



CITY OF  
**PORTLAND, OREGON**

OFFICIAL  
 MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **25TH DAY OF APRIL, 2012** AT 9:30 A.M.

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

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

Items No. 407 and 411 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>398</b> Request of Christine Nagle to address Council regarding SUN program and why it needs to be retained (Communication)	<b>PLACED ON FILE</b>
<b>399</b> Request of Greg Greenway to address Council regarding no pass through cuts to SUN including at Buckman (Communication)	<b>PLACED ON FILE</b>
<b>400</b> Request of J.R. Sanford to address Council regarding Right to Dream Too as a recreational campground (Communication)	<b>PLACED ON FILE</b>
<b>401</b> Request of Brian Anderson to address Council regarding SUN program (Communication)	<b>PLACED ON FILE</b>
<b>402</b> Request of Sarah Lewins to address Council regarding maintaining current funding for SUN programs (Communication)	<b>PLACED ON FILE</b>
<p style="text-align: center;"><b>TIMES CERTAIN</b></p> <b>403</b> <b>TIME CERTAIN: 9:30 AM</b> – Accept the Portland Design Commission State of the City Report (Report introduced by Commissioner Saltzman) 45 minutes requested  <b>Motion to accept the report:</b> Moved by Commissioner Saltzman and seconded by Commissioner Fritz.  (Y-4)	<b>ACCEPTED</b>
<b>CONSENT AGENDA – NO DISCUSSION</b>	

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**Mayor Sam Adams**

<b>404</b> Reappoint Charles Wilhoite to the Portland Development Commission Board for term to expire June 30, 2015 (Report) (Y-4)	<b>CONFIRMED</b>
<b>405</b> Reappoint John Mohlis to the Portland Development Commission Board for term to expire June 30, 2015 (Report) (Y-4)	<b>CONFIRMED</b>
<b>*406</b> Authorize a grant agreement with World Affairs Council of Oregon to provide \$34,700 to help pay for costs associated with its Global Classroom programs (Ordinance) (Y-4)	<b>185270</b>
<b>Bureau of Police</b>	
<b>*407</b> Authorize the Chief of Police or designee to execute Access and Indemnification Agreements with property owners for installation of surveillance equipment on their property (Ordinance)	<b>CONTINUED TO MAY 2, 2012 AT 9:30 AM</b>
<b>Bureau of Transportation</b>	
<b>*408</b> Designate portions of seven parcels of City property owned in fee title located between SE 108th Ave and SE 112th Ave south of SE Foster Rd as public right-of-way and name them SE Cooper St and assign them to the Bureau of Transportation and name an existing parcel of public right-of-way located between SE 110th Ave and SE 112th Ave south of SE Foster Rd as SE Cooper St (Ordinance) (Y-4)	<b>185271</b>
<b>*409</b> Amend contract with Portland Patrol, Inc. to increase security coverage in SmartPark Garages, extend the term and provide for payment (Ordinance; amend Contract No. 30002191) (Y-4)	<b>185272</b>
<b>410</b> Terminate Cooperative Improvement Agreement with the Oregon Department of Transportation and Metro for the Peninsula Crossing Trail - North Portland Road Section (Ordinance; amend Contract No. 51267)	<b>PASSED TO SECOND READING MAY 2, 2012 AT 9:30 AM</b>
<b>Office of City Attorney</b>	
<b>*411</b> Pay claim of Daniel Halsted involving Portland Police Bureau (Ordinance) (Y-4)	<b>185278</b>
<b>Office of Management and Finance</b>	
<b>*412</b> Create a new nonrepresented classification of Human Resources System Specialist and establish a compensation rate for this classification (Ordinance) (Y-4)	<b>185273</b>
<b>*413</b> Pay claim of Stacey Lauer involving Portland Parks and Recreation (Ordinance) (Y-4)	<b>185274</b>

<p><b>Commissioner Dan Saltzman</b> <b>Position No. 3</b></p> <p><b>Bureau of Environmental Services</b></p>		
<p><b>414</b> Authorize contract with Brown and Caldwell for the condition assessment of large diameter sewers and provide for payment (Ordinance)</p>		<p><b>PASSED TO SECOND READING MAY 2, 2012 AT 9:30 AM</b></p>
<p><b>415</b> Authorize a contract with BergerABAM Inc. for engineering services for the design of the Skidmore and Safeway Pump Station Upgrades Project Nos. E10291 and E10292 (Ordinance)</p>		<p><b>PASSED TO SECOND READING MAY 2, 2012 AT 9:30 AM</b></p>
<p><b>Commissioner Randy Leonard</b> <b>Position No. 4</b></p> <p><b>Portland Fire &amp; Rescue</b></p>		
<p><b>416</b> Accept donation of 1918 American LaFrance triple combination pumper and leather fire helmet from the Jeff Morris Fire &amp; Life Safety Foundation (Ordinance)</p>		<p><b>PASSED TO SECOND READING MAY 2, 2012 AT 9:30 AM</b></p>
<p><b>417</b> Donate \$2,000 to the David Campbell Firefighters Memorial Foundation (Ordinance)</p>		<p><b>PASSED TO SECOND READING MAY 2, 2012 AT 9:30 AM</b></p>
<p><b>Water Bureau</b></p>		
<p><b>418</b> Authorize the Water Bureau Administrator to execute Intergovernmental Agreements and amendments funded by the Lead Hazard Reduction Program (Ordinance)</p>		<p><b>PASSED TO SECOND READING MAY 2, 2012 AT 9:30 AM</b></p>
<p><b>Commissioner Amanda Fritz</b> <b>Position No. 1</b></p> <p><b>Office of Neighborhood Involvement</b></p>		
<p><b>*419</b> Authorize a \$13,000 grant agreement with East Portland Neighbors, Inc. to administer the newsletter production of East Portland Neighborhood Association News (Ordinance)  (Y-4)</p>		<p><b>185275</b></p>
<p><b>City Auditor LaVonne Griffin-Valade</b></p>		
<p><b>420</b> Approve Council Minutes for July-December 2011 (Report)  (Y-4)</p>		<p><b>APPROVED</b></p>

<b>REGULAR AGENDA</b>	
<b>Mayor Sam Adams</b>	
<b>Bureau of Transportation</b>	
<b>421</b> Authorize an Intergovernmental Agreement with Metro and accept a grant in the amount of \$17,000 from Metro for five Portland Sunday Parkways in 2012 (Second Reading Agenda 392)  (Y-3; Leonard absent)	<b>185276</b>
<b>Office of Management and Finance</b>	
<b>*422</b> Adopt findings, authorize an exemption to the competitive bidding process to Procurement Services pursuant to ORS 279C and PCC 5.34, authorize contracts and provide payment for construction of Fire Station 21 (Ordinance) 10 minutes requested  (Y-4)	<b>185277</b>

At 11:03 a.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND,  
OREGON WAS HELD THIS 25<sup>TH</sup> DAY OF APRIL, 2012 AT 2:00 P.M.

THOSE PRESENT WERE: Commissioner Fish presided at 2:00 p.m.; Commissioners Fritz, Leonard and Saltzman. Mayor Adams arrived and presided at 2:30 p.m., 5.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Roland Iparraguirre, Deputy City Attorney; and Steve Peterson and Harry Jackson, Sergeants at Arms.

Council recessed at 3:37 p.m. and reconvened at 3:45 p.m.

	<b>Disposition</b>
<p><b>423</b>    <b>TIME CERTAIN: 2:00 PM</b> – Accept the report of the Chief Administrative Officer on the first annual report of the General Obligation Bond Independent Citizen Committee (Report introduced by Mayor Adams) 20 minutes requested</p> <p><b>Motion to accept the report:</b> Moved by Commissioner Fritz and seconded by Commissioner Saltzman.</p> <p>(Y-5)</p>	<b>ACCEPTED</b>
<p><b>424</b>    <b>TIME CERTAIN: 2:30 PM</b> – Adopt the Portland Plan as strategic plan to guide future City decisions (Previous agenda 397; Resolution introduced by Mayor Adams) 30 minutes requested</p> <p><b>Motion to retract amendment memo of April 7, 2012 and replace with amendment memo dated April 25, 2012:</b> Moved by Commissioner Saltzman and seconded by Commissioner Fritz. (Y-5)</p> <p>(Y-5)</p>	<b>36918</b> AS AMENDED
<p><b>*425</b>    <b>TIME CERTAIN: 3:00 PM</b> – Authorize a \$1,500 grant agreement with Buddhatham-Aram, Inc. for a neighborhood Small Grant for the Lao Community Connection project (Ordinance introduced by Commissioner Fritz) 25 minutes requested for items 425-428</p> <p><b>Motion to add emergency clause:</b> Moved by Mayor Adams and seconded by Commissioner Fish. (Y-5)</p> <p>(Y-5)</p>	<b>185279</b> AS AMENDED
<p><b>*426</b>    Authorize a \$3,500 grant agreement with Chess for Success for a Neighborhood Small Grant for the Chess for Success at Lincoln Park Elementary School project (Ordinance)</p> <p><b>Motion to add emergency clause:</b> Moved by Mayor Adams and seconded by Commissioner Fish. (Y-5)</p> <p>(Y-5)</p>	<b>185280</b> AS AMENDED
<p><b>*427</b>    Authorize a \$30,336 grant agreement with East Portland Neighbors, Inc. to administer Neighborhood Small Grants for fourteen community and neighborhood building projects (Ordinance)</p> <p><b>Motion to add emergency clause:</b> Moved by Mayor Adams and seconded by Commissioner Fish. (Y-5)</p> <p>(Y-5)</p>	<b>185281</b> AS AMENDED

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<p><b>*428</b> Authorize a \$20,770 grant agreement with Kenton Action Plan dba North Portland Community Works to administer Neighborhood Small Grants for thirteen neighborhood and community building projects (Ordinance)</p> <p><b>Motion to add emergency clause:</b> Moved by Mayor Adams and seconded by Commissioner Fish. (Y-5)</p> <p>(Y-5)</p>	<p><b>185282</b> AS AMENDED</p>
<p><b>429</b> <b>TIME CERTAIN: 3:30 PM</b> – Adopt the Communications Annex to the Basic Emergency Operations Plan (Resolution introduced by Mayor Adams) 30 minutes requested for items 429-432</p>	<p><b>CONTINUED TO MAY 2, 2012 AT 9:30 AM</b></p>
<p><b>430</b> Rename the Portland Office of Emergency Management to the Portland Bureau of Emergency Management (Ordinance; amend Code Chapters 3.124, 3.125, 3.126 and Code Section 2.12.020)</p>	<p><b>PASSED TO SECOND READING MAY 2, 2012 AT 9:30 AM</b></p>
<p><b>*431</b> Authorize Memorandum of Understanding with the American Red Cross to coordinate emergency relief activities to maximize services to the community and avoid duplication of efforts (Ordinance)</p> <p>(Y-5)</p>	<p><b>185283</b></p>
<p><b>432</b> Adopt the Earthquake Response Appendix to the Basic Emergency Operations Plan (Resolution)</p>	<p><b>CONTINUED TO MAY 2, 2012 AT 9:30 AM</b></p>

At 3:55 p.m., Council recessed.

April 26, 2012  
 A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND,  
 OREGON WAS HELD THIS 26<sup>TH</sup> DAY OF APRIL, 2012 AT 2:00 P.M.

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

Commissioner Saltzman arrived at 2:05 p.m.  
 Commissioner Leonard arrived at 2:06 p.m.

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

	<b>Disposition</b>
<p><b>433 TIME CERTAIN: 2:00 PM</b> – Appeal of East Portland Land Use and Transportation Committee against Hearings Officer’s decision to approve with conditions the application of Rodelo and Vivian Asa for a conditional use and adjustment for a group living facility at 2027 SE 174<sup>th</sup> Ave (Previous Agenda 240; Hearing LU 11-146609 CU AD) 1 hour requested</p> <p><b>Motion to uphold Hearings Officer’s decision, adopt Hearings Officer’s Findings as Council’s and deny the appeal:</b> Moved by Commissioner Fish and seconded by Commissioner Leonard. (Y-4; N-1 Fritz)</p>	<p><b>APPEAL DENIED</b></p>
<p><b>434 TIME CERTAIN: 3:00 PM</b> – Tentatively uphold the appeal of Verizon Wireless, lessee, with condition and overturn Hearings Officer's decision to deny a conditional use and adjustment for a wireless telecommunications facility at Mt Scott Fuel Company, 6904 SE Foster Road (Findings; Previous Agenda 330; LU 11-125536 CU AD) 5 minutes requested</p> <p><b>Motion to adopt Findings:</b> Moved by Mayor Adams and seconded by Commissioner Fritz. (Y-4; N-1 Leonard)</p>	<p><b>FINDINGS ADOPTED</b></p>

At 3:47 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.

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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.

**APRIL 25, 2012 9:30 AM**

**Fish:** Welcome, everybody. The mayor is not here. How are you?

**Moore-Love:** I am well, thank you.

**Fish:** Let's begin by taking the roll. [roll]

**Fish:** A quorum is present, and before we take up council communications, we have two proclamations this is morning. Commissioner dan Saltzman.

**Saltzman:** Thank you, mr. President. We are going to do proclamation because april is child abuse prevention month. And we are going to have a proclamation, but I also wanted to -- I invited the Portland police child abuse team and many members of here and I wanted to call up lieutenant rachel andrew and sergeant dan liu to come to the table. You don't have to say anything, but I just figured that I would, I know how shy you folks are. So and I wanted to also recognize everybody who is in attendance today from the child abuse team. And that is including, as I said, lieutenant rachel andrew, sergeant dan liu, detective lori smith and you can wave your hand. Detective chris rizarry. Mace winter and detective eric carter. Ok. Well, these men and women of the child abuse team intervene in some of the most heinous crimes out there. The abuse of a child. The jobs these detectives and sergeants do every day is demanding, tough, but extremely important work. The long-term impacts of child abuse are monumental. There are far too many children that do not survive abuse. Harmed by those who are supposed to protect and care for them. And these members of the Portland police bureau intervene and protect children from further abuse and prevent other children from being abused, also. They deserve to be commended. It is one of the toughest jobs that I think that there probably is in the Portland police bureau. And I want to say one thing that is, that has impressed me, is that, is that the majority of these men and women in the child abuse team stick with it for a long time. Many have spent their careers there and I can certainly understand in one sense why one wants to keep working on this issue because it is so important to so many young people. But I also know that it's a tremendously psychological impact. The psychological toll of the cases you work on is tremendous, so I want to thank the team and we'll read the proclamation, but I want to thank you for your longevity, your long-term commitment to bringing those responsible for child abuse, accountable, but also preventing further children from being abused so I really thank you for all your hard work and now, commissioner amanda Fritz is going to read the proclamation. Before you read it, do either one of you want to say anything?

**Sgt. Dan Liu, Portland Police Bureau:** Thank you for your time, it's well appreciated. It is tough job.

**Saltzman:** So, commissioner Fritz, please read the proclamation.

**Fritz:** Whereas children are a community's most valuable resource and whereas physical, emotional, sexual abuse all constitutes harm against children and whereas a community, our community's children deserve to be safe, nurtured and cared for and whereas the Portland police bureau's child abuse team investigated more than 700 cases of severe child abuse last year. And whereas the child abuse team partners include the Portland police bureau, the Multnomah county



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district attorney's office and the Gresham police department, Oregon Department of Human Services and Multnomah County Sheriff's Office, the Fairview police department, the Troutdale police department and CARES Northwest and whereas the City of Portland recognizes the important contribution the child abuse team makes to intervene and prevent child abuse. And whereas the city encourages all Portlanders to have a positive influence on a child. So that Portland's youngest may grow in a healthy, nurturing community. Now, therefore Sam Adams, the mayor of the City of Portland, Oregon, the City of Roses, does hereby proclaim April 2012 to be Child Abuse Prevention Month in Portland and encourages all residents to observe this month by honoring the work of the Portland Police Bureau's Child Abuse Team.

**Lt. Rachel Andrew:** Thank you.

**Saltzman:** A round of applause.

**Andrew:** Thank you. [applause]

**Saltzman:** Thank you very much.

**Fish:** Thank you for the great work.

**Saltzman:** Go ahead.

**Fish:** We have a second proclamation this morning recognizing Awesomeness Day. [laughter]

**Fish:** If our two special guests would come forward and as the president of the council I get to select any member of the council to read the proclamation. I chose Mr. Awesome, himself, Mr. Randy Leonard. Commissioner Leonard, would you read the proclamation? [laughter]

**Leonard:** That's awesome. Whereas the City of Portland wishes to recognize the launch of the Awesome Foundation in Portland and whereas today marks the launch of a philanthropic organization aimed at inspiring Portlanders to design, create, imagine and smile and whereas, 10 local trustees will gleefully donate \$100 every other month to collectively award \$1,000 to the most promising proposal, rewarding imagination, determination and altruism, with the goal of uplifting and transforming our beloved Portlandia in areas of art, technology and social good and whereas begun in Boston in 2009, the concept of awarding monthly grants to a project that connects communities and evokes new opportunities has spread to cities around the world and all with the same goal to, promote awesomeness in the universe, \$1,000 at a time and whereas Portland joins San Francisco, Seattle, Austin, Sidney, London and Berlin, among others on this adventure, and whereas, we extend best wishes and fortitude to Portland's founding members as they prepare to award their first grant on May 17. Now, therefore I, Sam Adams, Mayor of the City of Portland, Oregon, the City of Roses, do hereby proclaim April 26, 2012, as Awesomeness Day in Portland and encourage all residents to observe this day.

**Fish:** Thank you, Commissioner. Welcome. Do you want to start?

**Diedra Demerit:** Thank you. First we would like to thank you very much for --

**Fish:** We need the name.

**Demerit:** Deidre Demerit.

**Lesley Rogers:** Lesley Rogers.

**Demerit:** And we are co-founders of the Portland chapter of the Awesome Foundation.

**Rogers:** And again, I want to thank you, we think that this is a perfect marriage. The Awesome Foundation in Portland in the spirit of keeping Portland awesome and very weird, I would like to say that we have received 40 proposals so far, for our grants and they have ranged in the area of, of microfarms, community-based gardens, I believe we even have a project suggesting Goatlandia, which is, essentially, reality TV show, intended to be about goats that will bridge the communities and bring diverse populations together in northeast Portland. And with that, I want to thank the city for embracing us and we are having a launch party on May 17, the deadline for the

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applications are may 3 and as I said, we have received 40 and we would like many more. Again, in the areas of arts, social good and technology. Thank you very much.

**Fish:** Congratulations.

**Fritz:** How could somebody find out more about this program?

**Rogers:** That's a great question. We have a, a fantastic website. AwesomePortland.org. Very easy to find.

**Fritz:** What a great name. Thank you.

**Fish:** Karla, I think I got ahead of myself now that commissioner Leonard is here, let's do the roll and move to communications.

**Fritz:** Here. **Fish:** Here. **Saltzman:** Here. **Leonard:** Here.

**Fish:** A quorum is present, we will move to council communications. With that, without objection we will hear council item 402 first.

**Item 402.**

**Fish:** Welcome. We just need your first and last name and you have three minutes.

**Sarah Lewins:** Good morning. I am sarah lewins. And I am the principal of the roseway heights k8 school here in Portland. Thank you for giving me this opportunity to speak to you. Prior to this I was a principal at six years at marquam so I have great familiarity of the significant benefits the sun program brings to the students and families. Roseway heights has been a community school for the past 3 years and the sun school park and recs for the last 12. Being a sun school is deeply engrained into who we are as a community. We have almost 600 students with over half of them participating in the sun classes each term and we offer between 30 to 40 classes each week. We also have adults taking classes and have a huge summer program that is highly subscribed to. Sun classes offer academic support and enrichment, as well as especially in our case, a wide range sports or fitness classes. And you are well aware of the benefits between strong afterschool programs leading to improved attendance, achievement and for our students, faculty, increased fitness. And I brought several letters for you and I want to share some of those, as I believe that hearing the voices of our students is vital for your decision-making. These students, faculty, voices represent kids at roseway heights, but I am positive they represent students throughout the schools. This program helps us to do better job with our students, faculty, better preparing them for our community, and it's resource we cannot afford to lose. Dear mr. Mayor and council members, I am Deja charleston, and I attend roseway heights school. Over the past years i've been here I attended a lot of programs like chorus and basketball, track and field and the grow project. They have helped a lot. As you know, our school's homework club is a part of the sun program. From my experience it really helps. Kids really get most of their homework done, and I used to get an f in language arts because of missing assignments. But now thanks to the homework club I have a B, and so far my teacher says i'm the most improved student that she has seen, so by cutting that tiny little club you could drop a bunch of people's grades like that. Do you really want to ruin our education? Do you really? You should think about that. Love deja charleston.

> dear Portland city council, as you have heard after school sun classes can be closing, and we need your help. At sun I learned how to unicycle, play tennis, do chinese yo-yo and sort of juggle. Sun school keeps kids active, healthy and smart, so could you please help us keep sun school.

Sincerely and hopefully, alden roberts. Fifth grader at roseway heights.

> dear city council, I feel sun school is very important. Students can do things they would never be able to during school hours. Because of sun I learned to unicycle, I have learned many ways to play dodgeball, and another thing I love about sun is that you can sign up for classes with friends and while you are learning new things you are having the time of your life. I can't imagine what our school, roseway heights, would be like without sun school. It would be like a library without

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books. A computer without a monitor and the hunger games without catness. It's a great thing and I do not want to lose it sincerely clair, fifth grade, roseway heights. Thank you.

**Fish:** Is it possible to leave those letters with us so we can send responses?

**Lewins:** I have a huge folder for you.

**Fish:** Thank you. And we'll send out a response --

**Fish:** Please let the students know how much we appreciate hearing from them.

**Lewins:** That means a lot to them. They put a lot of effort into this.

**Fish:** Thanks very much. Karla, would you call 398.

**Item 398.**

**Greg Nagle:** My wife is christine, and she is home with our sick child, spencer. She's asked if I could read a statement in her place this morning?

**Fish:** We would be pleased to have you. If you would just identify yourself. Hopefully she'll recover quickly.

**Nagle:** Yes. I do, too. So I don't have to cook. Anyway. I am greg nagle and I am reading for christine nagle represent her today. Before sending our daughter to kindergarten, if you had said sun program to me I would have had no clue what you were talking about and no one I asked knew what it was or what it meant. We enrolled our daughter in her first class when she was five. It is for mixed ages, k2. She was enrolled because she was struggling to make friends at the school. But by the second class she had made a bevy of friends some, older. Being in drama class with scripts that encourage her to read and kindergarten, no less. And our entire family, including others, have been involved with the sun for six years now taking classes, making cultural crafts and donating to season of sharing in the food bank, and stomping our feet at the community dances and teaching classes. Sun provides fun and enriching programs. Classes teaching music, foreign languages and carpentry, sewing, lego robotics, self-esteem, reading, math and science. Sun also provides tutoring. This, alone, has made an impact on our students who struggle to do homework at home without turning into an emotional wreck. And next year we will like to send her brother there to receive the same support his sister has received that his school cannot provide. When our school needed math and writing support, sun provided deeply memorable experiences that included stilt walkers, chocolate fountains and writing new laws and ancient scrolls. I don't think the kids realize that they were doing math and writing. When they are older I have no doubt that they will devise clever ways to get people to do the things that, to do things because of these magical experiences that sun has provided. This year, I am taking a parenting class at sun, that sun has facilitated. I was apprehensive, am I a failure for taking this? Without a question, it has helped me to understand and relate to my kids better and have more meaningful relationships with them. It did not take years for this to happen. Just a couple of hour long classes in the evening and I will forever thank sun for that. Over the years I have seen first hand the benefits of kids who are matched up with mentors through sun, including one of our students, faculty, and his mentor who was invited to Washington to attend the national mentoring week where they met with president barack obama. Not one person in this child's family would have ever imagined that would have been possible. Sun made it happen. I have seen family in tears after receiving boxes of holiday gifts from generous donors who and who arranged this? Sun did. The results were the same with the winter program. I know of one family who was struggling, not struggle before, but found themselves days from being evicted because of their series of drastic medical procedures that drained their savings who helped them stay in their home when no one else could? Sun did. This is not the only story like this. I'm glad that sun program is at risk because it has made me reflect how valuable sun is and the great impact it has had in our lives. Our school, and our community. It is shameful that they are hacked at year after year when it has proven to be an invaluable asset for the

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community. Yes, schools uniting neighborhoods. That's what sun does. That's what sun stands for. Let's continue to support this. Christine nagle. Thank you.

