love:** One or two weeks?

**Adams:** Let's say two weeks.

**Moore-Love:** September 28th.

**Beaumont:** Staff has requested three weeks.

**Moore-Love:** October 5th at 11.

**Adams:** Unless objections, this hearing is continued to october 5th at 11:00 a.m. So done. [gavel pounded] we're adjourned.

At 4:22 p.m., Council adjourned.