



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 10TH DAY OF OCTOBER, 2012 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Adams, Presiding; Commissioners Fish, Fritz, Leonard and Saltzman, 5. Mayor Adams was out from 11:21 a.m.-11:30 a.m. and left the meeting at 11:42 a.m. Commissioner Saltzman presided in Mayor's absence.

Commissioner Leonard arrived at 9:38 a.m.

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

Items No. 1136, 1139, 1140, 1143 and 1144 were pulled for discussion and on a Y-5 roll call, the balance of the Consent Agenda was adopted.

The meeting recessed at 10:52 a.m. and reconvened at 10:57 a.m.
The meeting recessed at 11:30 a.m. and reconvened at 11:33 a.m.

COMMUNICATIONS		Disposition:
1126	Request of Frank Zdybel to address Council regarding towing of vehicles with animals inside (Communication)	PLACED ON FILE
1127	Request of Charlie White to address Council regarding dosage of water fluoridation (Communication)	PLACED ON FILE
1128	Request of Fernando Solis to address Council regarding October National Homeless Day (Communication)	PLACED ON FILE
1129	Request of Amber Dunks to address Council regarding Right 2 Dream Too (Communication)	PLACED ON FILE
1130	Request of Mark Hubbell to address Council regarding homeless issues (Communication)	PLACED ON FILE
TIMES CERTAIN		

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<p>1131 TIME CERTAIN: 9:30 AM – Assess benefited properties for water main improvements in the Deltawood Phase I Local Improvement District (Hearing; Ordinance introduced by Commissioner Leonard; C-10031) 15 minutes requested for items 1131 and 1132</p>	<p>PASSED TO SECOND READING OCTOBER 17, 2012 AT 9:30 AM</p>
<p>1132 Assess benefited properties for sanitary sewer improvements in the Deltawood Phase II Local Improvement District (Hearing; Ordinance introduced by Commissioner Saltzman; C-10032)</p>	<p>PASSED TO SECOND READING OCTOBER 24, 2012 AT 9:30 AM</p>
<p>1133 TIME CERTAIN: 9:45 AM – Accept Plastic Bag Ban One-Year Report (Report introduced by Mayor Adams) 30 minutes requested (no vote taken)</p>	<p>PLACED ON FILE</p>
<p>1134 TIME CERTAIN: 10:15 AM – Ratify a Successor Collective Bargaining Agreement between the City on behalf of Portland Fire & Rescue and the Portland Fire Fighters Association relating to the terms and conditions of employment of represented employees in the Portland Fire Fighters Association bargaining unit for 2012-2016 (Ordinance introduced by Mayor Adams) 15 minutes requested</p>	<p>PASSED TO SECOND READING OCTOBER 17, 2012 AT 9:30 AM</p>
<p style="text-align: center;">CONSENT AGENDA – NO DISCUSSION</p> <p style="text-align: center;">Mayor Sam Adams</p>	
<p>1135 Appoint Ray Leary to the Metropolitan Exposition Recreation Commission to serve a four-year term beginning September 26, 2012 and clarify the City's nomination process (Resolution) (Y-5)</p>	<p style="text-align: center;">36967</p>
<p>1136 Authorize a grant with Outside In in an amount not to exceed \$65,000 to operate the Injection Drug Users Health Services Program (Second Reading Agenda 1114) (Y-5)</p>	<p style="text-align: center;">185672</p>
<p style="text-align: center;">Bureau of Transportation</p>	
<p>1137 Set a hearing date, 9:30 a.m. Wednesday, November 14, 2012, to vacate a portion of SW Moody Dr north of Ross Island Bridge (Report; VAC-10084)</p>	<p style="text-align: center;">REFERRED TO COMMISSIONER OF FINANCE AND ADMINISTRATION</p>
<p>*1138 Authorize two Ground Lease Agreements with the Portland Development Commission for construction staging related to the Foster-Woodstock Streetscape Project (Ordinance) (Y-5)</p>	<p style="text-align: center;">185667</p>
<p style="text-align: center;">Office of Management and Finance</p>	

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<p>1139 Grant a right-of-way use agreement to Clear Wireless LLC for three years for wireless broadband Internet access services and establish terms and conditions (Second Reading Agenda 1116)</p>	<p>PASSED TO SECOND READING NOVEMBER 7, 2012 AT 9:30 AM</p>
<p>1140 Grant a right-of-way use agreement to Sprint Spectrum, L.P., for three years for mobile telecommunications services and establish terms and conditions (Second Reading Agenda 1117)</p>	<p>PASSED TO SECOND READING NOVEMBER 7, 2012 AT 9:30 AM</p>
<p>Commissioner Randy Leonard Position No. 4</p>	
<p>Portland Fire & Rescue</p>	
<p>1141 Accept the report on Budget Note on Company Fire Inspection Program (Report) (Y-5)</p>	<p>ACCEPTED</p>
<p>1142 Amend an Intergovernmental Agreement with Portland Community College for ongoing Emergency Medical Services training (Ordinance; amend Contract No. 30001806)</p>	<p>PASSED TO SECOND READING OCTOBER 17, 2012 AT 9:30 AM</p>
<p>Commissioner Nick Fish Position No. 2</p>	
<p>Portland Housing Bureau</p>	
<p>*1143 Authorize Intergovernmental Agreement between Portland Housing Bureau and Multnomah County, Health Department, Environmental Health Services Department to support Healthy Homes activities (Ordinance) (Y-4; Adams absent)</p>	<p>185673</p>
<p>*1144 Authorize a subrecipient contract with REACH Community Development for \$583,146 to provide for Healthy Homes program remediation (Ordinance) (Y-4; Adams absent)</p>	<p>185674</p>
<p>Commissioner Dan Saltzman Position No. 3</p>	
<p>Bureau of Environmental Services</p>	
<p>1145 Authorize Intergovernmental Agreement with Portland State University to plan and implement stewardship activities (Ordinance)</p>	<p>PASSED TO SECOND READING OCTOBER 17, 2012 AT 9:30 AM</p>

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1146 Amend contract with BergerABAM for additional work and compensation for the Skidmore and Safeway Pump Station Remodels Project Nos. E10291 and E10292 (Ordinance; amend Contract No. 30002704)	PASSED TO SECOND READING OCTOBER 17, 2012 AT 9:30 AM
1147 Authorize a contract with Brown and Caldwell, Inc. for professional services for the Alder Wastewater pump Station Upgrade Project No. E10359 (Ordinance)	PASSED TO SECOND READING OCTOBER 17, 2012 AT 9:30 AM
REGULAR AGENDA	
Mayor Sam Adams	
Bureau of Police	
*1148 Accept a grant in the amount of \$70,000 and appropriate \$55,000 for FY 2012-13 from the Oregon Department of Transportation, Transportation Safety Division 2013 Multnomah County DUII Intensive Supervision Program for sworn personnel overtime (Ordinance) (Y-4; Adams absent)	185668
Office of Management and Finance	
*1149 Adopt findings and authorize an exemption to the competitive bidding process to Procurement Services pursuant to ORS 279C and PCC 5.34 and provide payment for construction of The Portland Building Envelope Restoration and Structural Improvements project (Ordinance) 10 minutes requested (Y-4; Adams absent)	185669
*1150 Authorize short term subordinate urban renewal and redevelopment bonds on behalf of Portland Development Commission to finance projects in urban renewal areas (Ordinance) (Y-4; Adams absent)	185670
*1151 Declare surplus properties located at SW Beaverton-Hillsdale Hwy & SW Shattuck Rd and at 10355 SW Barbur Blvd (Second Reading Agenda 1102) Motion to add emergency clause: Moved by Commissioner Leonard and seconded by Commissioner Fritz. (Y-5) (Y-5)	185671 AS AMENDED
Commissioner Amanda Fritz Position No. 1	
1152 Establish City's intent to create a 311 Non-emergency Call Center (Resolution) 20 minutes requested (Y-4; Adams absent)	36968

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**Commissioner Dan Saltzman
Position No. 3**

Bureau of Environmental Services

1153 Amend various sections of the Public Works Improvement Code and Plumbing Regulations to implement the new policies related to the City's Nonconforming Sewer Conversion Program (Ordinance; amend Code Chapters 17.32, 17.33, 17.36 and Title 25) 10 minutes requested

**RESCHEDULED TO
OCTOBER 17, 2012
AT 9:30 AM**

At 12:10 p.m., Council recessed.

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RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND,
OREGON WAS HELD THIS 10TH DAY OF OCTOBER, 2012 AT 2:00 P.M.

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

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Kathryn
Beaumont, Chief Deputy City Attorney; at 3:42 p.m. Roland Iparraguirre, Deputy City
Attorney; and Steve Peterson, Sergeant at Arms.

The meeting recessed at 2:30 p.m. and reconvened at 2:43 p.m.

	Disposition:
<p>1154 TIME CERTAIN: 2:00 PM – Appeal of Brett Laurila, applicant, against Hearings Officer's decision to deny a four-lot subdivision and environmental review with modifications for property located on the southeast corner of SE Berkeley Way and SE Cesar Chavez Blvd (Hearing; LU 11-153362 LDS ENM) 1 hour requested</p> <p>Motion to tentatively uphold the appeal and overturn Hearing Officer's decision contingent upon the following conditions of approval: address the issue of open space tract, maintenance agreements, public street improvements, public water main extension, Fire Bureau requirements, performance guaranteed for mitigation plans and monitoring construction management development standards and monitoring requirements in corresponding maintenance and these conditions be roughly similar to staff memo dated July 30, 2012, staff prepare findings and conclusions for October 31, 2012 at 2:00 p.m. Time Certain: Moved by Commissioner Leonard and seconded by Commissioner Fish. (Y-3; N-1 Fritz)</p>	<p>TENTATIVELY UPHOLD THE APPEAL AND OVERTURN HEARINGS OFFICER'S DECISION WITH CONDITIONS; PREPARE FINDINGS FOR OCTOBER 31, 2012 AT 2:00 PM TIME CERTAIN</p>
<p>1155 TIME CERTAIN: 3:00 PM – Amend the Comprehensive Plan and Zoning Map for properties along and near SE 122nd Ave between Powell Blvd and Foster Rd (Previous Agenda 1074; Ordinance introduced by Mayor Adams; amend Title 33, Comprehensive Plan Map) 1 hour requested for items 1155 and 1156</p> <p>Motion to amend to add Finding for rescheduled hearing and re-notification: Moved by Commissioner Fritz and seconded by Commissioner Fish. (Y-4)</p>	<p>PASSED TO SECOND READING AS AMENDED OCTOBER 17, 2012 AT 9:30 AM</p>
<p>1156 Direct the Bureau of Transportation to work with the Oregon Department of Transportation to prepare a transportation safety improvement plan for the intersection of SE 122nd Ave and Powell Blvd including a financing plan to allocate the costs associated with identified improvements (Previous Agenda 1075; Resolution introduced by Mayor Adams)</p> <p>(Y-4)</p>	<p>36969</p>

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At 4:20 p.m., Council adjourned.

LAVONNE GRIFFIN-VALADE
Auditor of the City of Portland

A handwritten signature in blue ink, appearing to read 'Karla', written in a cursive style.

By Karla Moore-Love
Clerk of the Council

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

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Closed Caption File of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

OCTOBER 10, 2012 9:30 AM

Adams: It's my discretion how much time I will give you, so, with that, there is no talking to, from the audience. Period. Unless you have, at the mic's chair, this is a silent claim we have. Ok, karla, how are you?

Moore-Love: I'm well, thank you.

Adams: Can you please call the roll?

Fritz: Good morning. Every week from now I will be making a special announcement, as well as saying that i'm here, and that is to tell everybody the new number that people should call if they are feeling suicidal or if you know someone feeling suicidal, 503-972-3456. We had a tragedy of somebody jumping off one of the bridges, and we have help, and we want people to know that there is help available, this number will get you to lines for life, formally Oregon partnership talking to mental health professionals and volunteers who will help folks who are in crisis work through it, so spread the word.

Fish: Here. **Saltzman:** Here.

Adams: Here, and we'll begin with communications, karla, please read the title for item number 1126.

Item 1126.

Adams: Welcome. Glad you are here. Just give us your first and last name and that clock will help you count down your three minutes.

Frank Zdybel: I am frank zdybel. I live in northwest Portland and I want to talk approximate how towing affects animals left in cars. The city has an policy, an administrative policy. It provide that is if animal distressed while in the custody of the tower, that it may be let out of the car, and something could be done for it. But, no one is really responsible for that. The main reliance is placed on the idea that the animal will be gotten out of the car after two hours. And then handed over to animal control. But the way that this plays out at night, and afterhours operation is not particularly wonderful. Because the animal is hauled away to a place that it is not really supervised, except sporadically by people who are out, basically, paid to be elsewhere to earn commission to find other cars to tow. And only when they come back to the lot, occasionally, they might have a chance to look at the dog and see what's going on with it. Ok. So, when your constituents hear about how this works at night, they are not very happy. And in fact, most of them are outraged, and in a recent incident, a friend's car was towed with dog inside, at night. And I had two employees of retriever towing, which is our largest tower, tell me that a dog could be left in the car for much longer than two hours. One of them said it could be left in the car for 12 hours. And another one said it could be left in the car overnight. The city towing coordinator investigated and concluded that one of the employees had misspoken. I don't think that that was the answer. I don't think that that was the reason why. The problem is, that when you look at the schedule of charges, there is nothing on there that's a fee for them for taking care of a dog. There is nothing on there that's fee for them to come back to the yard to let animal control in to get a dog out of a locked car. It's easier for them to convince the owner to come back right away. And pay a \$25 gate fee. And get the dog out of the car. That way, they have to do nothing. Ok. This is not a wonderful situation. And I

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think that we should do more to keep animals out of the system because we cannot control it adequately. I have no idea when those guys would have let the dog out of the car. Nobody else has any idea here, either. Now, if you look at the schedule of charges, you will find near the top of the page, that the vehicle operator paying for 30 minutes of labor on-site. My proposal is that the tower should be required to wait at least 30 minutes for the owner to return and get the animal before the vehicle is towed. He's paying for that time. We should give it to him and to animal. Thanks very much.

Adams: Thanks for your testimony. Can you please read the title for item no. 1127.

Item 1127

Adams: Are you charlie?

Charlie White: Yes.

Adams: Welcome.

White: Thank you. Portland city council members thank you for allowing me to be here.

Adams: Can you move the mic closer.

Adams: Repeat your name.

White: Charlie white. I am -- I am a Portland resident. The plan was to put 0.7 parts a million of toxic fluoride compounds in our water thereby dosing the water. While two years ago that was considered the optimal dose of one part per million, was lowered to a new dose of 0.7 parts million. When will you take seriously the fda's non approved fluoride and say there is no such thing as an optimal dose of fluoride injection. Furthermore, you are dosing the water. While you are in no way monitoring the dosage of the people received. How do you rectify this? I find it unconscionable. What gives you the right to dose us as if we are a smear of people? How do you justify in for infant? Will you give infant warnings to caregivers? If not, you are adversely affecting the long-term health of the developing bodies who are dependent on us to make healthy choices for them. How do you justify this dose for the increasing chemically sensitive population? How does one detox with toxified water? What of the skin, the largest organ. How do you justify this dose for people who drink large amounts of water, such as athletes, construction workers, active children? What of kidney dialysis patients, cancer patients, those with thyroid and other difficulties. The elderly who due to their age, have simply accumulated toxins. Are you intending to test as a baseline the existing levels of children currently, and those exhibiting excessive amount of fluoride? If not, why not? And if not, is it unconscionable to expose them to an unapproved drug? How are you going to address other already fluoridated areas and how do you intend to accommodate these systems? How do you know the dose is consistent all along the lines? People who use fluoridated toothpastes and mouth watches, typical, they are topical and a choice. People like me choose not to. Once you put these toxic compounds into the water, how do you know that they won't get too much fluoride? With the exception of amanda and dan, why is the city council so unwilling to hear from us and give equal time to the many of us who know much more about this issue than the experts and professionals you courted and who benefit from the use and sale of fluoride? Water fluoridation big business. Private, public, partnerships moving money around, lobbyists, special treatment for special interests. Are all marketing and promotion schemes that push these policies through city after city relentlessly, and now Portland. Our mindset has been heavily and effectively promote by the dental groups for over 60 years, and at great expense of our time, our dollars, and most concerning, our health. Gathering signatures has proven to be successful because whether the great people of Portland want fluoride toxins in their water --

Adams: Your time up. Thank you.

White: Thank you.

Adams: Please read the item no. 1128.

Item 1128.

Adams: Welcome. Have a seat. And you just need to give us your first and last name.

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*****: Yes, sir.

Fernando Solis: I am fernando solis. Good morning, mayor and commissioner. Commissioner, i'm sorry. The message that I have for you guys is that right to dream does work. It work in many, many ways. Too many, to explain to you in these three minutes. The way it has worked for myself and my significant other, is it has brought us all from the cold, from the street. And I tell you this sincerely. I don't like speaking much, and I don't like telling people what this place has really done. But, this is, this is, this place does work. And I want you guys to understand that. I want you to know that, that the fines you are imposing are unfair. And, and are wrong, I mean, this place does work. It works -- it's getting people out of the cold and out of the street. And that's all that I have for you.

Adams: Appreciate your testimony. Can you please read the title for 1129.

Item 1129.

Adams: Welcome, just give us your first and last name.

Amber Dunks: I am amber dunks. At last count there were 1700 homeless people on the streets of Portland, Oregon. There is only few hundred shelter beds to go around. And there is not enough shelter. And dignity village is the first example that works of the, of the, i'm sorry, of a low cost affordable solution for people to be able to go to. They have been there for 12 years, and they have proven that, that they worked. And right 2 dream too has been in since october 10. Today is our first, is our one-year anniversary. A lot of people thought that we would not last a month. We have exceeded their expectations. We have lasted a year now with no help from, with no financial help from the city. We do our own security. We, we, actually, have provided thousands of nights to houseless individuals on the streets. What I see as the problem is I hear all this talk about, about solution for ending houselessness. There is only one solution for ending houselessness, and that is affordable housing. And until that happens, we need those temporary and transitional solutions like dignity village. They work. Give us a chance as houseless people because we are houseless people helping other houseless people. Give us that chance to prove that we can help ourselves. Today is world homeless action day. What I would like to do issue a call to action for the city of Portland and the city council to work with us and not against us. I would like to think that we all have the same goal, which is ending homelessness. I would like the city council to work with us to find the solutions because we've been there. We are there, and we are, we are -- we are struggling with this every day. And we know, we know what we need. Just give us the chance to let you know what we need.

Adams: Thank you.

Dunks: Thank you.

*****: Thank you for your testimony. Appreciate it. [applause]

Adams: No clapping. No clapping. No noise. That's why we are doing the hands. I am happy to have you removed, mr. Walsh. Karla, can you please read the item 1130.

Item 1130.

Adams: Welcome, glad you are here.

*****: Good morning.

Adams: All you need to do is give us your first and last name for the record.

Mark Hubbell: Mark hubbell, I am a proud citizen, and proud member of r2d2. I want to thank you for your time. I did not have a speech prepared, so i'm just going to talk, and we'll see how this goes. Ladies and gentlemen, you know homelessness is, you know, this is a social event. This is something that's going on around the world right now. We need to address. It is also a very, very individual event. As it affects over 1700 in Portland, itself, and around the world. I have met these people on the street. And, and they really are very caring and, and very substantial people. They have a lot to offer. Society will not see it this way, and does not see it this way. We are, we are termed invisible. We've been made to be invisible, and this is an absolute injustice against our, our,

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not only our universal but our constitutional right. These folks, you know, have a lot to offer. I go out on outreaches, and every week, and I see these people. I look them in the eye, I ask them how they are doing. And we talk about what we can do for them. The services that we can provide. And they are very simple. Help us get in touch with, with the job market. Help us get in touch with social services. Help us get a blanket. A bit of food. You know. Where can we go, this type of thing. These folks are affected by the cuts. In social services, drastically. These folks are affected by the lack of transportation. The max now, the free zone now cut. So they have to pick and choose where they go and what they do. Every day. What's most important for them. We have to think outside the box. Take off the glasses. And look at these folks for what they really are. Individuals, that help, that are willing to help. They have strengths that can be used, in this society, and they do want to get better. They are very aware of, of what they look like. And who they are. I would just like to, you know, to come up with alternatives. Work with us. This is good alternative, i'm telling you right now. Help me to help you to help them.

Adams: Thank you. Appreciate your testimony. Karla, that gets us to the consent agenda. Have there been any items pulled from the consent?

Moore-Love: Request to pull 1137, and we have had request for 1136, 1139, 40, 43, and 44.

Adams: Ok. Can you -- ok. You are going to read the titles, if you would.

Moore-Love: 1136, authorize grant with outside in, and in an amount not to exceed 65,000 to operate the injection drug users help services -- health services program. And 1137. Was requested by your office hearing day, 9:30:00 a.m. On wednesday, november 14, 2012, to vacate a portion of southwest moody drive north of ross island bridge. And 1139, grant a right-of-way use agreement to clear wireless llc for three years for a wireless broadband internet access services, and established terms and conditions. And 1140, grant a right-of-way use agreement to sprint spectrum l.p. For three years for mobile telecommunication services, and establish terms and conditions. And 1143, those intergovernmental agreement between the Portland housing bureau and Multnomah county health department, environmental health services department, to support healthy homes at this times. And 44, authorize a subrecipient contract with reach community development for 583,146 to provide for healthy homes program remediation.

Fish: Who pulled 43 and 44?

Moore-Love: A citizen, mike dee.

Fish: Ok.

Adams: 1139 and 1140, actually, are going to be carried over until next week.

Moore-Love: Actually, those will be continued to november 7th. By charter requirement.

Adams: So the title has been read, unless there is objection, 1139 is carried forward to november 7th. All right. And as well, with 1140. No objections. So done. [gavel pounded]

Adams: And that gets us to vote. Anyone else want to pull any items from the consent agenda? Please call the vote on the consent agenda.

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

Adams: Aye. Consent agenda is approved. [gavel pounded]

Adams: That gets us to time certain. Item no. 1131.

Items 1131 & 1132.

Moore-Love: Did you want to also read 1132? Ok.

