



CITY OF  
**PORTLAND, OREGON**

OFFICIAL  
 MINUTES

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

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

Commissioner Leonard arrived at 9:37 a.m.

OFFICERS IN ATTENDANCE: Susan Parsons, Acting Clerk of the Council; Linly Rees, Deputy City Attorney; and Steve Peterson, Sergeant at Arms.

Item No. 855 was pulled for discussion and on a Y-5 roll call, the balance of the Consent Agenda was adopted.

<b>COMMUNICATIONS</b>	<b>Disposition:</b>
<p><b>839</b> Request of James B. Lee to address Council to urge City's withdrawal from Intergovernmental Agreement to fund replacement of Sellwood Bridge (Communication)</p>	<b>PLACED ON FILE</b>
<p style="text-align: center;"><b>TIMES CERTAIN</b></p> <p><b>840 TIME CERTAIN: 9:30 AM</b> – Tentatively deny appeal of Northwest District Association and uphold the Historic Landmarks Commission's decision to approve the application of Johnson Street Investors II LLC and Mill Creek Residential Trust LLC for Historic Design Review for two new, five story apartment buildings as a single project at the intersection of NW 19<sup>th</sup> Ave and NW Johnson St (Findings; Previous Agenda 835; LU 12-106944 HDZM)</p> <p><b>Motion to deny the appeal, uphold the Historic Landmarks Commission decision and adopt the findings:</b> Moved by Commissioner Fish and seconded by Commissioner Leonard.</p> <p>(Y-4; N-1 Saltzman)</p>	<b>FINDINGS ADOPTED</b>
<p><b>*841 TIME CERTAIN: 9:35 AM</b> – Revise transportation fees, rates and charges for FY 2012-2013 (Previous Agenda 764; Ordinance introduced by Mayor Adams)</p>	<b>REFERRED TO COMMISSIONER OF FINANCE AND ADMINISTRATION</b>
<p><b>*842</b> Authorize an Intergovernmental Agreement for Student Transit Pass Program between TriMet, Portland Public Schools and the City (Ordinance introduced by Mayor Adams) 30 minutes requested</p> <p>(Y-5)</p>	<b>185522</b>
<b>CONSENT AGENDA – NO DISCUSSION</b>	

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**Mayor Sam Adams**

<b>843</b> Appoint Joseph Mark Campbell to the Investment Advisory Committee for a term to expire July 25, 2014 (Report) (Y-5)	<b>CONFIRMED</b>
<b>844</b> Reappoint Brendan Barnicle to the Investment Advisory Committee for a term to expire June 30, 2014 (Report) (Y-5)	<b>CONFIRMED</b>
<b>*845</b> Authorize Intergovernmental Agreements with the Centennial School District, David Douglas School District and Riverside School District to distribute one-time funding not to exceed \$1,576,929 (Ordinance) (Y-5)	<b>185508</b>
<b>*846</b> Authorize a Grant Agreement with Mt. Hood Community College providing \$38,000 to implement the Future Connect Scholarship program (Ordinance) (Y-5)	<b>185509</b>
<b>*847</b> Authorize a grant agreement with The Philippine American Chamber of Commerce of Oregon to implement the Future Connect Scholarship Program in an amount not to exceed \$10,000 (Ordinance) (Y-5)	<b>185510</b>
<b>848</b> Authorize a grant agreement with CASH Oregon for \$75,000 to provide financial education and counseling and free tax preparation services to low-income families and individuals in Portland (Second Reading Agenda 824) (Y-5)	<b>185511</b>
<b>Bureau of Transportation</b>	
<b>849</b> Set a hearing date, 9:30 a.m. Wednesday, August 22, 2012, to vacate a portion of NE Sumner St (Report; VAC-10078) (Y-5)	<b>ACCEPTED</b>
<b>*850</b> Authorize the Bureau of Transportation to acquire certain permanent and temporary easements necessary for construction of the SW Multnomah Blvd Bike/Pedestrian Improvement Project through the exercise of the City's Eminent Domain Authority (Ordinance) (Y-5)	<b>185512</b>
<b>*851</b> Authorize the Bureau of Transportation to acquire certain permanent and temporary easements necessary for construction of the NE/SE 50's Bikeway: Woodstock-Thompson Project through the exercise of the City's Eminent Domain Authority (Ordinance) (Y-5)	<b>185513</b>
<b>*852</b> Authorize application to Federal Centers for Disease Control and Prevention for a grant in the amount of \$750,000 for Healthy, Connected Portland (Ordinance) (Y-5)	<b>185514</b>

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<p><b>*853</b> Extend contract with CMTS Inc. to add contractual spending authority for qualified temporary Inspection and Engineering Technician personnel (Ordinance; amend Contract No. 30001969) (Y-5)</p>	<p><b>185515</b></p>
<p><b>*854</b> Authorize a competitive solicitation for an automatic passenger counting system for Portland Streetcar vehicles (Ordinance) (Y-5)</p>	<p><b>185516</b></p>
<p><b>*855</b> Authorize a competitive solicitation for a streetcar maintenance truck (Ordinance)</p>	<p><b>REFERRED TO COMMISSIONER OF FINANCE AND ADMINISTRATION</b></p>
<p><b>Commissioner Dan Saltzman Position No. 3</b></p> <p><b>Bureau of Environmental Services</b></p>	
<p><b>856</b> Authorize an Add Work Letter Agreement with the Oregon Department of Transportation related to sewer facility adjustments and geotechnical monitoring station abandonments for the US 26: Sylvan to I-405 Project (Ordinance)</p>	<p><b>PASSED TO SECOND READING AUGUST 1, 2012 AT 9:30 AM</b></p>
<p><b>857</b> Amend contract with Moore Excavation, Inc. for additional work and compensation for the Fanno Basin Pump Station Force Main: Multnomah Section Project No. E08294 (Second Reading Agenda 826; amend Contract No. 30001048) (Y-5)</p>	<p><b>185517</b></p>
<p><b>Commissioner Randy Leonard Position No. 4</b></p> <p><b>Portland Fire &amp; Rescue</b></p>	
<p><b>*858</b> Accept donation of two Hi-Lift First Responder Jacks and support supplies from the Shirlee Ann Foundation (Ordinance) (Y-5)</p>	<p><b>185518</b></p>
<p><b>*859</b> Authorize grant application to the Federal Emergency Management Agency for \$518,240 to purchase individual facepieces for firefighter self-contained breathing apparatus (Ordinance) (Y-5)</p>	<p><b>185519</b></p>
<p><b>*860</b> Authorize contract with Burlington Water District for fire prevention, suppression and emergency response services for FY 2012-13 (Ordinance; Contract No. 30002722) (Y-5)</p>	<p><b>185520</b></p>
<p><b>Water Bureau</b></p>	

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<p><b>861</b> Clarify Billing Responsibility for water service issues (Second Reading Agenda 828; amend Code Section 21.16.030) (Y-5)</p>	<p><b>185521</b></p>
<p><b>Commissioner Nick Fish</b> <b>Position No. 2</b></p> <p><b>Portland Housing Bureau</b></p> <p><b>862</b> Certify Nonprofit Corporation Low Income Housing Exemptions to County Assessor according to City Code Chapter 3.101 (Resolution) (Y-5)</p>	
<p><b>REGULAR AGENDA</b></p> <p><b>Mayor Sam Adams</b></p> <p><b>Bureau of Planning &amp; Sustainability</b></p> <p><b>863</b> Review the City franchise system for collecting solid waste, recycling and composting (Resolution) 20 minutes requested (Y-5)</p>	
<p><b>Bureau of Transportation</b></p> <p><b>864</b> Vacate a portion of NW Vaughn St west of NW 33rd Ave subject to certain conditions and reservations (Second Reading 832; VAC-10076) (Y-5)</p>	<p><b>185523</b></p>
<p><b>Office of Management and Finance</b></p> <p><b>865</b> Add Oregon 529 College Savings Plan to the list of organizations eligible to use the City employee payroll deduction system (Ordinance; amend Code Section 5.08.140) 10 minutes requested</p>	<p><b>PASSED TO SECOND READING AUGUST 1, 2012 AT 9:30 AM</b></p>
<p><b>*866</b> Authorize acquisition of a vehicle for use by Portland Police Bureau (Previous Agenda 805) 10 minutes requested</p> <p><b>Motion to amend to add directive b. to require annual reports to Council Offices on the results and outcomes of the use of the camera system:</b> Moved by Commissioner Fritz and seconded by Mayor Adams. (Y-5) (Y-5)</p>	<p><b>185524</b> AS AMENDED</p>

At 10:37 a.m., Council recessed.

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

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

OFFICERS IN ATTENDANCE: Susan Parsons, Acting Clerk of the Council; Roland  
Iparraguirre, Deputy City Attorney; and Harry Jackson, Sergeant at Arms.

	<b>Disposition:</b>
<b>867</b> <b>TIME CERTAIN: 2:00 PM</b> – Adopt the recommendations contained within the Sullivan’s Gulch Trail Concept Plan (Resolution introduced by Mayor Adams and Commissioner Fish) 45 minutes requested  (Y-5)	<b>36947</b>
<b>*868</b> <b>TIME CERTAIN: 2:45 PM</b> – Authorize Master Agreement on Streetcar between TriMet and the City (Ordinance introduced by Mayor Adams) 30 minutes requested for 868 and 869  (Y-5)	<b>185525</b>
<b>*869</b> Authorize an Intergovernmental Agreement with TriMet related to the operations and maintenance of the Portland Streetcar system (Ordinance introduced by Mayor Adams)  (Y-5)	<b>185526</b>

At 3:27 p.m., Council adjourned.

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



By Susan Parsons  
Acting 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.

**JULY 25, 2012      9:30 AM**

**Adams:** We have seven graduate students from Portland state university Oregon fellow summer program. Joining us today are students from all around the country who come to Oregon to participate in the program and complete a ten-week internship with public agencies throughout the Portland area. This year students are focusing on the areas of public policy, public administration, conflict and dispute resolution, global and regional planning social work, sustainable development and global leadership. Today professionals from the fields of management analysis, program management and project management have volunteered to serve as mentors. Each student will spend time with at least two professionals, one in the morning, one in the afternoon. As part of the day's program they are here with us to observe part of the morning's council session. Could you please stand up? Welcome. Glad you're here. [applause] if I can recognize commissioner nick Fish.

**Fish:** Thank you, mayor. Later today staff from Portland parks and recreation will honor two members of our extended parks family. Dick and Gyrid towle. Park staff will present them with a plaque to honor their long standing dedication and efforts in the restoration of the columbia children's arboretum in the east columbia neighborhood. They have supported our efforts for well over 20 years and have been instrumental in the restoration and rebuilding of the children's arboretum. Four years ago they spearheaded fund-raising efforts that raised over \$160,000 for major renovations. Their efforts helped bring distinction to the friends of the children's arboretum when they were selected for the bill nato community trees award in 2008. They have also worked tirelessly for the protection of other natural habitat areas in the east columbia neighborhood. A plaque honoring them will be mounted on a boulder and place in children's arboretum. I'm sorry to report dick's health has declined in the last year and he is unable to be here today so we can thank him in person. But we're hoping that members of his family may be watching this, so would you please join me in thanking them for their outstanding service to our community. [applause]

**Fritz:** Commissioner Fish, I visited with dick and gyrid last night in the east columbia neighborhood. They are in very good spirits. They didn't know about this. This is a complete surprise. They have been a major force in our community on multiple issues. I asked dick, looking back, what are some of the things he's most happy about. He talked about the arboretum, he said because people coming there and join together to work on the projects there. He understands the place is part of it but it's the bringing people together that makes the difference. Thank you, commissioner Fish, for doing this honor for him.

**Adams:** Please call the roll. [roll call taken]

**Adams:** Before we start with communications, I would like to ask that you join me in a moment of silence for the victims of the aurora shooting, theater shooting, also the local victims of gun violence. [moment of silence] thank you.

