



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **28TH DAY OF MARCH, 2012** AT 9:30 A.M.

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

Commissioner Leonard arrived at 9:34 a.m.

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

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

COMMUNICATIONS		Disposition:
300	Request of Chris Lyon of Mudshark Studios to address Council regarding Small Business Development Center (Communication)	PLACED ON FILE
301	Request of Lataya Dailey to address Council regarding new 7-Eleven store in St. Johns (Communication)	PLACED ON FILE
302	Request of Dave King to address Council regarding new 7-Eleven store in St. Johns (Communication)	PLACED ON FILE
303	Request of Amyl Freeberg to address Council regarding new 7-Eleven store in St. Johns (Communication)	PLACED ON FILE
304	Request of James Lopes to address Council regarding missing children (Communication)	PLACED ON FILE
TIMES CERTAIN		
305	TIME CERTAIN: 9:30 AM – Accept the Office of Equity and Human Rights’ recommendations on a bureau advisory committee (Report introduced by Commissioner Fritz) 30 minutes requested Motion to accept report: Moved by Mayor Adams and seconded by Commissioner Fritz (Y-4)	ACCEPTED

CONSENT AGENDA – NO DISCUSSION		
Mayor Sam Adams		
306	Reappoint Kathryn Bash, Aron Faegre, Ronald Hays, Joshua Klyber, Samir Mokashi and Edward Vranizan to the Alternative Technology Advisory Committee for partial and 3-year terms (Report) (Y-4)	CONFIRMED
Bureau of Emergency Management		
*307	Authorize application to the Oregon Military Department, Office of Emergency Management for additional funds from the FY 2011 State Homeland Security Grant Program in the amount of \$150,000 for the implementation of state and local homeland security strategies (Ordinance) (Y-4)	185226
*308	Accept and appropriate a grant in the amount of \$4,925,160 from the Department of Homeland Security, FY 2011 Urban Areas Security Initiative Grant Program to enhance emergency preparedness through planning, training and equipping emergency responders (Ordinance) (Y-4)	185227
Bureau of Police		
*309	Authorize a grant agreement with the Rosewood Initiative for \$8,850 to develop a community meeting space (Ordinance) (Y-4)	185228
*310	Accept and appropriate additional grant funding in the amount of \$535 from the Oregon Department of Justice Criminal Justice Division for domestic marijuana eradication and suppression efforts (Ordinance) (Y-4)	185229
Bureau of Transportation		
*311	Authorize the Bureau of Transportation to acquire certain permanent and temporary easements necessary for construction of the NE Alberta Street Phase I Local Improvement District Project through the exercise of the City's Eminent Domain Authority (Ordinance; C-10037) (Y-4)	185230
312	Authorize an Intergovernmental Agreement with the Oregon Department of Transportation to allow the Bureau of Transportation access to traffic data provided by INRIX, Incorporated (Second Reading Agenda 284) (Y-4)	185231
Office of Management and Finance		
313	Accept bid of Tapani Underground, Inc. for the East Lents Floodplain Restoration - Phase 2 for \$2,288,003 (Procurement Report – Bid No. 113901) (Y-4)	ACCEPTED PREPARE CONTRACT

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<p>*314 Pay claim of Dana Thomas involving Portland Housing Bureau and Portland Water Bureau (Ordinance) (Y-4)</p>	<p>185232</p>
<p>*315 Change the salary range for the Nonrepresented classification of Supervising Facilities Construction Project Specialist (Ordinance) (Y-4)</p>	<p>185233</p>
<p>*316 Authorize a contract and provide for payment for Police North Precinct, Walnut Park Retail Center and Police St. John's Training Facility Roof Replacement project (Ordinance) (Y-4)</p>	<p>185234</p>
<p>*317 Authorize contract with Northwest Testing, Inc. in the amount of \$113,037 to provide special testing and inspection services for the Emergency Coordination Center (Ordinance) (Y-4)</p>	<p>185235</p>
<p style="text-align: center;">Commissioner Nick Fish Position No. 2</p> <p style="text-align: center;">Portland Housing Bureau</p>	
<p>*318 Authorize subrecipient contract with Multnomah County to provide analysis and evaluation of Housing and Urban Development Portland Lead Hazard Control Grant repairs and services (Ordinance) (Y-4)</p>	<p>185236</p>
<p>*319 Authorize a subrecipient contract for Proud Ground totaling \$468,000 for the provision of home buyer financial assistance to low income participants (Ordinance) (Y-4)</p>	<p>185237</p>
<p style="text-align: center;">Commissioner Dan Saltzman Position No. 3</p> <p style="text-align: center;">Bureau of Environmental Services</p>	
<p>320 Authorize the Bureau of Environmental Services to acquire certain easements and other real property interests necessary for construction of the Luther Road Habitat Restoration Project No. E06947 through the exercise of the City's Eminent Domain Authority (Ordinance)</p>	<p style="text-align: center;">PASSED TO SECOND READING APRIL 4, 2012 AT 9:30 AM</p>
<p>321 Authorize a contract and provide for payment for the construction of the Mason Flats Wetland Enhancement II Project No. E10406 (Ordinance)</p>	<p style="text-align: center;">PASSED TO SECOND READING APRIL 4, 2012 AT 9:30 AM</p>
<p style="text-align: center;">REGULAR AGENDA</p>	

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<p style="text-align: center;">Mayor Sam Adams</p> <p style="text-align: center;">Bureau of Transportation</p> <p>*322 Direct the Bureau of Transportation to adjust monthly SmartPark parking garage rates to reflect market parking rates and eliminate certain monthly SmartPark parking garage permits, effective no later than June 1, 2012 and enforce short-term parking stalls at all SmartPark garages (Ordinance) 10 minutes requested</p> <p>(Y-4)</p>	185238
<p style="text-align: center;">Commissioner Amanda Fritz Position No. 1</p> <p style="text-align: center;">Office of Healthy Working Rivers</p> <p>323 Overview of Portland Harbor Superfund Process (Presentation) 15 minutes requested</p>	PLACED ON FILE
<p style="text-align: center;">Commissioner Nick Fish Position No. 2</p> <p style="text-align: center;">Portland Parks & Recreation</p> <p>*324 Authorize acceptance of a conservation easement adjacent to Forest Park (Ordinance)</p> <p>(Y-4)</p>	185239

At 10:33 a.m., Council adjourned.

