



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 12TH DAY OF JULY, 2000 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi, Hales, Saltzman and Sten, 5.

OFFICERS IN ATTENDANCE: Britta Olson, Clerk of the Council; Harry Auerbach, Senior Deputy City Attorney; and Officer Chuck Bolliger, Sergeant at Arms.

Item Nos. 1006, 1011, 1018, 1019, 1020, 1021, 1022 and 1023 were pulled for discussion and on a Y-5 roll call, the balance of the Consent Agenda was adopted.

- 991** **TIME CERTAIN: 9:30 AM** – Amend the fee schedule for land use applications and related planning services effective August 21, 2000 (Ordinance introduced by Commissioner Hales)

Disposition: Passed to Second Reading July 19, 2000 at 9:30 a.m.

- 992** Amend City Code to remove fees from Chapter 3, Administration, and establish a separate fee schedule effective August 21, 2000 (Ordinance introduced by Commissioner Hales; amend City Code Chapter 3.30.015)

Disposition: Passed to Second Reading July 19, 2000 at 9:30 a.m.

- 993** Amend City Code to remove fees from Chapter 18, Noise Control, and establish a separate fee schedule effective August 21, 2000 (Ordinance introduced by Commissioner Hales; amend City Code Chapter 18.14)

Disposition: Passed to Second Reading July 19, 2000 at 9:30 a.m.

- 994** Amend City Code to remove fees from Chapter 24, Building Regulations, and establish a separate fee schedule effective August 21, 2000 (Ordinance introduced by Commissioner Hales; amend City Code Chapters 24.10 and 24.35)

Disposition: Passed to Second Reading July 19, 2000 at 9:30 a.m.

- 995** Amend City Code to remove fees from Chapter 25, Plumbing Regulations, and establish a separate fee schedule effective August 21, 2000 (Ordinance introduced by Commissioner Hales; amend City Code Chapters 25.05 and 25.07)

Disposition: Passed to Second Reading July 19, 2000 at 9:30 a.m.

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- 996** Amend City Code to remove fees from Chapter 26, Electrical Regulations, and establish a separate fee schedule effective August 21, 2000 (Ordinance introduced by Commissioner Hales; amend City Code Chapter 26.05)

Disposition: Passed to Second Reading July 19, 2000 at 9:30 a.m.

- 997** Amend City Code to remove fees from Chapter 32, Signs and Awnings, and establish a separate fee schedule effective August 21, 2000 (Ordinance introduced by Commissioner Hales; amend City Code Chapter 32.03)

Motion to delete the section on sign fees and bring that back: Moved by Commissioner Hales, seconded by Commissioner Francesconi.

Disposition: Passed to Second Reading as amended July 19, 2000 at 9:30 a.m.

- 998** **TIME CERTAIN: 11:00 AM** – Report on the remonstrances received in opposition to the Portland Streetcar Phase 2 Project Local Improvement District (Report introduced by Commissioner Hales)

Disposition: Accepted. (Y-5)

- *999** Create the Portland Streetcar Phase 2 Project Local Improvement District to assist in funding the capital cost of the Portland Streetcar Phase 2 Project (Hearing; Ordinance introduced by Commissioner Hales)

Disposition: Ordinance No. 174657. (Y-5)

- 1000** Adopt the July 2000 Revised Capital Finance Plan for the Portland Streetcar Project (Resolution introduced by Commissioner Hales)

Disposition: Resolution No. 35899. (Y-5)

- 1001** Endorse the Draft Portland Streetcar Operations Plan and direct a variety of implementing actions (Resolution introduced by Commissioner Hales)

Disposition: Resolution No. 35900. (Y-5)

- *1002** Amend agreement with Portland Streetcar, Inc. to provide additional services related to the implementation of the Portland Streetcar Project (Ordinance introduced by Commissioner Hales; amend Agreement No. 31428)

Disposition: Ordinance No. 174658. (Y-5)

- *1003** Amend contract with Stacy and Witbeck, Inc. for the Portland Streetcar Phase 2 project extending streetcar service to the Portland State University Urban Center (Ordinance introduced by Commissioner Hales; amend Contract No. 31987)

Disposition: Ordinance No. 174659. (Y-5)

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- *1004** **TIME CERTAIN: 11:45 AM** - Authorize execution of a Redevelopment Agreement between the City and Portland Family Entertainment LTD for redevelopment of Civic Stadium (Ordinance introduced by Mayor Katz)

Disposition: Ordinance No. 174660. (Y-5)

- *1005** Authorize execution of an Operating Agreement between the City and Portland Family Entertainment LTD for operation of Civic Stadium (Ordinance introduced by Mayor Katz)

Disposition: Ordinance No. 174661. (Y-5)

CONSENT AGENDA - NO DISCUSSION

- 1006** Accept bid of Robison Construction, Inc. to furnish Tanner Creek stream diversion, phases 2 and 5, for \$12,817,860 (Purchasing Report - Bid No. 99302)

Disposition: Accepted Prepare Contract. (Y-5)

- 1007** Accept bid of Triad Mechanical, Inc. for Holman Pump Station improvements for \$716,974 (Purchasing Report - Bid No. 99639)

Disposition: Accepted Prepare Contract. (Y-5)

- 1008** Accept bid of D&D Concrete and Utilities, Inc. to furnish Albina/Ainsworth traffic calming project for \$97,768 (Purchasing Report - Bid No. 99957)

Disposition: Accepted Prepare Contract. (Y-5)

Mayor Vera Katz

- *1009** Authorize a labor agreement between the City and Municipal Employee Local 483 relating to terms and conditions of employment of represented recreation personnel (Ordinance)

Disposition: Ordinance No. 174643. (Y-5)

- *1010** Pay claim of Raphael House of Portland, Inc. (Ordinance)

Disposition: Ordinance No. 174644. (Y-5)

- *1011** Authorize the Purchasing Agent to sign a contract with Oregon Pacific Railroad Co. for rail crossing improvements and railroad safety services required in conjunction with associated improvements to the Springwater Corridor and provide for payment (Ordinance)

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Disposition: File For No Further Consideration.

- *1012** Authorize Purchasing Agent to sign an intergovernmental agreement with the Oregon Department of Administrative Services for membership in the Oregon Cooperative Purchasing Program and provide for payment (Ordinance)

Disposition: Ordinance No. 174645. (Y-5)

Commissioner Jim Francesconi

- *1013** Accept a grant from METRO in the amount of \$12,500 for FY 2000-2001 to continue a pond restoration project in East Delta Park (Ordinance)

Disposition: Ordinance No. 174646. (Y-5)

- *1014** Intergovernmental agreement with Multnomah County for the provision of cardiopulmonary resuscitation classes for County employees (Ordinance)

Disposition: Ordinance No. 174647. (Y-5)

Commissioner Charlie Hales

- *1015** Agreement with ODOT and City of Milwaukie to provide right-of-way services for the SE Johnson Creek Blvd. Project, Phases 2 and 3, 36th to 45th (Ordinance; amend Agreement No. 51030)

Disposition: Ordinance No. 174648. (Y-5)

- *1016** Authorize local agency personal services contract with HNTB Corporation for professional, technical and expert services for the Lovejoy ramp reconstruction (Ordinance)

Disposition: Ordinance No. 174649. (Y-5)

- *1017** Authorize local agency personal services contract with CH2M Hill for professional, technical and expert services for Lower Albina Overcrossing (Ordinance)

Disposition: Ordinance No. 174650. (Y-5)

Commissioner Dan Saltzman

- *1018** Authorize payment to Hansen Information Technologies, Inc. for annual service and maintenance agreement for Hansen V7.5 computer software (Ordinance)

Disposition: Ordinance No. 174651. (Y-5)

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- *1019** Authorize a contract and provide for payment for the construction of Buffalo Slough Water Quality Facility project, Project No. 6564 (Ordinance)

Disposition: Ordinance No. 174652. (Y-5)

- *1020** Authorize agreements for the conveyance of one property from Randy Jones to the Bureau of Environmental Services, subject to certain conditions being fulfilled, and authorize acceptance of deeds and payments of expenses (Ordinance)

Disposition: Ordinance No. 174653. (Y-5)

Commissioner Erik Sten

- *1021** Contract with Enterprise Foundation for \$50,000 for the delivery and management of Enterprise Foundation Portland Office program loan funds and provide for payment (Ordinance)

Disposition: Ordinance No. 174654. (Y-5)

- *1022** Contract with Human Solutions, Inc. for \$20,000 to support the development of affordable rental housing and provide for payment (Ordinance)

Disposition: Ordinance No. 174655. (Y-5)

- 1023** Authorize agreement with Resolve, Inc. to assist with consensus building and public involvement for the Bull Run watershed management program (Second Reading Agenda 986)

Disposition: Ordinance No. 174656. (Y-5)

REGULAR AGENDA

- 1024** Amend City Code to create the Office of Sustainable Development by combining the Portland Energy Office and the Bureau of Environmental Services, Solid Waste Division (Ordinance introduced by Commissioners Saltzman and Sten; amend Code 3.111.010, 3.111.020, 3.111.050, 3.13.020, 3.13.030, 17.102.190)

Disposition: Passed to Second Reading August 23, 2000 at 9:30 a.m.

Mayor Vera Katz

- *1025** Authorize acquisition of property at 4747 SW Hamilton for the Bureau of Fire and Rescue (Ordinance)

Disposition: Ordinance No. 174666. (Y-5)

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- *1026** Accept a \$50,000 grant from the U.S. Department of Justice, Drug Enforcement Administration, Weed & Seed program (Ordinance)

Disposition: Ordinance No. 174662. (Y-5)

- *1027** Accept a \$35,000 grant award from the Oregon Department of Justice, Criminal Justice Division for Marijuana Task Force (Previous Agenda 987)

Motion to accept amendment: Moved by Commissioner Saltzman and seconded by Commissioner Hales.

Disposition: Ordinance No. 174663 as amended. (Y-5)

Commissioner Jim Francesconi

- 1028** Liquor license application for Safeway, Inc. dba Safeway Store No. 509, 5920 NE Martin Luther King Jr. Blvd., Renewal liquor license; Unfavorable recommendation (Report)

Disposition: Unfavorably Recommended. (Y-5)

- 1029** Liquor license application for Keith Archer dba Quick Shop Minit Mart No. 48, 630 NE Marine Dr., Renewal liquor license; Unfavorable recommendation. (Report)

Disposition: Unfavorably Recommended. (Y-5)

- 1030** Liquor license application for Detweiler, Inc. dba Eight Balls of Fire Billiards & Sports, 11340 NE Halsey St., Renewal liquor license; Unfavorable recommendation (Report)

Disposition: Unfavorably Recommended. (Y-5)

Commissioner Charlie Hales

- S*1031** Authorize agreement with Portland Development Commission and Bureau of Housing and Community Development regarding Rosemont infill housing and redevelopment (Previous Agenda 946)

Motion to accept substitute: Moved by Commissioner Hales and seconded by Commissioner Sten.

Disposition: Substitute Ordinance No. 174664. (Y-5)

City Auditor Gary Blackmer

- 1032** Assess property for sidewalk repair by the Bureau of Maintenance for billing processed through June 1, 2000 (Hearing; Ordinance; Y1039)

Disposition: Passed to Second Reading July 19, 2000 at 9:30 a.m.

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FOUR-FIFTHS AGENDA

- *1032-1** Apply for a U.S. Department of Justice, Community Oriented Policing Services, Justice Based After-School Initiatives grant (Ordinance introduced by Mayor Katz)

Motion to accept the Four-Fifths Agenda: Moved by Commissioner Hales and seconded by Commissioner Sten.

Disposition: Ordinance No. 174665. (Y-5)

At 2:05 p.m., Council recessed.

July 12, 2000

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 12TH DAY OF JULY, 2000 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi, Hales and Sten, 4.

OFFICERS IN ATTENDANCE: Britta Olson, Clerk of the Council; Kathryn Beaumont, Senior Deputy City Attorney; and Officer Chuck Bolliger, Sergeant at Arms.

- 1033** **TIME CERTAIN: 2:00 PM** – Tentatively grant appeal, with conditions, of the Sunnyside Centenary United Methodist Church against Hearings Officer's decision to revoke the conditional use permit that allowed Wednesday/Friday evening meals and also established limits on the night shelter, day care center, Sunday/Wednesday worship services and the Indochinese Socialization Center, located at 3520 SE Yamhill and 1030-1035 SE 35th Avenue (Previous Agenda 827; LUR 99-00768 CU)

Motion to grant appeal with conditions: Moved by Commissioner Hales and seconded by Commissioner Sten.

Disposition: Prepare Findings for August 23, 2000 at 3:00 p.m. Time Certain.

At 4:10 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 13TH DAY OF JULY, 2000 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi, Hales and Sten, 4.

OFFICERS IN ATTENDANCE: Britta Olson, Clerk of the Council; Kathryn Beaumont, Senior Deputy City Attorney; and Officer Chuck Bolliger, Sergeant at Arms.

- 1034** **TIME CERTAIN: 2:00 PM** – Approve Planning for Southwest Parks as a guide for park planning in Southwest Portland and A Functional Plan for Woods Park as a guide for the parks use, improvement and restoration (Resolution introduced by Commissioner Francesconi)

Disposition: Resolution No. 35901. (Y-4)

- 1035** **TIME CERTAIN: 2:30 PM** – Amend Title 33, Planning and Zoning, to modify how height is measured on lots that slope downhill from the street and remove a reference in the odor standard (Ordinance introduced by Mayor Katz; amend Code Title 33)

Disposition: Passed to Second Reading July 20, 2000 at 2:00 p.m.

REGULAR AGENDA

Mayor Vera Katz

- 1036** Adopt and implement the Southwest Community Plan Vision, Policies and Objectives (Second Reading Agenda 970)

Disposition: Ordinance No. 174667 As Amended. (Y-4)

At 3:40 p.m., Council adjourned.

GARY BLACKMER
Auditor of the City of Portland



By Britta Olson
Clerk of the Council

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

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Closed Caption Transcript of Portland City Council Meeting

This transcript was produced through the closed captioning process for the televised City Council broadcast.

Key: == means unidentified speaker.

JULY 12, 2000 9:30 AM

Katz: Council come to order, everybody. There's a roar here. Good morning. Council will come to order. Please call the roll. [roll call]

Katz: We have a long agenda, and there have been some items that have been requested to be removed off the consent agenda. Let me run through them, and if there are any others, I need to hear from anybody else on the council or the public. 1006. 1011. Is he here to make that request?

Olson: He was here.

Katz: There you are. Okay. A request for 1018, 1019, 1020, 1021, 1022, 1023. Any other items that anybody wants to remove off the consent agenda for discussion? If not, let's do a roll call on the consent agenda.

Katz: Mayor votes aye. 1006.

Olson: Accept bid of robison instruction to furnish tanner creek stream diversion.

Sue Klobertanz, Director, Bureau of Purchases: sue, director of purchasing for the city of Portland. Item 1006 is for a contract for tanner creek stream diversion, as the report you have in front of you indicates, the bids were open on june 20th and we received three bids for the estimated 15.5 million dollar project. Robison was the low bidder. As the purchasing agent i'm recommending award to that low bidder a bid protest has been filed by james fouler. During the last legislative session, a new law, house bill 2895, requiring that firms submit at the time of bid their list of subcontractors and suppliers. We've amended our forms in our normal purchasing process to include that requirement. The new law is the basis for the protest. Fouler is alleging that robison has not complied with the law and the city's obligation is to reject the low bid. Because this is a new law, we don't have any case law to go on, and because it's a matter of legal interpretation, i've requested that jim van dyke from the city attorney's office brief you very quickly on the issues.

Katz: Go ahead, jim.

Jim Van Dyke, Deputy City Attorney: jim van dyke, city attorney's office. That is the issue before the city council today. It has been contended the low bidder did not submit the names of all its subcontractors and suppliers with this particular bid. That's something that is very difficult for the city to determine there the face of the from the face of the bidding documents. We receive documents, and we received documents in this case in which they listed subcontractors on their farm. We—it's difficult for the city to tell whether everyone is included or not. For example, some of these subcontractors could be providing supplies. It could be that the suppliers are not yet lined up and they don't have a firm agreement with some of these folks, and in the construction industry, it is not unusual for people to sometimes just plug numbers into their bid and make their agreements later on. Generally when the city determines whether a bid is responsive, that is, you know, has complied with our request for a bid, we just look at the bidding documents. We do not conduct an investigation, we do not—we do not call the bidders to ask whether or not they actually listed everybody they should have listed. If we were to do that, we would give bidders the opportunity to say a couple of days after the bid, oh, gee, I didn't list anybody, you're going to have to reject my bid. We cannot put bidders in control of the bidding system. We must be in control of the system, and we must judge the responsiveness of bid documents from the face of the documents on the date that those documents are submitted. And we're not going to look at later submission that's either try to supplement or take away from those submissions. Now, because this is a new law and it has not been interpreted before by a court, I contacted the attorney general's office to see if we were interpreting this law consistently

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with them, and their answer to me was that we were. They advised state agencies to do the same thing. They have been involved in similar bid protests, and they have given the same advice, although apparently none has gone forward to litigation so we've had some sort of decision. The low bid in this case is approximately \$1.2 million below the second low bid. I believe we will be involved in litigation no matter which bidder we award it to, and I think in this case that the bidding system requires that we award it to the low bidder in this particular case, and that is my recommendation.

Katz: Questions by the council?

Francesconi: Just one. Can you interpret what the policy is, the purpose behind the new law and whether our existing practice and what you just recommended achieves the purpose of the new state statute?

Van Dyke: the purpose of the new statute as I understand it was to try to prevent bid shopping. In other words, there were complaints to the legislature that a prime contractor would get a bid from a subcontractor. It would then be awarded the contract by the city, and then go back to the subcontractor and say, or to another subcontractor and say, I now have this contract, and if you really want to do business with me, you better beat the price that I got from subcontractor x, or suppliers y. So the legislature said, well, to avoid that, we're going to require them to put down who it is they're going to use on the contract, and the dollar amount of that subcontract, and to submit that information four hours after their original bid comes in. I think that was the intent of the legislation. It's good legislation in the sense that that's a fair and—intent, to prevent bid shopping, which is widely considered to be an unethical business practice in the construction industry. Unfortunately, the law wasn't very well worded. There is nothing that says about what the consequences are if you don't do this. And, again, it's very difficult for the city to investigate to determine whether somebody has complied or not.

Francesconi: Our practice—

Van Dyke: our practice—

Francesconi: -- matches that purpose.

Van Dyke: our practice is to accept the bids in. If someone didn't list anybody down and they said they were going to do some of the subcontracting work, my recommendation would probably be to reject that particular bid, but when a bidder actually lists subcontractors and submits it to us, it's very difficult to know whether or not they've listed everyone.

Francesconi: Okay.

Katz: Further questions? All right. Do we have anybody signed up to testify?

Olson: No.

Van Dyke: the contractor is.

Katz: The contractor who is objecting is here? Okay.

morning, my name is jeff wilkinson. I represent—

Katz: You're an attorney?

I am.

Katz: You have three minutes. That's not because—attorneys usually take more time than allotted.

Jim Wilkinson, Stewart Sokol & Gray: 1500 Ben Franklin Plaza, 1 SW Columbia St. with all due respect to mr. Van dyke, who i've had a very good relationship over the years, the city's policy in this particular respect is, see no evil, hear no evil, have no control. Frankly, the city's policy has been for many years to require the listing of all subcontractors and suppliers. It is merely incidental that the state of Oregon has expressed the city of Portland's policy against bid shopping. And when mr. Van dyke suggests to you that the policy expressed by the purchasing manual, that his—is against bid shopping, he is correct. And the problem with the city's position on this one is that if the city does not look behind the form 2 disclosures, that is look who actually should have been disclosed by the bidder, you are giving the contractor a royal flush in a game of poker against the subcontractors. Because bid shopping is rarely so overt as someone calling up a subcontractor and saying, i'm a low bidder, if you

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don't cut your price i'm going somewhere else. Everybody knows how the game is played. The fact is if you as the city of Portland, council, allow robison construction to proceed forward and receive the award, you are becoming an accomplice to the process that allows bid shopping. And I think you have to understand the background behind the legislature's adoption of the antibid shopping statute, the listing statute. That was to put subcontractors on the same footing as general contractors have with regard to public bodies. And that is everyone bids on the same equal and even playing field. If you don't disclose subcontractors who are absolutely essential for performing this work, then you're giving that general contractor license to negotiate and take public money out of the pocket of a subcontractor and into his own pocket, or her own pocket. And that is why the listing statute was required. That is why as part of the city of Portland's good faith efforts, the city of Portland included a requirement that contractors list their suppliers and subcontractors. In this case, robison construction failed to list clearly unconditionally failed to list in excess of \$2 million worth of pipe and other equipment that is essential for performing this work. I would add that that material is virtually all special order items. This is not off the shelf stuff. So—shelf stuff. So the suppliers of the specialty pipe items are not listed, and you've given robison construction the opportunity to go out and find and solicit from any other potential suppliers of that material comparative prices, and that money goes into robison's pocket rather than the subcontractors who in that context were not allowed to bid on an even playing field. For that reason, you should reject the bid of robison construction and allow the city to make its appropriate determination as to who is the second.

Katz: You had second -- 27 seconds left.

Wilkinson: the testimony in front of the legislature in connection with the listing statute was unconditional and very clear that the sole purpose was to ensure the public bodies use the public money in a way with respect to subcontractors, fairly and evenly.

Katz: You made the point. Thank you. Questions? Did you want to add anything to this issue? In terms of, there was a significant amount of dollars that were not—

Van Dyke: I appreciate that, mayor. Members of the council. I understand what they're saying. The difficulty is that despite the best intentions of the statute, they've made it very difficult for us to actually make that determination. Again, that would require an investigation, and the statute imperfectly tries to reach its goal. There's nothing in the statute that says that if you don't have a supplier lined up the day of the bid, that we have to reject the bid because they're getting the supplier two days later. These are large sophisticated bidders. They often know the approximate cost of what it is they're buying.

Hales: what's the effect of the statute, then?

Van Dyke: I think the statute does not accomplish the goal that it really set out to accomplish. Because there are too many ways around it.

Hales: Sounds like it's going to be back.

Van Dyke: that is what the association of general contractors tells me is exactly going to happen in the next legislative session. I appeared at a conference sponsored by them two weeks ago in which they had members of the industry, including the sponsors of that legislation discussing the problems of that particular statute and its enforcement.

Katz: Okay. Further questions? Anybody else want to testify? Roll call.

Francesconi: I'm going to support the staff and the city's lawyer, because we have existing practices here. The lawyer for the losing subcontractor pointed out problems, but that's existing practice. We've got a statute, we've got advice from our staff, and there's a lot of information out there that we don't know about. So we need some guidance from the courts, which we may get in this indication. I do think the issues are substantial enough that we need our staff to look at this, and in a policy standpoint to see if we need to make any adjustments. But to do it on a case-by-case basis is not the appropriate way to make such a major change in our policy. So for that reason i'm voting aye.

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Katz: There appears to be a major glitch here, and I think the intent of the statute was on the right track. We've talked about this, and I wonder if you and sue and staff need to review that and see if we—if we need to change our practices. But this is not the time to do it. Aye. All right. 1011. Don't go away on **1011**.

Olson: Authorize the purchasing agent to sign a contract with Oregon pacific railroad company for rail crossing improvements and railroad safety services required in conjunction with associated improvements to the springwater corridor.

Katz: I will pull this off. Since that conversation, other information became sub, so i— public, so I want you to know why.

Klobertanz: we pulled it off for no further consideration. This is a project where Oregon pacific railroad company is a neighbor, if you will, of the springwater corridor project. To access the area along the springwater corridor we have to have access to this particular railroad. The gentleman who owns the railroad then in turn is responsible for some flagging and other safety issues he has in fact already completed some construction on behalf of what he believed was authorization by the city. That whether be coming back to the council under a settlement claim to approve payment for that work that the gentleman has done without question. We still are continuing to struggle with this particular railroad. The gentleman who owns it is not eco certified. Evidently does not have a business license and does not have a contractor's license. We are embroiled again with our city attorney's office in trying to determine whether—which of these rules and regulations apply to a railroad. So we're still working on these issues. So this particular item as filed will be pulled for no further consideration.

Katz: Okay. Anybody want to testify on this? Roll call to—we don't need— does anybody have any objections to pull this off for no further discussion? Hearing none, so ordered. All right. **1018**.

Tom O'Keefe, United Community Action Network (UCAN): united community action network. I pulled the no discussion items from commissioner Saltzman and commissioner Sten just to be read into the record for concerns about, sometimes a person doesn't really no it's in a no discussion item, and sometimes it's good to have these read into the record just to be aware of what the commissioner offices are up to. Since once in a while we have cost overruns, delays, consolidations or other things that we should public and—we all should be aware of.

Katz: Any specific issues that you want to flag on this particular item?

Tom O'Keefe: no.

Katz: Okay. Anybody want—else want to testify? If not, roll call.

Katz: Mayor votes aye. **1019**.

Katz: Anybody want to testify on this item? Roll call.

Katz: Mayor votes aye. **1020**.

Katz: Anybody want to testify on this item? Roll call.

Katz: Mayor votes aye. **1021**.

Katz: Anybody want to testify on this item? Roll call.

Sten: I just wanted to comment, the management of the consent calendar isn't science, it's an art, and tom is right to keep an eye on it. These are things that I think are in the budget, and I didn't expect any controversy on them, but I think it's right, and people should watching—people watching should know you can pull any item at any time. That's an important part of the system. Aye.

Katz: Mayor votes aye. Thank you. **1022**.

Katz: Anybody want to testify on that? Roll call.

Katz: Mayor votes aye. **1023**.

Katz: Mayor votes aye. Thanks, tom. Okay. Let's move to time certain. Let's read from **991 to 997**.

Katz: Okay. For anybody who wants to testify, we're taking all of these at the same time. Okay. Margaret?

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Margaret Mahoney, Director, Office of Planning and Development Review (OPDR): i'm margaret mahoney with the office of planning development review. With me is denise, the fm manager in the bureau. As read, you do have severances before you from the bureau. They include a change to our lapped use review fees, resulting in a \$12 --12.5% increase in those fees. Amendments to title iii increasing enforcement fees for enforcement cases by an average of 18%. Changes to title 18 noise control, providing 100% increase to noise variances, which was an increase anticipated in our budget for 2000-2001. Title 24, revising the fee methodology for building permits to meet new state requirements and providing for an increase in the fee table, resulting in a 4% revenue increase for the building program. Likewise, a change to title 25 for the plumbing regulations, again meeting new methodology requirements and resulting in a 7% revenue increase to the plumbing program. Changes to title 26, again revising fee methodology as required by the state. And resulting in a 5% fee increase for the electrical program. And lastly, a change to title 33 for the sign fee, various sign fees, providing for a 100% cost recovery within that program. In november '99, when we updated our financial plan and presented that to you, we projected a need for fee increases in january 2000, which you considered in— and adopted, and a subsequent increase this july, with these july increases then projected to be ranging from 12% to 15%. When we did the work actually laying out what those increases would look like in our fee schedules, I was very concerned about how those compared to other jurisdictions in the metro area. So I went back to the management staff and opd & r and we revised costs, redeployed staff and are not filling a number of staff positions, and then we then revised those proposals from the 12 to 15% that was initially included in the financial plan into the fee proposals before you today. We've been reviewing those proposals with various industry groups and representatives, and have actually held back one proposal which was going to be presented today, and that's for our mechanical fees. We had difficulties in dealing with the new state methodology in getting fees that we could fully explain and that looked at least somewhat reasonable to the industry. So we'll come back with that one later. I want to sort of walk through the approach on these fees for you, because there are several things that we're having to do by new state laws, and then there's the need to deal with our overall financial plan as well. The fee schedules for plumbing, building and electrical are revised to meet new state laws. In the '99 session the legislature passed senate bill 512, which create add new state board called the tri-county building industry service board. This is a governor-appointed citizen committee, or board, whose charge is to develop new procedures, new forms, new regulations on fee methodology and some joint programs which will serve to provide some consistency across building departments in the metro area. But specifically one of the things that they wrote rules on in late spring this year was the actual methodology that each building department has to use in their fee schedule. What elements are in that, how we break them out, where we can charge a plan review fee. So part of the work that we've been doing is to take our existing fee schedules, conform them to this new methodology, and address the revenue requirements in our five-year financial plan. So the fee ordinances do incorporate these required changes. With respect to the building permit fees, the tri-county required methodology specifies not only the fee table format, but also the method for calculating project valuation, which is the underlying factor that is used to calculate building permit fees. The new rules set one standard valuation table to be used by all jurisdictions in the metro area in the same manner. We have been using essentially this table, but with a regional modifier. So the rule change from the tri-county industry board setting the valuation table essentially provides an increase in valuation for Portland over what we previously used. This valuation table and the inherent increase in it has an impact specifically on new construction projects and additions for remodeling work, the new rule says to keep doing what we previously did, which was to accept the valuation presented by the applicant. The net result on building permit fees for incorporating the tri-county methodology, as well as our 4% revenue increase, is that some permits will actually see a much larger increase in their actual fees than others. Specifically permits for new single family dwellings, and for smaller residential and commercial projects. Part of that is due to this change in the state methodology, part of it's due to how we applied

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the 4% revenue increase to the actual fee table. And we did load intentionally more of that revenue requirement onto lower projects than larger ones to try to address the long-standing concern that larger projects and particularly commercial projects have been subsidizing residential projects over a long time. So you'll hear some testimony I think about that, and we have discussed it with the industry, and while the 4% we've identified is a revenue increase across the board for the building permit program, the actual increase that applicants will see varies. And those particularly with new single family dwelling per mets we'll see a much larger increase. The ordinances before you also propose a more consistent format for fee adoption. And what we are doing is to try to take the fee language out of the text of each of the codes and create a fee table. So we get them in a consistent format. This is the way the land use fees have been done for some period of time. The way that they have been done on the building permit side has really led to some confusion and some inability to, one, public a clear fee table and consistently update the fees. So we're still adopting them by ordinance. We're putting each of them in a table as opposed to text form. On the land use review fees, the proposed fee package projects getting us closer to our 65% fee support, which council has directed us to do. It also as provided before you, will allow for some staffing for us to begin working on some of the backlog of title 33 code changes, and develop a joint work program with the bureau of planning to try to get that backlog down and resolve some of those issues that have been identified. I've discussed with gil kelly the development of a joint work program to do that. On the enforcement fees, we are proposing, as I indicated earlier, a range of increases on those. The range is actually from a low of 11% to a high of 25%. We have not increased those fees in several years. Those fees apply to violation cases in the housing code and zoning code, and they are applied when violations are not corrected within 30 days. One of the elements that was raised when we last spoke with you about fees and that's included in your packet is a summary of our work today and our performance measures. We have been working to develop specific effectiveness and efficiency measures on our construction program in particular, but we are going to do it across the board in the bureau as well. What i've provided for you today is a summary of what the measures are that we've identified, what our current status is on those, and what our projected date for meeting the target on each one is. We're farther ahead, frankly, on the residential plan review turnaround than on commercial. Commercial is much more complicated. So we have undertaken a service improvement initiative project on that piece of the work. And we've been working with howard from the bureau of human resources, and with our ellen stepper from—and don to put together a labor management team to tackle commercial plan review turnaround to look at ways of changing our work processes there and specifically putting forth the performance measures we'll use in that area. We expect that work to be done by early november. As you can imagine, the commercial building sector of the construction industry is very interested in that particular project. We did discuss that with them and we've been meeting recently about the fee proposals and we've committed to getting back to them with a very specific work program for them to review on that project, and also to provide for check-ins with them as the project proceeds. In terms of our industry follow-up, there were several issues that came up and that we're trying to address. One of them is that subcontractors groups are particularly concerned about our providing some more focus on code and license enforcement. So we have allowed within our work program to do that, and we're working jointly with those industry groups, particularly the plumbing and electrical industries, and with Washington county and the state building codes division to develop a joint enforcement effort to be sure that work that requires a permit is getting a permit, and to ensure that the appropriate contractors license and workers lie—license are held by the people doing the work. A second area of concern has to do with the commercial plan review areas I mentioned. In addition to providing the timetable for our sii project to the industry, we've also committed to getting back to them with the specific initiatives that we're undertaking to get the current q-time down within that part of our work. We've been more successful in the residential area and you can see that in the performance measures. The third area that they asked to see a work program on was the effort with the bureau of planning to look

at title 33 code issues. One of the questions that arose just recently, and I think you've received some correspondence on has to do with sign regulations and sign fees, and I wanted to mention that before closing. As you know, the bureau planning and opd & r are working on a joint project, signs 2000, to look at the signs regulation that's in both title 33 and 32, and bring to you later this fall a package of—for a consolidated set of sign regulations. Within that package, one of the areas that the staff from both bureaus are looking at in concert with the city attorney's office is some recommend—are some recommendations to regulate two sign areas that are currently unregulated—banners and a-boards. The concerns there that have been raised to us from various sectors in the community is that because those are currently unregulated, they provide an advantage to their industry, which is a disadvantage to other segments of the sign industry. So you'll be seeing some proposals as that signs 2000 package comes forward, the deal that deal with both of those kinds of signs. We had anticipated that code package would be coming about the same time as this fee schedule, so in—embedded within the sign fee schedule are proposed fees for banners and a-boards. There are some concerns I've seen about that action. We cannot charge the fees until there's a requirement to have a permit. So we can either leave those fees in the table if you choose to adopt it. They don't become effective until we modify the sign code. Or we can simply delete those two items from the proposed fee schedule and bring them back when we have the sign code revisions. That's my summary of the issues. Council?

Katz: All right. Questions? I'm going to try to see if I can hurry this along a little. Does the council wish to have the sign and the banner issue deleted until we have the code language?

Francesconi: Yes.

Katz: Then we can have—those who want to testify on that probably don't have to sit here and wait, and we can come back when we have the code language. Okay. I get a sense from the council that they are not interested in taking that up until the whole package is put together.

Mahoney: that's fine.

Hales: move to amend to delete the section on sign fees that margaret described and bring it back with—

Katz: That's 997. Okay.

Francesconi: Second. That would be the banners and a-boards.

Mahoney: that's correct.

Katz: All right. Any objections? Is that all right with people in the audience that are here? I didn't mean to cut you off, but we have a full agenda. This will be a full discussion in front of the council, the deal with the issue of signs. So ordered. Further questions of margaret before we open it up for public testimony?

Francesconi: I have questions, but I think it would be better if we just heard testimony, and it would be quicker.

Saltzman: What is the time line for the service improvement initiative for the commercial permit review?

Mahoney: they've begun, they're about roughly a month into the project, commissioner, and we expect them to finish the end of october, beginning of november. But part of what I was indicating in terms of the industry discussion is that we plan to do check-ins with industry and the sii team several times through the process of the project.

Katz: Okay.

Sten: One question. I thought we'd budgeted general funds in the budget and part of the rationale was to avoid fee increases until we could get some process things fixed. At least that's how I remember it being represented to me.

Mahoney: you did approve general funds to allow us to hire 21/2 additional process managers. It was not to avoid the fee increases, but to avoid a larger fee increase than the 12 to 15% that we had originally projected.

Katz: It was backlog. It was a one-time—

Mahoney: a one-time funding.

Katz: Appropriation for you to catch up and deal with the backlog.

Francesconi: There was confusion on this point, because that was not my understanding.

Sten: Maybe more of a question for commissioner Hales. I was under the impression we would get some of those things nailed down before we came to fee increases.

Hales: We also had to implement this new state change as well. So that forced us to get into the structure of the fees. Some of this is driven by unbundling those plumbing mechanical and electrical fees from the building permit. Some is cost increases. One portion is probably fair to describe as an overlap, and that is—not an overlap, but a separate effort on the same front, which is 2.5% of the increase is to fund the position that will go about doing the code repair work. That's different from the positions that we funded with general fund to be process managers and deal with the backlog. They're both problems that are mentioned actually in this creek memorandum. Get the backlog down and start fixing the code where it needs repair. We're addressing one with the general fund and the other with the fee revenue.