**Fish:** Thank you very much, sir. Karla, would you please read item no. 399.

**Item 399.**

**Fish:** Welcome to city council. You have three minutes.

**Greg Greenway:** Good morning. I am greg greenway, and I am a parent at buckman elementary school and I am here to ask you to protect the pass-through funds for all sun programs, including those at buckman. On a very personal level, in terms of how sun affects my family, I would echo everything you have heard from other parents before me. We're renters in the neighborhood and I am really concerned that the kind of education and support that my five-year-old daughter, gets, is going to be very different than that, that my 9-year-old son received going to the same school. As policymakers, I want to suggest to you that you are on strong ground in supporting the sun program. From, from an economic perspective, having access to affordable and reliable childcare is absolutely essential for working parents. I mean, very literally, in some cases, it is the difference between people being able to keep their jobs or not. From an educational standpoint, sun really is, is what I would call a recreational learning program. It's a perfect match for park funds. There are 60 afterschool classes at buckman, and they are all tied to educational and academic benchmarks and kids who are not meeting the benchmarks receive daily tutoring at school. For free. And beyond the regular classes, sun also supports and runs a homework club, community building programs, like family write night and math night. That we attended with my family. From a social equity standpoint, sun supports 200 at-risk children with tutoring, mentoring, connecting people to a variety of social services. They sponsor the season of sharing, and they call every english language learner family at buckman, every week to check in and make sure that things are going well. Financially speaking, I want to suggest to you that the investment in sun is an investment of public funds for the city of Portland. The sun program at buckman leverages public dollars two times over and in terms of the city's dollars alone, it's many times beyond that. They do this because of the strong relationships that they have over, built up over long period of time with 40 community organizations and other agencies. And these are the kinds of financially efficient partnerships that we really need in these difficult times, and they can help carry us through budget deficits and carry kids through as we get through these hard times. I want to close with a word about community building. If we are serious about using schools to connect to communities and making them the center of neighborhoods, we really need to coordinate those connections and somebody has to facilitate those, and that's really tough act for school staff who are already stretched to the limits, but it's something that sun specializes in and could really be a model and a great help as we implement those ideas that, that are outlined in the Portland plan, for example. I want to thank you for your time and your consideration and I know that every budget decision has tradeoffs and I hope that you will consider saving sun. Thank you.

**Fish:** Thank you very much for your final and your comments. Karla, would you please call 400.

**Item 400.**

**Fish:** Welcome.

**J.R. Sanford:** Good morning, I am j.r. Sanford. Hello. I question the reasoning behind the right to bring two people on the private property owned by, owned, located in the west burnside designated as a recreational campground. I saw no recreational facilities there. These are homeless people, trying to get serious sleep. And ok, and I cannot help but think that all the times I was in violation of this as a boy when I was camping in my friend's backyard, and no one came up and told me that I was in violation. And I was surprised by the cleanliness and orderly fashion the

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site was in. I was truly surprised. I was in awe by the social atmosphere and knew it was because the residents were experiencing safe, restful and uninterrupted sleep and rem dream mode. Can you imagine being woke up night after night, in your slumber, and regular your sleep cycle? How irritable you would become even if you are in your own bed? Get up. Let's move on. I was touched when I witnessed a first grader girl, annabelle, pull up with her parent and pull up a soup stand in front of the stand. I thought of all the city ordinances that she was in violation of, open flame, a sign on the sidewalk, no permits, and then I rejected that idea and thinking of all the compassion this girl to try and help these people out. And I sent an email to you, dan, and I don't know if you got it or not. All I asked is that the city council of this great city of Portland search their hearts and realize that we are all in this together. Yes. All of us are in this together. And it defines the levy against the property owners. I ask you fund their efforts because right to dream 2 is keeping up to 100 homeless people safe and off the streets at night. And we know that there was two homeless people killed underneath the morrison bridge. So I would like to take the rest of my time and silence for the people that have died because of the homelessness. We are all in this together. Thank you.

**Fish:** Thank you, sir. Karla, would you please call council item 401.

**Item 401.**

**Fish:** Mr. Anderson, welcome.

**\*\*\*\*\*:** Good morning.

**Brian Anderson:** Brian anderson, principal of buckman elementary. First all, this is not the uniform for buckman, we just happened to dress alike today so I want to throw that out there. Appreciate the opportunity to speak to you today. And I want to thank the buckman families that have testified before, as many parents from the affected school have testified, we urge there be no cuts to the city pass-through funds to sun, particularly to buckman. Buckman is not a wealthy school or a community. It's diverse. Because of the major cuts to our budget over the years, we have few supports in place for struggling students. And we're a school of 500 students. 53% of our students live in the neighborhood compared to three years ago when I got there, which was 30%. Currently 47% of our students come from all over the city. Compared to 70% three years ago. 23% of our families, excuse me, back then were eligible for free or reduced lunch. Just this month, we hit the minimum of 40% free and reduce lunch requirements for title 1 supports. Only to have it raised to 50% nearly the same day. This really emphasizes the demographics are changing. We accept all neighborhood children, whether we have space or not. And many families have special needs. And our sun partnership has been instrumental in supporting this whether it was short-term or long-term services. I think that matt callahan, who is a third grade parent, spoke to you. And he said it best when he said, once the support and coordination is gone, so goes the wellbeing of the child. It has been clearly conveyed that buckman depends so much on sun for support and enrichment opportunities that cannot be accomplished during the day because of our severe budget cuts. Last week, I had no choice but to make very painful cut to our elementary arts program. Which, by the way, is the only elementary art program of its kind in Portland. We are faced with a loss of two of our three full-time teachers, who have been with us for almost the entire 22 years. The two teachers not only help our children form love of the arts but they also have been very supportive forces with all 500 students this year. And thousands from year's past. The possibility of losing sun renders us unable to offer supports to students who need help. Diane and our sun partnerships are proactive with their academic support, as well as social service needs and I will meet with diane, whenever I have students seriously struggling in certain areas such as math, writing and reading, and she will find support for these children. If the child has basic service needs, such as food or clothing, sun is right there to offer non judgmental help and support. Sun

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coordinated our family math night and our right night which tied into our improvement plan and Diane and her staff all about supporting children, losing Sun, losing our two beloved art teachers, possibly losing the pool and finally reaching title 1 requirements only to have it pulled out from you were us is more painful than I can convey. Our Sun program like the arts focus is what makes Buckman a healthy, supportive, beautiful place to be for all students and families. Removing of them is tragic. Imagine school next year with all of these gone. While we're on the subject there are more cuts. And finally, I want to thank you all for your support, Mayor Adams has been very supportive of our school and we really appreciate the time you offered to our families to speak. Thank you.

**Fish:** Thank you very much, to all our friends who are testifying on Sun, Parks Bureau has defined 2.7 million of cuts and the Sun school cut, which would potentially mean two programs impacted. Although they have not been selected, has received significant public opposition and is not something which I think my colleagues feel strongly, about either so, we are looking for alternatives of ways to, to meet these cuts. We have a, a \$17 million deficit in our budget. None of us want to balance our budget in with the children and we are proud of the work that Sun does, so thank you for your time and sharing your testimony.

**Anderson:** Thank you.

**Fish:** We're going to move to time certain and we have at 9:30 time certain. Karla, would you please read council item 403.

**Moore-Love:** Do you want to hear the consent agenda?

**Fish:** Let's do that. Does anyone want to pull any item from the consent agenda?

**Moore-Love:** 407 and 411 were requested by the mayor's office.

**Fish:** 407 and 411. Will be returned to the mayor's office.

**Moore-Love:** 407 will be continued to next week. And 411 is pulled for discussion.

**Fish:** That will be moved to the last item on our calendar. Does any member of the public wish to pull any item? Karla, would you please call the roll.

**Saltzman:** This is the vote on the consent? Aye.

**Leonard:** Aye. **Fritz:** Aye. **Fish:** Aye. [gavel pounded]

**Fish:** The agenda passes. We have a time certain at 9:30. Karla, would you please read item 403.  
**Item 403.**

**Fish:** Commissioner Dan Saltzman.

**Saltzman:** Thank you, Mr. President. It's a pleasure to bring forward this morning the Portland Design Commission's state of the city design report. The first item of business, however, is to thank the dedicated volunteers who serve on this commission. This commission meets a minimum of twice a month and often for a, for multiple hours as they review land use cases and provide advice. They have the chair, Guenevere Millius, David Wark, the vice chair and Jane Hansen, Andrew Jansky, Ben Kaiser, David Keltner, Katherine Schultz. So if you could stand up. We want to acknowledge you. There is the first ever report to council. So, it's a big deal. We'll try to make them as nervous as possible. No, we won't. We will make it as easy as possible. They have been in existence since 1979, providing leadership and expertise on urban design and architecture. This report comes to council at an important time for the city and, and it's design overlay districts. As the Portland plan wraps up, critical work begins on the more technical, comprehensive plan. And quadrant plan efforts. That will further enhance city design tools and standards for the city. Additionally, as the economy begins to improve, the development pressure is increasing. And Portland's older neighborhoods and commercial corridors are under pressure from long-time established entitlements that yield to large infill proposals. So these neighborhoods deserve the appropriate protection and predictability and quality of infill that meets our goals and inevitable growth. This

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is especially important as the economy improves and the development picks up. We'll hear concrete ideas on how we do this in the brief presentation to follow and please let me know if you would like to move a more thorough briefing from the staff. And we can provide that to each council member for the mayor. So, to start things off, Paul Scarlet, Bureau of Development Services Director will start off, and then Chair Guenevere Millius will take the helm. Paul.

**Paul Scarlet, Director, Bureau of Development Services:** Good morning and thank you, Commissioner Saltzman. Good morning, Commissioner Leonard, Commissioner Fritz and Commissioner Nick Fish. Presiding as president. It is with great pleasure that I'm here today for the Portland Design Commission State of the City Design Report. I'm here as I was back in early March to support and endorse the design commission's report as I was for the historic landmark's report. A large part of livable, livability in a vibrant city is having well designed projects that respect the neighborhood. This can be challenging in infill situations when dealing with stark difference in scale and intensity, as well as livability concerns. My attached memo to the design commission's report points out a number of focus areas that the design commission and BDS has been addressing. Real quick, having to do with, with two-track design review process, rezone and split zone blocks and exploring thresholds for, for mandatory design reviews, those are spelled out in more details and I am sure that Guenevere will go over those in more detail. But I want to express that I'm very appreciative of the collaborative work between my staff and the commission members and in working together to administer the city's design regulations and I especially want to express my appreciation to the commission members for their many hours of volunteer time and energy given to this important work. These hearings can be long and involve a lot of controversy and I appreciate what each commissioner brings to the table. Thank you all very much. The timing of the report is very important, as the development activity is picking up and at the same time, BDS is updating the city's comprehensive plan, so it is critical that BDS and the design commission get the tools we need to do the job that you, the community, expect of us, to get well designed quality infill in Portland's neighborhood, as well as new projects in design zones throughout the city of Portland. We hope the city council will fund the BPS budget to update the community design standards in the zoning code to get better design projects. BDS staff will participate with BPS on the comprehensive plan update, including specific projects dealing with design compatibility and transitions. We are also supportive of revisiting the triggers for mandatory design and review. This community, the community design standards don't always work well for the large-scale projects. And we would, we would get better results with mandatory design review, if I could take a second and have closure work on those compatibility standards and when I started almost 23 years ago. So, obviously, times change and projects change and we need to update or, our regulations so this is very critical and important effort, certainly very familiar with, so as we work with the commission, BPS in this coming year, we look forward to addressing the planning and design challenges. With that, I will turn it over to the design commission chair, Gwen Millius, for further remarks.

**Guenevere Millius, Chair Design Commission:** Thank you very much. Thank you, council, for having us here today. So, as he mentioned, somehow we managed to do this for 33 years without making the face-to-face presentation to you. We're glad to do it. I won't be walking you through the full 33-year history today. Just a snapshot of what's happened in the last few years. The commission's overall approach to projects that we see and the challenges that we're facing. My fellow commissioners were introduced. I would like to fill you in a bit more about the walk of life that we all come from. There is some, sometimes it's perceived we're all architects, and that's not the case. I am the commissioner, at large and as such, I am not an architect. I am not a building design professional at all. I have a marketing company, but I have a vocational interest in

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architecture and urban design, and it was my volunteering that got me to the design commission. So, just want to let other volunteers and neighborhood associations know that there is a place to go from there. But, David is an architect and is also our representative from the regional arts and culture council. We need to have a member from the arts and culture council, and he's fulfilling both those duties well. And Jane Hansen is a landscape architect and principal here in Portland. And Andrew Jansky, who would like to talk at the end of the presentation is a civil engineer and a hydrologist, which is an interesting area of expertise to have on the commission and he's also now our longest serving commissioner. And Ben Kaiser is a developer of residential and commercial properties and David Keltner is a lead designer and Katherine Schultz is a principal at GDBD architecture. The design commission recommends the establishment, amendment or removal of the design district to the planning and sustainability commission with the city council. We develop design guidelines by city council, for all design districts, except historic districts and conservation districts. And there should be a map that shows the different design districts in the city, and that includes both historic and design districts. We review major developments within design districts except those projects involving or located in historic or conservation districts or projects that are themselves historic or conservation landmarks. We review other requests and we provide advice on design matters to the hearings officer, planning and sustainability commission and historic landmarks' commission, Portland development commission and to yourself, the council. And I've been on the commission since October of 2006 and when the real estate market was quite different than it is today. And I joined the commission at the end of an era of many hours of preparing for hearings and still more hours working through them. My first hearing as a newly design commissioner, was eight hours long and in one hearing in 2007, our commission reviewed a million square feet of new development. Representing hundreds of millions of dollars in economic impact in Portland. And if so forward it, and it was as if the well had run dry. And there was a graph that illustrates the dip from 2009 to 2010, there was a 66% drop in type 1 cases, which are reviewed and approved at the staff level and from 2007 to 2008, we saw a 73% drop in cases, which are the ones that came to us for review. So we went from 22 type 3 cases in 2007, which was our peak in the last five years, so six, seven and six respectively in the years following. We had 14 in 2011, which is a clear indication that money is surely, slowly, returning to the real estate development market. The numbers decide the things for me is that having seen real estate development at the recent zenith and the underlying principles we use to approach projects remain the same. Our thinking does evolve, but the ideas still apply. We start to bring our review process to the following. Clarity, predictability, consistency, and fairness. And I gave a brief explanation of our thinking on each those values and in my report, and I am happy to examine them if need be but I want to make it clear to city council that to person, our commissioners take our responsibilities to offer each applicant those four values as part of their design review experience quite seriously. We had several challenges before us, which I would like to outline with you today and these are issues that come up again and again whether the economy is good or bad, and they are topics that we, we discuss internally on a regular basis. Whether it's a fabric building or an iconic project, we will always want, will we always want this development around for hundred years or more in this is what I call the issue of forever. Of course, even the best buildings are not with us forever. But I will be looking at many. Buildings we have for the rest of my life and my kids and grandkids probably will be, too. So, it's a forever of sorts. Given that we need to be sure that the developments that we approve are built to last and fit into the city's fabric and have something to give back to all of us. We ask ourselves these questions, is it compatible to the neighborhood? Is it inviting? Will it stand for 100 years and will we want it to? When we review building we care about the execution of details, how all the pieces of the building come together,



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especially on the ground floor, we're most of us will interact with it, and we believe that in a pedestrian friendly city it is important to consider how building looks up close, not just the impression that you get of it driving by at 30 miles per hour. Whether it is in the backgrounds or meant to be in the forefront, it should have carefully considered details and measure of transparency to the surroundings. When building materials are changing their quality and permanency can be fluid. The take-home message that we are asked to consider a lot of new single building products that may or may not be time tested. We have seen a lot of products evolve with energy codes, market forces and manufacturing processes change. As a commission we end up needing to maintain the specialty of knowledge regarding the components that go into a modern building and it's a lot to keep up with. What is compatible? We were asked to consider whether buildings are compatible with the design district in which they are proposed. The challenge before us is that some of our design districts are neighborhoods that don't have a strong vocabulary to draw from or that the neighbors are hoping to correct through the review. So in the face of the hodgepodge of design styles and degrees of quality, how do we determine what is compatible? Matters could be made more complicated from the standpoint of the neighborhood association. And in many of the design districts, a parallel development track allows owners to use community design standards to design their project. The standards, which Paul knows were written in the 1980s, to the extent to which they are compatible with the area that they applied to is subject to debate. We have been approached by a number of concerned citizens about what is viewed as an outdated loophole. A whole other theme that I think that we're seeing a lot of right now is the question of social and economic equity as a factor in the design review. I think it's a fascinating time to be involved because of the emphasis and it's refreshing to see the city consider their plans for development in terms of the overall health of the people. And I applaud the council for their foresight in making those issues so integral to the Portland plan. The design commission is increasingly addressing the question of equity and economic viability and their nexus. For instance, in the eyes of some, quality and permanence could mean something different in the central city than the outlying districts. Development and design districts outside the central city sometimes report to us their markets cannot support the higher end building materials so often required downtown. Others feel that the whole development teams, to hold them to lesser standards has the potential to erode effective design districts. Ultimately, we err on the side of giving the districts outside the central city the best run for the money that we can get. We believe that when the neighborhoods accept the light rail lines and increased density, they expect it in return accounts more humane, and friendly to the neighbors. And there is a balance to be struck and it is not always easy to find. Here's some challenges in this arena. Affordability and quality. Allowing for middle ground. This problem doesn't come as a shock to you but budget is always a factor in getting something built. Some commissioners have expressed concerns that the act of design review because it adds to the costs, has given Portland better looking projects that has taken away a pressure of affordability. So the challenge before us is to, is to balance pushing the quality and permanence on these while understanding budget demands for projects trying to off affordable rents. We have to ask ourselves, can the same project be done better for the same budget? If the answer is yes, it's our obligation to push for the better design. But the truth, is sometimes better designs cost more and we must strike balance between helping projects through the light of day and protecting the long-term property values and interests in the neighbors. How do we make zoning and density work in the existing neighborhoods. Between the recent boom in condominium development and the recession field drive to build more apartments and we're living through now, we have uncovered zoning issue that has laid dormant in several neighborhoods for years. The split zone block. The design commission often sees homeowners who discover for the first time

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that the property on the other side of the fence has high density zoning, when a new apartment complex is proposed. Their shock over the idea of a four and five-story building over what they consider private air space is palpable. They realize that their property doesn't share a similar zone and therefore they cannot enjoy the gains of redevelopment themselves. Development teams even when building completely within right and without request for modifications, often struggle to provide meaningful buffers between their projects and their neighbors. When we have the opportunity to preview zoning changes in a design district, we look long and hard at places where the blocks occur, and we have had some success in areas where it would create the inequities. However, we think that the city needs to address other areas where split zoned blocks exist to create a more comfortable fit between new development and the existing fabric of neighborhoods. We were hoping that more of the issues would be addressed in the Portland plan, but because they were not, we will be pushing to help with this issue in the update of the comprehensive plan.

**David Wark:** Just a note this is probably the, the most controversial aspect of the case that has come before the design commissioner these backyard developments and probably also the one that's most appealed by neighborhood groups, so we have some suggestions on how those might be mitigated to some extent.

**Millius:** So another challenge that we face is how to make the development more humane. We have seen a lot of apartment buildings lately and these projects have opened up discussions on issues that don't necessarily fall within the rubric of design guidelines but touch on areas of broader health of the city. For instance, what could be done to make our housing stock more humane and friendlier to the surroundings? We have requested that development teams consider further attendance, access to light. Adequate ventilation, including ceilings, especially where apartment buildings may be up against a freeway and the idea of using your open window to cool your apartment is, you know, kind of gross for people. More generous ceiling heights in apartment units, especially in a city where the size of living is getting smaller. And ultimately, we want this transition from density as a concept, to density as a reality to be humane and workable for all of our fellow citizens, who are reviewing projects with that goal.

**Fritz:** On that issue, are you hearing any, anything about parking?

**Millius:** Absolutely.

**Fritz:** I was interested that that was not in the report.

**Millius:** The issue with parking is that that's a right thing, and in the central city you are not required to put in parking. There is a maximum sometimes. It's not an issue that we really can address as a design commission. We can talk about how the parking lot works if there is one. Or how it doesn't work. We definitely hear from neighbors about parking impacts when there is no parking proposed. Rare to see a project without any parking, incorporated. They are hard to pencil.

**Wark:** And the projects adjacent to light rail, streetcar are, particularly, sites and projects that are not required to have as much parking as other areas.

**Fritz:** A lot of, on any transit street and I didn't realize this, but I'm hearing from neighbors on division, for example, of a large apartment complex with no parking. And do you hear that, those cases?

**Millius:** But the division is not covered by the design review so we don't hear from the neighbors where you would expect that there would be, but there is not. So and I live near a lot of those developments and I have friends and neighbors ask me, why did you let that get built? But it is something else that we need to look at.

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**Fritz:** And at what point do we consider expanding design districts and/or exceptions for, for buildings of a certain scale.

**Millius:** Parking garages is another topic, actually, commissioner Fritz that you mentioned and I know that that's on the horizon for us. There are aggressive people in the west end districts that are getting organized around the design and placement of parking garages. And they are very concerned about having, you know, full block garages and how are they going to fit and will they work and can they work. So, I have opened our commission to dialogue with the scripts early to discuss their concerns and to, to see if we can come up with a framework for thinking about these.

**Fritz:** That's terrific. I agree, when we did the comprehensive plan and the zoning map codes, that will be some language --

**Millius:** Yes.

**Fritz:** Thank you.

**Millius:** So, these are my concluding remarks. We really do appreciate this opportunity to present to you. We request the following of council. As the economy improves and development begins to pick up again, we hope that city council will consider funding and update the design standards. These standards need to be reviewed in the face of the zoning adjustments and changes to the environment that were not envisioned when first developed. We also hope you will join us in advocating for better equity in the rapidly changing neighborhoods by helping us to eliminate the issues like the split zone block, especially in cases where a significant difference in property value is effectively created by the split zone. We hope you will open the opportunity to consider the design review in our city through the expansion of design districts or considering some threshold to trigger it, so where i'm talking about when you have, you know, a major project with impact on a neighborhood, that, like I said, feels like it might have design review but doesn't. Maybe there is a way to say, any, any project with a value over x million dollars should have some sort of design review. Finally, we hope the city council understands that we are a resource for the city and we are here to serve, and even beyond our routine design review work. Commissioners advocate for better design on the steering committees, advisory groups, and more informally with the development team to seek our guidance. When a matter comes before you and it's, its design might play a role, call on us to help as early and as often as needed. I should note that this includes efforts to shape common areas, such as streets, sidewalks, bridges, parks, and other public facilities. And we deeply appreciate the opportunity to weigh in on these projects. We greatly appreciate this opportunity to play a part in shaping a stronger Portland and we thank you for your time and consideration and I would be happy to answer, any questions you might have.

**Saltzman:** David, did you have anything to add?

**Wark:** I wanted to add a few things about part of the responsibilities, also, reviewing non standard improvements and the right-of-way and as commissioner Leonard, with his Portland loos project, a few tweaks about some materials and the details that we hopefully felt were improvements, and then also, we brokered a conversation between the Portland parks and recreation department to site these projects in a way beneficial to both and we also give advice and feedback to other agencies such as Portland parks and rec and Portland bureau transportation and tri-met on, on all their infrastructure and we feel to some degree, we've been helpful in elevating those to world class status.

**Leonard:** I was going to point that out. It was very helpful and you have, you have been helpful in sighting a more appropriate location than what we had originally come up with on our own. Including the most current proposed one on jefferson and, and park.

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**Millius:** It's a very difficult thing for you guys. The loos require so many pieces in part to fit in the right place.

**Leonard:** It has been the biggest challenge has not been constructing them or designing them, but locating them.

**Millius:** We appreciate the opportunity.

**Leonard:** It's been helpful.

**Saltzman:** Thank you for your hard work.

**Millius:** I was going to give one of our commissioners, commissioner jansky to say a few words, he's on his way. Come on up.