LAVONNE GRIFFIN-VALADE
Auditor of the City of Portland



By Karla Moore-Love
Clerk of the Council

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

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WEDNESDAY, 2:00 PM, MARCH 28, 2012

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

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Closed Caption File of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

MARCH 28, 2012 9:30 AM

Adams: Good morning, today is wednesday, march 28, 2012. 9:30 a.m., and city council will come to order. Good morning, karla.

Moore-Love: Good morning. Happy spring.

Adams: Thank you, you, too. Can you please call the roll.

Adams: Can you read the title for item number 300.

Item 300.

Adams: Hi. Welcome. You just need to give us your first and last name. And you will have three minutes, and that will help you count down your time.

Christopher Lyon: Christopher Lyon. Good morning, mayor and commissioners. I am Christopher Lyon, and I am one of the owners of Mudshark Studios, LLC. I am here today to thank you all for your efforts in supporting small businesses. I would like to encourage you to continue this great work. I would like to share with you my business success story. In 2006, Mudshark Studios, a subcontract ceramic manufacturer, was started in the small 400 square foot northeast Portland basement, with total sales for the year of \$13,000. By 2007, Mudshark Studios had outgrown the basement and moved into a 3,000 square foot garage. By year end of 2010, Mudshark Studios had four full-time employees, and had sales that topped \$200,000. Even with the large sales volume, my business partner and I made little profit. It became clear that we needed help and fast. We were referred to the small business development center at the Portland Community College and immediately, scheduled an appointment with the first advisor available, Jackie Babicky. Jackie immediately began to teach us how to interpret information from our balance sheets and profit loss statements. With this information Mudshark Studios was able to increase net profits by 100% from 2010. We explained our goals of expansion and complaints on how we could not get any banks to lend to us. Jackie referred us to the capital access team within the small business development center. I quickly made an appointment with Noah Brockman to seek help in writing a plan that would get Mudshark Studios the loan it needed. By summer of 2011, with production orders pouring in and no room to expand, Mudshark Studios signed a five-year lease on a 17,000 square foot building. It became clear we needed a loan to purchase more equipment and have working capital. Starting in late September, I began meeting with Noah Brockman at the small business development center on a weekly basis. He laid out a very efficient plan outline that had had factors lenders were looking for. My original plan was 18 pages long, by the end of January of 2012, I had a 50-page business plan and 350 pages of additional documentation. I made four copies of the business plan and handed them to four lenders we thought might be interested in working with Mudshark Studios. By mid-February we had offers from two lenders. We decided to work with the joint effort between the Portland Development Commission and Albina Bank. During this time our financial advisor at the SBDC informed us that the small business center was starting the small business management two program. And Mudshark Studios qualified for the grant program funded by the Portland Development Commission to cover the cost of the ten-month course. Just last week, Mudshark Studios closed on our \$60,000 equipment loan last week with PDC and \$25,000 line of credit with Albina Bank. We are employing six full-time employees and six part-time and scheduled to hit

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480,000 in sales. I urge you to support the efforts of the pcc small business development center and all other programs designated to help the growth small businesses. Thank you.

Adams: What do you make?

Lyon: We are a ceramic subcontractor manufacturer so we work with rejuvenation and lighting, tiles. Table wear. Installations.

Adams: And what's -- do you have a website?

Lyon: Yes, it's much sharksstudios.org.

Adams: Fantastic, thank you.

Fritz: Thank you for inviting me to visit.

Adams: Congratulations on your success. Can you read the title for item number 301.

Item 301.

Adams: Is lataya dailey here? All right. Let's move on.

Moore-Love: I know that she is around. She may be coming in. Want to go to 302?

Item 302.

Adams: Mr. King. Welcome back.

Dave King: Thank you. Do you recognize me?

Adams: Yeah.

King: I recognize you. I hope that you are familiar with, with 7-eleven that's going in, that they are trying to put in the used car lot of the chevy dealer in st. John's. That is a corner that's really complicated. You know, as you are going into st. John's, going west on lombard, you come to that triangle. It's just before that. There is a grade school jamestown school is a block down the street so there is a lot of kid traffic around there. And there is, there is -- well, richmond comes in from one side and lombard kind of splits into richmond and going downtown and then lombard can turn right, or richmond can turn, you can turn right on richmond. Anyhow, it's a complicated corner, and people get confused. You can tell because i'm confused. To try to describe it. So, increasing traffic, there's already been several kids hit on that corner. Increasing traffic with a 7-eleven there is, is crazy. It's just crazy to have store there. A card dealership is, is, was ok, you know and wasn't as bad as the 7-eleven. The other issue that I want to talk about is alcohol. St. John's community has been trying to stop and slow down the alcohol availability and 7-eleven is just going to make it even easier for people to get alcohol. It doesn't need to be more convenient. There is already three 7-elevens in that neighborhood. And 7-eleven is, is a big corporation trying to jump in and grab the business from, from a deli that's just, just a block down the street. That's how they operate. They see a business that's viable, ok, we're going to come in there and compete with it. The deli is a local, a locally owned, established, liked business. Two weeks ago, another woman and I went around talking to neighbors and it's almost universal that nobody wants that 7-eleven there. It's just -- we were knocking on doors and everybody, there was one, one house that wanted something developed on that lot. Other than that, everybody was against it. So, what you can do to stop it, would really be appreciated in st. John's. Also, Fessenden traffic is a big issue. People are fighting the truck traffic there. It's hard to cross the street. Homelessness, a lot of other stuff going on in st. John's. Ok, thanks.