Katz: Let me follow up with that, and then i—have you set have you set some very clear bunch marks to make some of these process changes that are causing some problems out in the industry and with residential—

Mahoney: we have, and the ones we've set thus far are in your packet. They're most developed on the residential part of our work. The part we're still working on is the commercial, and that's where we're doing the service improvement initiative project. Both to have the labor management team identify the work processes, and specify the performance measures.

Katz: Well, in the time line on that—the time line on that is—

Mahoney: completed in late october, early november.

Katz: Let me just kind of flag a concern. Benchmarks are very difficult to describe carefully, and I would hope that you would do a little bit of preliminary work on identifying the benchmarks that are—that we need to reach.

Mahoney: and I think I understand that. You're absolutely correct, they're very difficult. If you look at the summary we provided, what we've set thus far are targets for residential plan review, for first—for intake and first review, 90% of all received within 15 working days for simple plans within 20 working days for complex plans, the first item is specified by the new state law we have to meet. The second is our own specified target. We've also specified the number of plans that we expect to be issued over the counter the same day. Those percentages are in your summary as well as how many to be issued within ten working days, how many to be issued within 15 working days. Those last three items cover between 65 and 70% of our permit work. The remaining 30 to 35% is really the larger commercial work that is the subject of the sii project. So we've done two-thirds—we've set specific performance targets for about two-thirds of the work volume. And we're still working on the other, which is really the most complicated part of our work. The commercial work can be smaller in size, but complicated in terms of occupancy, or it can be huge in size and complex in occupancy.

Francesconi: Since we're asking questions, i'm going to ask two questions now.

Katz: Let me just finish—

Francesconi: I apologize.

Katz: I'm glad you're going through the process, but I just want to kind of flag the time line. It is very critical that we get this done and done within the time line you described. Okay. Go ahead.

Francesconi: On the building side, and then the residential side, and a question on the commercial side. On the building side, I appreciate the efforts that you're trying to do because—but when you look at these—i was trying to understand why it went from 800, the current fees, to 930 if it's only a 4% increase, but then you explained it, because you're trying to adjust between residential and commercial. But that's a big jump, 130. But that's not what concerns me. Look at the difference between beaverton, clackamas county, gresham. I mean, do we really want to compare with lake

oswego on this issue, and Washington county? Look at the difference. That's a dramatic—I guess—it's a two-part first question. What effect could that have to be so dramatically higher, and how come these other jurisdictions, are they still cross-subsidizing? Why the great disparity on the building side? It seems too much to me.

Mahoney: commissioner, there are a variety of factors that affect those. The comparisons here are our earlier versions are what cause me to go back and revise the fees. As you know, they're still higher. But they're closer than they were, and the best comparables probably in terms of operation and size are I would say clackamas county and Washington county. But even then, the complexity of what they see is not the same as what we see. So there are differences in terms of labor costs among the jurisdictions, there are differences in terms of overhead costs. The only three departments which are currently dedicated funds are Portland, Washington county and clark county. The others, by october, have to become dedicated funds, and there are fee increases process in a number of circumstances. Washington county ones do increase a recent fee increase proposal there, and we know clackamas county is planning to increase their fees following the november election this fall.

Hales: And full disclosure here, none of those jurisdictions has—are environmental requirements, our infill design requirements or our erosion control or storm water requirements. We have chosen as a matter of policy to have much more complex sweeping regulations in those areas, all of which i've supported as has the rest of the council. But we've got to understand there's a cost to administering those regulations, and it shows up in our table.

Francesconi: So are we a third more—do we have a third more regulations, or—than other jurisdictions? That might be another issue. Are we that much different in our regulatory process?

Mahoney: I couldn't give you a percentage, but there are clearly more. The other thing i'd like to point out is that the one piece that probably has the greatest difference in terms of fees is the mechanical fee. And—so the totals on each of these are affected by the mechanical one. We pulled that fee schedule on a re—and are revising it because it really was frankly out of whack, and we're working on that. So if you take the mechanical pieces out, the differences aren't quite as extreme in some of those cases.

Francesconi: Well, if i'm looking at this right, the plumbing is even more extreme. Than the mechanical. And the electrical is at least is almost as bad as the mechanical.

Mahoney: but it varies from the smaller to the larger. Again, we're loading more on the smaller side and we talked about that with the industry, because we've had a historic cross-subsidy between commercial and residential, and you heard in our last fee hearing concern from the commercial contractors about that subsidy. So it is a difficult balancing act here in terms of where you convert the revenue piece into the full fee schedule.

Francesconi: On the commercial side, and—is there any—what i'm worried about, I know you're worried about it, we had this discussion at the budget session. We have declining number of permits happening, although the number is not great in declining, it's declining. This is the hottest economy, so that number will not go up in my opinion. So we have declining permits already. We have declining valuation of permits, and yet we have rising fees. I take it there's going to be another—is there going to be a 12% recommendation for fee increases in a year? Do you know?

Mahoney: that's what our forecast from last fall was, but we'll be updating that forecast this coming fall, and i'm not sure at this point what that's going to look like.

Francesconi: We have declining revenue sources, rising costs, and in— inequality in terms of our pricing at the moment compared to other jurisdictions. All that equals a problem. Now, some folks have suggested the idea on the commercial side of spending a little less time checking plans and instead relying on architects and their stamp of approval as well as the insurance backing and spreading the risk that the architects have should something go bad through the insurance carrier. It's my understanding other jurisdictions actually go further than we do in that regard. Is that something that's realistic to look at, or is that pie in the sky?

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Mahoney: first of all, it's not something that's commonly done in Oregon at this point. But it is an issue that i've put on the table with our service improvement initiative group to look at that. I've also talked through that issue with several contractors and architects and engineers, and I think there's a diversity of opinion about that. But I would say that I think there are categories of work where we could reduce or eliminate our review and rely on the stamp. But I think to do it across the board may be begging some problems in the long run. Particularly on the larger projects where you have a very large design team looking at slices of the project, and you need to be sure that each specialty does come together and mesh correctly. But I think on smaller commercial projects where you don't have that complexity, relying on the stamp may be an appropriate thing for us to do in the future.

Francesconi: I am suggesting at a minimum that we pilot this, and at a minimum we do a rifle approach where we can explore this. Because I do not see any other solution to this. But there may be one out there.

Hales: Our facilities permit program, you might want to describe that, is a version of that.

Mahoney: it's a variation on the theme of trying different ideas. The facilities permit program, we initiated that about a year and a half ago, and we're expanding right now, is based on the premise much issuing a permit for the building as opposed to a permit for each piece of work. And it's also based on the premise that a team of inspection staff who are cross-certified to do plan review do both pieces of the work. They may do it in the office or in the facility. The facility has either within their staffing or on contract their own design team that's checking that work too. The facility manager tracks all of the work and we come in periodically review what they've done, look at the updated work and sign off on it. It's been—it was really designed for institutional buildings and downtown buildings, and it's been very successful. And the participants have been very supportive of that.

Katz: Thank you, everybody. Let's open it up for public testimony. Can I see a show of hands? How many people want to testify on this item? Okay. We can do three minutes.

Olson: Come up three at a time, please.

Katz: Go ahead and start.

Kelly Ross, Home Builders Association: okay. Mayor, commissioners, kelly ross, representing the home builders association. This is a very frustrating situation. On the one hand I have the utmost respect for margaret. She's always been completely open, responsive, cooperative with us. I have to thank commissioner Hales for giving generously of his time last with—to discuss this with us. Last december we were not one of the parties that came before you to oppose the fee increases that were discussed at that time. We felt that we needed—the city needed more resources to improve the process, to increase the turnaround time and decrease the time delays on this. But now we're coming back before you looking at significant increases in what people will be writing checks for for permits. It's much more than a 4% raise that—as margaret told you, it's going to weigh much more heavily on the single family dwellings. So I guess i'm here today, I don't have any smoking gun in the methodology that the department has brought to you, but it is very hard to understand, it's very frustrating for our members to see the city's costs increase at a time when inflation is very low. And not to see a marked improvement in the process. Every week I have calls from my members asking why it only takes them 11 days to get a permit in gresham, and over six weeks in the city of Portland. So I guess i'm just here today before you to express frustration, to ask that this be looked at very carefully, and we are certainly willing to partner with the city wherever possible to improve the process, to look at alternative measures, areas where inspections may not be required where we can look at alternatives to that, anything that can be done to get these costs down. Burton weist had hoped to be here today representing the plumbers, but couldn't because of the schedule change. He is planning to come next week. One of the points he raised last week, it's more of an issue for his group, as fees continue to increase, you see a tendency by people to not get permits and try to submit bids, get bids accepted without factoring in the permit costs. I don't think that's a situation that we want to

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encourage at all. So it is—as has been pointed out by members of the council, a very frustrating problem. I hope we can make some progress on it.

Katz: Fair enough.

Saltzman: This may be an obvious answer, but do the home builders support—or not support the proportion that cost recoveries shift from commercial to residential? Is that a very—

Ross: well, we don't like that, but it's hard to argue with the facts that have been presented to us and the statistics.

Sten: Kelly, on this valuation issue, it seems—we only have a 4% increase, but with the valuation change it's a lot more than that. Is it right that you guys support the valuation increase, or the—I mean, what I'm struggling with, it seems like you guys push for this tri-county board, now you got it, and it raised the valuation.

Ross: right.

Sten: And then I've got—I'm a little confused, let me be clear. Can you help me at all?

Ross: I wasn't closely involved in that legislation or the process that set up the tri-county board. I've been told the intent behind the valuation change was not to result in a windfall of revenue, and we've been questioning Margaret about that. And I—it's a frustrating problem again, because builders out there tell me that the valuation that—that's being estimated for construction costs is for some of them houses—some of the houses being built is in excess of what their sale price is, which includes profit, land, and any other costs they have involved. So we would certainly like to spend more time looking at that and seeing how it's being implemented.

Sten: Does that have to be debated at this tri-county board and then the issue here is what percentage do we raise the fees? Am I right? We need to use the valuation they give us and then it's up to us to determine how much we—percentage we raise that?

Ross: that's my understanding, yes.

Sten: Okay. What's on the table here is the 4% raise. Okay.

Ross: right.

Francesconi: Are you opposing this, or are you just expressing frustration that you want us to work on in the future?

Ross: it's hard to separate those two. We would certainly prefer not to have another fee increase at this time. We want to see the department get better in their processing of permits. So that's where we are. We're between a rock and a hard place.

Sten: Let me put you between one more rock and a hard place. If forced to choose, is it fees or speed that's more of a problem?

Ross: definitely speed.

Katz: And that was the point I wanted to make and ask you that question. The complaints that I hear is primarily the performance measurements, the speed. It's taking more time now than it did before, you know, and if I remember us doing an analysis, if I recall correctly, it was in '93 or '94, Portland development commission wanted to see how we ranked with other jurisdictions in terms of the cost of all these fees, and it was primarily the speed that really concerned people when they went out and talked to residents and commercial holders. That's why Margaret the issue of your performance measurements and getting to that as your—you raise the fees is really a critical one. Further questions? Okay.

Cynthia Catto, Associated General Contractors: mayor and commissioners, I'm Cindy Kato from associated general contractors. I'd like to say ditto. I'm not here today to bash staff. I think staff is doing a really tough job in trying to balance cost recovery and efficiency and effectiveness. But my members have the same level of frustration about paying more and getting less, and every time I talk about, the fees are going to go up, they come back to me with, when are we going to get our buildings out of the ground in shorter than 16 to 20 weeks? We lose a construction season. And it's hard to pay more and lose the profit margins because it takes so long to get through the process. So here again,

don't ask me if i'm against the fees being increased. I really encourage the council to hold your very good staff accountable to coming up with the performance measures, working with the industry folks, which they have committed to do, and come up with better ways to skin this cat. Because our concern is, as commissioner Francesconi raised the issue, we've got fewer permits being issued and less construction happening, and our fees keep going up. And it starts to look like a downward spiral for the city of Portland. And none of us want that. We want this to be a vibrant city with lots of new construction, and new jobs, and new housing, and all of that, because that keeps us all healthy. And we're very concerned about getting close to the nexus where we're starting to deteriorate and going backwards. And folks will just flee to the suburbs and that's where all of the good improvements economically will happen. So we would encourage you to hold staff accountable, we are here to pledge our support in working with staff to come up with creative ways to cut down on time. We applaud—i'm a little different than kelly, we do applaud trying to get more recovery out of those smaller contracts—

Francesconi: Surprise, surprise:

Catto: because we like it to be a little more fair, and not have to get 120% of the recovery out of the bigger projects. So we're just here to support the process and to stay involved in the process.

Katz: Okay. I hear from both of you a frustration, but you've got a very good director of the department, margaret is very professional, clearly understands what the issues are, and has worked with the industry, but again, the performance in getting much faster in terms of going through the permit, I think really is the key issue. All right. I think I summarized that for the council. Anybody else want to testify? If not, this all goes to second. All right. It's 10:30 and we have—do you have all your people here? We'll move to the regular agenda, then. All right. We will return to time certain, because the next time certain is 11 o'clock.

Item 1024.

Saltzman: Today commissioner Sten and myself are proposing to create a new office of sustainable development by combining the Portland energy office and the solid waste and recycling division of the bureau of environmental services. We believe this consolidation will create a coordinated approach to energy policy, conservation, green building and solid waste recycling that will benefit all Portland residents. There's a natural connection to me between what we throw away and how we start thinking about ways to reduce the impact of human activity on our environment. Recycling has been one of the most visible and effective ways the city residents have taken action to show how they want to preserve natural resources. With this new office, other ways to take action and to make a difference will soon be more visible and available too. The city has an important roll to play in promoting sustainable practices. Public resources should not be used to rob future generations of a live I can't believe Oregon. This new office will demonstrate an ongoing commitment to promote and facilitate a sustainable products and practices that will make this statement a reality. This proposal has been a long time in coming. For many years, there's been a growing concern expressed by the mayor and the council that the conservation programs and efforts to promote sustainable development and more sustainable practices within the city have been ask erred—scattered and not well organized. Now there will be formal coordination among important functions, including solid waste and recycling, improved environmental practices for city government, energy conservation, water conservation, green and affordable construction practices for low-income housing, and sustainable building practices throughout the city. The energy office and the solid waste and recycling division have historically been two of the city's most well operated programs. The new office we're proposing provides new opportunities for a new team to foster the development of a green building program and it will be done by people who are passionate about their work. The proposals also rationalize the funding structure for these programs. A five-year plan for how the fund will be used to maintain existing and new programs within this new office will come to the council in october as part of its budget deliberations. Now, there's a lot of concern about what the impact this proposed new office will have on the existing

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operations of the solid waste and recycling office. Which will be merged into this new office. And I want to address that, because many people here I think are here today and want to talk about that too. This proposal will not substantially alter the operational structure of the solid waste and recycling program. It currently resides as a distinct work unit inside a bureau and will continue to do so in a new one. And it will continue to report to the same commissioner in charge, me. Solid waste and recycling staff will continue to work directly only on issues related to solid waste, recycling, material reuse, composting, et cetera. Their collaboration with the energy and water conservation staff will be focus order broadening the effectiveness of the program's outreach. No different than existing collaborative efforts. And the solid waste and recycling unit will work closely with the haulers and the Portland utility review board on setting rates and establishing program priorities. These are important stakeholders to the solid waste and recycling program. So that is basically my opening statement. I think commissioner Sten probably wants to make a statement or two.

Sten: Sure. I'll be brief. Commissioner Saltzman has really made a great effort on these issues. Right now I have the housing department, the water department, energy, and cable in the past, I think i've had environmental services and the solid waste department as areas that i've had the great privilege to work with and oversee. In my sense right now is that— i'd probably be the first one to say moving around governmental boxes does not solve problems, but as you look at each of these pieces, and they're not all moving, but we've got a variety of I think very good programs, whether it's the block by block, yellow bins which people recycle in, we're beginning to take strides as we develop housing to begin to make it greener. But I would say the sum is not greater than the parts at this point. And by creating an office of sustainable development and putting some key pieces in one place under particularly under susan anderson, who is really one of the world's great thinkers on these issues, I think we have an opportunity to raise this to a higher level, and I think it's before both commissioner Saltzman and my time, but the council create add sustainability commission that's brought together very smart folks, and the idea is to use the principles with as you study these things, become very evident that we need to in a very simple fashion not use resources faster than the earth can create them. And I think that's actually something that Portland can become, you know, we think we're green, but I think there's a lot of real practices that because of our green ethics and our own sense of ourselves we probably don't even evaluate. I think in almost every area you look at, we are not on the cutting edge, despite our belief that we are, including recycling. We don't compost at all. It's not a new technology to compost, but we haven't figured out how to do it. In every area, if you look at these, in water conservation, we just now this year changed our rates so they have any tie whatsoever to conservation. And so we think of ourselves as a cutting edge city on these issues, but we're not. And this is a step to try and bring these parts together and make the sum greater and have in one place when we work with homeowners and businesses, developers, to say, let's look at all these systems together. Now, if what this new office does is sort of take responsibility for these issues away from the water bureau, away from the housing department, we've made a mistake. But the idea is to have a central place that can help coordinate the efforts that are already going on. And that's the message from this. I really think it's a great opportunity for all of us to come together. There's a little issues of— there's always issues of fear of change, but when you have good people who've done terrific work, both in the private sector and the public sector, trying to mix up the organizational structure just a little bit to get a little better synergy and a little better relationship building structurally is not a new practice except in government perhaps it takes on a little more weight than if a private company decided we're going to this year attach this division to that division to try and get a slightly different result without harming the good stuff that's already going on. And so I think this is a relatively modest change in terms of what it actually does, but it implies, I think, a much stronger relationship and a much stronger intent to try and get I think some of the things people think we're doing up to the next level. And what I don't want to do is i, for example, have spent a bunch of time working on global warming issues, and we made a ton of progress between '92 and '97, and our efforts are flat in the last couple years. Frankly, that's true in

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a lot of environmental issues in the city. Moving boxes is not going to change that, but new attention, which is what's behind this change in name and this slight change in organizational structure, is what's in—is what's intended. I hope it will be a very positive step forward, although it will need the cooperation of everybody who's got us as far as we are.

Katz: How many people want to testify on this item? All right. We're going to start with three minutes, but we may—I may change my mind, just because of the agenda's—agenda items before us. Let's start with three minutes.

Jim Abrahamson, Public Utilities Review Board (PURB): good morning. I'm jim abrahamson. I'm a member of merck and have served as the chairman of the solid waste committee during the last budget development process. I spoke to doug morgan this morning. He expressed his apologies for not being able to make it this morning. He has some things to attend to in salem. He does apologize. But he did ask me to mention just for the record that the last two decisions related to solid waste and recycling that have come before the council, those being the change in the franchise fee and this proposal, have not come before purb for review. And as you mentioned, purb is an important stakeholder in this process, and we would like to have that review. A very brief history. Purb was established 61/2 years ago to provide the citizens with a mechanism to review utility rates. This is needed due to the basic conflicted role the city has, because it's both the utility and the regulator. And the decision-maker on utility rates. Purb has developed a cost of service document and policy framework for issues that involve those utility issues, including solid waste and recycling. Our concern with all due respect to commissioner Saltzman's position, is that this proposal does indeed affect potentially future solid waste rates. If this was simply moving the boxes, we would have nothing to say about it. But we believe it does impact rates. As an example, the way that we currently review rates, and I'll use solid waste as an example—the solid waste division will come into us and they'll provide detailed information on all of their proposals and all of their projects, and the things they're working on, and their activities, and we'll get into the gory details of what those are to develop a good sense of what the sources of funds are for solid waste and recycling that—the uses of those funds and the rates that will be charged to customers. That gives us, as purb, a good sense of by and if you will, and recognition of hopefully the reasonableness of those rates. Currently, again using solid waste and recycling as an example, they are far and away the cleanest and most understandable of all of the utilities that we review. It's very easy to see what they do, what it costs, how many customers, and what they should be charged. Very straightforward. In the future, however, we fear that by moving solid waste and recycling into this office of sustainable investment, that what will happen is a co— development is a commingling of customer solid waste resources with energy office discretionary money, possibly energy office nondiscretionary money, who knows what kinds of activities may go on in the future. And it will become increasingly difficult for us to be able to review solid waste and recycling rates without getting into the details of all of the programs that are going on within the office of sustainable development that could potentially be using customer monies from their garbage rates. It will make our job significantly more difficult. I understand that there's a thought that there may be safeguards put in place so that may not happen. However, I've worked enough with budget processes to know over time those safeguards tend to erode, and with that erosion the citizens will lose the oversight that they currently have over solid waste and recycling rates. Doug asked me—

Katz: I'm going to give you more time because you are an arm of the city.

Abrahamson: thank you very much. I'll go very quickly. I'll just jump to the recommendation to save even more time. Purb's recommendation is that the council table this proposal at the current time, due to the complexity of the proposal, and frankly the lack of public input that has been received to it to date. We applaud commissioner Saltzman for agreeing to meet with purb this evening at our regularly scheduled meeting to begin the dialogue in how a public input process might be best formed that will bring in purb, bring in the haulers, bring in other concerned parties to look at all the issues

related to this proposal so we can develop the consensus and develop the decisions that the council really needs to be looking at.

Katz: Let me ask you a question with regard to the commingling of funds, because that is of great concern to me personally. I want to make sure that you have the ability to analyze that very early on during this period of time, as well as our office of management, finance and management, to keep those funds separate so that doesn't happen. Because if that does happen, the end result are possibly rate increases. So that's—I know you'll get through the process of involvement and working—I know commissioner Saltzman will get through that. But I'm concerned a little bit about our ability to keep the funds separate.

Abrahamson: we're concerned about it as well. And I might add that it's not just the funds, but it's also going to be staff time as well. Because that's part of the cost that will go into the solid waste rates. So what the office of sustainable development will have to do is basically color code the dollars that are coming in from solid waste recycling ratepayers and color code the hours that are used by the staff for all of the activities that are ongoing and the—in the office of sustainable development for us to be able to, and you, to be able to fairly evaluate the costs. The whole costs.

Francesconi: One question. I was so concerned about the issue you just raised, I voted against raising the garbage franchise fee to do this, because I didn't think the funds should be commingled, nor did I think there should be a cross-subsidy. Having said that, we're talking now about organizational restructuring, that's the real issue here. So in parks, for example, we have a golf fund that we account for separately. That is not commingled. There can be ways of setting up funds within organizations where things are not commingled or cross-subsidized. Isn't that right?

Abrahamson: that would be my understanding.

Francesconi: If we do that and follow with the mayor just suggested here and what I'm suggesting by this question, is just important to you the mechanism be in place and that tracking be in place so you can monitor it. Then you'd be okay with this?

Abrahamson: at an absolute minimum I would say we would be more okay with it. If that were to be.

Sten: I think there's a very strong and good debate, and it's not an obvious debate whether or not the 25-cent increase is a good matter of policy—the 25-cent policy—I think the argument the city doesn't keep track of funds clearly is a bad argument. Every bureau has probably dozens of dedicated funds when I think of our federal funds that come in through the housing department, and the idea that it's not going to be transparent where that 25 cents goes, I don't think there's any evidence at all that it will be less transparent or will be any more negligent in our bookkeeping. Whether or not it should be done, which was the question purb raised at the last one, is an extremely fair question.

Katz: Okay. I think you have heard from the council their concerns about that, the ability to keep an eye on where the funds are generated and staff time is very doable. Okay? So you need to maintain that—the—that vigil.

David White, Tri-County Council: mayor and council members, my name is david white, chair of the tri-county council representing Portland haulers. I was here testifying regarding the 5% franchise fee a few weeks ago. At that time I noted there was little notice and no opportunity for us to comment prior to council. We were concerned about the issues you've been talking about. A month later we're here again, and the issue seems once again to be a matter of process. I first heard about this on june 29th. I was at a deq meeting and I was told about it by a metro staff person. I went to my office and called commissioner Saltzman's office and asked to get a copy of the ordinance and the supplemental report. We're not opposed to the establishment of the new office or merging with the energy office, or even using the staff from b.e.s. And other bureaus to work with that office. We're opposed to the move. I'd like to refer you—I don't have much time—to the document I passed around. This is the supplemental report. I'd like to point out in the financial impact statement, it talks about addressing current and long-term issues and detailed explanation. The only statement regarding that is the last

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sentence which says, staff will return to council in october with a five-year financial plan. There are no numbers, no financial impact statement. We feel this is premature. On the next page, controversial issues. Had someone talked to the hauling industry, I think staff would have noticed there were more issues besides just where's the revenue coming from. We're concerned about the impact on recycling goals, program success, who's going to be the leader, what's the process, and rate impact. The next section under link to city policies, it talks about promoting development, growth management, land use transportation energy, water, affordable housing, indoor and outdoor air quality, economic development, energy, land and water. Nowhere does it mention recycling, nowhere does it mention garbage hauling. We think this is an afterthought. The reason is because solid waste and recycling has money, staff, and credibility. By merging these two instantly the office of sustainable development has those three resources. Under citizen participation, it asks what is the formal input from a task force committee or business associations. None. Our industry was never contacted regarding this and never had any input. There is informal input from the citizen members of the sustainable Portland commission. If you look at the next page, the citizen—sustainable Portland commissioner to schools, architects, energy people, utilities, banks, engineers. Why? Because this is about development. It's not about recycling. There are—there's no hauler recycler, facility operator or processor on either the sustainable Portland commission or green building advisory committee. On the next page, this is from the green building initiative document on staffing overview, it notes there are five at least five bureaus affected by this. And every one of them except solid waste and recycling is staying where they are, but they're committed to working. And there was comments earlier from the council members regarding coordinating these various offices and making them work together. You can coordinate them without moving them. If you look at the organizational chart that was originally proposed, my understanding from people that I talked to in this building was that it was a dotted line to get solid waste and recycling associated with this office as of a couple weeks ago. Now it's a solid line. I don't know how it got from a dotted line to a solid line, but we think that's an important distinction. The move of the solid waste department raises significant issues for us and concerns. Even if the entire staff was going, but the entire staff is not going. Sue keel has been offered a position and has rejected it. She has earned our trust and respect because of her fair and business like approach to issues and require willingness to listen. That's not a comment on the staff that would be in this office. We know this is a great program and it's received national awards. We feel it's our program as much as it's your program. We want to make sure the program continues to be successful we ask you give us an opportunity to talk about this, to make sure it will be successful. We ask you either vote against this or table it until sometime in the future when you have a financial plan that we can look at to make sure it addresses our concerns.

Katz: There is no vote today. This goes to second. So the question is, whether it comes to second next week or comes to second at some other future time.

White: i'm sorry.

Katz: That's all right. Go ahead.

Ralph Wooden, Trashco: 1608 SE 8th Ave., mayor, commissioners, i'm raffle, from trashco services. I only need 30 seconds. Our concern is that we have been left out of this process. We're the ones that pick up the yellow bins. We're the ones that propose the recycling services to our commercial and residential people. And make it a little bit easier for them to recycle. And we just feel we haven't had adequate time to look at this move, to understand what this move means, to talk to other people, to understand this move. And we're just asking for a little additional time.

Katz: Thank you. Thanks. Let's move on.

Katz: Please come up three at a time.

Estle Harlan, Harlan Consultants: 2202 SE Lake Rd., 97222. thank you. My name is estelle. I'm a waste and recycling consultant. I represent haulers in clark county, gresham and east Multnomah county, but many of these have Portland routes, and in the past I was actually in david white's position

through the tri-county council. Through that position we developed the franchising in Portland, we implemented many of the programs that now exist. But historic perspective on what we're considering today, Portland's solid waste and recycling program has been successful because it's recognized the high impact on the rest of the region, particularly in the field of recycling. And there has been a marvelous working relationship, and I have been involved in that between sue keel as head of the bureau of environmental services, and haulers and local government throughout this region. Mayor Katz, i'm sure you'll recall when you were in the legislature and when the senate bill 405 was passed, there was a definite part of that legislation that set up process, set up an involvement of the players in the opportunity to recycle act, and my concern today both for Portland haulers and for the rest of the region is that the process has been—has not been followed here. It's not the process that we followed in making this a successful program when we developed the franchise system. That process involved the players. You know, the trucks don't go out there from you folks. They go out from the people who are your stakeholders. And that's the success of the program. And those people need to be involved in whether this is a very effective move or just, as you've described it, changing boxes. The trust of the business community is high. That, again, relates a lot to who leads the bureau of environmental services and the bureau itself. And then not insignificantly you've had the cooperation of the solid waste and the recycling industry. When we started franchising in Portland, there were—there were discussions on it, there were nearly a hundred companies. Today it's down to closer to 50. But that's still a large number to get all marching in the same direction. And they have been. And a local of this is—a lot of this is because of the trust under the current structure. The organizational structure works. Please either delay or reconsider changing that organizational structure. Thank you.

John Walker, Walker Garbargae Service and Westside Recycling: good morning. I'm john walker, and I represent walker garbage service and also westside recycling. Since we joined the city of Portland with the franchise in 1991, we have tried hard to be a good partner to the city in sharing decisions and implementing joint decisions. We resent this ordinance. It was prepared and is being passed without any citizen or business involvement. We urge you to delay this ordinance until we have an opportunity for input. Thank you.

Katz: Thank you.

Eric Merrill, Waste Connections: 571 NW 94th Terrace. mayor Katz, council, my name is eric marrow, the regional vice-president for waste connections. I'm testifying against this ordinance not because i'm necessarily against the idea and not because i'm afraid of change, but because of the complete lack of process that's been involved in this. I've been involved in the solid waste and recycling in this town for about 13 years. Since the haulers voluntarily joined with the city and the franchise system in 1991, i've always been involved in the process and had input into the decision making. It's always been my understanding that the city of Portland always did process and got community involvement unless something was broken. Since 1991, the city and the haulers in partnership have instituted universal curbside residential recycling, we've added since the inception scrap paper, aerosol cans, milk cartons, phone books. We've increased residential participation rate to over 80%. We've increased residential recycling rate to 53.6%, one of the highest in the country. 1999 we collected 44,000 tons of recycling material. 50% more on a per pound average than the rest of the country. What's broke? The partnership instituted the first monthly every other—first monthly and then every other week yard debris collection. We increased the average pounds per household recycled from 0 in 1991, 292 pounds per household per month in 1999. I don't see what's broke. Portland households dispose of two-thirds of the national average now. 90% of businesses recycle. 69% recycle more than 50% of their waste. Solid waste and recycling has developed—third highest rated city service in the city with the—a 76% positive rating. Programs won the best residential paper recycling program in 1996. The best program management, the best commercial recycling program in the u.s. From the conference in mayors in 1999. In eight years the rates have increased just ten cents.

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What's broke? If the program isn't broken, why the push to change it? This idea has been around for a long time, but now is coming through with no citizen involvement. To date what we have seen is that commissioner Saltzman's without input from the solid waste and recycling committee, is taking 100,000 we thought was earmarked to promote organics recycling, increased the franchise fee on residential garbage customers and earmarked it for energy, green building projects. What we see is that the solid waste, if this move is made without input, that the solid waste department leadership and the relationships we developed over ten years will be damaged. We see that solid waste and staff, what we're afraid of is staff will be focused on other areas rather than recycling, and our opportunity to promote recycling and increase this program will be lost. We'll see that time spent in other areas. Additional funds will be diverted from recycling programs. Just the way they have been so far. And it will force us to pass on increased rates, and we'll take the flak from the customers for things that aren't related to the services we provide. There's over— there's over 20 representatives here today represent can businesses, recycling organizations, and other organizations. We're here—excuse me. We're here to prepare to testify against this ordinance because it was prepared—is being passed without any citizen input.

Katz: I'm going to warn to the council that we're probably going to go beyond our normal 12 o'clock adjournment time. So cancel, if you have any meeting, I ask you to cancel them until we complete our morning agenda.

Brian Heiberg, Heiberg Garbage and Recycling: PO Box 22069, 97269. good morning. My name is brian with heiberg garbage and recycling. Much of what's been said I concur with. My biggest problem is process. I was made aware of this through our tri-county association just a week and a half ago, and it was news to me. So the process bothers me. Since the beginning of the solid waste collection franchise program, we've worked hard with city and staff to develop an award-winning program. The success was made possible due to the communication, cooperation between the city, the haulers and the general public. This program was well thought out with input from all concerned parties. Unfortunately the current ordinance that would move the solid waste and recycling unit of b.e.s. To the proposed office of sustainability development has not allowed for the hauling community or the public the time needed to make educated and informed suggestions and to assure we have a continued success of our award-winning recycling program. I'm asking that you delay this ordinance until we have an opportunity for more public input and for the hauling community itself to get a better handle on exactly what changes will be taking place. Thank you.

Katz: Okay.

Rob Nielsen, Arrow Sanitary: 12820 NE Marx. morning mayor Katz and commissioners. My name is rob nelson. I represent arrow sanitary. We currently serve approximately 8,000 residents and 3,000 commercial customers in the city of Portland. Since we've joined the city of Portland with the franchise in 1991, we've tried to be a good partner with the city. We resent this ordinance and we are frustrated with the process going on. It was prepared and is potentially being passed without any citizen or business involvement. This process appears to be on a forecast track without any open discussion. We urge you to delay this decision on this ordinance until other stakeholders have an opportunity to have input on this issue. Thank you.

Tom O'Keefe, UCAN: tom o'keefe, united community action network. Everybody so far has testified that there hasn't been enough input from the different parties that feel they should have input to this issue. This started back a little while ago when you increased residential franchise fees to the 5%, which is the ceiling. I'm sure you're going to bring the—a—the waste haulers in when you want to take it beyond 5%, because you would have to. You're asking for a code change here. Why didn't you ask for a code change to increase franchise fees on commercial and industrial property to help finance the green building initiative? To me that would have been fair. Because after all, the developers are the ones that are going to receive the benefit from these monies. But yet only residential is putting monies in it, not commercial, and industrial property owners from increased

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franchise fees. If you can change a code here, you should have been able to change a code back three weeks ago to make it more equitable all the way across the board. It's what we've done here, three weeks ago, council, commissioner Hales was the swing vote on that with Francesconi and mayor Katz voting against that increase, and i'm sure he is again. That is my opinion. I think this needs to bring more people in to get more involved. Purb was against that franchise fee increase, purb's asking for more input. The waste haulers are asking for more input, and I think that's the only right thing to do. And so you settled up this horse three weeks ago by increasing the franchise fees on residential property, and now this horse wants greener pastures to fatten up. And I would hope you delay that. Thank you.

Katz: That's pretty good, tom. [laughter] thank you. Nix. Next.

Lynne Storz, Association of Oregon Recyclers: my name is lynn stores, i'm the chair of the board of association of Oregon recyclers. The association of Oregon recyclers is a 360-member trade association comprised much government, industry and private citizens which work in support toward promoting waste reduction, recycling and recovery programs. We have long been recognized— has long recognized the solid waste and recycling programs in the city of Portland have achieved significant recycling and recovery milestones, and that the program is striving to achieve a 60% recovery goal. The city can certainly take pride in the national acclaim on the current resulting of their residential and commercial recycling programs. The formation of the office of sustainability has the potential to provide new and exciting opportunities for program integration. However, aor has concerns. The process to date has not allowed interested parties to fully understand how the new office would incorporate the solid waste and recycling programs. Will the city's long-standing commitment to the stated recovery goal of 60% remain? Will there be continued strong support both in staff and dollar resources dedicated to developing and implementing the new recycling and recovery programs necessary to achieve the 60%? And finally will the existing programs be maintained and no back sliding occur on the current results? In the past there's been a thorough public discussion of potential program changes. Aor urges the city to undertake a series of public meetings for a full discussion of this issue. Aor also requests that the city delay the decision on the implementation of the new office of sustainability until this discussion occurs. Thank you.

Katz: Thank you. Basically what we've heard is a request for a the bit more time. So that's the issue.

Vallerie Hill, Gruetter Sanitary Service, Inc.: i'm valley hill, from routers sanitary service. I'm here just to say that our company has been in business since 1951 here in Portland. We work closely with the staff to help go forward with the franchise, and we feel the program is excellent and we do not feel as though there needs to be a move. So my suggestion would be to leave it where it is. And if you are going to change it, to at least give—get input from the very important people who actually do the service. Thank you.