**Adams:** Can you please read the title for item 839.

**Item 839.**

**Adams:** Mr. Lee, how are you?

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**James B. Lee:** Well, thank you, mr. Mayor. I'm James Lee. I reside on South Mitchell Street in Portland and I speak only for myself. Thank you for hearing me today. I was at the meeting in the county building on the Sellwood Bridge last week and I followed the Mayor's remarks concerning the financing of it. I agree with those remarks. I would like to say that perhaps they were slightly misdirected in towards Mr. Cannon, who is nominally the engineer on that bridge. The real power on that bridge. As you probably understand is Mike Pollen. My experience is that everything, whether it's finances or engineering or politics goes through Mike Pollen. It's also been evident for a fair number of years that the bridge is seriously, very seriously more expensive than it needs to be. For example, there was originally a bid by Bechtel Company I believe to replace the entire bridge for \$95 million. I attended a meeting of the Oregon Transportation Commission several years ago in which then Chairman Gill Ackerman, who has since deceased, said in her opinion any expense more than 80 million to replace the Sellwood Bridge generated no additional benefit to the state of Oregon. Also if we look at Trimet's new bridge for \$135 million, it's about the same span, same width as replacement for the Sellwood Bridge but it must carry twice the load. However it costs only half as much. So I would think, Mr. Mayor, and Council, that if it were possible to reconsider the intergovernmental agreement for the \$86 million that city has committed to this that you might be able to pull back to a much more reasonable design of that bridge. For example, I cannot understand why it's necessary to have four bicycle lanes. I'm a cyclist, but there are multi-use paths just as around the Hawthorne Bridge as on Trimet's new bridge, but we have additional green painted lanes for cycling on the bridge. I would remind you this bridge is basically brought to you by the same people who brought you the Columbia River Crossing, that is the Oregon Department of Transportation, and it is basically that project on a smaller scale, appeared it has the same sort of influences which have determined its design. Thank you.

**Adams:** Thank you, Mr. Lee. We'll now consider the consent agenda. Does anyone wish to call any items from the consent agenda?

**Susan Parsons, Acting Clerk:** We have one item, 855. To be referred to the Mayor's office.

**Adams:** Please read the title.

**Adams:** Can you please call the vote?

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

**Adams:** Aye. Consent agenda is approved. Can you read the time certain to confirm findings item 840.

**Item 840.**

**Adams:** So Ms. Rees? What would you like today?

**Linly Rees, Deputy City Attorney:** We need a motion from someone on Council to tentatively -- not tentatively, to deny the appeal, uphold the historic landmark commission decision and to adopt the findings that have been given to you prior to this hearing.

**Fish:** So move.

**Adams:** Did I hear a second? Moved and seconded. Any Council discussion? Please call the vote.

**Saltzman:** No.

**Leonard:** Aye.

**Fritz:** My colleagues indicated last week the agreement between the neighborhood and the developer isn't something that can be made a condition of approval. I agree there's a possible conflict with the condition that there would be a conflict with the approval criteria and would set precedent without changing the code. I agree that there needs to be a code update. The historic design commission was told they don't have the authority to review the trees as part of this development bringing this agreement as a condition of approval would extend beyond that authority. I believe there is merit in what the neighborhood stated regarding criteria that should have been addressed by the staff in 33.445.230, but I believe the landscape features and street trees are exempted from review except by a city arborist. It's true trees often define a neighborhood and



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a site. Taking numerous trees out of the Irvington neighborhood, for example, you would see how it would alter the historic aspect of that neighborhood. The same goes for any older neighborhood in our city. We do need to look at this relationship and incorporate street trees and on site trees review as part of the historic review and I believe this should be put into the package of issues to be addressed in the Portland plan comprehensive plan update and in future historic design review updates. Therefore I have to support the appeal even though I believe the neighborhood's opinions have a lot of merit. Aye.

**Fish:** Aye.

**Adams:** Just to be clear, my vote is not intended to be precedential. Aye. 840 is approved. Can you please read the title to item 841.

**Item 841.**

**Adams:** This is referred back to the mayor's office. Can you please read the title for emergency ordinance item 842.

**Item 842.**

**Adams:** If Catherine, Carol and Tom would please come forward. Portland public schools is the only school district in Oregon that does not provide state funded yellow bus transportation for high school students. It's our understanding from the state that it has never provided yellow bus transportation services for high school students. Instead Portland public high school students use the trimet system to get to school and other act I was. In an effort to lower barriers to student attendance, extracurricular activities and employment the youth pass program was piloted and expanded to all 13,000 Portland public high school students. I think that number is wrong. All Portland public high schools in 2010. The program was initially funded by the state business energy tax credit which is no longer available for this purpose. Since late last year we have been working with trimet and the schools to come up with a way to continue the youth pass program. We are pleased to be here today to request your approval of the funding agreement created by the parties. For 2012-13 school year Portland public schools will contribute \$950,000 of the \$2.9 million program cost. The city of Portland will contribute \$200,000 from the unused contingency of the Moody Avenue project and trimet will contribute the remaining balance of \$1.8 million in foregone fare revenue. After this the parties have agreed the funding will be split in future years. We agreed to go to the state legislature to seek additional funding. Propose nonroadway funding concept to complement the dot funding and gas tax increase and will work with the state department of education to secure additional student transportation dollars. With that I'm happy to welcome our panel today. I'll begin by recognizing the mayor's director of transportation, Catherine.

**Catherine Ciarlo, Office of the Mayor:** Good morning. Thank you very much. Mayor Adams walked through the outlines of the deal that the trimet leadership, the school district and our office have worked on over the last six months. I think you all are aware of some of the context surrounding that. I'm happy to answer any questions about that. The city of Portland will be contributing \$200,000 this year for the 12-13 school year, and then starting in 13-14 the program will be split one-third, one-third, one-third amongst the three parties. We are agreed to establish a working group in early 2013 to look hard at the question of state funding. There are some interesting ideas in transportation funding as the mayor mentioned, the nonroadway proposal that could replace the betc credit funding, and we'll work with the state department of education to just ensure that the Portland region is treated equitably in terms of school transportation funding. I'm happy to answer any questions and I also would like to thank the folks who have been working so closely with us on the issue.

**Adams:** Superintendent, welcome back.

**Carole Smith, Superintendent, Portland Public Schools:** Thank you. I'm here just to say thank you so much, Mayor Adams, and commissioners, for working so hard with Portland public schools and trimet to extend this program. It's been a hugely important program for students accessing both



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getting to school but also to work experience, to mentorship, internships, extracurricular activities. It's the kind of access that supports students graduating from school and becoming contributing citizens in this city. It's also been an important thing for fostering lifelong users of public transportation and us using not recreating infrastructure for every public entity like using a single infrastructure as three public agencies and figuring out creatively how we fund and maximize our use of existing transit system. Feelings like an important collaboration among public agencies. I'm pleased to have found a solution and to have a commitment going forward to make this an ongoing commitment to our young people in the city. Thank you for all being part of making that happen.

**Adams:** Mr. Strader, welcome.

**Tom Strader:** Good morning. I'm Tom Strader, program manager from trimet. Pleased to be here this morning and wanted to also say trimet is pleased to be able continuing to provide the student pass program into this fall and beyond. Thank you for your hard work.

**Adams:** Any questions from council?

**Saltzman:** I'm really happy we're here today to execute this agreement. I think as the superintendent said, the youth pass really is a voyage of knowledge and a voyage of opportunity for high school students in Portland. I can't -- when I was parks commissioner I was amazed how many children living in east Portland have never been to forest park. Never been to Washington park. You know, trimet buses being free increases those access to opportunities. Access to employment opportunities. This is a great thing. I really want to make sure that when we pass this today that we're also directing our office of management and machines to incorporate the additional \$996,000 we'll need for next year into our financial forecast so that we can make this an ongoing commitment and not have to make it a debate every year. So I'm really happy. I did want to ask Catherine about the state approach and what exactly is nonroadway funding.

**Ciarlo:** Thanks for the question. This in the past couple of legislative sessions, there have been a couple of bills that have passed, one of which was the gas tax increase, and in the past five years there have been a couple of OTF, bond programs for the state department of transportation. In both cases that funding has been constitutionally dedicated to the roadway. Right of way. Has tended to favor some of the larger motor vehicle projects. So the governor's office and some other folks in Salem are looking at what they are calling at this time nonroadway transportation, which I think is a way to try to get around calling it alternative. The idea is looking for sources maybe nontraditional sources, possibly lottery dollars, possibly other sources to fund some of the things that can't be funded out of our constitutionally restricted gas tax dollars and also possibly to replace some of the projects that were funded by the betc credit. That had a big impact. The changes to the betc credit had a big impact for the city and a number of other transit agencies around the state because those credits had been used in a number of ways to advance nonroadway transportation and of course the youth pass was one of the ways. The idea is to try to get some replacement funding there.

**Saltzman:** This would be through the legislature.

**Ciarlo:** Correct.

**Saltzman:** Okay. Thanks.

**Fritz:** The next year's appropriation, will we be doing that as part of the budget process in the fall to add a budget note to make sure we get the funding you mentioned for next year's budget?

**Adams:** My advice is it will be submitted as a request by the bureau of transportation because those requests get started while I'm still mayor. Then it will be up to the city council after that.

**Fritz:** Thank you.

**Adams:** Thank you. Has anyone signed up?

**Parsons:** We had one individual sign up.

**Adams:** Thank you, Mr. Strader.

**Parsons:** Thomas Mullen, will you come up?

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**Thomas Mullen:** Good morning. Thank you for letting me represent myself. I'm a resident of salem, Oregon now. I have been a listening time resident of Portland, Oregon, for some 47 years. Back in 1968 I was trying to put together an undivided house. I dropped you off some information earlier this week. I head coach you had time to review it. At the time putting in a system that traded a freeway for a trimet system, they over ran me with power and money and stuff and closed that gateway where we couldn't put the undivided house together that was gave to me by the school district onto school district turn around and sold it to o.b. Williams. Trimet was one of the major people that scrolled it out. If trimet hadn't over ran me we wouldn't have to ask them to give so much money because we would have been able to afford our own bus fares and had jobs for the community. I'm asking at this time to have review on that thing, on that situation for trimet's reimbursement because they said if someone does misuse their power and stuff that we're supposed to be compensated for it. I have been trying to get an attorney to look at appeared they are charging starting \$100 up to \$200 an hour. I'm disabled as of 1/14/94 due to an auto accident while incarcerated in Multnomah county, so I haven't got nowhere with that. They got me doing my own social security, which is fraud to me because they injured me but refused to pay me saying they owe me but they aren't going to pay me. Every time I try to help the community I get scrolled out by a bigger organization. I need help and stuff. Once you acknowledge trimet did do wrong by withdrawing their money that's why i'm pointing out they have been wrong for the longest time. I need help from the community and the state of Oregon to justify the wrong that they have done in the past and bring it to the light.

**Adams:** Thank you, mr. Mullens. Appreciate it. Please call the vote.

**Saltzman:** I want to thank the mayor for his leadership. This really is a win for trimet. It's a win for the school district and a win for our city's high schoolers. It's really these youth passes are access to opportunity, discovery and knowledge. That's so important. And so many youth in our city need these passes to get to school. It's not something that the days of parents taking kentucky to school for the most part are long gone. Kids need to get to school on their own. They need to be able to stay after school for programs and get home afterwards. Without these trimet youth passes, many kids can't do this. I have been told that before by many youth. It's my intent that this become part of our financial forecast and become an ongoing general fund supported appropriation. Aye.