Adams: Thank you. Appreciate it. Can you read the title for item no. 303.

Item 303.

Adams: Welcome.

Amyl Freeberg: Thank you. I am amyl freeberg. I am a resident of st. John's and this is not quite what I picture in my head. So i'm a little bit terrified to be here.

Adams: We're better looking in person?

Freeberg: Exactly.

Adams: You are doing just fine, take your time.

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Freeberg: Ok, thank you. And thank you very much for the opportunity to speak with you this morning. I am here to talk about 7-eleven, convenience stores and community development. In 7-eleven, we have, I believe, five established convenience stores total. Convenience stores are not a bad thing, generally. They have their place. Such as a highway exit ramp or, you know, a place we're there is not already established resources. Convenience stores are generally open 24 hours, or in the case of 7-eleven, from 7:00 to 7:00, or to 11:00 p.m. Which is really a long time to be open for business we're people walk in, they make a purchase, they walk out, they drive in and they drive out so increases the, the traffic in the neighborhood, and it also, for residents, we're living right around that area. It becomes a blight, actually, you know. Lots of lights and traffic and lots more people noise, etc. They generally sell mass produced single serving items not produced locally. And we know this from the garbage that blows around the neighborhood on a regular basis. In st. John's, we've been growing in small locally-owned businesses with sustainable practices. We know our merchants, and very often they are our neighbors. And despite what 7-eleven says of their intent, a convenience store does not build a sense of community unless you are [inaudible] bob, which is not what we want. 7-eleven has proposed a new store at 8157 north lombard street. There are already three convenience stores within a half mile radius of that lot. We understand the right of free enterprise. However -- well, I will skip that. We also understand market saturation and our community's interest in supporting local small businesses. We did have a meeting at the st. John's community center several months ago and 7-eleven did send a representative, and it was well attended by our community. We asked 7-eleven to find another location. We told them another store would encroach upon existing businesses and their own franchise owners. We gathered almost 2,000 signatures at st. John's residents against the new development, which is pretty good considering there is something look 14,000 people estimated to live within a one-mile radius of that spot. 7-eleven was unconcerned and have not been dissuaded from finding another location. So, we're here today in the hope that by sharing this issue with you, that we can get some help in our efforts to keep 7-eleven from, from building on this location. I think that I did, I did ok. Thank you very much.

Adams: You did really well. Thank you very much. Very well spoken. Can you please read the title for 304. [title read]

Item 304.

Adams: Mr. Lopes. Hi, welcome.

James Lopes: I wish that I had better news for you.

Adams: Sir, can you lean -- closer.

Lopes: I wish that I had better news for you, but --

Adams: Your name?

Lopes: James Lopes. Nice to meet you. I'm sure that we can get to some conclusion of some better, better, better findings. My children disappeared about seven years ago in beaverton county. With my ex-wife and I later found out with police reports that they were, they were -- they somehow finagled the court and disappeared out of my life. So, nothing seemed any weirder to me, other than about three years later, something happened, that I have already addressed you guys about. It was crime syndicate that I figured was out in Portland because I had a home, actually, two homes taken over by these people. And next thing you know, i'm around all sorts of organized crime. I'm going, what's going on here? But, the funny thing I figure out and I have watched these people. They have interfered with my work. I have, I have become homeless and came down to Portland, Oregon, to see if I can draw these people out. And the thing that I figured out most of all is they are with, with my -- my church knows about these people. They are a human traffic, or working with, with plant parenthood or some sort of thing like that. My ex-wife had issues with, with child molestation, so when there is enough kids put in front of me and I already put in some -- I put in letter to you, and I asked for a letter in return. And I didn't get any letter back from you

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guys. But, this is also letter that I would like to submit to you guys. I don't know -- give it to her, but I wrote this letter to the, the legislation. The senate. The house. And the governor. But, that was also -- I sent them two letters. I have sent you guys two letters and I told you -- and these people, actually, have audio and videotape of mine that belongs to me, too. So, I am here to address you guys to see what we're going to do about this.

Adams: Where is beaverton county?

Lopes: Beaverton county is over on, on the other side, but i've been in this county for --

Adams: You said this happened in beaverton county?

Lopes: It happened in beaverton county.

Adams: The city of beaverton?

Lopes: That's we're my kids disappeared from.

Adams: Got it.

Lopes: I went to the hospital numerous times and these people have tried to set me up with different crimes and I had to figure out that they were police officers.

Adams: Mr. Lopes, if you could give your contact information to chad there and he will follow-up. Chad is in the green shirt.

Lopes: Sure.

Adams: Thank you. All right, we'll now consider the consent agenda. Does anyone have any items to pull from the consent agenda. All right. Karla, can you please call the vote on the consent agenda?

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

Adams: Aye. [gavel pounded]

Adams: The consent agenda is approved. We have a time certain report. Can you please read the title for 305.

Item 305.

Adams: Commissioner amanda Fritz.