David McMahon, Cloudburst Recycling: i'm david mcmahon, with cloud burst recycling. 25 years ago myself and my wife started cloud burst recycling because of our belief that recycling is an important way to conserve energy, public awareness of the consequences of wasteful consumption. Recycling is an important part of the vision of a sustainable resource management. It soon became our goal to become a workable program in Portland. That goal was difficult, but was realized after 17 years. It was the result of great dedication, cooperation and sacrifice by many public-minded people. Often with conflicting views, concerns, and goals. To the extent I helped this has been the greatest accomplishment of my career. We built bridges of communication, we built coalitions, searched for common grounds and for alternate ways to accomplish shared goals. We brought together at least 70 companies, 70 recycling companies, and the city of Portland to create what I this is the best garbage and recycling program in the country. Our program has been very successful. We have very high customer section ratings. This has been possible because all parties are dedicated to the program. The excellent b.e.s. Staff has managed to enlist the support of the industry and the environmentalists. It

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has done so by involving concerned parties in problem-solving rather than taking unilateral action. There has always been a forum for industry representatives to voice their concerns. We feel we have been heard. B.e.s. Has avoided many pitfalls and earned our loyalty and respect even though we do not always agree. Sue keel has been remarkably skilled in building consensus, crafting intelligent and fair solutions. Much of the program's success directs—results from her leadership. There is much left to be accomplished as we work towards state mandated recycling goals. The ordinance has shown no regard for b.e.s. Solid waste and recycling program or for the staff or industry that have worked so hard to make it successful. There's been no process for involvement of the industry, the purb or anyone else that I know of. With regard to solid waste, it appears the aim is to capture a revenue stream and divert to it other goals. Through—to accomplish that, the program manager would be removed, it would risk demoralizing and alienating staff and risk the eventual loss of that staff. That staff's knowledge and dedication cannot simply be replaced by new hires. An office of sustainability has appeal for me. I would like to support it. But the approach being taken does nothing but offend and alienate many, including myself. I should be able to help you build a constituency to support this idea. Instead, you force me to oppose it. This ordinance is a mistake. Fortunately you still have the opportunity to delay and work it out. I believe that can be done. Please reconsider. Accept a temporary embarrassment this exchange for a permanent success. Widen the circle of support, build a constituency. Together I believe we can find a way to make this thing work. We need to stop and take the time to work through everyone's concerns. And in my opinion, that's what good government does. That's the way it works best. I urge you to take this idea back for redesign and proper input from all.

Francesconi: Other than process, what is it that you need for you to be—to become an advocate of the office?

McMahon: I didn't come prepared to discuss all of those concerns. It's not a simple matter.

Francesconi: How about the top two?

McMahon: I don't like the idea of diverting funds in an unlimited way. I don't like removing all the decision making from solid waste staff and putting it into another area. I don't like the fact that there is a precedent in a lack of involvement which I see as caring forward as a mode of operation. If I was less nervous I might be able to come up with a few more.

Francesconi: Those are three good ones.

McMahon: there is a lot that needs to be worked through here. Maybe the results would be very similar. Maybe the results would be very similar. But I think there would have to be some important changes to really make it work and there would have to be—you know, a team constructed here. To lose that would be really devastating.

Katz: Thank you. Okay. How many more people? Let me announce **Item 1025**, we're trying to get this into the agenda. I'd like the agreement of the council and hopefully the understanding of those who will testify that we bring this back at 3 o'clock this afternoon. Otherwise we're going to be sitting here for a very long time.

Francesconi: That's the fire station siting? Part of the problem is one of the people that needs to testify has to go to a funeral, and then there's other people here to testify.

Katz: Do you want to do that now? We've got—

Hales: We've got a bunch of people queued up.

Katz: It's going to be difficult today, because we've got a lot of time certain. You don't have any objections, we'll do that. Is that all right for the folks who have come here? I'm sorry. We don't usually do that, but I don't want you sitting here. Okay. And we may get to that same point at the end—at about noon. So you might as well go back to do whatever you need to do and then come back at 3 o'clock. I think we'll get through this afternoon by 3:00. Somebody—remind me at 3 o'clock we don't adjourn. All right. How many more people want to testify on this? I'm going to take two minutes, because I think the issue, and we're going to try to talk about that as a council after you

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finish, because we aren't voting on it today, the real issue here is whether you want to take a little bit more time. This is really not a way to start something brand-new. So I would hope that you consider that, and I hope commissioner Saltzman hears this. But—so i'm going to give you two minutes, because I think that's really what you want to say, and then we can move on. So let's read the next testimony. Okay. Somebody start.

Rob Guttridge, Recycling Advocates: PO Box 6736, 97228-6736. my name is rob, chair of the recycling advocates, which has been and continues to be a grass-roots membership organization dedicated to involving people in creating a sustainable future through local efforts to reduce, reuse and recycle. We have been interested until—and involved in Portland's recycling efforts for a considerable time, and we hope to continue to be. Our concern is that this is such news to us. It—if I can use the analogy during my two minutes, basically it's like hearing of a wedding, folks that you like and you have concerns because you just hear a notice in the paper, you didn't get invited, you didn't get a chance to wish them well and be part of their success. And unfortunately it's a bit like an arranged marriage, where it seems like the money of one party is being matched up with the agenda of the other in some respects. We're concerned with that. We'd like to see this melding of two departments, of two work groups a success. We think it's a good concept. We want it to succeed. In order to succeed, we don't want it to flounder as so many marriages do as—over an issue of money. We want the energy office to get a proper funding source for the initiatives that it needs. We don't want it to be drawn just from solid waste funds. We don't want it hobbled by an inappropriate funding source and we don't want to see the program crippled by having its funds drawn off to other issues that do not reflect the desire of the city to reach its goals in conserving resources. It's not just energy and water that need to be conserved, it's also materials. And we want to see an equal share of decision-making in this melded agency, this sustainable agency between the materials and the energy and water resources. We want to see a real balance of interests where both are represented. So we ask you to delay consideration of this until such time as we've had a chance to really understand. We're not asking you to sell us on the concept, we're asking you to please explain and to bring forward the financials a little more clearly.

Katz: Thank you.

Jeff Murray, Far West Fibers: 3802 SW Huber St., 97219. good morning. My name is jeff murray, I represent far west fibers, we own a number of processing facilities in the Portland area, and i've been before you at other times on other issues, particularly commingling issues. And the reason why I bring that up is that was quite a process. But it was a process, and we were allowed to given put. What seemed like in the beginning something that should have been fairly simple and straightforward to deal with turned out to be fairly complicated. And we came up with a solution as a group over a period of time that I think most people are able to handle. Once again, we're concerned about process. We would appreciate the opportunity to have input in the future of the solid waste and recycling within the city of Portland, as we have had in the past. Maybe we completely support the program that's been put forward, but we really don't know what that is yet. And we would like an opportunity to discuss that. Further, what's brought this program about is strong leadership. Over the past ten years, there's been very strong leadership in regards to refuse and recycling within the city of Portland, and we would like to see that continue without that strong leadership, the programs may not survive. Thank you.

Katz: Thank you.

Dave Lear, Kindercare Learning Center: 65 NE Holladay, 97232. dave here, kindercare learning centers. We're not a garbage company, we're—our corporate headquarters are located on holladay street in Portland. And we—

Katz: We're very happy about that.

Lear: we have many locations within the city limits of Portland. Our child care centers. My concern here and the—hearing the other people here is the process that was established with the business

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community for the commercial recycling end was an extensive process, involved lots of business owners. We utilize the programs, we're happy with the staff who implemented those programs. We encourage our professionalism and the thoughts, again, as a large organization, corporate office, whenever you move, you look at the bottom line, you move people, you move staff, you move resources to accommodate other issues. The focus does change. You do lose focus, and I guess as a business we're concerned that the 70's put a lot of efforts towards providing a commercial recycling program that works well for businesses and we do not want to see the focus that those people not—and the bureau has placed on the commercial businesses. Thank you.

Bryan Engleson, Eastside Recycling: 14041 NE Sandy Blvd., 97682. I'm brian engleson of east side recycling. I want to thank commissioner Saltzman, because he has met with the tri-county council a little over a week ago, and also I met with some of his staff and appreciate that opportunity. I want to tell you about a meeting we had yesterday. This was a meeting of the small local haulers, mostly one and two trucks. They talked about a number of things that have happened over the ten years. One of the things they talked about, how do we show we're pretty unified to the city on what's going on? They talked about having—surrounding city haul with trucks. We also found out we better have a police permit to do that, or suffer the consequences. So they quickly did away with that idea. We talked about the— the guys coming down to talk, but they're out on the truck right now, and because of the length of time, they didn't know whether to be here at 9:30, 10:00, 11:00, 12:00, what it would be. The consequences they would suffer, they would not be able to get back to their routes and they would go over the franchise limits and they would be in violation of their franchise in order to be here. So at the end, they all looked at me and said, we want you to go down and give one message to the council. And that is this—we'd like an opportunity to be able to talk about this. We'd like an opportunity to be able to ask questions, and we are not sure what all those questions are at this point. That's the bottom line. They want two or three months to be able to ask questions.

Katz: I don't know if we can give you two or three months, but we'll talk a little bit about time.

Bruce Louis, Elmer's Sanitary Service: my name is bruce lewis, and i'll report back to the small haulers, as brian did. I have—elmer's sanitary is the company we operate in northeast Portland around grant high school. Please remember the words of dave mcMahon, my very good friend. He is very eloquent in what he said. What i'm here to say, I don't have a problem if you guys want to take a million dollars away from the solid waste fund that was built by the residential customers in the city of Portland. I can explain that. If you want to take \$500,000 away from the residential solid waste fund built by the residents of this city for the green buildings, I don't have a problem with that. But we've got to be able to justify it. And I can't justify it because i've been in—most of the meetings brian has been, and i've heard some of the things said. I don't see a plan. I haven't seen the process. I'm a come—uncomfortable with that. If I can't explain it to my customers, I don't want to have to deal with it. Okay? But the other part is the management team that actually sue keel who has run solid waste for us for the past ten years now, she's been a small part of that group that put the franchise together and negotiating. What we have here is an excellent leader, manager. I don't want so see that disappear from solid waste. If you want to move solid waste, you find a way to make sure that woman is able to help us continue the progress that we've got to this point and go forward. That's all i've got to say.

Katz: Thank you.

Ray Salvi, Portland Disposal and Recycling: hi. I'm ray salary from Portland disposal. We've been in business a very long time, because we can consist of six other people in this small Portland disposal group. And I it rate the—what everybody has said about moving solid waste to another department without—we—it seems like we don't get any consideration, or we're absent in any type of move that has to do with our industry. And I feel that we should be more informed, and that's why i'm totally against it at this time, is that nobody talks to us. They just put something in our face and we have to go with it. And I feel that we worked a couple years prior to the franchise in a good rapport

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with the staff that we have, and the last—in the last eight, nine years, and we've worked well. We've had our differences, but we talked it out and we have a good system. And I feel that this system should stay in place, or at least somebody should get together with our industry, which is overlooked too much. And I thank you.

Katz: Okay. Thank you. Anybody else? All right. This goes to second reading. Council have any comments? Commissioner Saltzman?

Saltzman: Sure. I wanted to say that I certainly appreciate the sentiments expressed here about concerns about moving maybe too precipitously. And I regret that you feel there's not been adequate process. But let me assure you there's ample opportunity ahead as we put this office of sustainable development together, and as we merge these two offices. I guess I'm certainly willing to consider setting this over or having the second reading at a time certain three weeks or four weeks from now for an up or down vote on this proposal. And I'm willing to talk to you further. What I'm not willing to talk about further are two things. That is, which I think are the heart of the issue from your perspective—and that is structure of the office, the management structure involved. I believe that you have a say in it. You have an opinion. But you do not have a veto over our desire to make this management change, because we believe this is a more effective operation of government. And I think to do otherwise would—to give you a veto power would be analogous to allowing building developers to veto the mayor's proposed reorganization of the bureau of planning. The regulating community has a role, has a say, but it does not have ownership or veto power. Secondly, the personnel issue. I know there's a personnel issue here, but I'm not willing to say that you have the ability to tell us who to put in the position to tell me the bureau manager in charge, the commissioner in charge of the bureau of environmental services and the commissioner in charge of the new proposed office of sustainable development, who I want to have to make these programs work. These are management decisions. I was elected to make these decisions. The personnel decisions, personnel decisions are made internally. As much as you may regret that. But that is a cold hard fact, just like you wouldn't want us to be telling you who you should have on your staff, or should—who should be your operations director. So it's a two-way street. So like I said, I am certainly willing, if under the circumstances if we can set a time certain right now, three weeks or a month from now for a vote, I'm willing to do that. But I'm not willing to engage in further discussion or an open-ended process which I don't think is really going to aim to resolve the issues that I think are sort of what you're really saying to us today.

Katz: I need to bring a representative from purb up. Usually we stick harry doing this, but we have purb. Is it doable for you to do—to do you think you can pull the group and work with commissioners Saltzman and Sten within the time frame that he recommended to get the kind of input that everybody's requesting?

Abrahamson: that should be doable from purb's perspective. Let me ask mr. Saltzman. You still are on tap to come to visit with us tonight?

Saltzman: There may be scheduling issues, but yes. As of now I am.

Abrahamson: for an hour, or—

Saltzman: There may be scheduling issues.

Abrahamson: that would go a long ways towards helping, but we'll work within the time frame that—

Katz: That means that you may need to bring a group, a representative group together quickly and you may have to work a little faster than you normally would.

Abrahamson: that is right. That is correct, and we can do that.

Saltzman: I would ask that we schedule that now, the time certain.

Katz: A month?

Abrahamson: a month?

Katz: What's council's wishes?

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Francesconi: I think that's good.

Katz: We'll do that. Britta, a month from now. I need to ask, though, since you're going—you want to vote on it in a month, we need to make sure that we have a complement of council members. You're all scattered.

Francesconi: I want to be here.

== it will be a second reading.

Francesconi: I want to be here, but I won't be here in a month, will i?

Katz: I can't tell you today what it's going to be.

Olson: August 23rd.

Francesconi: Can you wait until august 23rd?

Olson: That's the next time everybody will be here, is august 23rd.

Katz: So that gives you even more time. All right. The notion here is that a representative group is brought together of haulers and small haulers, large haulers, whoever you've been working with over, you know, all the years you've been working together.

== that would be my understanding.

Katz: Council members have any other recommendations?

Sten: A couple of comments. I think process is always a very important issue in governmental work, and it's always a difficult issue, because there's a tension between trying to move something that seems relatively straightforward and not harmful, and having enough process. And so I hope we—the haulers can take time to heat with commissioner Saltzman. I do think it's healthy to change some of the relationships and try and push some synergy. If you look at sustainability, reduce is above recycle in the hierarchy of things we need to do to be more environmental, and we don't have an overall program to reduce. And part of trying to tie people into this is what we need to do. It comes at a loss to me. The energy office is one of my favorite assignments. I very much enjoy it, but as commissioner Saltzman approached me and said I think we can get more synergy by creating these things, we need to assign it under one place, and I thought it made sense. But i'm not going away. I'm going to be a player on these issues and work actively, and it's just a reorganization. I'm a little disappointed, sue, and dave white, I do know the staff has known about this idea for months. And there has to be work from the staff as well, and dave, you've known about this longer than it would sound from the conversation. You were here three weeks ago, and I think there's a sense that something was trying to be hidden. I think the truth is from what I saw from commissioner Saltzman that this was a relatively straightforward change, and I think there was probably some unanticipated angst, and my understanding to is I think sue keel has been a real hero, and has been—has had some input too into what her role should or shouldn't be if the structure changes. It's ultimately commissioner Saltzman's decision. But I know there have been conversations going on, and so the sense there's been no conversations up until last week is a disservice to you haulers who didn't know about it. It really is. And so I hope that people have a choice to make now, which is set aside whatever mistakes have been made and try and talk about the issue and figure out what the right approach is to do sustainability. That can be done, or decide to push. But I don't see any indication whatsoever that the fundamental solid waste program, which i've had the pleasure of working with all of you on, is being proposed to change. There's a 25% --25 cent fee that's been proposed to go on to garbage fees to help fund something that isn't strictly solid waste. I think that's a good debate for the community to have, whenever or—whether or not that's legitimate, but the fundamental solid waste program is commissioner Saltzman has not proposed to change it at all. There's big issues of turf and process, but in order to help me think this through, please focus for me on now that there is time, I think it's absolutely appropriate to ask for more time, I think it's plenty fair for that. Please hit he with what substantively you think is good and bad so I can view it on that place. Let's take some time and hit me with the substance of what you like and don't like, and I hope staff at all levels of the city will help facilitate that conversation rather than a confrontation.

Francesconi: A couple things. Two principles here, first the creating an office of sustainability makes sense to me. Because we have to have more focus on this. Actually I just noticed this. The title says sustainable development. I guess i'd like you to consider changing that to sustainability. Because for a reason i'm about to get into. But—so I think combining these makes sense. That's the first point. The second point, I am concerned not only are the spectators to the wedding not talking, but the bride and groom are not talking. That's a bad way to begin a marriage here. So—

Katz: I think the idea of the five-week delay is good. I guess in that—

Francesconi: In that interim, the three issues that were given, maybe there are more, the issue of use of funds has to be addressed. The idea of how far are we going to go and commingling funds and cross-subsidy of funds is a fundamental issue. It is a fundamental issue because residents should not pay to subsidize commercial development. Even green building commercial development. It is fundamentally wrong. And that's why I voted against this thing before. You've got the to address how far you're going to go in this regard, and it has to be in writing. And we need to know how far we're going to go in cross-subsidy and commingling of funds. The second issue is staffing. Not personnel, but staffing. How is it going to be staffed, and how is that going to work so there is no commingling of funds? In terms of the actual staffing, I was part of a reorganization with the mayor, which we lost a very valuable person, a very valuable staff. And that happens, and it's unfortunate yacht, and we have to try to minimize against it. And we have to do all we can to prevented that from happening, including in the next five weeks. But you can't make decisions just based on that. And so I agree with commissioner Saltzman on that point. Having said that, we have to do all we can. Sue has done a terrific job, including building the relationships that we need to make this thing happen. The third issue is process. We have to kind of know where we're going here, what kind of process in the future for making decisions. And I would think, sue, and commissioner Saltzman, you want these things out there in order to show that you can heal this and make this work. So it's to yourself-interest to do these things. In the next five weeks.

Saltzman: The only thing i'd add.

Hales: I agree with the point you just made and the issue about making sure commercial folks are paying for the cost of this operation as well. I know that's something you want to get back to, dan. I want to comment on the testimony we've heard here. Dan, you're right, we have the prerogative to organize things as we see fit for the public interest, and i'm not questioning that in this case. But I think to compare this to, say, a regulatory function is— this is a different animal. This is a partnership between the city and the haulers, and that's why the concern that we've heard here is so valid. I said when we were talking last time about rates, you know, we don't know how good we have it in Portland. It's the good work that sue and these folks and your staff have done over the years that allows us to have a civil discussion about these issues in the first place. In most cities, solid waste garbage collection issues are full of strikes and strife and bad service. And here we don't have any of that. We don't have strikes, and we don't have strife and we have great service. So that counts for a lot. And if we can—five weeks is enough time, not a lot of time, five days is enough time, but the conversation is important. And I just want to support that and to try to make sure we get as close to yes as we can with the folks that are doing the work. So I hope that's a very productive conversation.

Katz: Okay. I think we are beginning to get to closure on this. There's one other issue that I need to understand, the operational, and sue you're going to have to help me understand this during this period of time, how you're going to work with b.e.s. On rate review and residential rate structure, commercial rate structure. It's not impossible to work with b.e.s. On that, but I need to—

Saltzman: That was the plan, to use b.e.s.—

Katz: Right. But not everybody understood that. So as you go through that and talk through that with purb, the relationship between b.e.s. And the sustainable office needs to be more clearly understood. Okay. David, is there anything that we didn't say that you wanted to say? Come on up quickly.

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White: thank you very much. There's a big difference— david white, tri-county council. There's a huge, a massive difference between rumor and official notice. A phone call from a staff person. A document, a letter, an invitation to a meeting. Yes, i've heard rumors about this for years. I've heard rumors about a lot of things for years. I stand on my statement. My honesty my integrity is the thing I sell you people, and I did not come in here and mislead. I'm offended by that.

Katz: Thank you. Let's move o we're back to 11 o'clock. Thank you, everybody. We will—you will have an opportunity, we're not going to select and pick whoever it is, we'll have an opportunity to work with purb on some of these issues, and inform you and work with you to clarify the discussion that's been going on on the city council for a period of time. All right. 998.

Hales: Can we do all six?

Katz: All the way to 1003. Witbeck.

Item Nos. 998 thru 1003.

Hales: This is another exciting milestone in our work to bring streetcars back to Portland streets after a 50-year gap, and a 200-mile loss of streetcars in the city. We are under construction now with the first four miles and with today's actions we'll make it five. Because we will with today's actions move the streetcar a few blocks closer to the river, a few blocks closer to riverplace in the north macadam district, what we will do with the actions today is connect the streetcar better to the Portland state university campus and connect the streetcar to the bus mall. All those though it already connects a lot of institution and facilities downtown in the originals alignment on 10th, 11th, lovejoy and northrup, it did not get to the bus mall, and we do that now with this connection down to the urban center. We have a team here to make this presentation today leading off with vicky from office of transportation, but I understand john carroll, if he's still here the time crunch—we might want to get them up first. Is that best? And then take it from there.

Katz: Okay. Vicky and john, how many people want to testify on this item? Okay.

Vicky Diede, Portland Office of Transportation (PDOT): vicky, with the office of transportation, project manager for Portland streetcar. The items before council today are a combination of a number of past council items, and I thought I would briefly go through those. In january 1999, a resolution was adopted recognizing the desireability of taking streetcar service to the urban center, given the fact the south-north measure had failed. In may of '99, there was a revised capital finance plan that came to council for adoption that added the additional resources to do that. And then moving into the fall of 1999, council adopted a revision in the south terminus which allowed for the future extension to the urban center and beyond, and also that same time frame council requested Portland streetcar inc to assistance of resolutions of issues related to alignment extension as future streetcar alignment committee was formed, and they met in the months of september, october, november, and december. It was chaired by mike powell, had representatives from the psi board, from the streetcar citizens advisory committee, from north macadam and other interested parties. And they looked at a variety of different options to move from about 10th and market over to the urban center, and then from the urban center to and through north macadam. Each one of those options as they came up were presented to our streetcar cac for their review and their comment. We have—we've always used our streetcar cac as our primary conduit for information flowing from the project to the various neighborhood associations and business groups they represent. That led to council action in january of 2000 where council adopted the committee's recommendation for a new streetcar alignment that included the mill market cup let to the urban center. And then from there over to riverplace and down into north macadam. At that same time council then approved an amendment to the contract with Portland streetcar to prepare the engineering drawing specifications and the cost estimates that we would need in order to negotiate an amendment to stacy witbeck's contract. And that work has been completed. A couple more things that then occurred. In march of 2000, council authorized the advanced purchases of rail because of scheduling issues, and then just last month we instituted local improvement district proceedings, which brings us to where we are today. On the agenda the first two items relate to the

creation of the phase ii l.i.d. There were no written remonstrances received at the office of transportation, and p dot recommends the time and manner ordinance be passed to create the faith 2 l.i.d. The next is the revised capital plan, which reflects all of those changes, as well as other changes that have occurred in the project. Each one of the items really reflects the actual costs. Beyond being a finance plan, it's also a snapshot in time of what our actual financial performance has been. The 4th testimony then is to adopt—item is to adopt the draft streetcar operations plan. What it does is describes the service levels and other operating assumptions to provide service to the urban center within our original 2.4 million dollar budget. That money comes from the following sources -- 1.6 million from tri-met, \$200,000 from sponsorships and fares, and then \$600,000 from parking meter revenues, from the new parking meters that we're putting into the river district, as well as from parking fine revenues, when we increased fines from I think \$12 to \$16. What the implication of that is using that original \$2.4 million to move to the urban center is that we've always had a goal of wanting for the bulk of the day to have ten-minute service. What—to stretch those funds it will mean for the bulk of the day we'll have 12-minute service, which we think will still be very good for that whole alignment. The adoption of the resolution accepting the operations plan will result in other action that's will come back to council. There are a number of formal agreement that's must be in place. Agreement between city and tri-met, between Portland streetcar and tri-met and the amalgamated transit union, and finally an agreement between the city and Portland streetcar for the formal five-year operating agreement. In the last two are the amendments to the city psi agreement that will allow for additional services needed to implement the extension as well as to deal with issues that have come up about the streetcar and max crossing and finally the city stacy witbeck amendment, and we have successfully negotiated a contract with them to provide for the improvements to the urban center and have done so within the budget. And also leaving ourselves with a continue contingency. That's how we got to where we are today, and what will happen as a result of these actions.

Katz: John?

John Carroll, Vice Chair, Portland Streetcar, Inc.: good morning. My name is john carroll, i'm currently the advise chairman of the Portland streetcar inboard. As well as the chairman for the past ten years of the citizens advisory committee for the alignment. Of the streetcar. I'm probably most proud of the second piece because we've been involved from day one with every neighborhood association, and it's probably been the greatest source of enjoyment i've had. I know this sounds pathetic, but being involved in the public process, identification of this alignment has been an important part of my life and my business life. This is a very important step today. Just briefly, the process that we've gone through to get to where we are today has not been an abbreviated quick-step, it has been very methodical, it has been point by point discussed, it has been issue by issue dealt with, and what we're bringing to you today is a continuation of a process we believe does have integrity and continues to build on the foundation that's we laid going—laid down going back almost ten years now. This alignment and the extension to the urban center and further on to the north macadam area from day one was part of the original planning process. This extension was contemplated from day one, going from northwest 23rd all the way down to north macadam, looking at tying together two different development areas with the largest job center in the state, with the largest educational center in the state, with the most populous neighborhood within our region. And so this is a continuation that proper—of that process, and I want to tell you as a board member, we've seen wonderful professional efforts put forward and we've been informed as we moved along every step in—and are very comfortable with where we are. The second piece is from the citizen advisory committee standpoint. I think we can with confidence bring every one of the participants in and they would share all the same thoughts, and that is they're comfortable with where we are. We think it's in the best interest of furthering the streetcar. Not just this alignment, but streetcar maybe along mlk, as we've discussed. Maybe sandy, maybe on hawthorne, maybe broadway. The is just the first step. We really appreciate your consideration and hope you approve this in total today. Thank you.

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Katz: Thank you. Questions?

Francesconi: Just two quick questions. If—one to vicky and one to john and vicky. On the 10- to 12-minute switch in frequency, I take it the original goal was ten minutes, so there must have been rash yale to do ten instead of 12. Is there any significance to this? Are we going to try to get back to 10? Is that sufficient?

Diede: I believe 12 is sufficient, but that 10 is preferable. It's just so easy for people to use when you've got those kinds of frequencies. You don't have to look at a schedule. You come up to a stop, and if you just missed the train, it's still only ten mitts. Our intent is to get the frequencies back to ten minutes, and some of the things we're doing, we're looking at noncapital ways to do that. The cars do contain what we call train to wayside communications, and there are signals we preempt to make some strange turns up on northwest 23rd to make that kind of loop, and also on a couple of the turns to the urban center. So we've currently have under contract some consultant work to look at other pinch points throughout the alignment where we might want to do exactly that same thing. So we'll continue to move to get to the ten minutes. I think the resolution would ask council to endorse that, our doing exactly that.

Saltzman: The staff --.

Hales: The staff has heard me jump up and down about this a lot. The point of that change by prioritizing the streetcar at the stop light, not only do you get more frequent service, but better service because the thing goes faster. So i'm a big fan of that change. It doesn't cost much, and it has a huge benefit. It's something is that we can do that will make the whole system work better as well as get closer to that ten-minute frequency. So i'm going to be very interested in that report, and if there's some judgment calls in there, frankly my bias is let's get the streetcars through a schedule.

Katz: Okay.

Francesconi: The second question, and the last question, i've raised this before, I haven't lately, but it's the makeup of the committee and whether there's adequate public representation on the committee. I haven't raised it for a couple reasons. One is that you've been doing such a terrific job on time and even under budget, the second is you're in a capital phase, and that makes sense. But we're putting a lot of public dollars in this thing, and now as this thing gets close to becoming operational, it is very important to me and to others that the makeup of the committee change and have more public represent trace on it. So do you agree with me?

Carroll: I will say that from day one the first priority was to make sure there was proper representation on the citizens advisory committee. Made sure that the neighborhoods, the affected neighborhoods had people that were in attendance, participating in the conversations, and participating in the votes that we would bring back to council, that we would bring to the psi board. In my ten years of experience at the cac level, I can tell you that affected neighborhoods and special interests have been represented in those conversations. Of late, we've gone ahead and kay can maybe address this with more specifics, but we have looked to expand the makeup of the cac from my perspective to include future interests that may be affected by subsequent decisions about alignments. And so I can say in earnest that the representation is there. Does that mean we have a committee of 500 people? No, we do not. Are we going to have a committee of 500? No, we are not. What we are going to have is affected neighborhood associations, affected business interests, participate in the conversation. Certainly the psus of the world and good sams of the world are all represented. They're writing the largest check. Certainly nwda, dca, psu, north macadam, all are being represented in the citizens advisory committee. And you also find that same representation on the psi board. So I encourage you to take a closer look at the list and have a conversation with the participants and assure yourself that, yes, the representation is there.

Francesconi: Listen. You've done a terrific job. Don't misunderstand my question. You've gotten everybody involved. But the citizens of Portland, the public—i have looked at the list and i've talked

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to staff about this thing. You and I have a disagreement in that I do believe there needs to be some clearly marked public members who also represent the citizens, not just the stakeholders.

Carroll: we do have representatives that do not represent neighborhood associations. Ingrid stevens is not a neighborhood association member, she is a citizen at large and we do have her, she has been involved from day one. And I guess if there are concerns about representation, please bring them to the psi board or certainly bring them to me. My confidence is we've had a conversation about the issues that affected the citizenry, and the neighborhood associations in general.

Katz: Let's open it up for testimony.

Katz: Go ahead. Hi. My son's former teacher is going to testify first. It's just the way it is.
== does that prejudice then?

Katz: You 57a. Go ahead.

==the mayor rules.

Colleen Smith: 1511 SW Park Ave., 97201. mayor Katz, and commissioners, my name is colleen smith, I live at 1525 southwest park avenue. I'm here today because of two great concerns that I have. One is the choice of market street as the route for the streetcar. And also lack of public hearing on these changes in the route. I first found out about the route, the change of the route in the middle of june that it was going to be on market. I happen to pick up a brochure that showed the plan of—that it was on market, and I questioned that. Because the original plan had been on mill. I believe it was 1993 when there was a route that went up 11th onto college, down college, then to 4th, then to harrison. That was eliminated, and then the route was to be on mill street. That it would go from 11th, up to mill, on campus, then down mill and back up mill. I've heard over and over again today the word "process." The word "communication." The words "involving more people in the decision-making." And I find that very, very sad that I hear it over and over again. And i'm wondering why. I had great hopes about market street. I live on that corner and have for 12 years. I've lived since 1951 in the south park blocks. But in the 12 years i've lived on park and market, i've known the increase in traffic, the increase in accidents. I thought when the light rail finally got through to hillsboro I thought, great. I'm going to see a big change on market. That didn't happen. In fact, in the last five years if anything it has increased. And in the peak hours, I call it the western version of the indianapolis speedway. I've seen every kind of vehicle on market street. You name it, it's been there. From fully loaded lumber trucks with their semitrailers, moving advance, delivery trucks, everything except a sherman tank. And I believe maybe a sherman tank would be the best means of travel on market street. It would be the safest for the occupants. I do believe that there needs to be more communication. I didn't know the fact that— all right, it was going to be on market street, but now there's a water main under market. And I didn't learn until the end of june that the track was going to be laid on the north side of the street. Well, that presents another big problem, and i'm very happy I was here today to listen to the garbage company and the haulers and the recyclers, because that's one of the things that's going to be affected. It truly is. There is no way they're going to be able to collect the garbage the way they are now parked on the curb on the north side of the street. There is no other way they can do it safely.

Hales: Aside from the bargain pickup issue, what's the problem you see with having the streetcar run on market?

Smith: because of the safety factor, the huge amount of traffic that comes in off u.s. 26. It should be called market highway.

Hales: Why do you think the streetcar is going to exacerbate the safety problem?

Smith: well, I any the—i don't know the streetcar will exacerbate it, I think sit going to add to it. I thought at first it might slow the traffic down. But in noticing the drivers, and I have a car and I have driven market and come off of 26, there is nothing that I see that's going to slow them down. If a big lumber truck isn't going to intimidate the cars going faster than 20 miles an hour down market from

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10th avenue, they get a green light and then they're out of the— on the racetrack until they get to Broadway trying to make the green light there. I don't see anything that's going to slow the other traffic down.

Hales: I'm sorry, I don't want to take too much time, but I still don't understand why having a streetcar in that traffic is a problem from your point of view. What's wrong with having a streetcar mixed in with the cars and trucks? Are they going to hit the streetcar? Tell me what the problem is.

Smith: I thought there was only going to be two lanes of vehicular traffic, car traffic, or truck traffic on market. But I understand that the cars, trucks can travel on the track.

Hales: That's right. They travel in traffic. Streetcars are different than light rail.

Smith: when the streetcar stops, then the cars will have to stop regardless of if it's a green light or whatever. They're going to stop and—in the middle of the block on the park between 8th and 9th and market. The—I understand that the pedestrian crossway is going to be removed and I just see a lot of problems. I really do. They're not insurmountable. I think that's the—the sadness of this, if there had been more public input, when they—when they first brought up the streetcar years ago, they were going—they wanted to put out park and 8th and park and 9th. And there were many public hearings. I went to at least three of them that were around the city, the downtown area. And, well, they found out a lot about park and 8th and park and 9th. I think some things they didn't realize before. The majority of the people were not in favor of that, however, but they did hold those hearings. And as I say, there were at least three of them and they were well attended.

Hales: Thanks.

Irwin Mandel: 1511 Sw Park Ave. good afternoon mayor Katz. Members of council, ms. Olson. Irwin Mandel. Mandel. I've given you a handout, a copy of an article in "the Oregonian" in which they talk about in the interview with me about the fact that I was a bit angry. I've also included a letter that I sent to "the Oregonian" in response to this article. I'll take this time to read this aloud for the record. Portland state on track for streetcar line, June 26th. Jump the tracks by family—failure to hold public hearings to discuss the new market street route to the PSU urban center. My anger as reported in the—in this article is directed equally at the consequences of the new route and the secrecy by which it was chosen. This was not the Portland public process I respect and admire. I—excuse me. I participated in several workshops and determined the route of the streetcar through downtown. The initial route was by directional through the PSU campus. The citizens advisory committee by not holding public hearings, robbed building owners and residents affected by this new route of their right to be heard. Why? Was any other route ever considered? Columbia street, unlike market, is not a highway. And obviously has far less traffic. The secrecy raises suspicions about the reasons for the change. It is still possible to derail the secretive unPortlandlike decision. Our proven public process has to get back on track. There is also a section of the part of the highlighted section of the article I'd like to deal with, as long as I have time. It is the last paragraph. Vicky dee dee of the streetcar project said the citizens advisory committee had no trouble deciding the change was a good idea and an opted not to hold public hearings. That's an interesting process. When you have a good idea that you think as an advisory committee is great, don't bother getting any public input. The other option in—and interpretation on this is, the only time you hold public hearings on a concept is when you think it's a bad idea. Somehow the city does not have to live with the consequences of this decision to run the route down market. We do. And the consequences are not pleasant. The garbage issue is not simple, commissioner Hales. We have had a long fight to have our garbage pickups made not after 6:00 a.m. In the morning, rather than 3:00 and 4:00 in the morning, as they used to be made. Now the streetcar operation runs from 6:00 a.m. To midnight. We're then back to what, one hour of banging bargain pickups as 3:00 a.m.? I'm sorry, this doesn't go well. I think my wife will handle this issue also.