**Saltzman:** Are you signed up? Ok, great. I just wanted to make sure. Thank you.

**Saltzman:** Thank you for your hard work.

**\*\*\*\*\*:** He thinks he's still running the show. [laughter]

**Fish:** Karla, do we have anyone signed up?

**Moore-Love:** Three people that signed up.

**Fish:** Let's bring them all up.

**Fish:** Do you want to kick us off?

**Andrew Jansky:** I am andrew jansky and I wanted to thank council for the opportunity to serve. I'm proud to have served on the commission for eight years and, you know, through boom and bust, we have had many nights until 11:00 p.m. And some of those cases, in that graph, where there is a lot of cases, that I served through that with lloyd, so we spent a lot of time together. And so it's also a sample of what it's like to be on the council, a small sample. And so, working for literally peanuts, and I probably received one of the best experiences of my life on this. And it was an honor to work with the commissioners and present and past and I have learned a lot from them. And the city is, definitely, a better place through of the design review process. May be staff can show you the, the before and after images. Sometime, if you want to see really what we can do. And but, probably the most amazing thing is, is the city staff that supports us. The hard working, dedicated and they encourage development while meeting the design guidelines and it really demonstrates the, you know, the leadership of the group all the way up. So, thank you again.

**Fritz:** Thank you for your service.

**Lloyd Lindley:** It's a pleasure to be here today. And thank you, council, for having the commission here and hearing their state of the, of the design commission address. When I became involved with the design commission, mayor katz gave us a charge. She said we want you to raise the bar on the design in the city of Portland. And wanted to see more appeals coming to the city council. Well, we saved you from that and I think that we only had one or two appeals that actually came to council during, you know, my term. And i'm also the chair of the northeast quadrant. Which is updating the central city 2035 plan. And have been on the periphery of the comp plan amendment going on. And I just want to recognize the people here today and those who came before us. They are all volunteer professionals and citizens, and they bring a huge amount of experience and the important part of their experience is the values of the city. Because the design guidelines, as you probably know, are subjective. And they are not standards and they compliment all of the other commissions that we have, as well as the, the title 33 code and the design commission in a way is the steward of our city values of the environment on what Portland looks like. Especially when it comes to our visitors that come here and try to learn from Portland and what we do. And I would like to say that, that with the, with the planning commission, commissioner Fritz was on the, the planning commission and at a time when the city was, was evolving in a very big way and you know, the design commission and the planning commission were working together were, were instrumental in the whole notion of sustainability in the city and

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so, I would like to recognize those that came before me and those who are sitting on the commission today and upholding those values and making sure that, that the spirit of the design guidelines and our community values are embodied in the 2035 plan, comp plan. And I guess I will just stop there. It was great time when I was there. It was living in a crystal ball. And seeing the future of Portland and I have to say, has come to fruition and I hope to see it continue into the future. So thank you.

**Fish:** Thank you both. Anyone else, Karla?

**Moore-Love:** That's all.

**Fish:** This is a report. Is there a motion to accept the report?

**Saltzman:** So moved.

**Fritz:** Second.

**Fish:** Karla, please call the roll. Moved and seconded.

**Saltzman:** Well, thank you for your first ever report to council. It's hopefully not the last. Hopefully we'll make this an annual exercise. But, I really appreciate the presentation and the report. It really raises some very important issues that hopefully, we can address through our revisions to the comp plan, or, or, you know, or other things, as the chair was suggesting, about the design thresholds on a per project basis. But, I think lloyd says the quality of the work and your, your high marks, that mayor katz asked to you raise has been met and I want to appreciate all your service and all the staff, too, tim, rebecca, carly, I knew I was getting the last name wrong.

**Fish:** She was the head of hewlett packard and now changed her name. [laughter]

**Saltzman:** Is there anyone else? I want to thank you for your hard work and you really do, you really are citizens that are the reason for our city serving eight-hour meetings and stuff like that, is above and beyond the call of duty so thank you very much. Aye.

**Leonard:** I appreciate the work of the design commission having worked with them for a number of years, the commissioner in charge of bds but I want to emphasize a couple of the names that commissioner Saltzman read, rebecca has done an outstanding job overseeing that section and I want to thank, particularly rebecca and tim heron, who is the day-to-day guy up there and I am proud to say that I had a little something to do with both them being in the positions that they are in. You are doing great work and I appreciate it. And especially paul scarlett, who has really created an atmosphere for the development services that allows really true creativity, he listens to a variety of opinions and uses good judgment and common sense to, to, to oversee all of the decisions and policies bds promulgates and I appreciate the work, commissioner Saltzman, has done with that group since he's taken it over. Aye.

**Fritz:** Thank you, commissioner Saltzman, for bringing this report and to each of you for being here. And particularly, the seven Portland design commissioner volunteers, I will read your names again because i'm so grateful for the work you are doing. Gwen Millius, david wark, jane hansen, Andrew jansky, ben kaiser, david keltner and Katherine schultz. Thank you for all the work you put in and gwen, thank you for mentioning about being a neighborhood association volunteer, and for mentioning my service on the planning commission. It was a great experience. And as you mentioned, many appeals don't come to council so here we have citizen volunteers making decisions on developments in our city and doing a great job of it. So, you are an inspiration to all and people get involved in the city of Portland and be part of making decisions in our city. It's a wonderful place. Thank you to paul scarlett and the bds staff. You have done an excellent job. And I am just excited that we're going to be moving forward. I appreciate the issues you raised and significant issues now that the framework of the Portland plan is done and the next task is to get knuckled down and the implementation done and I hope to be part of working on that. Aye.

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**Fish:** It's been said more eloquently than I could so I will just say I associate myself with the remarks of my colleagues and thank you for your outstanding report. Aye. [gavel pounded]

**Fish:** The report is accepted. Thank you. Karla, the next item before us is 421. It's a second reading. Please call the roll.

**Item 421.**

**Saltzman:** Aye.

**Fritz:** We are very grateful for this, aye.

**Fish:** Aye. Matter passes. [gavel pounded]

**Fish:** Do we have folks here from omf? Karla, please read item 422. Procurement.

**Item 422.**

**Christine Moody, Procurement Services:** Good morning, christine moody, procurement services. The ordinance you have before you asks for an exemption to the traditional low bid process. And allowing for procurement services to use an rfp process to select a general construction manager, general contractor, for the demolition of the existing fire station 21 and rebuilding a new seismically upgraded facility in the same location. The desire is to hire a cmgc before design is completed in order to provide constructability reviews, early value engineering, and development of phasing plans and cost savings resulting from early input of construction knowledge and project management skills. The sooner the construction manager can be brought onboard during the design phase, the greater value engineering impact to the project. And the project location is wedged between the, the willamette river and the eastbank esplanade and sits on highly liquefiable soils and will require sensitivity to the wildlife habitat and river and river bank. The need to discuss a robust structural and environmental strategy with the general contractor during the design phase is important to minimize risks on unknown conditions and cost overruns during the construction. Using the cmgc process also allows the city to negotiate with the cmgc, minority women and emerging small business subcontractor and workforce plan. This method has proven to be more successful and results from a low bid, and is a recommendation from the 2009 disparate study. The estimate for the construction is 4.9 million and includes cost for preconstruction and construction services. I will turn this over to connie Johnson and chief klum for additional project background. **Chief John Klum, Portland Fire & Rescue:** I'm chief klum. Thank you for the opportunity to be here before you today. Just a bit of a background, a lot of you already know, fire station 21 is very unique project. We are closing out the final station 18 in southwest Portland from the 1998 facilities improvement bond and to the seismic upgrades, ada upgrades and also gender specific dormitories. So through that process, the projects were far less complicated and this particular project has got many aspects of it that have to be coordinated at the same time, yet be flexible enough to where you allow some, the phasing to get maximum efficiencies not only from the design, but also the cost saving efficiencies. Those particular issues, if you look at the footprint of the fire station 21, it's nestled between the esplanade, which is, as you know, is a very high use, very popular area and with the citizens that we have to maintain that connectivity during this project, where we don't lose that asset to the public and also, it has the complications associated with being in a greenway review and the in water work, which requires a very complicated permitting process that is coordinated with the very limited open water working windows and from, from july 1 to october 31. So, the timing aspects of are going to require early on involvement with cmgc with the design phase to not only look at opportunities of how the key components are going to fall into place as far as schedule, but also, it affords us more oversight and control over what the overall cost of each one of those components do because they are coordinated between the design team and the cmgc that's onboard with it. So, this is, in my opinion, a good example of where we can, we can have additional checks and balances and as far as oversight to

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make sure that we can control costs. We can get the best value for the public dollars that we have acquired through the bond and also, be able to expedite the time frames associated with trying to fit in with those open water windows in the greenway review. Thank you.

**Connie Johnson, Office of Management and Finance:** Connie Johnson, construction project manager. These guys have covered most of my points that I wanted to make. The cmgc process supports the rfp process, which supports the selection of highly qualified contractor. As opposed to less qualified contractor and that's the umbrella that, you know, addresses the safety issues, as they spoke about with the eastbank esplanade and the various kinds of traffic there. And the current public use of the dock and maintaining that continuous emergency response on the willamette river.

The firefighters are going to have to run down there and get on the boats without being impacted by the construction. There is a tight staging area, we're considering just the area north of the station, not a very big area at all. And very difficult soil stabilization process. The geotechnical engineer has recommended something called compaction grouting and because the soils are liquefiable as Christine mentioned, there is a tendency impacts just adjacent to that area, so whole need a knowledgeable contractor to, to mitigate any kind of negative impacts to the wildlife or anything else in the adjacent areas. The cost savings and cost estimating benefits, of course, we have the fix budget from the bond funds. We know this will be a complex and challenging project so the cmgc can help us with that. And the guaranteed maximum price means that the contractors are assuming some of the risk. That's a good thing for us. There is, you know until you get under the dirt you don't really know what's there, so hopefully they will be assuming some of the risks with that.

**Saltzman:** What do you say by hopefully they will be assuming some of the risk?

**Johnson:** Because they will be attending some of the design meetings, they will be way more familiar with the site and also, some of the design challenges there. So they, you know, as we become aware of the risk, and that sort of thing, they become aware of the risks and in that way they assume some of the risk, well, you knew about this and in your guaranteed maximum price, you need to put in contingency allowances for that. As well. The fewer change orders because again, they have been part of the design process. They understand a lot of the issues. Fewer requests for information. Again, they are aware and knowledgeable of the design and the challenges with the design. And, and the construction. Their constructability reviews will help ensure sort of the most efficient plans and materials and construction techniques. They can identify cost saving measures and also alternative means and methods. And again, talking about them, helping to identify risks in terms because they have so much background, with the project and the site. They are not coming in cold. And the tight schedule, obviously, we want to get the emergency responders back in the new station as quickly as possible so that they can operate it at peak efficiency, so I think that, that they will, they will really help to keep that construction schedule compact and tight. I think that's it.

**Fish:** Council questions?

**Saltzman:** Sure.

**Fish:** Commissioner Saltzman.

**Saltzman:** You know the first question I'm going to ask.

**Johnson:** What lead is our goal? Yes. Lead goal is our goal.

**Saltzman:** Ok. So what is the estimated budget or the amount on the go bond identified for the construction of the station?

**Johnson:** 4.9 million.

**Klum:** A total of 7.9 with all the other hard and soft costs combined.

**Saltzman:** Ok. So that does not include the 21 station demolition you are saying?

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**Klum:** Yes.

**Saltzman:** It does?

**Klum:** That would be part of the, of the hard cost side.

**Saltzman:** So we would expect a maximum price somewhere in the four or five million?

**Klum:** Yes.

**Saltzman:** I want to verify there is nothing in the rfp issued that speaks to working on the firefighter memorial?

**Johnson:** No, I was not going to address that. On the firefighter memorial?

**Saltzman:** Yeah, that's not --

**Johnson:** No, no.

**Saltzman:** That's what i'm saying, nothing will speak to bonus points for doing work on the firefighter memorial.

**Johnson:** No.

**Moody:** The rfp will be for construction manager, general contractor for the fire station 21. It will not have anything included for the memorial.

**Saltzman:** No bonus points. Nothing like that?

**Leonard:** But it does have the public area where the memorial will be.

**Johnson:** Included in that it will be used as a staging area and returned to, you know, an operational area, yes.

**Saltzman:** They use it as the staging area and return it --

**Johnson:** It's a plaza right now, so it will be returned to, to a plaza area.

**Saltzman:** Ok.

**Johnson:** Because they, they likely tear some of it up, they will do that.

**Klum:** It is an open space area that in the footprint that they are going to have to make it where it's appealing towards the relationship with the current esplanade.

**Saltzman:** Ok. But that's it? That's, that's it in terms of the city general obligation bond moneys?

**Klum:** My understanding was that with discussions, is that all the components of the firefighters' memorial will be separate, such as the, the lights. The benches and some of that above ground infrastructure.

**Saltzman:** Yeah. That's, as far as I understand, privately funded. Although we made a small modest contribution today.

**Klum:** I appreciate that.

**Saltzman:** Ok, that's my questions. I would like to see the rfp when it is issued. If you could.

**Fritz:** I have a couple comments. First, chief klum and commissioner Leonard, your firefighters have some spectacular river rescues over the past couple of weeks, congratulations and thank you for your work there. And I do appreciate and agree with the use of that construction management general contractor for this station in particular. With it being on the willamette river, and it's very important to get everything done right so I appreciate that approach. I request that kevin kilduff from the office of health working rivers be part of the request for proposals' evaluation team. He used to work at the bureau of development services and is our expert on river related permitting so I think that would be helpful and, and if that's ok with you.

**Fish:** Any other questions?

**Leonard:** I want to be clear on this point about the memorial. The public area there currently, will be a public area, when it's done, and it will be designed consistent with whatever design review would normally require of public building being constructed in such a public area. And anything that is specific to the memorial, we are a private fundraising for, so the plaque of chief campbell, the stones with the 36 firefighters that died in the line of duty, but, you know, the, the public area



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that exists currently will be designed as part of the new station. We intend to build on that, but I don't want there to be an impression left and I made this clear to the team, that we're going to divorce doing any work on the public area that's there because it may be used as a memorial at some point. That's not true. That public area would be required under any scenario to be designed to a certain level given its, its proximity to the esplanade given the proximity to the river and because they plan on adding features that they privately fund raised for to make it a memorial, should not lessen the city's obligation to deal with that to any public building built on the river.

**Saltzman:** I appreciate that but I would submit that any infrastructure work related to the memorial, on that piece of property, to my mind, would be in violation of what the general obligation bond is not, you know, specifically not the fund and I would want further clarification, what design guidelines but I don't want to see the obligation bond monies going on beyond what was set, and that's to construction the new fire station and during the exchange we had as we submitted this bond to voters, it was made clear by you, commissioner Leonard, no public funds will be used for the firefighter memorial.

**Leonard:** I am telling you that, that we're not going to leave a plot of dirt there that would otherwise be required to be designed to a certain level were there no memorial planned because there will be a memorial there. Obviously, there are, there are, there are public benefits and there will be requirements from the design commission as to what the building and the grounds will look like when it's done. It's currently public space that has current, currently architectural features designed into it and we need to take advantage of the materials there. But, it's not going to be just left as a pile of dirt, and then unfairly require the david campbell memorial association to do things it would otherwise have been required to do. As part of the building of the fire station. Anything specific to the memorial we are currently privately fundraising for.

**Saltzman:** I think that there is a lot of gray in sort of where I feel that we should be and where you are saying that we should be so I want to be kept abreast, I want to see the rfp. I want to be kept abreast of this because with all due respect, you made a, an amendment no, public dollars would go for the firefighter memorial. And now you are talking again -- let's find a third party that's going to foist upon us the need to spend taxpayer dollars, on something that we said we are not.

**Leonard:** That's not what I said.

**Saltzman:** I'm just saying, it's sounding a little --

**Leonard:** You're sounding like because it has to do with firefighters, you want no public funds spent to do anything to design a plaza. That's offensive.

**Saltzman:** You made that commitment during the campaign.

**Leonard:** I think you need to review the record because I said then what i'm saying now.

**Saltzman:** I don't want to belabor it now but I will be following this closely.

**Leonard:** You are welcome to follow it closely and what I said to and committed to at the time this went on the ballot and talked to the team about, what i'm saying here on the record, is for you to suggest that nothing be done to a public plaza that currently exists that will have to be torn up as part of the station construction is not appropriate. They have to design it so that it would be appropriate for the public use given its location on the esplanade and anything specific to the memorial will be paid for by the david campbell memorial association.

**Fish:** I'll exercise the prerogative of the chair for a second. I will just say that I think that the conversation has allowed each of my colleagues to put their views on the record. And the commissioner in charge has said to commissioner Saltzman that he's welcome to follow the contracting process and commissioner Saltzman, if you have other concerns you will be welcome to bring them before council. Does that satisfy your -- any other questions or comments? Hearing none, this is an emergency ordinance. Karla, call the roll.

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**Moore-Love:** I didn't have sign-up sheet.

**Fish:** Would anyone here like to testify? Hearing none, Karla, please call the roll.

**Saltzman:** I think this is a good discussion and I appreciate it and I want to, to follow this closely. Aye.

**Leonard:** Thank you. For all the work you have done, chief klum. And your entire team. This is a challenging project. It is probably, I am trying to think of a more visible public building that exists in the city and I don't think that there will be one, so for that reason, it needs to be designed appropriately. It does need to be an example of what the city thinks of itself and because it will be seen by the water, from the water, seen across the river. From the west side of the river and of course, by people going up and down the esplanade. It's really important to get this right, thank you, aye.

**Fritz:** I thank the generosity of the voters and taxpayers for funding this, it is definitely needed. Aye.

**Fish:** Well, it is not my normal practice to disclose private conversations that I have had with colleagues, but I think that this is an occasion that probably requires an exception to that rule. So let me begin by saying that there's been a great point of pride for me to be along with the commissioner in charge, a champion of the campbell memorial. I hope that the memorial that has been selected is built at this location and the parks bureau will, of course, continue to work with the fire bureau to maintain the existing site so that it has a place of honor for firefighters. I was extremely proud to be on this council, a supporter of the referral on the g.o. bond and may have made contribution towards that successful bond measure.

**Leonard:** If I recall, the largest contribution.

**Fish:** Largest, non corporate.

**Saltzman:** Larger than mine?

**Leonard:** Yes, just by a little.

**Fish:** I may have been challenged to make a larger contribution.

**Leonard:** I think he asked first how much you gave. [laughter]

**Fish:** On the issue of this -- I'm sorry you had to witness this. Reclaiming my time. I was pleased to support the application made by the commissioner in charge for new rescues. And, and we have seen in relatively brief amount of time, actual lives saved and the benefits of that program demonstrated. Today, we're, we're asked to support the next phase of the demolition and rebuilding of the station 21 and I am proud today to support that, but I will tell you that I was mildly offended when the commissioner took me aside and after we reviewed all the things that I had done to get us to this point, said that he was somewhat personally offended that I had been so slow to act on the relocation of the i-5 corridor. Which he said in the event of a seismic event, would make it difficult for the fire engines to actually be deployed from station 21. Despite what I thought has been my stallworth support and I am reluctant to in public, but, to put the dirty laundry out there, but someone who felt that he had been working down the right path, to support the commissioner in charge I want to say that i, i'm chastened that I had been so slow to embrace the I-5 relocation project, chief. And I am hoping in the years to come that will not be count against me and the record of my other support will be. With the men and women of the bureau. With that, I felt the necessity of put that go on the record and I want to, to proudly cast my vote aye. [gavel pounded]

**Fish:** One more item, I think, that's before us, Karla. 407.

**Item 407.**

**Fish:** I believe that the mayor intends to have this put over until next week. So we'll pull that back to his office. And the other item?

**Moore-Love:** 411.

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**Item 411.**

**Fish:** I believe this matter also has been referred to the mayor's office?

**Moore-Love:** It's pulled for discussion.

**Leonard:** Dan Handelman, the new head --

**Fish:** Yeah, ok. Is he here? All right. So, if you could give us a brief presentation and we'll, we'll bring him up.

**James Rice, Deputy City Attorney:** James rice, deputy city attorney. A lawsuit was filed, the matter came on for a jury trial. Mr. Halstad was awarded damages. And at that point in time, I engaged in negotiations with his attorney. It's not uncommon after jury verdict has been render, that we discuss things like the amount of the award, the pending attorney's fees, the costs involved and with mr. Halsted's attorney up in seattle, we came to a net settlement and that settlement included a \$20,000 reduction of the damages that were awarded by the jury trial, the city would not be appealing the matter. There would be no litigation over attorney's fees. The matter would be conclude. The 20,000 to the city was a positive aspect for, you on behalf of mr. Halsted there is no further litigation. It wraps everything up so the two sides came to an agreement on this case. We drafted an ordinance and I had the opportunity to speak to number of the commissioners and/or their staff about this and it was place on today's agenda, and if anyone has any questions about it, I would be happy to address those.

**Fish:** Questions? Karla, has anyone signed up?

**Moore-Love:** I didn't have a sheet but dan would like to speak.

**Fish:** Please come forward. Need your name and you have three minutes.

**Dan Handelman:** Mr. President, I was hoping to ask for five minutes today if that's all right.

**Fish:** We'll have to keep it to three.

**Handelman:** What's that?

**Fish:** We'll have to limit it to three.

**Handelman:** Really?

**Handelman:** I am with Portland cop watch. Sorry commissioner Adams is not here because he was in charge. We've often floated the idea of all council acting as a police commission which in fact, you would if a crc appeal ever reached you. I hope you take this seriously. And we don't have any issue with the settlement being proposed, people deserve to be compensated for harm done to them and lawyers for their time and work. But mr halsted was zapped five times with 50,000 volts when mistaken for a tagger in 2008. And those facts are worth discussion in public. It's very confusing for the public and even I following the issue to figure out the difference between jury awards and judgments and settlements. And which ones have to come before council and which ones don't, and I understand the jury award ends up being negotiated because of the legal fees weren't included. But over the past few years a lot of cases that we know have gone to court haven't made it before city council for these kinds of public discussions. And this one was on the consent agenda, so I had to pull it. So how are we as taxpayers supposed to track these things? The city attorney suggested that I get on the court system web page, which you have to pay for. And I don't think that should be my responsibility. I think the city policy should be to make this information public. Even when it doesn't come before the council. I want to read into the record, and that's why I wanted the extra time, the names of 13 other people who have been awarded money in incidents that the city lists as involving tasers. In 2003, Eunice crowder, awarded \$145,000. 2003, james steinbrecker awarded \$5,000. Gary taylor, 2004, \$500. Charity Johnson 2005, \$5489. Myra Abelias, \$93,906. Frank waterhouse, \$209,188 in 2006. Mary overstreet smith's grandson \$37,000. Clark pickering in 2007, \$5,000. Hung Tran \$81,766 in 2007. christoph clay, 2007, \$56,306. john reed, 2009, \$2500. jason elgin, 2009, \$31,469. And

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listed as involving a taser, the shooting of dennis young whose estate was given \$200,000 after he was shot dead by a Portland police lieutenant. The total, including internal fees to the city is over \$1.3 million. Even if you remove mr. Young's money, that's over a million dollars that could have been spent on other things. Even though the city doesn't necessarily admit liability in settlements, jury awards indicate there's enough evidence to find officers were out of line and they are not necessarily held accountable for their actions. Mr. Tran's case is still pending at the citizen review committee five years later, and we wonder what the city is doing to ensure there won't be more inappropriate uses of the taser.

**Fish:** Other council questions or comments? Please call the roll.

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

**Fritz:** We do have a city audit that recommended that police restrict the number of taser cycles officers use, and i'm speaking in general and not about this particular case. We're reviewing the policy which is more permissive than model police guidelines, and i'm very interested in continuing to do that and getting some revisions in the policy made.

**Fish:** Aye. Matter passes, and we are adjourned until 2:00.

At 11:03 a.m., Council recessed.

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## Closed Caption File of Portland City Council Meeting

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

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

**APRIL 25, 2012 2:00 PM**

**Fish:** Please read council item 433.

**Moore:** 423?

**Fish:** Oh. I'm sorry, 433? 423.

**Item 423.**

**Fish:** Who's coming forward? Mr. Graham? If you could bring your team forward and we could make introductions, and then we set aside 20 minutes for the presentation. Welcome all.

**Jack Graham, Chief Administrative Officer:** Good afternoon council. I'm jack ram, chief administrative officer. I'm joined by fire chief john klum and three of the citizen members of the independent citizen committee for the public safety general obligation bond. The three members that we have today is kurt hall, the chair of the committee, scott warnick and nicollette johnston. I'm pleased to report that office of management and finance as directed established the independent citizen in the compliance with language of the voter approved bond measure. The five-member committee is responsible for reviewing bond expenditures, providing annual reports on whether such expenditures adhere to voter approved uses. This is the first annual report of the committee and this report is designed to do two things -- one is to summarize the creation of the oversight committee. And the other is to provide a brief update on the status of the bond fund and the four public safety projects for the period ending december 2011. At this time i'd like to allow chief klum to make some remarks, followed by citizens that will give you more detailed information regarding the project. Once they've completed their comments and remarks, if you have any questions we will be ready to answer.