Fritz: Thank you, mayor. It is with great pleasure that I bring this report to council and as required under our ordinance, which we passed september 21, 2011. I'm going to ask Dante James, the director of the office of equity and human rights to come forward. When we established the ordinance, we said we would provide a progress report to council and the community within six months from the date of adoption. On the structure of the bureau advisory committee for the office. The office of equity and human rights is established to ensure fairness for all Portlanders and equal opportunity and access to city services, jobs and contracts. The disparities that exist in Portland have been appalling, and we've been hearing the reports from the communities of color over the past six months, which is evidence that we have done enough studies. It's time for action, and so the mayor and i, along with the community, conducted a nation-wide search to find the right director for the office of equity and human rights. And dante james comes to us from denver, colorado, bringing 20 years of political and legal experience as an attorney in private practice, nonprofit director, administrative hearings officer, community organizer of government, administrator and political consultant. Dante is a u.s. Army veteran, was an appointee of denver mayor wellington webb, leading the contractor's office of compliance. For six years he worked as advance staff for the clinton administration nationally and internationally. He will be giving our first report from the office of equity and human rights.

Adams: Welcome.

Dante James, Director, Office of Equity & Human Rights: Mr. Mayor and commissioner, it's an honor. I appreciate the chance to come and speak to you this morning. I know that there's been a lot of questions, as well as interest and excitement about this new office. And so, I hope to come and, and provide some information for you about what i've been doing in my, I think, 11th day on the job at this point. As well as provide the advisory committee structure that we looked into. If I

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might just make a few remarks just to start with. Since I know there is great deal of ground swell of questioning about, about the office and I certainly have done some of my due diligence on the background of the structure and the presentation and the creation of the office, and it was a lot of work that went in, certainly, from all of your perspectives in parts, as well as the community work and those involved from the city government side. As I see it and as I hope to, to bring this forward, equity by itself is not a program. It's a methodology for doing business. It's not diversity. It's not affirmative action. It's not eeo. It's question of how the city delivers the services to all the citizens in the best manner possible. And besides that, it's a business imperative. When conventions don't come, to the city, when businesses choose not to relocate here because of questions or concerns about how the city does business with its community, when professionals of color don't come, or choose not to stay, the city of Portland loses. And I am not here because the city is doing things badly. I'm here because the city can do things better. And as I continue to navigate Portland's unique governmental structure, I truly look forward to your support in the process of continuing to promote equal access and fairness for all of Portland. I have spent my office and my very, very dedicated and committed staff and skilled staff have spent a good bit of time doing visioning in a method, in a way to get us to, to a vision and mission statement, which we have completed and I am happy to give you a copy of that, or read it for you, if you would like. And begin a process of strategic planning for how we're going to begin within the first 90 days looking at the goal-setting, as well as six months, and a year and beyond. Putting a mindset of equity together, as well as tool kit in which to do that. It is not a six-month, not a year out. I came here with a ten-year plan. And truly hope that everyone can be supportive and involved in this process as we move forward. In meeting with the creation committee, the office is now created. So they were trying to figure out the best way to move this forward. So, their decision, in conjunction with the commissioner's office, with commissioner Fritz's office and myself, is initially to create a steering committee that will advise and be together through the end of this fiscal year. In a small form, seven to ten members of the creation of the committee. To assist in the strategic planning, goal-setting, visioning as we move forward, at the end of this year, then, a, a larger advisory committee would be created to then continue at an ongoing process, in order to continue to advise and work with the office as we do what we do. I know you have the report. So, it's fairly short, sweet and to the point. So, that's the structure as it has been decided by the committee and the commissioners office and myself.

Adams: Let's pause to see if there is any council questions or discussion.

Saltzman: So the creation, you are taking seven to ten members of the creation committee to form the interim advisory committee, is that correct?

James: Yes. The steering committee. They decided to shrink themselves so that they could utilize of the best skill sets to offer strategic planning and organizational skills to, to the offering of, of this.

Saltzman: And there will be an ongoing bureau advisory committee, as well?

James: Yes, yes.

Saltzman: But not necessarily those people?

James: Not necessarily.

Adams: Any other -- well, we are thrilled to have you onboard and look forward to the work ahead and it's exciting to have the permanent director in place. Thank you, commissioner Fritz and we're excited to continue the work. So, thank you. Has anyone signed up?

Moore-Love: One person. Chris Lyon.

Adams: You can take your seat.

James: Thank you very much.

Adams: Chris Lyon. All right. I move acceptance of the report.

Fritz: Second.

Adams: Karla, can you call the vote on the motion to accept the report?

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Fritz: This indeed, is the end of the beginning and the beginning of the rest and I am grateful to my colleagues for your support on this and for dante for explaining what we're going to be doing and when he talks about a ten-year plan, yes, it may take us ten years to eliminate the disparities that have grown over centuries. But, as he said, we are moving forward rapidly and we have established a, a vision and a mission in 11 days that he's been here. We'll be moving forward with a strategic planning process, which we'll be doing by the end of the fiscal year. So we understand the need for action and most of the identification of benchmarks and measurables. I appreciate everybody who has been working on this and their willingness of city staff throughout the bureaus, as well as my colleagues on the council, to make this successful effort in very short order. We do not have time to waste on this effort. We don't have many to waste on this effort. We are not wasting it. We are spending taxpayers' money wisely so that all Portlanders, people with disabilities, communities of color. People in all areas of the city have access to city jobs and services. I am very pleased with the way this report has come to council and in very short order. I appreciate all the work that the staff and the office and look forward to working with my colleagues through the budget process and as we go forward. Aye.

Saltzman: Aye.

Leonard: Welcome to Portland and I look forward to working with you, aye.

Adams: Again, thank you, aye. [gavel pounded]

Adams: Report approved. That gets us to the regular agenda. Can you please read the titles for emergency ordinance item 322.

Item 322.