**Leonard:** Well, in my view effective politicians use different tools to achieve goals. When you have a tool box that you reach into you have to be discriminating which tool you pull out, and the most effective politicians more times than not will use those tools that require persuasion and oftentimes discussion that occur behind the scenes that nobody knows about but achieves one's end. At other times, that doesn't work, and you have to use other tools. The art is knowing which tool to use and when. I admire that sam has in this instance and others displayed his knowledge of the art of politics of when it is appropriate to use one set of tools, if that's not working to use another and to know when the right time is to do that. He's drawn a line in the sand with Portland public school students and I think he had tried a variety of other strategies to achieve that goal that didn't work. And thus I think he was push into a corner to do what he did but he did it on behalf of Portlanders and Portland kids. I appreciate that and am pleased to support this. Aye.

**Fritz:** Through 17 years in Portland public schools as a parent I became very strong supporter of this program back when it was the sisters in action for power coming out of jefferson high school pleading for half price bus passes. That pilot project was very successful. The Multnomah youth commission then advocated for a system-wide pass and that program has been very successful. I have been a staunch supporter and I thank mayor Adams for insisting on this. It's important for our whole community, for our sustainability goals. The trimet system goes so many more places than the yellow bus system. We need our students to have the flexibility to be able to stay after school for study hall or extracurricular activities and to be able to get to other places that are educational. Like the Historical Society that Multnomah county residents can now visit for free anytime they

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want. So I particularly want to thank the students the metropolitan learning center and the marshall students who are now traveling further to madison and franklin, both of those student bodies lobbied over the past couple of years. That was noted and appreciated. I like commissioner Saltzman will continue to be committed to this program. It's important for our whole community. Aye.

**Fish:** I'm glad carole is here representing all the school districts. In Portland I made a list of the last six months the things that this pro kids pro schools council has been able to do under mayor Adams' leadership. This is not intended to be exhaustive, but we protected sun schools, we helped save teaching positions, developed new partnerships in places where we can address other community needs. We're working to build quality at all weather fields in high schools across the city and gardens. The mayor's education initiatives include mentoring programs and cradle to career programs to make sure children can go from public school to higher education. I understand there's a bond measure planned in one of our districts this fall, and today another important piece is student transit pass. You know, in my four years I don't remember a period of time in which council has been more focused in supporting young people in our community. We talk about young people being our most precious resource but as a community and as a country we don't always demonstrate that. This is yet another down payment on the people we're counting on to lead and someday occupy these seats. Sam, thank your for your exemplary work on this whole cluster of issues. I'm proud to cast my vote aye.

**Adams:** I appreciate the kind words from my colleagues on the city council but rest assured this is an education city council. Like no other. I have been around a long time. While the problem of education funding, while the work to ever improve academic achievements, that work is not done and perhaps will never be entirely completed, this city council working with our partners like superintendent smith and superintendents across the county and partners like trimet and other Multnomah county we continue to innovate appeared make improvements where we can. It has taken sacrifice, but it is an investment that is paying off in improved high school graduation rates, in improved academic performance, and i'm pleased to work with this city council to move this piece forward. In doing so I want to thank trimet and the trimet board of directors who have a very difficult job of keeping the regional transit anal cy moving at a time when they too are having to face deep cuts and changes in demand for service so my thanks to them. Finally I want to thank catherine, the transportation director of the office of mayor who is just fantastic on all kinds of issues. Also the bureau of transportation director tom miller and also greg jones, who has been key in helping us figure this out. I'm very pleased to vote aye. So approved. Thank you. Can you please read the title for regular agenda item number 863.

**Item 863.**

**Adams:** As part of the existing 2008 franchise agreement, the city council has the authority to initiate the periodic review process of the residential solid waste and recycling franchise. The resolution will initiate that regular review process conducted by the bureau of planning and sustainability and report back to us later this fall. During the process, bureau of planning sustainability will check in with each of your offices to discuss the review and make sure that we're covering the issues that you want us to cover. Michael armstrong, sustainability manager, is here to briefly cover the proposed review and answer your questions.

**Michael Armstrong, Bureau of Planning and Sustainability:** Thank you, mayor, commissioners. The solid waste recycling collection system was first franchised in 1992, and we put in place a ten-year franchise agreement that has this midpoint opportunity to review and look again. So we have now done this review several times at the five-year mark, which is where we are today, which led to us bring this resolution to you. This would direct the bureau of planning sustainability to begin the review of the residential franchise system. We have had a lot of changes on the program side in terms of collection of food scraps, for example. This is intended to look at

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the over all regulatory framework. We currently have 18 private companies that collect solid waste from households in Portland. In ceillings they have a contract and do a request for proposals and contract with two firms. In san francisco they have just a single firm just to give a sense -- there are a number of ways to run your solid waste system. We have chosen a franchise path and we want to look at it periodically and test whether it's meeting the priorities, the interests, the goals. The review is proposed to be guided bipartisan principles, exhibit a, attached to the resolution. These are to achieve the recycling rate and reduction goals city council sets, to ensure safe operations for haulers, provide exemplary customer service to our residents, implement best practices in collecting the waste and this is maybe one of the more interesting ones, maintain a flexible system to accommodate changes over time as goals change, as opportunities change. The review will also look at the performance of the waste and recycling system in terms of performance with customer service, responsiveness as well as some of the metrics we track around over all waste levels. The review will include a broad public process, public meetings, opportunities for people to submit comments in a variety of forms. We intend to meet with each of you, get your input on how things are working, better ways to improve it .we will meet with the public utility review board and with the haulers, then come back with findings and perhaps recommendations based on what we've heard in the fall. I'm happy to answer questions. We're at the start of this process. This is the first piece. We certainly will be making the rounds as well as meeting with the public.

**Adams:** Questions?

**Saltzman:** We do this every five or ten years?

**Armstrong:** The franchise agreement is for ten years. It includes a clause that allows the haulers or the city to take a review, to relook at it at the five-year mark. That's where we're today coming up on the five-year mark.

**Fish:** One issue that's not -- somewhat tangential to what you're doing but I would be interested in knowing the answer, what are the current rules concerning where these trucks can stop when they are collecting garbage, appeared are they allowed, for example, to double park in a single lane arterial and block traffic? Are they required to give way and get off the lane? In my neighborhood on the lot of the north, south, east and west arterials when someone is picking uh up the garbage they stop in the middle of the street and block buses and traffic. I don't know the law on that.

**Armstrong:** I would be happy to look into that. We'll get back to you.

**Adams:** Do we have anybody signed up to testify?

**Parsons:** We do. Dave white.

**Adams:** Okay. Welcome. Give us your name. Since you're a lobbyist you should declare who you represent.

**Dave White:** Good morning, council members. I'm dave white. I'm regional representative for the Oregon refuse and recycling association, and in that position I represent the tri-county council which is the local industry association that represents the city's franchise residential collection companies. I have brief comments on behalf of the tri-county council regarding the franchise review resolution before you today. As you know, Portland haulers have decades long tradition of commitment to collection service to residents of the city. They are proud their customers have historically rated the solid waste recycling and yard collection service among the best services and best programs in the city. When the city council decided to implement a new program, the Portland haulers assisted city staff with the pilot study and then worked hard to implement the program as efficiently and conveniently as possible. They're still working with staff and customers to assure success of the new program. By approving the resolution before you today the city begins the periodic review of the franchise system. We believe that this partnership between the city and its franchise haulers is a cost effective and efficient system for providing solid waste, recycling and composting collection service. We look forward to working with city staff and the city council on



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the review process and we ask for your support of this resolution. If you have any questions I would be glad to answer them.

**Adams:** Thank you. Anybody else wish to testify on this resolution? Please call the roll.

**Saltzman:** I'm pleased to support this review. I also want to thank our residential haulers. They really are the face of the city in our solid waste and recycling program. I think as you just said, citizens seem very satisfied with our system. It's because the haulers I believe do such a great job of performance. So I look forward to this review. Pleased to support it. Aye.

**Leonard:** Aye.

**Fritz:** Just to clarify, this is to look at the franchise system. We are going to be having a hear later in the year after october 31 to look at whether to continue or take comments on the new garbage and recycling servicing system. I'm hearing a lot of comments about that. There's a lot of interest in the community. This is a slightly different process and we would be looking for input from customers on how the franchise system is working. Aye.

**Fish:** Aye.

**Adams:** Well, always dedicated to continued improvement to make sure that we put real review behind that. So please to vote aye. It's approved. Can you please read the title for item 864 and call the vote.

**Item 864.**

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

**Adams:** Aye.

**Adams:** Approved. Please read the title for item number 865.

**Item 865.**

**Adams:** Good morning. Welcome back.

**Jennifer Cooperman, City Treasurer:** Thank you. Good morning, mayor, council members. I'm here to speak with you this morning about adding the Oregon 529 college savings plan to the list of organizations eligible to use the city employee payroll deduction system. I'll start with a background on 529 plan. 529 plans are state sponsored tax advantaged investment vehicles that are designed to encourage savings for future higher education expenses for designated beneficiaries. Anyone can be a designated beneficiary, even yourself. There are no age limits and there are no limits as to where you live. Beneficiaries can attend and use the funds for any eligible education institution in the united states and abroad including vocational schools, technical schools, two and four year colleges and graduate schools. Qualified higher education expenses include tuition, fees, books, supplies, equipment, computer equipment and room and board if you attend the school that we have passed on. In the state of Oregon the 529 college savings network was established by the state, administered through the treasure ear owes office. One plan is offered only through financial advisors. That's not what we're talking about today. One is managed today by tiaa cref and can be purchased without a financial advisor. That's what we're talking about. In 2012 anyone who pays Oregon state taxes and contributes to the Oregon 529 plan can take a state tax deduction for contributions. If you're filing jointly you can deduct up to \$4345 if you're filing other than joint your deduction can go up to \$2170. If you contribute more than those amounts the excess contribution can be rolled forward for up to four years. If the funds are used for the qualified higher education expenses, the investment earnings and the withdrawals are both tax free for Oregon state and your federal taxes. The minimum investment is \$25. There's no requirement on the number of accounts that a beneficiary can have in his or her name. Total balances of all accounts for a single beneficiary cannot exceed \$210,000. If the beneficiary of a fund decides not to use that fund there are no tax consequences to changing the beneficiary to another member of the same family. Or they can just let the account sit and continue to grow tax free in case they change their minds at a future date, or they can take a nonqualified withdrawal and the earnings get taxed at the account owner's ordinary rate and they pay a federal tax of 10%. That's the background to the plan and the Oregon

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plan. What we're talking about here today is putting in place a convenience for employees through payroll and we are aiming with your approval to roll this program out this fall with a communication plan working in hand with tiaa cref.

**Fish:** Mayor? I'm delighted that you're proposing to add this to our list of options. I have been a participant in the 529 plan during the good times, the bad times, now the good times. Delighted that it's been moved to tiaa cref and has been stabilized and the state treasurer's office is reducing the fees that are charged. One thing I would recommend is in any communication we do with city employees that we address this open question that I still haven't seen answered definitively anywhere, which is the impact of a 529 account on eligibility for financial aid. You know, for those of us with children in college trying to maximize our options here, there's been some gray area in the law about the impact of 529 and whether it's attributed to the main beneficiary or to the party that sets it up and how it impacts your over all rating for financial aid. I just suggest we flag that and urge people to get independent advise on that. It's a wonderful program but in some instances it can actually hurt people who are seeking financial assistance.

**Cooperman:** We'll add that to the list. Thank you very much.

**Saltzman:** Are we adding this to the list of charitable --

**Cooperman:** No. There are two sections of the code. There's a section that discusses charitable contributions. This is city code 5.08.14, which is specific only to salary deductions.

**Saltzman:** Thanks.

**Adams:** Other council discussion? Would anyone like to testify on this nonemergency ordinance? Move to further consideration by city council next week. Please read the title for item 866.

**Item 866.**

**Adams:** Could I have folks come up from the police bureau? And from -- the police department. Hi.

**John Hunt, City Fleet Manager:** Hi. Good morning, mayor and council. I'm john hunt, city fleet manager. As required by resolution 35960, any time we add a vehicle to the fleet we're required to bring it before you for approval. That's just what we're doing today. The police bureau was offered a vehicle at no cost to the judicial forfeiture program and so we're just requesting approval to add it to the fleet.