Hales: Are you going to talk about the garbage issue in particular?

Irwin Mandel: it will be in here.

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Hales: Maybe you can answer this question. Do we know absolutely that the operation of the streetcar every 12 minutes on that section of the street means the garbage truck can't pick up the garbage?

Irwin Mandel: yes, it takes about an hour to do it. Since the streetcar is now 18 inches from the curb and these are the massive recycling trucks that have to park directly in front of the parking outlet where the garbage is stored with these massive steel containers, put them on their hoist and throw them up, dump them, come back, we have a large come—it takes about an hour for them to go through the garbage pickup and the recycling bins. Now, I don't believe the streetcar is going to stop for an hour whenever the garbage truck comes around to pick up at our building. So they are precluded from parking in front of the parking exit between 6:00 a.m. And midnight. When else? 3:00 a.m.? And they do make a bit of noise. So this is a real problem.

Hales: Thanks.

Katz: I think our new noise issue that we're raising would include—includes making sure that garbage pickup doesn't occur in the early morning hours.

Irwin Mandel: how do you avoid it if they can't do it between 6:00 a.m. And midnight when the trolley runs?

Katz: We'll get to that.

Lili Mandel: 1511 SW Park Ave., hi. I'm lair hilly mandel, 1511, southwest park avenue. I have always loved trolleys, and I grew up with them in vienna. Commissioner Hales, I was really looking forward to this one. But suddenly I find out from my building manager that the route has been—had been changed. He had a map in his office. He just had it last-minute too. It seems that the streetcar will be coming by on the north side of market street, and garbage in my building, garbage pickup in my building will have to be in the middle of the night. I will be awakened by crashing, banging, garbage cans. This banging, loud, ear-splitting noise would be repeated three times a week for an hour each time, early in the a.m. This is not my idea of music, but a sure way of being driven stark raving mad. I assure—I am sure you would agree that no one should be subjected to this torture. I feel like i've been tied and left to die on the trolley tracks. Help: Help: Now, I would like you to be my hero or heroine and rescue me from this feat. There is a favorite word that is used in Portland. And that is "mitigate." I've learned since i've come here that everything, anything can be mitigated, even an earthquake. Here are ways to do that, to mitigate. One—change the route back to the old route. Two—change the route to the south side of market street. Yes, I know, an old water main would have to be moved. Three—provide sound proof windows for my building. Now, remember, I can still be rescued from the tracks in the nick of time. Thank you.

Francesconi: Without commenting on your substance, can you help write my speeches? [laughter]

Lili Mandel: for a fee:

==my agent.

Hales: Maybe after we hear testimony, there may be others, I think we may want to get vicky back up. There may be other options for the garbage, other than 3 o'clock in the morning or moving the streetcar across the street. There are other choices besides those two, so I want to hear mere about that. Is the building manager here, by the way?

Lili Mandel: he was going to be here today, unfortunately the assistant manager is on a wonderful vacation, and he said he could not leave the office alone. That's why he's not here.

Hales: There have been communications with the building manager.

== he's not happy with this.

Lili Mandel: neither are the—despite what you may have heard—

Saltzman: We have other witnesses to testify.

Lili Mandel: neither of the owners of the building in Chicago. They're quite unhappy.

Hales: Who is next, Britta?

I find them not practicable. I can tell you what they are. What I've been told.

Hales: Picking up on 9th?

Smith: they said to go down to park and 9th and market, off of market, in front of the park avenue cafe where they have outside tables, chairs, people sitting and enjoying things, and park there. And then they would go up and get the three of 300-pound steel containers of impacted garbage then and take it down the—I call it the hill, to park and 9th, have it dumped with these huge iron claw that's come out of it. I find that very impractical, and very unsafe with the pedestrians on the sidewalk, the people enjoying the park avenue cafe, the fact that those trucks are so big that I don't know if another car could get by them on that street. Also the second alternative I heard was to park on 10th avenue on the west side of 10th and then they could come down the hill and get the containers and go up the hill—go up the hill empty, then bring them down again. As I said, empty I've been told by the manager they are 300 pounds. And also in a downgrade, I don't think it's very safe either for the garbage haulers or the pedestrians that might be on the street. I just don't see it as being practical, and I think it would take them even longer to do it. We have a wonderful recycling section where we have 11 containers. Sometimes they can take two at a time. If they're not full. But if you fill them with magazines and newspapers, they're really, really heavy. I just see it's very, very difficult. Maybe we should all go up and try it sometime and just see how difficult that would be.

Hales: Okay.

Francesconi: One simple question. How many residents are we talking about that would be affected by this?

==ome 400, I think, apartments.

== it's a large complex.

== it's a square block complex.

Diede: 191, actually.

==but you double that and there are two different buildings.

Hales: We've got it. Britta, who is next?

Robert Fredricks: 301 Sw Lincoln, 97201. good afternoon. I'm Robert Fredericks, I live at 301 southwest Lincoln, Portland, Oregon. My concern, even though I'm a retired college instructor, still comes back to the student. And the only reason I'm here is that I do not oppose the streetcar, but I have big reservations when the streetcar no longer becomes a streetcar but becomes a park car and a plaza car. Now, picture Portland state. I'm talking about mill street, which isn't really a street anymore until you get clear across the park blocks. That streetcar is going to come right down between Lincoln Hall and Cramer Hall. Students go to classes back and forth. And what kind of safeguards are you going to put on that walk area, and what kind of safeguards are you going to continue to put in the actual park blocks, because every ten or every 12 minutes a silent car will come along. And because I've been not able to get any information about the concrete nuts and bolts of this thing, and because people have been killed in Beaverton, adults walking into the max line, I'm very concerned what this car will do when classes change. And the other spot that has been designed for it is the new urban studies building, which will diagonally put the car through there. People will be sitting out by the fountains eating lunch, on the park benches, in that plaza, and now there will be a rail line going through it, complete with the electric cable, but it's an electric. And my concern is it's no longer on the street, and people generally have the concept that if it isn't on the street, I'm safe. I'm in a plaza. I'm in a park block. And I'm not here to say pick a new route or do anything else. What I'm here to say is, please run this through your mind and see how we will safeguard the little children that play in the park, the old people who live in the plaza and other apartments in the park blocks who are used to walking right through the park blocks, and the silent every ten-minute streetcar. And I think

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we're going to have problems that tri-met found out in the intel-beaverton area where adults were actually killed walking into it because they forgot, they looked the wrong way, and it's silent. So that's all i'm here to say this morning. Thank you very much.

Katz: I'm going to be very arbitrary now. I'm going to assign two minutes instead of three. It is 20 minutes after 12:00. We still have some other major issues to deal with, and one carried over. So, please. Go ahead. You can do it in two minutes.

Art Lewellan: 3105 SE 8th, No. 9, 97202. I don't know. Well, council, i'm art, and i'm a supporter of this streetcar project from the very beginning. I am an ambitious light rail advocate. I feel that expansion of our system, the max system and systems across the country will be more and more necessary in the future. Other cities are in much worse shape. I felt the streetcar was a way we could find to reduce costs of regional light rail systems. I am also concerned about the route on market street. I do feel that the streetcar scale, the sides of the vehicle is safer than max types of vehicles, and bringing it through the campus shouldn't create an undue safety hazard as long as it's treated well. I think people will love it more than hate it. But i'm concerned about the market route, and so over the process, which I have found the committee has been very fair with me, a citizen participating and attending the meetings when I proposed various routes of splitting the line between— instead of market and mill, columbia and mill. I thought columbia was a better route because it would allow us to get closer to extending across the hawthorne bridge, which would increase the service if we had two lines running on 10th and 11th that—instead of one, and we could eventually run a max line to tigidar, if we extended 1st avenue. So i'm going to submit this proposal that i've—this is my latest. I think it allows us to lower the cost of the light rail, and I think we're going to need a lot more light rail. This country may develop a light rail industry. We used to have 50 manufactures of light rail cars, now we have none. But—well, I think we have one. A small manufacturer, the manufacturer of this antique streetcar, I think that's in iowa. But we may find that the streetcar industry is an expanding industry, and I think it was a wise move from the city to support the streetcar alignment. So did I do it in two minutes?

Katz: You only had a second left, but you did it.

George Pernsteiner: 758 NW Powhatan Terrace. thank you, mayor Katz, members of the city commissioner. My name is george with Portland state university. I want to thank you for the opportunity to speak with you this afternoon. I come to support the resolutions relating to the extension of the star to the urban center and to 4th and montgomery. Part of that is along the original south-north light rail alignment. The plaza was in fact designed for this purpose. Psu is very supportive of the streetcar, and not just with words. As you may know, we are the principal payer of the l.i.d. In both the first phase and in the extension. The streetcar is part of our transportation plan to move students, visitors, faculty and staff to and from the campus efficiently. As was noted earlier, Portland state has the largest enrollment of any college or university in the state. We are growing the fastest of any and we have to find ways to move our students, faculty, staff and visitors to and through the campus as effectively as we can, and we see the streetcar as part of that. We have engineered the urban center plaza to deal with the extension of the transit mall. It is that point at which the streetcar will intersect the mall. We're very excited about that because it will allow then the movement of people in two different directions or even three based on the streetcar and the transit. We are working closely with the staff of the engineering folks who are doing this project to make sure that it can operate safely both through the park blocks and through the plaza with a combination of signals, audibles, signage and public information so we're very hopeful that all of those things will help us get through the issues that were indicated by mr. Frederickson earlier. Finally, in response to commissioner Francesconi's question to john carroll, the streetcar board, as I understand it from mr. Shields, will be taking up some of the issues of its own membership as it moves from construction into operation, and will be discussing that with you I think he said in october.

Sister Mollie Reavis, St. Mary's Academy: my name is sister molly, i'm the principal at st. Mary's academy, located at 1615 southwest 5th on the corner of 5th and market. I found out about the new route by going out in—at the end of june and talking to some workmen, and I asked what they were doing, they said they were putting down fiber optics cables and trying to get them down before the light rail track was laid. And i—my main concern is the safety of our students. I just want to make sure that since it sounds as if the new route goes down market and then turns right in front of st. Mary's, I want people to realize that every day there are 535 students who come to st. Mary's, and a number of them come in car pools with people who work downtown and then after school they also have to get out of the building and go home, and we also have about 80 staff members also who are coming and going. And I don't really feel that we knew about the change very far ahead of time. I'm not saying that there isn't a safe way to do it, I just want to make sure that is taken into consideration. Thank you.

Katz: Thank you. Vicky, i'm sorry, I had to go out. Come on up and address the garbage issue and whether everything else that came up—

Diede: I have also asked kay to join me. She may have some additional information. She's had the most contact I think with the managers of south park swear and others along the alignment. Do you want me to address the garbage issue, or—

Francesconi: Add the safety issue, both at Portland state and st. Mary's too.

Diede: absolutely. First of all, on the garbage issue, we don't have a solution to present to you today, but we have some options we will continue to explore with the management and the people who run the south park square. One of those issues is—i— what happens now is on mondays and thursday there's garbage pickup. Our understanding is that process takes 15 to 20 minutes on those days. And then on wednesday—then on wednesday there is the recycle pickup, and that might be slightly longer. The option of doing something at the corner of 9th and market I believe has great possibilities. It may well mean that we need to we might have to remove a couple parking places, maybe three, and sign it for truck loading zone up to certain hours of the day to facilitate that, because that street is—that way people could get by. It would also require us to look at the curb extension on that corner, because it's a pretty tiny one right now. We would have to do something with that so we could protect the movement from the bins from the people on the sidewalk. The doors to the apartment are fairly close to 9th. There is a grade, but I think in are ways to make that safe. Other alternatives, if the timing is such that 20-minutes works, we start the frequency at 6:30 in the morning. There is an opportunity to do something off of market before we get into 12-minute frequencies. So we don't have all the answers yet, but I think some of the solutions are very workable, and we'll continue to work with the management to find a garbage mitigation plan.

Katz: So let me ask the obvious question—how come the change from one street to another?

Diede: the market-mill couplet has been out—the word out on the street since much earlier this year. The change from the south side of the street to the north side of the street came about as we got into the engineering details of it. And it would seem to us that those kinds of decisions are best made based on the technical things that we have available to us and what's really there in the street. There is a large old water main on the south side. If—and then as you move one line, you get the domino effect of other things having to move. Our estimate of the order of magnitude cost to move that line are \$2 million. And it is outside of the scope of our budget. For the short stretch on market, we believe it is—we can run on the north side, we can—and we can do so safely. To get to the issue of safety. What happens, we'll run on the north side of market and when we get to 5th where we turn south to go by st. Mary's, we end up on the opposite side of the street, so any pickup of the kids could occur quite easily and safely, and that intersection will be signalized where there will be the signals will clear out all the cars and pedestrians and the train movement will go through so we'll preempt that particular intersection. For exactly the kind of safety reasons.

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Hales: Automobile pickup of the kids. The kids will have to cross the street at the anything natural signal in order to catch the streetcar.

Diede: yes.

Hales: They won't have service right out front. They'll have to cross the street.

Diede: but for people who are dropping off, the kids will be able to get through.

Hales: Dropping them off in a car, you mean.

Diede: yeah. And as far as going through campus, we will continue to work with the staff and—at Portland state to make sure that we do this safely. We'll continue to work with staff in the park blocks area we go through, and we believe this it will be a safe, sound system.

Katz: Further questions?

Francesconi: Just why did we it's my ignorance. Why did we switch to market street to begin with?

Diede: train go in both directions on mill. And in talking with staff at Portland state and some of their facilities people and other people who use that, we thought that was probably the most unsafe way to do it. This way the train will be only moving in one direction through campus, so when you get to the track with the signage and everything else that—they'll know that the direction it's going to come from is that way. Otherwise we'd have trains going by every six minutes. So it's much safer.

Francesconi: My only request on this is—I have to disclose a self-interest, being one of the parents that drops off a daughter at st. Mary's—by the way, sister, thank you for your accommodation on my daughter while we're at it. She's going to be a jefferson dancer, so she's going to jefferson in the afternoons— anyway.

Katz: That's all right.

Francesconi: If you could work with st. Mary's on the safety side, maybe Portland state, if you could—you've already given a lot of thought to this, if you could get together with the sister— how's that for self-interest.

Kay Dannon, Portland Streetcar: kay dannon, community relations manager for Portland streetcar and doing the informational and constructional mitigation. I've had meetings with the managers of south park, eye had meetings with st. Mary's and with psu, different entities there. What I see happening in advance of operations is doing proactive work with st. Mary's, getting some information out in their publications—

Katz: Have you met with the downtown community association?

Diede: absolutely. I met with representatives of dca as well as residents of south park.

Katz: There seems to be some disagreement, so my recommendation, vicky, since you're the manager of this, is to make sure that as you progress and try to solve some of these problems, that the council just discussed, that you communicate with downtown community association and with residents in the area.

Diede: we have a downtown community association representative on our cac who has been a very good conduit for information. But we will be even more sensitive to it as we get into some of the real issues as we start operations. I think there's a lot of education we can do, and they're a great organization to work with.

Katz: Before you disappear, make sure that you talk to the three individuals who testified in terms of will the issue of communication.

Diede: will do.

Katz: Okay.

Hales: And we can solve this garbage problem. If we can fly to the moon, we can solve this garbage problem. We can do this. I'm not sure what the solution s. But we have good—people with goodwill and practical knowledge, and not rocket science of moving garbage around. We can solve this problem.

Katz: Rather than getting into a shouting match on this one, you and your significant other and colleen and anybody else meet with vicky outside.

Lili Mandel: I don't think we can do that. I wish to contradict something that there is a direct lie. Vicky never met with our—

Katz: No, no. We got—we got the message there is disagreement as to who met with whom and why. So please clarify it and let us know. Vicky, let us know—

Lili Mandel: I want it known right now—

Katz: We heard it. All right. Thank you very much. Anybody else want to testify? It's been quite a day. [laughter] anybody else want to testify? It's not over yet. Let's start on a vote process. Hold on, let me get back—

998.

Katz: 998 is adoption of the report. Motion? And second?

so moved.

second.

Francesconi: Just a brief comment. I'll just do it once. Let's not lose sight of the fact this is a good thing. Connecting for jobs and housing and using this transportation vehicle to connect is a terrific thing. The way commissioner Hales introduced this, we're bringing this to Portland state, which is really good, continuing our effort to make world—Portland state that world-class university. It's also connecting to the bus mall, and these are very good things. It's been done despite some rough edges here. We're moving in the right direction. So we need to solve this garbage issue and we need to solve the safety issue. But we're on the right track. Excuse that word. [laughter] aye.

Hales: I just want to thank everybody who continues to do good work on this project and stress the importance of continuing to solve the problems that develop as we build anything. You can't build anything without side effects. You can't build freeways without side effects, you can't build a neighborhood street without side effects, and you can't build anything even as wonderful as a streetcar without side effects. And we've got to manager those responsibly, and we will. Let's not lose sight as jim said of the positive thing that's happening here. Right now actually—not right now, right now in pillson they're welding up sections of the streetcar, right now they're drinking, because it's after hours, but cars are under construction, they are going to be arriving early next year, tested in the spring, and this time next year about a year and a week from now, we'll open the doors and start providing that service every day. So it's coming. It's coming soon. It's going to be done right and done well, and done in a way that works for the residents that will use this streetcar to connect them with other places in the central city. Good work. Let's keep it up. Aye.

Saltzman: Aye.

Sten: I think we're fundamentally have a good proposal here. As we saw for the last item, you can lose a good proposal quickly through process, so I hope the streetcar will redouble its efforts. I know you've been trying, but to have another round of meetings, I do believe we can figure out an answer to this question of how to get into the trucks. Sometime other than 3:00 a.m. Let's do it in a way that doesn't ruin the restaurant. Traffic on moor kinetic I think, the other thing—thought I had, I don't know if it's possible, but it strikes me the signaling is one way to address if we could—i don't want to mess up the entire downtown, but we could work on the signals to change the psychology between 10th and—i would think if people are racing to catch the Broadway light we might be able to establish a little bit different pattern by changing— playing some—doing work with the lights. I'm not an expert, but it would seem to me we might be able to if we're creative, turn this streetcar, making the traffic situation worse into an impetus to try and reengineer the street and make the better. Perhaps you can give that some thought. Aye.

Katz: Just want to thank the citizens for bringing some of these issues before us. They will be resolved. I guarantee you. I hope so. Aye. All right. **999 thru 1003**

Katz: Mayor votes aye. **1001.**

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Francesconi: I lied when I said I wouldn't comment. George, I liked your answer better. == the other answer. By the time this is operational, they have more public members here, is a good idea. I appreciated your answer a lot. Aye.

Item 1003.

Hales: One last comment. This item amends the contract and keeps the contractor moving in the field. We shouldn't rest. We should have one more goal, and that is we should keep this contractor moving all the way down to riverplace before we let him rest. Because this line will work a lot better if it connects to the receiver, gets to riverplace and waves hello to the north macadam district. So we should come back sometime in the next year with one more amendment and get this streetcar to riverplace and then call the first line done for now. Aye.

Items 1004 and 1005.

Katz: Mayor votes aye. Thank you. All right. Thank you. If you could all leave quietly, unless you want to watch our next issue being discussed. When—we'll read 1004 and 1005 together.

Katz: I have to chuckle a little bit. Of all the criticism that I have personally received on this particular process—project in terms of discussion with the public, it's actually this is probably the most open process that we've had with regard to the civic stadium. So that was a joke. All right. [laughter] what we're going to do today is consider the redevelopment and the operating agreements for the civic stadium. We are at closure, almost at closure right now. I had a whole speech that I wanted to give. I won't do it. But I just want to remind you that we, over the past year and a half, we've made a number of decisions. We've approved the memorandum of understanding twice. We had a good neighbor agreement, and a ctmp and a hearing on the noise review board appeal. We had a lot of involvement in the community, a lot of involvement by the citizens. We will be getting a redevelopment agreement today that will ensure civic stadium lasts another 74 years, and an operating agreement that ensures civic will be home to baseball, football, soccer, concerts, with a limit, community events, for at least the next 20 years. More importantly, I think this agreement certainly has preserved the livability—will preserve the livability of surrounding neighborhoods, and the neighborhood agreement is the first of its kind that really holds an operator accountable for delivering, and a transportation management plan that is sensitive to the use of public transit. And noise agreements that are sensitive to the livability of those who live close by and some of us who live a little bit further by. I'm going to thank everybody toward the very end. I do want to say, though, that there probably will be some issues that will be raised right now. Are—we have amendments? Yes.
yes, mayor Katz.

Katz: What are you chewing?

my throat is drying up. Excuse me. I do not have gum in my mouth.

Katz: We have amendments?

yes, and we need a motion for substitution.

Katz: Let me just say, we did talk about the issue of fair wages. This council has taken a very strong position about our own city employees. The council has felt very strongly that this is an issue we want to include one way or the other, and we'll talk about it in a few minutes, for the—for pfe, who has made that commitment for one year. Council was a little concerned about that commitment be extended for the 20-year lifetime of this agreement. And I was concerned, and I think commissioner Sten and others, that if we are going to treat folks one way we ought to be—we ought to look at how we handle our part-time employees in the city, and we have many of them, and that is a financial obligation that the city will make as soon as we have additional revenues. So I wanted to lay that on the table. Having said that, thank you for all the agreements, and proceed.

== mayor Katz, it may be appropriate to have the motion entered to accept the substitution [sic] at this point before we begin our testimony.

Francesconi: I'll so move.

Sten: Second.

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Tim Grewe, Chief Administrative Officer, Office of Management and Finance (OMF): members of the council, mayor Katz, i'm tim grewe, your chief administrative officer and also a member of your civic stadium executive committee. With me today is steve jack, who serves as the city's legal counsel and negotiations, also with me is mark gardner, representing pfe. In the audience are other members of the city's negotiating team, larry, john acker, ken rust, alan beard and linda may. Representatives—and ruth roth as well. There's also members of pfe in the audience as well. We're all here to respond to your questions, both during our presentation which will be brief, but also during an—and after any testimony the council may have. I'm going to start by giving a brief bit of background, since time always goes by in between these presentations. Steve is going to talk more specifically to the actions before you today. We are very pleased to bring to you today, finally, the redevelopment agreement and the operating agreement for civic stadium. It's hard for me to believe that two years has passed since the city began the competitive process leading to the selection of pfe as a partner in the renovation and operation of civic stadium. You may recall we were optimistic that we might be done with these agreements as fast as a 12-month period. Clearly this has been a very complicated negotiation with a lot of ups and downs during the course of this two years. But a lot has been accomplished. The council approved an mou between the city and pfe on july 7th, 1999. That provided us with the underlying financial and operating conditions that form the basis of our negotiations. Council has approved what I believe to be an innovative good neighbor agreement, as well as a comprehensive transportation management plan that are both embedded in the actions that you're taking today. Architectural design and construction, documents, estimates, are nearly completed and will be completed by the time we close on this proposal. Pfe has delivered on their commit the. They have an agreement to purchase a triple "a" baseball team. Though have an agreement to purchase the rockies. They have a franchise rights to an "a" league professional soccer team, they have an agreement that has been reached with psu, both for temporary relocation to hillsboro during construction, but more importantly for its continued use of civic stadium during the 20-year life of this agreement. Pfu has also worked hard to eliminate displacement of high school football, amateur soccer, and other community events that we have traditionally provided at this facility. Let me real briefly review the key financial components of our agreement. We—the overall budget for the stadium stand at \$38.5 million. Of this amount, the city will contribute 33 million while pfe will contribute 5.5 million. As 1.5 million greater than the original pfe obligation. The city's always agreed to provide up to \$500,000 for lower bowl seating, an amount we hope will be offset through contingency transfers prior to the end of construction. It should also be known the public debt will be retired through a combination of lodging tax revenues and stadium revenues. In addition to its equity contribution, pfe investors will purchase teams. And in exchange for their 20-year agreement on the operations for civic stadium and its renovation, it will make annual payments to the city of \$908,000, growing annually by 4% per year. They will also pay the city \$18.75% of total gross revenue, and that amount will grow by 4% annually. The city will also receive 25% of pfe's profits, which are distributed to its investors. They will also pay to the city 10% of the ticket price on all tickets sold. And a ticket surcharge will be attached to help offset the comprehensive transportation management plan costs and particularly the costs of the agreement with tri-met to allow us to use admission tickets for transit to and from the event. And I believe this is also an innovative component of this agreement. Finally, pfe will pay \$200,000 annually into a capital reserve. This amount also will grow by 4% annually. An important note and condition of this agreement is that pfe will give the city priority— will give city payments priority over its payments to its investors. For the first year of operations, that amounts to \$2.4 million. Now, it will go to the city before any distribution is made to the pfe investors. And that amount, that threshold will also grow by 4% per year. As we have told the council previously, we believe this is an excellent deal for the public. We'll have a fully renovated facility paid for by lodging taxes and stadium revenues, we will also have an increase in the number of variety of events cluck baseball, soccer, football, concerts, while maintaining the use of the facility for

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public events. And we'll have clear plans to mitigate neighborhood impact. We believe the documents before you today fully respond to your issues. Those include providing clear and—incentives for the use of transit, mitigating impact upon the neighborhoods, offsetting the potential for displacement, and ensuring there are measures to ensure that the work force of civic stadium will be compensated consistent with the city's fair wage policy. Steve Janik can now make some more specific comments on the contents of the agreements before you today, unless there will questions at this point.

Katz: No, that's fine. Did I ask Steve to address the amendments, because there are people watching that have not seen the copy of them.

Steve Janik, representing Portland Family Entertainment (PFE): good afternoon. For the record, my name is Steve Janik. I'm going to be very brief. I think I've said everything I have to say in the binders that you have. It was a year and five days ago when we approved the mou and after that as the council recalls, we had a restate and amended mou that improved the deal from the city's point of view. And then we moved into the phase of working out the good neighborhood agreement, the ctmp, and at that time a number of citizens were asking for assurance that when we got to this stage these documents, the ctmp and the good neighbor agreement would be legally binding and in place, and I think when you look through this you will see that is the case. We filed executive summaries of these documents with the council's offices approximately two weeks ago, so I want everybody in the audience to know this isn't the first time the council has seen the substance of these documents, and we've also had individual briefings. We then filed most of these documents with the city auditor's office on Monday. There have been some changes since then. These are the subject of the amendments, and let me point these out. With respect to the redevelopment agreement, there have been minor clarifications that have no substantive changes, things have been cleaned up, cross-referenced have been corrected. With respect to the operating agreement, there have been substantive changes in section 3.9.5.2, which reflects a commitment by PFE to make a charitable contribution of \$40,000 a year for five years to the parks foundation, which is being formed for the purpose of assisting in enhancing high school ball fields. In addition to that, there's been a change in section 4.15 which sets forth a program to pay fair wage to part-time workers of PFE and those contract providers who provide part-time labor. And I invite you to take a look at those if you have any questions, I'd be happy to respond. The action we are seeking today is that you approve the portions of the binder in front of you today that consist of the redevelopment agreement and its exhibits and the operating agreement and its exhibits. You will see that behind the operating agreement there's another tab for other documents. Some of which have already been finalized and those are called related agreements, and there are three documents there that have not yet been finalized. That's the stadium use agreement, the project funding agreement, and the sale of teams agreement. We will be working on those documents, we hope to conclude those in the next two days. Those will be filed with the auditor on Friday and be back in front of the council next Wednesday. So we're not seeking action on those documents. In the event the council chooses to approve these documents today, the next step would then be having the documents signed by the parties. We would then hope to close the transaction on the 24th of July between now and the 24th of July, there are a number of conditions that have to be met before we are obligated and the other side is obligated to close. Those conditions are laid out in the document. They are matters not further documents, they are matters of things happening in reality. For example, PFE closing on its loan, and things like that. And then presumably if we make the 24th of July, we would have a construction start shortly thereafter on the 26th or 27th. For the public, a copy of this binder and the subsequent form of the related agreements will be available for examination at the office of management and finance. And I would just briefly like to mention two associates of mine in my office who have been very helpful, Rebecca Tom and Cameron Sheldon. So I want to thank them. That concludes my remarks.

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Mark Gardiner, PFE: i'm mark gardner, the vice chair and chief financial officer of pfe and also the limited partner of pfe. On behalf of all of our limited partners and the employees of pfe, we want to thank you very much for the long and diligent effort you've put into this with the leadership of mayor Katz, but each council member has contributed significantly to making this and—an innovative project and an innovative partnership. The partnership itself is a very unusual structure and we believe very fair to both the city and to pfe. The good neighbor agreement is unprecedented. We have the event fair for transit that's a very interesting idea, and will be very good both for people going to events and for the transit system. We have investment going into parks and to ball fields that would otherwise not be there. And also on the private side of this, you will find after this gets done that this is very innovative nationwide. This will be the first investment grade financing, for example, for a minor league facility in the country. So we're breaking new ground in a lot of ways with this project. And of course not least of all it's going to be a great facility. We're going to have the vintage ballpark turned into a modern entertainment facility.

Katz: Not too modern.

Gardiner: with the modern amenities, but still the vintage field. And it will be as we say in our mission statement, a place for Portland to happen. It's going to be a very exciting place, and we're eager to get on with it, as steve said. We're planning the closing where all the agreements come together and things are moving forward and just—in just 12 days, and then opening day on april 30th of 2001. Again, we very much appreciate what you have all done, and of course your staff and your consultants have been a single team with us in getting this done. And if it wasn't that way, we never would have gotten that way. We very much appreciate their work and we thank you.

Katz: Questions by the council? If not, let's—

Janik: i'm sorry, i'm tired and I forgot something very important to the amendments. We also added a provision with respect to commissioner Francesconi's park foundation where the city out of its share of revenues here would match the donation that was made by pfe. And that was another amendment that came up recently.

Katz: And all of these issues will be reviewed by appropriate members of a board and—we don't need to get into any great detail about that. Any other comments you want to fine. Thank you. Anybody else want to testify? Come on up.

Melinda Pittman: 2006 NE 50th Ave., 97213. good morning. I am melinda pitman, I live at 2006 northeast 50th. I have several hats, one of them is relevant to today. I happen to be the wife of joe rastatter because he's participating in a parks and rec event, so he's not able to be here. I'm also a remember of the jobs with justice group, the living wage coalition, and the artistic director of angels the next generation, who perform progressive political art. I'm here today to present some words that joe and I have written together in reference to the civic stadium deal, thank you for your time. We are certainly in full support of applying the city's current fair wage policy to the civic stadium agreement. And we wish to thank you for your votes and for your efforts in this regard. We believe it is extremely important that the needs and the concerns of the lowest paid employees at city facilities be increasingly recognized and increasingly forwarded. And so this agreement is only a good start. I mean, it may be obvious, but a way—a fair wage policy needs to reflect a true liveable wage in order to truly be fair. That's obvious. A few months ago joe gave harry glickman a copy of the job gap study that indicated wages of well over \$10 an hour are needed to support a single full-time worker in Multnomah county. I know joe is idealistic enough and perhaps I am too, we are both hoping and praying that pfe will actually adopt such a minimum standard. And of course no employees should lose ground in this deal. The currently—currently we are operating under an interim agreement. The—that continues the wage level for employees with the union contract with merck. But only until january 1st, 2001. And as you mentioned, we in the meantime, new hires are being brought on at a much lesser rate. Where are the assurance that's current employees won't have to take a pay cut for next year? Commissioner Sten's principle of pfe and the city both seeing considerable profits, but not at the expense of workers, still

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seems to be in jeopardy in our opinion. at a recent barbecue to introduce pfe and the—I'll talk faster—an information packet was given to employees and it included impressive information about management and its investors and it also included information on the major benefits of the deal and interestingly nowhere in that list of nine benefits was the mention of good liveable fair wages for employees. So we ask you again to continue your attention and activism on the path of low-paid workers.

Katz: Thank you.

Pittman: we look forward to working with you on this and if I just may close—

Katz: Thank you.

quote from mother jones, we are going to pray for the dead and fight like hell for the living wage. Thank you.

Katz: Go ahead.

Jim Ryan, MERC employee: 417 SE 22nd, 97214. my name is joe, an usher, and this is a letter that's given to me by christine backman, the business agent for local b-20, the union. That is currently in the— okay. This is the union that represents all admission control employees, including advance ticket sales, ticket show sellers—gate attendance, lead gate attendance, lead ushers and elevator operators. All these employees are employed by merck under—this is her letter. I'm having a the difficulty reading it. I understand today the city council is meeting to finalize the civic stadium deal with pfe. Before finalization, there are several issues I urge the city council to consider. I understand that ruth roth has provided answers to sam adams, ms. Reads, and bob wall, all members of the mayor's office on questions raised by joe rastatter concerning the interim operation agreement with the civic stadium. One of the questions that joe raised was if an employee moves from an usher position to a gate position, or to a lead position, will that employee receive additional pay? With the higher responsibilities of that current assignment? The answer that ruth was given was yes. And at coast-to-coast, the—that's the company providing staffing for the stadium, and if coast-to-coast has the contract. If an employer—what coast-to-coast has said to christine is that the usher will still receive usher pay, even though they've moved to a position such as a gate or lead for hire, which generally is higher pay because of the responsibilities. And she actually asked doug impeach, who runs—doug peach, who runs coast-to-coast, and he said no, the usher would still get usher pay. So we're concerned about that. According to coast-to-coast, they wish each—they wish the staff each game with at least two-thirds more employees because of our expertise with customer services. This recognition says a lot about the quality of personnel that works the stadium.

Katz: Your time is up. I think we understand—

Ryan: we're concerned. We've talked to them. We sent them a already, the union has sent them a letter. They've not responded. You're signing off on this deal. It's a lot of money, and we're afraid we're going to get screwed.

Tom O'Keefe, UCAN: tom o'keefe, united community action network. I would like to address something that hasn't been addressed, and that's an environmental issue. An employee several years ago from civic stadium told me about an environmental problem where the mac club but up against civic stadium, there was a bunker oil pouring out of the side of the hills from ruptured tanks from the Portland towers, which is owned by the hearst corporation. I went in there and photographed that and turned out photos over to deq and the bureau of environmental services. Tanner creek starts right there and it runs right underneath the stadium, the field. With the large storm drain right as you drive down underneath, you could pull the grates off the storm drain and stick your hand down there and pull out globs of bunker oil, which is like a heavy tar. As the slugs would pour out of the hill. Deq immediately took action. It was a joint venture between deq and the b.e.s., Because it was the deq who watches ruptured fuel tanks and the b.e.s. Who's no charge of storm drains. That bunker oil, deq estimated at least 5,000 gallons had poured into those drains, which of course ran straight into the river. Deq immediately made the hurst corporation and the mac club set up remeet—set up to contain

this through oil water separators and other remedial efforts. I would hope that pfe continues to watch that area. Is it a big environmental problem, and—because it is tanner creek, and if the city decides to ever open up tanner creek, which has been on the drawing board, that should continue to be watched.

Katz: Thank you. Anybody else? Does anybody want to respond to some of the issues that were raised? Mr. Gardner?

Gardiner: just on the last issue first, mayor Katz, members of the council, the city did have level I and ii environmental assessments done of the facility and the property, and including the area that the gentleman was talking about, and they're aware of—that—aware of that event and we believe that the level ii showed that the residual level of contamination there was below the standard required for remediation. However, we'll be happy to follow up on that and give you an update to make sure that is the case. Of course the plan for the project includes remediation wherever it is required by the environmental laws.

Katz: Do you want to respond to the other issues?

Gardiner: yeah. The coast-to-coast has in fact responded that they will pay the higher rate for ushers who move to the ticket taker and other positions, and we have a letter from coast-to-coast—

Katz: Do you want to share this with the union representative?

Gardiner: yes.

Katz: All right.

Sten: And what's your understanding of the agreement on the fair wages for the future?