Adams: I'm very pleased to bring this forward to the city council for their consideration and actually, it is an indication in that that our 2009 downtown retail strategy is working, as council will recall, when they approved the report, this was an effort of merchants and, and restaurateurs and, and also, city staff, co-chaired by myself and scott andrews to make the best of the downtown retail court, using yamhill and morrison as the spine of what will be our premiere retail district, and then concentric circles out from that throughout the downtown. Last, this past holiday season established a new retailers experience double-digit increases, in sales. We worked hard, the basic strategy of the downtown retail strategy is to curate the best national and local firms and to the extent that we can have them side-by-side with each other, the better. The national firms have the advertising budgets. They can bring customers downtown with the recognized names, and then our local firms benefit from that. As folks walk by and they also benefit by, by being able to be close to the restaurants that we're recruiting for this area. Since the strategy was in place, we have successfully recruited h&m, sephora, the new nike, punch bowl, which will be going into the pioneer place 2. Target on the west end of the district. And local businesses like joe's burger, crafty wonderland and a new elephant's deli, boys fort, downtown artistry, saturday market annex, trillium artists -- and the list goes on. The result of all of that is that underperforming parking garages owned by the city of Portland are now, some of them, maxed out in terms of access for short-term parking. And so today, we're here to change the way we operate some of those garages in terms of long-term parking, that we added to the garages, so that we would continue to be able to pay the bills. But, now, we can get rid of some of that long-term parking and add back the short-term parking, for which they were built to serve in the first place. So, should I turn it over to mr. Rist.

John Rist, Bureau of Transportation: Thank you, john rist, for the record, bureau of transportation. Joining me is michael jacobs, general manager of the parking garages in the bureau. The ordinance before you, as the mayor just pointed out, the ordinance is, is an attempt to, to respond to the markets and the increase in retail activity in the downtown core and I will just summarize very quickly the four major points of the ordinance. One is to, is to adjust the rates to reflect the market rates around the 4th and yamhill garages, 10th and yamhill garages. Those rates

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would be at least \$10 higher than they have, than the average rate of private spaces survey within a four-block radius of the two garages.

Saltzman: Is that a monthly permit?

Rist: Correct, correct. Second part of the ordinance is to direct the bureau to eliminate the use of monthly parking at the 3rd and alder garage effective june 1. No later than that. And third major point is to, is to work with our customers as we transition some of them to private garages. And the fourth point is to enforce the four-hour limit parking spaces in the downtown retail core garages. So, that's the ordinance before you. Those are the major elements of the ordinance. And I would be glad to answer any questions.

Saltzman: Question? So there is no adjustment to the short-term parking rate?

Rist: That's correct.

Saltzman: And to enforce the four-hour limits you are going to use existing parking enforcement?

Rist: That's correct.

Saltzman: Whoever has the downtown routes will go through the garages, as well?

Rist: Correct, correct. In these three core garages we'll start with, in the three core retail garages. That authority exists within city code for our parking enforcement officers to do that.

Saltzman: So no additional staff?

Rist: Correct, correct.

Adams: I have asked to put it in because I think that people might be surprised to see our parking enforcement folks in the garage, so I wanted to flag it publicly. We have always had the authority to do that, but now we're going to actually do it.

Rist: Now we're going it actually do it, that's correct.

Adams: Any other discussion? Thank you gentlemen. Does anyone, has anyone signed up to testify? We have one person, lisa frisch.

Adams: Lisa works for the Portland business alliance and as part of our core team that has helped us to put together the, the downtown retail strategy and is, has been key in implementing it and deserves our thanks for helping with all the great momentum and success that we have. Welcome.

Lisa Frisch: Thank you. Thank you for all your help. And for that great introduction. Good morning, mayor and commissioners. My name is lisa frisch, the downtown retail development manager for the Portland business alliance. And I am here today on behalf of the downtown retail council to express our support with the ordinance before you today to provide convenient and affordable parking to downtown retail and business customers. Four years ago, under the leadership of mayor Adams, the downtown retail vision task force was formed. This partnership was charged with bolstering retail by creating a signature retail area on yamhill and morrison streets called the pioneer district, and support it go with marketing and branding, business development, streetscape refinement and strategic investments. We are happy to report today that the collective work of the task force has made the mayor's vision a huge success. Downtown retailers are reporting a 10% increase in sales from 2010 to 2011. The downtown regional vacancy rate is under 5%, which is unheard of in several parts of the country. Downtown has several exciting new local and international retailers and restaurants, including nike, sephora, h&m, ring side Fish house, shreve and company, cafe yum, ruth chris steakhouse, joe's burgers and a future city target and tj max. These amenities and destinations will provide new things for our downtown workers and visitors to do. In addition to the new retailers, pioneer place is working to renovate their facilities, with new large-scale retailers, restaurants and entertainment facilities, which are expected to draw thousands of new visitors to the pioneer district. The resurgence in the downtown vitality brings a huge demand for short-term retail customer parking within the pioneer district. With limited onstreet parking spaces in the retail core, the city owns smart park garages, meet the demand, and in fact, they were built specifically with this purpose in mind, to provide short-term parking for, for

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downtown retail customers. These facilities are an integral part of the success of downtown Portland, which competes with free and abundant parking in suburban malls. Parking is a very limited resource in the core, and our customers need and demand low cost, safe, convenient access to parking so they may patronize our businesses. We are pleased that the city is securing spots for retail customers at 3rd and alder garage. Will, this will go a long way in making sure we have convenient and easy parking. We are also pleased when more retailers open their doors and even more expected demand comes online in the pioneer district. Addition short-term parking spaces will be made available in those other pioneer district garages. We urge the city to keep the short-term hourly rate at \$1.50 at this time and we will continue to encourage our businesses to offer parking validation vouchers to their customers. Thank you again, mayor Adams and commissioners for your leadership on downtown retail revitalization and thank you for taking immediate actions to support downtown business environments. Thank you.

Adams: Thank you, and thank you for all your efforts. All right. Karla, can you please call the vote on this emergency ordinance?