**Adams:** Great. Have vehicle would include -- this vehicle would include equipment we have used on other vehicles. Would you describe some of the outfitting?

**Chief Mike Reese, Bureau of Police:** Thank you, mayor, commissioners. Again I appreciate the opportunity to talk about technology with you again. The bureau is proposing to add this additional vehicle to our fleet, and install the automated license plate reader equipment we have on three patrol cars now. This would be a fourth vehicle equipped with this technology. It allows detectives and officers in uniform patrol areas to look for stolen cars and abandoned vehicles without being detected by auto thieves. We would also use it in burglary investigations. The primary purpose of the alpr system is to reduce auto theft. It uses a series of high resolution cameras on the vehicles to take a snapshot of license plates on vehicles on the street as our patrol vehicle passes by. Within a few seconds, that snapshot then goes a national data system that has stolen vehicles entered into it. When one of those vehicles is encountered by the alpr vehicle, it sends an alert to our police officer allowing us to recover the vehicle for the victim and in some cases hold people accountable if we see someone inside the vehicle are able to ascertain who took the vehicle. Its technology is used by other major metropolitan police departments on the west coast including seattle, san francisco, oakland, l.a., las vegas, phoenix, denver, and then the Oregon police agencies as well. 2011 was the first year of full implementation for our current system. I'll let lieutenant scruggs talk to you about the policy we crafted when we brought this technology forward as well as the number of vehicles that we have recovered, the value of those vehicles to people, and the fact that we have had several cases including homicides we have been able to solve because of this technology. I want to



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compliment lieutenant scruggs. He was an east precinct sergeant and saw the value of this technology, brought it forward to the bureau has since been promoted to lieutenant and continues to work on a number of innovative ideas. This is one area where we have really been able to I think provide a great service to people in this community.

**Lieutenant John Scruggs, Bureau of Police:** Mayor and council, i'm lieutenant john scruggs, Portland police bureau. First i'll talk briefly about the policy. That's one of the things most people want to hear about. Before we started this process we actually contacted our agencies throughout the united states and asked what their policy was, asked for copies of it, then we also consulted with the international association of chiefs of police policy guidance data 2007. I crafted our policy, which is actually more restrictive than many of the others I saw. One thing is that in our policy when you log in I know who is logged in. I can see how long you're logged in. What you're looking at. So can our itt manager. Everybody who has access to the system itself has to go through two hours of training, includes review of our policy and usage of altr.

**Adams:** Acronym stands for?

**Scruggs:** Automatic license plate reader. Sorry.

**Fish:** I did a ride-along a number of years ago in east Portland. The officer was stopping periodically just to check license plates on cars. It was pretty random. I might have gotten some motion sickness as a result of that because it was lots of stopping and starting. It seemed fairly inefficient because the driver had to multi-task, look up, drive, enter the information. Is one of the benefits of this system that it frees up the driver, operator of the car to focus on driving, not on doing the --

**Reese:** The hot sheet scan. Absolutely. Again, this is an automated scan so it only alerts to vehicles we have put in the system, which currently is stolen vehicles and then vehicles that are used in crimes. So as an officer is driving to a call or driving down the street, the system itself will alert when it passes by a stolen vehicle and that information comes up. You saw probably on your ride-along the officer was many officers have a hot sheet. They print that. This automates it so the officer doesn't have to scan a hot sheet taped to their dash or constantly entering -- as a patrol officer you get very familiar with the types of cars that are frequently stolen, so as you're passing by one vehicle you'll type that into your data system to see if it's a stolen vehicle. So this automates all of that.

**Fritz:** Mayor, I have a friendly amendment regarding reporting on this, the use of this system? That is that we would add that the police bureau will provide annual reports to council on the results and outcomes of the use of this camera system. Chief o'dea tells me this is relatively not very time-consuming to do that because you already keep those records. I was certainly very interested to hear the effectiveness of this camera in finding and recovering stolen vehicles. I think it's another example of how once we talk more with citizens and provide those reports that we encourage trust in our police officers.

**Adams:** Second. I support this. I didn't support a similar amendment is surveillance cameras can be fixed in a permanent sense or be fixed because we're looking at a hot spot or actual location under active surveillance of a crime and some crimes take weeks and months. So I did not support that because I felt although well intentioned I felt it might have unintended consequences. I do support this. This is about movable technology. It is easy for us as you mentioned, commissioner, to gather the information, automate it and provide. That because it's moving technology I don't think it produces any of the concerns that I would have about more fixed surveillance. I'm happy to support this.

**Fish:** Mayor, I have a question about the proposed amendment. What does results and outcome mean?

**Fritz:** It's intended to be fairly general. My briefing indicated in addition to locating stolen vehicles it's been helpful in solving other crimes by identifying a vehicle that's been at a crime

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scene, so I think that's a good and appropriate use and I didn't want to limit it to stolen vehicles recovered, just a general report on the use and outcomes of this.

**Fish:** Just to be clear when you say outcomes are you asking them to track the legal process on every trigger to some end point? Are you asking more generically what was the nature?

**Fritz:** Generically

**Adams:** Any additional questions about the amendment? Please call the vote.

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

**Adams:** Aye. Amendment approved. Commissioner Saltzman.

**Saltzman:** I want to say first of all that I have done ride-alongs with then sergeant scruggs. I had similar experiences to what commissioner Fish described. When this first came up I had some concerns about privacy similar to the cameras in old town and had a good meeting with the assistant chief hendrix I think which allayed my concerns but I wanted to go over them now. Chief, you said something that raised a concern of mine. We already have these, right?

**Reese:** We have three currently on patrol vehicles. One at each precinct.

**Saltzman:** So we have pretty strict policies about access of this database by officers.

**Reese:** We do.

**Saltzman:** And abuse of that policy or violation of that policy is I believe similar to a violation of the law enforce data policy system?

**Reese:** It would be a performance issue and we would hold people accountable.

**Saltzman:** So the information we gather is not shared with other state, federal, I guess I want to throw in insurance industry.

**Scruggs:** We do not share with an insurance industry. It's a law enforcement database and we treat it as such. We have used this by a detective assigned to u.s. Marshall's task force to look at a homicide suspect. So it was used in that way.

**Scruggs:** No routine sharing of information.

**Saltzman:** It doesn't go into our database. They called

**Adams:** By identifying a stolen vehicle and recovering it we do inform the national database that that vehicle has been --

**Scruggs:** Yes. It comes out of the database but we don't share this information, whatever we're capturing in our system, we don't share that with anyone else.

**Saltzman:** So the list you run it against, I know there's an acronym, chief hendricks used it. Oboe, something like that.

**Scruggs:** So right now we download two database into the alpr system. One is all Oregon stolens. There are 11,150 stolen vehicles in that database. We download that every day into the car, then we download our own Portland area stolen, between 60 and 80. We download that every hour on the hour.

**Saltzman:** I assume there's an amber alert?

**Scruggs:** Absolutely. So when a crime occurs during the day our operators are trained to if there's a plate associated with it like an amber alert they are trained to put that vehicle in the license plate list itself. Next shift when another officer takes the car they put it back in. We only put in a few plates a day that way.

**Saltzman:** Okay. Just wanted to -- you mentioned something about capturing the image of the driver. I thought this only captures license plates.

**Reese:** License plates.

**Saltzman:** Reference to somehow seeing who was in the car.

**Reese:** No. It would allow to us maybe hold someone accountable who is stealing a car if we were able to put an investigation together that led to a suspect, but the picture that's captured is only of the license plate.

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**Saltzman:** Then again, misuse of this policy by someone in the bureau is something that's subject to discipline for --

**Scruggs:** Absolutely.

**Saltzman:** The nature of violating policy.

**Scruggs:** That is written in our policy referenced this database will be used similar to dmv records and leds records.

**Fish:** I'm intrigued. You focus on whether there is misuse and abuse of this policy and how the chief would hold people accountable. Do you have a larger context for that concern where there's some other use of data or other surveillance technique where you believe the bureau has not been appropriate in developing policies or hold be people accountable.

**Saltzman:** In old town I think the bureau did develop some policies at our request about concerns about potential misuse of the images or where the cameras were oriented. That was the context in which i'm asking these questions. I guess I was also concerned that the same way you could misdirect the cameras in old town maybe to somebody's apartment window that you could also -- an officer who suspects his wife or husband is having an affair could ask somebody with a license plate reader, could you print out where this plate has been in the last week or something. That would be a serious abuse.

**Fish:** I appreciate the concern we would all have for an abuse of any policy but I would hate there to be a lingering impression that we have lack of confidence in the chief's ability to manage his work force on something like this.

**Saltzman:** I'm not implying that. We need good policies. We often get dinged very badly when we don't have things written in policies and procedures.

**Reese:** I concur.

**Adams:** Anybody else, discussion? Move to public testimony. Thank you very much. Appreciate your work. How many people have signed up?

**Parsons:** We have one. Becky Straus.

**Adams:** Welcome back.

**Becky Straus:** Morning. Becky straus here representing the aclu of Oregon. Thank you for the opportunity to testify. Thank you for the great discussion and thank you to the chief and the officers who were here explaining a bit more about the details of the use of the license plate readers. Some of the existing policies. I really appreciate that discussion. As we talked about these camera systems, alprs, from our perspective raise a myriad of questions about the use, the current use, future use with the suv and the privacy implications of the use of this tool in Portland. So we have talked about the cameras as their function they snap a photograph of every license plate, capturing information on up to thousands of cars per minute. The number I have seen is 1800 cars per minute is the max of the functionality at this point. The system gathers this information on every car it comes in contact with simply those where there's an alert or hit capturing information about the innocent and the guilty. Over time, these devices create what I might think of a treasure trove of data. Searchable logs, tracking movements of innocent people going about their private business. So just like when we were talking about surveillance cameras in old town, this increased surveillance tool is a concern. Another concern is that without any suspicion that an individual has committed a crime, the alprs are used to search agency databases for his or her information. That's certainly raising some flags for us. At the very least, again, very least, we week to see clear policies and regulations put in place to prohibit storing or recording data where there's no match to an offender database. It's my understanding the bureau is holding the information collected for four years. We have seen in maine and new hampshire have actually taken steps at the state legislative leveled to prohibit retention of the data on people where there wasn't a hit. We would love to talk about exploring that possibility with the tools here in Portland and in Oregon. So I posed a host of questions and I apologize, I forgot to hand my written testimony to the clerk, but I did send an

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advanced copy last week that has not changed and i'll follow up. Several questions related to how they are currently used, what type of policy the bureau has in place to protect privacy. My understanding is the bureau has just revised their policy related specifically to the alprs, and I haven't seen that yet. I would love to see that, make sure that some of our concerns are being addressed. One other specific question that has not been answered by chief hendricks, who I spoke with earlier, is how the database can be searched after the information is collected. I know it can be searched by plate. I think it can be searched by address. I'm not sure if it can be searched by date and time that that information was collected.

**Adams:** Thank you.

**Fish:** I have one question. You mentioned the experience in other cities and jurisdictions. Has the aclu been involved in any litigation or disputes with other cities or jurisdictions? I understand you've identified concerns and they can be addressed through policies, through annual reviews, but is there some smoking gun that you have seen in some other jurisdiction that you want us to be aware of?

**Straus:** Mayor Adams, commissioner Fish, no, my understanding is this still a developing area of law. There hasn't been particular that i'm aware of litigation that has led to these policy changes. I think they are just choices these jurisdictions are making to put in the policies. What I would mention is there's a case pending at the Oregon supreme court, davis I believe is the name of the case, where the aclu has filed an amicus brief talking about when these searches are being done without any suspicion, again, that raises flags. The case of the supreme court is related to more the example that you're talking about, commissioner, about officers randomly presumably randomly searching plates on their own and the issue is not about the automatic searches at this point but I think it's a similar concern and similar issues that would come up and hopefully be explored by the council.