Adams: Mr. Abbey, welcome back. How are you?

Andrew Aebi, Bureau of Transportation, LID Administrator: Very well, thank you. Good morning, mayor Adams. Joining me on my far left is dan from the Portland water bureau. He was the contract manager on the delta wood project for construction. And then we have chris collet from the bureau of environmental services. And we have cindy dietz from the Portland water bureau. I would like to talk -- I would like to walk you through a brief presentation here. So, just to reorient council to the location of this project, the delta wood community is located in northeast

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Portland. As shown on the map here in the presentation. And when we started discussing it, this was kind of an orphan community. And wasn't part of a neighborhood association. Around the time that we formed it, it became part of the east columbia neighborhood association. And I think council knows that there was some severe deficiencies with water and sewer infrastructure. We worked with the, the property owners and the homeowners' association to form two lids to rebuild the private water system and private sewer system. The community received an award last year, statewide award for building a better community. And that award was, was granted by the Oregon chapter of the community association. Recapping where we were at on the lid, there are 41 developed lots in the neighborhood of which one is vacant. It appears 60% those have turned over since lid formation so we have a lot of new property owners in the lid, and we have owners of two properties with us today, I believe both of those are among those property owners we purchased since the lid was formed. So, in terms of the objectives that these two lids, before the lid was formed, there was one water meter for the entire community. So, the utility billing was made via a single bill to the homeowner's association, which the homeowner's association then went and flipped the bill up among, split it up among the property owners living in the community. The problem with that is, is that we were not able to offer low income discounts because people were not on individual meters. And more importantly, the private system had major leaks and, and the sewer system was leaking, as well, you may recall we had some testimony at lid formation that a gentleman will just purchased his home, and he was finding sewage leak in his front yard shortly after he moved in. And over and above that, we also want to help the property owners eliminate the chronic and ongoing repairs to the private utility. And I want to pass this around, this is the part of the old water system. So this is what was excavate out. This was the pipe through which 41 homes were being served and dealt with.

Adams: 41 homes were serve on that pipe?

Aebi: On that pipe.

Fish: Smallest watermain we have had.

Aebi: Yeah. [laughter]

Aebi: And finally, there was a back fill when we formed the lid. Unfortunately, there is one. It declined slightly when you take into account \$44,000 credit, as of august, it was down to \$61,000, so key objective of this lid was to get everybody on individual meters, put everybody in charge of their own bill so that people could pay their own bill, and we could stop the increase and the back utility bill. And my final slide is really just to lay out for you the business case for why we did the lid. When we formed it we had an average per property lid assessment of about \$19,000 per property. And that has since decreased to 16,410. So, right off the top, everybody is saving a little over 2,500 for both lids combined. And that savings on their assessment combined with the reduction in the interim financing rate resulted in a decrease of, of what people would pay per month if they elect for the 20-year financing. So, we estimated that at lid formation, at \$152 a month. And that would now be \$120 a month. The other thing that I would point out to council, when we formed the lid we were not going to offer an lid deferral. Council passed an ordinance on the consent agenda earlier this year, where we are now offering a deferral. So, if council approves these assessments next week, and folks have applied for the low income deferral, they will not have to begin paying on their lid assessment right away because the deferral will take care them, and they can get that deferral for five years, and reapply after five years. And then this is what I found striking. We went and looked at the water usage records for the community, and we compared 2009 where we had the, the highest leakage going on in the neighborhood. And then we took a snapshot view earlier this year, and we found that the average daily usage had declined from .39, 100 cubic feet down to .15. So, it had dropped by more than half. Now, in terms of what people can expect to pay moving forward on their utility bills, some people will pay more and some will pay less. But if you just simply use that example in terms of moving forward, what the impact would be on the

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water bill, if you look at those highlighted numbers on the right, if folks do not qualify for the discount, they could expect to see somewhere in the neighborhood of \$81 per month reduction in their ongoing utility bill. If, however, they qualify for the low income discount, which we expect many will, they are, their saving would be somewhere in the neighborhood of \$121 a month, so if you do the math you could see that the lid, essentially, were pay for itself, especially if they qualify for the low income discount. So, that's all that I had to share with you today. And I am happy to answer any questions, and I have got bureau staff here, as well.

Adams: Questions from council?

Leonard: Were we going to talk about the bes portion?

Aebi: The numbers were for both water and des combined.

Adams: All right. Would anyone -- and you are here to testify on both items, right? This covers both items?

Aebi: Right.

Adams: Anyone here that wishes to testify -- thank you very much for your great work on this. We really appreciate it. Thank you for your participation. We appreciate it. That's one small pipe for a lot of people. Anyone wish to testify on this matter?

Moore-Love: We have three people who signed up.

Adams: Please come forward.

Adams: Welcome. Would you like to begin, sir?

Craig D. Cummings: Certainly. I am craig, I live at 9527 northeast earth circle, and I am a resident in the hall. Basically that pipe part of a pipe that came out of my front lawn. I have another bigger two foot long section where, where a foot and a half of it, had zippered open and was no longer usable. That essentially resulted in my subfloor being flooded for two days. So, basically, we were like next door neighbors running his sprinkle 24 hours a day, seven days a week and the water was going out in the street, totally irresponsible. I appreciate you authorizing this particular upgrade so that now we have a neighborhood that is livable and sustainable. Thank you.

Adams: Thanks for your participation. Welcome.

Christine Hermann: Thank you. Good morning, mayor Adams and city commissioners. I am christine hermann, and I am a property owner in the delta wood community. I am here today to tell you about the residents of delta wood. Number two, to describe why the assessments are a substantial burden that will exacerbate the neighborhood's foreclosure problem, and three, to respectfully ask you to defer making a decision until you have visited the neighborhood and heard first hand their concerns about how this decision will affect them personally and as a community. And talk to you about scribe delta wood. There are 41 extremely modest small homes, 90% of them. Two bedroom, one bath, 620 to 740 square feet, located approximately a half mile north of columbia boulevard and east of mlk. You would not know that they are there. They are hidden away, they are surrounded by a motel, a trailer court and trucking and light industrial uses are surrounding these 41 homes, which you would not seen unless you drove off mlk. The majority of the homes, I looked at all the ownerships, are owner occupied by -- I personally met many of the neighbors and asked them what in evidence. A number of them are on fix incomes, or they are employed in lower wage jobs, and retail service sector landscaping, and in the trucking industry. I looked at our data for sales in the neighborhood, and there was six homes sold in the neighborhood in the last two years. And the average sales price was shockingly under \$40,000. No homes were sold in the last year in that neighborhood. This compares to an average price of \$240,000, the median sales price on the latest sales in Portland. I met several of the homeowners in delta wood and talked to them about the assessments and the impacts that it will have on their lives. Although, I encourage the, my delta wood neighbors to come today to tell you their stories in person. They declined because number one, some of them have jobs that preclude them from talking to you in

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person. The next door neighbor is disabled and was unable to come. And they have life experiences, I think, that preclude them from being able to advocate for themselves. And they are not politically sophisticated people. They said I don't know, I can't go downtown and testify in front of city council. But, I do want to update you on victor mercado. He lives at 990 who did provide a letter in 2009 to object to the proposed delta wood phase one lid. I have a picture of victor's home. And I don't know if I am allowed to introduce it.

Adams: You can give it to karla, and she will pass it to us.

Hermann: I have pictures. I have the letter that he wrote, just -- because pictures tell a thousand words about, I think, about what this is. So he claimed in his letter, it was hardship. He had six children. He was unable to, and this was in 2009. Mr. Mercado was unable to keep up with his mortgage payment and the hoa dues, which couple years ago were over \$200 on top of the mortgage, and they were so high because of the amount that the, the hoa owes the city. It was \$100,000. I appreciate the fact that the city reduced it by \$44,000 but that was still, but there is still 61,000 owe. The dues are currently less than \$200 but it's still, because the homeowners are not paying, are not setting aside money to repay that. So, for over year, mr. Mercado tried to sell that house, and I have given you it for \$45,000 at home. He was, the home was unable to be sold this year, and it went, and he's now in default, and he has moved, and that home is vacant. There is at least one other home in foreclosure, and that, in that neighborhood, and I did the research on it, and I looked at every ownership since 2008, 12 of these 41 homes were foreclosed on. That's a 29% foreclosure rate. It's important for the city council to understand that the phase one and two liens are not the only hardship the city is imposing on these very predominantly low income homeowners. It's a triple burden. The liens, I understand that's a maximum of 16,500, and I appreciate the fact that council, or that the city is, has reduced it from over 20,000 maximum. The homeowners must also connect to the city sewer within a very short period of time. And the city -- my discussions with city staff estimate these likely to range from \$3,000 to \$10,000. And also, as I said before, the hoa owes the city \$61,000, which the homeowners must repay. And I appreciate the fact that you have the safety net program, and I think that that's great. And that safety net program may defer payments for those that qualify. But, still, for those that qualify, the principle and interest is accruing, which wipes out any equity that the homeowners may have. And there are homeowners that may not qualify for the safety net and the additional payments will be a hardship for struggling homeowners. It may cause them to default. I know one person was saying, I appreciate the city came to help people fill it out, one person said, I don't know how i'm going to pay for this, so for all the homeowners here, if the homeowner has any equity the city will take all or a large portion of the equity from struggling homeowners whose home was likely to be their only asset. Please consider my request to defer your action today and get to know the residents of the, of the community, before you decide to pose an assessment, which will likely wipe out any equity if any of them have it in their home. Thank you very much for your time and consideration of my request.

Adams: Thanks for your testimony. I really appreciate it. Welcome.

Lindy Nicola: Hi. Good morning, mayor and commissioners. I am lindy lou, and I am a property owner, as well, and I think that christine summed it up, really, basically, by saying that these people can't afford, even if it's deferred will never be able to afford to pay that assessment. Yes, I do think that the system was needed. And you know, much like he said, it's to benefit the neighborhood, but I think that, that if you don't understand the neighborhood, and the, the homeowners over there, it's, for instance, I think you received a letter from, from vivian, on october 3rd, and basically, she's stating, you know, the assessments are going to run \$16,000, and along with the hookup charges, that they are also going to be responsible for, and according to the city staff, it said that they were prepared to have loans for maybe from \$,000 to \$10,000 for the hookup. So, and just to reiterate, on the attachment, she shows the six homes and at what they were sold for, and in the past two

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years, it was 50,000, 49.5, 40,000, 36.9, and 31,000, and 29.5. And it sort of shows you by the time they do their assessments, they will have no equity whatever. I think if you have not really gone into the neighborhood, yourself, and seen it, it's really sort of a very different, very unique, little community that's nestled among the industry, and so, the homes are no longer worth what these people paid, for like in 2007, there were a lot of homes that went for like from 100 to 150,000. And just to show you how, how much they have decreased in value. So, while we're saying that yes, we think the system was needed, it's that these people are not going to be able to really pay for these, even if it's deferred, unfortunately, some of, some of the less sophisticated people felt like the deferral meant they would never have to pay. So more than anything we would ask that before you decide to assess the, this part of town, that you, at least, go out and make more, more decisive, a more decisive choice by talking to the people, and realizing that these people will never be able to pay that kind money, if they do, they will have to walk away from their homes. They won't have a choice. So. Actually, what we're asking is to defer it and do further study of what the people are going to be able to do.

Adams: Thank you for your testimony.

Saltzman: What was your last name?

Hermann: Hermann.

Saltzman: And miss nicola. I appreciate all of your testimony very much. And it's very compelling. But given the infrastructure, deficiencies, in delta wood, isn't it going to enhance property values? If the sewers and water service are, are adequate? And not, not leaking?

Nicola: Oh, we don't testify it will benefit the, the little area. It's just that people can't afford to pay the assessments. And they have no equity left in their home, if they pay it, they will have no equity left in their home.

Saltzman: So you are suggesting that we just don't do this, these improvements?

*******:** Well --

Saltzman: I will just asking.

Hermann: No, I am not suggesting you don't do the improvements. I think that that's great, the improvements, they need to be done, you cannot have 41 homes with leaking pipes. And to answer your question on the property values, they are determined by comparable sales in the neighborhood.

No sales in the last year, you cannot sell those homes because of the hoa. Also because of the hoa dues, they are high, and people realize that they owe the city \$61,000 and might go up to \$200, they have this assessment that's going to increase, so, I mean, it's combination of your values are about \$40,000, and that's what they are, and that's the last, the last sale, the six sales average 40 to \$50,000. And we don't ask to defer the program. The program is, basically, done, except for the hookups. That's all that's left in the program, and like the city says, maybe \$10,000 no each person to pay for their home. And after they redo the street, I had to spend a large amount of money to do a french drain because in evidence not put the street back like it was. And because things tend to flood there because they are in a pocket so we had to do a fringe drain and a more expensive drainage system. It's still flooding. There is one house that stays flooded, and it's not going to, you know -- I don't know what they are going to do. You know the one at the very end.

Saltzman: So it's worth the improvements but figure out way to make it less of burden.

Nicola: We are not denying this is a great improvement needed but the assessments that are going to be put upon these homeowners are going to be so excessive, that i'm afraid there will be a lot of people that will have to walk away from their home.

Adams: Thank you very much, appreciate it. Anyone else wish to testify on this matter? Council questions of staff?

Saltzman: This is a first reading?

Adams: Yeah. I just want to make sure. I guess.

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Saltzman: Andrew, why don't you come up here. So I know lids are a strange duck, there is a bes, lid, bureau of environmental services, sewer lid. And is this something that I can return to my office? The bes portion, and I would like to revisit some of the issues in light of this testimony.

Aebi: Sure.

Saltzman: You are doing great job but i'm hearing some heartfelt testimony, too.

Aebi: Sure. Commissioner, the council has the full discretion to put off imposing the assessments. I guess I was a little confused hearing the testimony because again, we are planning to offer a deferral, so, if the owners apply for the deferral, and I can have chris collet come up and speak to this in further detail, but if there are folks that want to apply, I think that it was their intent to continue working with property owners to grant that. So, in theory, if you impose the assessment next week and the deferrals are offered, there is no cash out-of-pocket for the lid. I think that one thing that would be worth pointing out is that we really have two separate issues here. We have the lid issue, and we have the hoa issue, which is related to that utility bill. The huge utility bill, the back bill, the delinquency on it, that all predated the lid. The lid did not change that. The lid, basically, just stopped the bleeding, so that, that the bill wouldn't continue to increase as a result of ongoing charges. So, I appreciate the fact that that could be a deterrent for people purchasing homes, with the charges being meter. That will become less of an issue over time so that really is a completely separate issue from the lid, and the action you are weighing here today will have no effect on whatever issue --

Saltzman: I appreciate this. I guess, and I am hearing, there is a lot of people living on the margin in the city, and people in delta wood seem to be, you know, below the margin if not living on the margin. I would like more time to sort through this than next week so if you could set it over couple of weeks.

Aebi: Ok.

*****: There are two.

Leonard: There are two ordinances.

Saltzman: I am asking the bes.

Leonard: I have the companion ordinance, and I think I would expand on the question you asked of the witnesses, and this is not so much a question for andrew, but I am familiar with the real estate market right now, and I will think that anybody that was interested in a house in delta wood would be spooked by the lack of water and sewer service. Maybe even more than the hoa liability, and that these properties will have city water and sewer service, should not be underestimated in terms of raising the value of the properties that these folks are concerned about. So, I absolutely agree, we ought to do everything that we can to make it as easy as we can, but I think that we have done that. I've been satisfied that the water bureau has, and if you are not satisfied that bes hasn't, it's your right to take that back, but I think that we have provided a program, and replaced a really disfunctional system administratively and physically, and I think that folks that have undervalued properties will now find that they will more than recoup that investment, particularly with the deferral that these properties, has been pointed out, and I have been to delta wood. I used to work in that area, and there is a lot that people might like in that area, as well. It's a very unique area, and it has some natural beauty in and around it. So, I would think that now that we have correct these issues, that they will find, they will more than make up what the cost was in improving the equity of the homes.

Adams: So do you want to send it back or two weeks out?

Saltzman: Two weeks out.

Adams: And you are fine with it next week or two weeks?

Leonard: Next week.

Adams: So unless there are objections, that 1131, we'll continue it for council consideration next week, and 1132 is sent over to, set over to october --

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Moore-Love: 24th.

Adams: October 24th. So done. Can you please read the title for item no. 1133.

Item 1133.

Adams: Oregonians use 1.7 billion single use plastic bags each year, estimated, the equivalent of 444 bags for every man, woman, and child in the state. Every year. Plastic bags contaminate our waterways and storm drains, damaging marine systems. They jam up our recycling facility machines and cost thousands of dollars in maintenance and repair. That's why last july, the city council approved an ordinance, to inhibit the largest generators of single use plastic bags, large grocery stores, retailers, that have pharmacies from distributing these bags. Today part of that ordinance also required that we come back for a year review. That's what the report is today. And my intention is to take the report today and testimony and come back in november with the next steps, which was also alluded to in the first ordinance. So, I would like to introduce our fantastic director of the bureau of planning and sustainability, to take us through the details. Susan anderson. Director anderson.

Susan Anderson, Director, Bureau of Planning & Sustainability: Thank you, and good morning. Susan anderson, director of bureau of planning and sustainability. It has been about a year since we adopted the ordinance and the policy to promote reusable shopping bags and also to reduce the use of plastic shopping bags, so you all adopt the ordinance in july, and he went into effect on october 15th of last year. After council adopted the ordinance, we worked with 167 different grocery stores and pharmacies that were affected by the ordinance. The grocery stores were ones with growth annual sales of \$2 million or more, and large retailers with more than 10,000 square feet that have pharmacies, so those are the groups affected. The reason we did there was to reduce the plastic bags going to the landfill and gum up our recycling facility equipment. And second also to encourage the use of reusable bags instead of disposables. So to that end over the past year we worked with stores to encourage them to offer for sale, reusable bags, and we provided reusable bags and educational materials for low income families and for seniors, and we worked with elders in action, loaves and Fishes, the Oregon food bank, and several other organizations to distribute reusable bags, and provide information in five different languages. So, we have had the program for a year, and so I thought I would come back and report on how it's working. First of all, we found that since implementing the program, and this is only during the first two weeks, we had four complaints that this, people were still using, or were still handing out plastic bags we went to the stores since, and everybody is in compliance at all stores, and we have had no other complaints. And a second finding is that reusable checkout bag use went up, so people are remembering, they are doing it more and more. And a third finding is that, is that paper, checkout bags have increased dramatically so while many have shifted from plastic to reusable, many others have shifted from just using plastic to using a paper bag. So, the bottom line is, we have eliminated single use bags at 167 stores, increased the number of Portlanders that are using the reusable bags, but we have also increased the number of paper checkout bags, and while they are made from recycled paper and most of them are recycled or compost later, it is still better to get more people to use reusable bags. As part of the report we also looked around the country, there is 20 or 30 other cities that have banned plastic bags. We focus on west coast cities, corvallis, eugene, l.a., san francisco, santa cruz and seattle to see how they were addressing this issue of increased paper bag use, and what we found was first, that some of the cities have expanded their ordinance to kind of go beyond the grocery stores and, and several of them have gone to all retailers. So that's been an expanded program. And also, to reduce the number of paper bags used, they are beginning to charge for those bags, either five or ten cents depending on the city. And the charge provides a very clear price signal. That people can save money if they bring their bag. What it doesn't really tell you is that you already are paying for the bag. It's hidden in the cost along with labor and electricity bill and everything else. So, it's not a new fee. You are paying for it. It pulls it out separate so people make

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a decision on whether they want to make, and whether they want to pay for that part of the service. So, if you want to think about the next steps we have three options, the first is to keep the status quo, and maintain the bag ban as it is, and it has us work hard to, to expand marketing efforts to encourage reusable bags. The second is to expand the policy to include all or most retailers because there are still millions of plastic bags out blowing in the wind or ending up in the garbage or in the recycling that causes the recycling equipment to have problems. A lot of problems. And again, in caution, expanding the program, that means a lot of people will shift to paper bags, and unless we have some kind of a huge campaign, around reusable bags. So, just broadening to all without having some kind of fee will end up shifting from plastic to paper.

Leonard: Can I ask you about that? When I understood this issue when it came before us originally we had legitimate concerns, I certainly had concerns, I think, based on empirical data that once plastic bags get into the environment they stay in the environment and may end up in wildlife or in landfills but they are there forever. This feels like you are shifting the focus to include paper bags as part of a problem. And I never understood paper bags to be a problem. And I am concerned about calling out a mandatory five cent cost or 10-cent cost for paper bags. Maybe you can help me to understand why all of a sudden we have grouped paper bags along with plastic bags as part of a problem, and if it is a problem, why is it a problem?

Saltzman: If I can follow up, you mentioned that, like electricity, labor, paper bags are part of the cost of doing business.

Anderson: Right.

Saltzman: What's wrong with that? Why shouldn't the retailers bear the cost of the paper bags?

Anderson: This is --

Saltzman: Reusable bags are up 300%. Why don't we declare victory that after a year reusable bags are up 100% and plastic bags are ban?

Leonard: You can get to that question. I want to first understand why all of a sudden, paper bags have become synonymous with plastic bags as a problem. I don't understand that.

Anderson: All along, that was not the only problem. The issue is, is plastic bags have, have -- this other problem, which is dealing with the environment and being in wildlife issues, predominantly. Both paper and plastic bags, you will see the side-by-side comparisons. Use lots of energy. It's an unnecessary item in terms of, potentially, some, some, and many probably look at paper bags are unnecessary because they are paper and you can use a reusable bag, which would save three and energy and water in the production of those bags.

Leonard: That's a different argument than what we had several years ago.

Anderson: I think several people here --

Leonard: From the proponents of the ordinance we pass. We were focus on eliminating plastic bags, and that argument seems to have expanded to include the villainous paper bags.

Anderson: I feel like we made both those arguments in the beginning. But I am happy to continue to have the conversation. This is why we are bringing it forward is to say do you want to keep it as it is, do more marketing and propose the bags or give people a signal that we want to shift towards reusable bags more broadly. For those, those are the three options. San Francisco, L.A. County, they have shifted to the five cent fee because they are looking at it as a way to broaden for looking at wildlife issues, but also looking at energy, water, tree resources, and going into paper bags. So, we're going to look at options with stakeholders, the grocers, with the public over the next month or so, and we'll come back to you and have that discussion then.