Fritz: Well, thank you for the Portland business alliance for bringing this to our attention and mayor Adams and his team for taking action so swiftly. Very good to know that there is now resurgence in and demand for short-term parking downtown. It is a wonderful, vibrant downtown and it proves our investments in the downtown vision initiative and other strategic ways of making sure that people come downtown and that there are opportunities for businesses to thrive downtown are succeeding, so thank you for your efforts. Aye.

Saltzman: Well, yeah, this is a good move. We need to make sure that our garages are, are available for people shopping downtown, primarily so, this is a good move to free up spaces and to find -- and to enforce them, too. That's good, too. I know that we want to make sure the people are using our garages on a short-term basis, and hopefully spending their dollars in the downtown retail core, as they are doing that, so pleased to support this. Aye.

Leonard: Aye.

Adams: I want to thank Raihana ansary for all her work, along with peter parisot on the downtown retail initiative. And also, catherine ciarlo and katja dillmann and tom miller, and the folks before us from the bureau transportation. This is an interim step of rates for all bureaus coming back as part of the budget process, and we'll have an opportunity to, to tweak this further if we need to. And as we look at all the rates for all the bureaus in the city in the months, so thank you, gentlemen, for your great work. Aye. [gavel pounded]

Adams: So approved. We are now at item, can you please read the title for presentation item no. 323. Superfund.

Item 323.

Adams: Commissioner amanda Fritz.

Fritz: Thank you, mayor Adams. I have asked the office of healthy working rivers and the bureau environmental services to bring the superfund briefing to the city council to provide an overview of where we are to date, what we can expect moving forward given the submission by the lower willamette group at the draft feasibility study later on this week. And the bureau of environmental services has been extensive in their participation since before the superfund listing in, in 2000 and extensively after that in technical research and technical support. The office of healthy working rivers participation, which the mayor and I created in 2009, has been more recent with responsibilities to ensure that the city meets the obligations and intentions in the superfund cleanup process, protecting and restoring the ecological transportation and recreational roles of the columbia and willamette rivers, and rehabilitating contaminated inactive properties with prosperous working harbor opportunities and supporting river dependent jobs. Of course the bureau of planning sustainability has also been heavily involved in the river planning process. So we have the three members of the council currently sitting up here, the mayor, commissioner Saltzman and myself

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deeply invested in the superfund process and making sure that we coordinate across all city bureaus.

So, over the summer, we will be having a further discussion and education on the whole process, that I wanted to have this opportunity to lay out in public, what we have done, where we are and what some of the terms mean and just as a briefing to set the stage and turn this over to Ann Beier, the director of the office of healthy working rivers, and Dean Marriott, the director of the bureau of environmental services.

Dean Marriott, Director, Bureau of Environmental Services: Thank you, Mayor Adams, members of the council. I am Dean Marriott, environmental services. With me is Ann Beier, as Commissioner Fritz said. I will start and Ann will clean up here. See if we can get the slide show up. As the commissioner indicated, this is our opportunity to come before council and, and in a public forum to talk about we're things stand with the Portland harbor superfund. The timing is, I think, appropriate because things are going to start happening and I think you are starting to see more interest out there on the public and the press about, about what's coming, so we thought this would be a good opportunity to come in and give you the, the sort of overview. We're going to talk about the harbor, a bit about the efforts associated with the city and our work that we have done to date and describe the process going forward. Just quick word about, about the Portland harbor superfund site. Of course, it was designated in the year 2000 by EPA and the statute is, actually, comprehensive environmental response compensation and liability act of 1980, CERCLA, everyone refers to it as the superfund law. Here you see the map from Sauve Island to, actually, more appropriate to suggest it's the Broadway bridge area of the city, is the designated area. So, stakeholders in the process, lots of them. I have listed them here. Local business and industry. Many public entities, including the port, the city, and state agencies, of course, there is countless numbers of local citizens interested. Environmental groups, Fishing interests and the lead environmental agencies both at the federal and state level, of course and tribal governments, very interested for obvious reasons. And natural resource trustees play significant role. There have been two processes going on. The deal was struck around the year 2000 when the site was listed. You may remember there was some contention about whether this should be a state-led cleanup process, or a superfund process. And what happened was EPA was designated to take the lead on the in-water issues and the state, through DEQ, was designated to take the lead on the upland site issues. And so that's what this chart shows. The two working together with the lower Willamette group and other interested parties on in-water issues to the left-hand side of this slide, sediment investigation and, and then on the right-hand side, is the, the source control in upland contamination issues. The DEQ is primarily interested in focusing on, on getting agreements with potential sources ongoing sources of contamination. But we do not want to do is have progress made in cleaning up the harbor and the sediments if we still have ongoing sources, that would be a terrible waste of effort. So, DEQ is taking the lead there. And the city of Portland working with both agencies very close. Related, I know, some of you were following us closely, is something called the natural resource damage assessment, or NRDA process. The NRDA. Restoration efforts are directed by a trustee council. They are evaluating the damages to the natural resources that occurred over time due to the contamination caused to the area and they are developing restoration plan to compensate for those losses. So, again, it's two parallel processes underway at the same time. We have an interesting and complex role. We are a member of the 10-member organization that was set up in 2000 called the lower Willamette group. And we wanted to show leadership and, and be involved from the beginning. And so we've been an active member in the lower Willamette group. This is the group that has funded all of the investigations so far and is submitting the draft feasibility study, which I'll talk about in a second to EPA later this week. Also, been funding the agency participation costs and tribal participation costs to date, as well. The city also is designated as a responsible party and we are, of course, have been actively over the last 12 years evaluating our own systems and to be sure that we understand just what, what role we may have played in the contamination of the harbor.