Gardiner: we have—as you know, commissioner, we have committed to the fair wage policy as we understand it for full-time employees, and to working with your staff and consultants on implementing the fair wage policy for the part-time employees as well. We haven't designed our approach to that yet because we literally won't have any for another eight or ten months, and we just simply haven't had time to do that. Our whole business plan is based on making civic stadium a great, fun place for families to be, even when both the baseball team and the soccer team are lousy. And the only way that's going to work for us is by having employees there who are our represents with the fans who are enthusiastic and having a good time and happy about their jobs. So our intention is to put together a package for the employees that is—not just wages, they need to have obviously a competitive wages, but performance incentives, cross-training and promotional opportunities, you know, stylish, high-quality uniforms. We want to be, and will be a very sought-off employer. So that's absolutely consistent with your desire to have the fair wage policy. We have some—would I call them technical questions about how to implement that. But on a policy level we support it.

Sten: I always thought that's where you were, and I apologize that some of this—I think our process was sloppy. I even misunderstood a conversation at the last meeting, I thought they had been nailed down—had been nailed down, and it had not. At this point the city's policy, we—when we contract out the janitorial and a couple other classes of jobs, we require an \$8 an hour wage. Wage. I don't think that's unreasonable when we're spending millions of dollars to get to that wage. I agree it's a whole package piece. I think given where the negotiations were, there was also I think—I was frustrated that unfortunately the city staff didn't get this calculated in terms of a cost until the last minute, and it actually is not—you're pretty close to a fair wage, so I don't think it's a significant difference between what the city's policy and—in other arenas are and what I think from what I can tell is intended to be paid. My sense had been it had been reasonable at the last date for the city, and maybe you exceed this wage just from market standards. Markets go up and down. But we're trying to give baseline to these types of workers, and I think it's reasonable the city picks up that cost to the extent that it exists. I gist wanted to get on the record that I understood the technical questions yesterday, but you wanted to make sure that the intent from pfe is to work through the technical questions as opposed to used technical questions—

Gardiner: absolutely.

Sten: I'm not implying you are.

Gardiner: it's going to be kind of fun, actually, because this is an interesting labor pool. You have situations where I was talking to an usher at the Oregon bowl who—that night was working at civic stadium for coast-to-coast, the next day was working an event at the rose garden, the day after that was working at an event at the rose garden again for coast-to-coast. That's the kind of complexity we're going to have to deal with. The commitment is there and—

Sten: I think your strategy of trying to build these jobs so they add enough value that it just makes sense to pay people the eight bucks or whatever the inflation adjusted equivalent is the better strategy than worrying about another venue pay 50 cents less and therefore we can't compete. Trying to bring people's standards up is the strategy I think—

Gardiner: absolutely.

Sten: I appreciate your openness.

Katz: Anybody else want to testify? Okay. Roll call.

Francesconi: This is a big day to celebrate. It's one of my proudest moments as a city commissioner, and I wouldn't have said that as we started. Part of the reason I'm proud of it is we've learned, parts of it we've stayed focused, and part of it it's been a combination of incredible work by the public and private sector, and the neighbors. And the fact that we kept our eye on the prize and all moved forward given the conflicts is incredible. So the prize was three—one, we had to renovate the stadium in a cost-effective way for the taxpayers. Number 2, we had to keep this a community asset that took care of Portland state as well as high school sports and just kept it our place here in this city for us. And the third is, we needed to do that without overwhelming the neighborhoods. And we've accomplished all three of those objectives. On the financial side, yes, there should have been records-to-disclosed early in a public fashion. But they were disclosed. And what the disclosures show, now that this is all done, that this is a good deal for the taxpayers. We're not using property taxes, we're using hotel/motel tax, car rental tax in order to accomplish this purpose. No property taxes. Number 2, since I've been on the council I've heard a lot of talk about public-private partnerships. And we use it all the time, we talk about it a lot, but in my experience sometimes we use public dollars for good purposes, but when the time comes for the profit on the plus side, that doesn't always show up. In this agreement, the profit will be shared by the public secretary for—sector. And the risk is there for us, but even that has been minimized because we get paid first as was pointed out a minute ago. So there's—we can share in the upside in this deal. And that is not done very often. And that's why this is a good deal for the taxpayers, a good deal for the citizens, and we can use those profits if this thing works for police, fire, parks, and other things. So without belaboring this, we've got an annual fixed payment, capital improvement payments paid by the private sector, we get a share of the gross, the profits, of team sales. This is all good. This is all very good for the taxpayers in the city. In terms of the second objective, which is—let me skip to not overwhelming the neighborhoods, we've got a comprehensive transportation management plan, we've got a good neighbor agreement, an operating agreement that accomplishes the public good without overwhelming the neighborhoods. And we have enforcement. The other revolutionary thing about this is you have a good neighbor agreement that can be enforced separately with the separate appeals process. We have a maximum number of events, noise levels, we have a definition of special events, we have event limitations. We have prohibited events, we have management plans required, we have an operational obligations regarding neighborhood livability, we have noise restrictions, we have fines for violation of the agreements. This is incredible. In all these areas, to help protect from overwhelming the neighborhoods. On the community asset side, we have guarantees again to protect Portland state to protect this. They've actually gone so far as to agree to no displacement. No displacement. And despite that, pfe went further and agreed to contribute \$40,000 a year which they didn't have to do, to help rehabilitate parks and soccer fields outside of there. We can use that for delta park to get a new synthetic soccer field, or for schools that need the need is overwhelming and our private partners recognize that, and they didn't have to do that. This is a tremendous thing for our third objective. It took a lot of people to

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accomplish this thing, and i'm going to let—but I want to also add to it, because it's hard for the mayor to thank herself, i'm going to do that last. In terms of our city staff here, I could go on and on I do want to give credit to keith and the Portland development commission for the roll they played. I want to give credit to the mayor's staff, sam adams and linley reese. And I want to give credit to our negotiating team that i'm so proud of. I've done some of this, never to the high degree that was done in this case. Steve janik, tim grewe and larry, as well as their supporting people are the best negotiating team i've ever seen. And i've seen a whole lot. In terms of the private sector, marshal glickman, mark gardner, you took heat on this thing, but you were the ones that agreed to all this thing. There's no way the public sector could have gotten a team, gotten the kind of private sector marketing that's going to take to make this thing work. If we had done this by ourselves, in my opinion, the taxpayers would not have been well served because we don't have the expertise that you do. Some of the relationships you do. And you have agreed to a lot of things here. We've loaded up a lot on this. Including me in the last few days. And you haven't liked it, and you've complained about it, but in the end you've done it. And you deserve a lot of credit for this thing. As much as our city does. You're our partners in this thing. There are some people in the neighborhoods from both the neighborhood side and—primarily the neighborhood side. John gardener and patricia skruggs negotiated tough on behalf of the skins. They were as good as lawyers in terms of representing the interests of flair people, and they had more to lose because they live there. And they're in meetings all the time and it's easy to second guess people. At least I go away. I don't oftentimes. And they did a terrific job. I also think that harold schnitzer could have continued to pursue this thing. Instead he's allowed this noise process to work through, and hopefully we work an agreement. There's been no appeals filed and he's allowed this process to proceed and he's—he needs to be thanked. Ultimately there's only one person that deserves the most credit. There's only one of us that took political heat on this thing. There's only one of us that suffered politically because of some per—misperception that's were out there, and that was the mayor. She kept us focus on this thing. She deserves the credit for this deal.

Hales: I want to say amen to the compliments. I think vera you and this team on both sides of the table have negotiated a good deal in the public interest. And I appreciate that, and I know how much hard work. I've watched how much hard work have gone into this success. And I guess I want to take a moment, we always should stop and celebrate what does happen that's good, but here we ought to also celebrate what didn't happen, and it's happened to too many other american cities, and that is we didn't hold up the general taxpayers of this community and say, tax yourselves or lose your stadium. And that's happened all over the country. And we didn't go out to some freeway interchange ten miles from the heart of the city and build a new stadium. We didn't do those two things, and it's been done too often in american cities, and in addition to the good work that you did, you avoided two terrible things, and I appreciate all that very much. Aye.

Saltzman: I think we have a very good partnership here. I'm very confident this is going to be a solid, long-term relationship that is going to benefit the citizens of Portland, which is really what this is all about. All of us here are here because we care about this beautiful city and we care about the citizens and the children, and I think the very name Portland family entertainment bodes well for the types of activities we'll have for our kids in this community. I'd say to our negotiating team, let's get you on the plane to camp david and everybody else, let's play ball. Aye.

Sten: Let me join in. I think civic stadium is soon to join the list of really Portland landmarks and accomplishments of all the great things that have happened here. I'd like to recite all the names, but we're running out much time. Let me thank everybody who worked on this, from the city, the private sector, from the neighborhoods, and particularly mayor Katz. It's been a tremendous piece of work and at times i've had the good fortune and at times misfortune to be in little pieces here and there, but as it often does, if people keep their nose to the grindstone, it works out well. I'm looking forward to seeing a very exciting and beautiful and profitable venture. And I think it will be. Aye.

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Katz: Thank you, everybody. A lot of credit goes to a lot of people. I am going to run through their names in a second. I want all of you to know for a year and a half, every time I saw our negotiating team, I asked the question, what now? And there were a lot of what-nows. There was always something. Some major thing, some minor things. We got through them, and we only got through them because of the following people. First, Keith of PDE. He started in my office. We taught him well. He came in the other day and said, how long do I have to work on this particular issue? And I'm sure he's thrilled that we're getting close to final agreement on it. Commissioner Francesconi mentioned the citizens, Patricia Gardner, John Bradley, Jeri Pow. And their board members who worked to make sure that the good neighbor agreement and the transportation management plan worked for their community and for their neighbors. So much—many, many thanks to them. To our city negotiating team, first to PFE. They were—they worked very well with us. Naturally they have to be adversaries, so do we at times as well to protect the city taxpayers. But we finally got to yes on all the what-nows. So I want to thank you, Marshall and your team. Our team, Tim Grewe, Steve Janik, who introduced me to all of this in 1993, when I took office and Commissioner Hales took office. We were doing the rose garden. Thank goodness I came at the very end. I kept asking Steve, was this the same? Did we go through all of this with the rose garden? And his answer was, yes. It was worse than this particular negotiating effort. So congratulations, everybody. I did make a mistake at the very beginning. I said, let's do it the way the rose garden was done. It was a good piece of work, and the city got a wonderful facility and realized we don't do business the same way anymore. Realized it very early. And everything then was open. I don't recall any confidential documents that we even spoke about. Most of them—if not all of them after that was out in the open, and all the information was out in the open for every citizen in this community to review. Larry Dully, also a former Portland development commission member who came in and clearly understood the interests of the city and was part of our team. John Acker, who assists—this is staff that assisted our negotiating team. Ruth Roth, who I had asked a long time ago, Ruth, I know this fair wage issue is important to the council, it's important to me, it's important to all of us, but it's also important to our city employees. And what would it take to get there. And she did the analysis and because of her work we're on track. Brian, we wore him out, he's no longer with us. But thank you. And two of the members of my staff, Sam Adams and Linley Reese, and Ken Snyder and Sharon Padgett, two of the citizen members of the negotiating team. I need to tell you that Sam Adams, who doesn't like to be photographed, nor does he like to be mentioned publicly, had to work with other governmental partners that I want to thank. If you think this was difficult, think about working with every county commissioner, the council that—the legal council of the county—counsel of the county, every metro commissioner, every member of the legal counsel team of metro, the Gresham city council, and their legal teams, the hotel-motel industry, the car rental industry, and every time there was an amendment or a new issue that was raised, he had to circle back and touch base with the negotiating team on all those issues so we could keep the core of our partners who are also signing this agreement together. So much, much, much thanks. The one thing I was sorry about and it was just a matter of timing, and you know in this business timing is almost everything, I'm sorry that we couldn't have brought this—brought this testimony with the expansion of the hotel—the convention center, and made it very clear to the community that it was—because of the cooperation of the hotel-motel and the car rental industry, that we would be able to put this nice package together, because I still think citizens think that they're going to bear the brunt of it through increases in property taxes, and that is not the case. Everybody, thank you. We still have a little bit of work done. I bought my tickets. They're not cheap, Marshall, but I'm expecting to see the Dodgers play here in Portland, and sort of—I hope I'm right, we don't know that yet, everybody. That's my hope. So I can sort of close the circle as I watch the Dodgers and felt very sad when they left, and it would be nice to have them come back to Portland, Oregon. Aye. All right. **1005. Francesconi:** Aye. **Hales:** Aye. **Saltzman:** Aye. **Sten:** Aye. **Katz:** Mayor votes aye. Okay. We need to

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move very quickly. Otherwise i'm going to have a council that's going to collapse on me. We're on the regular agenda, and 125, we've moved to 3:00 p.m. 1026.

Item 1026.

Katz: Anybody want to testify?

==I take it this is a marijuana issue?

Katz: No.

== i'll do the next one.

Katz: Does anybody want to testify on the weed and seed? Actually, the weed and seed issue is one of prevention and then—one of law enforcement and then seeding the community with social services issues. Roll call.

Katz: Mayor votes aye. 1027. And we have an amendment.

Olson: The amendment needs to be moved.

Saltzman: So moved.

Hales: Second.

Katz: Any objections? If you recall, the grant was pulled last week for budget adjustments. Do we have anybody here who wants to address—wait a minute. This is—come on up. Lieutenant stafford, why don't you let us know what happened and what this is going to do.

Lt. Stafford, Fire Bureau: the budget adjustment was simply to enable us to have more latitude to pay overtime for officers. We hope to gain a few more officers from other agencies to the task force, and the way it was originally written it was just for Oregon state police. It was just a way of enabling us to have a little bit more latitude.

Katz: Thank you, lieutenant. Sorry you had to sit here. Any further questions? Okay.

Tom O'Keefe, UCAN: tom o'keefe. I believe this—believe this grant comes upper year for quite a few years, and i'm concerned about accepting this money from the federal government. I'd hate to see any of the money targeted to legal marijuana users who have health problems. And i'm concerned that there might be a conflict of interest with the federal government possibly putting pressure on physicians and taking action against them if they step out of line. And i'm also concerned about, we are worried about marijuana. I don't know of anybody that's ever been killed smoking marijuana. But I do know Portland has one of the highest death rates in the country from heroin overdoses. As—approximately 285 last year. As we speak, i'm willing to bet there are two people laying in Portland hospitals right now from od'ing on heroin, but i've never seen a task force with money from the federal government to help that. I think this is a conflict of interest between physicians and what the public voted for. I would hope this money is not used to target people that have the legal right to use marijuana.

Katz: Thank you, tom. Anybody want to testify on this? If not, roll call.

Katz: Interesting item that I learned is one of the reasons for death because of heroin is that when we detoxify somebody in our criminal justice system, we create a situation that when they use again it has a much more powerful impact. I didn't know that, and so our public safety coordinating council is looking at what we can do as a community to rethink how we deal with addicts to are who are in our jail system that we do take care of but maybe creating an additional problem for them, if they continue to use. Aye. 1028.

Katz: Make it quick.

Francesconi: Before you do this, just a process thing. Safeway has decided not to appear. Is that right?

Mike Sanderson, License Bureau: that's correct. They won't be here today.

Francesconi: They won't be here. Okay. So you can make an abbreviated we have a rule and safeway was aware of it, because we talked to them, that their failure to appear based on our rule would mean they're not contesting it in front of us. They are contesting it in front of low-income, so our prior ruling—prior practice would be we would uphold the bureau's recommendation. I just want

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to make people aware of this. We've had the conversation with safeway as to what would happen ahead of time. I wanted to alert the council.

Katz: They asked, and I recall the discussion commissioner Hales once raised a long time ago. It's not anything written, but it is a policy, and so quickly why don't you make your recommendation.

Sanderson: it has been passed practice by the city council if an applicant did not appear they would adopt the city staff's recommendation on unfavorable recommendations. And safeway has indicated they understand the council has a policy for four or more sales to minors typically always has resulted in an unfavorable recommendation, and based on those sales the staff's recommendation is unfavorable.

Katz: Okay.

Brian Steve, Police Bureau: brian steve, Portland police bureau. Two years ago the bureau brought before you the same issue. We were in favor—unfavorable at that time and the police bureau continues to be unfavorable to that.

Katz: Okay. Anybody in the audience that thought they would come to testify on this item? All right. The motion is to adopt the unfavorable recommendation. Roll call.

Francesconi: This is the right thing to do. We need to separate. We've had a series of violations and we have to be consistent here. And so in my opinion this is the right thing to do. Having said that, there's one—safeway, Portland division president lyle waterman deserves special mention here in that he is the one who is, after 41 years at safeway, it turns out, was recently appointed president. He made the decision to invest \$5 million in this store separate from what happens here. And he's going to make sure that happens. And he deserves to be especially recognized and acknowledged for that. And we thank that. Every member of the council knows this is an important store. It deserves—in mlk, it's important because the citizens need this store. Having said that, there have been violations that need—there need to be some consequences for them. Mr. Waterman is also aware of that because they've instituted a series of changes voluntarily that will address what is a problem along mlk, not just for safeway, but for other establishments. None of us want alcohol sold to our children. And it's important that the procedures be put in place so that does not happen. So safeway has chosen to present their case to olcc, and it's our recommendation, we need to stay with this recommendation, but the reality is that at olcc the reality in our—and our hope would be that there would be a suspension as opposed to a permanent revocation. Having said that, it is very appropriate to vote aye. **Hales:** Aye.

Saltzman: No. **Sten:** Aye. **Katz:** Aye. Thank you. 1029.

Mike Sanderson, License Bureau: mike sander son, staff of the license bureau. On this application the applicant is not here today because he has found a buyer and we are currently in the process of processing a change of owner application. So for mr. Archer's purposes, it's a moot point. Although we still have an active license there, so our recommendation is unfavorable based on four sales to minors.

Francesconi: Just remind us, the practical effect will be what?

Sanderson: if he—if he attempts to get a license in the future, and the olcc decides cancellation is the appropriate penalty, he would have to deal with that before being issued a license in the state again.

Francesconi: Okay. Do you need a motion.

Katz: Go ahead.

Sanderson: the same issue as with safeway. Four sales to minors is unfavorable.

Katz: I need a motion to adopt the recommendation of unfavorable. Roll call. **Francesconi:** Aye.

Hales: Aye. **Saltzman:** Aye. **Sten:** Aye. **Katz:** Mayor votes aye. All right. **Item 1030.**

Sanderson: members of the council, mike sander son, staff, license bureau. This is a renewal application for the eight balls of fire billiards and sports barlow indicate the at 113th and northeast halsey street. That's in hazelwood association's area. Prior to the opening of this establishment in july of '99, the nearby neighbors had opposed the granting of a license to this outlet. It was a hard liquor license. However, the neighbors withdrew their opposition after hearing from applicants that the

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applicants had in fact operated other locations without problems, and they would operate this facility in a responsible manner and maintain control of patrons' behavior. As a result, the liquor commission granted the license with a letter of caution. Almost immediately report began to come in. In addition to police concerns, noise from the establishment required the intervention of the city's noise control officer and that resulted in a warning letter on december 7th of '99 and eventually a noise violation letter in march of 2000. Also multiple intervention meetings were conducted with the licensee and special employee training sessions were conducted by ppb, olcc and license staff to assist the licensee in getting the message across to the eight balls staff. In spite of these efforts, problems continued. The license bureau recently contacted nearby neighbors and was advised by most all of them they have been impacted by the activities occurring at this outlet, especially late at night. Hazelwood neighborhood association is also opposed to this application based on overservice, sales to minors, noise emanating from the premises and other incidents requiring police response. You have the police bureau's report and recommendation and officer brian steve is here from the Portland police bureau's drugs and vice division, and he'll provide with you details on the bureau's experience with this outlet. The license bureau staff's recommendation is unfavorable.

Brian Steve, Police Bureau: brian steve, Portland police bureau. This location was open just a year ago in july of 1999. Since that time there's been an ongoing and extensive history of serious and persistent problems. These problems are documented in your packet by the log attached to the police bureau's unfavorable recommendation to the license bureau. This log includes assaults, disorderly conduct, arrests, public drunkenness, noise complaints, gang activity and the sale of alcohol to a minor. In addition the commander sent a letter to the landlord and licensee. In an effort to reduce the problems, the olcc and police bureau has had four separate intervention meetings with the licensees within the last ten months of the low—opening of the location. In addition, olcc and police provided two additional training for managers and employees during that same time frame up until the last intervention meeting, held may 11th. At that time the licensee was told the city would be proceeding with an unfavorable recommendation on the liquor license renewal. None of the meets or training had any impact on the problem. As a result of the meeting there was a voluntary compliance plan entered into between the olcc and the licensee. There has not been the degree of problems that were previously occurring. The six weeks of problem-free—the bureau does not believe it can remain problem free. Why did it take almost a year, multiple intervention meetings and a notification the renewal was going before city council before the licensee took action to control his premises in the bureau believes this licensee has a history of serious problems at this location and is a poor risk for future compliance. The police bureau's unfavorable liquor license for this establishment.

Katz: Questions? Is the applicant here?

==two minutes?

Katz: No, you need more than that, but not much more. Identify yourself for the record.

Scott Detweiler, owner, Eight Balls of Fire: scott detweiler, eight balls of fire. For the past ten years me and my father have been licensees in Oregon with—in Portland with three other locations, never had any problems with the olcc, Portland police or the Oregon lottery. We opened up eight balls of fire, I took everything i've learned in the past ten years and rolled it all into one bar. There's a lot of things to do there. We did a lot of outside advertising and the problems came when the people came because there was so many of them. We would have a lot—our lot would be full, we'd have a couple hundred in, 60 standing in line, and being five blocks away from another major nightclub didn't help us at alley they're, coming back and forth. With the compliance program, our problems have diminished to next to nothing. The past eight months i've had four different olcc inspectors, william hudson, paul willamson, and now peggy mullen. She put together the voluntary compliance problem, which has worked great for us. As far as the incidents there, I took up a lot of your time, but I categorized them, and a lot of them i've been out there for them. I work at night in the lot, and a lot of what they consider fights are not fights. They're arguments. They're saying a fight call to the bar on

many occasion that's might—my name is on the report, and what it is is an argument in the parking lot. That just clearly shows the pin is a the mightier than the action. Since then, besides the voluntary compliance program, we've done a lot of things to change the bar around, including we've changed our motto. We took out almost all of our radio ads, we hand out vip cards for the people on the weekends to quote unquote try to get the right type of people in there that aren't going to cause problems. We're in the process of changing out for the past three months when the process of changing our crowd. We're doing care okay I on tuesday, blues on wednesday thursday and still do dancing, but we have it cut down to a top 40 style of music. The thing with—i know it's diminished because when we opened up, i've talked to many officers, and they said they would head to our competitors up the street and come back, do a figure eight, and it—on the weekends it—at almost all times we had two to three officers in the parking lot. And now we have one to none a lot of times. Which I encourage them to could in, because it will keep people in check. So i'd like to ask for a favorable recommendation with conditions, which is the compliance program as part of the renewal of our license. I have one more thing to say. I'm sorry. I've been a member of this haywood association since I opened, and yesterday—this is stamped july 11th, this is a stamped letter. I never heard anything about this until yesterday.

Katz: I'm sure there's somebody here from the association.

Francesconi: I have one question. In this police report there's an allegation, I don't know if you are aware of this, your bar was open for only six months in 1999, had the second highest number of patrons arrested for duii in Multnomah county.

Detweiler: okay. Yeah. I understand that. I'm not making light of the dui arrests, but the top—if you look at, say, even the first two dui, 7-25-99, the person blew a .10, the second 1 they blew a .09. Those aren't visible tines signs of intoxication inside the bar. You're looking at somebody, talking to them, especially if they're a seasoned drinker, they could get up to .15, and still be fine. They could still talk to you, stand straight and be fine. A lot of these are, and there's a lot that we're—were pulled over at .07. Two girls kale in and said her friend was pulled over at a .07, and also there's a very good friend of mine named john hate, he was pulled over and the officers told him we're really laying for the place. And that—obviously that doesn't help me, but i've tried to work close with them and i've tried to walk out in the parking lot and talk to them, and on more than one instance they just flag me on. They didn't want to say anything. They didn't want to do anything. One of them was my—at my christmas party. I went out to tell them we're having a party, that's why all the lights were off in the—and the cars were in the parking lot, he wouldn't roll down his window, he just flagged me on. There's really not much I can do.

Katz: Further questions? Okay. Let's hear from the neighborhood association. Did you want to say anything? Yes? No? We have to come back in about one minute.

Terry South, Eight Balls of Fire: my name is terry, the general manager of eight balls of fire. I think one of the things we can look at doing here, instead of olcc and Portland police and all of us, one against the other, I think we put some type of committee together where the licensee and the olcc work together to try to have a bonding thing where we could go on premise and check things out instead of just basically us against them. I think if we could do something like that, some of these problems would resolve and we wouldn't have to be here today.

Katz: Thank you. Thank you, gentlemen. Anybody—anybody lined up to testify? Anybody want to testify? Anybody here? All right. Questions by council members?

Francesconi: I'd move we uphold the recommendation and deny the—

Hales: Second it.

Francesconi: You're a little late with your good suggestion. Aye.

Hales: This—one more chance to send the message not just to this applicant, but to the industry that drivers licenses are a privilege, liquor license is a privilege. It's the hardest privilege of all to keep with people on the street drunk, you lose the privilege. Aye.

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Saltzman: Aye. **Sten:** Aye. **Katz:** Mayor votes aye. Thank you. 1031.

Olson: I have a substitute.

Katz: Motion for the substitute?

Hales: So moved.

Katz: Second? Any objections? Hearing none, so ordered.

Hales: Very a long involved presentation i'm sure this able team is going to condense down to seconds, although we appreciate you waiting a long time to give this presentation to us. They've done good work, but they're sensitive i'm sure to our situation and will be brief.

Katz: I just need very quick the substitute is?

Olson: I need to read it.

Katz: The substitute is?

Andre Baugh, PDOT: identify your—andre baugh, Portland office of transportation. The substitute is the ordinance authored by yourself, mayor, commissioner Hales, and commissioner—

Katz: All right. Just wanted to make clear. All right. I'm sorry I asked. Go ahead.

Francesconi: You hurt commissioner Saltzman's and my feelings. [laughter]

Katz: Some of you didn't have to fight on certain issues. Go ahead.

Trell Anderson, Bureau of Housing and Community Development (BHCD): i'll terrell anderson. I'll start off here with the city through pdc purchased the rosemont property in april 1998. We've since spent two years of planning with the neighborhood members and working together through pdot and pdc and bhcd to bring this to light. We currently have a development and guess position agreement in place through pdc to carry out the funding and the development of the project. Tom walsh and company has been selected as the developer. Actually tom walsh and partners who make up rosemont community development are the master developer of the site. They are putting together more than 19 community partnerships to bring this thing to—in the next couple years to bring it to complete construction, and one of the public benefits is that tom walsh has agreed to a goal of achieving 20% of the work done by minority women and emerge can small business. This is significant because the standard pdc is 10%. Tom walsh recognizing that, since this project is happening in northeast Portland, it's a great opportunity to set that goal higher and go forward. I'll hand it over—

Baruti Artharee, Portland Development Commission: good afternoon. I'll also be very brief in lieu of time. When we started the community planning process with the neighborhood association and other members at large, there were several goals the community articulated that were very important. Number 1, they wanted to see us clean up the site that had been blighted for a number of years. Two, they wanted to us save the convent if at all possible. Three, there was a strong preference for home ownership to be added into the neighborhood and four, there was a preference to have senior housing on the site, and lastly, they asked that we try to have a community benefit that's more than housing for the neighborhood. And we've accomplished all of these goals and in this project in regards to some of the public benefits, they are—we're going to have 165 units of housing, 135 units will be for seniors, low-income rentals and home ownership, targeting families that are at 30% to 120% of median family income. They'll be a total of 47 homeownership units, we're going to have a community land trust on this site, we're going to have a head start, albina head start will be on the site, we'll have seven classrooms that will accommodate in the range of 56 to possibly as many as 140 students with the ideal mix of 104 students there. We're going to preserve the convent, and we also are committed to minority contractors. I think this is a great win-win for folks in the community. It's a win for the city. We're accomplishing some of our public policy goals of mixed income, homeownership, transit oriented housing, affordability and support for the community land trust.

Katz: We have people here who are here for the 2 o'clock? You're going to have to wait a little bit, i'm sorry to tell you. Okay.

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==office of transportation. Our part in this is we're providing in the design and construction of all the public right of ways, the streets, plus the parking lots and also doing the subdivision for the developer. As part of that we're doing the storm water, the streets, curbs, lights, trees, and working also to provide a significant portion of that through the sheltered market and keeping with the spirit of pdc's commitment to minority contracting. I'll turn it over to tom from the neighborhood association.

== tom mark, we enthusiastically support this project and hope you do too.

Francesconi: Did your boss put any money into this thing?

Katz: I want to thank rudy and I had heart-to-heart conversations. We both agree on the need for the head start. And I know there was some resistance from a lot of quarters, and I am glad that a lot of this has been resolved. Anybody else want to testify? If not, ladies and gentlemen, roll call.

Francesconi: It's too bad this came at the end here. This is a big deal. So it's—to thank the commissioners who've work order this as well as all of you, this is important. One thing I want to comment very briefly on. The homeownership component is really important, so we appreciate you doing this. Commissioner Sten is really working hard on this antigentrification strategy. This fits as part of it. I guess you don't need to tell me now, but the family side of the home ownership, how many—will this be for children? It's a very big issue. Commissioner Sten and I are looking at this because the effect—we're losing children in Portland public schools, and the enrollment is going to go down 10,000 over the next several decades. What we can do to support our schools through family housing in an area like rosemont is an essential strategy for the vitality and future of our city. So maybe we can work with you more on that. Aye.

Hales: I want to thank this team for the good work that you've done so far and for what's next with this project. This is a model project in so many ways. This cooperation, the kind of good working relationship we have with the neighborhood, the accomplishment of a variety of agendas, they're—there are more ornaments on this christmas tree, i'm amazed it's still standing. But it looks beautiful. Aye.

Saltzman: Aye. Good work.

Sten: Thanks, everyone, I know steve may be watching this somewhere. Two years of work and now you get to get started on it. Five years of work. But I think this is really a terrific redevelopment. It will tie well into the interstate line and to hopefully also getting these homeownership units in place that we can get them marketed to people who may be in jeopardy of not having a place to live as things move forward. So I think it's just outstanding work, and there were times I didn't think you'd ever get there, but I had faith. Aye.

Katz: I do also want to thank you for the homeownership as you know, that was something that i'm also want to make sure that pdc is focused on that as well. So that we do respond to the gentrification issue. I want to also thank you for working very hard on the head start piece and the community for hanging in there, and working with all of us. So congratulations. Tom walsh, we're going to like the tree. Aye. All right. Now that we've got all the metaphors in, 1032. Then we have a patient lady here who needs a four-fifths from us.

Item 1032.

Katz: This is a hearing. Do we have anybody here? Okay. Come on up.

Tom O'Keefe: I just want to say another—in other communities they let the public police this issue themselves. And they have what's called sidewalk lawyers. What they do is they walk around and they take a picture of a crack in a sidewalk. They mail that picture to the homeowner, they then put that picture in a database and they've warned that homeowner if they don't fix that, they're liable in case anybody trips or gets—or falls. There has been many, many thousands of lawsuits settled out of court because they've been warn and there's no way they can win that case. Most all homeowners go out and fix that right away. I'm wondering when the day comes in Portland when we'll have a sidewalk lawyer. Thanks.

Hales: Never, we hope: We have enough lawyers: [laughter]

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Katz: Did you want to say anything?

Dale Pierce, Auditor's Office: i'm ms. Pierce, from the auditor's office. I'm the one who assesses the sidewalks for repair. I wanted to be here in case I needed to defend my position.

Katz: All right. It's a hearing, anybody else want to testify? Moves to second. All right. I need a motion to suspend the rules to allow an item before us on four-fifths. Anybody object? All right. Tell us your sad tale.

Item 1032-1

== my name is maura, and i'm the executive director of the police activities league. I'm asking for this today because i'm not a city employee, I wasn't aware of how to do the ordinance thing in order to apply for a grant with the c.o.p.s. Funding. It came out late to be able to apply for it. They thought there is a match. There is no match requirement. I was smiling and encouraging with the Portland police bureau to apply for this grant on our behalf. So it's due really soon, and i'm writing it as we speak. It's—i waited eight years to have a limited competition grant, only 11 people are applying and they're going to give out six to eight to become pilot training sites. Portland would be a pilot site just in time to hold the conference in 2002.

Katz: Well, does anybody else want to testify? I dare you. All right. Roll call.

Katz: I too want to thank you. We don't ever get to celebrate with some of our community partners, and this is an exceptional woman. When I first met her I said, oh, what a mouthy broad this one is: And then after that I just—i liked her immediately. [laughter] I felt—i felt fell in love with her. There's nobody, even on a bad day, that has as much energy and commitment to what she does for her constituents. Good luck. Aye. Thank you. Folks, you—let's do 15. 15 minutes, and try to be here, but i'll give you a little bit of leeway. Folks, on this last—we have two items, the snide will be first, and then we have to hear the fire station at 3 o'clock. So come back at 2:18.

At 2:05 p.m., Council recessed.

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This transcript was produced through the closed captioning process for the televised City Council broadcast.

Key: == means unidentified speaker.

JULY 12, 2000 2:00 PM [Because of the long morning session, this meeting began at 2:25 p.m. and closed caption began when meeting was already in progress]

Item No. 1033

Kathryn Beaumont, Senior Deputy City Attorney [explained the procedures and noted that the findings were not yet ready.]

Harry Auerbach, Senior Deputy City Attorney: some of the people that helped with background who were very helpful early on were people like generally, from sisters of the road, and marlin miller from southeast— Portland impact, and rachel silverman, and of course katherine, who's helped on us throughout with the land use issues. We had a core of folks who came to several meetings, and i'm going to mention the ones I can remember. I know i'll leave people out. There was a fairly hard core of people who came to almost all of the meetings, and were with us at the end. And those included people like officer charley brown and dan jensen, ann warner, and john myers, and joan sears, ron doctor, dave clark and mark woodson, and if i've forgotten anybody, I apologize. Each of these individuals gave up their own time to come and participate and stick through this process. In particular i'd also want to thank tom and greg and commander grubs, who were basically the three-point people for most of this process for the neighborhood, the church and the police bureau. And two folks without whom this agreement would not have been possible, I guess there's no other way to say it, are pat and pete, and I know pete wishes he could be here today, but he and anne are in Washington today. But when we looked like we were about to hit an impasse in the road, pat and pete just took it upon themselves to go work out the basis of the final compromise and that was very important, and quite a breakthrough, and I can't express enough how impressed I was by that. Mike from the planning—from opdr has been with us all the way through, and finally two folks who are very important to me, without whom I couldn't have done the job you asked me to do, rebecca sweetland from the office of neighborhood involvement, who helped me with the process aspects of this conversation, and had some very good input all the way through, and dan reynolds, from the Multnomah county district attorney's office, who volunteered to be the draftsman for the agreement, and did an excellent job incorporating the concerns of all of the concerned parties, none of whom wanted to give up any of their issues, and all of whom did eventually give up in order to get a product that I think will work for everybody.

Katz: Harry, what did you learn?

Auerbach: what did I learn?

Katz: Has harry.

Auerbach: well, people are basically pretty good. And this is a wonderful neighborhood. The folks—i was very impressed with the people of sunnyside neighborhood, with their concern for issues that are going on in their neighborhood and their acceptance of the importance of the church's mission, with the conversely with the quality of the folks from the church who were both concerned about their mission to feed the hungry and also their mission to be good neighbors. And they—there was actually less substance separating these folks than we would have thought from what came out in the hearing, and what I learned is people who—with goodwill can come accomplish anything if they put their minds to it and work hard.

Katz: Thank you. Okay.

Auerbach: i'll let dan explain about what this agreement looks like, and we'll let pat and tom speak. thank you, harry. Mayor, members of the council, four months ago you told us—

Katz: Identify yourself for the record.