**Fish:** Welcome back, chief.

**Chief John Klum, Portland Fire & Rescue:** Good afternoon. John klum, bureau fire chief. Thanks for the opportunity to share a little bit of our successes over the past year with the independent citizens committee. I'd like to briefly summarize how we got to this point and how it's structured. With the passing of the bond by the goodwill of the citizens, we've -- we were tasked with four major projects, which are the apparatus replacement, fire station construction, emergency response center, and the 800 megahertz radio system replacement. With those, for our checks and balance and our accountability oversight, it's constructed to have project oversight committees specific to each project. Those committees meet on a monthly basis and provide quarterly reports to the independent citizens committee, which meets quarterly. Staff supports the compilation of all the information as far as the status of where we are as far as for apparatus, for instance, the technical specification and so forth. The financial aspects and brings that forward in a timely fashion. What we found is that that particular approach provides the information that the citizens need at the icc level to actually look at identifying where we're at on the projects, identify potential areas of risk which we find extremely helpful to carry back down to the project oversight committees, so breaking it down I want to express my appreciation to the commitment of the citizens, this ensures we have the proper stewardship, the checks and balance and accountability we

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need to make sure we're on track as far as expenditures within the intent of the bond projects, that were on schedule and it also helps us identify any potential risk early on to where we could get ahead of them and address them accordingly. The icc then reports on a quarterly basis to the chief administrative officer jack graham, which then reports directly to council on an annual basis. So there's very efficient layers of structure on this to where in my opinion, because I was involved since early 2000 with the first facilities of general obligation bond, that this particular model has more efficient components of it than i've ever seen in the course of the 10 years I worked even with the fire facilities bond very well. I'm pleased to be a part of it, i'd like to thank the citizens For their commitment because without them I don't think we would be as successful as we are. Thank you.

**Kirk Hall:** Members of council, i'm kirk hall, the chair of the independent citizens committee. To my left is committee member nicollette johnston and to my right scott warnick, two committee members were not able to come today. Very briefly, just as a reminder, july 2010 the council approved a resolution send can the measure to the voters for general obligation bonds up to 72.4 million. They were approved as measure 26-117 at the november 2010 election. You've already heard the four projects covered by this bond. Our committee was created as part of the measure and approved to provide the oversight the chief has just mentioned to report to the city's CAO and to the council. We meet quarterly and the meetings are quite extensive. We're very well briefed, have very good materials at the meeting. So i'm pleased with that. Briefly on the finance issues, the first bond sale was may 2011 for 26.6 million, and as I understand it it was sold on favorable terms, got a good discount or interest rate. The second bond sale, likely the last, will be in fiscal year 2013-14 and it will likely be all the remaining funds authorized by the bond 45.8 million. All projects are scheduled to be completed by fiscal year 2015-16 And as an aside I think the committee likes the fact the departments are taking their time to do the planning for this and didn't just go out and buy a lot of stuff. I take some comfort from the fact this is being phased in over a period of time. Reading the financial reports, it looks like right now everything is projected to come within the bond amount and there will likely be interest earnings left at the end of about \$273,000. Expenditures to date through the end of december 2011 were roughly 6.7 million, less than 10% has been spent to date, though more will be spent this year. I want to jump ahead, you have the report and at page 6 is a general conclusion, annual report from the committee and we drafted this ourselves and i'd like to read it quickly partly to get it on the record for the public as well. The members of the icc have found the information provided to it by city staff to be comprehensive timely and informative. Staff members have been extremely responsive to icc question and supplemented their regular presentation was additional information upon request. Icc members also have provided city staff with various ideas and suggestions concerning the projects, and city staff has been responsive and not defensive in each instance. To date the relationship between the icc and city staff has been collaborative and productive. The icc can't fulfill either a financial or performance auditing function and can only proceed with information presented to it at its quarterly meetings. With this information icc members believe they are fully inform and satisfied with the quality and presentation of information presented by city staff regarding the projects. Based on the information presented to the icc, it appears the projects funded by the public safety general obligation bond are consistent with the voter approved purposes of the bond, and that expenditures to date have also been appropriate. It also appears that execution of the project to date has been professional and appropriate and has been designed to meet the purposes of the bond in an economic call fashion. While it's too early in the life cycle of these projects to project their total cost and completion date with any certainty, and certain contingencies have been identified in our meetings which could potentially impact project cost come please date, it appears the projects

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are generally on track to meet their projected budget and time lines. Overall the icc members have been favorably impressed with the focus and professionalism of the city staff responsible for executing these projects and appreciate the courtesy and responsiveness the icc has received to date. With that we want to give a brief update on each of the four projects. We'll start with apparatus Replacement. Nicolette is going to provide that.

**Nicolette Johnston:** Good afternoon. We are having just an awfully great time spending the money to buy these apparatus. When we first start there were a total of 19 apparatus we were going to purchase. We're in the process of getting design and reviews of the bids on about four or five great big ones, for example, the aerial one and the heavy duty squad. They already have gone through the city fleet department to get the four I call it ambulance chasing, rapid response, thank you, vehicles so that we're not sending out the big trucks to get the initial issues of health or -- other than fire real fire projects. That has been perhaps the best part of the creative process in trying to figure out ways to use the money wisely and also to be good stewards of the dollars and find other ways to measure it out. I need to correct something. I said the original commitment was 19, it's 29 apparatus. Sorry. The -- most interesting is pierce manufacturing of seattle is working on several of the trucks. They've done it before. Have done a very good job, very happy with their response to the fire bureau and how they're working out details that make the engines and the trucks just perform so nicely for the citizens and the bureau as a whole. The last thing I wanted to mention is the consultants Tri-Data delivery study to you on january 24th and you were all satisfied with that. That is what i'm getting feedback from and I hope that's still true. So that's a quick one on the fire apparatus.

**Hall:** Next project is fire station 21, just on the other side of the hawthorne bridge. Nicolette is going to present you with the update of that project.

**N. Johnston:** This project is carrying quite a few interesting items with it. It may be the one that has a hiccup or two. I am relying on connie johnson to smooth everything out. She's been a wonderful person to work with. Some of those issues are first they had to transfer the ownership of the medicine street dock from the pdc to the Portland parks bureau. That should be occurring next month. There are numerous in-water permitting processes that have to take place. These are quite challenging, federal, state, city, etc. So all the hiccups that could go on in a permitting probably up to a dozen or so different permits, have to go through the process before we can really get down to doing something with getting the building done and also the boat house that has to be there. We're salvaging docks, very creative fire bureau, we're going to move part of the dock that's there around so we can use it and without having to rebuild it. I do want to say that there is a concern that we won't be able to meet the summer opening period where we can work in the water. That's from july to october. And if we can't meet that, we have to stall things out until next year, because we're not allowed to do the -- I guess mucking the water up is the best way to put it.

**Fish:** I'm in charge of the parks bureau, so I have a passing interest in this. Is your concern based on the challenges and delays you anticipate in getting permits from the federal agencies to do the in-water work? Or from the city, or both?

**N. Johnston:** I understand it's from both. Is connie here? Connie, answer that question.

**Fish:** It is possible for you to come up to the mike so we can hear you? I would be interested in knowing what is on your list of the current impediments to meeting that time line and as specifically as possible, which decision-maker is potentially holding you up?

**Connie Johnson:** Well, I don't know any particular decision-maker, at this point we are waiting for the pdc transfer of ownership, full, of the dock to parks. And then correct me if i'm wrong, but then there's a transfer on to fire.

**Klum:** Correct.

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**C. Johnson:** Ok. And so we're waiting for that, and I believe may 1st is our date for that.

**Fish:** That's presumably within the control of pdc to make that happen?

**C. Johnson:** and parks.

**Fish:** We're the recipient agency. Is there some administrative barrier to them making this transfer? **Klum:** All our indicators are that the may 1st deadline would be the completion of the transfer of the pdc to parks would take place.

**C. Johnson:** Regarding the permitting agency, as nicollette said, there's federal, state, there's marine Fisheries, and also the city. And the way they have an organization called the streamlining team, where all these permits are -- they all work together because it's too arduous if they don't. But they all have to go forward together. There's only one piece of the project that really depends on the in-water work, and that is driving the pilings and the dock extension piece. So --

**Fish:** Dock extension to the south?

**C. Johnson:** Yes. So because they all -- linked together, though, one agency depends on the approval of another agency, like a spaghetti network back and forth. That they sort of all have to go forward. And so we're trying to get some work, the in-water work done this -- before the october 31st deadline. And so we have to push everything forward together.

**Fish:** If I might ask, what happens if you don't get the permit and cannot meet this window? What's the impact on the project and what would effectively be delayed?

**C. Johnson:** Well, we couldn't do -- we have to drive the pilings to get the boat houses attached to them. So -- so there's partially an operational -- as soon as we get the overall permit, the greenway, which of course is the city and the federal and state corps of engineers, that sort of thing, we could go ahead also with the station as well. But we have to permit everything together. So operationally what would the impact be?

**Klum:** I'd like to add one thing, tied to the in-water work is also a section of remediation with the existing creosote treated infrastructure from the old fire boat dock that if we're unable to secure the permits to extract and remove that, it may impact the actual -- other than the deconstruction or demolition of the station, it may impact our ability to do the seismic stabilization and carry forward with the station project if we're not being able to secure those permits and perform that work during the open water window. We would have to wait until the following july 1st to commence that work.

**Leonard:** I've asked the team to focus on this aspect of the project as a priority. We only need I think -- I was told five days to do the in-water work, so we can be as late as october 1st or the middle of october and still complete what needs to be done in water. So that we don't have the permits on july 1st doesn't mean we can't get it done. But we're focused on this aspect to see if in this window there is any way we can get in-water work done. That's our top priority.

**Fish:** I don't want to overly complicate this, dealing with all the alphabet agencies, I know from in-water work we're doing in the greenway, it's complicated and there's even a dock contemplated there. We had recreational uses at that dock that could be impacted this summer depending on permits and uses. I just want to make sure I have a sense of when we have -- when is the next marker where we have clarity about what is or is not going to happen at the dock this summer.

**Klum:** To kind of partially answer that, we anticipate very minimal disruption of public access component of the construction on the dock where we anticipate that with the building lease to be able to adhere to the conditions with that about notifications of any closures, try to limit those closures to where they would be a day or two at a time at maximum. They would maybe for safety reasons when they're actually citing the pilings and so forth, but it's our intent to still maintain the public access components to the madison street dock, other than the occasional shutdown, depending upon when the work is scheduled after acquiring the permit.



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**Fish:** For example, chief, would you have the flexibility, then, to not do work during the rose festival week if that -- if it was deemed by the council to be a period of time we didn't want to limit access.

**Klum:** Yes. Absolutely.

**Leonard:** We most certainly wouldn't have the permits lined up rose festival week. It will be later in the summer.

**Fish:** Commissioner Leonard and I have to make sure the dragon boat issue is not -- doesn't become especially complicated during that period of time. That's very helpful. Thank you. Do you feel you're getting the assistance you need from the city? Put aside federal and state, because there's lots of players, but is the city giving you the assistance you need?

**C. Johnson:** Yes in an ideal world I would shorten up the procurement process, but it is what it is. And there is one thing that is going to add, be a difficult thing right now. Once we get our permits we still have to get a contractor on board to drive the pilings and do the dock extensions.

**Fish:** Thank you very much.

**Fritz:** If I could add one thing to this conversation, I recently learned after 25 years being related in river-related stuff, it's the piling driving that has to be done during the window allowed. That you can actually do some stuff in the water as long as it's not disturbing. So as soon as we got pilings -- that's why we're able to be constructing the light rail bridge right now during the winter. And I hadn't known that before. So I just wanted to share that with the viewers at home, because people might be wondering.

**N. Johnston:** That's it.

**Hall:** Nicolette's two reports are pages 7 and 8 of the report before you. The next project is the funding for the public safety emergency radio system. It's page 10 of your report. I'm going to cover that one. This is the largest of the four projects actually total projected cost is \$53 million out of the 70 whatever it was, 72 million. So it's more than two-thirds of it. Projected spent -- projected spending through June of this year will be 12.8 million. The next three fiscal years 5.8 million, 9.9 million and 24.7 million in the last year. A lot of this is back end loaded. Briefly where we are to date, the bureau of technology services collected inventory data for the current system, radio sites and remote equipment, they also created a stakeholder list to make sure every bureau and every part of the city that would be affected by this decision was on the list and kept informed. Then working with the consultant federal engineering, they completed an engineering analysis and deliverables, and that was I think recently approved, so they took their time in figuring out what they need and want. Critical issues and risks included the bureau of technology services and the public safety system revitalization program, took some extra time on the risks of the current aging system, they want to make sure there's open communication with all affected agencies and this also includes at the jurisdictions around Portland. Interoperability is very important. As a reminder, this project does not include any new towers and it has finite dollars. So they spent extra time on the engineering to make sure they're making the right choices for the new equipment. And they are still working with the consultant federal engineering to ensure all of this. The project generally is on schedule, there were some contract delays plus some extended city review periods, but generally they're on schedule. The radio replacement is on scope. Right now there's no unanticipated risks or issues. Upcoming milestones, the radio replacement requirement and alternatives report will be completed during 2012 and will guide the city in choosing the best system from the vendors. And they're also completing the high level design of the entire emergency radio system in 2012 to make sure that all the different pieces fit together. That's in your written report. We -- the committee probably have spent more time and asked more questions for this project. Each meeting the staff is probably sick of it, but we keep saying are you sure,

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interoperability is going to work, are you sure tigar, you'll be able to talk to each other? Every time we're assured they are sure, and they give us the reasons and the facts, the city is cannibalizing its old systems. A lot of the replacement parts for the radio systems are not even made anymore. So they're basically taking stuff from inventory and taking bit and pieces out to keep what we have going. And workable. Back to interoperability, we remind them about the statewide project, and i'm satisfied that all the people involved in this are painfully aware of how important that's going to be. The city staff has gotten valuable assistance from federal agencies. There are federal agencies that help create standards for cities, counties, and states on these kinds of systems. I mean technical standards. As I understand it, all the other jurisdictions try to coalesce around these standards so they don't have to invent it or negotiate it with their surrounding jurisdictions. The city is aware of these standards, is using these national guidelines. I mentioned consultation is happening with surrounding jurisdictions. By the way, I asked a couple times why do you need to talk to gresham or tigar? Not that I was against it, but I couldn't figure out what the need was. And they satisfied us that there are times when they assist each other and they have to be able to talk to each other during those situations. And I think I already covered what the budget is. At this stage everything seems to be going well. Our last project to cover is the emergency response center, page 11 of your report and scott is going to discuss that.

**Scott Warnick:** Good afternoon. The emergency coordination center is a multiagency coordination entity that sports on the-site response to an emergency. More specifically it coordinates, collects, monitors, and distributes information regarding an emergency situation, it identifies populations and special facilities at risk, it develops overall strategies for response, recovery effort for these emergencies, documents these responses, and recovery effort. And coordinates emergency communications with the public. This center will bring together in a single place a properly equipped facility for the Portland office of emergency management, the Portland water bureau emergency management, and water bureau security. This is almost a \$20 million project and is expected that about \$4 million of this total will come from the bond proceeds. So the bond is not going to be sole source of revenue for this project. At this point none of the proceeds have been spent on the project. From what we understand construction is just begun on the project, or will very soon. There was a brief delay in starting the construction phase of the project because the initial lowest construction bidder was rejected due to noncompliance with the city's good faith efforts program. This bidder filed a protest which slightly delayed the project, but from what we understand the issue has now been resolved and the project is proceeding with the second lowest bidder who's bid came in \$650,000 below the construction cost estimate of \$11 million. The project now appears to be on track and on budget with an expected completion date of sometime around october of 2013.

**Hall:** I know there was one other issue, this is by kelly butte, the city was concerned about their other projects happening at the same time and they wanted to coordinate so the traffic -- there wouldn't be traffic problems, because I think it's 82nd is used quite a bit, am I right about that? Holgate and 82nd? And as we understand it they're working with the other agencies so that the traffic problems won't be too great and the neighbors won't be too annoyed. With that, that is the end of our report. Our next quarterly meeting is next week on wednesday, april 2nd where we'll find out what's happened since our last meeting.

**Fish:** I'll turn this over to mayor Adams who made a dramatic appearance at the end of your presentation. Welcome back, mayor.

**Adams:** Thank you. Good to be here.

**Hall:** Most people say the end of my presentation is the best part.

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**Adams:** Have we accepted public testimony yet? We're at the questions from council phase. Commissioner Saltzman.

**Saltzman:** Thank you. Thanks all of you for your work. The two that aren't here too, but I really appreciate it. And I don't know can answer this, but why do we no longer have an independent quality assurance person working on the pssrp project? Why has that ended?

**Jack Graham:** We do have a quality assurance person on that committee. We're going off on rfp to reup, because it's ending in august. So I think the rfp for the new q.a. Person or group is in progress right now. So -- the last thing I saw said final report. I think there should be one more report.

**Leonard:** For that particular project. On the project that you read, it was that project that was issuing a final report. He's doing multiple projects.

**Saltzman:** So we still have an independent --

**Graham:** Yes. And we'll be putting out an rfp for a new one.

**Saltzman:** My other question is the procurement of the rapid response vehicles. Did you have a chance to weigh in on that? In terms of specifications? How is that done?

**N. Johnston:** Chief, you could answer that better, the procurement of the full rapid response vehicles, the city fleet, we purchased by the city fleet.

**Saltzman:** I just found out this afternoon they have been ordered.

**Klum:** The fleet added them this last february. Late june or early july is scheduled delivery.

**Saltzman:** I'm curious how it was decided to go with gmc yukons for those.

**Klum:** Working with chief panetti, we were looking at what was recently procured through fleet, so I don't know the specifics, why they chose that particular model and manufacturer. But we were looking at something in the light of what tualatin valley was using as far as spacing and talking with tualatin valley fire and rescue, the ones they were using were on the small side, especially with the two persons in ours. So we were looking for something that wasn't too large but not too small, and so this particular class falls into the same category as the ford explorer or chevy tahoe and is probably somebody from fleet will get the best pricing on that, commissioner.

**Saltzman:** Thanks. My final thing, i'm not going rehash this morning's conversation between commissioner Leonard and myself, but there was a robust discussion about what if any is an appropriate amount of general obligation bond taxpayer money to be spent at fire station 21 related to the firefighter memorial. So I would like jack to review the film clip of this morning's discussion and make sure that each committee member gets that film clip in time for your meeting next weekend had week.

**Leonard:** I think you misstated yourself, commissioner Saltzman, you said that the discussion from me was different than when the bond passed. I'm having the film pulled from the original bond, so you clearly understand the issue. The bureau has decided to relocate the firefighters memorial from its current location on 18th and west of burnside to the site of station 21 in what is currently the public plaza. The public plaza apparently will be used for the staging area for the construction of station 21 and will need to be rebuilt consistent with the design of station 21. We have and continue to raise funds for those items specific to the campbell memorial that will be located in the plaza, but what I said here this morning and said before the bond passed, was that the -- in any event if a new -- take the memorial out of the equation, if a new fire station is being built on the esplanade on the river, it would be required to have a public space consistent with its location and design review requirements, consistent with permitting requirements in the city, and that should be paid for out of the bond, anything specific to the memorial should be paid for out of the memorial fund. And I said that when the bond was before council, I said that this morning and

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I don't know the commissioner Saltzman and I disagree on that, but i'm having the tape pulled just to make sure.

**Saltzman:** I think where the disagreement may be is what is the appropriate scope of work to be done with the taxpayer bond money versus private. I was just --

**Leonard:** I don't think we are disagreeing on that.

**Saltzman:** I would just ask jack to review the film clip and share it with the independent oversight committee prior to next week's meeting.

**Leonard:** Not just that film, I think it's important for people to understand that when this passed, it went to the ballot after the same robust discussion at council in june of 2010.

**Adams:** Any other council discussion? Has anyone signed up to testify?

**Moore:** No one else signed up.

**Adams:** Anyone wish to testify? This is a report and I will entertain a motion to accept it.

**Fritz:** So moved.

**Saltzman:** Second.

**Adams:** Item number 423, Karla, please call the vote on the motion.

**Fish:** Thank you for your report. I appreciate the [inaudible]

**Saltzman:** Again, thank you. Thank you kirk, nicollette, scott, lou, and who is the fifth person? Steven. Thank you for your work, and I appreciate this whole process and look forward to your forthcoming report and continued scrutiny. Aye.

**Leonard:** Having led the effort to bring the bond to council and then raising the funds to get it passed in an atmosphere where everybody told me it was going to fail, I particularly appreciate your service in making sure that we do exactly what is it we promised we would do with the money, and I appreciate you getting it done even at a better price than what we thought. So thank you for your work. Aye.

**Fritz:** Thank you commissioner Leonard, and chief klum and the whole team. Particularly thank you to the committee members, you are unpaid volunteers and you are the citizen watchdog for all of us over this project, so that citizens can have confidence that the taxpayers' money is being spent wisely. I appreciate you taking the time to come and give us such a thorough report and all the work do you in your quarterly meetings. I know it's a challenging job but your doing it well. Aye.

**Adams:** Thanks again to landslide commissioner Leonard for your great job in getting this passed by how many votes?

**Leonard:** More than 50%. [laughter]

**Adams:** More than 50%. Seriously thank you again, we would be in a world of hurt. We would be in a world of hurt not just for the fire bureau, but for the overall city budget if it wasn't for your leadership on this. It's worth mentioning again, thank you for your willingness to provide the outside independent scrutiny that was contained within the measure and the bureau for working with them to make sure we're getting the best possible value with the oversight of the office of management and finance. Happy to vote aye. [gavel pounded] motion approved. Motion approved. Karla, please read the title for resolution item -- items 243 -- is that the only one?

**Moore:** 424. We'll start with --

**Item 424.**

**Adams:** We'll start with who's here and then come back to them. We're taking a few-minute break. Oh, you're here? Ok. We need commissioner Fish. Go ahead.

**Saltzman:** Is this the vote?

**Adams:** Thank goodness somebody is paying attention besides me. I move to substitute set of amendments from the ones we voted on last time, and it is the substitute set of amendments, so we

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would retract the amendments last time and they would be substitute by the memo dated april 25th, 2012. To myself and the city council from susan anderson.

**Saltzman:** So moved.

**Fritz:** Second.

**Adams:** Please call the vote on the amendment.

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

**Fritz:** I very much appreciate the minor technical corrections and changes that clarify and strengthen the document. Aye.

**Fish:** Aye.

**Adams:** Aye. Now, can you please call the vote on the amended resolution.

**Moore:** Did you want testimony on those --

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

**Alan Galloway:** My name is alan galloway, i'm an attorney at davis wright tremaine, and i'm speaking today --

**Adams:** Can you speak a little closer?

**Galloway:** Yes, I can. I'm an attorney at davis wright tremaine speak on behalf t.w. Telecom of Oregon llc. I just wanted to comment on the amended action 59 on the plan, which is entitled broadband service. I think as amended it now reads broadband service work with citizen and tele communication and utility representatives to develop recommendations for improving wireless service in Portland. Tw telecom agrees that citizen and industry should be involved in the discussions concerning broadband and expanding broadband access in Portland. Tw is concerned, however, that the commitment to work with both citizens and the telecommunications industry appears to be limited to the wireless issues in action 59. And in t.w.'s view, meaningful consultation with both citizen and industry should extend to all broadband issues, including action 105 and action 61. Those are the neighborhood broadband access and the broadband equity fund. Right now there's not enough detail about those concepts, in the plan for either carriers or citizens to evaluate them meaningfully. With respect to the broadband equity fund in particular, t.w. And other carriers attempted to get more information on a similar concept presented at an industry round table discussion with Portland broadband strategic plan in january, but no details were available or provided. So at this point we have so little detail that frankly it's not even clear whether an equity fund is necessary. But we would request that the council ensure that the collaborative process envisioned in action 59 extends to other broadband related issues. So i'll just close by simply noting that if action is to be taken on these broadband issues, with the goal that t.w. shares of expanding access to broadband, whether it's action 59, 61, or 105, the interests of citizen and carriers would be best served by revealing the details as soon as they become available so that we can maximize the opportunity for meaningful constructive criticism, collaboration, and feedback as I think is envisioned in these amendments to action 59, which we support.