**Adams:** All right. Unless there's additional discussion, sue, please call the vote.

**Saltzman:** Again, I think the bureau has crafted good policies that will protect people's privacy, but also be a very effective tool for recovering stolen cars and other more serious crimes. Be very valuable and something like an amber alert as well. This is really only enhancing the ability that make eye does now. Technology taking it one step further. I don't see anything necessarily wrong with that as long as we have the right privacy protections in place. I do believe when I spoke with chief hendricks there was a limit on the retention time for cars that were not involved in criminal investigations. I think the policies are good and in place and are necessary. So pleased to vote aye.

**Leonard:** Aye.

**Fritz:** I appreciate the comments and concerns raised by the aclu. I hope the bureau will send the revised policy. I think it's something we want to talk about. It's a healthy thing to do in our community. I appreciate everybody supporting my amendment to the annual report. Aye.

**Fish:** Aye.

**Adams:** Well, given the hurculean effort to keep the peace and protect people's property and when there is crime to be able to pursue it in a cost effective way, I think this tool is very incredibly useful and I appreciate the lieutenant and chief for employing it. Also share the concerns about privacy and I think the discussion is useful. I think that we will and can do both guard privacy and prevent and fight crime. So please vote aye.

**Adams:** Approved. We're in recess until 2:00 p.m.

At 10:37 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.

**JULY 25, 2012      2:00 PM**

**Adams:** Good afternoon. The city council is back from recess. It's still July 25th. Sue, how are you?

**Parsons:** Fine.

**Adams:** How was lunch?

**Parsons:** It was very good. Salad today. I went to the farmers' market.

**Adams:** Was it organic?

**Parsons:** Of course.

**Adams:** How did you know it was organic?

**Parsons:** Clerk: Well, because of the sign.

**Adams:** Let's call the roll. The forum is present. We shall proceed. Can you please read the title for resolution item number 867?

### **Item 867.**

**Adams:** This is a project that commissioner Fish and I have been working on. High-quality trails that connect Portlanders to where they work, live, and play are an essential ingredient of Portland's long-term plans for a healthy and sustainable city and equitable city. East of the river, Portland has two high-quality trails going east/west. The marine drive trail on the Columbia River at the north end and the Springwater trail at the south end. These trails provide active transportation connections and are extremely popular and valuable for the region. Planners have looked at Sullivan's Gulch as a potential place for a trail that would run through the heart of the east side and connect major jobs and the transit centers built around MAX light rail. A high-quality trail in Sullivan's Gulch would also connect next to the two major north/south trails at the river, east bank esplanade, and the I-405 path, all of course in addition to Portland's connecting network. The Sullivan's Gulch trail will also provide an important connection from Portland's western neighborhoods to the future Gateway Green site. This 2011, more than \$200,000 was awarded to the city of Portland from the federal transportation funds to study whether a trail in Sullivan's Gulch is possible. The Portland Bureau of Transportation and the Portland Parks and Recreation use the funds to engage the community surrounding the trail, advocates for more efficient transportation. The important and difficult question is, if there was to be a Sullivan's Gulch trail, where would it be located and what would it look like? After months of public outreach, stakeholder conversations, and engineering and planning work, city staff have a Sullivan's Gulch concept plan. The concept shows that a trail is feasible, pinpoints the location for the trail and points along the trail concept where it would connect with neighborhoods and existing transportation routes. This has lots of upsides but also presents challenges. Nearly 35-percent of the right-of-way in order to build the trail is owned by stakeholders other than the city of Portland. The terrain is often steep and requires the construction of retaining walls. This is a very low-confidence early estimate for those of you



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writing histories of the city. \$36 million for almost six miles of high-quality trail. The Sullivan's trail concept presents unique opportunities, though, consistent with the Portland plan, providing Portlanders with safe, efficient, and sustainable ways to move around the city. I'm very pleased to have worked with our staffs in the bureau of transportation, planning, bureau of parks and commissioner Fish. I'd like to turn it over to commissioner Fish at this point.

**Fish:** Thank you, Mayor Adams. I had the pleasure of joining 150 policymakers last Friday on a bike ride through East Portland. In fact, Linda Robinson and I are still recovering from that bike ride.

We saw firsthand the importance of our off-street transportation network. The Sullivan's Gulch project is a complex project that's been over a decade in the making, but it is, as the Mayor has stated a wonderful example of the partnership between PBOT and parks. While some may view this as an expensive proposal over time, we see it as a key piece of our trails network. We know the investment of this magnitude will be worth every penny to future generations. It's now my honor to introduce the team that will present to us this afternoon: Paul Smith from PBOT, Sarah Huggins from parks, Denver Igarta and Elizabeth Long, Alejandro. Welcome and take it away.

**Paul Smith, Bureau of Transportation:** So the trail alignment follows the Interstate 84 Banfield corridor. It will connect to the East Bank Esplanade and the future North Portland Greenway trail. The future of the trail is also envisioned to extend to 122nd Avenue. The purpose of this project was to determine if a trail was feasible in this corridor and, if so, to determine a recommended alignment. The concept of the Sullivan's Gulch trail has been a community priority for more than 15 years, and that would be starting with the bike plan and the regional trails plan about 1996. A project advisory committee was formed to work with the staff and the consultant to develop the plan, and we have members of the project advisory committee who will speak after us to tell you about how that process went. The Bureau of Transportation and Parks and Recreation collaborated to staff the development of the plan, and most of the plan was prepared over eight months from June, 2011, to February, 2012. The project advisory committee met five times and endorsed the final concept plan at their February, 2012 meeting. These are the principles, and members of the committee will tell you about that. It is a multi-use path for both bicyclists and pedestrians. What had not been done before was to actually try to site the trail, so there was a technical evaluation that was prepared. So under the direction of city staff, consultants from a team headed by CH2M Hill prepared a digital terrain model that was six miles long, one of the largest digital terrain models that's been developed. And the topography came from a processed lighter imagery, high-quality aerial photography, although the blackberries got in the way a little bit.

**Adams:** We're going to procure goat herds. Thank you, Metro, for agreeing to pay for that. That's very nice of you.

**Smith:** The trail was sited three-dimensionally and based on the topographic constraints. The drawing at the bottom of the slide shows generally the trail would be off set from the center of the existing freight railroad about 30 feet to the north. This breaks down the property ownership. As the Mayor said, only 26% of the trail is actually located on property currently owned by the City of Portland. We will show you in the next slide five distinct locations along the trail. As the Mayor said, part of the project was to determine what the trail would look like. And so we hope these visual images will help do that for you and the public. So beginning in the east, the trail would connect on the right -- upper right, if you will -- to the existing Interstate 205 multi-use path and Gateway Green, which is the area just above the end of the turquoise line, the area between I-205 and 84. Gateway Green is a 35-acre open space and recreation area. The trail would then go underneath the 205 span on ODOT property. The second example, as we move to the west, is what we call the Jonesmore segment. This cross-section illustrates -- on your right, you see a Union Pacific automotive. Union Pacific property goes 50 feet to the north of the freight line, and the trail would be just outside of U.P. On city property, the right-of-way owned by the Bureau of Transportation. Moving a little further to the west, we have an industrial area in the vicinity of 60th Avenue, and



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again we're showing the trail continuing along the north side of the gulch. This is a cross-section of that location. The trail would be in the northern part of the union pacific right-of-way offset horizontally from the freight line by about 27.5 feet. The trail would be supported by a retaining wall with a fence and would be about 21 feet higher than the railroad tracks. In about the center of the corridor in this drawing, we show the trail in the vicinity of the hollywood town center near the light rail station and the transit center. In addition, we have this cross-section, but then we also have a visualization to show you that. The building you see is the 24 hour fitness center. Again, like at 60th, the trail would be in the northern part of the union pacific right-of-way, offset from the freight rail's center line by 30 feet. In this case, the trail would be about 10 feet higher than the railroad tracks. This is really, I think, one of our best products that a lot of people -- it really shows them what would the trail look like. This is pretty close to what it would look like. Rather than the cross-section, you now see a photograph taken in the winter on a nice blue sky day in the winter, and we used the terrain model and software called sketch up to fit the trail into the photograph. Somewhere in there is bud clark on a bicycle.

**Fish:** Can every member of the council get a jpeg of this photograph? I think for all of us it's a showstopper.

**Smith:** And we issued that with our press release.

**Adams:** For a few more pennies, you could have gotten rid of the blackberries on the side. I guess you're trying to teach as lesson. [laughter]

**Smith:** Moving a little further on, the trail alignment here is shown between northeast 16th and grand avenues. Similar to jonesmore, this portion of the trail would also be on city property, this considered part of the lloyd boulevard right-of-way. Now, in the cross-section, you notice before I mentioned that at 60th the trail was 20 feet higher than the tracks and at hollywood it was 10 feet higher. Here it is 60 feet higher. So this is the deepest part of sullivan's gulch through the lloyd district. We worked with our advisory committee, and they have recommended two trail locations here, not one or the other but both. You'll see that the two paths diverge from each other on the right-hand side of the drawing. If you want to access any of the streets in the lloyd district and you're coming from the east, you would exit there, and then you could connect to every street along the way. If you were going through to grand avenue or beyond, you would stay on the lower trail. In the cross-section, you can see that the upper trail is an extension of the back of the sidewalk at lloyd, also supported by a retaining wall, and then down the slope you see a second trail location. Both of those are on city property. This is the visualization of that lower trail through the lloyd district. We ask that you adopt the recommendations contained within the concept plan. These are a summary of the recommendations. They concern adopting the recommended alignment, directing city staff to incorporate the alignment in the update of the city's comprehensive plan and seeking funding to design and construct segments of the trail. The resolution in exhibit b include direction to prepare amendments to the zoning code map, the comprehensive plan, and the transportation system plan to reflect the trail, bicycle, and pedestrian classifications shown on this slide. And then n closing, we wanted to give you an example of a segment of the sullivan's gulch trail that city staff believes has independent utility. That means, if this segment were built, in and of itself, it provides significant utility for transportation trips. As I explain it, I think you would agree with me. Building this segment of the red which is shown in red would connect east Portland to northeast Portland, specifically the tillamook/hancock bikeway which leads to the central city. And the only route now available is halsey street overpass over i-205, which is not a very friendly place to bike or walk. So by going off the 205 path, under 205, and then up the open space that you'll see in more detail is a great alternative, we think, to that. The transportation bureau, with support of parks, has asked for federal funds to construct this section of the trail and a connector to northeast hancock street, all on odot property. The last slide zooms in a little more. It shows how the trail would connect the existing 205 path and gateway green on the right, go under 205, and then north to

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connect to northeast hancock street. To the west of i-205 is that connector. Where it ends, that's a cul-de-sac of northeast hancock street. By making that very short connection, that hook, you've just connected east Portland to northeast Portland via a safe off road route. I know that commissioner Fish's staff, commissioner Fish, and the mayor were real excited when we jointly came up with this particular facet. It is a difficult project, but this is a good example that there are ways to begin to immediately implement the recommendations of this plan. We could either go into questions and answers for staff now or we also have six members of the community who would like to say a few words about the trail.