Saltzman: I will pursue my line of questioning, so paper bags don't clog recycling machinery in paper bags have a heavy recycle content. Over 30%, at least in Portland. Paper bags are by and large manufactured employing people in the Pacific Northwest. Ok. So, do you think this is a good time to be taxing people's food when hunger is the record levels? A five cent, 10-cent bag fee is a tax on food.

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Anderson: Well, I would love to do this a little bit one-on-one to break out all the costs of bringing you your groceries. You pay for the bag. And so, you know, you could have long discussions about whether the grocers are going to reduce their cost on all their products by a certain amount, because the cost their bags are going down. And they are getting this additional revenue just like you could for any of the other inputs that go into it. So yes, by pulling that fee out and making it very visible, it's giving the consumer a choice about whether they spend it or not.

Saltzman: I guess if you look at the fact, again, people, as question we just heard in the previous testimony on the delta wood community there is a lot of people living below the margin or on the margin. I would say the low income population of Portland probably exceeds the population of corvallis and eugene combined.

Anderson: And I.a. County.

Saltzman: So I don't think that we're talking about considering impacts of a tax on food, on low income individuals. As noble as it may be, it's an embedded cost, why not leave it. we have increased for reusable bags 300%. We have banned plastic bags, and why do we need to do this at this time?

Adams: Commissioner, what's before us today is report on what it accomplished and the report on what other communities have done, so the conversation is, and the discussion is totally appropriate, that's what we're doing, but I feel behind your comments some decision has been made, and we're the ones that make that decision. Not somebody else. So, the conversation, the reason to bring this forward is to have the conversation, what we have accomplish, what other cities have done, and the three options the director has made very clear are on the table, there can be hybrids, others. That's the reason to have this public conversation. I would also just like to say that I was very clear, we were very clear that both paper and plastic have impacts on the environment. They are different impacts on the environment. The fact that we have local manufacturers and high recycling of paper bags here is something that we talked, about and something that we need to keep on the table as we look at next steps.

Saltzman: I would say part of the reason that I support the plastic ban, and I said so at the time was paper employs people locally. Paper bags. So, that was part of my decision-making matrix so I want to take this opportunity to say that I don't believe it's a good time to be taxing food. Period. And you can call it what you want but that's what it is. So, I am taking this opportunity to say that I am unequivocally opposed to any kind of a paper bag fee. When I look at retailers like target, that made net income of almost \$3 billion, kroger, net income, \$600 million. As far as i'm concerned, I am not sympathetic to the incurred cost of paper bags to them. They should just treat it like cost of doing business, and it's a cost of serving customers. Customer convenience, is a lot of what marketing is all about. And in the grocery business. So --

Adams: I would like to open it up to public testimony unless there are additional discussions with council and the director. Karla, can you please call up folks that signed up to testimony.

Moore-Love: We have four people.

Adams: Please come up, give us your first and last name, if you are a lobbyist, you need to disclose who you are lobbyist for. Welcome. Who would like to begin.

*****: Sure.

Joe Gilliam: Council, I am joe gilliam, I represent the northwest grocery association. And there are 55 stores who are members of mine in the city of Portland. Who are affected by the ban. You have most of the stats, I think, in your report. These are strictly from grocery. Thank you very much. These are strictly from grocery. There are points that you have heard so I don't need to drag through the numbers. You have seen those, I will be happy to answer questions about that, and maybe my time is best served to answer questions on paper, plastic, grocery, profit margins, cost of business and those things.

Adams: Any questions for mr. Gilliam at this point? Do you want to -- is there any --

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Gilliam: We are in favor of -- when we look at the ban and what took place, it's a partial success in that you did remove plastic, and the issues of litter and the things associated with the plastic bag. What I testified here a year ago, there is no sober bullet bag. There is no perfect answer on the all the bags, so you did get at that piece. So it needs to be broadened to include all businesses with the plastic bags, we support a 4 to 5-cent fee on paper bags, and the reason for that is if you talk about a tax on food, as a paper bag, and the taxes have been increased and placed on the store, when we did the plastic bag ban. The plastic bag ban cost each store roughly \$23,000 year in new costs. Because plastic bags are cheaper than paper bags. So do replace those bags and the usage, and on the sheet, you could see the usage that we had, it comes out to \$23,000 a year that each store, grocery store is now in new costs is passing onto the consumer. One thing the nickel on paper achieves, actually does two things, one, is encourages people to use reusable. Now, you may have an issue with this, and that's ok. But the other thing it does is that it does not put the cost shift to the 23,000 for someone who chooses paper, on someone who chooses to use reusable. So, it's more of a pay as you go. Is it embedded cost? We imbed it? Sure, we imbed electricity, labor, it's true, but on a 1% profit margin, so these costs do affect us. If you want to know what that means in sales to us, when you add a cost of \$23,000, is a very simple rule in grocery, just add two zeros to the end of that figure, and that's what we have to do in sales, new sales to make up for the cost that was put on us. If not, and we can't find the sales, which sometimes we can't and sometimes we can, it's a price increase in order to remain level at a 1% profit margin. So, the cost of, has incurred and people, the tax has been made, \$23,000 a store, for the first six months, so it's \$46,000 a year. So, that's the numbers how they come out. The only other suggestion I would have is fluoridated reusable bags. [laughter]

Fish: We expect that kind of stuff from your brother.

Gilliam: Right.

Adams: But not from you.

Gilliam: I'm his little brother.

Jessica Miller: I am Jessica Miller, for food front grocery stores, we have two stores. One that is 40 years old and has never, ever offered single use plastic bags, and the other, that's five years old, and we support the ban and the extension into the possible charges. Five or ten cents, whatever it might be. And we do believe that we would encourage people to use reusable bags, and in addition, with that money, that we would get back, we don't see it as affecting our bottom line because everybody says the costs are already there. And we pay for them. We did not incur more costs because of the plastic bag ban but we see it's a way to give back to the communities so I could not speak to who knows nonprofits would be but we do quite bit of it charitably, and this would be yet another way to just put that money back into our community. And you know, there is a lot of good argument to maybe draw paper locally, but, people are still going to buy the bags, and they are not going to go away. It's just encouraging people to use reusable bags, and I think that there is plenty out there. We all have ten or 20 at home, perhaps you bring them and donate them and nobody has to buy a new reusable bag. There is several different ways to go about that, and anyway so on behalf of our two stores, you know, our revenue about \$12 million a year. We're not a target with \$600 million a year revenue. We're very local. And we support our farmers. We support, provide jobs, and we really do give back to the community, and we support in. So

Adams: Thanks for your testimony.

Fish: Can you tell us where the foot fronts are located.

Miller: The original located in northwest Portland on 23rd and Thurman, or 23rd place and Thurman and the other is in the Hillsdale shopping center. Really central to that community, and it's, it's vibrancy, so we have got a lot of people behind us about 8600 owners and we're owned by the community.

Adams: And I am one of the owners.

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Miller: Yes, you are.

Adams: Welcome.

Rob Cochran: Good morning, excuse me. I am Rob Cochran, I live in southeast Portland, and for the last several months, I have been going door-to-door canvassing it is in evenings, talking to people about the opportunity that we have to, to expand Portland's plastic bag ban. I talk to 40 people a night, five days a week from 4:00 to the 9:00 p.m. Every night. And I would say that the overwhelming majority of the people that I speak with on a nightly basis are in favor of expanding Portland's bag ban. I would like to address commissioner Leonard's concern about villainizing paper bags, and the idea is not to allow the benefits of paper bags over plastic bags, although many will consider that they are the lesser of two evils. The idea in expanding Portland's plastic bag ban is that at some point, we have to move beyond this mindset of use it once, and throw it away. If we are to expand our, or protect our oceans, protect the environment for generations to come. A lot of times the only objection I get out there when I'm talking to people at the door is, it's like, what am I going to do? I will be forced buy bags, where am I going to pick up my pet waste with, you know. And at what point are we willing to accept a certain amount of inconvenience in order to move forward? Paper bags are not, not that great. Over plastic bags, that's not what this is, about the fact is if we are going to sustain this world and keep Portland as a leader in sustainability for the northwest and for our state, it's really up to us as the largest city in the state of Oregon to take that next step. Last year, I was very proud when our city took the first step and became the first city in Oregon to ban the bags. Now, it's time to take the next step. To move forward. Because the idea is not, not to, to ban paper bags. Ban, ban, ban. People have a real fear. But, it is our government's responsibility to protect the public interest and act in fare of it, and not special interest groups promoting propaganda to protect their interest. We have to make sure that the city council that we, as citizens, do what is right to, to protect our home, Oregon is our home, Portland is our home. And we don't want these things around, and we have an opportunity to do that now, and I urge the city council to take that action. Thank you very much.

Leonard: Let me respond since you brought up my name. And what I said, I did not say, use a paper bag and throw it away. I am, everybody, I know, recycles them, so your argument isn't helping me.

Cochran: 5% of the plastic bags that we use in Oregon are, actually, ever recycled.

Leonard: I am talking about paper bags. And what I feel like here is there is some of what we call mission creep a bit. Mission creep. All of a sudden, vilifying paper bags in a way that I don't recall that occurring a year ago. And suggesting people throw them away. We have a robust recycling program in Portland, and I know virtually no one that would throw a paper bag away. They are recyclable.

Cochran: That's very true.

Leonard: And people put their food scraps in them. And put them in the recycling.

Cochran: Are you talking about paper or plastic?

Leonard: Paper bags.

Cochran: Yes.

Leonard: You were characterizing it as we have to get away from this throw-away society and we have.

Cochran: But they still wind up in landfills.

Leonard: But they biodegrade.

Cochran: But the fact is, the cost of producing paper bags also has a carbon imprint on, on the environment. And so, it's not to say that paper bags are so much better. We want everybody to use paper bags instead of plastic bags. What we really want people to do is to think more sustainably. And to begin to use reusable bags. If you go to the store and you are going to buy one bag of groceries and you forget to bring the reusable bag, you know, you might have to pay five or ten

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cents of a fee for that. Not a big deal, but if you are going to the store and you are buying 10 or 20 bags of groceries, and suddenly you are force to pay, you know, 50 cents or a dollar --

Leonard: You are not helping me. You really aren't. Your argument is having the opposite effect on me.

Cochran: Ok.

Saltzman: I want to start out by saying the northwest grocery association, you know, coming out in favor of this plastic ban, in salem here, last year or two, I appreciate working with groups like this, but, you know, again, I just think that a tax on food not good. And I guess it is our concern to worry about the environment, we made a big gain. Where we ban plastic bags. And reusable bags are up 300%. So, it's also a concern of this council, and we have talked and acted a lot on this issue, about food security. And people's ability to afford food. And so I guess, I know a lot of your retailers already offer nickel off. I get nickel off when I bring my reusable bags. So what's wrong with that?

Miller: We give it to charity. We don't, we don't give the customer the discount, we donate five cents to a local charity. We change it quarterly or monthly.

Saltzman: So what's wrong with that as an incentive to --

Gilliam: You defer, you do defer cost, if you bring the bag back. We're not giving you a paper bag, that saves us about seven cents, five to seven cents, depending if it has handles or how thick of a bag it is. So, giving it off is just coming out --

Saltzman: So, isn't that --

Gilliam: You are talking about nickel on paper bags as an incentive to use reusable bags, i'm saying we're getting five cents -- what our goal -- What our goal is, is that we don't support a dime.

We think it's too much. We think nickel is appropriate, gentle reminder that you can avoid the nickel if you want, if you bring your bag in, and we are encouraging people to bring back their paper bag and using it twice. Or three times. You get three uses out of a paper bag. It does not have to be a fabric bag so there are some offering incentives, and there are others that, you know, sell a keeper bag. There is one down to a quarter right now. It's cheap like a plastic bag but it's reusable. So there is different innovations in the marketplace. But when you talk about the cost shift that the first part of this ordinance put on us, you raised the price of groceries by voting for plastic bag bans. We have had to incur, 46,000 year per store. And add that up for 5 stores, and across the city, and it gets high pretty quick. That's happened. So the issue now is, is why we're supporting the five cents, for those to pay as you go and not pass their cost, if they just say I will not use reusable, not going to do it, they pay. It's completely avoidable. And we're encouraging our folks to bring the paper bags back two or three times and use them up and then put them in the recycle bin. There is a lot of good things about paper bags.

Saltzman: I appreciate what you are saying but I think that there is an inherent assumption that grocers should be compensated for the plastic bag ban, and last year, have us ban the bag, and frankly, I think there was some agreement struck between the association to come back this year, and go for the nickel or a dime on the paper bags. And as sort of a quid pro quo, and like I said, I just -- you know, is this a good time to be taxing people on food? You are saying in one way they are pay it go already, but is this a good time to be doing that? With hunger at its record levels in this state? And this city?

Gilliam: Commissioner, I think that we just disagree on how that charge is. We've been hit with the cost. We're saying, there is a better way to do that, and get results. People pay as you go with a nickel on paper, and we are cross subsidizing those who bring reusables, and we're recovering our cost, which you imposed on us last year. I was not in favor of the ban last year, without the nickel and not being applied to all retailers and I testified before, so just to clarify my position, we were not happy about only being grocery, only being drug, we don't think that's fair.

Saltzman: I hear you on that point.

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Adams: So what's in front of us is, again, a discussion, about status quo, expanded from the 160 odd stores that it applies to now. And looking at the, whether to add a fee. Those are the options for public discussion. And that's -- we're required by the ordinance to come back for a report. We have accomplished that today. I will be conferring with my colleagues. We'll be conferring with the community, and all stakeholders and figure out which of those three are hybrids of those three. I think the discussion is really important, and I think it's robust but remember, in addition to status quo, do we want to expand it beyond 167 stores, so I don't lose sight of that as what other communities have done.

Leonard: We have not discussed that here today, but I think that I am, philosophically I don't see how one can ban plastic bags in the smaller and not the smaller stores, as well.

Adams: Thank you for your testimony, you may return to your seats. So, I fulfilled my obligations under the previous ordinance.

Saltzman: Is there more testimony?

Adams: That was it.

Moore-Love: Two more people signed up.

Adams: Welcome. Anyone else want to testify? This is usual last opportunity. Ok.

Sarah Higginbotham: We, actually, in you are defense thought we were signed up. So I apologize. Hi, my name is [inaudible], and I will jump right in. I am the state director at environment oregon. We are a citizen environmental advocacy organization. I am here to represent the thousands of members that live in the city of Portland. First and foremost, I would like to applaud and thank the city council for being the first to step up to the plate and take action against plastic bag waste by banning the bags at major retailers last year so thank you. Not only has it the plastic bag use dropped but reusable bags have increased. Since the passage of Portland's bag bin, we have seen Oregonians push on this issue around the state. Corvallis enacted a more comprehensive policy in your reported. That covers all retailers. And the city of eugene is considering that same policy and that same model. What we have also seen up and down the west coast is a continue movement to address the plastic waste that's polluting our oceans and environment. And this summer, california had the 50th city ban plastic bags, and we know that about, about, excuse me, a third of the state is living in or about to live in a plastic bag-free community, that's a huge progress, that includes los angeles and san francisco. And in the state of Washington, we have seven cities that have banned plastic bags, including seattle, and that's also a huge progress, and the vast majority of those cities in california and in Washington have adopted a more comprehensive model than Portland did. Portland's bag policy in 2011 was a fantastic start. But let me be clear, it did not go far enough. And I am going to bring the conversation here back to plastic. You all probably heard quite a bit about the great pacific garbage hats in 2010 and 2011. I am here to report in 2012, it is still there. It continues to wreak havoc on our marine mammals, our seabirds and continue studies are released every day, not every day with frequency, about the effect, and I would like to draw your attention about the article at the cover of the Oregonian on september 25 that highlighted the vast amount of toxic microplastics on our beaches, and in about one square meter on crescent beach we pulled out, not we, an advocate pulled out a half a pound of plastic waste just in one square meter on one of the beaches. So, the question of how much longer we can ignore the results us using the non biodegradable plastic is, you know, I think, why so many of us are here today. So, to be very clear, Portland continue to make meaningful progress on this commissioners, so what environment Oregon supports is an expansion of the current policy to all retailers with a phased-in approach that includes restaurants to, mitigate the increased use in paper bags. We also do support what other cities have paved the way on, which is that pass-through cost is incentive on paper bags and we support a 10-cent charge there, and also I would like to add I am submitting a letter, as well, that includes the support of not only the Portland surf rider Portland, the audubon society, Oregon shores and oceania who support an expansion in that will cover more

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retailers to really address all the plastic that's coming out of the retailers and restaurants. And I want to thank rob who came up, he's a member and to all the volunteers of this. We have been talking to people every day about this issue. Thank you very much.

Adams: My understanding is that, in cities like san francisco, seattle, and corvallis, that the tanif food stamp also trail card, also, are exempt from the five cent fee, is that accurate?

Higginbotham: It is, with a caveat. So, wic are addressed in that issue because of the federal regulation about, about discrimination on tanif. There is some different ways to work around that. You cannot identify someone on being a tanif recipient but there is different ways such as just having the, the -- we wanted to ask for one.

Adams: Wic and food stamps in some of those cities are exempt from the five cent fee?

Higginbotham: Yes. Correct.

Adams: And here with our Oregon trail card, which is --

Higginbotham: Yeah.

Adams: Great. Hi.

Tara Gallagher: Hello. Good morning. I am tara gallagher, I am the vice chair for the Portland chapter of surf rider foundation. And I agree with everything that sarah just said. I had some prepared remarks. I also think I need to address a couple of the points made. As a grassroots organization, we really see this as a watershed issue. As volunteers and stewards of the city, we really intimately know the problems associate with plastic bags, those have been reiterate to you over and over again, and we're marking storm drains, and when we're cleaning ivy out of parks and cleaning up trash, and plastic bags are everywhere. We have gone over the problems associate with those. But again, the current ban has done a lot. It's not gone far enough and there is more bags out there, and we do also need to address this issue of single use, or paper bags. Basically, I take real issue with all due respect, to calling this a tax. First, it is not mandatory, and also, when it was in the Oregon legislature, it was looked at, and under Oregon law, this is not a tax. So I want to make that clear. As we go forward. I would also like to address that paper bags are not the villain, but we do have climate action goals in Portland. That we addressed in the last ordinance. And to meet some of those goals, we need to start looking at our practices. As Portland residents we understand that this expansion can't really happen without a lot of outreach and education, that's why over the last four years, surf rider has reached out to hundreds of businesses, talked with thousands of Portlanders, and were at numerous events and sponsored a bus ad with the bureau of planning and sustainability to help with their bring your bag outreach. We have given out thousands of reusable bags to residents. Portlanders really pride themselves on sustainability. And they are ready for a better bag ban. I would like to thank you again for your leadership on this issue. Especially mayor Adams, and I really hope that you will consider a more comprehensive bag ban.

Adams: Thank you very much. All right. We're going to take a quick break. Compassion break, and get readied for the next topic. So we're adjourned, or we're at recess for seven minutes.

Item 1134.

Adams: 1134.

Adams: Commissioner randy Leonard.

Leonard: I will turn this over to anna.

Anna Kanwit, Director, Bureau of Human Resources: Anna, bureau of human resources, patrick ward is with me, the chief spokesperson on the city side on the contract. Chief janssens is here, and also alan ferschweiler, the vice president of the Portland firefighters' association, and jim forquer the president, is out of town so wasn't able to come. We have before you the tentative agreement that was negotiate on behalf of the city, with the Portland firefighters' association. We began the associations last april. And reached a tentative agreement in september. Which is really excellent. As you all know, these negotiations often drag on quite a long time. But, we were able to work really collaboratively while with the bureau, of course, and with the firefighters'

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association, and I am going to take a quick second and read a text message that I got from jim about the contract because he could not be here, but basically, said that he was pleased with the results, that was ratified by the Portland firefighters' association, and he stated that he believes that we have established some great relationships that will contribute to our future of success. I think that's really important. We had several overarching goals with this contract. One was city-wide goals of reducing overtime costs. A second was to focus on the importance of prevention. This is goal that the new chief has, also in keeping with the changing fire service. And finally, obtaining an agreement of sufficient duration, a four-year agreement that would allow the fire chief to work effectively with the labor management committee in order to put forth the initiatives and take the bureau in a new direction. As we know with three-year agreements we take time to negotiate those and there can be issues post-agreement and, and we are generally back into negotiation with a year. The tentative agreement is for four years in keeping with, with that one goal, and it is, it is, it calls for a cost of living increase, July 1 of each year, with a floor of 1% and the ceiling of 5%, which is consistent with what is in all of our other labor agreements. The pffa members who require replacement when they work overtime are no longer allowed to take compensatory time off. The overtime will have to be paid in wages. It is cost savings to the bureau, it's undercosted in the information that we gave you, but, when you have to bring people back in, as you do with the 24-7 operation, the cost of overtime goes to 2.25. It's not 1.5%. So it does increase considerably. Also, changes related to our goal of prevention, we accept paramedics to accept assignments outside of emergency operation, and those paramedics will now receive a premium of 3%. Otherwise when they left to outside emergency operations, they would lose 11% premium, so there was very little incentive for people to move into these other areas.

Saltzman: What are the other areas? Besides emergency operations.

Erin Janssens, Chief, Portland Fire & Rec: We have a training division as well as a prevention division. People are allowed other work.