Dan Reynolds, Multnomah County District Attorney's Office: daniel recent opened, i'm the southeast neighborhood deputy district attorney. Four months ago, you gave us the mandate to come

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up with an agreement, and as I was sitting back there I had that mission impossible theme going through my head. But we actually did it, and we came up with a fantastic agreement. If I could go through the highlights with you, basically we have commitments from all three parties in this, the neighborhood, the church and the police bureau. We have a process we think is designed to keep the parties communicating on an ongoing basis early on to keep them working together to address neighborhood concerns as opposed to just not being able to address those and having those problems build up. We have church and neighborhood liaisons which are the first point of contact to—if there's a concern on either side, they can talk to these liaisons and they can then bring it back to the respective parties and discuss the issues. We have policy for the church which is kind of the main mains of maintaining order, if you will, over the church patrons. And this exclusion policy, if a patron commits a quote unquote exclusionable action within a 20-block area surrounding the church, and this is a patron of the meal program, he or she can be excluded from the meal program for committing that act. The police will work with the church to help this. The police will be authorized as a church agent to issue these exclusions, and the church also will be giving the exclusions as they see fit.

Katz: Let me interrupt you, in a timely fashion? I recall the testimony people were excluded but there was still roaming around the neighborhood.

Reynolds: mayor, they will still be able to roam the neighborhood. The exclusion is only for the church meal program.

Katz: Okay. I thought you said—I thought I heard you say exclusion within a—

Reynolds: if they commit the act within a certain area, then they're excluded from the meal program. Thank you for that question. The bottom line is we need a consistent policy for our—a consistent exclusion policy for both the wednesday and friday programs, and I think we have what we need to make that work. We also have as a condition for a portion of this agreement a foot patrol which will go through that same area, that same 20-block area on the wednesday and friday evenings, and we'll especially focus on hot spots that have been designated by the neighbors and the church and the police bureau as places where there's trouble occurring. So that will be another thing we're doing to try to limit the effect on the neighborhood. Lastly we come—we've come up with what we're calling the joint review committee, made up of two members of the church, two members from the neighborhood, and one member from the police bureau, and if council is willing, a city-provided facilitator to help lead this. And mayor, the review committee basically will be a position who can—or a body who will get the feedback from everybody. And will look at this agreement and see what's working and what's not, can vote to change this, can basically be the governing body, if you will, of this agreement, and try to provide that forum again for the parties to work through any difficulties that come up. This joint review committee can recommend—we call them consequences—if the specific conditions of this agreement aren't met by the church, the review committee or the committee can impose a consequence, or can recommend a consequence. This was very delicately worked through. This recommendation is only that. The church has the option of accepting that recommendation or declining it. If they decline it, it's up to the sunnyside neighborhood association to recommend this go back to the land use hearings board if they so choose. If they decline it, or if they accept the sanction, then it's said and done right there. So that's the agreement that we have worked through, and if there's any portion of it that's confusing or that you have a question about, I would be happy to answer those.

Katz: Let's hear from everybody and then we'll ask the council if they want to ask questions. Tom?

Badrick: i'm going to have the opportunity to do this right.

Katz: Identify yourself.

Tom Badrick, President, Sunnyside Neighborhood Association (SNA): tom, sunnyside neighborhood association president. I have a five-page speech—I'm kidding. I have a one-page speech and i'm going to do the carve rot up front, if I forget to mention anyone who deserves thanks, my apologies. The board has voted to approve signing the agreement that has been developed by the

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snakes, the neighborhood association, the police bureau and the sunnyside centenary church and the meals program representatives. The process leading up to and through the land use hearing and the city council hearing were challenging at best. The attention focused has been best. We have an outstanding st. Louis and we urge you to embrace the agreement presented to you today, and we also urge you to pledge continued and enhanced support for increasing support for those in need all over Portland. This meals program should not be an isolated program, but one of many. We ask your support in making this agreement a condition of the conditional use permit and ask that you support the anticipated success of the proposed review committee by committing staff support in the form of a meeting facilitator who can ensure the committee stays on course. I'm going to skip some of this and list all the thank you names instead of reading more to you. First, harry, rebecca sweetland, dan reynolds, officer dan jensen, commander grubbs and sergeant charley brown, who made this possible. Sometimes when we went getting along, what—they're what held us together. In addition I want to thank ed sullivan, greg, dave clark, pastors mark reed and tim lewis, mark and many others from the meals program in the church. From the neighborhood, there was john myers, anne warner, lisa long, gary beaver, katy brech, janet, and many more. The last two thank yous go to the sunnyside neighborhood ad hoc committee that had many, many meetings, included ron doctor, pete, joan, and initially k.w. Jeter. The last thanks goes to pat, who has taken the leap of faith that this process we've developed will be fair and both enhance the meals ram and the livability of the neighborhood. 60 that we all make sure her leap of faith is rewarded with success for everyone.

Katz: Thank you, tom.

Pat Schweibert, Sunnyside Methodist Church: pat scheiber, sunnyside church. I have the dubious honor to be the overseer of the wednesday and friday evening ministries at the church. I can tell you that four months ago when we were sitting here, which it seems pretty boring today— [laughter]

Hales: That's a good thing.

Schweibert: I probably should have fought with tom to be able to speak before him or something. I didn't believe that I was going to be grateful to vera for asking us to have mediation with harry, whoever harry was. We started calling them our harry meetings, but I can say that i, and I think I can speak for all of us, are grateful for that decision that you and the council made on our behalf to get back there and sit in that room together and work this out. I can tell you that the first meeting as we were all talking about what we wanted, it was clear what we didn't want is we didn't want to become friends. And don't even think about that. And that was an agreement from everybody. That what we wanted was the neighbors wanted their safe neighborhood, and we wanted to be able to continue doing our ministries, and let's figure out how to do that, but don't talk about being friends. I can say that I had that leap of faith of believing that we could do it, when I realized we could be friends, because as you read the document, it can—it looks pretty daunting, but those are only words on pieces of paper. And it is really going to be the relationships that we have with each other and the trusts that we're building that will indeed make that document work for all of us. The neighbors and the church. So I thank you.

Katz: When did you get the leap of faith that this was going—that you actually wanted to be friends?

Schweibert: a lot of it came with talking with people individually. When you're sitting around a room—a table for meeting after meeting and just talking about issues, you just see these people as issues. It's when you start having relationships with people that you realize that, no, there's more to them than just this thing that they're hanging on to unrelentlessly, and they're not giving up and why aren't they giving up? And realizing, I was doing the same thing. We all did have our issues, and we all hung on tightly and we all had claw marks on those issues that we were holding onto. When we realized that in mediation what you have to do is let go of things, and so—

Katz: Thank you.

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Schweibert: then there was movement, and i'm grateful—and I would like to invite you all to a sunnyside picnic august 2nd with the neighborhood and the church, it's a wednesday evening, sunnyside park. That's august 2nd, 6 o'clock.

== permit approval pending, of course. [laughter] not that there's any pressure.

Francesconi: You got it. I just gave it to you. Tell them I said that.

Katz: 6 o'clock?

Schweibert: 6 o'clock. Right.

Katz: All right. I'm sorry. I dominated the questions. Council members? Anybody have questions?

Hales: Sorry I can't make the picnic. I'll be away.

Schweibert: too bad. It's going to be great. Or you could come tonight. We're having thanksgiving dinner.

== we have you penciled in for cooking, charley.

Sten: I think it's terrific. I'm sure we'll have more comments on it before it's all over. One small thing, on the joint review committee, I think relationships are completely—I think it's five people, two from the church and two from the neighborhood, and one appointed by the police. The only thing that crossed my mind, does it make sense to get anybody on there who's sort of a neutral party that does social services? That's—it may have come up already, but it looks like you've got the two sides and one other american, and I hope it doesn't come down to this committee arguing things out, but it was just a little—

Auerbach: commissioner Sten, I think the reason that—maybe the parties can speak also to this, but I think the reason they decided to have the review committee composed the way it is is to encourage the partners to build relationships because the underlying goal of this agreement is to solve problems as early and as simply as possible, and then to have them keep control over their relationships. So that really what winds up happening if there's a dispute between the church and the neighbors is the police representative will tend to become the swing vote. So I think the parties felt this worked for them because they would have direct communications with the folks they needed to convince, and to keep the circle small and workable they drafted it this way.

Sten: That's fine. You guys should do it how you want to do it. I agree 100%, the issue is relationships, not structure. The thing that struck me is you've got a lot of very poor people who the ministry is serving, and one issue that's faced between a neighborhood and a ministry and that community is the issue of law enforcement. That's the only—but there's a zillion other approaches that I think most police officers would agree with complementary to law enforcement, and I just was wondering, will you seek those kind of resources ad hoc, or how do you go about that? I don't think our police officers would relish being the sole resource point for all the things that happen with very poor people and neighborhoods and the church.

Badrick: my initial response, I got really good at doing what pat did, which is letting go of all of my ideas. Most of my ideas I originally proposed are nowhere near this document. I originally suggest add larger committee, and that got shot down by virtually everyone at once.

Sten: All right. Fine. You guys do it and—

Badrick: we came up with a solution of when we need resources, we'll call them in and ask us to help us out.

Katz: So you are asking for a city facilitator to keep it at the table, i'm not going to, harry, i'm not going to say you do it, we will have a conversation. There may be somebody else that you had in mind or the group had in mind, but if it's you, so be it. [laughter] I don't know. That's an agreement really by the group, I mean, if we're now the group process makes some decisions.

Badrick: our expectation I think was if we have the resources to do it through oni, and—

Katz: Okay. All right.

Hales: Interagency transfer. [laughter]

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Katz: Is there anybody from the police bureau? Since you're one of the partners, that wants to say anything? Somebody come up. The rank issue, I can't deal with the rank issue. You decide who wants to come up and tell us what you learned from all of this.

Lt. Stanley Dillinger, Police Bureau: good afternoon. Lieutenant from southeast precinct. I'm also known as stanley, jr. I was not actually a part of the group that acted out this agreement. However, I have reviewed it, as has the commander, who has signed it. We're very happy with it. Our portion of it is certainly something we think we can hold up. There are some limits on the time frames. That was put in by the commander, just as his ability to be able to reevaluate how things are going and whether additional resources are needed or not. But we're happy with the agreement. We think it will work for everyone, and we'd like to thank dan reynolds for putting most of it together for us, taking our ideas and putting them down on paper the way we wanted them to come out.

Reynolds: if there's one thing to add -- -- throughout this i've been impressed with what boils down to the parties relying on the police and trusting the police to work through with this process. And that's something that I don't want to say surprised me, but I was impressed with throughout this, and the police are aware of and certainly willing and able to act as that middle person to help resolve disputes. I think this is police work at its finest.

Katz: Are you located at the precinct?

==I am.

Katz: So—

== i'm not going to be that far out of the picture, mayor.

Katz: That's what I thought. Let's open it up for anybody who wants to say anything. Does anybody want to say anything?

Timothy Lewis, Pastor, Sunnyside Methodist Church: 4230 SE Yamhill St. i'm the pastor at sunnyside centenary church. I do not want to take much time, other than to say that I have been amazed at how far we have come in four months. This is an example of how listening and waiting and walking through the difficult road has come up with something fairly miraculous. It's a lot of hard work ahead of us, and the image that comes to my mind is not friends, but family. We not always are happy with what family members do, but you are committed to be in family, and this has helped this process this process has helped tie the church back into a neighborhood that it has historically felt very connected to, but had drifted in some ways. So I am thankful in the long run for what this has done. And this is also absolutely the success of community policing. Mark reed and I went in maybe a third of the way through this process just totally without hope to dan reynolds, and he wrote that document which neither side seemed to be able to write, which is really the launching pad toll the document that you have before us.

Katz: Thank you. Anybody else? So, harry, what do we do?

Auerbach: well, greg has asked for another couple of weeks to actually prepare the findings and get them out for review and back, so he'd like us to come back in about four—

Olson: August 23rd.

Katz: harry, I believe opdr has asked for six weeks.

Auerbach: does that count for six weeks, mike?

Katz: I think we have at least—yeah. Okay.

Auerbach: tell them how much time you need.

Katz: You don't want us to adopt this now, do you?

Auerbach: that would be the same— basically that's your tentative decision. Greg, come on up.

Katz: Identify yourself.

Greg Winterowd, Sunnyside Church representative: greg, i'm a land use planner and a few other things lately. Earlier today we were aware you needed to make a motion of some sort, so I attempted to provide that language that was broad enough to a, satisfy all the parties, but b, something that I felt

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would be workable from the administrative standpoint. And I think that draft motion does that, at least the satisfaction of everyone i've shown it to, which is just about everybody, and opdr as well.

Katz: Okay. I just wanted to make sure everybody is on board before the motion is made.

Winterowd: it would be—still be tentative at this point until you adopt the findings.

Katz: Correct.

Hales: What we made before was a tentative decision. So we'll making another tentative—

Winterowd: exactly.

Katz: Somebody want to make the motion?

Hales: Should I read this?

Beaumont: before you make the motion, a very small point of clarification. In the hearing officer's decision there were a couple additional conditions that probably ought to be incorporated into the final decision, and modified as necessary to fit the decision. So I didn't want us to lose those in the process.

Hales: Our earlier motion had included some of those conditions. So i'll just refer to those in general because I can't remember them chapter and verse. So you can go back and recover that. I'll move the council grant the appeal of the hearings officer's decision and allow the existing church programs to continue based on existing conditions of approval, previously approved by the council. With the exception of the wednesday and friday evening programs. I further move the council impose the following conditions of approval applicable to the wednesday and friday evening programs. 1, the wednesday and friday evening programs may continue to operate consistent with the procedural and substantive provisions of the quote, agreement between the sunnyside centenary united methodist church, the neighborhood association and the Portland police bureau, and number 2, in the event the church fails to comply with substantive provisions of this agreement and upon the recommendation of the sunnyside neighborhood association board, the matter shall be reviewed by a Portland hearings officer within 60 days of the sunnyside neighborhood association board's formal request for review. The basis for this review shall be the church's compliance with section 2 of the agreement, agreements by sunnyside centenary unite the methodist church related to internal accountability, exclusion policy, foot patrol, security and neighborhood impact mitigation. So that's a beneficiary— basically a reviews of the motion incorporating the council's earlier conditions and that's a tentative decision which if approved would come back in six weeks. Okay. That's the motion.

Katz: I do hear a second?

Sten: Second.

Katz: Discussion? Roll call.

Francesconi: Today has been such a privilege to be a city commissioner. In the morning we had a coming together over an important place that would allow us to kind of do a whole bunch of activities, and there was a lot of division in the beginning, it was more after business deal. But it's important infrastructure for a city. But there was a coming together where we never expected it. In the in fact it's people and place that make a community, and in the afternoon something more important has happened, even. People from different backgrounds, different perspectives, different interests have come together not only with solutions, but relationships. So the crucible of the national spotlight didn't just come up with the solution that are temporary, but relationships that was just described as the potential to be a family. And there's just enormous lessons for us as a community in this, because we face such enormous challenges to keep this a special place, and to include more people who have not benefited from this place. And the only way we're going to do it is not just with solutions, but with relationships that has been so beautifully described here today. So we started with—there's been three fundamental principles of this country, that we've dealt with in this case, the first was freedom of worship, that caught us off guard and created some divisions, when really we all believe in freedom of worship, and that was reaffirmed in this case. And then we moved on to the issue of kind of feed the hungry, and our responsibility to do that, and the neighbors wanted to do that, but they wanted their

neighborhood protected. The church really wanted to do that, but it was the fundamental issue of feeding the hungry and taking care of our brothers and sisters, which is all of our responsibilities, not just government. Clearly government cannot do this by itself, and we need the churches, we need the nonprofits, we need everybody kind of doing this together. But then we end on an even more fundamental principle, which is love thy neighbor as thyself, which is even harder than feeding the hungry. That's somebody else, feeding the hungry. This is—that somebody else is us. This—is part of us. So you came out of this not just as friends, but family is among the most significant things that's ever happened since i've been around. So the question is how only do we not make this happen here, but how do we use this as a model for other issues that currently confront us? I think one way to do this, mayor, is that you allow us to make recommendations for spirit of Portland awards. I think some of these participants deserve a spirit of Portland award and to be held up as a model individually for what they've contributed back. The second thing is, I can think of several disputes at which we should bring in these people to just talk to some others about what it means to solve some issues and to develop some relationships. Because we have got to do that. We cannot keep blaming each other and then pointing the finger to government to solve issues for us. Instead we need to create vehicles and circumstances where people are forced to deal with themselves and a real—and forced to try to listen to one another and come up with their own solutions. So this is a magical ending because of what harry said—people are basically good and care about the same things, and we need to set aside sometimes our own—so focused on our own selves and listen to what it means to be truly a community and a family. So thank you for all of that, and all of the participants who helped make this happen.

Katz: That was very nice, commissioner Francesconi.

Hales: That was a great story. It's a great happy ending. It's also a great story. A bunch of people show up for a land use fight and the neighborhood picnic breaks out. [laughter] that's pretty good. You really accomplished something here. And of course it didn't just break out, you really nurtured it by the thoughtfulness and willingness to take a deep breath and try to really listen to the other party and get to know people as neighbors, and harry, you did a great job as a catalyst and a convener here. If we can't transfer you to the office of neighborhood associations, maybe we can. But I appreciate the good work you did in this case as well. Thank you all for a very good result, and for a good neighborhood now with something more to offer to folks that need help and to each other as well. Aye.

Sten: Congratulations. I liked—it's—i've been listening to you here this afternoon, and I like the family developed as—friends are very important, but family you can't get away from, as you said. I think this is that type of relationship. I've sat through some bad land use cases, and we've had eight-hour hearings offenses and things that just I can't believe that we're—but this was a different kind of tough case, but it really scared me. It was a long case and it was serious. Sometimes we get frivolous things that take hours and hours. They're not frivolous to the people who come in, but you sit up here and go, oh, my gosh. What are we here for? There was nothing frivolous about this case, but it was scary to me, because I any we all know Portland is changing very dramatically, and my greatest fear is Portland is—no longer has room for the unfortunate and the poor. I never felt—i never felt that's where the neighborhood association was coming from, but that was ultimately in some senses the choice that was put before me, and I really wanted to reject the choice but had no real way to do it outside of we had to pick a winner and loser. I think you've really transcended this. I think you've given hope back to a lot of people who do not want to be in a city that demands the poor not be there or demands that neighborhoods are not liveable. I think this is really, really a terrific sign. I think it's the first step. I think we have a lot of work to do as a community to try and solve some of these disparities, and we spent a lot of time this morning on the civic stadium deal talking about the wages of the people who work there as well as the land use. But we're never going to get at fundamental and—inequities if we can't feed people who are hungry on a daily basis. As much as i—if you—as i've

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talked with many of you support lots of governmental actions, I think government play as fundamental role in these issues, and anybody who says it doesn't is not being realistic. But government can't stretch to where it needs to be without the good works of the people in the community like the church, and the neighborhood association, and these relationships. I think—I really believe in my heart that we together can solve some of these problems, but it's not a tax, it's not a good neighborhood agreement, it's not all those things, it's working together. I think you've shown that this most divisive situation and I think cause for—I don't think it's overstated to say despair looking at this thing and saying, what's going on, is—has turned to a cause for hope. I think it's not coincidental it didn't get done in these chambers, it got down out wherever you were meeting. I'm also going to be out of town at the picnic, but I'll be there in spirit. Aye.

Katz: Three lessons learned one of them I knew from way, way back in my days in the legislature. Process is probably as important as the substance of the issue. That's not exciting for people that want to get things done and who want to move quickly and want to make a statement. But it is critically important to the parties that are negotiating. I learned that in the legislature as speaker, when I had to even sit down and talk the—with the nra on gun legislation. Tell me if that wasn't difficult. But after we work through some issues, we were able to get to resolution and the substance was saved, as well as sitting down with republicans as a democrat, I had to work with republicans, and the same thing happened. This morning we had a couple of issues with regard to process. We heard about the civic stadium, there was a long tedious process. We learned a lot from that. There was also another issue that needed a little bit more process, and needed people to sit down and to clearly understand what some of the issues were. So time spent with each other is really crucial. And it is what makes Portland very special, because we're willing to take that kind of time for—whether it's a land use issue or gist a bureau reorganization, or anything that this community feels is very important. So that's the lesson learned, and it's a lesson I didn't know. The other one is a lesson that I have just recently learned. Nothing really happens by accident. I'm not sure that I really believe that, but I think there may be some element of truth. In this particular case, you had an ugly situation in the community and one that unveiled itself here in the chamber, and maybe that was a message for those of you who go to church on a regular basis, and represent the spiritual community, you might want to think about the fact that this may not have been an accident. And the end result of it, as all of you said, was not only to create a family, but also create a community. And a much healthier and safer community. So that's something I'm learning now, but I think as you all were talking about it, I think that's probably a good lesson. And the 3rd lesson, which I'm happy to learn, through lawyers three lawyers, one for—one side, one representing the criminal justice system and the district attorney's side, and one representing the city can actually bring people together, can get them to understand some of the issues, can mediate a problem, can resolve it, and can honestly sit here and get the appreciation and the credit from all of us for making it happen. So this was not an adversarial situation that I can blame the lawyers. In fact I congratulate the lawyers for making this happen. That's new for me as well. So those are my three lessons. Thank you, everybody. We've learned a lot. I hope that the community has learned a lot, and I hope the rest of the spiritual community, the religious community has learn add lot. This is not only the responsibility of this particular church. This is a responsibility of everybody in this community. On the west side, the east side, and all denominations. So that's another lesson we can pass along to our friends in the community of faith. I'm very proud to vote aye. Okay. 1025. And we're on time.

Hales: One of these days you may say something nice about engineers, and then I'll really fall out of my chair. [laughter]

Katz: All right, mister. What are you bringing to us? Can I ask all of you to please clear the chamber? We still have one item. It's a happy moment, so I --.

Olson: Item No. 1025.

Katz: Commissioner Francesconi, did you want to open this up?

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Francesconi: I can—we have greg boyd, who is—maybe his first official act in front of the council. And candy cavanaugh from facilities working, and we have people in the audience as well. Sir, i'm sorry—

== i'm chuck shaw, from the neighborhood association. And—

Francesconi: And you're with the citizen advisory committee. We're purchasing property for a fire station as part of the bond measure. And we have a unanimous recommendation that we do this from the staff and from the citizens in the cac committee. I believe there may be some— there are neighbors who aren't as excited about it here. I just want to say that 19 sites were looked at, so part of it is the availability of property, and this was the one that met both availability of property that we could actually purchase and meet the strategic needs of the fire bureau, and meet some cost estimates. The last thing I want to say by way of introduction is, we're trying to use the bond measure we are using the bond measure proceeds in a fiscally responsible way and at the same time trying to accommodate neighbors. But we have to be aware of the number 1 principle, public safety, the other principle is making sure we have some money left at the end of this and we're making to cover each project and we're making accommodations along the way. But i've got to as fire commissioner make sure that I meet both of those responsibilities. And some other property that some people are suggesting is just too expensive. That's my preliminary remarks. Who goes first here?

Greg Keller, Battalion Chief, Fire Bureau: good afternoon, mayor Katz, commissioner Francesconi, and council members. My name is greg keller, i'm the battalion chief in charge of logistics for the fire bureau. You've already heard the introductions of the other two people with me today. We're going to start by having candy give a brief overview of the process up to this point in the selection of this property. Chuck shaw will then talk about the neighborhood—the communities—community's approach on this property, and then I will follow with some operational needs and concerns from the fire bureau's point of view.

Candy Cavanaugh, Bureau of General Services (BGS): thank you. Mayor Katz and commissioners, again, my name is candy cavanaugh, i'm a project manager with the bureau of general services. And my role in this overall bond measure project is to be the community liaison for the siting of new fire stations. And mayor Katz i'm so glad you talked a little bit about process, because it's a great segue into the part that i'm going to talk about, and that is the process that we go through. And we are at the end of the first leg of the siting process, and that is to identify sites, assess them, and then have the station advisory committee, who is composed of several neighborhoods that are touched by the fire management area, give a recommendation to commissioner Francesconi and fire chief wall as to what site is the most appropriate given the criteria that they're working with. That's the first segment of it. Once the land is purchased, this particular piece of property is residential and so it will go through a design review, a conditional use process. And that's another process where public input, neighborhood input, those kinds of issues with the site development, with the appearance of the facility, can be brought forth. So we're again at the end of this first leg of the process. This station advisory committee consists of chuck shaw, and we have two of the other members in the audience, phil and katura, and I think—

Katz: Raise your hand.

Cavanaugh: they're going to have a few words later. And gary cannot—could not attend today. I want to just take one small moment to commend captain ty walters, the captain of fire station 5, and has acted as our sac fire liaison, and he has done just a fabulous job. He knows the neighborhood, he grew up there, he is raising his family there. He and his staff know how to get from point a to point b in the quickest, safest manner. So again, I would just like to commend him. He's out of town on vacation. This cac has met for about a year now. As commissioner Francesconi indicated, they looked at 19 sites. They carefully assessed eight sites, one of which is the site before you for consideration. Their process was to develop criteria both in terms of operations, budget, and costing, and then community criteria that they felt were important to weigh the pros and cons of each site. This

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site was not the number 1 pick site of the sac. The number 1 pick site of the sac came in—was on the market at a sale price probably 3 1/2 times what the budget allows. But this was a site that rated high, it came on the market quite recently, had another offer on it, and so our process for assessing that site was compressed a bit, but it did go through the full sac review. So that has brought us to this point today, where we're before you to approve that bgs, the bgs property manager go forward with the purchase of the site.

Chuck Shaw: i'm chuck shaw, and my address is 3932 southwest 43rd avenue. I'm the representative of the neighborhood association on the siting committee, as well as a couple other committees, and i'm pleased to be here, ms. Mayor, and commissioners, to address you. As candy commented on this decision, it's been—i'm just a citizen—it's been enlightening, because if nothing else on the role and the changing role that the fire bureau is going through. I picked out yesterday's "oregonian" for a typical example in which they had 1213 incidences, I assume all through 9-1-1, that the fire bureau responded to. There were 777 medical, 195 fire, and 241 other. So 16%, if you will, are answers to fire calls. So with this—

Francesconi: That was just a month, that's not a year.

Shaw: that was a week, actually. July 2 to july 9. It's a week, I guess. Again, a busy week during the holiday. If you want to do your math, that's 16% of the response is to fire calls. And if my previous estimates in math, that's high. Normally I think the fire calls, and maybe the fire bureau can respond better, it's usually less than 10%. The number 1 incident is medical calls. We have some situations in our neighborhood to do senior housing et cetera, where there's a lot of older people, they occasionally have falls, heart attacks, so the number 1 response has been to medical calls, auto accidents, premature births, et cetera. So in going through this committee and trying to find sites that met the cry tier 82 that has come down to us, I think we've looked pretty hard at it, and expecting that we would get some response when we finally found a site. Because perfection is hard to find anymore, so that was a tremendous close of the previous issue s. Compromise and settlement and working these things out. With the idea that this site, which I assume you have the same paperwork we have, that shows the location on the corner of 47th drive and southwest hamilton in which the major neighbor to the east is Portland public schools. The property is roughly 23 23,500 square feet, currently zoned r-10. Under the developing situations from city hall and elsewhere, if it gets sold someplace else it will probably be subdivided into something more than a single-family dwelling, which it is right now. So my feeling, and I think my committee members agreed with me, that while the site poses some difficulties, being residentially zoned and in a residential neighborhood. but being across from a school, it had potential, particularly since it appears the number 1 vehicle would be an aid type of car. The concerns about sound, et cetera, I think can be answered by any of the people in the fire department who know the southwest air, that as commissioner Hales knows, engine 5 across from the library exits onto sunset boulevard, they rarely have to turn their sirens on. Flashing lights will usually do it until they clear traffic on capitol highway and/or beaverton hillsdale. So the feeling is that if all the ifs get cross and this turns into a fire bureau station, lights would be necessary a lot of the time. Certain times of the day when the buses are coming and going from the school, there will be traffic congestion. That exists there right now between minivans and school buses. So it has some thorns, like every rose does. But my feeling, and which I stopped by to talk to the principal of the school yesterday afternoon to tell her about this meeting, I said, would you still feel you endorse this program? Oh, definitely. They do have medical emergencies at that school. And from time to time if they're across the street they would lend an influence, because being close, number 1, as the role changes for the fire bureau, they'll be giving classes over there, first aid or cpr, you name it. They will be an asset to our neighborhood. The fire bureau is staffed by qualified, trained stable people. I mean, as a citizen i'm proud to have my taxpayer dollars going into the police and fire bureau funds. It's money well spent. Beyond that, we've brought neighbors to speak to the issue who are much closer physically to that property than I am. I'm about a third of a mile away as the crow flies. In the absence of some other sites to meet the

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criteria, the committee under candy's guidance and ty's guidance, we thought we'd make a good start on this site and see what develops.

Katz: Thank you.

Francesconi: You are a terrific citizen, let me tell you. We have other committees—

Shaw: you just said that when i—

Francesconi: You didn't get it back from me, either.

Katz: Are you retired?

Shaw: yes, ma'am.

Katz: What are you doing before?

Shaw: I ran my own business for about 25 years. You heard of all the high-tech businesses? I ran a low-tech business.

Katz: Thank you.

Keller: i'm greg keller, and i'm very excited about this property because it's going to give us not only the opportunity to respond into the neighborhood, but we're going to be part of the neighborhood, we're going to live and participate in the neighborhood events and meetings. We're going to be able to develop a station with the station advisory committee that's going to give the station a neighborhood feel to blend in, to physically and logistically be part of the neighborhood. Some of the issues about traffic, we'll be able to identify those early on and take preventive measures such as signaling devices where we can use the traffic calming devices, where we can control the lights in intersections. So we won't have to use this sigh—the sirens as much as we're responding to calls. The noise at the station is always a perception from neighbors—perception from concerned neighbors. About ten of the stations in the bureau are in truly residential neighborhoods right now where there's houses on all sides. And we're good neighbors. We do not get complaints. I'm very proud of the fact we do not get complaints from the neighbors that live next to the fire stations with the excess noise. We're care with when we do our testing of equipment that we do it with during—during normal waking hours and we do things in a proper manner with respect to the quiet and such the neighbors like to have. The station is going to be a small station in the sense that it will have one fire engine with four firefighters. One of which will be a paramedic to respond as a crew to the medical calls that mr. Shaw referred to. We don't anticipate in the size of the station ever needing to grow to accommodate more pieces of equipment. If we took the call volume that occurred in that area last year and then overlaid it with the projected fire management area for this new station, last year they would have responded to about 800 calls. That is a little less than three calls a day. That's on the bottom end of the busyness of all the stations in the fire bureau. So it's not going to be a busy station with respect to call volume, but it's a very important location because of the response times that we've addressed with the council before on trying to reduce response times in the—and up to this point underserved parts of southwest Portland. In closing, the fire bureau strategic plan lists one of the strategic directions to promote and nurture relationships within the neighborhoods. And I think this is going to give us, the fire bureau, the opportunity to do just that. Thank you.

Shaw: may I make one more comment? This siting was not limited just to the neighborhood association, which is basically scholls ferry road, and beaverton hillsdale. We looked also on the south side up towards alpenrose dairy. It wasn't exclusively on the north side of beaverton hillsdale highway as far as potential siting. I think that's spelled out in the paperwork you all have.

Katz: Questions by council?

Francesconi: I even talked to the folks at the dairy trying to find out alternatives. But this was the best we could come up with.

Katz: Okay. Thank you. Anybody else from the committee want to testify? Before we get to the neighbors who are in opposition to this? You don't have to—

Shaw: this is mrs. Pennington and her husband phil. In my absence, as soon as we made that decision to make an offer on this property, they filled in, came over to my neighborhood, and met a lot

of the neighbors who spread the word when this decision was made to go forward from your aspect. So we owe them a vote of thanks.

Katz: Come closer to the microphone and introduce yourself.

Keturah Pennington, Hillsdale Neighborhood Association: i'm ms. Pennington. I've been on the sac committee since it started. The committee worked very hard to find a good site that met the criteria laid out by the fire department. We heard about this one really quickly. It came out, it was on the market, the sale was arranged and we figured it was sold, but several people, including chuck, noticed it had come back on the market, there were other people waiting to snap the property up, and we had what amounted to an emergency meeting. We got a call on thursday or friday saying we're going to meet on monday. We met on monday, it looked like this was a piece that would satisfy our needs, and since 18 others had proved not to satisfy the needs, we voted to recommend it. On monday night, on tuesday morning chuck was leaving for vacation, so I went around on tuesday and knocked on many doors and let the neighbors know that this was pending. And many of them I didn't hit, but I came around later to— two other times, and my husband came with me two other times. So we really made an effort to let the neighborhood know as soon as possible. And to maybe help some of you understand this, let me tell you a story about my family. Most of you aren't old enough to remember the second world war, but at the end of the war it was very hard to get automobiles. My father happened to be in town when a used automobile came up for sale. And he looked it over carefully and he drove it around, and he looked at me and said, what do you think your mother will say? Well, you know, when i'm that high I tell him, oh, she'll like it. Because I liked it. So he said to the guy, i'll take it. Because he knew that the time he had driven home and gotten my mother and brought her down, that three other people would have heard about the car and he wouldn't have gotten it. That's sort of the way I feel about this site. If we didn't recommend to the city that they get right on it and put in a bid, that we would have lost it and we would be out there look at 27, and 34, and possibly not found a site in the very near future. I do want to say to the neighbors around here that they will have an opportunity to participate in the design. I have seen fire stations that look like they're a family dwelling. There's one on bryant and gene which if you walk down either bryant or gene, you will think is a family home. Until you get right to the corner where in a flower garden at the corner there's a little sign that says, such—number such or other station. That's the only indication you'll see that that's a fire station as long as the garage doors are closed. I've talked to people over near the fire station a spring near ainsworth school, if anybody tried to take that fire station out of their neighborhood, they would have people marching in the street.

Hales: A disaster:

Pennington: once a station gets into a neighborhood, I think the neighborhood begins to see the advantages of having it. And I suspect since this one won't be built for another 51/2 or six years, that in eight years the neighbors there will march in you ask to take it out. But i'm taking up more time than you have.

Katz: Thank you.

Hales: Wait a minute. Don't leave us in suspense. Did your mother like the car? [laughter]

Pennington: I was right. My mother liked anything that my father did. So I never knew what she really thought.

Katz: Oh. I just want to add for the neighbors who are going to testify that on northwest 24th street in—there was a fire station, and it was beautiful. I mean, it was so beautiful when they decided to close it it was purchased as a residence, and it is currently a residence, and it's lovely. So come on up. Who wants to testify?

Katz: Bring the mikes closer to you.

John O'Connor: john o'conner, 4777 hamilton street. I'd like to point out a few reasons why I think this is an inappropriate site for the fire station. I'm not our posed to a fire station. I know we need one somewhere in the general neighborhood. I think the better site is the site where the fire department

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has already stated that the ideal site is at beaverton road and shattuck. Anyways, this is a residential neighborhood. It's zoned for single dwelling residential. If you look at the city's purpose and objectives with residential neighborhoods, it's to enhance the residential character of Portland's residential neighborhoods, limit the conversion of residentially designated land to nonresidential uses, in this case the city would be tearing down a house, building a station in a lot where you could put up to four housing units. It's a very large lot. And basically they would be in violation of their own zoning code. Now, to get conditional use for the lot, the city has to—has the burden of proof to show that first of all the health and safety of the public is dependent on the facility being at this location. I think that would be difficult to show. There are many other sites in the area that would serve the city and the public just as well. In fact, by the site—the sac committee's own grading system, this particular site had the lowest response time. It was rated the worst in terms of response time. And one thing that they didn't even consider is that when school is coming in in the morning and leaving in the afternoon, there is a long line of cars stretching down for several blocks. There are no shoulders on the street, there are children that walk to school, there is no sidewalks. In fact most people I think drive their kids to school because it's a dangerous place to walk. Trying to get a fire truck or even a small emergency vehicle through there in a hurry during one of those times of day is going to be a difficult task. I don't know what a light is going to do if there's already a big long line of cars backed up. Okay. A couple other things the city has to show to get a conditional use status is that they have to prove that there is no feasible alternative location where the facility is an allowed use. Okay. Within a half-mile radius there are several sites in commercial zones where it is an allowed use. And the city's review of these areas must show those areas cannot reasonably accommodate the proposed use. A challenge to the proposed site includes identification of a specific alternative site and sufficient facts to support the assertion that that site can reasonably accommodate the—I think it would be easy to challenge that. And I could show you some sites, in fact the site of—advisory committee has identified other sites that in many ways are better sites.