**Adams:** Why don't we go to the community. Welcome.

**Walter Lersch:** My name is walter lersch. Mayor Adams, council members, thank you for giving me this opportunity to comment. I've lived in the hazelwood neighborhood of east Portland. I still live there. I have recently served my community as a member of the sullivan's gulch citizen advisory committee, a member of the east Portland action plan bicycle subcommittee, and as treasurer of east minister presbyterian church. Eastminster partners with grow Portland. As a long-time east Portland resident, I can speak with firsthand knowledge of significant increases in the amount of the bicycle and pedestrian traffic in the east Portland neighborhoods. The increases are noticeable not only in our beautiful summers but also during our cold, windy, and rainy seasons. Neighborhood residents commuting, running errands or getting some healthy exercise or all three day and night. The citizens advisory committee worked many months. Extensive discussions helped create a trail plan that has appropriate connections to the neighborhoods, minimizes conflicts with existing automobile traffic, considers the needs of pedestrians and bicyclists whether their use is recreational, community, commuting or running errands, supports traffic flow into the 205 path at the play in gateway green, facilitating travel to parks and residences in east Portland and to gateway transit center in the east. And then from the esplanade to the west. The sullivan's gulch trail is a critical next step in the much-needed build-out of bicycle and pedestrian infrastructure in east Portland and outer east Portland. Not insignificantly, the proposed trail further enhances Portland's reputation as a great place to live and work and a great place to visit and explore. In closing, I again want to thank the council for giving me this opportunity to comment and ask the council to approve the recommended sullivan's gulch trail and continue to move this project forward. Thank you.

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

**Dan Lersch Walters:** My name is dan lersch walters. I am a stakeholder in that my property will be bisected by the trail, and I am a very enthusiastic supporter of the trail. Missoula flood carved the gulch right by rocky butte. Otherwise there's never been water running through the gulch. The land goes -- the layers of land go away from the gulch because of how it was formed, so it's not something that collects water generally. Timothy sullivan, in about 1850, had a donation land claim that went from halsey to stark. His son sold the 100-foot right-of-way to the railroad, the Oregon/Washington railroad which was bought up by union pacific about 1898. Businesses started moving in, doernbecher located about 1900. There was actually a cycle track where there was a stadium and cycle thing about 21st and Multnomah many, many years ago, about 1900. The streetcars were developed to promote neighborhoods, and there was one through our neighborhood, too. The expressway, the banfield, was considered as early as 1926. In the 30s, there was a shanty downtown there with about 300 people and one phone.

**Adams:** And one phone?

**Walters:** Yeah. 1941, they were getting serious about building the freeway. It opened in 1955, about the same time the last electric railway in Portland closed down. In the '70s, people started breaking away from the freeway idea, and Portland started taking freeways out and so forth. In 1987, the sullivan's gulch neighborhood association included in its action plan the idea of a trail through the gulch. I moved into the gulch in 1991, and there was a 2004 psu study that really laid

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the groundwork, the trail identified as a potential to study by students. We formed a committee in 2005. Brad Perkins invited a bunch of us, Susan Hathaway Marxer, myself. A lot of people have worked almost monthly since then to promote the trail. We've been meeting with parks. We've been meeting with transportation, with the mayor's office, and we have received a whole bunch of support from the city. Very few people that we talk to are negative on the trail. There are questions. Where is the money coming from? What's it going to look like? We were able to receive some MTP funds for this work which really brought us to where we are today, and we have been able to talk to stakeholders on both sides of the gulch. We've talked to mayor property owners. Fred Meyer has a letter of support in your packet. Also Capstone Partners is building something at the Albina Fuel site at 33rd and Broadway this they're very excited to include the trail in their plans. We are excited to see this built. We would like to see an early stage built between 25th or 21st and the river, which would serve our neighborhood very well. But we want to share the gulch with everybody, including East Portland. Some of the people that have been instrumental in this along the way, Mel Huey with Metro, Mia Burke with Alta, Bill Barber, Roger Geller, Dave Brook with the Sullivan's Gulch Neighborhood Association, current president, always transportation advocate. Morgan Will has worked with us on the trail, and we were given a grant which we turned over to the both of transportation as part of the MTP funds. I want to thank you for all of your support? This. Let's move this forward. Let's find the funding. Let's break ground on this. Thank you very much.

**Adams:** Thank you. And thank you for that history. Hi. Welcome back.

**Cynthia Gomez:** Thank you. Good afternoon. My name is Cynthia Gomez, and I work as a program director of leadership and civic engagement programs at Latino Network. Our mission is to provide transformative opportunities and advocacy for the education, leadership and civic engagement of our youth, families, and community. I am also a member of the Sullivan's Gulch Trail Advisory Committee, and I live one block south of the 60th Avenue MAX station in the proposed Sullivan's Gulch Trail and a member of the Portland Comprehensive Plan Infrastructure Policy Structure Group. I applied to be a member of this committee, because I felt it would be a great opportunity to get Latinos on the move and improve health through the creation of a safe multi-use trail that is comfortable and accessible for a range of users. Initially my concern was that it would become a bike freeway and not really family-friendly. While the concept of the trail has been identified as a community priority for more than 15 years, I quickly realized, as I was investigating the project with my community members, that low-income and communities of color had little say or even knowledge of the project, and this was a concern for us. It was wonderful to see that we had input on the committee. Conversations that challenged the community to think about equity issues led to conversations with park staff about how the parks bureau could improve services for Latino community members who may underutilize the Portland park system and trails. This led Portland Parks and Recreation to start a collaboration with the Latino Network. The goal was to solicit feedback from Latino community as to how the parks system could be improved. Latino Spanish-speaking staff worked closely with Latino Network and moved to plan the first-ever Latino Family Day. The event took place in April of this year at Mount Scott Community Center in Southeast Portland and to your utter delight nearly 240 parents and children were in attendance. The event featured swimming, roller skating, basketball, arts and crafts, music and dance performances, a raffle. Commissioner Nick Fish was there and parks director, Micah Bate addressed the crowd. We collected 60 Spanish-language surveys developed by the parks bureau that sought to better understand interest and needs of the community. This prompted future events for similar days in other parks locations. One occurred just this last month in North Portland and the next event will occur at Mount Scott Park on August 4th, and you're all invited to join us. Latino Network views this as a great example of how city bureaus can operate an equity agenda. I think that this trail is a great idea. I think we need to move forward carefully and thoughtfully and include the thoughts of the

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community and their feedback, which is very important. The most common feedback I heard from folks was that why are we building this trail when I don't even have a sidewalk outside of my house? That was the biggest concern, something they said over and over and over again. I support this trail, and I hope it moves forward. If I don't get to see it in my lifetime, I hope that my children get to ride their bikes down it one day.

**Erick Kransky:** My name erick kransky. I want to thank you for the invitation and opportunity to speak today obviously in support of the sullivan's gulch trail plan. The bicycle transportation alliance is focused on providing safe, convenient, and accessible facilities for people to ride bikes all throughout the city and state, and clearly the sullivan's gulch trail concept does that. In addition, it represents a world-class project, so it's the kind of safe, separate facility that really is a cut above some of the other projects you might see on our on-street network. It's the logical next step in the path of Portland's success in engaging and encouraging people to get out and ride their bikes. We've had a lot of people out and still do, and I think we've got a higher bar to encourage families, younger children, honored stings to get out and ride. We'll have to provide opportunities like this trail where they feel safe and separate from fast-moving cars, and that I think is a noble challenge. It's great to see the parks bureau and bureau of transportation working together to come up with strategies to help us get there. And of course the example that rises to the top of my mind is for anyone who's been out on a ride or a walk on the spring water corridor and seen the family-friendly nature of that path between sellwood and downtown Portland, you really get a sense of how much we stand to gain by making these kinds of critical investments and especially in the context of connecting east Portland to that fantastic facility as well as to the i-205 multiuse path. That's an approach we really, really appreciate seeing at the city. I also will hope that some in city hall would be motivated by a challenge. Last year bicycling rated minneapolis, minnesota, as the number 1 city for cycling. They've since corrected the error in their ways.

\*\*\*\*\*: They were drunk.

\*\*\*\*\*: Have it on good authority.

**Adams:** That's my story. Momentary lapse. [laughter]

**Kransky:** This year we're back on top, but one of the reasons they cited for rating minneapolis so high was because of their investment in trails. That's something to keep on our radar that we've done great with our on-street network, but the trails are where we really need to look now. I hope you'll look at the alliance as an ally when it comes to finding funding for this project. We'd be happy to conversation this conversation.

**Linda Robinson:** I'm linda robinson. I live in east Portland in the hazelwood neighborhood, and i'm here today to speak to the value of this project and the very important connection. You're recommending that point be built soon. We had a study done less than a year ago, friends of gateway green, to look at various potential additional access points that we might add to gateway green and how many more people under the age of 18 would be then within a half a mile, and we looked at four different access points, and that's the one that really came out on top as providing better access not just to gateway green to you to the bicycle path. It's very difficult to get to the 205 bicycle path from the west side for about a two-mile stretch, so that's a really important connection, and i'm glad that see that it's moving forward. I thank you for mentioning that the part you presented today is not the entire length of the sullivan's gulch trail. There is a one-mile section we still need to determine the alignment of that will connect it from the i-205 path to the i-84 path that starts at 122nd avenue and goes east from there. We still have another section to work on later. Just wanted that in the record. The other thing is i'm a novice bicycle rider. I didn't learn to ride a bike until several years into this gateway green process after I was already on social security and medicare. So these off-road paths are really important to folks like me who are still scared to death, white-knuckled, if they have to ride on a bike path along a place like northeast halsey. I don't do it. Once you get your neighborhood greenways in, which are going to go into near my house next



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year, then i'll be able to get to get way and from get way, eventually, if I live long enough, i'll be able to take the sullivan's gulch trail into town, so i'm looking forward to that.

**Mary Ann Cassin:** My name is mary ann cassin. I'm a member of the parks board along with linda, and I served on the citizen advisory panel. In that role, I want to thank the members of the staff. I think they did a great job. Our discussions were not always easy. As you can imagine, there were a lot of tough issues to be covered. I was very glad to see we were so inclusive and welcoming to diverse communities, and we tackled some of the tough issues. What were our goals, and was it going to be a freeway for bikes or something else? We toughed it out. We had some great well-attended open houses, and I think it was a great process. As a member of my day job these days, I work for metro, and I want to say how well-supported this plan is in various documents over at metro. It's one of the regionally adopted plans. It always shows up in the rtp and is among the trails recommended highly. Finally, as a citizen, I wanted to say that i'm one of those demographics -- i'm one of those people that will ride in the bike lane. I will take the lane when I need to, but I know that's not common in my demographic, and I think these separated trails are really important. As you probably already heard, these trails serve much more of a purpose than getting from point amount to point b. They really, really do connect communities. I know in my past live, back in the '80s when I worked for the city, I wrote the spring water master plan. In those days, it was an abandoned rail corridor, and it really, really brought the community together. It was a far-reaching dream. Everyone working on it thought, how can this possibly ever happen? The community pulled together. We had wise leadership then, as we do now, so we've done the hard work. We turn it back to you and say get her done. We're right behind you.

**Adams:** Do we have people signed up?

**Parsons:** We have four.

**Adams:** Good after noon. Welcome back. Mr. Perkins, would you like to begin?

**Brad Perkins:** I'm brad perkins of perkins realty. I'm also president of the cascadia high-speed rail. In this great introduction so far, I just want to emphasize we got here because a small group has met in living rooms and metro for the past six years, and it was through our efforts that got the mtip money to get us to where we're at today. And that's great. That's community action at its finest. I know it's easy to give accolades when the job is done, but you've got to remember that the people on the ground got us to where we're at. For instance, the concept plan is great up to this point, but there's not enough talk or even mention in the concept plan about where we go from here. The engineering aspect is vital to get going on. The funding on the 205 to hancock is just one small part -- by the way, it really isn't part of the sullivan's gulch plan. It's actually a connection to the greenway, which is great. But we really do need to focus our efforts on this whole new network system that's part of a network throughout the Portland area. And we're talking about a network that can be tied into rails. I mean high-speed rail as well as street rails, city rails as well as intercity rails. That you would end up at the nodes where you have the bridge crossings where these paths go underneath the viaducts on i-84, a great opportunity for bike-oriented development. What does that mean? How do I draw a picture? Well, it's pretty easy. You don't have parking for cars. You actually have parking for bikes. You go down the elevator, hop on your bike, and you're gone onto this network and get downtown in less than 10 minutes. That is revolutionary. So how do we get there? How do we begin getting funds for this? And we've really got to put our thinking caps on. How might we do this differently? I don't want to be fighting other departments in order to try and get this money. Maybe we can do it as a partnership, mayor property owners along the way like providence, joe weston, joe angel, all these people and capstone on 33rd. All these people have a lot of money that could help build this thing, and they could also reap some benefit through increased zone, increased height levels, maybe reduction on the cdcs.