Kanwit: A secondary benefit will be increased numbers of actual certified paramedics in the event we have a major disaster, emergency. The second premium is for fire inspectors for inspector 2 certification will receive the 6% premium. Again, that preserves the focus on prevention and does require a course of study. That is something where the costing we'll get to is somewhat overstated. It assumes everyone will actually obtain that certification, and we don't think that will be the case but did cost it as if that would happen. So you have the full impact. The harbor pilots, there is a 6% premium. This has been an issue for the firefighters association for some time. They actually brought it to our attention maybe a little more than a year ago. At that time, we said, look. Let's roll that into bargaining rather than negotiate that was a separate issue. They were willing to do that. The harbor pilots were making approximately 30% over firefighters. The 6% premium that we've put in place keeps that at approximately 21%. So we are still under what other jurisdictions are providing to the harbor pilots. The city agreed to eliminate the 12-hour vacation payback for firefighters on a 24/48 schedule. This was a very critical issue for the Portland firefighters union. It does reduce the work week by approximately -- it's just under 14 minutes, so the average work week is now 51.69 hours, and that puts us still very much in line with our comparable jurisdictions. There are jurisdictions that have a slightly longer work week than we do, and there are jurisdictions such as Seattle where they have a shorter work week than the city of Portland. It's not a change in the salary but, because it's a change in the hourly rate, the costing that you'll see for that is due to the impact on overtime, comp time, if it's taken, which can still be taken by nonemergency personnel, and overtime, those associated costs. But it doesn't actually change the salary of the pffa members. There is no premium for the rapid response vehicles consistent with council direction nor is there any change to the existing company inspection program. So getting to some of the costing, the costing over the life of the contract, with the four-year agreement, in year 1, there is a savings of the elimination of the comp time of approximately \$21,000. There's a small increase in education

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benefit and union release time, but the first year, current fiscal year, there's actually a savings to the bureau, no additional cost, because the premiums -- the new premiums and the reduction in the work week via elimination of the 12 hour vacation payback do not kick in until the second year of the contract. In that year, you will see the cost of the work week reduction is \$168,000. The harbor pilots is just over \$69,000. The inspector 2 certification is 146,000. Those are the primary cost items, which is \$441,000 for that year. Those premiums of course, for the next two years of the contract, go to -- well, not the premium. The package. 602,000 and 618,000 the total you'll see in the ordinance of the cost of the agreement approximately \$1.6 million. The cost to fpd&r is fairly minimal, about \$102,000, and that's really almost exclusively due to the cola driving the increased cost to the pension.

Saltzman: Did you say the five-year cost was --

Kanwit: We only figured the cost over the life of the contract, not a five-year cost.

Saltzman: A five-year cost of 2.8 million.

Kanwit: That carries it out after the life of the contract.

Saltzman: So the 1.6 is four years.

Kanwit: The 1.6 that's in the ordinance is for the life of this contract only.

Fritz: Am I correct that the cola would be assessed to the general fund increases as others, but the rest of the increases would not be added to the cal each year? They would absorb it in their existing budget?

Kanwit: That was not the agreement we had, commissioner. It's a discussion we have with the bureau when we negotiate changes in the contract that they may be required to absorb those costs, but it's not the bureau of human resources' place to do that.

Fish: It's my understanding -- the question of whether the new costs are built into the cal or absorbed by the bureau's budget is something the council takes up.

Leonard: Every budget year.

Fish: We take it up in the course of the budget. My guess is the first opportunity we would have to discuss that would be our budget retreat, but that's ultimately the council's decision.

Leonard: Which i'm looking forward to.

Fish: The retreat.

Leonard: Yeah.

Fish: And, randy, we're looking forward to you being there.

Leonard: I won't be there. That's why i'm looking forward to it.

Fish: Did I just accurately state our protocol?

Kanwit: Yes. Absolutely. That is correct. As I said, the cost, we believe the savings in the comp time are somewhat understated, but we set the stage for that in our negotiations as we continue per what auditors looked at in their audit, so we need to reduce the overall overtime expenditures by the city. The union and the city worked very hard to reach the agreement on this issue. We think it's a very fair agreement. And again the pffa ratified it last thursday by a very, very good margin. One of the issues with this agreement, too, when we tried to look at really what was the one critical issue for the union is that pffa did assist in our last negotiations, because they were the first union to support and accept a zero cola increase, which again did help set the stage for our bargaining with the other bargaining units and again was a benefit to the city's overall budgets that year. I don't have anymore comments. Alan did have something to say.

Fritz: I did have a question about the public information officer. Why, when there are so many senior staff on scene, why is there compensation for being a public information officer? Item 10 in the contract.

Alan Ferschweiler, Portland Fire Fighters Association: That's the back-up pay, and the chief can speak in more detail to this, but it's really an equity issue, because we had back-ups and they were getting paid differing amounts.

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Fritz: Why are we paying for back-up pios anyway?

Janssens: The command staff all have emergency scene responsibilities on scene that are critical to our firefighter and public safety, so they are occupied taking care of the emergency scene. In order to -- if we were to assign a more senior officer pio responsibilities, it would essentially create another position. We have an enormous amount of response just for public information requests for our normal response duties, so we have an individual, just one, who is assigned as a public information officer who work as 40-hour work week. The back-up pios, some work a 40-hour work week. Some have a 51.6 -- what will be a 51.69-hour work schedule. And there's a pay discrepancy when they're called back, so it was really an equity issue.

Ferschweiler: This collective bargaining agreement is on the back of our last two-year collective bargaining agreement, and I just wanted to reiterate some things that happened in the cycle. A successful agreement by both the city and the union to pass that collective bargaining agreement. One of the highlights in there for our members that we wanted to discuss was that one of those years we did take a zero cost of living. The second year, one of the other things that happened is we went from a two to five floor, which has been pretty standard in our contracts throughout the past 10 or 20 years, down to a floor of one. Again, that's a significant change that happened during that collective bargaining year. So fast forward to where we're at right now. Again, it really shows part of the success that we have in the labor management scenario at the fire bureau, between the fire bureau, the city, and the union. Because there's definitely some sticking points 4 our member whose didn't want to do a four-year deal. The comp time is really an important issue to our members. I'll give you my own example. For training classes or time outside of my regular work schedule, I would be allowed to get comp time. And i've got three little girls at home, so what it meant is that, if I give the bureau eight hours during that class, I would be able to have 12 hours off and not take the money. And so I would be able to spend a lot more time or i'd be able to spend time with my family, which i've already paid the city for. So that's really what that comp time was used for is a lot of that type of -- for the growing of people with families. It was a really valuable thing that our membership voted to get rid of. The other thing is going from a one to five cpi, our members, especially when we started, really wanted to see that go back to a two to five which we were not successful in getting. That means this is probably -- when up your membership ratify a vote by 87%, it shows that our membership really is in tune with what's happening in the economy. They care about the city. They care about their employer. And in those two years, I would like to say just one more quick thing. As our members watch what's happening to our other members, there's some significant events that have happened in our membership. I think, if you watch tv and watch kgw, you watched one of our firefighters fall through the roof on a second-alarm fire. We just had another lieutenant that got third-degree burns in a house fire in north Portland. One of our members -- the fpdr didn't approve the claim but took mrsa home to a 6-month-old daughter. That's a lot of the things that our members say. Our job still is very dangerous. We do a very good job at what we do, and we believe that compensation package we've reached with the city really reflects that in these economic times. I appreciate you allowing to us speak here, and i'd be happy to answer any questions you have.

Saltzman: I think the example alan used is probably the best way for me to understand the comp time change. You described how you took eight hours of training and got 12 hours of comp time. How does that change?

Ferschweiler: I will be forced to take overtime. There will be no more comp time.

Kanwit: You're paid time and a half for the actual hours worked over the regular schedule rather than having the time off at time and a half when we have to replace somebody. So it's not someone coming in to take training. It's someone replacing alan in the emergency operations.

Janssens: And that's training that's above and beyond the training that we do during the course of our day that we can break from and we can respond on emergencies. It's for training that is

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mandatory training. For example, in alan's case, for his paramedic certification where we have to pay an instructor to come in and teach a large group of people once or twice a year. So they have to be in that training, and they're not allowed to leave. So that training, if we continued to allow comp time, we would then have to pay somebody time and half for the 12 hours that alan received. I understand the value of it to our members and also to the taxpayers.

Saltzman: And then my other question I just forgot. [laughter]

Fish: We're not voting on this today, so we may not see all of you again. Actually, tim may be here again next week. You said something, alan a moment ago I wanted to reflect on, and that was you attributed -- you explained why you had such a high rate of ratifications. You talked about the fact that you're members of aware of the current environment, the climate, the economy. And I think that's probably true. I think commissioner Leonard would agree with me, though, you left out one important factor. We read the paper every day of tentative agreements being shot down by bargaining units in the public and private sector, and it is typically the case that the leadership does not recommend or allow something to go south. So let me just acknowledge, while you're here, that I think that 87% vote is in part attributed to the leadership of the union, because without good leadership then the rank and file may or may not accept the work that you've done. It takes leadership to say this is a tough hand, but these are tough times, and we recommend it. It's not unusual nationally for leaders to put the proposal in front of members but not endorse it or put the leadership behind it. I would just say Jim reaches out to this Council on a fairly regular basis. Four of us don't have direct oversight of the bureau since we're not commissioners in charge, and I think it's just an example after leadership style of making sure there's good communication that and we're having a good dialogue. It doesn't mean we're always going to agree on every subject, but I would just want to acknowledge that. Not every labor partner that we have goes that extra mile. So thank you.

Ferschweiler: Thank you for your comments.

Leonard: I'd like to echo that, too, because I did talk to jim as he went out talking to the members, and the vote doesn't reflect some of the, to be polite, conversations he had at the fire stations. Dialogues which i'm intimately familiar with. I felt his pain as he was telling me the types of conversations he was having as he went to every station, every shift to work 40 hours, which is a lot. I appreciate commissioner Fish acknowledging the leadership part, because i've sat here and watched a different style as well, and it's counterproductive for the union and the city and the bureau. I, too, greatly appreciate it.

Janssens: I would echo the same comment. We have a strong union-management relationship and union leadership is really a key component. We are met with reason and support and positive actions going forward.

Saltzman: I remembered my question, and maybe it's not really a question. Anna, you were lauding the pffa for being the first bargaining unit to accept the zero cost of living adjustment, and I think you were saying this current agreement, the pffa is again setting the stage for future bargaining around comp time with other bargaining units.

Kanwit: Around the larger issue of overtime. Comp time is an issue for some of our bureaus and some of the operating units within the bureaus for our overall negotiations, but overtime as well and how we pay that continues to be an issue, because the city does pay a standard that's more generous than what state or federal law would require us to pay on overtime.

Saltzman: I, too, want to add my accolades that the leadership and to members of the union and to our labor negotiations people. I think this is a very fair agreement. I know sometimes "fair" is a hard rock thing to achieve, so I will be supporting this next week. Any other comments? Do we have anybody signed unto testify?

Moore-Line: No one else signed up.

Kanwit: Thank you, commissioners.

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Saltzman: Thank you all. We'll go to our regular agenda now, 1148.

Item 1148.

Saltzman: Do we have anybody here from the bureau? Sounds pretty self-explanatory. We're getting a grant from the state for dui enforcement. Sounds good to me. Anybody wish to testify? Ok. Karla, please call the roll.

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

Saltzman: Aye. The item passes, and we move on to 1149.

Item 1149.

Christine Moody, Chief Procurement Officer, Procurement Services: Christine moody, procurement services. The ordinance asks for an exemption to the traditional low-bid process allowing for procurement services to use an rfp process to select a construction manager, general contractor for the improvements project. Currently facility services has engaged a consultant to perform a comprehensive exterior envelope and structural review of the building, and the desire is to hire a cmgc while this review is happening. The potential for discovering unknown conditions is high and will require the knowledge and expertise after general contractor. This project requires a contractor that has specialized skills and experience in building construction, project phasing, scheduling, and cost estimating on a high rise building. The contract a needs to allow for demolition and activities in occupied spaces. The process also allows the city to negotiate with the cmgc, minority women and emerging small business contractor and workforce plan. This has proven to be successful in achieving results and is part of the strategy adopted by city council in july of 2012. The overall budget includes costs for designs, preconstruction services, construction, and contingency. I will turn this over to council if you have any questions. A representative from facilities is here to answer any technical questions.

Fish: A wonderful job. Describe what cmgc refers to.

Moody: It's the construction manager/general contractor.

Saltzman: The Portland building was built in 1982?

Moody: Yes.

Saltzman: So it's been 30 years, I guess. Part of what I was reading is the seismic codes have changed in that intervening period, so seismic capabilities will be upgraded.

Dale Cook, Facilities: My name is dale cook. I'm the project manager for facilities on the project.

Saltzman: We're seeing seismic upgrades, some moisture possibly occurring in the building?

Cook: Correct. We're not sure of any kind of structural upgrades until we complete assessment.

Fish: You're changing the look of the building from post modern to victorian?

Leonard: We could only hope. For me, it's right up there approximate the memorial coliseum.

Fish: I was afraid I was going to open the door to that.

Fritz: How did it get placed on the historic registry if it's not 50 years old?

Cook: It was nominated by a person in the community, went through the process with the state of Oregon and then was forwarded to the national parks service. It's basically a significant structure because of the designer of it, michael graves. And it is true it is very unusual for a 30-year-old building to be placed on that register.

Fritz: Well, I like it. When you say the building meets 25% of code required capacity, what does that mean?

Cook: There were some earlier studies done about 15, 20 years ago and comment also by engineers that made that statement. That's one of the reasons why we're looking at it again, doing a very significant analysis, and there's also some great computer models that we can use.

Fritz: It was actually permitted to meet only 25%?

Cook: Well, that was a while back.

Fritz: I realize that. Certainly not any of our fault right here, but that's what happened?

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Cook: I think there's some debate on those comments that were made in the past.

Fritz: And what are the mwesb, minority, women and emergency small business, goals on this project?

Moody: The goal, commissioner, would be to our current citywide goal, 35% of subcontracting. Traditionally on the cmgcs, we've in the past been more than 35%.

Fritz: And the money is coming from the building maintenance fund?

Cook: Yes.

Fritz: How much money is in that fund and what is it used for? How is it collected?

Cook: I don't know if I can answer that, but generally it's collected from a portion of the rental income on the building that goes towards a maintenance fund that's used for projects like this.

Fritz: Thank you.

Saltzman: Any other questions? Anybody wish to testify on 1149?

Moore-Love: No one else signed up.

Saltzman: Please call the roll, emergency ordinance.

Leonard: Aye.

Fritz: Thank you for your work. Aye.

Fish: Aye.

Saltzman: Aye. 1149 is passed, and we move to 1150. Take it away.

Item 1150.

Jonas Biery Jonas biery, the city's debt manager. A little background on this proposed action. The Oregon state constitution requires the tax increment revenues may only be spent on indebtedness. Pdc often issues long-term bonds to pay debt service on long-term bonds. However, pdc also funds projects on a pay-as-you-go basis. This means that revenues must be converted to indebtedness. Like many entities in Oregon, the city uses financing commonly called dujour borrowing. Simply put dujour indebtedness is a loan with a very short maturity. Typically it's one day. Today's emergency ordinance authorizes annual maximum allocations of dujour authority for each of the eight urban renewal areas that expect to utilize the borrowing program over the next five fiscal years. The total authorization is not to exceed 67 million on an annual basis as indicated on page 2 of the ordinance. I want to be clear that this action does not address specific projects or expenditures or make any changes to the budget because it does not authorize long-term bonds or impact the long-term debt capacity of the city or the pdc. It's predominantly an administrative action to allow pdc to continue to fund projects on a pay-as-you-go basis within the requirements of the Oregon constitution.

Saltzman: Questions? So dujour bonds are literally paid in one day or can be?

Biery: Correct. It's essentially an overnight loan to allow cash to be converted into indebtedness which allows it to be spent within the requirements of the constitution.

Saltzman: Anybody wish to testify on 1150? Ok. It's an emergency ordinance. Please call the roll.

Leonard: Aye.

Fritz: Thank you for your work. Aye.

Fish: Aye.

Saltzman: Thank you. Aye. Ordinance passes. We're going to take a five-minute break before we move to 1151.

[Council recessed at 11:30 a.m. and reconvened at 11:33 a.m.]

Item 1151.

Adams: Karla, please read 1151.

Leonard: We are going to have it, but I want to make a motion first. We are going to have a discussion, but I'd like to move to add the emergency clause.

Fritz: Seconded.

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Adams: So moved and seconded to add the emergency clause to 1151. Please call the vote on the motion to add the emergency clause.

Leonard: Aye.

Fritz: I'm planning to vote for this, and I will appreciate the opportunity for discussion before they vote on the main motion. Aye.

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

Adams: Aye. Commissioner Leonard.

Leonard: This is the third or fourth time this has been before us. Does anybody have any questions? Commissioner Saltzman, go ahead. Connie, I think you're going to be -- commissioner Saltzman would like to ask you some questions as well about the project and the budget.

Erin Janssens, Chief, Portland Fire & Rescue: She's trying to defer it. She's being shy.

Saltzman: Last time we had this discussion, we had a good discussion, but I had asked commissioner Leonard if we could have a station 21 budget update as part of the discussion.

Leonard: I would point out that maybe not even everybody -- I know Glen knows and the chief knows, but maybe Connie doesn't know that, in coming to work this morning driving over the Hawthorne bridge, there is a barge in the river with a crane on it removing the pilings, so good work, Connie, and the team. We have a window that closes October 31st to have that in-water work done, and I cannot express you have to the amount of work, coordination, and cooperation from PDS we had to have, which we got. It was great. Matt in your office was very helpful. Who do we want to call out at PDS?

Connie Johnson, General Services: Procurement.

Leonard: Yeah. We moved at a pace really that was quite remarkable. As a result, we're going to have the work done in the water in a week?

Glen Eisner, Portland Fire & Rescue: Yes.

Leonard: Good work.

Saltzman: Fast.

Leonard: Thank you very much.

Adams: I'm on a very fixed timeline.

Saltzman: Quick budget update?

Janssens: It was the g.o. Bond for 7.9 million. That was for the station alone. The station 21 construction costs right now are at \$5.189 million for the station alone. The soft cost permitting consultants, project manager are at 2.292. Pilings, our payment for parks for the actual dock is \$288,000. Pilings for the boat house have come in under initial thought, 205,000. That's already been encumbered. The boat house is for the double wide that will contain two fire boats, 1,430,000. That includes \$300,000 contingency. Temporary structure for relocating our firefighters into a temporary structure that can continue to respond from that location and utilize the fire boat or rescue craft is at 214,000, an estimate. Our costs to Bts and then also for art is 235,000. And then our contingency on paper is 1,145,000, but then there's that additional 303,000 that's already built into the boat house for contingency, so we're just under 1.5 million for contingency funds.

Saltzman: That adds up to 10.7?

Janssens: 10.9. Without the contingency, we're at 9, 9.5.

Saltzman: You said station 21 construction is coming in at 5.9 or that's what's incurred so far?

Janssens: That's what the estimates are right now.

Saltzman: So that's better than the 7.9 in the g.o. Bond measure.

Janssens: Correct.

Saltzman: Thank you. Anything you wanted to add, Connie?

Johnson: No.

Adams: Karla, please call the vote.

Leonard: Thank you. Aye.

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Fritz: Thank you for your work on this. And Commissioner Leonard, thank you for delaying this and allowing me additional time to look into it. I continue to believe this is a huge missed opportunity for the city as a whole, although I understand it was purchased with the fire bond money and the money needs to be dedicated to fire bond projects. The barbur site in particular I think has huge potential for the future. Just as a general issue -- and this isn't connected specifically with this issue but more a request to the mayor in charge of office of management and finance, when we have surplus properties, the charter specifies this is a hugely important issue and require as 4/5ths vote. I would like for all of the bureaus to be required to send an affirmative response or some kind of response rather than, if we don't hear from you, we'll assume it's fine. Secondly that all the council offices also be copied with requests for declaring properties surplus so that we have a lot more time and don't have to have this again where i'm scrambling to try to look at options for this. Obviously the mayor and I have been really focused on the department of justice report and figuring out issues related to that for our timeline coming up this week. I haven't had the amount of capacity to try to work on figuring out a deal for this, so I accept that my time has run out, and therefore I supported the emergency ordinance so that we do get the money back into the fire bond project. Aye.

Fish: I concur with what commissioner Fritz just said, but it's not specific to fire. It's just how we handle surplus property with an affirmative response from bureaus. In the case of the Portland housing bureau, I subsequently learned that in fact they did get the notice. They did in fact do due diligence on the sites, did consider a number of options and ultimately decided that they did not have the resources to move forward on either, nor were they in any kind of priority queue. The system worked, but I think an affirmative response from bureaus just tightens up the protocol. Thank you for all the dialogue we've had over this and the subsequent consultations. Aye.

Saltzman: I will support disposing of these surplus properties in deep SW Portland. I did ask before how this affects response times in that part of Portland and was assured that the station 18 remodel, instead of building a new one, and then the beaverton hillsdale site is really not necessary given the mutual aid agreements we have with tualatin valley since they can be first responders if they're closer. Based on that, I am supporting this disposal. Aye.

Adams: Aye.

Moore-Love: We have 1152, 53.

Fish: Do you mind if we dispense with the rest of the agenda?

Saltzman: I'm sorry. 1152.

Item 1152.

Fritz: This is actually I think the most significant item on the agenda this week. Because it's my turn to have my issues last, I appreciate your indulgence with considering this resolution which is to establish our intent to create a 3-1-1 nonemergency call center. I'm very grateful to all of my staff both in the bureau of emergency communications, the office of neighborhood involvement, and the bureau of technology services for working on this in partnership with tim crail in my office. This is a very simple resolution restating the city's intent to proceed with planning for a 3-1-1 system. Not everybody watching at home may be familiar with 3-1-1. It's essentially a three-digit nonemergency number. We do have a nonemergency number now and a wonderful information and referral system, 823-4000 which is a good number for folks to call during business hours, but research has shown that people will often dial 9-1-1 just because it's simpler than remembering the nonemergency number on a saturday evening. We get a lot of calls to the emergency communications center that are not true emergencies, and indeed a lot of services that could be provided through a 3-1-1 system -- the essence of the system that is any city service will be accessed through dialing 3-1-1 so that a citizen wouldn't have to call a different number to pay the water bill versus a question of the commissioner's office versus entering a pothole patching request. All of those things would be accomplish through 3-1-1 so we'd become a one-stop shopping service

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for most requests. There are already 80 cities throughout the united states that have a 3-1-1 system.