**Saltzman:** I think my office has had a role in helping to shape the broadband policy action items, and I assure you there's no intent to not have process around all of these issues.

**Galloway:** I appreciate that.

**Saltzman:** Ok. I guarantee you there will be plenty of process.

**Galloway:** Certainly we've worked with --

**Saltzman:** Including everybody. All players.

**Galloway:** We've certainly worked with your office and appreciate the efforts to ensure there's input. Thank you.

**Fritz:** Thank you for taking the time to testify at the very last hearing, after several years, it's helpful to highlight this issue and it helps us tell all citizens that many of the things in this plan are

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concepts and that it's not that we're not reviewing the details, there aren't details yet. So we will be expecting and needing the entire community and indeed telecommunications professionals, our citizens of the city as well as residents and businesses so that we look forward to your continued engagement as we move forward.

**Galloway:** Thank you commissioner.

**Adams:** Thank you, sir. Unless there's anybody else that wishes to testify, Karla, please call the vote.

**Fish:** This is now on the final vote on the adoption?

**Roland Iparraguirre, Deputy City Attorney:** Correct.

**Fish:** I was out of town last week. I had the honor of representing the city in Washington, dc last week, but I -- upon my return received a briefing from emily hicks and reviewed some materials, so i'm pleased now to weigh in and cast my vote. Before I begin I want to thank a number of people for their really stalwart efforts to bring us to this moment. Begin with mayor Adams and lisa libby, director susan anderson, joe zehndeer, eric engstrom, steve dottier, deborah stein, and many others. I'd like to thank the staff and the partners who worked on the various project teams and in particular I just want to thank my team from parks and the housing bureau for all the time and energy that they put into this. I also want to acknowledge the tremendous amount of time and energy that the planning sustainability commission devoted to this effort, and especially thank andre baugh, the chair who along with the chair of the pdc i'm skeptical either of them have lives outside of their public service jobs. They devote so much time to the cause. And thanks to him and to his fellow commissioners. I also want to give a special thank you to all the community members who participated and weighed in throughout this process. To those who shared feedback in forums and emails, and letters, this is a plan that's been shaped by the community. And I think the process that the bureau and the city has used has been outstanding. Ultimately for this to have credibility, and for this to have legs it has to have community participation and buy-in. And I would compliment all those who structured the public process and were able to really bring about an amazing level of civic engagement and participation in this final product. In everything we do partnerships are the key to advancing our shared goals. And that includes collaborating across bureaus and with other public agencies, connecting with community organizations and local businesses, bringing people together to solve problems. It's the heart of what makes our government work and I think it's one of the cornerstones of this plan. The plan also brings our focus to making connections on the ground. Connecting public infrastructure investments in order to complete to excuse me, in order to create complete neighborhoods. Contracting green spaces to restore habitat, air, and water quality, connecting our greenways to make a city-wide trail system so every neighborhood has safe access to greenways. I believe today we have a shared vision. It commits us to making sure that every neighborhood is a livable neighborhood, and that everyone in Portland has access to what makes Portland so great. I'm tempted to say now the hard part begins, but today let's celebrate the work that brought us to this point. Congratulations to everybody that worked tirelessly to bring this plan to fruition, and thank you. Aye.

**Saltzman:** I also want to thank everybody, the bureau of planning and sustainability, all the city bureaus that worked on shaping the Portland plan and also to the extensive public Involvement of citizens in helping to shape this plan. Most of all I want to thank mayor Adams for his staunch leadership of this effort. Staunch and tireless leadership in this effort. I wore out on the meetings pretty early on, but I know the mayor didn't. So this is a great moment forward, this is forward progress, which is a great thing in this city, something we've often looked over the past years in our economy being stalled, and things like that, it's nice to have something we can check off our box as we have done this now, we have the plan for the next 35 years, 25, 35 years, and that's going to

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serve us well, and one reason it's going to serve us so well is the new mayor, whoever he or she may be, will hopefully not say hey, we need a new plan about the vision around this city. We can present them with a nice document, concise document and say, we just did that. So hopefully that will save us all a lot of time and allow us to move forward. Thank you all for all your work. Aye.

**Leonard:** I too want to thank everybody involved. I think it's important to particularly note that this is of all the things sam has done on council in the last seven years, almost eight, this is the one I think that he -- I certainly have heard him devote the most focus and energy and attention to. And the one plan that I found that -- the one project I found he was working on the most exhausting. And he was ---- in pushing to get this accomplished, and I don't think it would have been done in a time frame under the other mayors I worked under, were not for the drive sam brought to it and the focus and the constant bringing everybody together. And I don't think people appreciate how much individual leadership is required to produce something as comprehensive as this with this much input as this required from as many different partners and different types of communities and organizations as this plan required. So I do appreciate everybody's work on it, but I think we should all tip our hat to sam for producing really what is a legacy piece of work. Aye.

**Fritz:** I remember at the very first full day session for the Portland plan was back in the early summer of 2008, and I was furious because I was out of town and I couldn't go and I thought I would be missing everything important that was happening. So I need not have worried.

**Saltzman:** Furious?

**Fritz:** I was. I'm a planning geek, i'm very happy that this has come here, started the by mayor potter and bureau of planning director, gil kelly, leading from the work that has been done, all of the examination of how the city does business under mayor potter and taken to whole new heights under mayor Adams and bureau of planning and sustainability director susan anderson. So indeed thank you for all your work, thank you joe zehnder for being such an integral part of the leadership, and particularly for cochairing the equity technical advisory group with amalia alarcon de Morris the office of neighborhood involvement, indeed i'm grateful to all of the members of the equity tag, it's evidence this is not a plan which now we need to start putting into action, we have already started implementing this plan as we move forward and we've realized these things are urgent, we didn't wait to adopt this plan before we established the office of equity and human rights. And there are many other examples of that. We've all been learning through this process, it's a product for sure, but you're learning along the way and that's been a key part of bureaus working together. Learning we need to have those connections and we can do better, and we can do better across the city looking at the geographic equity issues. And having those difficult conversations acknowledging that we haven't lived up to some of our as aspirations and we can do better and we plan to do better. Once you have the plan you're not going to be able to go down a wrong line of implementing it. I'm looking forward to continue going down the line of implementation, some of the amendments we adopted today made clear that indeed we will be needing to do the comprehensive plan. The zoning code and the map amendments. And very much looking forward to being involved in that. I thank southeast uplift for raising that question. How does this happen on the ground. And as we just mentioned to the testifier, it doesn't happen unless citizens continue to be engaged. It's not like we now have a plan that the citizens can say city staff can just do it, it's a plan for all of us. It's not one or the other, it's government and citizens working together and it's going to be crucial that we are all engaged as we move forward figuring out exactly how are these goals are going to be implemented. I want to thank my office staff and indeed every member of every one of my bureaus, because it has been a Portland plan. It has not been a land use planning plan. It's not what we have traditionally seen as a comprehensive planning. Everybody in the city

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has been involved in it. As a city employee who hasn't heard of the Portland plan I would be extremely troubled about that. I'm guessing that's not the case. Mayor Adams I echo commissioner Leonard's comments this, has been a signature project and one that i'm very grateful you have led to a successful conclusion. Aye.

**Adams:** Thanks for the kind words, but it's really the folks that stepped up and took time out of their evening and weekends during the business day, serving as volunteers on committees and tag and pegs, and showing up to do clickers, and folks that never -- that responded to the two surveys that were mailed out to every household and business in the city and took the time to respond, equaling 20,000 inputs. I now know why we're not aware of any other city with a comprehensive strategic plan. It's a lot of work and it requires you to really have an adult conversation with yourselves, and your community. And it requires education both ways. In the end I think what we have here is absolutely something that every new member of council can put their heart and sole in and build on and polish and improve. Every single year. But guided by results. Guided by results. 12 results measures. The city is now guided by 12 results measures. And 128 action items over five years. If that sounds like a lot, that's one bureau, one action item, each year for five years. I think we can do that. And it's about using existing resources better. First and foremost, that's what this is about. Not only within the city, but the 24 Portland partners and the state and federal government on top of that. So it wouldn't have happened without the support of the members of council, I want to thank them, and i'm so old I know the genesis of this idea is actually vera katz's. The first time she ran for mayor on how can the city, you know, believe that it's making true robust deep progress in important levels if it doesn't have a baseline of where it's at, measures on where it's going, so it's a tribute to vera katz that I support, that I worked on this, a tribute to her I vote for it today. Some specific people I want to thank, the great team at the bureau of planning and sustainability, this is the best local planning department in the world. And if you ever go to a planning conference you would know that. Because Portland is looked to for the best planning of any local government. And for good reason. And we really challenged ourselves, you challenged yourself with this, and now you get to go to planning conferences and talk about the whole city, the whole locale, the whole county and not just land use. And not just transportation. And not just infrastructure. So eric, joe, susan, the whole team, thank you for that, really appreciate it. And lisa libby, who worked harder than I did on this, thank you and the entire team on the planning sustainability team in the mayor's office, really appreciate it very much. Aye. [gavel pounded] yeah [applause] and thank you to commissioner Saltzman for pulling back his last-minute substitution. [laughter]

**Fish:** Commissioner Leonard and I had a disagreement the last minute.

**Adams:** What a surprise. Please read the title for the next item.

**Item 425.**

**Adams:** Commissioner amanda Fritz.

**Fritz:** Thank you. It's my pleasure to introduce a short presentation on our neighborhood small grant program. And I appreciate the council's support for this project over the last five years. People really like this program its one of the most popular office of neighborhood involvement programs and a crucial component of our community and neighborhood involvement strategy. And it has built capacity in our neighborhoods and coalitions to expand collaborations as many diverse communities. Today we're considering projects identified by community grant committees in north and outer east Portland. Brian at the office of neighborhood involvement will go over the program criteria and we'll hear a short presentation from each of the grantees.

**Brian Hoop, Office of Neighborhood Involvement:** Thank you commissioner Fritz. I want to thank the council members for their ongoing support for the small grant program over the past five



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years. We're now entering into the sixth year of this program. And just as commissioner said, i'll say it again, people really love this program. We hear over and over this is probably the most successful program engaging new people, people who have never been involved with the neighborhood-based organizing, civic engagement agreement effort, bringing in a more diverse range of people, and working with oni and the seven neighborhood district coalition offices and the 95 neighborhood associations. So I wanted to give you an overview. The specific dollar amount for the east Portland projects we're considering today is \$35,336 dollars worth of projects. And for the north Portland neighborhood services, projects -- it's \$20,770 dollars. The total budget for grants being funded this specific year is about \$186,000 worth of projects. Just wanted to clarify, these are the two city administered offices, so we have to have the grants come before council. The other five nonprofit coalition offices they receive their grant programs as part of their base budget. It was authorized last summer beginning of the fiscal year. So the Portland's neighborhood small grants program funds a wide variety of community and neighborhood-based projects across all seven neighborhood district coalition offices. And the goal is to provide neighborhood and community organizations the opportunity to build community, attract new and diverse members, and sustain those already involved. So these projects are providing critical resources for small-scale community building projects that are imagined by and implemented primarily by volunteer base neighborhood Associations and small community-based nonprofits. What this means on the ground level is we're providing an opportunity for community minded individuals, many who have never been involved before or never written a grant before, learn the basic leadership skills necessary for organizing a project, such as how do you develop a coherent organizing strategy, how do you write a grant, how do you prepare a budget, how did you recruit volunteers, building networks with allies to help you get things done in your community. Asking people for money and resources. Following through on a plan. Evaluating a finished project. I think it's also important to recognize this is filling a critical funding gap for many of these groups to take on projects that might otherwise never shall attempted or completed due to lack of funds. I think it's important to remember that the direct financial contribution to neighborhood associations from the city is typically only about a thousand dollars per year for communication purposes. So many times a lot of people say, don't neighborhood groups already get a lot of money? And it's important to recognize they're really not getting a lot of direct money up front. And I think it's also important to recognize that this program has helped build the capacity of our seven neighborhood district coalitions to expand the collaborations with many different diverse community organizations they've historically not worked with in the past. I just want to give a few numbers of what's been accomplished in the first five years. So to date we've awarded to 443 projects a total of \$829,354, we had roughly -- i'm sorry -- that's the amount that's been awarded to date. The total amount that's been requested has been over \$2.6 million. Of those 440 projects that have been funded to date, they've leveraged over \$4.5 million in both volunteer time and additional financial resources to get their projects done. The average award granted is about \$1,800. And to date even though our agreement with the district coalition says they can use up to 15% of the funds for administration, to date they've only been spending on average about 9% of their funds for -- to help pay for administration. So they're really trying to maximize getting these resources out to the community as fast as possible. Another point we want to highlight, it was one of our original goals that 30% of the funds would be going to traditionally underrepresented community organizations and we mean by that organizations serving communities of color, immigrant refugee groups, low-income groups, youth, and organizations serving people with disabilities. And in the first five years we've identified that 38% of the funds have gone to such organizations. That's 168 different organizations out of that 443 total. And in addition, about 55% of the projects said in their

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applications they were going -- the funds would partially be helping them do outreach to these groups they've historically not worked with. So what it shows to us is increasing number of neighborhood associations are making the effort to reach out to groups they've not worked with before in community of color. And I know historically city council has pushed for that and asked for that getting neighborhood groups to work with communities they've not worked with in the past. And I just wanted to provide a quick overview of what is the role of the coalition. Typically in the fall the coalition, the staff, the coalitions, they help organize outreach campaigns to help get the word out for people to apply. Something that we've realized has been an important part of this because a lot of these are volunteer based folks is the staff are providing one-on-one technical assistance, helping people understand how to write a grant, they organize one or two workshops each year in their coalition areas to help people understand the steps for applying for these grants. Then the coalition staff organize a volunteer grant making committee, neighborhood and -- who review and decide on the projects in late fall early winter, and I just want to acknowledge i've been impressed by the efforts of the staff in building fairly diverse groups -- decision making committees. Many people thought it would be neighborhood association leaders, but some of the coalitions may only now have one or two neighborhood leaders and have a much more diverse range of people in their grant making committees. And I want to give a few examples of what's being funded. One of the handouts that hopefully got passed out is the list of the broadband range of types of projects. And just want to give you some examples, this isn't just about typical neighborhood projects, maybe summer fairs, festivals, block parties, but we've seen an amazing range of projects addressing social economic self-help projects, number for helping start up new farmers' markets, housing, clothing, and goods exchanges, gardening workshops, lending libraries, even a health clinic that helped outreach, welcome packets for a business association, a number of projects have been targeted youth, family and school projects, including schools organizing community resource fairs for the community. Projects where school ptas and neighborhood associations are organizing ice cream socials to help connect their neighborhood schools with the community. Groups organizing neighborhood walks and bicycle rides, chess clubs, play date clubs for youth and their parents to meet each other. And then some of the other broader categories, things like communication, general outreach, helping get flyers out to more folks in the neighborhood, volunteer recognition type events. Board development projects. Summertime fairs, festivals, block parties. Arts events and projects. Environmental and recreation type projects. And crime prevention projects. Those seem to be the broad categories a lot of the applications are geared towards. I want to thank the staff at the office of neighborhood involvement who helped take the lead in coordinating this project. Paul leistung is the neighborhood program coordinator, I want to thank him, and jeri williams diversity and civic leadership program coordinator who is really helped with outreach efforts to bring in a more diverse range of community organizations that are applying to this grant program. So who's going to be following me maryhelen kincaid, is former leader of the east columbia neighborhood association. And you are also a on the grant making committee in north Portland, and Arolia McSwain representing the north Portland tool library project. Following them are going to be david ashton from the east Portland neighborhood office, their community projects coordinator, and nick christensen chairperson of the lents neighborhood association that had one or two projects last year that they organized.

**Adams:** Welcome back.

**Maryhelen Kincaid:** I'm glad to be here, and honored to be here. I was chosen because i'm a former member of the committee in north Portland that chose programs for funding. And I think today you'll hear behind me a lot of success stories of programs that will make us smile, give us goose bump and know that by funding these programs we did a really good thing. And I know

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there's no tangible way to measure that happiness quotient, it's that feel good moment when you say that was a good thing. I think this is the most important program the city administers, because it provides the opportunity for citizens to take our tax dollars and fund things that we know are going to do good in our neighborhoods. It was one of the most important things i've been asked to do. I'm impacting the lives of my neighbors. In most cases we tell you how we think the tax dollars should be spent, we encourage to you spend them in certain ways and we give you ideas. But we don't get to decide. This case we get to decide. Our vote is as equal as your vote. We get to interview program applicants, evaluate what the needs are and see where we can best spend our money. How we impact the livability of the city is immense. It's far reaching, many people are impacted. We're just a few citizen and we spend hours deliberating the amounts of mondy we're going to spend, and our decisions bring great improvements to the city make our lives easier and better. And you heard today the Portland -- I applaud all the efforts of the Portland plan and the whole idea of equity, but I think these are the programs that make the Portland plan great and they're going to bring equity to the city because we're on the ground deciding what those things are and who is in need. And how is that going to happen? I think it's because we support programs that create that feel-good moment, that happiness quotient and I keep saying that because people feel good when they get to do programs that help their neighbors. And it creates a feeling of trust, because the city, that's everybody that everybody calls the city, trusts us to decide what we want to do with that money in our neighborhoods. But awarding dollars is only part of the evaluation, and I want to tell you a couple stories about some of the programs that we funded. Worth a million bucks would be the value of the food pantry program in north Portland. It was only 833 dollars we funded, but the feeling that hundreds of participants got was immeasurable. So it was worth a million bucks to them. What measures are there for the impact to roosevelt high school interns that learned on the job skills of project management, business dynamics, how do you measure that value? Experience they gained working with the st. Johns farmers market was invaluable and laid the ground work for the future of those kids. How about the importance of communication in a mobile home community on hayden island and it only costs \$1300 to build a kiosk to put posters so they could be informed of things. A neighbor in my neighborhood doggedly pursued identification of an invasive weed plant that overtook some city mandated mitigated ponds. The project has gained local regional statewide and now national attention and it's become focus of a research project that psu is partnering with the smithsonian institute. This project to eradicate the weed has saved potentially millions of dollars in flood controls with the Multnomah county drainage district, it could invade the rivers and streams, but now we have a plan in place, and that only costs \$2,000. And that started the whole ball rolling. Gave us the money for the psu intern. Money for open meadows outreach to outreach for at risk youths and their families has struggle daily to stay and motivated and stay in school. Most often there's only one success a day and it's a day at a time progress. How do you put a price on that? And my favorite, I brought show and tell for this one. Astor school was using white plastic buckets for drums. They applied for the money for five drums so they could march in the st johns parade with real drums. So we bought them five real drums and that led to a partnership with the elks lodge in northeast Portland, who's now funding them outfitting the band, and if you go to the may st. Johns parade you'll see them in band outfits, and new drums and no plastic buckets. I think that has to show you what the importance of our investment is. And while we tend to measure success in terms of leveraged dollars and brian and the other coalition directors will give you all those figures, I think we've got to remember how important it is to value that feeling of a few citizens that get to decide how their money is spent, to do a good thing in their neighborhood, and how you create those meaningful relationships and opportunities because if you don't measure those, I don't think we're measuring anything. And I

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think being able to have programs that give us those moments of smiles and goose bumps and feel good things and kids that play drums now instead of buckets, I think it's invaluable. So thank you for that opportunity, and I hope this program continues forever, because it's probably the best investment we've ever made in the city. Thanks.

**Arolia McSwain:** Both of my children, both attend roosevelt and astor, so I appreciate this grant as well. I've been the tool room coordinator at the north Portland tool library for five years. The tool library first became the first community tool lending library established in Portland seven years ago. It's a grass-roots neighborhood resource. Dedicated to building community and fostering sustainability by providing north Portland residents with tools along with education to use them, much like a book library for no cost. Currently we serve over 3500 of north Portland citizens who's check out approximately 13,000 tools annually. Each tuesday and Saturday that i'm at the tool library I watch neighbors connect with each other. They're sharing their weekend warrior stories and tips, sharing their knowledge and experts, expertise in their fields of work and community projects coming together. And the north Portland tool library provides many of these community projects such as kenton, rose garden and downtown st. Johns clean-ups with tools to get the jobs done, allowing these groups to focus on their efforts and their funds on their goals rather than acquiring the tools to accomplish them. And importantly we provide tools and training to individuals who in these tough economic times couldn't otherwise afford time prove their homes and their livelihoods. The north Portland tool library has been able to operate on annual budget of 10,000 dollars a year because we've been able to leverage the time and skills of enthusiastic community volunteer-base and leverage partnerships with local businesses like mcmenamins, white eagle that supports the north Portland tool library's annual hump day celebration. And they're doing it again this year on january 20th. Kaiser permanente, bank of the west have set up employee match Programs and the tool library idea started in north Portland, but it's now been replicated throughout the Portland area. In other words Portland tool library now thrives as does a slightly younger southeast Portland tool library, and neighbors are coming together as new lending libraries potentially emerge in the northwest, southwest, lents, and milwaukie neighborhoods, and i've done consultation with every single one of them, and they're full of enthusiastic people who really just want to see a great resource in their neighborhood. As a past recipient, it's easy for me to say this invaluable resource would not be possible without the neighborhood small grant. So thank you for making these funds available and they make a critical difference in the community.

**Fritz:** Thank you for taking the time to come in today.

**Adams:** It is a wonderful coincidence that the north Portland tool library is exactly one block from my house. We have more?

**Hoop:** Two more. Next we'll have the representatives from east Portland, david ashton and nick christensen.

**Adams:** Good afternoon, gentlemen.

**Fish:** Finally we get a chance to interview david.

**David Ashton:** The first time i've been in chambers without a camera. My name is david ashton. Seeking out and covering news stories for east Portland news, I became fascinated five years ago by the wide variety of programs and events that brought diverse neighbors together, fund by what I learned was called the neighborhood small grant program. So when I was offered the opportunity to work with this program in east Portland a couple years ago, I have been honored to serve. But how can one not be proud to be associated with such an innovative program that brings new community ideas to light, ideas we otherwise would never see, never even consider? That encourages neighbors to get out of their homes to meet and learn about those around them while participating in very local meaningful programs and so greatly leverages relatively small amounts

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of money into outstanding events and programs ranging from ethnically diverse community gardens, to neighborhoodwide events. Volunteer neighborhood association folks took the lead in about three-quarters of the projects, averaging out for 2011 and 2012, newcomer and immigrant groups about 10%, and those working with education of our young people about 10% of those projects. Of those projects, about 52% of them revolved around community building events such as national night out, and other such things that bring out many otherwise unreachable neighbors. People who would never go to a neighborhood association meeting and get in contact with their folks in the neighborhood and with the city and getting them involved. About 31% of them were environmentally themed projects such as community gardens and neighborhood park promotions, and about 17% of them were educational and instructional like helping newcomers. Feel more like part of our community. The east Portland program is also served by another amazing group of dedicated volunteers. These are the people that serve on our grant committee. The individuals who by consensus review and fund grant applications and provide policy guidance. The committee is as diverse as the community we serve. Including those with asian, hispanic, and russian backgrounds, and representing businesses, the library system, parks and recreation, education, and faith communities and we do have one neighborhood leader on that committee. Let's talk about leverage results and the few minutes I have, we put out a result the book, we're working on the one for 2011 right now, this talks about in human terms, the benefits of our programs. I come to this position working with the city as a business person, a licensed business in the city of Portland for 22 years. And I can't help but think about some of this in business terms. For 2011 the \$24,000 granted to 13 programs resulted in 13,780 participants. These programs generated another \$37,000 approximately in leveraged funds and 27,000 dollars in additional in-kind donations. An amazing 5,546 hours of Volunteer service, \$17 an hour, that's about \$94,000 worth of investment and these programs to help make our neighborhoods and communities better alone. It's been amazing, watching these programs both from the outside and helping the program operate from the inside to see all the good it does in our 13 neighborhoods of outer east Portland. As a business person, i'm astounded by the practical nature of this program. Here to talk a little bit more about it allow me to introduce nick christensen, president of the lents neighborhood association.