**Adams:** Sir, your time is up.

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**Perkins:** I've spent hundreds and hundreds of hours on this, sam, and i'd appreciate a few more minutes if you don't mind.

**Adams:** Brad, why don't you summarize the points you want to make.

**Perkins:** If i'm not being helpful in what i'm saying and trying to move forward -- I respect what you're saying. Shut down, brad. But I have a lot of information here. I probably have another minute if you don't mind.

**Adams:** Summarize the points you want to make.

**Perkins:** How do we begin working with the railroad? What you have to do is be part of a plan that really gets the railroads interested. If they are getting something in return by straightening out the railroad tracks down by the river which is in the north-northeast quadrant plan to draw a connection between the rose quarter and the river -- that railroad track moved back and the city was helpful in that. There was an incentive. If there's a new bridge across the columbia river that includes freight rail as well as high-speed rail and cars and trucks in line with the freight rail bridge, then we're talking a revolutionary change here, too, and getting the railroads actually interested on this measly little bike trail that they're not interested in giving us any permission on using the right-of-way unless they are given something. It's just a regular real estate deal. Both parties have a benefit by a deal being made. So we have these opportunities. It's a matter of putting our heads together and finding other resources and using resources that we have both on change of zoning and getting major property owners interested in making this happen. The hard part is still ahead, though, and we really need to roll up our sleeves. I'll end by saying that copenhagen in a paper last week are planning 26 corridors through their city to get to the downtown. Those 26 corridors were planned by city planners. Not us out in the community trying to make a living and volunteer our time making these things happen. It was pushed by the city. And I hope there is more assertiveness on the city's part to really push forward in finding ways to both pay for this and plan for its development. Thank you for your patience.

**Terry Parker:** Terry parker, northeast Portland, and i've got some of my neighbors here on both sides for the most part even though we don't totally agree. The \$35.9 million price tag is not about peanuts. My chief concerns are equity and self-sustainability. Per metro, with indirect costs factored in, motorists pay for about 60% of the cost for driving. For other sources, close to 90% of the cost for roadway infrastructure comes from motorist-paved fuel taxes, license, registration, and other motorist-paid user fees. About 10% of the jobs in the united states are directly tied to the auto industry, one of the primary reasons president obama extended. Currently one more bicyclist equates to one less job. Beginning in 1878 and following the u.s. Commercial manufacture, bicycles became a common form of transportation in Portland. With bicycling becoming trendy, there was a desire to keep bicycles off the street and sidewalks. That led to the idea of bicycle paths between the streets and sidewalk. In 1896, the united wheel men's association was organized to promote the construction of paid bike paths. Lacking any funding and with support of the Portland bicycle group, in 1889, Multnomah county instituted a bicycle licensing program. All bicycles found without license tags were seized until payment was made. Fast forward to today, and somewhere with the advent of the automobile, before the past few decades with specialized bike lanes began appearing on Portland streets, the vision and self-respect of adult bicyclists paying their own way became lost. Today bicyclists want to be given preferential treatment and infrastructure while expecting somebody else to pay the price tag. It has become a vast entitlement program, welfare for bicyclists regardless of the income. If the sullivan's gulch trail is to be constructed, it's imperative that equity and fairness prevail. Adult bicycling community needs to be assessed. This back to the future funding approach can be done with either an unbiased license and registration fee for by making this a toll facility. Adult bicyclists only would pay a toll for their use of the corridor. Moreover, requiring adult bicyclists to pay for the infrastructure has a reality check similarity to



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property owners paying for an lid. The gulch has plenty of merit but only when the bicycling community accepts responsibility and helps pay for it.

**Bob Richardson:** My name is bob richardson, and i'm a member of the sullivan's gulch trail committee. There's so much to say about this trail, so forgive me if I talk a little fast. I'm a homeowner just two blocks from the proposed neighborhood connection at 61st near the max station there. A word that gets overused when people promote projects, i'm going to be guilty of using it now. That's transformative. But I think in this case, it really applies. If you look at existing trails like along i-205, those are a good idea, but they serve low-density areas which are far apart, so that limits their utility. If i-84 were built today, this trail we're talking about would likely be mandated, and we wouldn't be talking about it as an optional extra that we have to go seeking funding for. Currently, the inner and central east side neighborhoods actually have poor connections to the east, to get way across 82nd and i-205, even though there are a large number of bicycle users who would like to look east and connect to our regional center at gateway. This plan, this trail fills in a lot of missing links. Something I brought up at almost every meeting was the idea of build for success. Look at the east bank esplanade. Early on, some people called it a boon doggle. Who's going to use it this what's it going to serve? Now it's just packed with users. On a sunny day, there's people out there using it on things you never would have imagined. Fourth of july packs them in. All kinds of events happen. So we must build this in anticipation of success. What you have in front of you is a blueprint for a moderately successful nuts and bolts trail that's going to get the job done. But I encourage you not to value engineer it beneath that. I think this is a realistic plan, but we should look for ways to expand it rather than contract it to provide opportunities for families, for noncommuting users, for contemplative -- contemplative spaces as well. Build this to the quality and scale after full trail so the public can experience directly the vision for the completed trail. Don't just put down some asphalt on the public right-of-way and say this is sort of what it's going to be like someday. Built it right, high quality, from the very beginning. The area I live, in the jonesmore segment would be particularly helpful in filling in missing links between the rose city park neighborhood and 82nd avenue. I support the i-205 undercrossing connector at get way green. Thank you very much.

**Fritz:** I appreciate your comments about contemplative places and places for family. Was there much concern about bicyclists and pedestrians?

**Richardson:** There was a lot of discussion about that. In the map, there are areas where the right-of-way is rather constrained, and so you're looking at a trail that's only a certain width, especially where it goes under the bridges and so forth. But there are also opportunities where it widens out. You may have places where people kind of have to hustle through, but then they get to the other side and you can present a wider path. In the innermost segment through the lloyd district, we talk about an upper trail and lower trail, and a lot of that has to do not just with local access versus a through route but also the grade, the accessibility. People who are just strolling along the trail would probably take the upper part. We're providing double the capacity in what should be a heavily used close-in segment.

**Fritz:** Was there any discussion of having some separation between bicyclists and pedestrians?

**Richardson:** There was, but it's not fully reflected in this document. If is more of, if you had to pick an alignment and you had to get from point a to point b in a high huff quailty way, what would it look like? Personally i'm hoping we can find ways to go even beyond this.

**Fritz:** So refinement as each section is done?

**Richardson:** Yes.

**Perkins:** Do you mind if I answer that?

**Adams:** I'm going to let her speak.

**Tamara DeRidder:** My name is tamara deridder. I am the land use and transportation care person for rose city park. We've got at least two members of our committee here, and bob was our

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representative for sullivan gulch. Just wanted to let you know we wholly support the sullivan gulch trail as being proposed. I want to address three points. One is access. The second is health. And the third is opportunity. Access being provided to our neighborhood is incredibly important. We've got three points, according to this design. One is on 61st, as you mentioned, the other on 53rd. The other one is at 49th which will connect to frasier park, which has a community garden.

**Richardson:** Thanks to you.

**DeRidder:** Thanks to both of us. Again this leads into health, because people who need access to a community garden will actually have more access with this being placed in. Also, one concern that has been brought up over and over again is air quality. One of the items that or depictions in this design shows trees on either side of the trail, and I want to support that concept, because right now there's no breakage or vegetation between many of our homes. I-84 and a lot of the pollution, diesel, there is carcinogenic matter that comes up from that area, and I am concerned for the cyclists as well as the rest of the neighborhood. A linear park is something we've talked about, maybe adding this to a linear park system possibly helping. Third is the opportunity that it creates for our neighborhood. We envisioned having kind of a cycling magnet area right around the 60th street station. There is an opportunity area with a lot of the industrial lands just south of the park. We would like to make that into bike central for the north and south commuters. A way in which we can start small businesses, develop basic small industries that can feed off one another, an incubator place. We see that as a real opportunity for awe of us in being able to get around the community. A couple ideas for funding. One is smart communities through epa. And we can tap into funding there as well as one of the concerns that has been in our agenda over and over again, the bike trail that's being proposed. It was not placed in this gully when the i-84 went in, and it should have been. It was part of the mandate. And it should have been placed in with light rail and didn't get placed. Part of this is correcting old behavior that was not sensitive to bicyclists. Thank you very much.

**Adams:** Mr. Perkins, you wanted to answer that question?

**Perkins:** Thank you. That was a very good question, because since the very beginning we've been asking ourselves, what is this path or corridor best for? Clearly it makes more sense as a commuter run for bicyclists. But as bob mentioned, if we can provide places, oasis's nearby, especially away from the freeway where you don't get a lot of noise, it would make the best advantage for little gathering spaces for pedestrians as well.

**Fritz:** But the plan is actually multimode.

**Perkins:** Yes, it is.

**Adams:** Anybody else? All right. Questions for staff? Sue, would you please call the vote?

**Saltzman:** Well, this is a great plan, and I look forward to it coming to fruition one day. So I guess just a couple questions that staff can answer for me later. There was talk about this not becoming a bike freeway, so everything seems to sound like it is primarily a bike freeway, so I guess i'd like to get a better handle on that. And then 64% of the right-of-way is owned by the railroad. I didn't hear much discussion about where that right-of-way is and I don't know if that was this the drawings or not. How do we overcome that, by all accounts, usually an obstacle, the railroad? In your way, this is a great plan, and I look forward to seeing it work. Aye.

**Leonard:** This is a great plan, and I appreciate commissioner Fish leading this effort along with mayor Adams. Aye.

**Fritz:** This is indeed a triumph of community activism, as brad perkins mentioned. And brad and others in sullivan's gulch, linda robinson and others in hazelwood have worked long and hard on this and advocated to make it happen with partnership with the staff, with metro. It's a good plan, and i'm excited to see it. I will be watching and hoping we can indeed make it multimodal so it serves a lot of use. I think that will be a way to get more funding for it also. I'm very happy that we've gotten this far. Congratulations. Aye.

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**Fish:** First I want to again thank the stellar staff team for working on this. I was reflecting earlier just on all the things that parks and transportation are actually working on. It's not that long ago they started working on dedicated parks for people on skateboards, looking at off-road cycling opportunities throughout the system, get way green, trails, all kinds of opportunities. I think it's fair to say that this sort of illustrates the point of how well the two bureaus work together and how well they mesh, but we've got terrific people at the table. So to paul and sarah, the whole team that's been working on this, thank you for your outstanding work. I run into paul from time to time on the street, and invariably he's got some new idea, some concept about this new project he's been thinking about. We appreciate the passion and the collaborative work that you all have brought to this. I want to thank the project advisory committee and both the people that are here today and the ones who are not for all the time and energy they've put into this. Your work product is terrific. And I want to just take a moment, 'cause we had a history lesson earlier, just to go back to olmstead. In that plan, olmstead understood we had an opportunity for a 40-mile loop and to connect at this great trails network. In the last 25 years, 30 years, because of people like barbara walker and because of leadership like charles jordan and gary santner and others, we've made -- made enormous progress on that. Thanks to a new focus and a changing view of transportation options, we're looking at a gateway green. And gateway green similarly was the vision that came from the grassroots forward, and now we're poised to not only have the city acquired with the dirt but, with the mayor's leadership, we've committed to putting the operating money into the budget next year. So we're moving forward with gateway green. The mayor reminded me earlier that on the springwater corridor, there were those who thought there were insurmountable problems. With this roadmap, we're now going to move forward, and we're going to get this thing done. So thank you all. And in terms of my commitment, I am sold on this idea of this opportunity that paul outlined for the trail that connects east Portland to the i-205 off-street route. It is sitting there. It's within our reach, and it's an important access point to gateway green. So let's focus on that and line up the funding and get a win under our belt, and then let's move west. Mayor Adams, it's been a pleasure to work with you and your team on this. Long after you've left this building, the marker that you put down about putting a priority on these kinds of projects will continue to drive it forward. So thank you. Aye.