We're somewhat behind the curve in this common sense improvement to public service. In the 2012 to 2013 budget, \$400,000 was allocated within the bureau of emergency communications budget for initial planning for 3-1-1 and particularly the hiring of a consultant to prepare an implementation plan for the city. Commissioner Leonard has had this concept for many years before I got into city hall. It's something that both of us have been itching to do for the four years i've been here. It does require money for implementation, so we haven't been able to do it as quickly as we would like to have been able to do, but this worked, and this resolution is built on the work that commissioner Leonard had already done. The request for proposal is currently posted and closes on october 15th, and the consultant selection will be made within the end of the year. It calls for a citywide advisory committee made up of city staff and community members. Anyone watching that wants to be involved can contact tim in my office. Over the coming months, we'll figure out how to make this work the best for everyone. I am very excited about this project and will turn it over to staff to tell you more about it.

Laura Wolf, Bureau of Emergency Communications: My name is laura wolf from the bureau of emergency communications. On average, boac receives 3000 calls per day. About 33% that are nonemergency calls. A non-emergency call system could greatly reduce the 911 burden on the present system. A study conducted by the national institute of justice in the first year of operating a 311 system, the baltimore police department experienced a 25% reduction in 911 calls. From the very beginning when we started investigating this, when I started, we looked at it with commissioner Leonard several years ago. There were about forty 311 centers in the country, and now there are about 80. 3-1-1 allows the community to reach a nonemergency local government service by dialing one number. The original intent was for a way to deflect nonemergency calls away from the 9-1-1 system as well as to improve community relations and support by offering easy access to government services. Centralizing calls to one main system would decrease calls to other government bureaus which would in turn improve community services. By modeling and adopting best practices from other 311 centers, the city of Portland could position itself to be one of the premier 3-1-1 centers in the country.

John Dutt, Office of Neighborhood Involvement: I supervise the city of Portland and Multnomah county informational referral program. For a city that prides itself on being one of the most tech-savvy cities in america, we have fallen behind the times a bit when it comes to using technology to improve government service delivery and provide better customer service to our community members. As was mentioned over 70, 80 u.s. Cities have successful operating 3-1-1 systems at this time, and some of those began implementing in the late 1990s. It's been around for quite a while. That information referral, we take a lot of pride, and our consistently high-level customer service provided by my team. What's often frustrating for us is that while we're able to take the time to answer 90% of our calls within 25 seconds, the referrals that we give to our callers are often to places where they can't talk to a live person or have to wait on hold a very long time. Because of budget cuts especially recently, a lot of front line services across the city have been cut, and this has required our program to expand the breadth of our services to triage calls and prepare callers for what they will experience when doing business with the city departments and other local government entities. The cities and counties we've contacted regarding their 3-1-1 programs all rave about what it's done for their communities. 9-1-1 call relief and emergency response improvements, but what excites them the most is how it's been able to improve their service delivery mechanisms and the results they see in customer satisfaction as a result. 3-1-1's just a number. While it is an easier number to remember than our current number, it's important to find out that this project isn't simply a matter of doing what we're already doing using the 3-1-1 number. Approximately 90% of the calls we get at 823-4000 are actually transferred from somewhere else to have the callers make their service request. In talking with other cities, they point out that 80-

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plus percent of their calls have a one call resolution, so a big difference. This project is about coming up with a common customer management system that can be used to look at the way we are currently delivering services across the city and then figuring out how we can do that more efficiently. To what degree we centralize service requests and intake and how we integrate the common system with specialized delivery systems is what can offer tremendous award to both the city bureaus and helping them to use their limited resources more efficiently as alas to community member whose need to do business with us. In the past six years, i've sat on the advisory committee. It's great to see all the work the bureaus have done individually to make customer service improvements by soliciting feedback from their customers, improving staff/customer service skills, enhancing there strategic plans. However, it's also been frustrating for our committee to see the limits that are existing, separate service delivery system. This project will look at how a common customer management system in a 3-1-1 call center can benefit our entire service delivery system. We've done a lot of excellent projects in the city in recent years. Our belief is this will rank as one of the greatest accomplishments for our city.

Fish: If someone dialed 3-1-1 thinking they're dialing 2-1-1, how will that be addressed?

Dutt: Right now we have a very close working relationship with 2-1-1. We transfer calls back and forth.

Fish: If you determined that the person's calling to find out about shelter capacity or services, you would just route the call to 2-1-1?

Dutt: Yes.

Fish: And vice versa. Second question is, from time to time, i've wanted to call the emergency line to complain about a truck that was blocking a road that was also an emergency access road. It happens, like, with moving trucks in denser parts of the city where they'll go perpendicular to the building, block the street so an ambulance or fire truck would not be able to get through. That's a nonemergency call, so I get lots of other referrals when I call 9-1-1 and ultimately leave a message somewhere. Does this allow me to actually speak to someone who would then have a relationship with pbot so someone would be dispatched?

Wolf: Ultimately, if it's fullest scale model, it would be two numbers to remember, 3-1-1 and 9-1-1, one call to city hall so you don't have to go through call the numbers, reiterations. You can have one place to file a complaint or get information about a service or file something like that. That's the ultimate goal.

Fish: What are your contemplated hours for this service?

Wolf: We're going to be hiring a consultant to comment on that, to take a look at it and do a pretty large scale assessment of city operations and make recommendations. It will be a three-phase project to get this up and going.

Fish: You haven't decided whether it will be on the weekend or evening?

Fritz: My hope is it will be 24/7.

Fish: Commissioner Fritz, you mentioned that would take some of the calls out of our system that come to our offices. What is an example that you have?

Fritz: For instance, I get calls that I then say, no, let me transfer you to commissioner Fish's office because he's in charge of housing and parks. People wouldn't be calling each of our offices to find out which of us is involved, is in charge of things. They would have one number to call. There might also be questions that don't need to come to commissioners' offices that we intervene when necessary but we shouldn't be the one who figure out the answer to a complex billing question, for example.

Fish: Whenever we get a call that's related to the code or particularly building stuff, we just give out matt grumm's number. [laughter] one part of the implementation system you might want to consider is identifying specialists at bureaus and offices that actually are the expediters. There are

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some people that have more institutional memory who are very good at giving you the quick answer. I'll just say matt grumm again, because he's been a savior for us.

Saltzman: In my office. We could save a whole lot of money if we just made matt grumm 3-1-1. [laughter]

Fritz: That's a good point. For many things there should be set answers to set questions, and for many there will still be the need for commissioners' offices to intervene when something comes up that isn't a specific answer. Part of the reason that this process isn't as simple as just switching on 3-1-1 is that each of the bureaus need to have protocols for what the answers are. It doesn't matter whether you call on a monday or tuesday or who happens to be the supervisor. So there is in the resolution a clause that says that the city council as a whole, city leadership, will support a citywide effort to look at current service delivery efforts and how these efforts could be improved with the implementation of the 3-1-1 management system.

Fish: I don't want to put it all on matt. When matt's on vacation, we give out commissioner Saltzman's cellphone, so there is an opt out.

Saltzman: First of all, I want to say 823-4000 does a great job. Who will be answering 3-1-1 calls? Would it be boac?

Fritz: This resolution sets in motion a discussion of that question. There are various options we've been considering, including different locations of where the employees would be physically located; who would be responsible for management. That's part of what the consultant will help us look at.

Fish: As the commissioner in charge, would you anticipate once you have the consultant there would be an initial meeting where we would be able to send someone from our offices to help scope the work a little bit and talk about how we handle referrals?

Fritz: Yes, absolutely. We encourage each of you to send a designated a staff person both within your office and also within each of your bureaus.

Dutt: I guess i'd like to reiterate that -- well, two things. If commissioners' offices are getting any calls that are not appropriate for you, you can always send those to 823-4000. But I think the key is, as commissioner Fritz pointed out, is this is a citywide effort. We need to have all the bureaus, all the elected officials very much involved throughout the process, 'cause it's going to affect us all.

Saltzman: Any further questions?

Fish: I move the resolution.

Saltzman: Anybody wish to testify on this? Seeing none. Let's call the roll on the resolution.

Leonard: So, laura, do you remember when year 9-1-1 was implemented in the city?

Wolf: In the city of Portland? Oh, goodness. That's going to go back to --

Leonard: I think the '80s.

Wolf: No. It was probably '81 or '82.

Leonard: I was hired at the fire bureau in 1978. When I got hired, if you had a fire in your house -- and I know you still have a line out there. Is it 221-2222? The number that you would call in the city of Portland until 9-1-1 was implemented, if you had a fire, was 221-2222. If I had a police problem, you had another number to call. If you needed medical, you had another number to call. I remember, believe it or not, so it must have been '82, when the city council decided to do for emergency services what commissioner Fritz is leading to do now for what, in many ways, is analogous to transferring to 9-1-1, the pushback from, believe it or not, the police bureau, the fire -- what I especially remember is the fire bureau and the ambulance companies. And I just remember being a young firefighter thinking, there is something here I don't understand. Why is the chief so upset about going to a 9-1-1 system? I just felt, well, it's one of those reasons i'm down here in the front and he's on top. It was probably beneficial, 'cause I wasn't caught up in this whole bureaucratic way of thinking of a way to do business. I think my instinct was correct. The 9-1-1 system, who would now think and argue creditably that you should call that long number? Just as

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john said, it may be not of the importance of terms of life and death but certainly in terms of the satisfaction of the structurally deficient bridges of the city of Portland. This is a no brainer to them as it was to a very young firefighter back? 1981. I only raise that because I ran into some of that opposition. Laura, you recall well, and i'm sure you remember there are the same kind also of reasons people have in bureaus throughout the city not to go to a 3-1-1 system as there was to even go to a 9-1-1 system. That's my way of forewarning commissioner Fritz and the next council to absolutely listen to concerns that are legitimate. But this is a system to accommodate the citizens, not the bureaucracy. This is a way for citizens to call to get services, not a system to make it the same or easy for us that work for the city. In the middle of this debate we'll have in the next year or two, you can harken back to the memory I had and remember that even the fire chiefs and police chiefs didn't understand the reason behind a simple number that they didn't understand people needed, because they had their number that worked for many years. I predict that will be more of a vociferous pushback on the part of the bureaucracy on a 3-1-1 system. This makes as much sense to me as the 9-1-1 system did back in 1981. I really appreciate commissioner Fritz bringing this forward. I was disappointed I couldn't follow-through with my own effort, and it's very heart turning me to see this next step. Aye.

Fritz: Well, thank you, commissioner Leonard, for your leadership in setting this in motion and for your partnership in implementing the new 911 center. It's not a coincidence that you, as former firefighter and myself as a retired nurse, understand the imperative nature of making sure that we get services to citizens as quickly as possible. Indeed that carries over to my community background as a community organizer and neighborhood activist understanding that people don't have a lot of time to hop around different numbers, different offices to find out the answers to simple or complex questions. I appreciate your guidance and partnership on this. I will be asking the next mayor to assign me the office of neighborhood involvement and the bureau of emergency communications again next year so that I can continue working on this. It's an honor to work with employees both in the 823-4000 number and 9-1-1 and nonemergency numbers. Everybody through these tough times and with extremely incendiary issues like fluoride, we have great staff at answering those calls. City staff really do take the responsibility of public service to heart and give above and beyond the call of duty. Thank you to both of you for taking on this project. I also appreciate the work of Amalia Alarcon Morris and Lisa Turley, bureau directors of oni and boec for their leadership on this and willingness to work together to figure out how to make this work. We have run this by the technology oversight committee. They haven't looked in-depth at it yet. Part of the reason the 9-1-1 computer implementation was so successful is we had technical advisors as well as citizen oversight committee and two commissioners making sure we were all dogging this every step of the way. This is something that the whole council will be involved in just like the office of equity and human rights. It's not something that will be allocated to just my bureaus to figure out how this is going to work. Clearly we will need input from all of the bureaus and how customer service in a centralized number will be efficient and will still be responsive as so many different bureaus are today. Thank you so much for all your work, and thank you, colleagues, for your support. I look forward to moving forward.

Fish: Thank you for your outstanding presentation. Randy, thanks for putting it in the historical context. Amanda, thank you for leading this effort. I look forward to working with you in the next council and the consultants to shape this plan and to make it work. To the point that was earlier made about our success is based on the people we serve, making sure that the customer experience is positive, the documentary film that was made about 2-1-1 should come out in the spring, and I understand they'll be showing it on an hbo. The beauty of that film, which is called "american winter" is they chose eight families that were calling a number that we contract with, and then the filmmakers went and interviewed them. These are people that had their electricity turned off, their water turned off, were facing foreclosure, were shelterless or whatever. And the human stories are

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incredible. I think the reminder that the reason we're really doing this is to provide a better service to someone who's in need is incredibly important. I'm very pleased Amanda is leading this effort now, and you'll have my full support in years to come. Aye.

Saltzman: I appreciate both commissioner Leonard and commissioner Fritz' work on this new system. I do hope at some point there are some conversations about 3-1-1 becoming a city/county nonemergency number, too. Again, my kudos to 823-4000, great job. 9-1-1, always a great job.

Fritz: May I just comment on that? We have already had some discussions with the county. Also I wanted to call out in particular the seven individuals whose names I forgot to read. This seems like something that would be simple to do, but it's certainly not, so I thank, as well as Lisa Turley and Laura Wolf, Nora Beach from the emergency communications bureau, Mindy Fertal and Beth Fox in technology services and John Dutt and Tim Crail in my office. Thank you very, very much.

Saltzman: Ok. It passes.

Item 1153.

Saltzman: I would move to set that over a week.

Fish: No objection.

Saltzman: It's moved to our consent agenda items that were removed from consent.

Item 1136.

Saltzman: Second reading, vote only. Please call the rolls.

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

Saltzman: Aye. 1136 passes. What was the next item?

Item 1137.

Moore-Love: 1137. The bureau has requested this be sent back to the mayor's office for additional survey work.

Saltzman: Without objection, that will happen.

Leonard: Do we normally have an ordinance to set a hearing date?

Saltzman: News to me.

Fritz: They're just always on consent.

Moore-Love: Yes, the set the hearing date is always on consent.

Saltzman: Oh. For vacations. What's the next item that was pulled?

Item 1143.

Fish: This matter is a combination of HUD grants and CDBG reach was selected through a competitive process. The gentleman that pulled it subsequently received the information that he sought from my office, and so I suggest we proceed to a vote.

Saltzman: Nobody's here to testify. Please call the roll, 1143.

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

Saltzman: Aye. 1143 is passed. 1144?

Item 1144.

Fish: This falls under the same category. When we talk about healthy homes, we're talking about conditions in homes that cause or aggravate medical conditions, and the funding will be used to make the necessary home repairs so that families and individuals have a healthy environment.

Saltzman: I see nobody here to testify, so please call the roll.

Leonard: Aye. **Fritz:** Aye. **Fish:** Aye. **Saltzman:** Aye. 1144 is passed.

Leonard: I had 1139 and 1140 also.

Moore-Love: 1139 and 40, the mayor continued those. We took care of those this morning. But we also had 1138 that was pulled.

[Clerk correction: 1138 was not pulled from Consent Agenda. The following vote is superceded by Consent Agenda vote Y-5]

Saltzman: I see nobody here to testify, so please call the roll.

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

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Saltzman: Aye. 1138 is passed. Anything else?

Moore-Love: I think that's it.

Saltzman: So we stand adjourned until 2:00 p.m.

At 12:10 p.m., Council recessed.

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Closed Caption File of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

OCTOBER 10, 2012 2:00 PM

* * * [roll call]

Saltzman: If you could read our first afternoon agenda item, please.

Saltzman: Kathryn?

Kathryn Beaumont, Senior Deputy City Attorney: Good afternoon. To comply with state law and the city code, there are several requirements I need to make -- several announcements I need to make at the outset of this hearing. They deal with the kind of hearing we're having today, the order of particular, and some guidelines for presenting testimony. First as to the type of hearing, today's hearing is an evidentiary hearing. This means you may submit new evidence to the council in support of your arguments. Second, in terms of order of testimony, we'll begin the hearing today with a staff report by Rachel Whiteside from the Bureau of Development Services, for approximately 10-15 minutes. Following the staff report, the city council will hear from interested persons in the following order. The appellant will go first and will have 10 minutes to present the appellant's case. Following the appellant, anyone who supports the appeal will go next. Each person will have three minutes to speak to the city council. The principle opponent will have 15 minutes to address the city council and rebut the appellant's presentation. I'd note today we have two neighborhood associations who are the principle opponents, and they have asked to be able to split their 15-minute time period.

Saltzman: Ok.

Beaumont: After the principle opponent the council will hear from anyone who opposes the appeal. Again, each person will have three minutes. And finally, the appellant will have five minutes to rebut the presentation of the opponents of the appeal. The council may then close the hearing, deliberate, and take a vote. If the vote is a tentative vote the council will set a future date for the adoption of findings and a final vote on the appeal. If the council takes a final vote today, that will conclude the matter before the council. Finally, several guidelines for presenting testimony. Any letters or documents you wish to become part of the record should be given to the council clerk after you testify. Similarly, the original or a copy of any slide, photograph, drawings, maps, videos, or other items you show to the council during your testimony, including any power point presentations, should be given to the council clerk to make sure they become part of the record. Second, any testimony, arguments, and evidence you present must be directed toward the applicable approval criteria. For this land use review or any other criteria in the city's comprehensive plan or zoning code that you believe apply to the decision. Bds staff will identify the applicable approval criteria as part of their staff report. Third, you must raise an issue clearly enough to give the council and the parties an opportunity to respond to the issue. If you don't, you'll be precluded from appealing to the land use board of appeals based on that issue. Finally, if the applicant fails to raise constitutional or other issues relating to proposed conditions of approval with enough specificity to allow the council to respond, the applicant will be precluded from bringing an action for damages in circuit court to challenge the conditions of approval. That concludes my opening announcements.

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Saltzman: Thank you. Do any members of council wish to declare a conflict of interest? Ok. Seeing none. Do any members of council have an ex parte contact to declare or information gathered outside of this hearing to disclose? Ok. Nobody. So no council members have ex parte contacts to declare. Do any council members have any other matters to discuss before we begin the hearing? Ok, then, we'll start this hearing and we'll begin with the bdz staff report and rachel whiteside.

Rachel Whiteside, Bureau of Development Services: Thank you council. I'm rachel whiteside, the bureau of development services land use planner. In the audience are staff from the bureau of environmental services, and Portland bureau of transportation. They're available to answer questions if necessary. I'm going to be presenting the staff report for land use case file lu 11-153362, lds enm. The purpose of the hearing is to appeal the hearings officer decision of a denial for a four-lot land division with environmental resource tract and modifications. In this case the appellant and the applicant are the same persons, bret and cindy laurila. They also happen to be the property owners. The zoning for the fight is r-10, a single dwelling residential zone. There are environmental and protection zones on the property, as well as the property is within the johnson creek basin plan district. The difference between the c and p overlay zones, the protection zone protects the highest value resources, in this case a wetland area. You'll notice that's over the eastern side of the property. This is an aerial photo of the site. The area surrounding the site is primarily developed in open space or residential uses. To the south is the springwater trail and tideman johnson park. To the east is undeveloped bes-owned property. The predominant housing type in the vicinity are detached single family homes. This quick summary of the proposal. This is for a land division review for four lots and an open space tract, an environmental review also for a land division and street improvements within the conservation zone, and the applicant requested modifications through the environmental review process to reduce the minimum lot sizes. The minimum lot witnesses for two of the lots, reduce the street frontage for lot one and to reduce the minimum lot depth for lot one, we dues the minimum setbacks to five feet, and then he also requested to increase the maximum height to 35 feet. Originally it was for all lots, but at the hearings officer's hearing that request was withdrawn and limited to only lot four. The hearings officer's decision made a mistake on that point. Here's the proposed development plan. Showing lots 1-3 on southeast berkeley way, that's at the end of southeast cesar chavez boulevard. And lot four at the north end of this site, fronting on southeast tenino street. That is currently vacated right of way. It was never developed. Quick summary of the hearings officer's denial. The hearings officer denied the land division portion because he found the record lacked evidence showing that on-street parking did not need to be provided to demonstrate that the transportation system could safely support the proposed development. And he also denied the environmental review because he found the record lacked evidence addressing the practicability of an impacts of alternative considered by the applicant. In response to the hearings officer's findings, the applicant prepared on-street parking study. This study showed there are no commercial or other intensive parking uses located in this portion of cesar chavez. Therefore traffic is limited to residents, visitors, and service vehicles, past southeast crystal springs boulevard. There are 18 on-street parking spaces on southeast cesar chavez, which are within approximately 300 feet of the site. And of these 18 spaces, generally at least 14 of them are regularly available during daytime, evening, and weekend hours. Additionally i'd like to note that exhibit e-2 in the land use file, pb0t acknowledged their support for the applicant's proposal without the need for on-street parking. This diagram shows the available on-street parking spaces or potentially available on-street parking spaces in blue. There are blue. The site is located at the end on southeast berkeley way. The parking study documented available spaces during both daytime hours and early morning, evening, and holiday hours when one would expect to find more use of on-street parking. And as you can see from these photos, most of the spaces are consistently available.

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Fish: This is cesar chavez, not berkeley way?

Whiteside: Right. So southeast berkeley way is a 20-foot-wide right of way, and per fire code, on-street parking would not be allowed.

Fritz: Wouldn't you expect there need to be more parking in the afternoon on a weekend with people going to the springwater trail?

Whiteside: I would expect there to be more people parked on the right of way in the afternoon and evening hours, yes, in this case the springwater trail cannot be accessed from southeast cesar chavez. It can be accessed two blocks to the west off of southeast 37th.

Fritz: Thank you.

Whiteside: In response to the hearings officer's findings regarding the environmental review, the applicant provided a financial analysis that documented the cost of right of way improvements regardless of the number of lots to be developed at the site. Water improvements would increase significantly due to the need to upsize the water line on southeast cesar chavez. And finally that financial analysis determined that only four or more lots are financially practicable in order for the subdivision to be practicable for the applicant. He also provided maps of alternatives that were considered. You have knows your packet. And an assessment of environmental impacts.

Fritz: Is that assessment of practicability and financial -- is that in the materials I received?

Whiteside: Yes.