Katz: Thank you. Your time is up. Did you want to make another point?

O'Connor: yeah. I just want to make—my main point is that this is an inappropriate site for the main reason that there are many sites that are already available on beaverton, and the city is simply buying the site because of the cost. But the truth is, this site is going to be a difficult site for construction. You're going to tear down a house, there are large concrete structures on the site that have to be torn down. It's going to cost quite a bit of money just to get it to the same condition that the more expensive sites will be on beaverton. And one more thing. In the future, the city's plan for growth is high-density along the beaverton corridor. Those two or three calls a day are going to go up. In ten, 15 years, what's it going to be like? Most of those sites will be farther down beaverton road, so it's even going to be more difficult. So I think for future planning that site on beaverton road and some of those other sites are much better sites. I think the city should take another look at the budget, take a look at how much money they really have to spend and whether they really want to save money by putting a site in a location that is violating their own codes when there's better sites if they can come up with more money.

Katz: Thank you.

Jenny O'Connor: my name is jenny o'conner, I live at 4777 southwest hamilton. We're the adjacent property owners next to the property that you're being asked to approve acquisition of today. Before I moved to Portland I worked in san francisco for this important the—for the city of san francisco's department of public works, and I worked as a construction manager, a designer and a project manager for public projects. I'm well aware of the effort you have to go through in order to build a public project. And it's from this point of view that i'm looking at this project. Based on my conversations with city staff and from our neighborhood—the gentleman in our neighborhood, i've come to these conclusions. They did spend a year looking at sites. There was very few sites who are actually available for sale. The preferred site, a site john mention order beaverton hillsdale highway, was rated

the highest in terms of response time. It's a flat site, easy to work on, it has additional property there that could be iced—used if additional emergency service resist needed down the road, like John was saying in terms of, you know, looking ahead, and what it's going to be like when Portland continues to grow. However, the city staff has said they consider the price too high on that property. The property that you're being asked to approve the purchase of today is considerably less. It is a difficult site to work with in terms of just looking at 40 a constructability point of view. When I asked staff if they this looked at—had any engineering people look at it, people from construction management, people from a traffic point of view, they did mention someone from traffic had looked at it, or even observed the traffic conditions there, they said no. It was a quick decision to buy this property. They looked at it on a Friday, they put in a bid on Saturday, and it—they didn't look—they weren't able to look at the traffic conditions because school was out of session. But this is the number 1 concern of the neighborhood, is it's already a very congested area. It is a difficult spot to get out of if you're reasoning—running an emergency vehicle. I think before you make a final decision about buying the property, that these things should be considered. In addition, it's a difficult site to work on. There's structures on the property, there's concrete to be removed, massive grading, mature vegetation. When you look at those cost and add them all up, there's not going to be that much difference between that property and the property that is—the preferred alternative that the fire department and the station advisory committee have said would be the best property in terms of emergency response time, and in terms of being centrally located. So at this point what I'm asking you to do is to postpone your decision to approve the acquisition of this property until someone looks at the costs associated with developing the site and someone—until someone looks at the traffic congestion, looks at the infrastructure that's going to have to put in to support the kids being able to walk on either sides of the street, there's going to be a traffic light. All this stuff adds up. And you know, to make a quick decision over a period of a weekend based on price, and it isn't really—it seems to come down to the price. It's considerably less. It's very affordable, but when you look at all the development costs, I don't think there's going to be that much difference between that and the site that's already a good site to start building on. Therefore, my request to you is that you further study the budget and the costs involved in developing this site. Thank you.

Katz: Thank you. I do want to ask questions with regard to the development costs issue. Flag it to them. I don't like to surprise anybody unless I mean to surprise them. Go ahead.

Donna Kleinman: 4403 SW 47th Dr., 97221. I can speak briefly. I'm Donna Kleinman, I live in the property adjacent to the one being considered today. My address is 47th drive. My concern is primarily about the heavy proportion of nonresidential use in that neighborhood already. I've lived in this house for ten years. I have children who have attended the school. I'm concerned about sending them across the street to walk across the street to school because of the heavy traffic with people coming and going, driving their kids to school. We actually time our comings and goings from our house around those high-traffic times because it's very difficult to get out of the driveway. So I'm having a hard time imagining what it would be like for an emergency vehicles vehicle to exit during those times. I'm concerned about the lack of sidewalks, and how it may be unsafe for children to be walking on the side with emergency vehicles being there more frequently. So basically it's the heavy proportion of nonresidential use already. There's also Hamilton Park across the street next to the school. So between the school and the park, which has many sporting events, teams, sports, practices, summer camps, this would be the third nonresidential fall site basically, or use in this neighborhood, which is residential.

Katz: Thank you. Questions? Anybody else want to testify? Come on up.

Olson: I have some sign-ups.

Ted Dailey: 4760 SW Hamilton. my name is Ted Dailey, I live on Southwest Hamilton. I live directly across the street from the site. I think I listened to you and the last—in the last session about process, and I think there's probably been a lack of process on this one, to start off with. We're doing a little

slam-jam job here. The traffic is—no one has looked at this during school. I'm the same as Mrs. Kleinman. We cannot get out our driveway from 10 minutes to 8:00, I hear people talk about response time, you've got a period of day when there is no response time. If I understand the purpose of this emergency facility, this facility is supposed to supply emergency services to the community. If they can't supply the services to community, why would you site the facility where it can't be supplied? We can't get out our driveway. From around 10 minutes to 8:00. School starts at 8 o'clock. The bell goes off. From 47th west, past 48th, there's a line-up of cars. Until about—and then the line-up, they drop the kids off, they come down, and now the line-up is up 47th. So you—it's a unique situation. 47th, the only road in, the only road out. It's not—we're not on a grid like we are in northeast Portland, southeast Portland where you got maybe a school and a park, a double lot where the school and park are, you've got four roads around the school, you can—you have several drop-off points. Those cars are lined up all the way to the school. You've got somewhere in the neighborhood of 15 to 18 to 20 minutes twice a day and that poor sap that decides to have a heart attack at quarter to 8:00 in the morning, the emergency response facility gets the alarm another about eight minutes to 8:00, they are not getting out of there until probably somewhere around ten minutes after 8:00, and he's cooked. And that happens twice a day. That happens when school gets out, that happens when school starts. It's a very busy street. It's very narrow. There's no sidewalks. The kids are around there. You've got the little fourth and fifth graders with the flags doing the traffic thing to stop the traffic. I mean, I can already picture the scenario we've got maybe housewife or someone coming up with a house full of kids, a car full of kids, the kids are screaming in the back seat, the lights go off, the mother or father decides to pull over to the side to let the thing go by, doesn't see the kid walking along where there are no sidewalks and hits the kid. If response time, if that's the purpose of the fire department, to supply emergency services to the community, why would you site it where two times during every school day there is going to be no response time? Absolutely positively none. You don't get in, you don't get out.

Katz: Thank you. Thank you very much. I want to ask somebody else— somebody else can ask the traffic issue, but I want to ask candy—

Hales: And greg?

Katz: Come on up. We estimate costs for development and they're dramatically lower than they ever come out to be. And I don't want to argue that point, because I can show you incident after incident. So I want to make sure—why are you all sitting so far away? It's like you don't want to have any—I want to make sure that you are realistic in the gap and the difference. So I need to understand the figures. And I need to understand— because I'm going to hold bgs to the costs this time. I'm going to get even. I'm going to hold you to it: You can take it out of your budget, not out of anything else. Oh, I feel much better having said that. So talk a little bit about the gap and what the estimates are and candy, you've been around these issues.

Cavanaugh: candy cavanaugh, project manager for bureau of general services. I would actually like steve, if he could, respond to that. Because he wants there when budgets were developed, and i— and ken—and can talk to the rationale that went behind developing these budgets.

Katz: Have you looked at those numbers yourself? You feel comfortable with them?

Cavanaugh: yes, I do. The point is well taken about purchase of land, price is one cost, development of land to prepare the site is another. But when we were considering the beaverton hillsdale shattuck road property, the land cost alone was over three times what the budget was. Another part of the budget carries the development of the site, preparing it for construction.

Francesconi: What were those numbers? Three times, what were the numbers?

Cavanaugh: the budgeted number for land acquisition in '98 dollars was \$250,000. The piece of property was on the market—originally it started out over 800,000, but did it come down to my recollection is like about 770,000. Diane is here and could probably confirm that number.

Hales: This is for your first choice?

Cavanaugh: yes. And so that was a fairly mind boggling number.

Katz: We're talking about a \$400,000 difference. And what are the development costs? The issues raised are very legitimate. What are those? Steve, i'm going to hold you to them this time.

Steve Sivage, BGS: yes. Steve sivij, bureau of general services. We programmed roughly 10% on the average for every one of the new stations for the development costs, understanding that we didn't know where any of these sites were going to end up. And so we just did a per square foot estimate of construction costs and a per square foot cost of development costs, so we have a range I think it's right around 10% for development costs when we get into the site work. We also, not understanding what was going to be happening nine years down the road when we were finishing this up, we built contingencies into each one of the projects so that we would have monies within the budgets to make the necessary changes for these as they came up over time. So I can't give you—

Katz: What's the number?

Sivage: I can't give you right at this moment the exact development cost numbers, because they vary on the 22 stations or remodeling, the 11 new ones.

Katz: But this particular— for this particular site, do you have a number?

Sivage: no, for this particular site I do not have that development cost number in front of me, and I would be hesitant to quote something without seeing that at the moment.

Katz: So—

Sivage: it's been in that typical range of about 10% of the budget as we developed it. We have not done an estimate of the development costs of that site, nor any site that we have looked at for station 21 have we gotten to that level of detail.

Hales: Your first choice site was what? Where was it?

Sivage: it was at the intersection of shattuck road and beaverton hillsdale corner.

Hales: The corner of albertsons parking lot?

Sivage: across the street. Actually one piece of property to the west.

Hales: Where they just built the car wash?

Sivage: on the other side of shattuck from there.

Hales: Okay. On the side of the hill. Well, I have a different question. It relates to the other side of the cost, and that's the effectiveness question and the testimony here raised it. Have you done—what do you call it, have you done the map yet that shows how far you can get from this site in four minutes? Both shattuck and hamilton have speed bumps, and it's got to be at least a minute from this site out 47th to beaverton hillsdale, so you've lost a minute, or part of a minute getting to beaverton-hillsdale. It would seem to me your—the distance you can get in four minutes from this site versus the perfect site, the corner of the albertsons parking lot, maybe, has got to be a smaller area. So I guess i'm raising—we talk about costs, let's talk about effectiveness. What happens to the area you can reach in the target response time with this site? Have you looked at that yet? Have you calculated that? How does that work?

Keller: greg keller with the Portland fryer bureau. The short answer is no, we have not calculated that. You're correct, ground zero for the station in the area was around beaverton-hillsdale and shattuck road. As properties became scarce we started looking in other areas. The place at 47th and hamilton is—was not that far away from beaverton-hillsdale and shattuck. In looking at it—a map of the response in that proposed fire management area, the fire station was a little bit north of the center line, if you will, so it was out of place. But it was evenly distributed with respect to the fire calls in that area. And the speed bumps, I think the other way you can look at it, the burns will be there whether you're coming or going on hamilton. You're going to be across— going across those speed bumps in either direction, whether you're going down the hill to beaverton—the speed bumps on hamilton or if you're going back up the hill to go onto hamilton for calls.

Hales: I understand that, but they certainly slow you down, regardless of where your trip starts. A silly question—did you look at condemnation at the corner of the albertsons site?

Keller: no.

Hales: They've got that huge parking lot that's so huge they don't even fill it up at christmastime, so they let people sell christmas trees there and fireworks at 4th of july. It's a typical 1950s store. More spaces they'll need on christmas eve at 5:00 p.m. Half an acre at that corner seems to me the ideal site. It's a surface parking lot now, so the development costs will be as low as they could get. Did you not look at that as an option?

Sivage: condemnation has not been the acquisition method of choice, nor—

Hales: It doesn't mean we've ruled it out.

Sivage: and I understand that. The fire bureau has been very reticent to use that condemnation process.

Hales: Condemnation is a legitimate tool. I'm not saying those folks wouldn't be a willing seller, but did you approach albertsons and ask them if they'd sell?

Francesconi: Albertsons or the dairy?

Hales: Albertsons.

Keller: albertsons is across the street from the—

Hales: That parking lot is so big, they let goodwill operate out of there all year long, and the christmas tree people operate there out of—at christmastime. It's never full and it's right on beaverton-hillsdale and shattuck.

== I would have to defer to diane as to—if we did—it was my—did we approach the albertsons owners?

== I can't say for sure.

Francesconi: Are we done with questions? I have a comment.

Sten: I'm ready for the comment.

Francesconi: Here's the reality. I think with all due respect, I think one of the people at least with—from san francisco understands this. The council has a choice. We can delay and study this, and there's some reasons to study this. If we do we lose the property. Period. Including the—delaying it a week. That's what I wanted to talk with folks to get their opinion on. Now, the neighbors, there's another process. A lot of the arguments we heard were about putting this in a residential use and traffic and transportation. Contrary to the statement neighborhood a second ago, that this is a slam-dunk, no process kind of thing, that's wrong for two reasons. One is we've had a citizens process, look at this thing for a year, prying to find property, combine with the our citizen and our expertise of two bureaus who do this for a living, and they've gone through 19 sites, and i've gotten involved and they've only come up with this one. That's one reason. There has been a process to select a site. The second thing is, there's another process after this, the conditional use process that you can come and testify in front of. It's the burden of the city to win that for the reasons pointed out here. Now, the question in my mind is, are we going to win or are we going lose? And that's a question commissioner Sten and others may have. The risk is that the council has is, do we proceed and purchase this property and then we could lose a conditional use? Let's just air it all out here. I think given the difference in property and given the odds, which we've checked out, which are never certain that we can win this conditional use, I think we ought to go with the recommendations of our staff and our citizens and purchase this, because there's not other options out there and we've got to get this thing sited. There's some risk involved. If we end up losing we can end up selling it. So that's why I don't think the public is harmed. But if we don't proceed, we're going to lose this opportunity and folks, i've been trying to do this, the bureau's been trying to do this, and I don't see the other alternatives. And i've got a way—got to weigh the other needs in making sure this bond measure is there. So I still, despite the risks and despite the testimony, I also know there's a lot of neighbors that support this thing and will be at the neighborhood—at the next hearing to testify in favor of this thing. So given—at some point are we going to trust the expertise or not? And for all of those reasons, despite some risks, despite other possibilities that are out there, I think the council is making a mistake if we try to

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micromanage this at this point. But there's risk involved, and if council wants to vote against it, that's fine. But I'm going to support it holliwood well, I don't know if you've heard, but I asked greg the question if they've done the calculation of how far you can get from this site—

Francesconi: I didn't hear.

Hales: Isn't it an isocron? Yes. My—they haven't done this yet from this new site. My guesstimation is you can't get very far from this site in four minutes, compared to the corner of shattuck and beaverton-hillsdale highway. It's a on—it's on a narrow street, it's at the intersection of three streets, two of which have speed bumps, we put speed bumps on there during our term of office on both of the adjacent streets. My recommendation, and then I asked what seemed to me the obvious question, I think they did a good job, but every now and then somebody notices something, and it seems to me the obvious—an obvious site that apparently wasn't pursued, is go to albertsons and ask them to sell us a quarter acre at the corner because they're not using it very much. My recommendation would be, buy this site, because you might need it, you've got the burden in hand, buy this site, and then go see if you can buy a better site and resell it. The property is not going to get cheaper.

Francesconi: I'm fine with that.

Hales: You ought to buy it. You've got the opportunity. It's not going to—we're not going to lose money on this deal, more than a few thousand dollars in process costs.

Sten: We can do something with it in the housing sector.

Hales: There you go.

Katz: They—

Hales: You've got—buy it. But you may be able to do better.

Francesconi: I apologize. I think the—

Hales: The best site in that neighborhood is someplace on beaverton hillsdale. It's the only major arterial without speed bumps in the whole district. And it goes everywhere.

Katz: Whoa.

Francesconi: I didn't take it personally. I hope you didn't take it personally.

Katz: The commissioner and the bureau has a very difficult time. They have x amount of dollars, they have made commitments to the community about where fire stations are going to be remodeled and where they're going to build, and they can't get money from anything else. They would short change other projects if they have to raise the price somewhere else. Having said that, I like the solution. It gives the commissioner the knowledge that he has a site, but also the opportunity to take a look at some others, because you did move very quickly. And I do, candy, want you to make sure that we clearly understand what the development costs of each of the sites, because any other site is going to have them too. If this is a difficult site, there probably—the costs are probably increased. And commissioner Hales is our traffic guru, and if they think there's are legitimate problems, they ought to be looked at as well. Mean while, you have a site available. You're not going to start building tomorrow.

== no.

Katz: Okay. Does that meet your needs?

Francesconi: Yes.

Sten: Oh, yeah.

Katz: All right. He's already building houses on there. I can see the mind going tick, tick, tick. One second. I'll let each one of you come up.

Sivage: may I make one more comment? While I can't speak specifically to the number that it will cost to develop this site, I can speak specifically that we have established budgets for every one of the 31 prompts projects within the fire bond, and we are committed to staying within those budgets station by station, and the overall project.

Hales: That's fine. You may make money on this land if you have to resell it.

Sivage: that would help.

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Katz: Can I have a representative—our expublic works person from san francisco, and our low-tech citizen. Let our citizen representative talk first.

Shaw: as we've heard—I'm chuck shaw, southwest 43rd. As we've heard in the last hour, two examples. Sirens going down the street. I've been blessed with children and with grandchildren. I have a very—how can you put it? A cute 4-year-old. Like a lot of 4-year-olds, her hearing is tremendous. She can hear sirens no one can hear. She's finally learned if she hears a siren she says, grandpa, they're going to help somebody. Whether it's an existing fire house location or a future one, remember those sounds you hear, they're going to help somebody. I'd like to close with that.

Katz: Thank you.

Jennifer O'Connor: my name is jenny o'conner. As brief as his. Okay. What I understand is that there's going to be a traffic study done, someone is going to be doing the—what is it, the isocon, someone is going to look at the traffic during the school year to assess how difficult it is, you know, what the sites are and the constructions there.

Katz: I want to make sure there is an understanding, because I don't want to say yes or no.

Jennifer O'Connor: i've put this in writing that I think if you're looking at a site to develop, these are the things that in the past we have done. So this is what i'm requesting. I can certainly put it in writing to you. Site development, the infrastructure that's needed, traffic mitigations that are needed, the cost it's going to take to go through this conditional use process, and in addition, the demolition costs, the grading costs, all those are going to be assessed prior to— so you can look at the big picture. You can look at the budget you have, you can say, okay, is it going to work? Am i—am I asking too much to say that I would like to have that done? Prior to, you know, you saying, okay, this will work. The staff has said they're committed to making it work, but in order to make it work, you have to have the money to do it. And you do have to have the conditional use and—

Sten: We have a budget, and it's up to the commissioner of fire, but I don't think we can proceed unless it can be done under the budget. But—

Jennifer O'Connor: okay. So in order to thoroughly assess the budget, these things will be done?

Katz: They should be done.

Jennifer O'Connor: i'm requesting—that's what i'm requesting. And i'll reiterate that—

Katz: But we are going to purchase the property.

Jennifer O'Connor: understood.

Katz: Jim, you feel—

Francesconi: If it's more expensive to do those things than to sell the property and get something else that would work better, we'll do something else.

== particularly regarding the traffic conditions and the speed bumps, like you said, and the response times. That should really be evaluated.

Francesconi: Oh, it will be.

== in detail before you go ahead and build the project.

Francesconi: I'm going to want an opinion from the fire bureau that this works.

== operations?

Francesconi: If it doesn't work, we'll sell it fast, let me tell you.

Katz: I think she just wants an assurance that we'll look at all these things, and they have to look at all of them.

== understood.

Katz: So the answer is yes.

==okay. Thank you.

Katz: Okay? Anybody else? Roll call.

== can I ask a question?

Katz: Did you want to ask— one second. I called for a roll call. Quick question.

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== we had a traffic accident a while back, and I noticed 50% of the vehicles on burnside, people responded to the firemen. Are you going to improve on the sound so our public can hear what's going on? And respond and pull over to the right?

Katz: Let them answer that question after we do the roll call.

Francesconi: In addition to saying aye, actually, the last testimony was helpful in terms of things we need to do. I do want to thank some other people. I want to thank the—I want to thank the continuing partnership between bgs and the fire bureau. With karen and candy, we've got expert people and the partnership with the fire bureau, the fire bureau has some expertise, but the bureau who actually built this building with its enormous challenges is a great combination. I appreciate being able to continue to work with you, despite our new arrangement. It's a terrific partnership. By the way, you're incredibly responsive when citizens in this case and other cases, and I appreciate the help that you've given in that regard. The second is the sac. The work that you did looking at 19 sites and trying to provide independent eyes to us to make sure this is right, we lost a little sight of that here, but it wasn't just the bureau or the fire, it was also the citizens that got out there. I was touched at the end that you, I apologize your name, when chuck was on vacation—

Pennington.

Francesconi: I was touched that you went door-to-door trying to give notice. And then you went back a second time with your husband. That was active involvement. You didn't have to do that. That's just a little example of the kind of thing you've done, chuck, and you did, and we appreciate that a lot. It makes a big difference. So thank you. This is a terrific thing we're doing. The last thing I want to say is the west side is underserved. I'm telling you. West side is dramatically underserved, especially on the emergency side. And we've got to site some of these in neighborhoods as well as business districts if we're going to get it proper coverage to a part of town that pays a whole lot of taxes and deserves this service as soon as possible. Aye.

Hales: I want to try to state this carefully, because I think you misheard me before.

Francesconi: I did.

Hales: I have a lot of sympathy for you and the bureaus and for the committee. This siting thing ain't easy. And no good deed goes unpunished. It's pretty remarkable that you and the bureaus and your committee have gotten it to the point where there are only three folks that are unhappy. But I think they've raised very important questions. My point is not here saying, oh, big crowd opposed to a siting we better do something else. No. They've raised questions that provoked further questions from me that I think we've got to get answers to. I want to see a four-minute isocron for this station and the other site. My prediction is we'll need to build more fire stations possibly if we build it on this site, because it won't cover enough area. I'm going back to the station location study, and why we got into this situation the first place. The trouble—you're right. We're underserving the west side, we're also under roaded, under gridded. There aren't many major streets you can drive a fire engine fast on. In this district there's only one. Beaverton-hillsdale highway. The farther you are from there, the less area you're going to cover. I don't think I need a computer to figure that out. So I think this site may be a— might be—the operation may be successful and everybody says— everybody except for a few neighbors say a good site. But the patient may not live because he can't get there in time. So i'm worried about that. And you need to resolve that worry by producing those tests, and they've got the computers to do it. The maps got produced one way or another. Jim, we haven't had to face this quote, but I tell you, as a member of this council i'm prepared to vote for condemnation to get the right site for a fire station. I don't know if we have to do it in this case, or if we'll have to do it ever. We should not foreswear condemnation in order to buy a hundred-year facility that serves a public safety need where we have to spend millions of dollars to replicate it if we put it in the wrong place. There's no private property right that super seeds that, particularly for an underutilized grocery store parking lot. So I think we ought to first approach albertsons and say, will you sell us a quarter acre at the corner, and then see if we would be interested in taking a quarter acre at the corner before we build this

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station. But you ought to go buy this land. They're not making any more, and you've got a site that may turn out to be adequate. But I don't think there's anybody here that would say this site is better than the corner of beaverton-hills day and— hillsdale and shattuck. If we can get it we should, if can't, we should probably build it here, and i'll support that if that's the only possible result. Aye.

Sten: I appreciate all the hard work everybody's put into this. I don't know what the right answer is. This looks like a good option. Aye.

Katz: I want to thank the citizens advisory committee and also the citizen that's have raised some question. This has been a day of listening to people and trying to get to a win-win, and I think we did get to a win-win. You got the sighted, you needed to move quickly, we appreciate that. There are times that you do have to move quickly, and acquire property just as safe quartz for things we need to do. On the other hand, that buys us time to investigate some of the issues you've just heard. Then we'll see where we are. Okay? Good. Aye. Thank you, everybody. We stand adjourned until tomorrow, 2 o'clock.

At 4:10 p.m., Council recessed.

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This transcript was produced through the closed captioning process for the televised City Council broadcast.

Key: == means unidentified speaker.

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Katz: Why don't we read item it is thursday, 1034.

Katz: Okay. We had a discussion the last time that we were together, and I sort of—marie and I made the decision that we were going to invite, for testimony, hopefully, not any amendments because this is really second reading, but we have been—
what?

I got confused here.

Katz: Oh. Excuse me. Did you do the same thing? Okay.

Item No. 1034.

Katz: It is 1036 [sic], all right. Sorry. Would you read it again?

Francesconi: If I could call up cathy turner and margel burnett. Nice to see you, charles, and was john sole coming up, too? In a minute, okay. Let me introduce this way. This is good. This is very good, folks. I wanted to present this to the council because the issue of citizen involvement, in general, citizen involvement in parks has been an issue, so when I first became park's commissioner, I did—there was one controversy surrounding gabriel park that I kind—kind of came in at the end of, but I got in the middle of my own controversy, in the sighting of the holocaust memorial, as well as dogs in parks, so a couple of things happened. One is I requested that in the park's audit, that we look at the question of citizen involvement, and the second thing is that I spend some time with the southwest folks, especially the park's committee, listening to the issues and their concerns. So, from that process, it evolved into a planning process, to talk about citizen involvement in parks in southwest, and cathy is going to introduce that, and margo is going to make some recommendations to us, and then charles is going to talk about the significance to the parks, and then we actually did an example in wood's park. There may be just to alert the council, the people were very excited about this in southwest. I think that we are going to hear almost—a lot of support for this. If there are amendments or future issues to address, rather than taking the council's time right now, I am going to suggest that we have such a good working relationship with the sweeney park's committee, that we can work them back there, have them processed, and then brought back directly to parks. If they are so significant that we have to present them to the council, we will, but I have a feeling that we can just work it through, through rules, through parks. Without taking the council's time. But if the council wants to do amendments in a different way, that's free. I am just trying to shorten-save some time for everybody, frankly. Okay. Any questions of the council before I turn this over to cathy? This is charles, charles, you go first.

Charles Jordan, Director, Parks Bureau: yes. Mayor, members of the council, commissioner Francesconi laid out how we got into this. 2 ½ years ago is when we started the process. And in order not to be redundant, I want to just to comment to let you know and the members of the neighborhood and the committee know how much we appreciate this. This was truly one of those processes that was collaborative in every way, and as you know, we have had some challenges before in terms of how to work with neighborhood associations and how to insure that everyone feels like they have been involved in the process. Well, in addition to coming up with this plan in process, this new plan in process, they decided to test this out on one of the parks. And when they ran the test, it passed the test. And so in addition to the planning process before you today, we also have a functional plan for wood's park. And I would be remiss if I did not give particular appreciation and thanks to some people who really made this work. Of course patti lee, who is here, and kirky adobe, from the park's committee, were very special in carrying this through, as well as members of the committee. And I don't know if they are here today. And that's margo burnett, jarrod rexr and doug weer. I want to extend our appreciation to them, as well. And cathy turner, of course, was able to perform her magic, again, in

keeping us on track and connected. And that, of course, I think was one of the instrumental parts of this. From my staff, and I am very proud of jim and john and nancy, particularly, not for the professional skills that they brought to the task, but for their willingness to be prepared to do business, not as usual. And this was a stress—a stretch for us, but they were willing to consider new ways of doing business and as a result of that, we have come out with a plan that may—may become a model. I will only offer one caveat. This improved process is just that. It is, of course, is not an end to all the differences of opinion that may come up, of the controversies that may come up, but it will give us, for the first time, a common definition and a process, and there is no doubt in our mind that that will result in fewer differences and fewer controversies, so I just want to thank the southwest sweeney board and the sweeney park's committee and my staff for giving us something on which we can build.

Kathy Turner, Commissioner Francesconi's Office: cathy turner, office of commissioner jim Francesconi. Mayor, member of the council, my job today is to really provide a very brief background and then turn it over to margo, who is going to talk about—margo burnett, who is going to talk about actually what is in the southwest plan, briefly, and then john suel, who will offer the park's perspective and talk about the wood's park functional plan. We began in october of 1997. It was the sweeney park's committee, commissioner Francesconi's office in parks and recreation agreed to work together to develop a park planning process that had a couple of purposes. First, that would develop a common language for both the definitions of park types, the functions and the planning process. The citizens said that it was hard to follow what was going on, and as we got into it, it became hard for us to follow, as well, and this document finally puts it together in one place. The second would be to provide an initial planning process, which would show the functions and uses in a park, and then create a stewardship plan that would be an agreement between the volunteers who do a lot in southwest to keep up parks, maintain parks, and fix up degraded areas, and parks, on who would do what, and have an agreement on which things that they would work on first, et cetera. So, and that was very important. Also, that, something that would cost less than our current master planning process and what makes it prohibitive for parks to go through master planning, is the cost, for instance, of a plan like mt. Taber, that's very necessary, but can get into several \$100,000 in order to complete. This provides a way to do that initial level of planning, use citizen volunteers to relieve the and leverage more resources and get the basis for a plan so if improvements are planned, that they can be done within the context of the whole park, as opposed to this section ought to be a playground and this section ought to be a dog park. So, without further ado, margo?

Margot Barnett, Southwest Neighborhood, Inc. (SWNI): I am margo burnett, and during the period of time that this was developed, I was a member of the sweeney park's and community center committee and was on the subcommittee that worked on devising the documents in the planning process. The outcome of all of the committee's efforts include the documents that you have. The planning for southwest parks. The functional plan for wood's park, and, in addition, a document called, "preparing the park functional plan." It provides a lot more detail and guidance for citizens and city staff working on park planning. The main thing that was developed out of this whole process, is what we call a park functional plan. And before we could even get into developing it, we had to come up with some additional language. The park functional plan is the most basic plan for a park. It gives an overall vision for the park, some policies, and what we call, "park space designations" for the uses of the park. Management practices, and guidelines for ongoing community involvement in the park. And so, you see, we are already talking about something new and different, which is park space designations and we had to develop some language that defined areas of the park, and we defined active areas, passive areas, natural areas, and also what we call transitional areas. It is areas that function between those other areas. In addition to those definitions, we also did something a little bit different, which was looking at parks really from a functional basis, and typically, when we look at parks and park planning and park improvement, we often look at the very tangible kinds of things, like children's play areas, or active sports and aquatic sports, and those kinds of things, trails.

Katz: Frisbees, --

Barnett: right, but we haven't really had a way to define and incorporate into it some other definitions of parks that we thought were critically important and expressed as areas of concern, thing like open space, youth and elder programs, passive recreation, regional connections, natural resources and habitat, historic preservation, things like that that are very intangible but also critically important to the parks. And so, and as we defined and really looked at parks from that functional basis, and that's where we came up—

Katz: And quiet places, that's what you also intended. Not every piece of our land needs to have activity.

Barnett: right. That's what we are pulling in there. So the functional plan, itself, is developed when no plan exists or when a plan is requested to guide park use or stewardship, if park resources are degraded or overused, if there is new or different uses, or a significant improvement proposed in a park. If there are park efficiency or deficiency issues, in terms of how much park space is available in a part of the city, and then and this was defined really for southwest Portland, so it is just in southwest, and there are significant—if there is significant changes in the surrounding neighborhood or if there is some kind of outside mandate that requires some additional planning. At a minimum, this functional plan would be developed. And the functional planning process is—the main area where it is really different from other park planning process is that it relies on this truly collaborative process as opposed to the city coming and saying, this is how we are doing planning. It is a collaborative process. Citizens can initiate it and they work closely with the city. There is a work team that is developed. The work team does a lot of the background work in terms of getting the history of the park, doing the inventory, getting all the natural resource information, and then there is a two-step planning process with citizen meetings, a lot of outreach, out of that comes, um, the site plan, which shows what facilities are there. What the park space designations are, different overlay zones, any specific development that people are proposing, that people would like to see in the park. Trails, vegetation, management, and connections to outside trails and natural resource systems within and around the park. And also, in addition to that, there are policy statements that come out of the functional plan, which look at appropriate and intended uses, and any limitations to uses and developments. Stewardship, agreements, as we have already mentioned, and any additional work needed, and a process for continuing citizen participation and review. And then there is just the—a review and adoption process that's tied into this whole process. And there are many opportunities, as you go along through this for citizens to be active and to be a process for revisions. Once the plan is—the functional plan is developed after the two planning meetings, there is a period for public comment and the work-group then will revise the functional plan if there is information brought up that indicates that's necessary. But, it is a way to really integrate all of the different needs of the community, but to also look at each specific park as to how it fits within the park system.

Katz: Good.

John Sewell, Parks Bureau: just very briefly, this was a very collaborative process, and we did, I think, define our terms, I mean, I always knew what an improvement plan was and a master plan, but we didn't ever define those in the neighborhood and sometimes we got in a lot of trouble because of that. So we did define terms and areas within parks for spaces, as margo said, and frankly, it escapes a lot of help on doing 20-20 because we are using the same concepts and definitions. Looking at active and passive spaces and habitat spaces. So, we are getting double-duty out of this work by the community. And there was, as margo said, a third document that we weren't asking you to approve, but it is a cookbook, it just tells you exactly how the process works. What the citizens can do. What a press release shows how you set up the community workshop, so it is a how-do and it furthers the collaborative process.

Katz: Do we have that?

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Sewell: I didn't hand it out because I will get copies, mayor. We were waiting to get through this all because we weren't asking it to be approved at this time.

Katz: Oh, well, we especially with southwest, talking about, what do you call it, a dialogue?

Sewell: yes, well I will have it to you tomorrow.

Katz: Okay.

Sewell: pardon?

Katz: what's the title of it?

Sewell: it is called, we call it a cookbook. "preparing a park functional plan. A community guide to basic park planning in southwest part." The title probably turns people off, but.

Katz: Yeah, it would turn, but. Is it generic, enough, to pull out some of the concepts that citizens were referencing?

Sewell: I think so, indeed.

Katz: Let's take a look at it.

Sewell: yes, ma'am. The other thing that I handed out today was very near the end, there was a flurry of issues on when we addressed trails adequately enough, and I have given you a sheet of paper that indicates some changes that we made to make sure that people know that we are making trails and including them in our basic maps and including proposed trails and existing trails. That's just a piece of information for your purposes. The final piece was the wood's park functional plan, margo described the elements of it. Again, we followed it. We did our inventory. We assessed a natural areas on the site. We identified passive areas and habitat areas. Natural areas. We laid out a series of trail improvements and we have the means to establish the stewardship agreement. Overall, just a very satisfying process that I do believe that we can duplicate throughout southwest Portland and, in fact, will incorporate into 20-20.

Katz: Good. Thank you. Testimony?

Katz: Anybody else want to testify on this?

Francesconi: I think don does.

Katz: Okay. Why don't you come up. There are three chairs. Did you make the same mistake that I did, patti?

no.

Katz: Oh. [laughter]

Patty Lee, President, SWNI: my name is patti lee and I am president of the southwest coalition of neighborhoods. This document, planning for southwest Portland parks is really exciting. A very workable and inexpensive park planning process. It was unique, collaborative partnership from the sweeney park partnership working with the park bureau staff for almost two years. This prompting is certainly a model of how to work together, community and city staff to achieve a goal. It is a plan for guidance on how a park should be developed using limited resources and a far more expeditious than the expensive master plans. The second document was prepared titling—preparing a park functional plan, planning in southwest Portland, which is the cookbook. Which was followed for wood's park planning process. The planning sessions were well advertised and many people gave up a couple of Saturdays to attend and participate. The planning process in this functional plan does work and can work for all parks in the city. I am so proud of the work of the sweeney park's committee and their commitment to seeking solutions and insure good planning for our precious parks. I would be remiss if I did not thank cathy turner from commissioner Francesconi's office, john seul and john from the park bureau for help and commitment to this project.