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We're also, of course, interested in a fair and appropriate allocation of responsibility for the ultimate cleanup. Want to make sure that our public interest and our rate payers and taxpayers' interests are protected in that process. Also play a stewardship role. Our leadership in cleaning up the willamette is well-known and we want to continue that stewardship role. Of course, we want to continue our act of engagement with other government entities. We've been very active with environmental services and others in the city working with the Oregon deq on identifying sources and potential sources and, and making sure that their plans are in place to control those to make sure, as I said, there is no ongoing contamination problem. Just a quick walk-through, the time line of the superfund listing in 2000, during that time, a lot of research sampling and analysis has taken place, as well as some early action for cleanup. The next stage is remedial investigation, which is we're the risk assessment analysis has been done, what are the risks. The draft feasibility study, that work has been going on and as I indicated, will be submitted to epa at the end of the week. And those, that document describes the cleanup options. Full range of cleanup options from basically, do a lot of dredging and removal to allowing for a lot of natural recovery, and everything in between on that spectrum. Then it's in the epa's hands, and they will develop a cleanup plan and that will be submitted for public comment fairly soon and we'll have more to say about that in a moment. They will then issue record of decision. That's their decision that will govern the extent and the nature of the cleanup. And then whatever additional cleanup work will follow according to that plan. Just some summaries of some activities since the listing, obviously, the epa has been in charge of the river sediment and the early actions for cleanup, as I mentioned, Oregon deq for upland source control work. During this time, extensive amounts of sampling, testing and analysis have been done. Been an ongoing active citizen advisory group that's been meeting regularly. Meanwhile, Oregon health division has been issuing and update any Fish advisories for the area. And as I mentioned, there have been some early cleanup action. So just to recap what, what's, what we have learned. There's a map of the area from sauvie island to the broadway bridge. The primary risk drivers have been identified already from the contamination poly-chlorinate by phenols, pcbs, extensive contamination from that chemical. A variety of pesticides, including ddt. Ddt was manufactured within the study area so that's not surprising. Dioxin and furans, as well, and something called pahs or poly-cyclical hydro carbons, associated with oil and petroleum products. So, those are the main drivers of the contamination and the risk in the area. What's being present to epa later there week is the draft feasibility study. As I mentioned earlier, it will take into account a list of alternatives, including as I mentioned, dredging, also capping in place to protect from any migration or exposure, as well as monitored natural recovery and the possibility of hybrid recommendations based on those alternatives. Is, next step, lower willamette group, as I said, will submit at the end of the week. Epa will review the document. Epa will ultimately issue a proposed cleanup plan after, after considering the public comment and they will issue the record of decision so, all that's going to be happening in the next couple of years and as I said, after a 12-year evaluation and investigation and extensive amount of work about this harbor, we're now getting into the decision-making phase. And ann will talk to you bit about what the public information and outreach efforts that we would like to participate in.

Ann Beier, Office of Healthy Working Rivers: Certainly. Thank you, dean. Commissioners, beginning after the submittal of the lower willamette group feasibility study, there will be a series public forums that are hosted by the environmental protection agency to make the public aware of what the feasibility study contains. Those will be beginning in april. April 11 and 12. There will be one in the Portland building on the 12th. And then others later in the month. Those are really just public information sessions. There is no real opportunity for public comment until epa issues the proposed plan. We don't quite know when that will be. A year or so from now, probably will be when epa has digested the feasibility study. There will be additional information. The feasibility study will be posted on the lower willamette group's website beginning on friday. This

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will be a short executive summary of about four pages and a longer executive summary of about 40 pages. The feasibility study, itself and all the supporting data is about 7200 pages. There will be one hard copy available at the st. John's community center. People will be able to download various pieces of the very immense piece of work. We'll have information updated on the city's website. We have also included a list of acronyms at the end of the -- of acronyms at the end of the presentation so people can understand the language of superfund and the cleanup process. So, thank you for your time today.

Marriott: That concludes our presentation. We'd be happy to answer any questions you might have.

Adams: Any questions. Discussion?

Saltzman: A question, so the feasibility study, that we're submitting at the end of the week, has the buy-in of the entire lower willamette group, is that safe to assume?

Beier: Yes. They are ready to present it to the epa.

Adams: Are there costs --

Saltzman: Are there costs associated with cleanup options or not?

Beier: There is a range of costs that's reflected with the different cleanup options.

Saltzman: And so we, the next step after we submit this epa will do some public information. And they are going to do our p.r. work, basically. And then, the next step is the record of the decision, which, which would be --

Marriott: This is a draft document that's submitted to them. The agency has to approve the feasibility study so we're anticipating there will be some back and forth. They may request some refinement or additional information, but ultimately, once they are happy with it, they issue the feasibility study. That may take a few months or -- we're not exactly sure.

Beier: The feasibility study is an input to epa's proposed cleanup plan for the harbor. That comes out, and that is available for extensive public comment. So --

Saltzman: That's the record of decision, correct?

Beier: That's before the record of decision. So, it's very confusing. So, the proposed cleanup plan, public comment, after epa considers that public comment, then epa issues the record of decision. So, we're, we're a couple steps away in the process from a final decision and that's important to remember the, that the environmental protection agency is the decision-maker in this.

Saltzman: And then at some point after that, isn't there a panel that will decide the allocation of the cost amongst the potential responsible parties?

Beier: Yes, and that's a separate process.

Saltzman: That's after record of decision has been finalized? Is that correct?

Marriott: Yes. The allocation process has begun. And it's voluntary process undertaken by the responsible, potentially responsible parties and in an effort to do it without litigation and so, that process will, of course, be timed with the record decision so that once the record decision is issued, then the allocators will know exactly what needs to be allocated. But, in the meantime, they are assembling information about everyone involved and all their activities and the extent of the activities so that they can begin to determine relative shares of contributions.

Saltzman: So potentially, responsible parties that are members of the lower willamette group are working on cost allocation.