**Nick Christensen:** Thanks for your time today. Support from these grants has been in the central part of success we've had in organizing southeast Portland's largest community gatherings. Ramona street fair and founders day, a Celebration of our community. Ramona street fair is one of east Portland's largest festivals and in 2011 featured more than 50 vendors, live music, food, and information on sustainable living we had thousands of participants coming out to the lents community to 92nd and ramona to see our sunday festival at the last weekend of july. The only way to combat negative stereotypes perpetuated about our community is to bring out people to see for themselves what a vibrant neighborhood we have and ramona street fair has been a home run in that effort. Pdc started this in 2009 to celebrate the opening of max, and we in 2010 took it over as a Neighborhood association with help from the small grants program. Money from the program has helped pay for the permitting and pbot traffic control as well as live music and equipment rental. This year's fair is july 29th and is supported by the grant program. Where the street fair is a new event, founders day celebration has been part of the lents community for decades honoring the pioneers who first called the area home. In 2011 community members decided to celebrate the diverse community of immigrants and newcomers whose presence contributes to the cultural richness that is one of the hallmarks of lents. Thousands of people of all backgrounds came to the park last august for multicultural music, food, dancing, and marade in one of the largest gatherings in our history, truly a celebration of our community. Without support from the small grants program the reborn founders day a celebration of historic and modern pioneers simply would not

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have been possible. These events are part of the rebirth of our outer southeast community. We're not where we need to be yet, and we look forward to the continued support from this city council on development of the successful and vibrant business district in the lents town center. But these grants can help bring our community together to do all the weekend to help lents become one of Portland's great neighborhoods. Thank you.

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

**Ashton:** Do you have questions of us?

**Adams:** No, we don't. You've covered it extremely well as usual.

**Fish:** I have a question of staff. Two questions. One is, in terms of the leveraged dollars that you report in this document, is that taken from something that you require the awarded organization to furnish the city?

**Hoop:** Yes. In their grant application they have to develop a budget, and for each of the range of line items they have to tell us if -- what percentage of that is either volunteer time that they expect and/or direct financial contributions or-kind contributions. So it's -- the number I gave you is based on their applications, we don't have a system set up yet that is able to track it after the fact to see if they actually followed through on those commitments.

**Fish:** I would be interested in going deeper on that. It sounds like it's as aspirational but not necessarily verifiable. I think it would be -- I would like to make a suggestion for next year that in the reporting we break out hard dollars and in kind. And volunteer hours so we can just track it by separate categories. I think it i's useful to find out how many dollars it generates versus volunteer versus in kind.

**Hoop:** I think it may already be separated on the application.

**Fish:** My final question is, is there any conclusion that you would draw from the fact that neighborhood associations are generally about 50% successful in their applications but it drops to a high of 20% or lower for every other entity, every other category of application? Is there a lesson or **Hoop:** I'm not sure I am completely understanding what you're --

**Fish:** Maybe -- excuse me, maybe I misread the chart.

**Hoop:** The bottom part where it talks about project types, 55%?

**Fish:** Am I right that about half of the neighborhood organization applications are funded?

**Hoop:** I don't -- that's not the way I read this. We based on their applications staff with oni staff, I try to identify what's the general focus of that project, they have a brief description, and so when it says a general neighborhood project, that doesn't mean just neighborhood associations, there's even other community groups that may just be organizing a block party or some kind of community event or project that's just for the general public. So we're basically going through their projects specifically trying to identify for the general community or is it very strategic, saying we're going to use these dollars to try to reach the Latino community or work with low income populations, or youth. That's what the bottom chart is supposed to be about. I haven't done the research to show what percentage of neighborhood association projects get funded compared to other organizations.

**Fish:** I think I may have misread this. It's the aggregate of applications by category, not the specific data at the other end.

**Hoop:** We were talking among staff today about doing the research to determine the organizations that did not get funded.

**Fish:** Looking at that might raise red flag or something about, about either the quality of the applications you are getting, or the, the sentiments of the committee, in evaluating them, or may suggest it's not level playing field, but I think it would be interesting to know a little more about the categories of awardees in addition to the applications.

**Hoop:** That's a good point.

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**Adams:** Commissioner Saltzman.

**Saltzman:** I want to be sure i'm understanding this right. I'm looking at the ordinance and we have 223,000 in general fund for the small grants. 41,000 to the east Portland neighborhood so that means small grants, and then 30,000 to the east Portland neighborhood office to administer, are we doing that to administer 41,000 worth of grants?

**Hoop:** No. They take 15% of that, the total for staff to administer, so no more than 15% would be for, for staffing it. The grant for, for --

**Saltzman:** If you take 15% out of 41,000, that's how you get 31,000?

**Hoop:** 35,000, correct.

**Saltzman:** Ok.

**Hoop:** Yeah, so, 35,336 is going directly out to the community, so, east Portland neighbors is a nonprofit office, that has a volunteer leadership board to kind of work parallel to the city run office.

**Saltzman:** Right.

**Hoop:** And so to expedite the distribution of the funds, we're granting that nonprofit organization and they will distribute the funds to I believe it's the 13 or so organizations. Two of the organizations in outer east Portland, the Laotian community group and chess for success requested that they have their own 501c3 status. They would take the funds directly and administer them on their own. Many of the organizations that apply, neighborhood associations, for example, don't have their own 501c3 status so we cannot legally distribute funds directly to them unless they have a 501c3 status.

**Saltzman:** Ok.

**Adams:** Further counsel discussion? Anyone else wish to testify on this matter? Karla, can you start doing the votes and if folks could save their comments to the last item, that would be great.

**Moore-Love:** 429. -- none of those are non emergency.

**Adams:** Do you want to attach emergencies and get it done? I move we attach the emergency.

**Fish:** Seconded.

**Adams:** Moved and seconded on the items we're considering. We have a number of community groups who are awaiting funding and inflation will eat away. So it has been moved and seconded. Thank you for that clarification, council -- can you please call the vote on the motion to attach emergencies to these items.

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

**Fritz:** I hope the next charter commission will address this issue, aye.

**Adams:** Aye. [gavel pounded]

**Adams:** All right. Let's save our comments until we get to 428. Please keep us going, karla.

**Item 425 vote.**

**Fish:** Aye. **Saltzman:** Aye. **Leonard:** Aye. **Fritz:** Aye. **Adams:** Aye. [gavel pounded]

**Adams:** Next one.

**Item 426 vote.**

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

**Adams:** 427.

**Item 427 vote.**

**Fish:** Aye. **Saltzman:** Aye. **Leonard:** Aye. **Fritz:** Aye. **Adams:** Aye. [gavel pounded]

**Adams:** 428.

**Item 428 vote.**

**Fish:** Is this the last one?

**Adams:** Yes.

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**Fish:** Thank you to the community members who came to testify. Thank you for the report. Aye.

**Saltzman:** Nice, aye.

**\*\*\*\*\*:** He was waving the gavel. I want to get out of here.

**Saltzman:** I can't top that, aye.

**Leonard:** Very nice program and nice presentation. I enjoyed it a lot, aye.

**Fritz:** Thank you to the staff and to everybody in the community who owns these grants as maryhelen kinkade was talking about. It's a perfect way of involving citizens and doing little projects that become community building and not necessarily just putting a kiosk, so thank you very much for coming down to tell us about your work today and to all of the, of the council. We hope that we will be able to do that. Aye.

**Adams:** Thanks to the leadership of commissioner Fritz and the bureau and, and all the district coalition staff, whether city staff or nonprofit staff, appreciate your great work, and most important, the volunteers that, that keep this going. It is, I think, incredibly good money, well used. We fought to get it into the budget and seven years ago? Six years ago? And, and I think that the results speak for themselves. Thank you. Aye. [gavel pounded]

**Adams:** Now we have a 3:30 time certain, but we have a two-minute compassion break. But remember, at any moment, we're going to have an earthquake drill. [break taken]

**Adams:** Item 429 and also 430 and also 431. And also 432.

**Items 429-432.**

**Adams:** In honor of earthquake preparedness, I am going to take a minute to conduct an earthquake drill for all city employees. So, in a minute I will ask you to drop, cover, and hold on. If the mayor could dial the phone correctly, we would be in better shape.

**Leonard:** If you leave your name, number, and message --

**Fish:** I am beginning to feel the ground tremor a bit.

**Leonard:** That's not an earthquake. [laughter]

**Adams:** Employees stand by for an important message. We are currently conducting an earthquake drill in Portland city hall. Please drop, cover and hold. Repeat, we are currently conducting an earthquake drill in Portland city hall. Drop, cover and hold. Begin by taking cover under the nearest desk, table, or next to an interior wall, just as you would during a real earthquake. Do not evacuate the building. Please remain in place for 10 seconds.

**Adams:** All clear. All clear. All clear. All clear. This has been a practice drill. You may now resume normal activities, but do not evacuate, repeat, all clear, all clear. This has only been a practice drill. This concludes the earthquake drill. [laughter]

**Adams:** I was under the table. Did you all duck and cover? I couldn't see anything.

**Leonard:** I wonder how many worker's comp claims we're going to get.

**Adams:** Director merlo.

**Camren Merlo, Director, Portland Bureau of Emergency Management:** Thank you, mayor and for indulging us with the earthquake drill. April is earthquake awareness month. And I would like to ask for your indulgence and reorganizing the order of, of our items before council and starting with, with the earthquake appendix, since we just did the drill, our brand new earthquake appendix outlines how the city will respond to a large scale emergency event, and it has, as one of our main planning assumptions, the fact that we want to keep people in their homes to the greatest extent possible. When people are displaced from their homes, from their communities and many of them never return and that slows down a city's recovery process so we understand that while we have people in their homes, they may not have access to essential services like food, water, medical supplies, etc. And want to make those services available to them within a safe walking distance.



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And that's where the Portland plan's 20-minute neighborhood concept comes into play for us. We have adopted the, the 24 neighborhood hub concept, and what we're doing, is additional emergency planning efforts around the neighborhood hubs to provide things like food, water, medical supplies, shelter and electrical charging stations and within a close proximity of each neighbor. And, and we do that with the help of our emergency coordination center, the emergency coordination center is the central location that helps prepare declarations for emergencies and asks for additional resources from our county, state and federal partners and, and provides for the allocation of scarce resources. So, we're doing a lot of work right now in east Portland, and we're going to begin one by one identifying ideal sites for staging, for community points of distribution, for temporary shelter, and for medical care points. And we are starting with the epno with working our way west.

At this time I would like to call Eric Corliss and paula from the red cross to talk about our next item, which is an mou between the city and the red cross. And this provides a broad framework for the cooperation and support between our two agencies and helping to ensure our close coordination during emergency. I want to highlight one recent example of this partnership. And in a few weeks, the red cross will take ownership of several emergency trailers, purchased with federal grant funds administered by my bureau. And each of these has the capacity of, of providing care and feeding for 100 people and eight animals. So, largely enhancing our city's ability to provide care and shelter. I would like to tern turn it over to eric and paula for a few words.

**Eric Corliss:** Thank you, mayor Adams and commissioners. What I would like to share is the importance of the relationship between the american red cross and the city of Portland and other government entities, in order for us to do our job effectively, we have to work very closely and we work closely with carmen and her staff to make sure that we're doing the greatest good for the most people during an emergency. And thankfully, we don't have a lot of history here, but the planning efforts in the earthquake annex and the strategies and the additional trailers that we're bringing into the metro area will ensure that when a disaster occurs, residents and visitors in Portland will be cared for. And will have those basic essential items that we take for granted every day when they are needed. And that's a critical step, and we look forward to continued partnership with carmen and her staff and the city, as well so thank you for your support and your time.

**Adams:** Thank you both.

**Corliss:** The other plan before you today is also one of our new plans that we have developed. There is our communications annex. This is different from the previous plan. We put before you and that was the alert and warning annex and that talks about how we communicate emergency information to the public. The communications annex really talks more about what the communications systems that are in place for emergency response personnel and talks about the priority of the services and what we want to bring back up for restoration after a large-scale event. And finally, the last item on the agenda is the formal renaming of the Portland office of emergency management to the Portland bureau of emergency management, but I want to highlight one thing that we added in that. We, actually, amended the line of succession to the mayor. And we did a few things. First, we placed the chief administrative officer before the city attorney. Next, we changed the language of the executive assistant to instead read chief of staff, which is what they are currently called, and we put them in the same order as the commissioners. And finally, rather than leave it to chance for people to figure out which was the largest bureau based on number of full-time employees, we spelled out which bureau heads were next in line to the mayor, and we called out the public safety and infrastructure bureaus first and then, identified the bureaus from largest to smallest based on, on number of ftes, so that's a change in the line of succession to the mayor.

**Fish:** What's the thinking going by the numerical sequence of the commissioners?

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**Merlo:** It used to read the chiefs of staff based on their order of seniority. The difficulty was not everyone knows which of the chief of staff were most senior. So, it's the mayor's chief of staff first, and then it's, it follows, in your case the president of the council's chief of staff and the former past president of the council's chief of staff, and then the, the -- yeah.

**Fish:** This is how far down?

**Merlo:** All the way down. This outlines every, every elected official and, and executive leadership in the city of Portland.

**Adams:** Is there more you would like to add?

**Merlo:** I think it has been a long day so I did want to note, I was pleased to hear from the woman from the north tool library. We're sponsoring an event on monday, to teach people how to do a seismic retrofit of the homes. The idea is we want to keep people in their homes to the greatest extent possible after an earthquake and so people like an organization like the tool library help people and help neighbors do that work themselves. And in some cases, it could be as easy as that couple of weekend long projects and in other cases it could be an extensive six-week project.

**Adams:** All right, so there is just the one emergency ordinance to deal with today.

**Merlo:** Correct. The mou for the red cross.

**Adams:** So that we can get the transfer of the donation, so karla, can you please call the vote on item 431 -- oh, does anyone wish to testify? Can you call the vote on 431.

**Item 431.**

**Fish:** Thanks for the presentation, carmen. And since our friends from the red cross are here, I wanted to use this opportunity to thank them for all the service that is they provide to the city, but particularly, during the wintertime when they staff, the emergency winter shelters that are triggered when we reach a certain temperature and inclement weather, and thank the many volunteers that you organize. The majorities of whom I have learned from my own experience live outside of Portland. And so, people who, at some considerable peril to themselves, or inconvenience come in and help us to do this important work, in the winter, but you are always there and we really appreciate the partnership. Aye.

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

**Fritz:** Thank you for being here today. And for your partnership with the red cross. We really appreciate it. Thank you, carmen, for your work on this. Aye.

**Adams:** Thank you very much. More votes next week. Thanks. Aye. [gavel pounded]

**Adams:** That's it, right? We're in recess until tomorrow at 2:00 p.m. Thanks for your nice words.

At 3:55 p.m., Council recessed.

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

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

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

**APRIL 26, 2012      2:00 PM**

**Adams:** We're glad that you are here. Today is thursday, march 26th, 2012. 2:00 p.m., and we have a quorum so we shall proceed. Karla, how are you this morning?

**Moore-Love:** Hello, I'm fine. How are you mayor?

**Adams:** Good. Good lunch?

**Moore-Love:** Yes.

**Adams:** What do you think about the weather?

**Moore-Love:** I saw some sunshine earlier.

**Adams:** Don't tease me like that karla. Can you please call the roll. [roll call].

**Adams:** We shall proceed beginning with the 2:00 time certain, item 433.

**Item 433.**

**Moore-Love:** Appeal of east Portland land use and transportation committee hearing officer's decision it approve with condition the application of rodelo and vivian asa for additional use and adjustment for group living facility at 2027 southeast 174th avenue, lu 11-146609 cu ad.

**Adams:** Ms. Katherine. [inaudible] You have to turn it on.

**Kathryn Beaumont, Chief Deputy City Attorney, Office of the City Attorney:** Good afternoon. There are some introductory announcements. Can you hear me now?

**Adams:** Yes. Go ahead.

**Beaumont:** Introductory announcements I need to make about today's hearing. These are announcements required by state law and zoning code. First the kind of hearing we're having today. This is an evidentiary hearing, you may submit new evidence to the council in support of your arguments. This evidence can be in a form such as testimony, letters, petitions, slides, photographs, maps, other documents or drawings. Any items that you show to the council, please be sure to give to the council clerk so that they do become part of the record before the hearing closes. In terms of the order of testimony, we will begin with the staff report by bds staff for approximately 10 minutes. Following the staff report, city council will hear from interested persons in the following order. Appellant will go first, and will have 10 minutes to present the appellant's case, following the appellant, persons who support the appeal go next. Each person will have three minutes to speak to the council. Principle opponent, or in this case the applicant, will have 15 minutes to address the city council and rebut the appellant's presentation. Supporters of the applicant will have an opportunity to testify and each person will have three minutes. Finally, the appellant will have five minutes to rebut the presentation of the applicant concerning this 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. If the council takes a final vote today, that will conclude the matter before the council.

Finally just very general guidelines about presenting testimony. Any testimony and evidence you present must be directed toward the applicable approval criteria for this land use review. Other criteria, in the city's comprehensive plan or zoning code that you believe apply to the decision. Bds staff will identify the applicable approval criteria as part of the staff report to the council. If you fail to raise an issue clearly enough to give council and parties an opportunity to

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respond to the issue you'll be precluded from appealing to the land use board of appeals based on that issue. Finally, 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 circuit court to challenge the conditions of the approval. That concludes my opening statements.

**Adams:** All right. Does any member of council have any reason that they cannot hear this issue in an objective manner? Hearing none, does any member of council have ex parte contacts that they need to disclose at this time? Hearing none, is there any other reason that anyone has in this room to challenge anybody who is hearing this issues, their ability to do so in objective manner as defined by state law? And then finally, under local law, if you are hear as a lobbyist, which is your authorized to speak on behalf of another entity or person, it could be an organization or business, nonprofit, a school, when you introduce yourself, you also have to disclose if you are a lobbyist at the time that you introduce yourself. The clock and the other side of this piece of wood counts down the time that you have after we will hear the staff presentation of the issue. Council can ask you questions along the way. And we're really glad that you are here. Staff, if you could please come forward. And then it is take your special young one to work day, and I understand we've got -- we have carter and we have cole in the audience, is that true? All right. And would you like to sit up here? All right. Would you like to sit next to commissioner Fritz and cole, would you like to sit next to your grandpa? I'm going to take that as a yes.

**Sylvia Cate:** They're welcome to join me if they want.

**Leonard:** Would you like to sit up in front here?

**Adams:** No. Okay.

**Fish:** There might be a third option. Would you prefer to stay where you are seated. All right. That's real choice.

**Adams:** Carter and cole we're really glad that you are here and welcome. Please proceed.

**Sylvia Cate, Bureau of Development Services:** Thank you. Good afternoon council and mayor.

I'm sylvia cate the assigned planner for this review. As the city attorney noted, this is a -- evidentiary hearing because the applicant has waived the 120 day clock. For your information, Fabio De Freitas is here representing Portland bureau of transportation in case anybody has questions regarding the transportation impact study associated with this proposal. The applicants request a conditional use and adjustment to replace an existing single family residence on this site which had previously operated as an adult foster care home, with a new group living use that will be licensed for 39 beds. The proposed facility would provide care for the residents day-to-day activities due to advanced age or handicap restrictions. The facility is not intended to serve patients with memory care issues, as such facility is required additional licensing and around the clock secure facility. The applicant also requests an adjustment to allow the required loading space to meet standard b size, which is somewhat smaller than the required space. The site, which is outlined here, is zoned r-7a and is surrounded in all directions with residential zoning and residential uses with the exception of a church and a city fire station nearby to the north. Lots and parcels in the r-7 zone are to the northeast and south of the site. Directly west is a large parcel zoned r-3, which is slowly being redeveloped with townhomes, however directly behind the site and north of grant street, this area is currently vacant land. The site is 31,000 square feet in area.

The site plan approved by the hearings officer shown here depicts the footprint of the proposed group living facility with a smaller parking lot at the front of the building. Prior to the hearing, and in response to the neighbors and city staff's concerns, the applicant revised the proposed facility to be smaller, and have 39 rather than 45 beds, and further revised the proposed group living structure to be smaller than originally proposed. I'm going to highlight that the length of

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the building was shortened which results in a far greater setback from the rear property line. And additional landscaping has been added to the frontage of the site to provide a substantial screen of greenery to buffer the parking lot. The elevation profile of the building has also been revised with the roof line lowered for the two parallel wings of the facility so that they have less bulky appearance. A small bump-out phase and inset patio areas help to break up the façade and add visual interest to the long building facilities as seen from the site property lines. This architectural rendering shows how the group living facility will look after completion with the condition that the applicant plant oversized trees and shrubs as called out on the landscape plan. This appearance with the relatively mature vegetation will add significant screening and softening to both the structure and the small parking lot. The applicant also notes that all paving on the site will be impervious asphalt to further soften the visual appearance as well as assist in stormwater management.

Aerial view of the site and surrounding neighborhood. The site has frontage on 174th avenue. North of the site, two institutional uses, a church, and a city fire station. The hearings officer decision approved the conditional use request and the adjustment to the size of the loading space. Hearings officers included two conditions of approval that ensure that mature landscaping be installed as well as a special inspection to ensure that the building is set back as shown on the plans. The appellant testified to the hearings officer that the proposed group living use is more closely described by the sro or single room occupancy use description in title 33, and this use is prohibited in single dwelling zones. Hearing officers decision includes an extensive discussion on pages three through six of his decision under the heading preliminary matters, stepping through the relevant portions of the code including table 33, 110-1, which lists the primary uses allowed in the single dwelling zones. He also reviewed definitions and use categories and concluded that the proposal is not an sro, but rather falls into the group living category, which can be allowed in single dwelling zones through conditional use review and approval. The applicant did not utilize regulations of 33.229, which is chapter governing elderly and disabled housing. That chapter provides the number of amenities and reduction of parking requirements if the proposal complies with the number of requirements and regulations. Complying with this chapter is not a requirement for this application. It is an option for the applicant. The proposal is also subject to the regulations of chapter 33 to 39, group living, which has specific development standards and allows additional density for these facilities when approved through a conditional use review.

I'm now going to take you on a quick virtual tour of the site and the surrounding area. The subject site is currently completely enclosed by a chain link fence. The existing house has been partially prepared for demolition, with some of the windows removed, and the openings boarded up. This is a view of the northerly side yard of the site. This parcel is long and relatively narrow. The fence in the far background in this image runs along the rear property line of the subject site. This is a view of one of the one-story homes that abuts the site, along the northern property line. And this is a view of the city fire station that is just north of the site. Actually this building is the tallest structure in the immediate area. This is a view of the homes along southeast Harrison street cul de sac, which is a lined with a private street on the other side of 174th avenue. The private street is just north of the site and was created when the abutting parcel to the north was sub divided. This photograph is looking north along southeast 174th avenue, and was taken close to the northern property line of the site. The tall rectangular structure near the center of the photograph is the city's fire station. This is another view looking directly across southeast 174, very close to the subject site. The neighborhood has a mixture of housing styles, with older homes typically being one story and more recent homes are often include several two story designs. The rear lot line of the site, as I mentioned previously, abuts some vacant land that will be redeveloped with town homes and is

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zoned r-3. The applicant notes in their application that new development a block south of the site in the same r-3 zone, in this subdivision, has a number of design features which were incorporated into the design of the group living structure. The blue house that I have indicated here, is the existing house on the site that will be demolished. And you can see in this picture, a couple of examples of the two-story homes in the area. As I mentioned, just south of the site, in the r-3 zone, there are townhouses that are being developed and this development will move north over time. This is a side view of a bloc of town homes. And this is a view of the homes from the street. The applicant, as I mentioned before, noted the design of these homes and selected some of the design features to weave into the design of the proposed group living structure, such as bump out bay windows, to help the proposed structure blend in with the surrounding development in the area. This concludes staff's report. Are there any questions at this time for staff?

**Saltzman:** What is the height on the proposed facility? Tallest point.

**Cate:** Just a moment. It is 25 feet 1 1/2 inches as measured --

**Saltzman:** So the Fire station is considerably taller --

**Cate:** Yes, I believe to you and me, we would refer to it as a three-story structure, just the way it is stacked.

**Saltzman:** The proposed facility.

**Cate:** No, no, the fire station.

**Saltzman:** I was curious, was the fire station also a conditional use in r-7?

**Cate:** Yes, it was. It was approved, I believe, about six, seven years ago through a conditional use process.

**Saltzman:** Okay. Thank you.

**Fritz:** There'd be different approval criteria for public safety facilities than for something like this?

**Cate:** That is correct.

**Adams:** Discussion of staff. We shall proceed then.

**Cate:** Thank you.

**Adams:** We have the proponents of the appeal. The appeal, appellars, appellants, that would be you, yes. Welcome back.