**Adams:** Thank you for the kind words, commissioner Fish, but Portland needs to know that commissioner Fish -- that this is a reflection of his core vision not only for parks but for connecting parks around the city. So congratulations, and thank you, commissioner Fish, for having campaigned on this. The first time you and I ran against each other or the only time you and I ran against each other --

**Fish:** You had to mention that.

**Adams:** -- he was talking about the project then.

**Fish:** Why don't you bring up the later race, and I can go right from here to therapy. I tried to bury those demons.

**Adams:** I was trying to give you a compliment.

**Fish:** Who haven't I lost to?

**Leonard:** He's snapping.

**Fish:** Thank god I haven't had a race with dan.

**Adams:** Let me start over. Thank you, commissioner Fish, for your early, early advocacy of this issue in rooms that we happened to spend time together over the years. Not all the gatherings I remember to what purpose they were, but you've mentioned this issue early on and have been a tireless advocate, so I want to say thank you, and I think your political career has only just begun, just for the record. [laughter] to paul smith, to denver igarta, to elizabeth kennedy-wong, to sarah huggins, everyone on the key staff team, the folks at metro, thank you very much for your great work on this. This was a tough project to plan. There is a lot of things that had to be figured out

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from a purely where does the path go, and I think that what we have before us is a concept that is cost-effective, as doable as we're going to get, and elegant. And really, as mentioned before but worth underscoring, really make it is the connections and looks at the opportunities to add value at every point along the way. In addition, I'd like to thank folks. Brad Perkins has been also advocating for this, I think, since before Pangea broke apart when I first came to Portland as a campaign manager for Vera Katz, Brad and others were talking about this. Dan Lersch Walters who moved from being my neighbor over to the Sullivan's Gulch neighborhood, early proponent on this. Linda and everybody else on the community side, thank you for your great work. I think the Springwater Trail, there are lessons to be learned. First you have to have a plan. If you don't have a plan, you don't get to apply for any other money that might exist in governments or other foundations, because it's just an idea opposed to a plan. On state and federal funds, you don't even qualify without a plan. So we've got a concept plan I and now we can begin to take it in pieces. I think the phase that Commissioner Fish talked about is a priority and a smart priority. In terms of dealing with railroads, Springwater Trail for years had significant railroad issues. You just keep working at it where you can work at it. You keep making the railroads who never say yes, and you just keep working at it a section at a time where you can, and eventually you show them it will work in pieces, and I believe that we will get there eventually. Great work. Congratulations. Again, thanks to everyone involved. Aye. All right. Good work. We'll now hear -- can you please read item number 868 and 869? Hi. Do you want to announce something?

**Items 868 and 869.**

**Leonard:** I note these are both emergency ordinances, and I have to leave at 3:30 to pick up a young man.

**Adams:** We should be able to accommodate that.

**Leonard:** That would be great.

**\*\*\*\*\*:** Only if you give me the whole 15 minutes.

**Leonard:** You think you're nick Fish or something? [laughter]

**\*\*\*\*\*:** Wait a minute. Nick, could you run through that list again? [laughter]

**Adams:** Who would like to begin? Mr. Pearce?

**Leonard:** It's pick on Nick Fish day. [laughter]

**Adams:** We wanted to get this actually approved today. Mr. Pearce.

**Art Pearce, Bureau of Transportation:** Mayor and council members, Art Pearce, City of Portland transportation bureau here with two items regarding the Portland streetcar. Here with two distinguished guests, Michael Powell from Powell's Books and Alan Leyton. Mike is also the chair of the board. I think I will give just a short moment to you and then let them give some introductory remarks. What we have today is an exciting new era of streetcar partnership between the city, Portland streetcar, and TriMet. We are now here with that next stage, which is the streetcar master agreement, and then accompanying that an operating agreement. I'll give you more detail later.

**Alan Leyton:** Allen Leyton, director of planning and policy at TriMet. It was wanted for me to share we took this agreement to our board, both of these agreements to our board this morning, and it was passed unanimously. Wanted to share with you a few comments that our general manager shared with our board, one that the streetcar has been a very successful partnership between the city and TriMet. The ridership, the development, the connectivity with the central city and soon to be the east side, the fact that it serves not just one neighborhood but all of downtown and PSU and a broad range of incomes from very low to folks in some of the condos that we think of that that successful partnership has been somewhat ad hoc, and this agreement brings our partnership to a new plateau, brings some more structure, gives it for us certainly and, we hope, for you some greater financial certainty over time and gives us a place to talk through all of the issues that come with a more complex and more complete system that the streetcar is becoming. It has been a very low-cost-per-passenger service. We look at ridership. We have to bring our service in at low cost. Streetcar



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very much does that. It's a key service for circulation throughout the central city and connects into the majority of our lines for that regional connectivity as well. And this really has allowed growth of our service, growth of transit for the city and the region in a way that trimet could not have done by itself. So again bringing that partnership forward. Thank you.

**Michael Powell:** Good afternoon. I'm michael powell. I chair the Portland streetcar, inc. Board. Today you have the master and operations agreements. You will hear that it establish as partnership between trimet and the city to support development through improved mobility via the streetcar. The city will continue to assume responsibility for capitol requirements, and the city and trimet share the operating costs that will evolve from 50/50 to 85/15 with trimet agreeing to pick up the lion's share of that. It designates Portland streetcar, inc. As the operations entity. The agreement would provide funding for the next three years, as agreed, and provides trimet personnel to operate and maintain the streetcar as it has historically. Psi strongly urges the adoption of these two agreements. We welcome the fact that the city of Portland has formed, funded, and supported the streetcar from the beginning as had trimet. The private sector has been brought into this conversation so that they can play a role in directly supporting transit. This partnership has created a great service for the public, a key economic driver for our region. I'm proud of the work done by psi and pleased that we were included. Credit to the city and trimet that this shared relationship works. We have built over \$250 million of streetcar infrastructure, over 15 miles of track. The private sector has contributed 35 million to construction. We've transported over 33 million passengers, all safely. We've never had a significant injury or accident in the history of the operation. Over \$3.5 billion in new development has occurred along the realignment. Today there is another \$900,000 currently committed or other construction along the streetcar line with 480 of that on the east side. I want to thank neal mcfarland and trimet but neal mcfarland particularly for supporting this long-term vision for the streetcar. I'd like to also acknowledge the work done by bruce harter and nick feeney for bringing this work before you. For my own indulgence, i've been on the streetcar board for 14 years. Before that, countless years before there was a board. I'll be leaving it after the ribbon cutting on september 22nd which I hope to see you all at. In that time, i've been privileged to work with a numerous number of very gifted public servants and private sector folks, seeing the streetcar from its realization from a small circle in a circle city plan into the reality that it is. We're now about to complete our fifth segment. All of those construction projects have been on time, on or under budget. We have a very enviable safety record. I want to thank don magnusson and don carroll who occupied my chair seat before me. I want to thank vicki deide and roger shales, rick gustafson, and karl lewis who have been brilliant in their leadership and their ability to bring these projects to fruition. I want to thank trimet. I've worked with fred hanson and neal mcfarland. Trimet has always been there for us. It's been a wonderful time, and i've been before you many times, and i've always received the best of attention, and I appreciate that. I think we've done together something really remarkable. Thank you.

**Adams:** Thank you very much. I mean, this is a passing of an era. What a great legacy to leave behind.

**Powell:** I think so. I thought i'd put it on my tombstone. He went by streetcar. [laughter]

**Pearce:** Well, the beauty of coming with such good company is it doesn't leave me much lifting to do at the end. Just to sort of punctuate a couple points, I think one of the key accomplishments of the master agreement is the level of acknowledgment that both entities are acknowledging the importance of each other's efforts and the importance of streetcar as a joint effort that accomplishes most of our goals. I did hear from some staff as we were preparing for this this is the first master agreement that they'd ever encountered within city council. I think tim had mentioned that to us. I think that in part we are trying to signal the beginning of a new era in part launched by the hard work of those before us and getting ready to get down to the next years of hard work in bringing more and more sophistication to the operations and more and more cooperation to the next line as



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we expand. One of the key elements is creating some leadership structure that is joining both trimet and city leadership as well as. Psi leadership and the same board at the staff level. I think that will help provide sort of a greater structure and backbone to the work that already occurs informally now, so we're really excited for that as well. Also the further actions that we are embarking on that are listed as an appendix to the agreement really sets the work plan for us in the coming years in terms of moving into those next set of conversations. I'm happy to answer any questions and hear any comments.

**Fritz:** First of all, mr. Powell, michael, thank you so much for your service. I was at the concert on edgefield on sunday, and a woman mentioned powell's was the best book place in Portland. You will continue to be known for the bookstore and as a father of a streetcar system in concert with others. Thank you very much for your service. Art, I have a question both for my own interest and something else. It's on page 16 where you have what I have seen as the most detailed proposal for how you would figure out costs that I have seen yet in my three and half years on the city council where the cost is three lines of equations, including one that says  $c$  equals a star multiplied by 1.058 plus multiplied by 1.064. I'm just wondering what was the overall intent?

**Pearce:** We have an MIT grad to thank for this, I believe, and that is Dan Caulfield from trimet who is able to think of the world in these types of equations.

**Fritz:** Do you know what the overall goal was in getting down to the three decimal points?

**Pearce:** You might have to ask alan. He has more experience with this.

**Leyton:** The basic idea is that there is a section of the streetcar where it's crossing the max tracks where the actual electricity is coming from the max system versus a streetcar-dedicated system. In the spirit of accounting for everything and taking account of all of that, this accounts for electricity and the cost of that electricity.

**Fritz:** Wow. It's very impressive.

**Leyton:** I agree.

**Adams:** Thank you, gentlemen. Anyone wish to testify on this matter? Please start calling the votes on both.

**Saltzman:** Well, I do want to say those are very elegant equations. Thank you to mr. Caulfield for that. It's my pleasure to support both of these agreements and to do so with a lot of pride.

Particular thanks to michael powell for his vision and leadership on this effort as well as people like rick gustafson, vicki deide, harter mcnickel, roger shields, a lot of people. And I think michael said it right. It's an icon of Portland. Just like commissioner Fritzes said, like powell's books, it's one of those icons people think of. When asked, what should I do, the hotels say powell's books, ride a streetcar. It really is an icon, a great way for people to get around, and it's a great redevelopment tool, as has been proven wildly successful in northwest Portland, and i'm very confident the east line will do the same. Thank you all. Pleased to vote aye.

**Leonard:** This is a great agreement, and I want to thank michael for his service and look forward to crossing paths with you more at the seafood restaurant on powell soon. Aye.

**Fritz:** Perhaps even more impressive than this equation is the fact that when I asked the staff of both city and trimet what it meant, you had the answer in an instant. There's been a lot of attention to detail in this process, and I greatly appreciate that. I'm very glad to see this detailed agreement and look forward to continuing to participate in making it. Aye.

**Fish:** Michael, thanks for your leadership. I don't know what you're more proud of, the passing of the torch to your daughter at the bookstore or providing such a strong foundation for the streetcar to the next leader of the organization. Congratulations on both. My colleagues have said all that needs to be said. Aye.

**Adams:** I would also like to underline the thanks that have already been given and am very pleased that this is moving forward, especially art pearce, the project manager, greg jones, cathryn in my shop and the folks at trimet. Thanks for your partnership on this.

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**Item 869.**

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

**Adams:** Aye. Now we're adjourned.

At 3:27 p.m., Council adjourned.