Marriott: We're all submitting information.

Saltzman: So what about --

Adams: The portion up to 130 potentially.

Saltzman: Yes, that was my next question, what about the other potential responsible parties who are not a member of the lower willamette group? They are subject to the cost allocation?

Marriott: I believe that they are participating, as well. If there are any that are not, I can get you that, but I believe that they are participating.

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Saltzman: And you know, looking down the road, so costs are allocated and is that subject to--are the decisions about the cost allocation by the allocation committee subject to lawsuits? So if one party is not happy with its cost allocation, can it sue somebody?

Marriott: That's very good question, commissioner. I don't know the answer to that. Whether, in participating they, they agree not to, but in this country, i'm reluctant to say. We do have legal counsel here.

Adams: Could you come up and answer commissioner Saltzman's questions? To the best of your ability knowing it is a complex process.

Jan Betz, City Attorney Office: Yes. With the city attorney's office, and the answer is that yes, parties can sue. The purpose of having a non judicial allocation process is to do it outside of the litigation arena and when that decision, when the allocation decision is made by the allocation team, it will be presented to epa and must be approved by epa. Parties who are not happy with the way the allocation came out can go ahead and sue other parties. But, the --

Saltzman: Sue other parties, not epa?

Betz: Right, the other parties. They sue each other. But, generally, the non judicial allocation process is one that largely resolves the issue because it tends to be in the economic interest of the parties to do it non judicially, and not fight it out in the courts for a number of years because that will cost them more.

Adams: One of the things that I have—correct me if I'm wrong—one of the specific incentives for businesses to not sue, it can affect their ability to get access to capital if they have this unresolved liability hanging over them. At least that's one of the levers we hope for.

Betz: Yes.

Fritz: Dean, as far as how we're going to pay for this, I want you to tell folks what is the line item that rate payers see on the water and sewer bills for superfund. What has that been used for.

Marriott: The Portland superfund charges, what's been used to pay the transaction costs of the city to participate in the lower willamette group. We have spent 23 million to date just into the lower willamette group, which again, goes to pay for the cost of the evaluation investigation, as well as the agency oversight cost so it pays for that, as well as the city's, our own due diligence to make sure that we understand our system, our collection system so that we can participate in that allocation process that commissioner Saltzman was just getting into. In a way that we can convince the allocators to make sure that we are treated fairly in that process.

Fritz: When we get to the allocation, the \$23 million will be credited at our account.

Marriott: Yes. That's the incentive for participating early. Those that have sat by the wayside won't get any credit because they have not contributed anything.

Fritz: And we also invested in having our staff participate so that the whole feasibility study has been done and with good technical support. So that's what that money so we don't have a large superfund anywhere, right? There is not a superfund bucket from the city of Portland that --

Marriott: That's the thing. I failed to mention that, there used to be when the cercla was passed, there was a tax on chemicals to assist in communities helping to clean up sites. That tax has lapsed many years ago and congress has not renewed it, although our congressman blumenauer has been vigilant in attempting to renew it. So there is no real superfund at the federal level. It's left to, basically, companies and communities to come up with the money themselves.

Fritz: I wanted to make clear to the citizens and the rate payers and taxpayers of Portland that we have not yet identified how we're going to pay for our share and whatever it may be, and if I have the honor to continue to serve on the council, I will be leading that community process, to discuss what are we going to do and how are we going to pay for it. So the decisions have not been made, and they won't be made even on friday. And there is a formal public comment period that doesn't start until the epa agrees that the feasibility study is what the lower willamette group has suggested it should be or with refinements. We're very early in the process even though it has been going on

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since the year 2000. I really appreciate you coming to share this information so that we all know what we're doing and what we're not doing at each step of the way because we're going to make these decisions together as a community with our various roles in the stewardship and liability and cleanup process. So thank you very much for coming.

Beier: Thank you.

Adams: Anyone signed up to testify, wish to testify?

Moore-Love: We don't have sign-up sheet for presentations.

Adams: All right. Then, presentation, right, we don't accept, all right. That gets us to, can you read the title for item no. 324.

Item 324.

Adams: Commissioner nick -- hi.

Zalene Nunn, Portland Parks and Recreation: Hi.

Adams: How are you?

Nunn: Good, how are you?

Adams: Welcome.

Nunn: I'm with the Portland parks and recreation. This ordinance will allow the city to accept a conservation easement over an acre of forested, or natural area. It will be next to the forest park, along skyline drive and it will allow parks to protect in perpetuity the natural habitat. Plants and wildlife on this property. It provides a buffer to, of course, park development. There is no cost to acquire this easement. The owner is giving it to us for free. We have conducted our due diligence and haven't found any contaminants or any other problems that we're concerned about. Typically, this is a straightforward transaction that usually went beyond the regular agenda but state law requires the public hearing for conservation easements. I'm happy to answer any questions you may have.

Adams: All good and no bad.

Nunn: All good and no bad so far.

Saltzman: Who is stonewater inc. Who is giving us --

Nunn: I believe -- I am not positive of what stonewater does. The owner of it is a doctor. He owns couple of properties right along there. And he's also probably going to give us more property in the area, but he wanted the conservation easement put on the property before they built house on the other property that he's selling.

Adams: Thank you for your work. Does anyone wish to testify on this matter? Karla, can you please call the vote on the emergency ordinance?

Fritz: There is so many staff in the city and citizens who want to do the right thing in protecting the beauty and the natural resources in Portland so thank you for your work on this, aye.

Saltzman: This is great. Thanks to stonewater, inc. for giving us the easement. Conservation easement. Aye.

Leonard: Aye.

Adams: Aye. [gavel pounded]

Adams: Approved and we are adjourned for the week.

At 10:33 a.m. Council adjourned.