**\*\*\*\*\*:** Hello. Nice to see you.

**Adams:** Nice to see you.

**\*\*\*\*\*:** Do we want interesting part or the legal part first?

**Adams:** That's tantalizing.

**Bonny McKnight:** Mayor Adams, members of the council nice to see you here today. My name is bonny mcknight, appearing on behalf of the east Portland neighborhood association's land use and transportation committee. And due to the necessity, i'm also the appellant. We have appealed this decision because it fails to fully respond to the zoning code approval criteria as stated in 33.815.010. It fails to properly address the sfr, single family residential 7 stipulations regarding the two types of residential uses allowed and fails to consider the requirements of 33.229.10 regarding senior and disabled housing regulations. In order to best explain why we're appealing this proposed private nursing home, it is important to understand we are not arguing against the fair treatment of people who will live there. This is not about nimby, rather it is to further ratify changes made to federal, state, and Multnomah county law that better protect a full quality of life for those who must live in such facilities. Chapter 33.229 of the city zoning code, elderly and disabled high-density housing respond to that moral requirement of public policy making by stating in the purpose statement, these regulations provide opportunities to integrate housing for elderly and disabled citizens with other types of housing, and to increase the ability of the

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elderly and disabled to live independently and close to where services are generally available. The regulations allow increased density with special design and development standards in r-3 through r-hc1r and ex zones. The regulations are intended only for new developments and projects that involve major remodeling. Let me point out the zones which are omitted from that statement. R-7 zones and r-5 zones do not trigger any of the protections of 33 -- whatever it is. 33.229 because they don't adjust densities to serve this particular client group of elderly and disabled. What follows in the code section, in 33.229 is five pages of operational, physical, and treatment required for that housing, which must be met when the higher than allowed density is permitted.

We have appealed the facility proposed today because it is attempting to build additional density for this same group of people in a zone where it is not allowed by using a definition that can only be found in 33.229 for higher density housing permission. The proposal before you today is not a group home, nor a group living facility. Instead, it is an institution for elderly and disabled residents, which is not allowed in the zone, even as a conditional use. And which fails to guarantee any quality of life protections for the 39 elderly and disabled residents it would hold. Chapter 33.229 brings clarity to the appeal but it is not the only way to understand why the facility cannot be built under the code requirements of 33.110 single family residential 7 zone. The zone for this facility is sfr 7. Sf is single family, r is residential. Seven generally refers to dwellings on 7,000 square feet of land. The zone provides two types of residential use. Household and group living. Household is defined in code as a single family. And household formally meant people related by blood. The federal fair housing act of 1998 further expanded the definition of household as allowing a group of five or fewer unrelated adults living in the same dwelling with the property owner. That definition is accepted by both the state of Oregon and Multnomah county and used by city land use code. In the sfr 7 code language, it is shown as group living. The second type of residential use allowed outright in the zone. This type of household residential use is called a group home or adult foster care home, and is licensed by Multnomah county. City code accepts that definition by the latest report, there are 419 licensed group homes in Multnomah county, 81% of those in the city of Portland. 75% of those licensed homes in the city are in east Portland, and 60 of them are in the centennial association of neighbors boundaries, where this facility seeks to be built. And I've spent some hours and made up a chart showing you where all of those adult foster care homes are that are licensed by Multnomah county by neighborhood and I will provide that with a copy of my testimony so that you can see. It is very clear that east county has more of those homes -- I think because we have larger lots that haven't been reduced in size over the years, and so it has become in some ways related to land. But the basis of the group home is not related to the land or the size or anything else. It is related to the quality of life of the unrelated adults living within that home, that residential setting. Centennial association of neighbors obviously is not opposing group homes by appealing this decision. Rather they are protecting the integrity of the concept of maximizing the quality of life for the most fragile and economically dependent residents of the city who need housing. The proposed facility meets neither of the definitions of residential use allowed outright in the zone. The only other residential use of the sfr-7 zone is stipulated as being under conditional use criteria for institutions. The institutions allowed are listed in the sfr zone language, as well, and do not include private nursing homes, which this facility would be. Conditional uses for institutions in the sfr-7 zone include the -- the other types of residential situation allowed in the sfr-7 zone, are defined in table 110 of the code as conditional uses. That is with certain special conditions they may be added into the single-family residential zone without -- without violating the single family integrity of of the zone. The table shows those conditional use categories to be basic utilities, fire stations, community services, parks and open

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areas, schools, colleges, medical centers, religious institutions, a church, and day care. The proposed facility fits none of these categories, and thus is not allowed residential use in this zone, even as a conditional use. The proposal fails to meet the approval criteria because it is simply not allowed in the zone. There are some other considerations. Code requirements for the elderly and disabled group living facility are further -- can be further defined by 33.229 the elderly and disabled high density housing code. This code does allow increased densities for senior disabled persons in such a facility. However, it specifically does not allow this type of facility in the r-7 zone. This group living facility would be allowed in r-3, r-2, r-1 residential zones, as well as r-h, ex and commercial zones but requires specific conditions be met. The conditions provide for a variety of building and staffing guarantees in order to serve the adults living in the facility. This proposal has no such guarantees and would have to meet those city code stipulations in order to be permitted in even the more dense residential zones or ex and commercial zones. The proposed group living facility cannot be cited under even this code for special density and residential zones because the additional density cannot be used in r-5 or r-7 zones. Given the description of this proposed group living facility and who it will serve, it is simply not allowed either by 33-110 single family residential 7 zoning code as an institution or by increased density allowance for elderly and disabled high density housing, which is disallowed under 33.229 in the r-7 zones. The approval fails to meet the approval criteria because it is not allowed in the zone. Finally, the proposal should not be allowed because it violates the adopted centennial community plan and this fails to meet the approval criteria for conditional uses, as stated in approval criteria definition for conditional uses. Which state the conditional use approval criteria is 33-815 repeatedly requires that the proposal is consistent with any area plans -- i'm sorry. I misunderstood, I thought it was 15 minutes.

**Moore-Love:** 10.

**McKnight:** Is it 10 or 15? I have 10, but I thought it was 15. I'm sorry.

**Fritz:** You get five at the end.

**McKnight:** Yes, well, anyway, i'm referring to the comprehensive plan in the handout. The comprehensive plan specifically adopts the centennial community plan and the centennial community plan stipulates where additional density of housing should be built. So with that, my time is up.

**Adams:** We will see you soon.

**McKnight:** Yes, you will.

**Adams:** Next.

**Moore-Love:** Supporters --

\*\*\*\*\*: If I get a chance.

**McKnight:** Now's your chance.

**Moore-Love:** Supporters will have 3 minutes. I have linda bauer also.

\*\*\*\*\*: Very good.

**Tom Lewis, Centennial Community Association:** I would like to have a say if I get a chance. Very good. I'm tom lewis with centennial community association. I've been chair of centennial probably nearer four years now, maybe five. And I tried to suggest a little earlier that I don't know the regulations nor have studied land use laws and -- laws and conditions hardly at all. And that is why I asked bonny to help represent our community in hearings such as this and the previous land use hearings as well. So, in that way to lend a little color to the area in reference to the height and size of near buildings, one said fire station, that had been newly renovated and as most of you probably know is we're talking about 174th basically being the borderline with gresham, the fire station is staffed by both Portland and gresham. And it has been invaluable to



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our community in that particular spot, location for, I believe the original station was 10, that was actually Multnomah county station. So that predates the annexation days. I bring the fire station in because of its uniqueness and consequently the height should not be in my estimation considered with relation to the size of the proposed care facility. It is predated way ahead of that time point. And that other piece relationship is towards Gresham, and wondering that most of our centennial community association has an eastern border with Gresham for miles. We're one of the three largest neighborhoods in Portland. And that whatever we build on the Portland side of the border is very noticeable to all of our neighbors, friends in Gresham as well. So I think that they should also be considered in looking at this proposal with a larger eye in our community, not just the nearby neighbors that abut the property. So, thank you.

**Adams:** Thank you. Ms. Bauer.

**Linda Bauer:** Linda Bauer, citizen. This proposal should not be approved -- should not have been approved by the hearings officer and here is why. 33.110, 100 primary uses conditional uses -- conditional uses c table one, 110-1, uses which are allowed if approved through a conditional use review are listed in table 110-1, with acu. These uses are allowed provided they comply with the conditions of -- conditional use approval for that use. The development standards and other regulations of this title. The criteria above states that the conditional use in order to be approved needs to comply with the conditional use approval criteria for that use. The hearings officer found that this proposal does meet the approval criteria -- wrongly. The criteria goes on to require that the development standards and other regulations of this title are found to be met by this proposal.

The hearings officer found that this proposal does not have to meet the development standards in order to be approved during this review process. That is unfortunate in this case because the very first development standard, 33-110-200, housing types that are allowed and table 110-2 prohibit single room occupancy type structures in an R-7 zone. In chapter 900, definitions under residential structure types is a definition of SRO's as single room occupancy housing, a structure that provides living units that are separate sleeping areas and some combined shared bath and toilet facilities. The structure may or may not have separate or shared cooking facilities for the residents. SRO's include structures commonly called residential hotels or rooming houses. Because the structure type SRO's are prohibited in an R-7 zone, this proposal should be denied. This application is to allow the warehousing of people in single rooms, rather than people living together as a group. Thank you.

**Fritz:** I have a question. Were these issues raised before the hearings officer?

**McKnight:** Yes. And I assume editorial comments are okay. The hearing officer made the statement beginning the hearing that he did not legislate. He simply clarified what he read. And I think the core of this is this issue has not come to you before, to clarify, and there is no methodology currently to clarify code when it should be clarified. This is a kind of semi-defined area, if you look at enough pieces, but it is not clearly defined in the statement that says this use is not allowed. You have to go to a different code section increasing density in the single family zone, to reach that definition. So, I think what this is is it's the first opening of a door that I -- I would hope you don't open because if you open it the way it is proposed, it would allow the size of the structure to be the defining element for the way we care for people who are the least supported in the city of Portland, either by their own frame of reference of people or families or friends, but also economically. The adult foster care home process was meant to house those folks. It -- it is obviously doing a good job if there is more than 400 in the city to this date, and more as we're going forward with very little problem in siting them.

**Fritz:** And when you were doing your mapping of those group living facilities, what were the biggest -- what were the largest of them that had how many residents?

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**McKnight:** It didn't -- I didn't have enough time to go to that level. What I did was my neighborhood commissioner. So it shows total license -- Multnomah county, largely Gresham, Portland, is 419 homes. 342 of those in city of Portland. And 258 in east Portland. 60 of those in centennial. The interesting thing to me is the other issue that has come up around this entire area is in bridlemile that I'm aware of that I've been contacted about. But that's another gap in oversight of this concept of taking care of our needy. And in bridlemile the question is how many times can an owner prove that they are an unstable owner, open up one of these facilities and within a year or two default at the bank and what happens to the people in the facility? Because these people have no social network. That's why they're in the facility.

**Fritz:** Right. Thank you. Tom, there are 60 in centennial, you have been there for awhile, have there been other conditional uses that you are aware of in the neighborhood?

**Lewis:** No, not that I'm aware of. And I have been through the neighborhoods extensively through my neighborhood, and there hardly distinguishable from one larger home to another. And that fits well in the large lots and the ability to add a few bedrooms on to accommodate folks in well taken care of, maintained.

**Fritz:** Thank you. That will be a question I have for staff, how big they have to get before their conditional uses.

**McKnight:** I didn't mean to confuse the issue. The other -- the 60 facilities are limited by five or under unrelated adults. This is 39 unrelated adults.

**Fritz:** Right. Thank you very much.

**Adams:** Thank you all. Those in opposition to the appeal? Welcome.

**Thomas Cutler:** Thomas Cutler for the applicants and respondents to the appeal. The applicant's architect will take the bulk of the center of our comments. I suppose, but I wanted to make a few comments in the beginning and wrap up at the end of our 15 minute period.

**Adams:** 10 minute period. We're giving them 15? Sorry, 15.

**Cutler:** We don't get to respond at the end.

**Adams:** That's right.

**Cutler:** First of all, this is -- this is a very responsible, timely excellent facility and project. And I have been very amazed and encouraged by how closely the applicants and city staff and the neighborhood, in fact, have worked to solve problems, to mitigate potential impacts, and to really scale the project back from virtually every maximum scale criteria there is. It is not as high as it could be. It doesn't have as much lot coverage as it could. It doesn't have as many beds as it could. It doesn't have -- the setbacks are larger. All of those things coming together. And I guess what I would love to do -- I know that the appellants are sincere, and I have talked to them at length and I know they're good, sincere people. And I know that they have spent a lot of time and effort on this appeal. I think the key, however, is the statement that, well, the hearings officer said I can't legislate, and so the code is what it is. I need to apply the code. And I think the arguments can be summed up -- there is a lot of reference to, you know, definitions and not liking how a definition is used or applied, and there ought to be a better definition and that sort of thing. This isn't the hearing. This isn't the context to create a new definition or to create a new cap on size or numbers of beds or numbers of unrelated and individuals that could be in a group living facility. The fact of the matter is there is a -- the use is permitted as a conditional use. It is right in the table, 33-110-200, that the -- the section before that says these uses are allowed provided they comply with the conditional use approval criteria for that use. Development standards and other regulations in this title. Then it references this table. And right on that table, is group structure. A group living structure is permitted as a conditional use, separate from a group home. A group home is allowed as an outright use in every single one of the residential

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zoning categories. So, it can't be the group home that we're talking about in the conditional use section. That does involve five unrelated individuals and it's typically is a single family home converted into a group home. This is a -- an institutional use that is permitted as a conditional use, and although the fire department and the fire house just a little ways away may have had different construction standards and different safety-related standards, the threshold issue of whether it is permitted at all in a residential use, it has the same criteria, because the criteria for conditional use is found in 33-815-105. And it says the -- the approval -- these approval criteria apply to all conditional uses in r zones, except those specifically listed in sections below. The approval criteria allow institutions and other nonhousehold living uses in a residential zone that maintain or do not significantly conflict with the appearance and function of residential uses. So, then it talks about in sub-a, overall residential appearance and function of the area will not be significantly lessened. You're going to see a slide, I think you saw it in sylvia cate's presentation.

This is a beautiful -- it looks like a luxury home. It looks very residential. The function is exactly that. It is residential. The fire house or a school or a library or a temple, there's a buddhist temple close by as well. Those uses are conditional uses and there are people living inside, it is not a residential use. This is an institutional facility that just happens to also be a residential use. The only thing that is happening in those -- inside those four walls is the caring of people who are living there and that -- that is a residential use. So then the other factor that it says -- it says if the proposal, physical compatibility, to qualify for a conditional use you have to show that it will preserve any city-designated scenic resources and the proposal will be compatible with adjacent residential developments based on characteristics such as site size, building scale and style, setbacks, landscaping or so it needs to be compatible with all of those things, size, scale and all of those, or even if it is not compatible, the proposal will mitigate differences in appearance or scale through such means as setback, screening, landscaping and other design features. So, from the front view, the home looks like a nice single-family residence, luxury home.

The sides are quite lengthy, but none of those have street frontages and those will be planted with already mature arborvitae. So it will be a complete vegetative screen which will mitigate the impact that way, and beautiful articulations that make it look a lot like the town homes that are adjacent. With those opening comments, I turn the time over to eddie radulescu, the applicant's architect.

**Edward Radulescu:** Good afternoon, my names Edward radulescu and I'm here on behalf of the developer and applicant on this project. I would like to take this time to go over the approval criteria and the different variations that this project went through in order to meet the approval criteria and the different variations that this project went through in order to meet the approval criteria and also the requirements set forth in the zoning ordinance for an r-7 zone and requirements for a group living structure. As outlined in the zoning ordinance, group living facilities are allowed in r-7 zone in conjuncture with an approved conditional use. Zoning standards state in chapter 33.239.030, subsection a.3 that in an r-7 zone, maximum allowable density on a site 1.5 residents per thousand square feet of site area. The owner originally proposed a group living facility that was 45 beds, the maximum allowable under this density requirement. Based on the level of care and service the owner wanted to provide the residents, he determined that the number of beds needed to sustain the facility and provide the level of care that they want -- these are -- these are medical professionals, nurses, doctors, their staffs are licensed cna, and licensed caretakers, the facility is licensed and has been approved for licensing by department of human services, and originally the proposal was for a 45 bed, group living facility. There was a larger parking area. This proposal still met the requirements for height setback, lot coverage, parking, but taking into consideration making the facility fit more into the

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existing neighborhood and also taking into consideration making the facility fit more into the existing neighborhood and also taking into consideration what is already there, what is being built there, and what has been built there. The facility took -- started to -- we redesigned the facility to take on more of the characteristics of the neighborhood. The a symbol, that is our site, and around that entire area, if not all of them, majority of the properties have been sub divided into several home sites, a few of them have been rezoned into the town homes, town home development there where to the west of the property. As shown earlier, the temple which is down the street, and then also the fire house, which we have adjusted our building to work more with the characteristics of the neighborhood, as sylvia mentioned earlier, we looked at the design of the homes in the area, how they're laid out, architectural features that they have, finished materials that they have. And we have combined that into our building to keep the overall look and appearance of the neighborhood and keep the residential setting consistent with what is in the neighborhood. With that said, the building took on a different shape. We have broken up the side walls, added architectural features to -- for those longer side walls to give the appearance of -- as if somebody sub divided the property into several home sites as would be allowed on a lot this big. And then further beyond that, we have shortened the building in a third variation. We have increased the setbacks and the landscaping to the parking lot, and further delineated the building walls. This is a front elevation of the building, the rear, and these are the sides showing the different architectural features we have incorporated from the existing homes in the area. And as mentioned before, this is the front view of the -- of the facility. The property is narrower than it is long, and so from the front, from the street-facing view, we give the -- the feel and look of a single-family home, and we have mitigated the longer building walls with extensive landscaping to the sides and also broken apart the building walls to accentuate, you know, something more along the lines of a multiple dwelling. Also addressing the proportion of household living units as opposed to other development, supported in our proposal, we are creating a structure in which the owners will reside as well as senior citizens and those disabled within a residential setting. The neighborhood does not have many commercial uses other than the firehouse and the church to the north of our site and the project does not create a high traffic, high noise commercial use, but rather and different kind of residential living. This type of facility is very internal. The residents that live here, a lot of them are handicap -- I mean, they -- I mean they need wheelchair access. They need facilities that provide handicap accessible restrooms, showering facilities that you don't -- that are not required in a regular adult care home or adult group home. Those standards are not required in a home with five -- five or less unrelated adults. In a facility like this, they would get the proper care they need from medical professionals as well as facilities for showering facilities, bathing, eating facilities that allow for handicap accessibility. The physical compatibility of the building, we have taken the elements from the surrounding neighborhood and incorporated it into our building. Livability has been addressed not only because the use does not generate traffic, as I mentioned before, this is not a retirement home or senior living community where they drive -- they have their own cars. They -- everything that they need is provided for them on site by the staff and the caretakers. So there is not a lot of traffic generated. A lot of them need 24 hour supervision, so we have created internal courtyards where the majority of outdoor activities would take place. That would decrease the amount of noise to the neighbors, as well as the landscaping that we have incorporated would screen all of that within the site. The public services through to site -- the proposed site and existing roadways and transportation system, public services have been deemed supportive of the development. Development of the site will incorporate street frontage improvements, which further improve the street by providing a -- and continuing the existing

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sidewalk from the past developments, as well as incorporated stormwater measures for the street, site being only three blocks in from division, major transit street, well served by public transportation as well 174<sup>th</sup> provides good vehicular and emergency access. The building is -- the site is suited for a facility of this type. It has easy access. The streets support it. The transportation system support it, and the use is a very residential use, as thomas mentioned earlier. It is a different type of residential use, but still is complies with the residential setting, and I believe that these residents who will reside here deserve to live in a residential setting as opposed to a noisier commercial district or a zone of that nature. Thank you.

**Cutler:** Thank you very much for your time.

**\*\*\*\*\*:** Questions?

**Fritz:** My questions are about accessibility. It says that the building will be ada compliant but then we don't have any of the conditions from the elderly living situation that would ensure that there's the proper equipment and size of corridors and such. Can you talk to me more about what the plans are?

**Radulescu:** Yeah, the facility went -- in order for a facility of -- a building of this type to be approved, it has to go through review with facility planning and safety, which licenses these buildings, and they have a set of requirements of minimum standards for ada, for parking and loading, for ramps for accessibility, and all of those items have been met in an approval letter, and a compliance letter stating that we have met all of the requirements and provided those services in this building and those have been provided to the hearings officer in the previous submissions.

**Fritz:** And that is in the record?

**Radulescu:** Yes.

**Fritz:** I would like to see that. Does it have an elevator?

**Radulescu:** Yes.

**Fritz:** The building?

**Radulescu:** Uh-huh.

**Fritz:** So are all units adaptable so that people in wheelchairs can use anyone of the buildings?

**Radulescu:** Yes, all units have 36-inch wide doors which accommodate wheelchair access. If the individual sleeping units have bathrooms, it is mandatory for them to be ada accessible so that they have grab bars, ada compliant fixtures, corridors have to be six feet wide, they meet the minimum requirement, six feet wide with handrails. So it meets all of the accessibility standards outlined within -- I can give you that exact reference of that -- of that guidelines from the department of human services. Oar 511-40, if I am not mistaken.

**Fritz:** Thank you. That is helpful. Given the proposed level of care that is needed that you are saying that the residents won't have cars and they will be basically inside the residence most of the time, having only one person on staff at night seems for 37 people doesn't seem like reasonable staffing. And i'm concerned that our fire station is going to be used for people to get in and out of bed and such --

**Radulescu:** Depending on the number of licensed bed, there is a minimum standard set by the licensing division by how many staff they have to have on site at any given time of the day. I don't know the exact number required for 39 residents, but for licensing those standards would have to be met. If they say during the day shift, there has to be x-amount of staff there, then those would have to be provided. There has to be 24-hour on-call nurse or if there is one on site, which the owners of this particular facility are registered nurses, and then also it would state the different, based on the licensed beds, amount of staff needed for swing shift and night shift as well. And the residents have provided on this site -- the owners have provided on this site living

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quarters for the owner, which is a registered nurse, and other family members that will operate the facility as well who are licensed medical professionals who will also reside on site as their permanent home as well.

**Fritz:** Is that in the record as to how many staff are required on various shifts?

**Radulescu:** Yes, that is in the record.

**Fritz:** Could I get a copy of that too, please?

**Radulescu:** Yes.

**Fritz:** Thank you.

**Saltzman:** I'm very curious, I guess, why the lender is requiring only 37 units could be occupied and two must be vacant at any time. What is that about?

**Cutler:** The lender is looking at, of course, the feasibility, economic feasibility of the project. There wants to be some assurances. I think the reverse, and that is a disclosure to the lender, that, look, there will always be two beds, essentially, for rotation purposes and just, you know, the regular functioning of this kind of facility in terms of transition, individuals coming in and out of the facility, as residents. Essentially two beds will be vacant at all times. I don't think -- I don't understand it to be a lender insistence that there not be more individuals.

**Radulescu:** Also, state requires for a majority of the facilities that the facility owners allow the facility to accommodate medicare, you know, state pay residents, as opposed to limiting only private pay residents in their facility, which this owner is -- has owned and operates several of these facilities and they welcome all kinds of residents, private pay, state pay. So, I think that also has to do with -- there has to be for this facility two beds that are open for that type of accommodation.

**Saltzman:** Take medicare or private pay.

**Radulescu:** Yes.

**Fritz:** You could go up to 39 --

**Radulescu:** Yes.

**Saltzman:** You mentioned there would be, I think, mature arbor --

**Cutler:** Yes.

**Saltzman:** Planted along the -- I guess the south and north sides. So how tall is mature?

**Radulescu:** The requirement is that they have to be planted at 12-foot tall and be able to mature to 18 feet tall.

**Saltzman:** Planted at 12 feet.

**Radulescu:** Yes.

**Cutler:** Well, that's what the condition of approval required. Actually -- typically only what -- six feet or something -- no, they can be young --

**Radulescu:** They need to be planted at 12 feet in height.

**Cutler:** In this project. Yes.

**Radulescu:** But the code otherwise does not require anywhere near 12-foot --

**\*\*\*\*\*:** Just so --

**Saltzman:** So the condition is you have to start with a 12-foot-tall arborvitae--

**Radulescu:** Yes, and the minimum requirement would have been to provide, you know, just a continuous landscape stream along the perimeter of the facility, and either a large tree every 30 feet or a medium tree every 22 feet or small tree every 18 feet. We have provided the mature arborvitae as well as the tree every 22 feet along the properties perimeter.