Whiteside: So the applicant did provide a revised appeal statement addressing additional alternatives. You would have just received that yesterday as opposed to the larger council packet. So in addition to the applicant's proposed development plan, there are essentially six other options. An applicant is not required to address every possible alternative. The code does not require that. In this case the applicant did take the extra step of addressing all possible categories of alternatives, and that's in the revised appeal statement. You should have received that on tuesday. Of the six alternatives in this case, an alternative outside of the environmental zone is not possible, as the entire site has environmental zoning on it. Alternative location would be the lower plateau, the site is divided up into upper and lower plateau, the lower plateau area is the higher value resource, so it's not considered practicable because that's in the protection zone. And fewer lots were determined to not be practicable based on the financial analysis that was provided by the applicant. The other alternatives that were all deemed to have similar or greater impacts, larger lots, for example, even lot sizes meeting the minimum lot size of 6,000 square feet would have significantly more impact as disturbance area would nearly double and would incorporate all of the steep slope and some of the lower plateau area. Clustering four smaller lots on the upper plateau would not significantly reduce tree loss because most of the high value trees on the site are within the public right of way area or the center of the lot. Additionally, smaller lots would require the need for a height modification, which the neighborhood has objected to in order to achieve homes of comparable size to the surrounding neighborhood. The applicant could consider more lots. The maximum density for this site is five units, although a five-lot proposal would result in roughly 3500 square feet more disturbance and the loss of 16 additional native trees. The applicant could have considered alternative development types, or did consider alternative development types, such as attached housing, or condominiums. Those alternative housing types may be considered through the environmental review process. But again, it's noted the primary housing type in the vicinity are detached single family homes, and smaller lots afforded by attached housing would not necessarily have less impact because of the location of the trees on the upper plateau and the required right of way improvements.

Fritz: The alternatives don't include an attached housing concept?

Whiteside: The alternative plans?

Fritz: The one, two, three, four, none of those are attached.

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Whiteside: There should have been an alternative in the revised appeal statement. I have one copy from the land use case file.

Fritz: Thank you.

Whiteside: The proposed four-lot configuration by the applicant is both practicable and has the least environmental impacts of the six other alternatives. Commissioner Fritz did you have a question before I moved on?

Fritz: Keep going. Thank you very much.

Whiteside: I wanted to show you some photos of the site to help affirm what I've relayed in previous slides. This is a view of the southeast Berkeley way right of way looking east from southeast Cesar Chavez Boulevard. Several trees within the existing right of way will need to be removed for the required street improvements. Southeast Berkeley way has been vacated beyond the site, and a fire code appeal was approved to waive the turnaround to keep the right of way improvements as small as possible, and fire code restricts parking because the street will only be improved with a 20-foot roadway, it will also have curbs and landscaping. 20 feet is the minimum width required by the city engineer, and also directed by the environmental code. This is the upper plateau. The site consists of a flat area atop a bluff that's approximately 40 feet above Johnson Creek. The Springwater trail separates the site from Tideman Johnson Park and the Johnson Creek. The site boundary is at the top of the bluff, and an additional 15-foot setback from this top of slope has been recommended by the applicant's geotech engineer, that's the gray shade area on the plan. This is also a photo looking across the upper plateau. It's the location of proposed lots one through three. The trees would be removed under any of the development scenarios, and many of the trees at the edge of the plateau are actually invasive tree of heaven, so some of those trees are proposed for removal as well. This is a photo taken from the Springwater trail looking directly at proposed lot one. Many of the applicant's proposed mitigation plantings would be located in this area to screen the proposed development from the trail. This is a view from the site looking north at the vacated Berkeley way area. While the vacated right of way added to the total site area it did not contribute greatly to the buildable area of the site because of the steep slope down to the wetland area at the bottom. This is the wetland area, though in the winter time it's hard to visualize. Finally I mentioned that at the public hearing the hearings officer withdrew the applicant's request for modification to height. The applicant intended for that to only apply to lot four. The hearings officer withdrew that request for all lots, and as part of the applicant's appeal he wishes to have this added back in. In exhibit H2, the staff report, contains findings for why the modification meets the applicable approval criteria and couldn't be approved. So alternatives before council today would be to deny the appeal and uphold the hearings officer decision, or uphold the appeal, thereby overturning the hearings officer decision. This option requires council to adopt revised findings and conditions of approval as mentioned by the city attorney. Should council choose that option, staff would recommend that several conditions of approval be included addressing code requirements such as the open space tract, maintenance agreement, public street improvements, water main extension, fire bureau requirements, monitoring and mitigation plantings, construction management, development standards for the future lots, and ongoing monitoring requirements.

Fritz: If we were to go with that option, that would be approving the proposal that the hearings officer considered, the four lots?

Whiteside: Correct.

Saltzman: With or without height -- with or without adjusting the height --

Whiteside: With height modification to adjust the height of lot four only.

Fish: First, thank you for an excellent presentation. Very clear. I just want to make sure I understand two details. The bureau of development services originally approved the development plan.

Whiteside: Correct.

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Fish: And is it your opinion that the hearings officer's decision was based on a substantive defect in the application, or more in the nature of a failure to include certain information?

Whiteside: I think he denied it based on -- he can only review what's in the record. Staff has the opportunity to have worked with the applicant over a much longer period of time, we're involved with the public works permitting process, we do early assistance with the applicant so we have a little more institutional knowledge of all of the options the applicant had considered. And the hearings officer was pushing the applicant to just document those better in the record. That's my opinion.

Saltzman: Are there questions? Ok. Thank you, ms. Whiteside. We will now move to the appellant. Welcome. Why don't you just sit over there. Everybody always wants top sit there. We have trouble were that microphone sometimes. If you could maybe adjust the microphone and give us your name and you will have 10 minutes, and there's a clock in front of you.

Brett Laurila: Good afternoon Councilmembers. My name is brett laurila, I am the applicant, and I own the land. I want to give a quick background. We originally bought this land to build a single family residence. And when we started looking into it, we found out we would have to do originally when we bought the land they told us we could do a driveway in the unimproved street. As it turned out, we couldn't do that. We had to proceed with a -- what they call a substandard street improvement. So when we started pricing that we realized the cost to do that, we couldn't afford to do it. So then we looked at, how can we afford to do what we want to do, and that was to divide the lot. That would help offset the cost to do the improvements. So that's where we are today. So the application that we put before you, the two items that were deemed incomplete, we didn't address enough criteria regarding the parking, and alternatives. Again, this has been about a 10-year process, so staff and pdot, and environmental services, we've been working together for a long time, so a lot of this has all been discussed, and it just wasn't provided at my error in the record. But we've all discussed it. So that's --

Fish: Clarification, sir. You said this is a 10-year process. For how long during that 10-year Time line have you been working with the city on this process?

Laurila: On and off, from application -- the first initial application was a preapplication conference, which I believe was in '97. The next one was in 2005, which we withdrew because that's when we found out we would have to not only pay for the street improvements, but we would have to pay for upgraded water improvements as well. We withdrew it, one of our neighbors had contacted us if we would be in support in vacating that part of berkeley way, that is basically unbuildable. You couldn't build a street in it. We support that, when that was approved we realized we could then provide a fourth lot at the tenino site, which we reapplied with the four-lot application. And that was -- that application was submitted in 2010, and we withdrew -- we gave a 120-day waiver, so that's why we are really working with staff. There have been other issues that have delayed the process. Not my control, but --

Fish: Thank you.

Saltzman: You're back on the clock now.

Laurila: Ok. So the other alternatives, since we've talked with staff and bds and pdot for a number of years, it was my error in not providing all that information in the application. So to be denied on just those two criteria, we appealed it so we could provide that information to you to make a more educated determination. I don't necessarily need any more time. I support staff's recommendation, all the criteria, the modifications in the original application. I support the requirements and conditions of approval. I absolutely support the intent here is to do a very clean and green development. One lot will be my home when my kids go off to college we'll build a small house. And we're very much environmentally friendly, that's what we want.

Saltzman: Thank you, mr. Laurila.

Laurila: Thank you very much.

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Saltzman: Any questions for mr. Laurila? Ok. Thank you. Supporters of the appellant. Are there -- yes. Come on up.

Moore: We have six people signed up. Supporting the appeal, correct.

Saltzman: Why don't we bring up two more.

Saltzman: Welcome.

Leonard: Before we get started, i'm actually not finding the staff response in my packet. Does the rest of the council have that, exhibit h1? Did you say you had staff recommendations? And identified it as exhibit h1?

*****: [inaudible]

Leonard: Is that what it is?

*****: [inaudible]

Leonard: I have the staff report. What you refer to is this? I see. Thank you.

*****: [inaudible]

Leonard: I don't have that.

Saltzman: You gave your only copy to commissioner Fritz?

Fish: What's the date of that document?

Fritz: That's from the appellant.

Leonard: I don't think --

Saltzman: Ok. Let's take a time-out.

Fish: What's the date of that document?

Whiteside: The staff report is -- [inaudible]

Leonard: So I passed my test. How do I find your recommendations? In this -- ok.

Whiteside: It's the same list.

Leonard: It's the same list. Ok. That's fine.

Fritz: We don't have a staff assessment of what's in front of us today. Or do we?

Leonard: We can have copies of that made.

Moore: Do you want to take a quick break to do that?

Leonard: It would be helpful to me.

Saltzman: We'll take a five-minute break so we all have the right things in front of us. [recess]

[The meeting recessed at 2:30 p.m. and reconvened at 2:43 p.m.]

Michelle Smit: I own two properties that face berkeley way, the undeveloped street, and the lot they're talking about developing, three houses on. I'm for development, whether it's one house, two houses, or three houses. And plus the other lot at the other side of tenino. I think it will be good for that neighborhood. And I think my lot in particular is almost most affected by this development. Mine as well as two other homeowners. Because ours looks out to this, and I have one piece of property that's undeveloped that faces this undeveloped street. And right now it's landlocked, unless I brought in a street like brett has to do to develop. I think it will be great for the community, I think that it's a beautiful site, I think it's been just overgrown with blackberries for the last 10, 20 years. It's not native land in a sense because part of it is fill dirt. It's dirt that's been pushed from the development of the community that exists. I'm trying to think of what else I want to say in regards to this property. I'm sure it's going to be developed with sensitivity to the environment. With green development -- green building techniques, and I think that's probably about it.

Saltzman: Thank you. Sir?

Dave Diloreto: I'm dale, with wdy engineers. Our office has been involved in the project since about 2005 as well. We feel the site has been developed to meet the city codes and requirements, and scott walker at the other end of the table will probably address that a little more. We're in support of brett's proposals and feel he will as well approach it with an eye toward the environment and sensitive to that.

Saltzman: Thank you. Ma'am?

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Cindy Laruila: My name is cindy laurila, wife of brett laurila, co-owner of the property. At the time we purchased the property, we lived in a thousand square foot victorian in the clinton neighborhood with our two small sons. It was a stretch to buy this property way back when, however, we had a goal to build a single family residence for our growing family. Quickly became apparent the infrastructure costs wouldn't allow that to happen, so we looked at other alternatives. We watched and waited at what was happening in the neighborhood, we saw the row houses going in, we sought high density, several large single family residents along the bluff go in. We began discussing and brainstorming with friends and acquaintances on what should be on the site. At the top of the list was sustainability and a green build approach. At home we call it the street of green. Many interested parties have stepped forward to talk to us about it. A professor at reed, several architect friends and all of them because of this idea of a simple green approach for the site. There are alternatives that we could do, like we talked about the high density. However we feel very strongly that that would not be right for the site nor for our neighbors. We have always been good neighbors, through the years, Allowing the land to be used for play and other activities for people that live nearby. We're very oriented to the neighborhood and the community. If our appeal is approved we'll continue to be a good neighbor and think thoughtfully about the future of the site. We're not a professional development team nor do we make a living that way. We are a family represented here, we have several family members here looking to divide our family lots that we can provide for our sons' future and a spot for our retirement. Thank you.

Saltzman: Thank you.

Fritz: I have a question. Thank you for coming in today. This has been a long process I know. The discussion of what practicable and feasible with respect to cost is based on your bearing the entire cost of the street. I just wondered if you had discussions with michelle and whoever owns the other lot to go in together and do it as a local improvement district rather than you bearing all the cost. Maybe you could answer that --

Cindy Laurila: That would be a husband expert question.

Fritz: Thank you.

Saltzman: Sir?

Scott Walker: Scott walker, i'm with wdy structural and civil engineers. I began working on this project with brett as a junior engineer back in about 2004, 2005, and I am continuing now as a principle with our firm. I just wanted to address a couple of things I heard. As far as the substandard Street, it carries this negative connotation. I wanted to make clear we're not asking to provide a substandard street. We're being directed by Portland bureau of transportation to provide a substandard street. We're also going to post no parking signs, and the reason is because we're in this environmental zone they want to keep it to a limited development with less storm water and environmental impact. I will say that along with that development brett is also going the extra mile to provide public water quality, treatment of all the rain water that hits this new developed street, and put it back into the public system. In a thoughtful way. In that also, we talked about the fact the lot sizes were requested to be smaller. An alternative to the original plan. Again, because we're in this environmental zone and we're looking to be as green as possible, we're trying to live within the neighborhood association's rules and the city's rules and we don't want to impact the surrounding neighborhood. We want this to fit right in. I also think we can talk about alternatives and that there are potential to do multifamily homes in this area. Multifamily generates usually more trips per household, and the single family residences are only actually required to provide one parking space within the garage. And we've given a wide enough and deep enough driveway where We'll be doubling the parking for this substandard street, because we realize people will need to go to the store and drive their kids around and they'll need places to turn around and park when people come over. I'm in favor of the development. I think it's good for the community, and just want to stand in support of brett.

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Saltzman: Thank you very much. Ok. Thank you. Were there two more?

Moore: Two more.

Saltzman: Welcome. All you have to do is give us your name and you each have up to three minutes.

John Williamson: My name is John Williamson, I'll keep this short. I'm an architect and I've known Brett for 20 some years, I've worked with Brett a number of years ago and I know his family, my children have grown up with his family. And Brett I just want to say that Brett is one of the most conscientious, honest architects that I know. He's very, very good at what he does.

Saltzman: Sir? Give us your name.

Bill Berry: Bill Berry, I didn't know I was signed up to talk. I thought I was just signed in. I'm not a type of person who believes when you own a piece of property you're allowed to do whatever you want. I've known Brett for 25 years, and I know he just doesn't feel that way either. I know he's tried to be very conscientious about what he's doing here, and I think he's gone out of his way to try to meet all the requirements that have been put forth to him, and I think based on that I feel like he should be allowed to do what he is asking to do, because he's not trying to do anything anybody is telling him he can't do.

Saltzman: Thank you both. So now we will hear from the opponents of the appeal. We have representatives from two neighborhood associations. Woodstock and Ardenwald. I'll let you take it in whatever order, but you have in total 15 minutes.

*****: We're going to try not to do that.

Saltzman: All you need to do is give us your names.

Terry Griffiths: Ok. My name is Terry Griffiths, and I'm the land use chair of the Woodstock neighborhood association. I guess I'll say right off, we kind of lost track of Brett, we talked to him maybe seven years ago, and then dropped the thread to some extent. So that's a little too bad. The - - but anyway, I'm speaking in support of the Woodstock and Ardenwald-Johnson Creek neighborhood association position that the hearings officer's decision should be upheld. And the reason for that is -- has to do with the alternatives that have been proposed. By the applicant. Both in his -- well, in the original proposal there was only one alternative as we've said, the staff report only had one Alternative of three houses on the bluff, and one lot facing on Southeast Tenino. So now we have, I don't know, four or five new alternatives, some of them frankly are a little strawmen alternatives, I think Mr. Laurila kind of acknowledges that, but I'm sorry I forget which one it is, but there's a fifth -- there's a fourth lot proposed off the bluff to the east, and then he acknowledges that goes into the preservation zone and the contours are too steep, you know, it's not doable. Ok. Anyway, I think I better stick to my script here or I might wander. The code reason for denial was -- comes out of the code 33.432.50 an environmental review application will be approved if the review body finds the applicant has shown that all approval criteria are met, and 432.250a says proposed development locations, designs, and construction methods have the least significant environmental impact to identified resources, including never mind, including alternatives outside of the resource area but there aren't any, everything on the site is in an environmental zone. So there aren't outside alternatives. The key phrase here is practicable and significantly different alternatives. The applicant has actually submitted only variations on his initial proposed site plan, obtained by subtracting or adding lots to his preferred site plan. And his only analytical criterion at least this was initially true, it gets better in the second appeal statement that came in this past weekend, is only analytical criterion for evaluating least significant impact is a table showing the cost to develop the lot proposed in each of the site plans. Admittedly the cost to develop or subdivide is a practical consideration, however, as presented here, it applies solely to the least -- it applies -- would seem to apply to the developer's bottom line. It could be interpreted that way. That by developing four lots, this is the most profitable way to develop. So the code in 33-- and we would just note that the analysis also has no probable -- it tells you the cost, the probable infrastructure and

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the development fee costs, but there's no probable market value for what you get in the end. So you're not really showing the full picture perhaps. We suggest. We would suggest. Portland code also requires the development -- developer to analyze the environmental impacts of each of the alternatives, and to provide evidence as to why the preferred alternative has the least significant -- I haven't been talking for 10 minutes have I? -- has the least significant environmental impact of all the alternatives considered. As of the initial submittal of the appeal, pre last weekend, the developer had submitted no analysis of the environmental impacts of his alternatives. In addition I would submit the appellant has not been thorough and has been misleadingly selective in the alternatives he presents. Now, I just heard Mr. Laurila, so -- talk and he kind of contradicted what I'm about to say, but, for example, alternative one shows the bluff plateau being developed with only one house. And yet in his table one, probable project costs, it puts 120,000 dollars for a full 200-foot long right of way improvement. This -- on the face of it it seems very improbable for one house on that lot. Anyway. It is not at all clear why a more than 200 square foot long street improvement would be needed to develop one lot that could have easy access from southeast Cesar Chavez. And then there's the potential landlocked lot, which Michelle referred to on southeast Berkeley way. When the owner of that lot decides to develop it, he or she could then be responsible for bearing the cost of right of way access which you referred to. There could be an alternative three-lot subdivision on the land with the plateau access from southeast Berkeley way being divided in addition only two parcels. And a third parcel being what is referred to as lot four in the preferred alternative, lot four is the lot on Tenino. This three-lot alternative would probably cost -- it actually the development costs would be about the same as alternative three, the four lot proposal, but you would only end up with three lots and two of them would be roughly the minimum lot size, a little bit over 6,000 square feet, I believe, which is about the minimum lot size for R5, for R10, sorry, zoning. And it seems possible that -- and it seems possible that the two lots in the plateau area could be accessed from at least a somewhat shorter improvement of southeast Berkeley way, and that might cut down the development costs to some extent. Finally, the hearing's officer on page 16 of the decision, you don't need that, states that because the site is within environmental zones, and the potential landslide area, and a flood hazard area, but that does not apply to the higher part, there is no minimum density requirement. You don't have to build to the full density required by an R10 zone because you're in the environmental zone and that's supposed to be flexible.

Saltzman: If you are going to split the time, you're beyond your --

Griffiths: I'm up. Ok. I just want to say for the neighborhoods, we -- the least significant -- the least detrimental environmental impact would mean fewer houses, smaller houses, houses set back farther from the bluff. Thank you.

Marianne Colgrove: Hi. I'm Marianne Colgrove from Ardenwald-Johnson Creek. Our land use chair was not able to join us today. Last night our neighborhood association voted unanimously to endorse the October 1 letter that was submitted on behalf of the land use chairs and others from Ardenwald-Johnson Creek, Eastmoreland, and the Woodstock neighborhood. We're collectively concerned the proposal does not give adequate attention to the requirements within the environmental zone. So our laws on this are meant to balance what are our competing demands for increasing density with preserving the environmental benefits of the natural area. So developers are obliged to meet some what I think are reasonable requirements for the privilege of developing in the spaces. And I don't think the applicant has met these requirements. If we go back to the Johnson Creek Basin Protection Plan, there are three principles identified, this plan was adopted by Council in 1991 and it's the basis for the land use environmental regulations subsequently. The principles are to limit housing densities in areas that are difficult or hazardous to build on, expand plan districts requirements to include protection of natural resources and neighborhood values, protect or restore habitat within the resource area, as an approval criteria for new development. So the proposed subdivision is within planned site six and numerous functional values are identified. Water, storm

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drainage, water Quality, Fish and wildlife habitat, interspersed, flood storage, scenic beauty, and education are all identified values. The plan goes on to say the wetland and associated upland provide a biological and hydrological link to the creek corridor. Site five, which is immediately adjacent, so the two -- site five and six divide right at 39th now Chavez, says the canyon as a whole has high scenic value. The natural habitat and character of the canyon would be diminished and irretrievably altered if not protected. The character of the park would be changed. So the functional values are many, and they are worth protecting. The city has made considerable investment in enhancing this natural area. So in his report the hearings officer characterized the applicant's analysis of alternatives as speculative and lacking in detail. And I think today the applicant and the staff have tried to characterize that as something of an administrative oversight. But I would say it is incumbent upon them to submit the plans and details necessary to justify developing in this valuable space. The appeal offers little improvement on the original. The appeal that I received yesterday, so it's a revised appeal that was submitted over the weekend, has the original proposal and four alternatives. Some of these are patently impossible as described, they're way too steep. And the others, the applicant tries to simply eliminate by saying they are too expensive. He only focuses on his cost to develop. Even his cost analysis is limited because he doesn't discuss the market value as one factor. So while the cost is one component of practicability, it is not only one. Practicability is not the equivalent of profitability. The plans are hypothetical at this point. There are no specific plans for structures on the site, no guidelines for the design, no elevation showing visual impact. We've heard several references today to green development on the site, but none of that is documented in the proposal. So I would say that the appeal does not offer credible or substantive discussion of the detrimental impact on the numerous functional values. It offers no discussion of the impact on scenic resources and the view shed is a recognized environmental resource that should be protected. The site is prominent in its visibility from the Springwater trail, and Tideman Johnson park and Johnson Creek canyon. At 30 feet tall, the three houses on top of the bluff with minimal setbacks and no large trees remaining will loom over the natural area. Along the entirety of Berkeley way, these houses would be the only ones situated on the south side of the right of way. Uniquely imposing their presence on the public space. These houses would transform the natural area in a way that is inconsistent with the Johnson Creek basin protection plan. As we consider this development scheme, I wish we would have a reasoned discussion of the alternatives. How would different building plans affect storm water management? How will runoff and erosion increase landslide risks? What vegetative buffer is sufficient? What combination of height, building mass, and setbacks would be the least intrusive? But we have not received any kind of detailed analysis of these criteria. I don't think he has overcome the hearings officer's criticism that the proposal is speculative and lacking in detail. Development within the environmental zone should not be undertaken casually. Johnson Creek is the only identified and protected watershed in all of Southeast Portland. The city should resist the temptation to meet its density goals by allowing poorly planned and speculative development in a high quality urban natural area. We have heightened expectations for development in an environmental zone, and developers are obligated to take reasonable steps to demonstrate that their project will have the least significant detrimental impact upon the resources and functional values of the site. And I maintain that the applicant has failed to meet even this minimal criteria and the denial should be upheld. Thank you.

Saltzman: Thank you. Questions?

Fritz: What's your opinion of the proposed lot on Tenino?

Colgrove: I'm concerned about that lot because there was recently a landslide this past winter, it's very steep back there, it does not impose itself over the public corridor, and the park in the same way. But I don't really see any benefit to the environmental site to having an overly tall house there.

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Fritz: What's the current status of development of tenino? Is it a fully improved street with sidewalks?

Griffiths: It has no sidewalks, but it is an improved street.

Fritz: Does it have curbs?

Griffiths: No.

Fritz: And would more trees likely be saved if there were two lots off berkeley way?

Griffiths: I think mr. Laurila would have to respond to that. I'm not sure. I thought an advantage of two lots would be that you could move the houses back and take up less of the area of that bluff.

Colgrove: I believe more trees could be saved, but I also believe it's his responsibility to conduct that analysis.

Fritz: You mentioned about storm water, what's the proposal for runoff from the houses for treatment?

Colgrove: I believe he's proposing some sort of storm water attachment at the end of berkeley way, and ultimately would it go into the combined sewer system.

Fritz: What about from the houses? Is there on-site infiltration proposed?

Griffiths: My understanding, it would be Better answered by the developer.

Fritz: I'll ask him too.

Griffiths: My understanding or possible misunderstanding is that impermeable surface water will be caught in planters that -- that they'll seep. I can't think of the right word, and channeled into the combined storm sewer system. And I understand the reason for that because it's the landslide hazard area, but at the same time it kind of points out that you are interrupting an ecological function of the site, which would be groundwater recharge, and you're putting this back into the combined storm sewer, which in general the city doesn't want to do.

Fritz: Thank you. And there was recently a landslide on the upper part of this site?

Colgrove: Yeah, the end of that triangle back towards tenino.

Fritz: Thank you.

Saltzman: Further questions? Thank you both. Now we will hear --

Moore: We have two more people. Who oppose the appeal.

Saltzman: Ok. Welcome. If you could give us your name, you each have three minutes. There's a timer in front of you.

Kym McCown: Kym mccown, I live at 8260 southeast cesar chavez way. I concur everything mary ann has said, but I also worry about the scenic view from the tideman johnson park, because when you walk down the corridor, you can look up on either side and you don't see any buildings at all. It's going to be disturbed by that. And it's -- I just -- it's a scenic thing for me. I'm concerned about the landslides and also the runoff down there. I'm just basically here to concur with everything they have said.

Saltzman: Thank you. Sir?

Dan Eggleston: My name is dan eggleston, I live at the northwest corner of southeast berkeley and cesar chavez boulevard. Kim lives at the northeast corner of the intersection. The applicant in my opinion has failed to provide specific alternatives to many of the issues required for development in the environmental zone. The applicant's appeal deals mainly with his development costs, and to make these development costs work, you've got to reduce lot sizes, reduce setbacks, you're cramming things in, and it doesn't necessarily make it right simply because that makes it cost effective. Once again, the ladies before us talked about the right of way improvements that he puts in his scenarios. And the right of way improvement, there's \$120,000 for each scenario, but if there's just a one-house scenario, they are not going to have to have a 200-foot street built. So that's got to affect costs. And so that lends question to perhaps some of the other things he has proposed.

The appeal lacks specific alternatives pertaining to the locations, designs, or construction methods that have -- the least detrimental impact upon the identifiable resources and functional values as

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required for development in the environmental zone, and noted by the hearings officer in the denial of the original application. Once again, going to this, it should be noted that this site was formed by unregulated dumping in the 1960s. It's 40 feet deep, and as previously stated, on lot four there is a landslide last winter. Before any disturbance construction or otherwise had happened. So special foundation construction will be necessary, because of the type of land that it is, and that could expose contaminants and increase the risk of further landslides, yet this appeal offers no specific alternatives to minimize these risks. Also not addressed in the appeal is the blight caused by 30-foot buildings. You saw a slide of the site from springwater corridor. The buildings will be almost as high as the bluff itself. That's going to have a terrible impact on the springwater trail and tideman johnson park. A lot of effort and money has been spent returning it to a natural state, and this is something that I don't think the city of Portland can afford to lose. This appeal failed to provide any credible specific alternatives that are less detrimental to the environment. That are also required for development in an environmental zone, and I urge you to deny This appeal.

Saltzman: Thank you.

Saltzman: Now we'll hear from the appellant again. How many minutes for rebuttal? Five minutes.

Brett Laurila: I'd first like to say that regarding the landslide, it is not on my property. It is on the adjacent owned bes property. And it was caused in part by a city water bureau flushing the hydrant at the end of the street. The reason that's an issue for us, for my lot, is now we have to provide an additional safety basically along my property line to prevent it from sliding until we see what the city does to repair that. Then we'll know what the issue is. We will be able to respond to -- my engineer, our soils engineer has provided the analysis to provide basically I think it's 12 caissons along the property line. That's obviously an additional cost to us. We didn't even bring up as part of this, because the landslide, I didn't want to address at this point. Since it's been brought up in public records, I will address it now. So that will be addressed through a process hopefully through bes and the water bureau in determining how they're going to repair the landslide on their part, and hopefully the soils engineers will determine that there will be no further impact on my property. So to be really clear, the landslide is not on my property, it's about 15 feet on -- to bes's property to the east. But the landslide does affect my property. Second, I -- commissioner Saltzman, you asked me -- asked earlier about lid. I can't remember --

Saltzman: That was commissioner Fritz.

Laurila: We discussed the possibility a few years ago, and even more recently with public works about the possibility of doing that. It's a very arduous, long process to get -- to buy in. In doing the street determination, part of the reason that the street, whether it be one, two, or three lots, which the neighborhood says we can do it and they can be shorter, was because there is a landlocked site, and either we could possibly do it to a certain point, but michelle's lot, which used to be mr. alsops, previous neighbor, that lot faces the unimproved street on berkeley way. So we would have to at least extend the street to that point. The cost is a determining factor in mitigation, in the response to alternatives. The cost to develop this, the whole reason question even went to this point of dividing the lots was because of the cost of the infrastructure. If we could get a buy-in by all the neighbors, anybody either abutting berkeley way and/or cesar chavez, because of the water improvements, to buy into an lid, that would be great. It's not going to happen. I just don't see it happening. So I have to look at it from surely my standpoint of how those infrastructure elements get provided. Get developed. That's a part of our requirement. We have to do that. In response to the lot size, one of the things I want to say is if -- do you bicycle? I do, even though I look really big and fat, I bicycle. I ride that bicycle in that area. And i've done it for years. The nice thing about that is the fact that you can have the bluff, but if you go farther down into east moreland, there are houses that are visible along the bluff. And there's the tennis courts, and there's a lot of things as you go farther west, you can see. From the center line of the springwater bike path to the edge of the -- if somebody built to the farthest setback on our property, it's 85 feet. 85 feet. And it's at about a 45-

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degree angle. So if you're on the springwater corridor standing on a bike path and you're looking up, you may see as the angle goes up, you may see the top of the houses. If you're farther down toward allied chemical, you won't see it until you come around the bluff to maybe the bridge there. If you're familiar with -- there's a bridge that crosses over the springwater corridor. Johnson creek. I do want to say lastly that I do believe we met the approval criteria. If you look at the lots, we have -- and i'm going to say look at one of my diagrams really quickly, page c-1, in the back -- it's drawing number -- you can kind of see a form field function of the proposed outlets, proposed homes. And they're very consistent with the rest of the neighborhood. And yes, we're --

Saltzman: Your time is up. I know I have a question.

Fritz: I have a question. Did you look at with two lots how many more trees you could save?

Laurila: Believe it or not, the trees on the lot aren't the ones that are issues. We have -- we could save I think three trees. If you look at the diagram showing the trees and where the lots are, the preponderance of the trees being removed are for the right of way.

Fritz: If i'm looking at figure 5, it seems like the lesser treed area here that could be divided into two lots and save these trees.

Laurila: Three lots depending on the development, when we met with planning, planning said you need to show all the trees, most of those are also nonnative, they're problematic trees. If we -- I could design as any architect could, a house that would incorporate that landscape. That's what I would love to do if we get to a point I can be the sole designer to design this -- I would be ecstatic because I could design houses that would have green roofs, and be able to take care of the storm water.

Fritz: Thank you. I have one final question. Why does the street cost not change when you have the lot on tenino where you'd have to do a street improvement?

Laurila: Because of what we were told in the beginning that we would have to improve the street to a certain standard.

Fritz: But you'd have to improve tenino and there's no change in your estimated cost.

Laurila: I'm sorry, there is no improvements on tenino at all. There's no improvements on tenino.

Fritz: OK, I'll ask staff about that. Thank you.

Saltzman: I was -- you were stating that if you were at the center line of the johnson creek bike trail, and your property was at the zero lot line, meaning I assume closest to the bluff -- .

Laurila: The five-foot setback from the bluff --

Saltzman: You're proposing a 15-foot setback from the bluff?

Laurila: We have a 15-foot setback that's required for the landscaping. And then from that there's an additional five feet to the edge of where the house could be developed. So that's what i'm saying, the built line development, not the green space mitigation area.

Saltzman: Thank you. Thanks, mr. Laurila. Should we bring staff back up? Maybe bes, come on up too. We want transportation and environmental services.

Fritz: You might use these microphones. That one doesn't work very well. I want to look back. Let's do a history of the street vacation. The street vacation previously went through the proposed lot four, is that correct?

Bob Haley, Bureau of Transportation: Correct.

Fritz: And what was the reason for the street vacation being approved?

Haley: If you saw in the slide, it's sort of a side bluff, so it was something from a transportation standpoint had no use. It would never be developed as a roadway.

Fritz: Ok. And does anybody have documentation what was the lot area before the street vacation?

Whiteside: It's in the land use file, but I dot know it off the top of my head.

Fritz: Is there anywhere in the file a tree map showing which ones are native and which ones are not native?

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Whiteside: Yes. Exhibit c-6.

Fritz: I'm going to need more time to look at this. So I would like to get that information.

Whiteside: Exhibit c-6 is in the staff report that you just received.

Fritz: Ok.

Whiteside: There's a list in very small print.

Fritz: Why would no improvements whatsoever be required on tenino?

Haley: One is the lot that was created is only 25 feet wide. And if you -- with a standard driveway at 10 feet with three-foot wings, you 16, so you have nine feet left over so you may have two or three feet of sidewalk on either side, plus you'd have to engineer the storm water planters with swales, and if you look farther east, you start getting closer to the p zone. So it would remain a very isolated piece of improvement that wouldn't extend any further.

Fritz: It looks on the aerial photograph as if there's no paved access to that lot currently.

Haley: It will probably come in as just -- it's not environmental zoning so it probably just gets a driveway approach.

Fritz: From the existing pavement.

Haley: From the existing pavement.

Fritz: And why was the applicant told they couldn't do just a driveway off of Berkeley way for their one lot they were originally proposed to do?

Haley: I wasn't involved at that time. But the code title 17 hasn't necessarily changed. When you come in and develop a vacant lot, you start off with a requirement that you improve your entire frontage to current city standards. That hasn't changed. I think -- because that wasn't -- I wasn't reviewing it at the time, I'm not sure when it went from what they were told they maybe could have done off a driveway approach off of Cesar Chavez.

Fritz: You just said we're not going to require that on Tenino, but we would have required it on the other.

Haley: From the time I got involved, what they were proposing on Berkeley way is three lots.

Fritz: Right.

Whiteside: If I may speak, there's no other developable lots on southeast Tenino whereas on the north side of Berkeley way there are additional developable lots.

Fritz: We can't require this applicant to develop the entire 200 feet in order to benefit the land locked lots on the other side. That would not be in compliance with a nexus requirement.

Haley: It may not be -- for nexus we're looking at dedications, not street improvements. I'm not going to speak for the City Attorney, but we have been consistent in able to uphold frontage improvements for even a single family home, even replacement single family home.

Fritz: If we were to, say, go with a two-lots on Berkeley way, leaving those other two lots land locked, we would not be requiring this applicant to extend the street, would we?

Haley: It starts off with a requirement to do your entire frontage. Under the process we started about a year ago with the colocation and the new public works administrative appeal process and public works process, to do less than the standard improvements requires you to go through an alternative analysis that gets looked at, first in an administrative works appeal and then to a panel and then to a board, which is the three chief engineers of the city, eventually. In my opinion, and I don't want to guess what that process outcome would be, but I think the minimum roadway that would be required for this with even two lots, is probably maybe half of the length up to that point where you get to the first developable landlocked parcel on the north.

Fritz: Are we not requiring this development to pay for the improvements for the other two lots?

Haley: You know, the requirement is for a standard half street when you come in. Unfortunately the first person in ends up doing three-quarters of a street, because they have to do a minimum of a 20-foot roadway for legal access and for fire access. Typically when the other side of the street would come in, that's when you would get the on-street parking and the curve and the sidewalk and

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the street trees on the other side. In this case we only have three, so when those lots on the north side are developed, it's probably likely the only thing we'll ask, because of the environmental zoning and the guidance to do as least amount of disturbance in the right of way, we'd maybe look at some sort of pathway or separated pedestrian facility back out to cesar chavez.

Fritz: Thank you.

Haley: On the cost estimate as well, a lot of the cost, whether the street is 100 feet long or 200 feet, the engineering costs, the permitting fee costs, the design costs, are going to be relatively close because at that point you're just paying for extending asphalt. But the amount of engineering work that needs to go into it and the review fees are going to be pretty consistent.

Saltzman: So bureau of environmental services, i'm rusty on evidentiary land use hearings where you can submit information right up to the hearing. So bes has reviewed the alternatives that were submitted by the applicant and does not find any adverse impact from a storm water point of view upon johnson creek or water quality point of view?

Whiteside: Correct. Do you want to expand on that?

Leonard: I actually have a related question. I don't know if you want to answer it or Kathryn, because it is an evidentiary issue in terms of your staff recommendations, which are dated july 30th and the hearings officer signed his report august 21st. I'm just curious why your staff recommendations aren't part of the record that he apparently considered.

Whiteside: They are part of his record. So exhibit h2 is a hearings officer exhibit. So the staff report was published 10 days prior to the first public hearing.

Leonard: Help me understand why he decided apparently adverse to your recommendations and your one of the alternatives you give to us is to overturn his opinion and with the conditions apparently that are included in your staff report.

Whiteside: So with this type of appeal hearing, the applicant isn't here to present a new alternative or new option that we haven't looked at before. He is still proceeding forward with his four-lot subdivision. What he is adding into the record as he's allowed to under an evidentiary hearing is the documentation of the alternatives that he dismissed throughout the process.

Leonard: So if we move to overturn the hearings officer's report with conditions, you do not want the conditions to be from your July 30th report. But rather the list you have in your—

Whiteside: I think the two lists would be fairly consistent.

Leonard: The two lists. So you think like open space tract, maintenance agreements are all contained within your staff recommendation—

Whiteside: within the staff recommendation, but not the hearings officer's decision.

Leonard: I guess I'm still confused, if he had that, why that doesn't address the issue—

Whiteside: My conditions of approval address things that need to be on the plat. They address development standards for the lot. Monitoring requirements for the mitigation planting, but the -- what the hearings officer found is that the record didn't contain enough information to make the complete environmental analysis.

Leonard: You're saying if we overturn his decision and have the issues you identified in your july 30th memo, you will make sure that those conditions are met with specific proposals from the applicant as he proceeds down the development.

Whiteside: If you overturn the hearings officer decision, staff will return to you with revised findings and revised conditions of approval.

Leonard: Address the hearings officers concerns as well.

Whiteside: Yes. New findings addressing those two pieces.

Leonard: Okay.

Fish: At that point, we would have the opportunity to reconsider our decision if at some point we didn't think the conditions were sufficient or we would be simply tweaking the conditions?

Whiteside: You would have to ask the city attorney that.

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Leonard: I guess we could do anything up until we voted.

Fritz: Just ask my staff if they can enlarge this photograph for me. Exhibit c6. I can't read what the tree map is. So, we have received this input on October 7th. The hearings officer found there wasn't an adequate alternatives analysis done. Neither we nor the neighborhoods have had a chance to look at are those real alternatives? Are there other alternatives that should be considered that would better protect the resources? Burden of proof is on the applicant to prove the approval criteria are met. The hearings officer found they weren't because that wasn't there. I'm struggling how we could overturn the hearings officer decision when that alternatives analysis, challenge that could be still further conditions of approval coming out of, you know, we still have to figure out is this the least practicable alternative, the best that keeps the resources together. Because the only alternatives that I saw were with the four lots on the bluffs with attached housing. There is another alternative that could have all attached housing in the developable area. A very similar property in the far southwest neighborhood that was developed with that kind of housing. It is beautiful and preserved a lot more of the environmental resources and stayed away from the trees. I'm struggling as to why we would be looking to overturn the hearings officer decision when the hearings officer main point is the alternatives were not properly considered.

Whiteside: One point I would like to make is that the hearings officer has found consistently that an applicant is not required to consider every alternative. He has to provide a set of significantly different alternatives, determine which of those are practicable and of those which has the least environmental impact. He has made it clear that staff is not to provide alternatives. That this is an applicant-driven process. You have before you the applicant's alternative, although I completely acknowledge what you said about not having enough time to review those yourself.

Fish: Were we would uphold the appeal, in a normal judicial proceeding we might be able to send it back to a lower court and say make new findings and bring it back. But under our system, we get to make the finding. We stand in the shoes -- we supersede the hearing officer. So, we don't have to go through that mechanism. We can uphold the appeal, direct you to come up with the conditions, and then we can consider those proposed conditions in light of our reading of the law.

Leonard: And, in fact, you know, were I to make a motion to overturn the hearings officer report, I would read into the record the conditions be the one you list here. You have heard the debate. You have heard the discussion. And you probably adopt findings to reflect the discussion. If I'm -- if I'm tracking at all what I have observed for the last 10 years in these hearings.

Fritz: With all due respect though colleagues, unless your eyesight is better than mine and you can look at the tree map, we can't make the finding that this proposal is the least detrimental alternative.

Leonard: They will develop findings for us before we vote that should address that, is what I expect. And then once we have the specificity of what the finding of the staff developed consistent with our direction, they will address those issues in their findings and if we don't like one of the findings, when they come back before us, we can change that.

Fritz: Better way of moving forward would be to set it over so that we all have time to look and take more comments and hold the record open so that the neighbors have an opportunity to compare the proposed alternatives and come back and make a preliminary decision.

Fish: I think the problem with that, if we went the other route, we could come back and having a hearing and we could potentially get testimony at that point. Frankly, after hearing about the length of time that has -- of people participating in this process, my sense, and I'm not putting words in anyone's mouth, this room is waiting for a decision and I think it is incumbent on us to make a decision and my preference would be to uphold the appeal and follow commissioner Leonard's suggestion because I think it gives us a chance to then closely scrub what you come

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back -- I think it is safe to say if that is the will of the council, we will be reviewing your draft at -
- with more attention than we would on some more routine land use matters to make sure that we agree with the conditions, but that would be my preference.

Fritz: Proposing to have a public hearing on the proposed findings?

Fish: Pardon me?

Fritz: Would you propose to have a public hearing on the findings? We don't usually do that.

Fish: No, but come back and have a discussion as a council.

Leonard: This is a quasi judicial process. We have different rules and standards of evidentiary submissions, considerations are different. This isn't with all due respect to politicians, a political process. This is a semi-judicial process. So, I think we need to stick with precisely what the state law says our role is here and it is to make some decision. We absolutely have the right to review the specificity of the -- based on the conditions when they come back I expect that to happen. In other words, I think any concerns I hear here can be vetted out through that -- at that process.

Fritz: So are you saying that we could come back and say no, you can have a two lot sub division or three lot sub division instead of a four lot?

Leonard: I don't agree with that. That will not be consistent with any motion that I make. I think what I will -- the decision -- the motion I will make will be consistent with what we have been provided here and responsive and reflective of the July 20th -- July 30th memo would be my expectation. So, if you are open to a motion, Mr. President, I would move to uphold the appeal and overturn the hearing officer's decision contingent upon the following condition of approval that the approval criterion that staff develop for us to consider at our next hearing address the issues of open space tract, maintenance agreements, public street improvements, public water main extension, fire bureau requirements, performance guarantee for mitigation plans and monitoring, construction management, development standards, monitoring requirements and corresponding maintenance and those conditions be roughly similar to the memo, staff memo dated July 30th, 2012.

Fish: I will second the motion.

Saltzman: Okay. Further discussion? Okay. If not, Karla call the roll.

Leonard: Aye.

Fritz: This make a mockery of the land use process, because we're supposed to be considering the approval criteria which require that we consider the alternatives which we haven't had the opportunity to do. No.

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

Saltzman: So the appeal is -- the appellant is upheld -- hearing officer decision is overturned and the decision is upheld with the conditions as stated by Commissioner Leonard --

Beaumont: Let's be clear. This was a tentative decision today. You will need to continue this to a future date to consider the proposed findings and conditions that the staff will draft. And then to take a final vote.

Leonard: Okay. Do we need a time for those?

Beaumont: Yes, we need a date and time certain or a date and time.

Whiteside: Staff needs approximately two weeks to draft revised findings.

Fish: If we gave you three, would we get an extra few days to review your findings before?

Whiteside: Sure.

Fish: I think in this instance we would want additional time to review it.

Saltzman: What is that date? 31st, I think.