**Saltzman:** I realize you have 24 hours staffing, but i'm curious, how many jobs are we talking about, roughly, in this facility? Not counting the owners. Don't count the owners.

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**Radulescu:** I don't know the exact numbers. But it is -- I believe it is somewhere around 15 jobs probably -- between 10, 15 jobs. I'm not really 100% sure. During the day, during day shift and swing shift, they have the most requirement for staff and for a facility this size, I imagine it is probably, at least, five to eight people per shift.

**Saltzman:** Thank you.

**Fritz:** I have one more follow-up question. Why do you need an adjustment on the size of the parking space?

**Radulescu:** The standard a loading space is basically for the typical 18 wheeler delivery truck, for a facility like this where they keep supplies, fresh food, everything on site regularly, all of that could be accomplished through standard box van or smaller delivery vehicle. We didn't need to bring in a, you know, a huge 40-foot trailer or parking space for a truck that size, and I think that the smaller loading space is more than sufficient, as supplies are always stocked all of the time. There is a huge, you know, delivery and then it doesn't come again for awhile. Continuously stocked and that could be accomplished through a smaller vehicle.

**Fritz:** You could have food preparation for 50 people a day and medical supplies for 50 people a day. Is that -- a lot of small-truck traffic if you are not going to be getting one week supply in at a time.

**Radulescu:** I think that the delivery -- supply and food delivery service that they use also, that they are currently using on some of their other facilities, the -- the vehicle that comes is not -- does not require a space that large. It is a smaller vehicle.

**Fritz:** Do they have -- how big are the other facilities?

**Radulescu:** One of them is, I believe, 52 beds. They have several that are -- not several, but a couple of other ones that are 15 beds, and one of them that is a 52, I believe 50 beds or 52 beds.

**Cutler:** Just in case I wasn't clear in terms of the adjustment, usually in an adjustment you are trying to exceed the standard or bend the standard because it wouldn't fit quite -- in this instance, it is actually asking for a smaller loading dock essentially because a larger one is not needed. It is actually going less intensive, because it is a less intensive use than would otherwise be expected in this large of a facility.

\*\*\*\*\*: Thank you.

**Adams:** Thank you. Anyone wish to testify on behalf of the opponents.

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

**Adams:** We're back to the five minutes.

**McKnight:** This appeal, again, is not about keeping something from a neighborhood or just another argument. It is about much more. It is also not about the appearance or size of what is being built. It's not -- it's also about this particular type of institution, not being allowed conditional use of this particular zone. We have shown three specific code requirements that prove this 39-bed group living facility is simply not allowed in an r-7 single family zone. But we also have provided you information that our area of east portland has accepted 75% of the Multnomah licensed adult care homes in the city of Portland. What I think the pattern is is exactly what the state and the county and the federal government are attempting to get us to move toward. The key difference here is why public policy and even city code definitions have specifically changed to define adult care homes to be the method of choice to build in the best possible living conditions for the most powerless people who live in our city. This movement has been fully adopted by the state of Oregon, Multnomah county and it is becoming ever more vigilant about adult care homes it licensed in order to assure quality of life for those who lack a personal or social network to help them deal with physical limitations beyond their own control.

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The movement away from large institutions, such as nursing homes and into smaller, more personal settings is an attempt to find caring property owners in a single family residential zones who offer their homes to unrelated adults needing that extra level of care. It is obvious that the approach is widely accepted and that centennial has proven that by having the second largest number of adult care homes in the entire city. The proposal today is for a group living facility that not only does not belong in the sfr-7 zone, but for the reasons stated above, it repudiates the effort to move away from such large, unrelated -- unregulated facilities. 39 residential beds is arguably the least -- inarguably the least served part of the city with deficient transportation and no nearby amenities, safe pedestrian ways, transit access, parks, shopping, medical services and small commercial areas, seems to indicate little, if any possibility for the quality of life we should expect as a resident of the city. Even had the code be met by this proposal, the question that is raised by the proposed group living facility is the most important to this council to answer. There are no conditional approval criteria conditional -- conditions of approval placed on this proposal. There is nothing to guarantee the staffing that is needed for this facility. There is nothing to guarantee the physical design and amenities for this facility. There is nothing to differentiate between private and public funded residents. Publicly funded residents will carry the stipulations for how they can be treated with them. People who are just moving into this facility on their own social security check or whatever small means of unregulated income they have, have no -- none of those guarantees because of the way this institution is being defined. If this were a group home, that lack of regulation is presumed to provide a lot less risk than if you have a 39-bed institution with inadequate staffing. The point of this is not about who is doing this. If the family has many of these both group homes and larger institutions and they do that as family, that is their corporation -- their corporation is called that, when this proposal was brought and the appeal was brought, before the hearings officer, there was no stipulation about anything more than one resident, one staff member, one person from the family being in this home. This appeal is more than the specific language in the code and how to use it. It is much more about how the code supports the premise that every resident of the city deserves the best quality of life possible, regardless of whether they are low income, elderly, disabled, or personally isolated from a support system of their own. It is not about the applicant or their proposed facility, it is about a much broader way of looking at this.

**Fish:** Bonny, I know you are running out of time. May I jump in and ask you a question?

**McKnight:** Yes.

**Fish:** So, I guess you agree that if it is a group home, it is as of right and that would be up to I guess--

**McKnight:** That is what the code says.

**Fish:** Up to five beds --

**McKnight:** Uh-hmm.

**Fish:** What I guess -- you have been -- as usual, you have been very articulate and you have been very rigorous in framing your argument to the code, but I -- I think what -- where I need some help is when I look at the decision of the hearings officer at pages four and five, he specifically takes the definition in the code, 33.920.100 of a group living use facility, and then does an analysis. What is helpful for me to better understand is the extent to which you disagree with his analysis, where he marries the facts in the code, or where you are seeking to sort of plant a flag for us for potentially doing some changes to the code, which you think would provide better protections both for residents and for the community. And I want to make sure that -- I mean, as this is noted, this is not the right forum for us to make necessarily make changes to the code, but I understand that you have some strong views about what the code should look like.



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What is less clear to me is whether you are able to establish that the hearing officer's analysis at page four and five fail to follow the code.

**McKnight:** Yes, and I think it stems from the fact that the premise of the reviewer in the first place was the group living as shown in the -- in the residential uses is not defined in 33 -- in code -- in title 33. And that is true. But if you think about it, defining group living to cover all of the kinds of group living would not be a definition that could fit. If group living is not covered in the code, the normal practice is to go to a general definition of group living. And that would take any kind of group living in, whether or not it was an apartment house, would still be group living. So, when they left the code to go define group living, I believe the hearings officer said since you have not been specific enough in this code to say what group living in an r-7 zone is, we will go to this broader definition of any group that is living together. Secondly, the safeguard against that, commissioner, is that if you look at the institutional uses, which are conditional uses and are group living uses, this is not among them.

**Fish:** Well, and -- again, I applaud you for putting us to our -- making sure that we go through this carefully. And I -- I ask these questions out of a sincere desire to understand the argument, not to quarrel with you.

**McKnight:** That's all right.

**Fish:** But what I see on page 5 of the decision is 33.920, 100-a states the group living may include the state definition of residential facility, and then goes on to define residential facility also includes state definition, and that defines a residential care facility, blah, blah, blah. It appears that it contemplated that it would cross-reference to a broader category. I can understand why through a legislative process, or through a -- that you may want us to revisit this to provide greater clarity or narrow the scope or broaden the scope, whatever you think at the time, but I -- it is not -- i'm struggling with how this decision is not in your view grounded in the applicable code.

**McKnight:** Well, I think the problem is the way it came through the door. It came through as if it were not a conditional use because it couldn't come through as a conditional use. It is not an institution that is allowed in this zone. In the document, in the code document itself. Had it been state sanctioned or even federally funded, it would have carried certain stipulations with it as it did in 33 whatever it is, 229, about senior and disabled housing. There are requirements under that part of the code that says what it has to be before it can be allowed. There is a disconnect among those various definitions. So, the reason those definitions aren't here is almost a -- a cross-reference problem. If this were a state -- if this facility of 39 people were going to carry state funding with it, or department of human resources funding with it, or even disability funding with it, it would require certain things be present. But that isn't what this facility is defined to serve. This facility is not defined to serve clearly, not defined to serve any particular group of people. So, there is no protection for the people who would be living in this facility that any of of the things you heard verbally here would be met. That comes with the money, that comes with the revenue source for the people who live in this facility.

**Fish:** Thank you. I'm -- i'm listening very carefully, and trying to sort it out. Thank you.

**Saltzman:** Just to follow-up on this conversation, I mean, I believe the applicant said it received its license from the state for this facility, that it is taking medicare, private pay, medicaid, all of which to my knowledge have certain standard of care attached to them.

**McKnight:** Absolutely. But that is not a condition of approval for this proposal. That is what i'm saying. There is no required staffing, no required facility, no required structure, no required elevators, no required recreation opportunity, nothing. There -- it simply -- there is a setback requirements and landscaping.

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**Fish:** Bonny, just with all due respect, if it is otherwise regulated by another level of government, if that became part of our conditional use process, doesn't that put us into an area that is well beyond the scope of our expertise and authority to opine on if, indeed -- I mean, there is lots of things that go on in all kinds of commercial and residential dwellings that we don't primarily regulate or set the regulation.

**McKnight:** That's exactly the point.

**Fish:** Okay.

**McKnight:** That's exactly the point. This has come in as if it were just enough house with a family living in it, in which they can't tell you about your bathrooms. They can't tell you about the fact that grandma may need 24 hour care. This is not that. What I'm suggesting is if one of the conditions of approval had been to meet those requirements that are imposed by the -- by the other type of client group coming to this facility, it wouldn't have been a problem. But those conditions of approval have not been set. And we weren't in a position to -- we brought up the issue about not knowing what was going on in this 39-bed facility, but we were not in a position to have the conditions of approval.

**Fish:** Mayor Adams, would it be appropriate to recall staff to have staff weigh on this issue.

**Adams:** Actually, if you don't mind. Thank you, Ms. McKnight. Ms. Beaumont you've heard the testimony and the good questions from council. From your -- your job is to give us in addition to the bureau staff is to give us legal advice. Do you have any observations?

**Beaumont:** I do. While I understand Ms. McKnight's concerns, I think those concerns and the testimony really are running afiel of the zoning code. What the zoning code criteria focused on are the externalities, what the use looks like and how it needs the use land use criteria that has been set forth in the zones in terms of setback, height -- [inaudible] -- it doesn't focus on funding or operational aspects of it and I think for the council to try to impose a condition of approval -- related to funding for operation of the facility, it would be inconsistent with the criteria set out in the code.

**Fish:** Could I -- could we ask our able staff person to give us some guidance based on the exchange that you heard?

**Cate:** Absolutely. And I probably -- I apologize, I should have put a little more emphasis in my opening presentation to you, and I -- I talked about the elderly and disabled chapter, how that doesn't apply, but the group living chapter does. And I know you folks are very familiar with the zoning code and the definition. Sometimes you have to really dig deep and drill down to find the exceptions and make the connections. The main reason why the elderly and disabled chapter 33.229 does not apply to this particular proposal is because that chapter is for housing that includes stand-alone units. In other words, it is a residential use outright. Not a group living use. And each individual unit is self-contained. In other words, there is kitchen, bathroom, sleeping quarter, etc. There is no group dining facilities, no group accommodations in that sense.

So, that's why both staff and the hearings officer found that that chapter and its related regulations are not applicable to this particular proposal. I think that Ms. Knight has done an exceptional job of going through the definitions and trying to find how it all works together, and I will be the first to acknowledge sometimes going through those definitions can be a little bit tedious and we also typically not only use the definitions, but we also go to the use categories and examine that language to make a determination, and I think with all due respect to the appellants arguments, I think one -- one of the key issues here in the description of the use categories that frankly knocks the legs out from under the argument that this proposed structure is an sro, single room occupancy only, is in the use category chapter, at 33 -- 920.110, it describes household living. And once you go through that, the characteristics, accessory uses and the example, then there is

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section d that talks about exceptions, and the pertinent exception is at number two, it says sros that contain programs which include common dining are classified as group living. So, in this instance, we do have their very similar characteristics between the group living use and an sro in the fact that the occupancy, the individual has sleeping quarters, may share bathroom facilities, but it is that group dining aspect which would be common, if you will, in a number of examples of group living, such as a convent, such as a nursing home, or a group living use as this where the intended residents by and large are going to be elderly, handicapped, although this type of use can also accept residents who are young and disabled, if not strictly -- it is not strictly just for elderly. So, does that help tease out the differences for you or --

**Fritz:** I'm just coming back to this as clearly a commercial enterprise. It's a for-profit business.

**Cate:** The hearing officer actually made findings in his report, and, again, on pages 3-6, where he made a note that if, as he went through the code, if he determined that it was a commercial use, that it was absolutely prohibited and wouldn't -- would not be approved. And then he stepped through the code, the definitions and concluded that the proposal falls within the group living use category, table 33-110-1, primary uses allowed in single dwelling zones, includes group living and the footnote says allowed through a conditional use, if is approved through those criteria.

**Fritz:** Just seems, you know, its come to a conclusion by going through all of the steps that doesn't make sense just on the face of it. We've heard that this is a business, there's multiple different care facilities. Do other assisted living facilities are they classified as group living or commercial?

**Cate:** The zone -- the zoning code looks at these uses as group living. Obviously theirs going to be a business enterprise underpinning that use. But the code does not hang its hat, if you will, on the business end. It focuses on the group living use and there are a number of these facilities throughout the city.

**Fish:** Can I just ask my colleague because I'm troubled by this and I understand the point and I'm puzzled by it. We fund for profit and nonprofit housing providers for example. The code doesn't distinguish between whether it's a non profit or a for profit. And our determination on funding looks to things like mission and outcomes and things like that. So when you use the word commercial, I'm trying to understand the significance of that in the context of someone's home or dwelling unit. And do you think the code, in your judgment, make that distinction?

**Fritz:** The code for the kind of housing you're talking about is often in the multi-family zones. It's not in single family or seven residential zone.

**Fish:** I understand, but --

**Fritz:** The character of this use seems incompatible with the zone.

**Fish:** Except it appears that the code specifically -- I appreciate bonnie's close reading. She's the closest reader of code that I know second only to Amanda fritz. But I don't see anything in the hearing officer's report in terms of the interpretation of the code that undermines the conclusion reached by the hearing officer. It may strike us as being anomalous, but the specific reasoning offered by the hearing officer seems to follow the code. I think we're bound by the code unless we change it.

**Fish:** That seems clear that we do need to take a look at the code and do some refinement of it. So to that extent this appeal is already successful in that that's been made clear. I'm also wondering how big does a facility of this type get to be before we say that, no, that's clearly not a group home.

**Leonard:** Doesn't he address that in his decision? I mean he specifically addresses what kinds of uses are allowed in r-7 zones.

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**Cate:** Correct.

**Leonard:** Related to this kind of facility. And it goes for in the number of square feet allowed in various increments and the amount of people allowed and actually this proposal is less than what the maximum amount of people would be allowed under the code.

**Cate:** That is correct.

**Fritz:** Right. But I'm wondering is if you have a big enough site could you have --

**Leonard:** He addresses that in here and says there's a maximum amount what would be allowed.

**Fish:** In fairness to the applicant, that's not the case that's before us. We're not setting precedent.

**Leonard:** We're not doing something, you know interpreting the code where there is no specific language to rely on. Its specifically addresses the questions raised. The question here is as to whether or not that fits into one of those definitions allowed in an R-7 zone.

**Fish:** Commissioner Leonard, would you allow me to call the question?

**Leonard:** Please.

**Fritz:** I just have one more question if you wouldn't mind. How big is the required outdoor area on this site and where is it located?

**Cate:** There is an outdoor area requirement. It is met -- that's one of the development standards. We did a very thorough plan check. I can't pull the number right off the top of my head. It is listed in the plans.

**Fritz:** Yeah it's like 48 square feet for three residents. But I'm just wondering, linda bauer mentioned the development standards don't necessarily have to be met at this point. But you did check to make sure that development center is on the site plan?

**Cate:** I would like to with all due respect correct that. This proposal is subject to a number of development standards, not only of the base zone but also of the group living chapter, which provides a ratio to add the extra density based on site and a few other requirements in order to, again, provide some built-in mitigation for the sorts of conditional uses in a residential dwellings.

**Fritz:** That was my final point. And I'll yield to commissioner fish. It seems to me the intensity of this use and the scale of the building is out of character with the neighborhood and I don't think - - in fact you could say it's a cumulative impact of having the church and fires station, then this much larger building than the adjacent residences. I'm concerned about given the existing zoning I don't feel that the approval criteria are met in terms of the intensity of the use and mitigation just doesn't seem -- the arborvitae doesn't seem to cut it for me.

**Fish:** Mayor adams I seek recognition to bring a motion.

**Adams:** So recognized.

**Fish:** I would like to move the following motion. That the council uphold the hearing officer's decision, adopt the hearing officer's findings as the council's findings and deny the appeal.

**Leonard:** Second.

**Adams:** Moved and seconded. Any additional discussion from council? Karla, please call the vote on the motion.

**Fish:** I want to thank everyone who joined us for this hearing. I would say it's been highly informative. I believe speaking just as one commissioner there's been a number of issues raised here that I will seek further clarification and advice from bureau of development services and others. I think issues raised by the appellant merit further consideration by council. These issues do not come to us unless members of the community come before us in either the position as appellants or other context, and I appreciate very much the exchange particularly bonnie mcknight. I thank her for her time. As always we are the beneficiaries of terrific staff work in the

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presentation and we thank you for that. I appreciate the discussion with my colleagues which I found very helpful in reaching a conclusion.

**Saltzman:** I do believe I guess I appreciate the arguments of the appellants but I think the hearing officer's reasoning as to why this is an allowed conditional use in the r7 zone seems very sound if not a little complicated how you get there, but it seems sound. I would point out that adult foster homes that have five or fewer people in them are also commercial enterprises. Somebody is in it to make money. I know we all sort of evoke a pejorative image of residential facility, but I think we need these. I think that we are obviously we know we're an aging population. Frankly, as a former county commissioner who has toured adult foster homes with county inspectors, boy, there's a lot of room for improvement. There's some of those homes I wouldn't wish upon my relatives. Or myself. So I think this looks like a well designed facility, well staffed and provide an option for people, and I do think adequate. This does meet the relevant mitigations to fit into the neighborhood. I also vote aye.

**Leonard:** Aye.

**Fritz:** I appreciate the discussion. There's clearly a problem in the code. I agree with commissioner Fish that needs to be fixed. The intensity and scale is out of proportion with the character of the r7 zone. I'm very concerned about the large institutional uses in neighborhoods that are far from services that don't have sidewalks that aren't near parks and that these residents seem like they will be bound to the house. I'm concerned about the staffing that doesn't sound adequate. I realize that's not a zoning code issue but it relates to the intensity of the use. The fact that the loading space has to be reduced that there isn't room for the required sites of loading space. Seems to me that this site is attempting to have too much put on it. No.

**Adams:** Thank you for the conversation and research. The discussion and my council colleague's consideration. I'm going to vote aye. Can you please read item 434.

**Item 434.**

**Moore-Love:** Tentatively uphold appeal of verizon wireless with conditions and over turn hearing officer's decision to deny conditional use and adjustment for a wireless telecommunications facility at mount scott field company, 6904 southeast foster road, l.u.11-125536 cu ad.

**Adams:** Kathryn.

**Kathryn Beaumont, Chief Deputy City Attorney, Office of the City Attorney:** The matter before you are the findings that have been prepared to reflect your tentative decision some weeks ago. They have been reviewed by staff and our office. We recommend them to you. What you need today is a motion to adopt them as your decision.

**Adams:** So moved.

**Fritz:** Second.

**Adams:** It's been moved and seconded. Karla, please call the vote on the motion.

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

**Leonard:** Thank you. I do have a couple things I want to say before I vote. I read this hearings officers' report closer than most, not to suggest I don't read each thoroughly, but I have read this one repeatedly because I feel as though I have missed something given the discussion that's occurred with some of my colleagues. I have never felt so out of step with members of the council voting on a land use decision than I do on this issue. I don't recall hearing anything during the testimony that would suggest we should approve this cell phone tower in southeast Portland. Some of my colleagues, more than one, reference federal law prohibiting us from regulating the placement of cell phone towers. That's just not accurate. What we're not allowed to do is take into account because of federal preemption the health effects of radiated power from cellphones. I don't. I have watched closely over the last decade each of these appeals that have come to council

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and frankly have voted against the lion's share of them, always stating on the record the specific land use reason or code provision why I voted no, never including health effects as one of those reasons because that is prohibited under the law. To be clear, the hearings officer found two things that I think are significant and I think justify denying Verizon the right to install this cell phone tower at Mount Scott Fuel on Southeast Foster. First, the city hearings officer found Portland city code does not say that effective radiated power, ERP, is to be measured to just one channel on one antenna with the 1,000 watt limit to each channel. Rather the hearings officer found effective radiated power is to be calculated by the sum of the effective radiated power of each of the channels on a single antenna. In other words every channel on the antenna adds up to the total ERP broadcast and that determines whether or not the antenna is allowed. That's contrary to the position that Verizon has taken and I won't go into the hearings officer's reasoning, but anybody that is interested in this subject, I think a lot of Portlanders are, should read his analysis. It's a very clear headed analysis of why Verizon is mistaken and why others are mistaken when they calculate the amount of effective radiated power as though it was just coming from one channel on an antenna when there are multiple channels that are emitting ERP. Two, the second reason, this is important to me, this is very important to me, the hearings officer who renders us many decisions on a vast array of subjects has over the years in my opinion always been even-handed, thoughtful, and gives due respect to both parties. He's clearly irritated in his decision by the misrepresentation of a Verizon employee, Jeff Culley when he signed the document representing himself as an r.f. Engineer in Oregon. Upon investigation, it was found he was not an r.f. Engineer in Oregon, so the hearings officer wrote in his report two things that I think are critical and significant and warrant this council denying this appeal actually affirming -- denying the appeal by Verizon. The hearings officer found that because of the misrepresentation by Mr. Culley that any statements made by him were not credible, and two, any statements made by others that relied on Mr. Culley's representations were also not credible. So for those reasons I want to be very clear. I know what the federal preemption is. I know what my restrictions are as a member of this council and land use hearings. I know that I am to decide these cases based on the record and the applicable code and laws and based on ten years of experience I have done that. In my reading of this case and my listening to the testimony, my hat's off to the neighbors. Outstanding presentation that I have unfortunately been limited to talk to others about because this is a quasi-judicial hearing and because I'm very careful not to walk outside the bounds of the law. But I have never seen a more effective, persuasive and on the point presentation by a neighborhood association and I commend the work that you did because you caused me to look at sections of the opinion I might have missed and to read them closely. So thank you for your diligent work. You deserve to have won this. No.

**Fritz:** I concur with Commissioner Leonard that it was an outstanding presentation by the neighborhood association. I enjoyed the congenial discussion with the appellant and the applicant, as to the timing coming back to council. I have never seen a hearings office decision in the 20 years I have been following land use cases in Portland in which he or she was saying no because they couldn't figure out which approval criteria to use. Usually the hearings officer would note the uncertainty and pick one and leave it to council to decide whether that was correct or not. So now we're being clear in which approval criteria we expect to continue to use because we have been using approval criteria for several years. I also concur with Commissioner Leonard that we need to clarify the zoning code so that it's very clear what the federal laws are and to make zoning code consistent with. That working with Commissioner Saltzman to reopen the big picture issues of do we still want to direct facilities to the right of way in preference over industrial sites, how big should those -- can those facilities be by right, what's the process for that. I understand

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commissioner saltzman had a robust meeting in which some 50, 60 people came to discuss the proposed administrative rules. Those are still out for public comment. Now is a good time for neighbors to continue to be involved in this important discussion as to how we deal with federal rules and what can we do to change them if that's what we would like to do. In the meantime we need to be clear about how we're going to implement the zoning code and I believe this revised findings and decision does that particularly thanks to sylvia cate and rebecca esau for their work making sure that what's in the conditions of approval is what needs to happen. Aye.

**Adams:** Aye. We're adjourned.

At 3:47 p.m. Council adjourned.