Moore-Love: Three weeks out, we can do it -- the morning session, would that be okay? Let's do 10:00 a.m., October 31st.

Saltzman: Okay.

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Whiteside: I'm going to be in a hearings officer hearing at that time. So, staff is not available.

Leonard: At that precise time?

Whiteside: It is at 9:00 a.m.

Whiteside: For your pump station. The fulton pump station.

Saltzman: Oh, the fulton pump station.

Leonard: We certainly need you there.

Saltzman: Are we scheduled for the afternoon?

Moore-Love: I've got a 2:00 and 3:00 on hold. This shouldn't take 10 minutes or so.

Saltzman: Why don't we do this the first item at 2:00 on the 31st.

Moore-Love: First item at 2pm on October 31st.

Saltzman: Okay. Thank you very much. And do we need a break or the next time certain? Let's move ahead. So, could you read item 1155?

Item 1155.

Saltzman: Welcome, I will turn it over to debra stein and john cole.

Debra Stein, Bureau of Planning & Sustainability: I'm debra stein. I'm pleased to be here today to kick off the presentation on the 122nd avenue rezone project. I think this project has a lot in common with the corridor project that you just decided on last month. Like cully, this is a community inspired and community driven process to create more opportunity for neighborhoods serving retail and economic opportunity employment in a predominantly residential area underserved for quite awhile. Like the cully project, this project embodies the Portland plan to be -- to promote our city as a prosperous, educated, healthy and equitable city. There is a lot in the project that puts some of those concepts on the ground. Providing additional economic activity, greater opportunities for residents to meet their daily needs in their neighborhood. This project comes out of the east Portland action plan. This was identified as a high priority of the community. It is thanks to the great advocacy and great commitment of community leaders and members in east Portland who made this happen and advocated for this project to take place. And their tireless commitment throughout. I want to mention that through this project, there were a lot of community discussions that helped advance some issues that go a little bit beyond the scope of this particular project, but are issues of vital concern to east Portland. Issues about design and density, multifamily housing. Density and infrastructure and how they relate. Neighborhood scale, economic development. Those are issues that came out of the discussions and we really have been hearing those and while they don't all get addressed in the project, they are being advanced into our current conversations about the comprehensive plan update. We are keeping those conversations alive and moving forward. I think through this process, we were able to elevate and understand some of those issues better. So, it is very relevant and very meaningful to us right now. I'm going to introduce john cole, the project manager, and he can tell you more about the project.

John Cole, Bureau of Planning and Sustainability: Thank you. Thank you commissioners. Over the last year, I have been working in outer southeast Portland with chris scarzello the east district liaison to carry forward some of the ideas that debra has talked about. This afternoon, I hope to briefly walk you through the proposal for rezoning properties on 122nd avenue, answer any questions you may have and then at the end of that process, we will be asking the commissioners to adopt an ordinance that approves some zone changes, recommended by the planning and -- planning and sustainability commission, directs the city bureau of transportation staff to work with the Oregon department of transportation to develop a traffic safety plan for the intersection of 122nd avenue and powell boulevard that will support the additional traffic that is anticipated with the new levels of development at that intersection. And then sort of a housekeeping item, to approve an amendment to that adoption ordinance that recognizes this item was originally scheduled for your september 19th meeting, but was rescheduled for today's

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hearing because a quorum was lost at that meeting. This is a map of the project area that we were concerned with at the north end of the light brown area is division street. But we were primarily concerned with powell boulevard at the north end of our rezoning efforts, down to foster road at the south end. This is an area that was annexed to the city in the late '80s, early 1990s. It has experienced a population growth rate higher than the city as a whole. Roughly 10 times as many people -- roughly 10 times the growth rate between 1990 and 2000 has been experienced at the citywide level. There has also been a significant increase in racial and ethnic diversity in this area.

As the non-white population has increased from 12% of the total to over 31%. This represents the eastern boundary of the town center urban renewal district. It is also an area that serves the david douglas school district. In response to some of the issues that have arisen since this area's annexation to the city, the city has worked with neighborhood leaders on some planning efforts, including adoption of the east Portland action plan in 2009. And then a subset of that discussion southeast 122nd avenue study, a pilot project of the Portland plan in february of 2011. As part of that pilot project, there was a -- a number of recommendations for implementation efforts and the city council directed the bureau of planning and sustainability over this last year to identify opportunities for additional neighborhood serving commercial areas as well as to look at opportunities to energize economic activity and improve some of the design standards in the neighborhood. So, we -- we undertook that particular effort. We worked with a project advisory group that had been active in the pilot project earlier on. These were members that were residents of the neighborhood or members that were active in some of the business associations in the area. Held a number of community walks, open houses and briefings, as well as some of the more traditional outreach efforts. We worked with advisory group to develop a set of criteria that we could use to evaluate specific properties, and determine whether or not they could contribute to the neighborhood through being rezoned and what the appropriate zone would be. We also started out with some additional standards that we would look initially at existing commercial nodes that exist in that neighborhood along holgate and harold and along powell and would pay attention to what the rezonings would do to the surrounding residential neighborhoods with an understanding that we would try not to negatively impact the adjoining residential properties. We ended up with proposals that I will go into a little more detail with you here today on that fall into roughly four geographic areas. At the north, top end of this particular map is the intersection of 122nd avenue and powell boulevard. Midway down you will see some proposed rezonings at the intersection with holgate. Further south there is a stretch of purple and red that is proposed for some rezonings at raymond street heading south, and then in a related matter, down at the bottom of the map, is the leach botanical gardens. The parks bureau, when they understood we were going through this particular effort, contacted us and suggested some rezonings that support their efforts at the botanical gardens and I will talk about all of those here in more detail. It is a little bit hard to see where the streets are in these particular maps that to really focus on the proposed rezonings. Let me try to use my pointer here to show you here is 122nd avenue running north and south. And it intersects powell boulevard here running east/west across your map. The red properties that you see on this map front on 122nd avenue, and the proposal before you today is to rezone those from residential to a neighborhood commercial designation. The three areas before you in blue are properties that gain access from powell boulevard and we have stopped short of recommending full rezoning of these properties as part of this legislative process, but today we propose changing the future land use designation on these properties to neighborhood/commercial. What this step does, if you will, is send a signal that the city would like to see these properties developed as commercial properties in the future. It saves the individual applicants time and money on their subsequent private application to the city to rezone their properties, but it allows the bureau of transportation and the state office of transportation an opportunity to review specific rezoning applications and to assign certain improvements in the

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right of way to those development proposals that would mitigate for the increased traffic that is anticipated to accompany that rezoning, and to improve some of the safety circumstances at the intersection of Powell Boulevard and 122nd that were identified as part of our review process. Traveling south to the intersection with Holgate Boulevard, the property in red is proposed to be rezoned from a combination of mixed commercial and R-2 multidwelling residential to a storefront commercial designation. This is normally a zoning district that we would apply closer in to the center of town. This area has seen recent development of multifamily residential projects, notably Leander Court, Party Commons and Commissioner Fish -- Svaboda Court. We think development standards would be compatible with the recent residential development and could make this intersection really a nice identifiable exclamation point, if you will, along southeast 122nd.

Fish: Since you mentioned it, I'll put a plug in for the affordable housing partners. Interesting thing as you go out to the neighborhoods, you find single family, multifamily development, working with human solutions -- and in many of the neighborhoods, the subsidized housing is the most attractive, in terms of the aesthetics of the housing, affordable, and built to green standards. It is exciting what is happening in this cluster. They are in effect the standout properties in an area that is in transition.

Fritz: Cs zone require commercial?

Cole: None of the city's commercial zoning districts require commercial development. All of them, the developer does have the option of developing a residential project.

Fritz: We've run into some problems in other areas of the city where neighbors were hoping for neighborhood-friendly commercial stores and instead have gotten either convenience stores, liquor stores, or multifamily apartments with no parking. So, can you address those concerns?

Stein: We have been hearing that quite a bit. That is one of the issues we are looking at in the comprehensive plan update. We want to take a fresh look at the commercial zones and determine to what degree we want to allow -- it has always been -- for a long time been city policy to encourage housing in all zones as a possibility, as an opportunity. We want to look at are their locations where we want to require commercial uses of the ground floor, or are there other things about developing residential uses in commercial that we will be taking a look at. We didn't do it in this project, but we know that that is an issue.

Fritz: Is there anything we can do as part of this project to make it more likely that neighbors will get what they've spent such a long time working on? Specific to these particular rezonings since we're rezoning them right now?

Stein: We wouldn't be able to add something in this case without changing the base zone or doing something with more citywide implications. We were not in a position to open up a citywide conversation. The appropriate place to do that is in the comprehensive plan. I'm not aware of something we could do in this location that would address that. Other than advocacy and encouragement as opposed to regulation.

Fritz: This is a first reading, so we'll have until next week before we vote on it?

Stein: Yes.

Fritz: It just popped into my mind what if we made a comprehensive plan designation with something -- a condition. I feel bad when neighbors in other areas have put a lot of effort into doing this kind of project and staff also, and then we end up not being able to stop the kind of development we don't want. I get a lot of angry emails as do you and I don't really have a good answer as to why.

Stein: Your concern is this newly zoned commercial property were suddenly developed as residential

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Fritz: Yes, let's brainstorm over the course of this coming week since we are doing these particular sites, if there is anything at all we can make it more likely that we get the kind of development that we're all hoping for.

Cole: Thank you, commissioner Fritz. If we move south to an area that begins at Raymond Street, 122nd, there is a proposal to add on four corners of that particular intersection a cn-1 neighborhood commercial zone. As we move south from there, darker purple mid-block is a mixed commercial zone that the city uses that allows for commercial development and requires if there is significant redevelopment components to include residential development with that new commercial activity. And then south in the brighter red is an expansion of an existing cn-2 zone that is at the corner of Harold Street and 122nd. And then you see kind of an individual r-1 to cn-1 zone, rezoning, has the number 14 attached to that. And that is a recognition of an existing non-conforming use at that particular intersection between the Springwater Corridor and 122nd.

On map 4, even though I'll talk a little more about the Leach Botanical Gardens here, I think -- I should take a moment and indicate that at the intersection of Foster Boulevard, and 122nd Avenue, there is an existing note of general commercial zoning at that intersection, and initially we looked at expanding that particular commercial area, and decided not to expand the zoning in that area because we could not see a way of doing that that added significantly to the likelihood of its redevelopment, commercial property without interfering with some of the neighborhoods, some of the residential streets that butt up against that particular node. Further south, as I mentioned, is sort of an administrative housekeeping item. You will see that the staff is proposing to rezone of all or a portion of four residential lots that have been acquired by Leach Botanical Gardens over the years that have retained their r-10 zoning. The proposal is to add the open-space zoning to those properties. This is consistent with current use of Leach Botanical Gardens and the future mission. There is no development anticipated in association with this particular rezoning. So, as Debra mentioned at the beginning of this presentation, the provision of this additional zoning that supports neighborhoods serving commercial uses and what is otherwise an underserved neighborhood with this type of commercial zoning, is consistent with some of the strategic elements of the Portland Plan. Most notably, Healthy City strategies that talks about putting daily activities within reach of all of our residential neighborhoods and the economic prosperity and affordability strategy that promotes the development of neighborhoods serving commercial areas.

Our request of the city council this afternoon is the adoption, set the stage for the adoption of the ordinance in your packet amending the comprehensive plan and zoning map as shown in the 122nd Avenue Study Report. One that was reviewed by the Planning and Sustainability Commission, and to adopt a resolution directing P-30 to develop a traffic safety plan, including a financing plan to apportion the costs of the anticipated improvements at that particular intersection. There are members of staff from both ODOT and P30 in the audience. If you have any questions, I will be available to answer any questions.

Fish: A special thank you for including Leach Botanical Garden. With this council's support, we put back the \$1. something million to jump start their master plan. Thank you for including that in your study and supporting the work.

Saltzman: Okay. I know a number of council members have to leave. I am going to put everybody on the clock here. Call up the first four people.

Moore-Love: Superintendent Gray has to leave early. So, if she could --

Saltzman: She can be one of the first ones. Our apologies, we ran late on the previous item.

Fish: Superintendent Gray, and also a member of the bureau of -- the planning and sustainability commission. Go ahead.

Karen Fisher Gray: Good afternoon. My name is Karen Fisher Gray. I'm the superintendent of the Park Rose School District and Planning and Sustainability Commissioner. It is my distinct privilege to serve on the commission. I am also an original member of the East Portland Action

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plan committee, and have been a strong advocate of all things east Portland. I am also on the policy expert group for the comprehensive plan in the area of youth and education development and success. The east Portland action plan has more than 260 action elements that include a strong emphasis on the development of infrastructure, transportation, economic development. We are working very hard to accomplish each and everyone of the action goals so that we can effectively create and improve healthy connected neighborhoods and liveability in east Portland. To that end, one of the east Portland action plan goals is around safety and economic development of powell boulevard. The proposal is the result of a nearly year-long process to address resident concerns about the lack of neighborhood serving commercial development. Two acres of property owned by the Portland parks bureau as part of the leach botanical gardens were also recommended to be rezoned and we need all of the parks and green spaces we can get in east Portland. The planning and sustainability commission recommendation included approximately six acres of land near the intersection of powell boulevard and southeast 122nd avenue that tentatively had been withdrawn by city staff in response to concerns that odot had about safety. The commissioners directed staff to work with odot to resolve the issues, and they have. On september 11th, 2012, planning and sustainability commission staff returned to the pfc meeting to report back regarding the safety issues. Six acres of property will be changed in the recommendation from residential to commercial zoning allowing further economic development of this critical area. A traffic safety plan was detailed and would be placed to the city's transportation system plan that would now make it eligible for grant funding for further investments and improvements. That would be great. There will be strategically located dedicated turns, sidewalk improvements, additional signals. I want to thank the planning and sustainability commission staff and commissioners for their hard work on the project. I would like to thank east Portland's good friend shelley ramero of odot. Ask the council to accept recommendations from the pfc, amend the map regarding this pilot project and study and ask for their solid and continued support for further development not only of powell boulevard and 122nd avenue, which extends into park roads but of all of the streets, sidewalks, green spaces, grocery store access and mixed housing.

Saltzman: Thank you. We have another member.

Chris Smith: Chris smith, member of the planning and sustainability commission. I want to first thank the mayor and council for their wisdom in adding superintendent gray to our commission. She has not only provided tremendous insight on education issues -- I second all of her remarks. Just like to summarize a little of what we heard in the process. We heard from people who were concerned that this would alter the character of the neighborhood. This corrects deficiencies in the neighborhood. We heard from people who would like us to do more. I think all of us on the commission would like to do more. This is a limited project. I think it does what we can do at this point. But I know I for one in the comp plan will be looking for much stronger design standards for this part of Portland than we have had before to help improve the character and liveability of this neighborhood. And I want to join my colleague in thanking odot for their flexibility in being willing to washing -- working with us on the safety issues and not making that a blockage of getting the commercial zoning to happen and expediting prioritizing funding toward the safety improvements. I urge you to adopt the plan. Thank you.

Nick Sauvie: good afternoon commissioners. Nick sauvie, executive director of community development, member of the project advisory group. I wanted to encourage you to adopt the recommendations made -- and I wanted to thank the staff, john, chris, I think they did a great job of reflecting the concerns of the community to try to bring more economic activity to 122nd avenue. I gave you a letter and I won't go all of the way through that. I think the main points of that are that the zoning reflect a mix, I think chris just spoke to that. I think it is important to connect the street grid. I think that is one of the big barriers to a healthy economy here. And also

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to encourage public investment, and I know you see lots of sophisticated GIS mapping. That is not what I gave you. Explain what this is and -- so this is an zoning map that has got the pink, blue, and yellow on it, and this is area around 122nd between Powell and Holgate, and then there is the similar map of division that is between 12th and Cesar Chavez. I think if you look at what is similar on this map, you see that it has a mix of density and higher density residential, commercial. I think the difference on the Hawthorne division map is that there are several parts, several schools where as you look at the 122nd map, there is only one park and the school ground and that is a major need in the community. If you turn to the other map, it has the orange lines on that. It is the same geographic area, and if you look at the 122nd Avenue, there is very little density, very poor connectivity, certainly compared to the inner southeast example. So, I think the adoption of this plan is a really great first step. I encourage council to keep going and address some of these other issues that will really make the neighborhood successful.

Fritz: Thank you for your time in preparing these maps. That is really interesting.

Saltzman: Thank you.

Mark White: My name is Mark White, president of Powellhurst Gilbert neighborhood association. Powellhurst Gilbert is the primary location of where 122nd is in this project. I'm here to express our endorsement of the project as the neighborhood association and thank everyone involved. I would like to thank Commissioner Fritz bringing to light the fact that changing zoning to commercial doesn't always necessarily mean that commercial comes in. We do have a project that we would love to talk to you about as far as being the beginning -- the jump starting of commercial development, especially in the southern end of 122nd. Since I have a few minutes left, I'm going to go ahead and talk a little about it because it is of great concern to me that we have actually come to the table with a project that incorporates not only commercial development, but also housing for seniors and for veterans. But it has been rejected by the PDC, who, for whatever reason, has declined to pursue it. This is the first time that we have ever asked for land acquisition in 15 years of being a part of the urban renewal area. And it has been declined. And I would probably say that this is the only project that has been offered to them that not only includes all of the components that I stated before, but also includes an effort to prevent displacement that usually comes with -- it is important for us to get some kind of economic development going in the southern end of 122nd. And any efforts that you could help in convincing the PDC that our neighborhood is worth investing in would be very appreciative. One of the problems that we have, the entire urban renewal area has shifted to the west and the last time I checked, 52nd and Foster was not east Portland. And the town center urban renewal area was designated to help build a -- a town center for east Portland. Not only have we been disconnected from that, but an effort is in full force with multiple open houses on how to identify and spend money in the urban renewal area over the next five years in the Foster corridor. So, we're just asking for one little piece. We already have a developer. We have a project. We have a piece of property that is for sale. All we need is for the PDC to do what it says is important to do which is economic development. If you would be willing to talk to Mr. Quentin, ask Mayor Adams to speak with Mr. Quentin as well, we would be very appreciative. Thank you.

Saltzman: Do we have other people?

Moore-Love: Last person who signed up Jean Demaster.

Saltzman: Welcome. Give us your name and you have 3:00.

Jean DeMaster: I'm the executive director of Human Solutions and we're located at 12350 Southeast Powell Boulevard in a building owned by the city of Portland. I want to speak on behalf of the 35 employees that in the Portland office of Human Solutions as well as the thousands of homeless and low income people that we serve every year from that particular building. We strongly support adopting the amendments to the comprehensive plan and changes to the zone map. We strongly support the resolution to adopt a traffic safety plan. In addition to human

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solutions being a service provider on the corner of 122nd and Powell, we own and operate the Briarwood Apartments located at 3302 Southeast 122nd, the Briarwood Apartments are scheduled to be rezoned from residential to commercial and we feel like this is a very important thing to have happen. We support the rezoning because we feel like it will increase the liveability and increase the services that are available to people in the Briarwood Apartments, to people that live in the area surrounding 122nd, and us having employees in the area. Interested in the second part of the resolution, traffic safety plan, because as you know that intersection at 122nd and Powell is one of the most dangerous intersections in all of the city of Portland and our clients and our staff and the residents of our building routinely use that -- use that intersection, and, therefore, are at very high risk. We also support the rezoning because as advocates for East Portland, we feel like this is an underserved area, and that the rezoning will open up the potential for increased services, increased stores, and increased commercial ventures that our tenants and people living in the area don't have access to right now. I'm a member of the Neighborhood Prosperity Area, which is on Division and 122nd, and also member of the action plan and feel that this is part of the revitalization of East Portland that needs to take place. It appears to me that it is like a giant puzzle with a number of pieces that need to be put into place. And this is one of the pieces. It certainly is not all. It certainly won't result in full revitalization of East Portland if we do this rezoning. If one of the pieces, and it is an important piece, we think it shouldn't be the only thing that the city of Portland is doing to increase the revitalization of East Portland but think it is a necessary piece to bring that revitalization, the full impact to the citizens of this area of what revitalization can do in the area. We encourage the passage of the comprehensive plan and traffic safety plan that goes with it. Thank you.

Saltzman: Thank you. Do we have one more speaker?

Moore-Love: No, we do have an amendment on this though.

Saltzman: Oh, we do.

Moore-Love: To add the finding for the rescheduled hearing and renotification.

Saltzman: Okay.

Fish: Which item is that?

Moore-Love: 1155. That went out in the Friday packet.

Fritz: So move.

Fish: Second.

Saltzman: Okay. Call the roll on the amendment.

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

Saltzman: Aye. Amendment is adopted. Okay, so the comp plan moves on 1155 to a second reading and then call the roll on 1156.

Item 1156.

Leonard: Thank you all very much for your work. Aye.

Fritz: East Portland is on the move and thank you very much for your continued passion and involvement in this. Chris Scarzello and all of the staff have done an amazing job. It's really the citizens of East Portland who are demanding that this happen and I as a Council member am very glad to support your work and continue to move forward with what we can do in city hall. Aye.

Fish: I want to thank everyone who took time to testify and mark I would like to know more about -- where is mark? Mark, I would like to know more about the project that you mentioned. But there is a common denominator to some of the things that people today testified about and that is we're going to need new resources. We used the term euphemistically public investment. The only way we are going to get the parks that you've identified we need is to go out with a bond measure and justice requires that we invest in East Portland and we intend to do that next November. And the only way to get additional dollars into the housing that we want is to make sure that we have a full tool kit, which includes using tax abatements wisely, urban renewal

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dollars when available and seeking additional dedicated funding. Because our resources are shrinking while the demand is rising. But with these blueprints and the hearings building on the outstanding work of east Portland action plan and cully-concordia plan and engaging the community in such a positive way, there is a hope that we will get there. Thanks to the professional team. I know we are going to a second reading. You won't be here next week, so i'm fudging on my comments. Thank you for your outstanding work. Aye.

Saltzman: Thank you for the staff work and ever-vigilant citizen involvement in east Portland. thank you all. Aye.

Saltzman: So, we stand adjourned until next wednesday at 9:30.

At 4:20 p.m. Council adjourned.