Katz: Thank you, patti.

Kirky Doblie, SWNI: hello. I am glad to see you again. My name is kirky, and I live in the neighborhood in southwest Portland. And I told you before, I am proud to be an outspoken advocate for parks, recreation, and open space. One of the things that I have learned as a teacher is that when

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you have students in your classroom that are desperately interested in something, you put them to work on that. And we had citizens in southwest Portland that were desperately interested in planning our parks. So, they immediately went to work. During the time that—during the time that they began their work, I was chair of the sweeney parks and community centers committee. And you might be thinking now, well, how do the citizens of southwest Portland feel about having such a planning process? And the answer is they want it. And they want it to work well. And we are committed on our committee and other people, as well, to follow up with reviews and evaluations. And other people have talked about the citizen involvement component and I would just like to say that when we begin using this process, and I hope that we will, the collaboration with the city bureau of parks is built into it, and the word “cooperation” is going to be heard a lot. And I believe that’s a very important positive thing for our planning. So, I want to thank commissioner Francesconi, who’s been behind us since the very beginning on this work. And I am very proud of the citizens who crafted this process. They are people who love parks and they love our city. And they use their skills to make something better for everyone to use. Thank you.

Katz: Thank you.

Don Baack: commissioners, good afternoon.

Katz: Good afternoon.

I am don and I live in hillsdale.

Katz: Britta, time, on don? We need time.

Baack: yeah, thank you. [laughter] it is actually very brief, mayor. [laughter] I really, really strongly support this. I think it is really great. I have got a few minor things that I would like to pose as things that I think will strength it. But basically, I think that they have done a great job of tying this and we have had some discussions about terminology, I finally took the time to do some homework on literature, and I started digging into the literature on trails, and there is some very prolific writers, researchers in montana and virginia and so on, they have done a lot of work. And the thing that I came out of this with, the terms that they are using are formal and informal training. They suggest that the terminology be substituted for official/unofficial throughout the documents. In southwest Portland, the second point that I want to make is our transportation and development patterns makes our transportation system haphazard, as you well know, anyone who has been out there for ten minutes. Parks represents super-blocks in many cases. I suggest that both documents include the surrounding pedestrian and bicycle transportation system in the evaluation so that, you know, it is pretty clear in some of the parks that the parks become the pathway to the bus, to the shopping center, to the school and so on. And that’s an important issue. And third, in terms of outreach, I would add southwest trails group, Multnomah county athletic club, hiking group, people have an interest in the outreach, and one little footnote because I heard this yesterday, and I think that it is something that we in the city may be able to take advantage of, and I think that jim would welcome this, the forest service is expecting— expressed great concern for the amount of use that’s being put to the alpine areas around mt. Hood. And they are suggesting that it might be wise to fund the city trails to actually, you know, have use there, rather than out on a forest, and that may be a source of funding for a lot of the things that we really want to go forward with. Thank you. Did I make my two minutes?

Katz: You have a minute and 26 seconds left. [laughter]

Baack: great.

Katz: Don’t and for it on another—
== I won’t.

Katz: Okay. [laughter] Thanks. Oh, thank you, dear. I will read it. Anybody else want to testify?

Rick Seifert: I am rick seifert and I live at 2115 southwest tie rel street in hillsdale. This has been another great effort. We were so rich in human capital, social capital in southwest now, and off of it, often it just rises up in response to a real need and this was a real need that was addressed. I’ve walked with don on several trails, and he’s had a chance to bend my ear, and I would like to just endorse his

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fine tuning of some of the terminology here, and certainly we do have parks that are super-blocks and they need to be seen in that way, how they fit in with the larger transportation grid. And speaking of the voks-walkers, in particular, charlie Hales, you might be interested in this, on august 26, we are celebrating, once again, the capital highway pedestrian improvements with a volks walk, on that saturday and sunday, but on saturday we will make it a community day, and that course that we are going on is going to go on trails through parks in our areas, so once again, the activity of all these trails is very important to us.

== appreciate the invitation, unfortunately I will be in pendleton on august 26, but I hope you have a good walk.

Seifert: send a surrogate. [laughter]

Katz: Since you didn't extend the invitation to any of us. [laughter]

Seifert: anyone in the room is welcome.

Katz: That's all right. Okay. Go ahead.

Dixie Johnston, Collinsviews Neighborhood Association (CVNA): okay. I am dixie johnston, I am co-lander's chair for the neighborhood association, and I would like to also reiterate the support for the southwest parks and also for the trails committee. I have to throw that in because they are not completely separate. Many of us have not been officially on some of the committees, but we have kept track of the work. What you may see in official documents is a nice group of people that have worked on this for years. But, there's been many, many more of us who have followed the process and who have been supporting behind the scenes. This is a win-win situation for the city and for the community at large. Not just for southwest. But for the entire city. And I think that it is just a wonderful program. These people who have worked on it, margo burnett and judy henderson and kirky with patti lee's able support, also. This is a fantastic program and we really appreciate the park's bureau and commissioner Francesconi really working with us. Thank you.

Katz: I've been thinking of taking parks away from commissioner Francesconi, taking it myself and giving him the police bureau, what do you think of that? [laughter] That's a joke.

Dixie Johnston: I think you would find the park's bureau to be a lot more fun. [laughter]

Katz: Because he's having too much fun doing what, what— yeah. Go ahead. [laughter]

Dave Johnston, CVNA: I am dave johnson, the other co-chair from collins. We do think that the parks should be fun. We are here just to add collins' view neighborhood association's support to what the park's committee and trails group of southwest has done and we hope that you will support them, thank you.

Katz: Thank you, everybody. Anybody else? Come on up.

Victor Gonzales (spelling?): good afternoon. Victor gonzales. I want to lend my support to this proposal, very much so, as commissioner Francesconi knows, anything that increases ownership and involvement of the neighborhoods in determining the future of our parks, I think, is a plus. We are going through rather unfortunate circumstance in the park right now where there's been a long process where we have tried to work with the neighbors and it has ended up in I think in this plan was in place, we would have been able to avoid that. Thank you.

Katz: Thank you. Anybody else? If not, roll call.

Francesconi: Margo, could you come up just a minute. So don, don, before you came in, I had said that a way to handle this was to, if there was amendments, what I wanted to do was have, since it is a cooperative arrangement here, rather than council interjecting themselves, I wanted to send it back to the sweeney park committee, is that all right? Is that okay with you, margo, do you think that that's the right way to proceed or do you see any --

Barnett: I couldn't hear all of don's statements, as well as I would have liked but I think that we can easily resolve any changes.

Katz: Actually, he used terms that have more of a meaning, so terminology, right?

Barnett: right, and I think it is just an issue of semantics and terminology and we can really resolve it quite easily.

Francesconi: Okay.

Katz: Roll call.

Francesconi: Well, again, peep have been thanked. I want to just thank kirky and margo, particularly, for the work that they did, not just on this master plan, but in healing the relationships and so that we can move on and we have got real challenges here as a community, not just in southwest, but city-wide. And this is the beginning step to doing more great things together. But, the other group, the other people, in addition to cathy, who's been acknowledged, I really want to thank john seul, jim and barb, who did some work on this, we have such great people in the park's bureau and that's the other reason that I don't want to trade you. You have great police officers, don't misunderstand but I know the park's people better, and they are terrific. And they have been trying to leverage for a long time, the human capital that rick talked about, and just the resources, and it is just a terrific bureau. We can do some things better, including planning around parks, which this document will do, but we have people of good will that really reflect the spirit of the community, and it is just a privilege to be there, so this is a good thing. This is a very good thing. And I am proud to be identified with it. Aye.

Sten: Thanks, everyone, and cathy in the office, and the citizens this is an easy one to vote for, it is a pleasure to watch what you have done. Aye.

Katz: For me, it is a pleasure to watch some of the work that's being done and—in commissioner Francesconi's office with cathy, the park's bureau and the citizens, it is a lot easier than the police bureau, so I know he's not going to want to change. [laughter] Aye. Thank you. All right. 1035.

Item 1035

Katz: Commissioner Francesconi, I want you hear this. I am going to say something that I don't usually do. So I want you to—

Katz: If you recall, this issue came up as a very discrete issue, and we gave directions to the planning bureau, not to make a big deal about it, but to look and to see if they could solve a very narrow issue that was raised by citizens. I am saying this because yesterday and even today, the whole issue of process was discussed, and we saw good work and mediocre work, and I don't want the planning bureau scolded on this because if you are going to scold anybody, scold us. We say, don't make a big deal. Look at a very, very narrow issue. So, for those of you who are going to testify and are going to say, you didn't have an open process. You didn't include us. That's very true. That was not really the intent. It was more of a technical issue, as opposed to a big citizen involvement issue. Now, having said that, as—so, I want to urge the council to pass this amendment next week. And if there are other design issues, and I think that there are because I am not completely satisfied with the solution, but I will talk about that in a minute. Then we refer them to what gill is calling now design standards for infill development project, which is a new title for the land division work. And susan can talk about it or make a decision that you want to put some money into this project and some time. I hope that we can incorporate it in an existing project so that it makes a lot of sense. Having said all of that, I am not very happy with the solution. But, and I gave my staff, I wish I have to show you this. As I said, I don't usually do this. I gave my staff the assignment to go and explain to me all of the other possibilities that we could develop with this, and, of course, I can't find it. And betsy—yes, it is. Betsy aimes did this kind of work. Examples of all the recommendations that came in through the planning bureau task force. And all of them, all of them being very difficult to deal with. Not a simple solution. All of them creating other problems that you think that you might want to solve. I spent a lot of time this week looking at this, and unfortunately, I concur, but so that what we assigned to the planning bureau was a very narrow, small piece of it. My thinking is that the planning bureau, during their work on the infill development, probably should be looking at a much broader picture of all of the issues that you have identified. That was not possible because of our assignment for them on this particular project. Finally, this proposal doesn't grant any additional rights that developers don't have

today, but removes an incentive under current code to manipulate the gray to potentially get additional height. And we looked at all other possible solutions and each one of them created another problem for us. At least for quick, quick resolution. So, as I said, I don't usually do this, but I wasn't happy with the solution, and when I am not happy with the solution, the council turns to me and says, well, what do you want to do. And so this is what I really wanted to do. So, I hope that the council can support me on that after we hear the testimony. Okay. Susan.

Susan Hartnett, Planning Bureau: good afternoon, madam mayor and commissioner, thank you for setting the stage like that. I really appreciate t for the record, I am susan hartner, chief planning. I also want to let you know that there is a whole host of opdr staff here today, as well, who would be happy to answer questions about the very specific nature of implementing these kinds of regulations on a day-to-day basis over the counter and through land use reviews. I think that part of the challenge that the mayor was alluding to comes from the fact that these folks deal with these regulations on a day-to-day basis and I know that all of the ins and outs and variabilities that they encounter. Britta, if you would turn on the power-point, I would appreciate that. Thank you. What you have in front of you today is a vestage of the code maintenance 2000 project. And there are two items in front of you. == measuring height and the odor standard and I can't tell you, that odor height has been a slippery slope and the odor standard is a little stinker of a problem. [laughter] == I couldn't resist. [laughter]

Hartnett: I do want to start by giving you just a brief reminder of what the code maintenance 2000 project was all about and why it came to you. It was a—intended to be and conceived to be a piece of the implementation of the blueprint 2000 process. It was intended to improve the usability of the zoning code, reduce inconsistencies between the zoning code's regulations and those of other city codes, and to do that without making changes to existing policy or intent. Behind the existing regulations. So, our idea was to do some cleanup stuff but not make a bunch of policy—put a bunch of policy questions on the table. So I am going to start by suggesting that we deal with the easy one, which is the standard amendments. The original code maintenance 2000 package included an amendment to the odor standard of the off-site impacts chapter. It erroneously included some language that references the department of environmental quality, deq, and that's a repetative and rather confusing reference, and as I said, the language was erroneously included on the draft that was in front of the council, so I decided to take advantage of the fact that today's hearing is still on the code maintenance 2000 project, and in keeping with the spirit of the code maintenance 2000 project, I would like to try and correct this error and make the zoning code, again, a more usable document. So, this simply takes out a reference to the deq that shouldn't have been in the document that was in front of you in march. So, let me move on then to the potentially more difficult one, which is the measuring height amendment. This amendment was not part of the code maintenance 2000 package as it was presented to the bureau—to the planning commission by the bureau of planning. The planning commission added it based on testimony from a number of residents who were raising concerns about the—a particular development on fulton park boulevard. This amendment was different from the rest of the code maintenance 2000 items in that it was a significant change to the existing regulations and the policy that underlies it. Now, the planning commission's recommendation to council was the height should be measured from what they termed original grade. And staff raised both the planning commission and the city council a number of difficulties about implementing that approach. In specific, staff pointed out that there is really a lack of reliable data on which to base original grade, even if you said original grade was the grade that existed at a particular date in time. We don't have good records on that, and unless we were to do a city-wide survey of all grades, it would be a difficult thing to administer over the counter. There is also no clear meaning of the word "original." Are we talking about existing or are we talking about what was in place 50 years ago, 10 years ago, 150 years ago. Also, the amendment was—would have been applied to the entire city, not just steep slopes, which is where the problem on fulton park arose. And it was a significant departure from city policy.

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The planning commission—I am sorry, city council listened to the testimony and to staff's comments, but did agree that the proposed regulation should be addressed in some way through the code maintenance 2000 project, but they also agreed that the amendment, as it was recommended by the planning commission, really needed some work. So, as the mayor mentioned, the council requested that staff develop an alternative that would address the issue raised by the Fulton Park development, but to keep that solution very narrowly focused on the circumstance that is typified by Southwest, Fulton Park, and to do that as quickly as possible, and I know it has been several months, but believe me, this was as quickly as possible. So, I want to sort of tell you what we understood the problem to be with your direction in mind. As we understand—as we understood the problem, it is the fact that a developer can raise the grade of a site, and then measure height from that new grade, and ultimately, achieve a higher height. That was creating an incentive to do just that, that you were asking us to address. And really, that's what led the planning commission to use the word "original" grade in their recommendation. So, I just wanted to clarify that we were not trying, as the mayor said, to develop a solution that comprehensively addresses all of the issues on about development on slope sites. But, we were simply trying to reduce or eliminate this incentive to manipulate the grade on the site. Now, I am going to digress very briefly to explain for you how height is measured right now. One option that is oftentimes applied on slope sites is called the base-point 2 option. Base-point 2 applies when there is more than a 10-foot difference between the highest and lowest grades. It allows the height of the building to be measured from a point 10 feet above the lowest grade, and it measures grade 5 feet from the building. So, this is a drawing that is included in the zoning code and I am sorry, I don't have a pointer, but you will note on the right side of the diagram that it is showing a 15-foot difference between highest and lowest grades, so it has to be more than a 10-foot difference. The grade level is measured 5 feet out from the building, not right at the building, and base-point 2 then would be that point where the two arrows come together on the left side of the drawing. 10 feet above the lowest grade. To which you add the base-zone height allowance to get the total height allowed under base-point 2. And I know that that's confusing. I would also like to point out how grade is defined. In the zoning code, grade is defined as the lowest point of elevation of the finished surface of the ground measured, again, 5 feet from the building. So, this is where that question of, if you change the grade because it is defined as what's there when you are done building, are we providing an incentive then for people to change the grade so that their height can be measured from a higher starting point. I also want to point out that this definition of grade in the zoning code is consistent with the Oregon construction specialty code, which is our version of the uniform building code in the state of Oregon. It is an important factor for the office of planning and development review that those definitions remain consistent because having different definitions of grade makes it very difficult to permit and then inspect development as it is being built in the field. An alternative height regulation that currently exists in the zoning code for steeply sloping sites or lots, and those are lots that have an average slope of 20% or greater, allows the building height to be 23 feet above average street grade, and the way the current code reads, average street grade is measured at the lot line, and in many cases, that can be well below the level of the pavement. In many cases, in a sloped area, the right-of-way is wider than the area that's actually developed as a street, and the right-of-way slopes away from the street so the property line can be several to many feet below the street of the actual street elevation. The paved area elevation. And if what we are trying to do is assure that you have reasonable vehicular and pedestrian access from the street, measuring from the edge of the right-of-way can sometimes be difficult because you are now talking about potentially having to have your vehicular access occur several feet below the paved area of the street. So, that's one thing that we were aware of as a possible glitch. So, what are we proposing? What we are suggesting is that we remove the base-point 2 option for measuring height on lots that are 20% or greater slope, and that we do that only in the R-2 .5, R-5, 7, and 10 zones, and that therefore, they would be limited to that 23 feet above average street grade and we are suggesting that we change where average street grade is measured from so that it is measured from the

center line of the right-of-way, which is typically within the paved portion of the street, if the street is paved. Now, we think that this is going to accomplish a number of things that were specific to what council was asking us to do. It requires that the height is measured from a known elevation, the street. And it removes the incentive to manipulate the grade of the site to achieve a higher structure because a developer can't manipulate the grade of the street. That's public right-of-way and they can't change that. It does not change how grade is defined in the zoning code and therefore, keeps that consistency with the uvc. It does provide certainty to developers and neighbors. They know that the height of the house can be set at 23 feet and they can project what that means to the back side of the lot and get a sense of what could be developed on an empty lot near them or on a site that they are looking at developing. It also assures that new development relates to the street by providing adequate pedestrian and vehicular access. I just want to quickly show you, and I believe that you have copies of this in front of you, if you want to look at it. I know sometimes your screens are a little harder to look at. This is a—just a quick diagram that shows height on a variety—under a variety of circumstances. The top line is a building that's 35 feet deep. The next line down is 45 and the bottom line is 55. And we are looking at sites that have an average slope of 0 to 30% slope. And looking at what happens with the height of the building under current regulations using base-point 2. Now, up to about 15% slope, base-point 28th doesn't come into play because you don't have that 10-foot difference between highest and lowest point. It is when you start getting into the 20% and higher that it starts to come into play. So, you will notice, for example, on the 20% slope for a 45-foot deep building, the height limitation at the back of the building is now 40 feet. That's 10 feet for the difference between the front—the highest and the lowest point, plus the 30 feet for the base zone height limitation. You will notice there that that becomes the controlling height for those—for example, for the examples there in the lower right hand corner. Let me show you what happens if we limit it to the 23-foot height, and you will note that the six boxes on the rye side don't show any information. Let me start by clicking in the 23 feet so they are now being held to 23 feet and the green area now shows you the area that would be occupied by building limited to 23 feet above the average street elevation. And you can see that with—for each one of those examples, with the exception of the very lower right hand corner, the overall height of the building is diminished. The gray lines show you what was on the previous slides. So you can look at those with the two sheets in front of you and compare them side-by-side, so you have got the first one—I'm sorry, here are the total heights for the back-side and you can compare those to the first one under the existing base-point 2. Now, I do want to also sort of point out that I know, this is not a drawing that's intended to show you typical examples because the slope of a site is usually not a straight line, as we have drawn in here, but given the fact that we couldn't go out and, you know, like come up with totally, a total real-life example that would cover every variability, we just wanted to give you a sense of the difference between these two regulations. Okay. My last slide is my usual reminder that the record for this project contains the items that are shown on this slide, and that the record is here today and available for your inspection or I can pull anything out of it if you want to and anything more closely. And I also just wanted to let you know that you are probably going to hear some testimony, I think that you have already received some letters that do address the public involvement that we used in this process, and as the mayor said, we were following council's direction to try and keep this narrowly focused and coming back to you as quickly as possible. I don't think it was a good public involvement process, but we were trying to bring it back as quickly as possible and not have it be a full-blown process. I think that—also, I wanted to mention that the design standards for infill development is the project that gill kelly is starting to formulate, based on the dialogue that he has been having with the land division code rewrite group that he's been working with for several months now, and many of the issues that were presented to council and have been discussed through this group process have really focused on compatibility and design issues. And it is very clear that we need to do some work to address those issues, particularly at infill areas, that it is the places where new development occurs side-by-side with existing development, that these kinds of questions and concerns

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not just on steep slopes, but on flat sites, as well, becomes a real problem in the community. So, gill is already anticipating our work program, as a subsequent step for the land division code, rewrite project will include some—what's being called design standards for infill development that will look at these kinds of compatibility issues. I also wanted to mention that in our short discussions with local developers about this proposal in front of you, many of them were not particularly concerned about it because they—much of the development takes place in subdivisions where the housing already is established to be similar to what's being built at fulton park, which seems so out of place at fulton park, but fits in with what's being built in the subdivisions, so they are relatively comfortable with what we are proposing here. And I think that that is all I have. I would be happy to answer any questions and if Britta wants to bring up the lights.

Hales: I guess I didn't understand your last point, susan. That is if there is a new subdivision situation where a height—a taller structure would be compatible, fit in, when they have to get an adjustment once this has passed.

Hartnett: no, because there is the state vesting in regulations that exist at the time that a subdivision is completed. So, most of the subdivisions, such as up in forest heights, the subdivision was completed well before now, obviously, and they are vested with the regulations that were in place at the time. Some of them also have their own special regulations, either through the land review process or through their cc&rs that address some of that stuff.

== so, but so the tradition, I mean it doesn't—

Hartnett: ladds addition, it is only additions established after I believe september 25th of 1994, so that addition missed it by about 100 --

== yeah, okay. [laughter]

Hales: So there is a beginning date for that.

yes, yes, that's correct.

Katz: Further questions of susan? Okay. Let's open it up for public testimony. So the ground rules, don't yell at her and the planning bureau. [laughter] or opd and r. Yell at us.

Katz: Ernie, go ahead.

Arnie Rochlin, Forest Park Neighborhood Association: PO Box 83645, 97283. okay. Madam mayor, I will yell at you very quietly and respectfully. Consulting alone on how to protect it is likely to result in very poor protection for the lambs, and that's what occurred here. The problem with the regulation is that it is formulated, as was described quite honestly, for ease of implementation. That's not the primary priority for regulation. Its purpose is to provide some kind of quality of result. And I am not an expert at all in building height, and—regulations, and I can—as far as I am concerned, it does address another point that the staff said it addresses, reasonably well. That is it assures a reasonable relationship with the street, but most lots have three other frontages, and as that regulation is designed, somebody who lives say to the rear on the lot that's adjacent to the rear of the property in question might some day face a 70 or 75-foot wall 10 feet from their boundary because the lot—the slope is up to 30 or more percent. If you have a lot of 150 feet and you have that addition of the grade down from the center of the street, you reach that situation, and that impacts not only the lot to the rear, the lots to the side. Would also have to face the wall that would increase as much as 70 or 75 feet at the back. And if you had a larger lot, it could increase even more. It is just not suitable. That's exactly the situation that height regulations are supposed to avoid. Even in Portland, people are entitled to see the sun some of the time. And I would urge you to not necessarily eliminate that regulation, but add some others. We have a lot of regulations that say at the end, and, semi-colon, and I think—I submitted something in writing and I am not going to go over with it, it is complicated and it may also have flaws but I think that it fills a lot of the loop-holes in this. That's all. Thank you.

Katz: Thank you. Let me just add, and arnie, I don't know if you came in late or not, I am not happy with it, either, but it was a very narrow, very small task that we thought we were giving the staff. Sty turns out, you are absolutely right. It is much more complicated than that. And I hope that if the

council feels or the citizens feel that we need to do more, that we fold it into the work that they are currently doing.

Donald Berg: 7220 SW LaView Drive, 97219. I am donald berg and I live on la-view boulevard. I see the back of the house constructed and how it soars above the other houses in the neighborhood. My feeling is that this is not going to stop a great manipulation in the city of Portland. I think we are just now beginning to see—just starting to see the beginning of grade manipulation. This potentially does minimize that on sleepily sloping lots but look at all the lots that are not steeply sloping. There is potentially more benefit that will arise from manipulating grade on nonsteeply sloping lots. You could take a flat lot in the city of Portland right now and build retaining walls and build the level of soil and a house on top of it, which would be a ludicrous thing to do and an eye-sore in the neighborhood, but is apparently legal within the city code the way that it currently is written. And I find that to be just astonishing. So, I think that this amendment, limited as it is, I recognize, really short-changes the city overall in that it does not address seriously the question of grade manipulation. Secondly, I don't see why in this regulation, there has to be this amendment, there has to be a change in the method of measuring the 23-foot limit, which currently exists within city code. What's there now is as well, is clear defined and easily measurable. The effect of this is to raise the 23-foot limit and allow even higher houses to be built by raising the beginning measuring point up to the street level rather than leaving it where it currently is. So, I think that this amendment actually is harmful to the neighbors across the street and surrounding neighbors, rather than neutral to them, which I would hope it would otherwise be. So, to me, it does not—it doesn't solve the problem of great manipulation, and it, in fact, harms the neighbors across the street. This—I don't know if you saw this article in the sunday paper-on article on what's going on in seattle with respect to views and heights. It was an interesting article and there was a staff report recently developed, and if I could, I would like to read one paragraph here. It says, "an internal document worked up for the city council warns that the issue could snow-ball, and this is the issue of heights and views. Specifically on views within seattle. Quote, "no more potentially contentious issue exists in land use than the question over the city's authority and its ability to protect and preserve views." Begins a nine-page discussion document prepared by city staff in late april, and I think that that's exactly what's going to happen in the city of Portland. We are seeing larger and larger houses built on smaller and smaller lots all the time. Thanks.

Katz: Thank you.

Kevin Myles, Corbett Terwilliger Lair Hill Neighborhood Association (CTLHNA): good afternoon, I am kevin miles and I am president of the corporate terwilliger larry hill neighborhood association. The york-cut house is located on fulton park, which is in ctlh. And the land use committee sent a letter that briefly states that we don't want the changes that are being proposed today. In the letter, it explains why we don't want those changes. Actually the two men that have spoken before me have already talked about that. One of the other problems that I have run into since being elected back in may is there is an us versus them mentality, and it is very hard for me to get people to understand that the city is not our enemy, particularly when three developers get called but no citizens are involved in the process. And I understand that it was after a very narrow issue, but this is the type of thing that happens consistently and it concerns me greatly because it is what I hear first, and then we start talking sanely about whatever the problem is. The solutions—there are several other solutions that are available. For one thing, st. Helens has a rule that you have to get a permit in order to start dumping anything over 50 cubic yards of infill. So that it would be fairly easy at the time you start ordering a thousand truckloads of infill to determine when that actually happened and whether or not a grade has been changed. You simply pick an amount of fill that can be put on there without applying for a permit. Once you have that limit, you can decide that. When you are eliminating the base-point 2, after eliminating the 23 feet from a measured point, you are also affecting people who have bought their property, built their houses with the understanding that they are going to have something that's consistent with the neighborhood as it exists at that moment. What we ended up with in our house is a

japanese castle, absent the samurai, but it has a wall surrounding it without a mote, but it is a blank wall that looks very much like the type of building that we are trying to get away from in the central city, something that used to look—the hilton hotel, for instance. Where you don't have a human dimension at the street level, you are in fact, facing a blank wall. With all the studies that have been done about improving the appearance of the neighborhood, about adding porches in the front so that people can communicate with people walking by in the neighborhood and making it much more inviting, were actually going in the opposite direction.

Katz: I guess as we hear the testimony, so far three people said, don't do any—I mean, don't adopt this, which could be an option, too, and send all of this, and the work that you are going to be doing, or you are doing on the infill design. Okay.

Katz: Who wants to start?

Jeff Levear: 7311 SW LaView Dr. I might as well go first. My name is jeff lavier and I live at 7311 la-view drive. As we said earlier, parallel to the fulton park. I happen to live two lots away from the problem development. This approach—this proposed amendment to the code does not totally address the issue as has been said before. The way you start the measuring the height is not the issue. The issue is the finished height of the building and the design to blend into the neighborhood. In the testimony from the director of planning, she's talking about reasonable access. Reasonable access is not the issue. Vehicles and people can go up and downhill. The city, if the city wants to use the center of right-of-way as a point of reference, I think that that will be okay. But the issue then becomes the 23-foot issue, and we need to discuss that. This amendment applies only to steeping lot—steeply sloping lots, and therefore, is very easy for the developers to put second stories below the, below the street level, which is evidenced profusely around the city. And so there was a comment in the report that the developers wanted to be able to built two-story buildings. Well, they can and this regulation does not—the existing regulations do not precluded that in any way. I think that there are many questions that remain in this proposed amendment. For example, with the ridge-roof, is the structure height measured at the top of the ridge or is it the average height of that ridge? As I read the code, it is the average height, so the height, the physical height of the building is demonstrated in those charts, would be significantly higher than the planning commission is—the planning bureau is showing on those charts. If the designer of a ridge is a 6 and 12 ridge, it would add almost 4 feet, if it is a 12-by-12 ridge, it could add 7 or 12 feet to the actual structure. Now, I would like to consider the issues on the downhillside looking up. If a developer sets the structure to the back of 100-foot lot on a 20-degree sloping lot, the structure could be 42 feet high, plus the allowances making it in excess of 52 feet high, and so this whole proposed regulation just doesn't get there. Everyone, it seems to me, agrees that what happened on fulton park was not appropriate, nor desirable. And one of the quotes that I pulled from a staff report on this subject says that the bureau of planning and the development review staff met with developers to define the problem and brain-storm the solutions. The group discussed the neighborhood's complaint about the house on fulton park boulevard and agreed that the house was out of context with the neighborhood, both in scale and architectural style. So, if I had been invited to the brain-storming session, there is a number of other alternatives to approach this. One would be look at neighborhood houses, how about looking at the nine lots, or the eight lots surrounding any one lot and talk about the average height of buildings in that lot? So then you would start getting compatibility without making any changes.

Dan Seifer: 7400 SW LaView Drive, 97219. I am dan seifer and also live on laview drive. I don't like that house, either, but I would like to focus on the agenda item as you described at the beginning, madam mayor, and that is the proposed amendment. There is no crime, nor am I aware of any showing of a public need to relax the height regulations and restrictions in the code. There are no lots that are too small to build an adequate home on, so the need that was shown was a need to provide clarity to the existing regulations, and what has been proposed is, in fact, a relaxation of the height restrictions. And will result in taller structures on the same lots. The problem with the little charts

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that you were shown is that they assume that every one of those examples is being built on the top of the hill. Because in every instance, the middle of the street that the 23-feet is being measured from is the same as the front wall of the house. In Portland's topography most of the sloping neighborhoods are on hillsides, and in Portland's topography most of the continue hill lots have a different relationship, the 20-degree, or 20% slope is maintained throughout a hillside. So that, in fact, just the width of the right-of-way, not to mention the front setback, adds 10 feet to the 23 feet, and the 20% slope down the hill makes for common backwalls or tall walls in excess of 50 feet. So, please understand that our concern is that the effect of this regulation is to relax the height restrictions. And that's not the need that you were asked to address. You were asked to address providing some specificity to the height restrictions as they exist now. There may be some problems in implementing any regulation in the planning commission's suggestion of original grade is certainly not without difficulties. But, at least we all know on what—we all agree on what the intent of that is, that's consistent with our existing regulations, and that's the way that most height restrictions are implemented in most jurisdictions. If clatsop county is sophisticated enough to administer exactly that type of a height restriction, I would hope that the city of Portland is sophisticated enough to implement exactly that type of height restriction. We are not really talking about rocket science here, and the neighborhood's concern is being asked to address something to limit height, we believe that the planning commission has come back, and I am just a lawyer so I don't know what I read, but what I read, it looks to me like, a relaxation will provide --

Katz: We will get back to them to see that that's accurate.

Anne Bradwell, CTLHNA: 840 SW Dolph. I am anne bradou. I have lived in here for 20 years. I did move recently. I started a piece of property there because I couldn't afford to live there, actually. I couldn't find anything else to buy. I've—i have been on the land use chair for until the first of the year for about four years. A lot of things that I never thought that I would be interested in learning. Including a little about height. [laughter] and citizen participation, and I appreciate what you said, I think that the staff worked very hard. I think it is very unfortunate that we tend to have an us and a they situation. Certainly, when they have time to involve three developers, and no citizens, I think that that's very unfortunate. And I don't really think that it is necessary because you could call two developers and one citizen, or something, and use the same amount of time. I would suggest that this would help the citizens, number one, brain-storm, struggle, learn more about the ins and outs of the situation. Understand more, where's in these situations, we have, like about one week, I believe, that we had the thing one week, to try to understand. We didn't have little neat things to show us little drawings. To simplify it a little. So, I was very disappointed about that, and I believe that citizen participation is important to Portland, Oregon, and I think that we are— president planners and staff and the citizens are all well meaning. And trying to find a common goal. Two houses adjacent to the house, on the street below have had their taxes reduced. I thought that that was an interesting piece of information regarding the reduction in the taxes because their house houses don't have the same value because they have monsters up there. So, we still really haven't solved the problem on the streets below. The street above, maybe, but the street below, we don't. We also—led appear, that assume that the streets are straight. Usually on a hill, they aren't straight. So that we get even more confusion in figuring height. So, I would say that this is a huge problem in our neighborhood and in many other neighborhoods, and with flat lots. 1,000 cubic yards of dirt, which I can only relate to by truckloads. 100 truckloads is a lot of bark dust to shovel, which is my relation to the stuff. 50 cubic yards, 5 dump-trucks is more than plenty. And this is, as was said before, would trigger information for the city to know how much dirt is moved. If you look at our neighborhood, the gateway on the south side, we have some very unfortunate houses, which illustrate this huge massive height on the bottom or the backside of the house on, I believe, it is virginia and laview.

Katz: Thank you.

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I am not hear with the solution. You are not happy with the solution. They are not happy with the solution. We could just—why don't we finish the testimony.

Jim Worthington, Centennial Neighborhood Assn: jim worthington, 3232 southeast 153rd avenue, Portland, 97236, and I am the land use chair of the centennial neighborhood association. Some day, you are probably looking around and say, what in the world out there are you thinking about or thinking of the—this with the heights on slopes. We have powell butte in our neighborhood association, and it has some pretty good slopes on it and we have had some problems in times past with houses being built on powell butte. In fact, they came in there and went up above the street and built a high platform or foundation for mobile homes and set them up and they are sitting up about 45 feet in the air on the front edge. So, we are very interested in this and I think that we need to consider this. The thing that—one thing that I noticed in this thing here, and some place, I have missed it before, is that on the chapter 33-110 single dwelling zones, I am kind of curious of why all of the zones, the height is 30 feet, but when it gets to r-2-5, they get an extra 5 feet. I think that that needs to be looked into, and in the future, we will suggest some changes there because I think it doesn't make any difference what zone it is for the type of the house, for the height. So that's what I would put in. But, I think that there is much more very lot more of investigating this whole thing. It is not a simple solution. And I agree 100%.

Katz: How many more people are going to testify? Okay. On this—all right. Go ahead. Why don't you bring the mike to you. Hello.

Jerry Ward, CTLHNA: 7409 SW Fulton Park Road, 97219. okay. Hi, my name is jerry ward and I am ctlh neighborhood. Dear council and staff, in brief, the amendment does not even begin to achieve what council was planning to do over four months ago, in fact it is worse than what we have now to establish maximum height. I gave you each a packet, it is ten pages long, but I wanted to be thorough, in attachment 1, it shows the orca residence that precipitated the issue. These recent photos shows the 8-foot plus front yard block retaining wall necessary to get the elevated front door. Note how it affects the house to the south. The lower photo shows the two retaining walls necessary to increase grade height 10 feet and they demonstrate why we are here today. Staff claims that the height amendment answers these concerns. In attachment 2 and 3, I analyzed the residence and compared the existing method 16 height calculation in city codes to the height amendment. The calculations show that there is a 3-foot height increase above the existing code, method 1, in almost all cases, the street property corners of downhill lots are below the mid-point of the grade. Common sense tells us this amendment is a height increase. I analyzed another Portland home that I am personally doing recently permitted on southwest rivington drive. It is a steep site with a 38-degree slope. See attachment 4 and 5. The amendment would give an additional 8 ½ feet height increase to the house. In the present code, we were able to design a 3500 square foot house, two stories high with an optional third level, and our design abilities weren't really hindered by the present code. The jurisdictions, how are they addressing the issue, most of the other cities and counties that I am watching with address the height issue based on existing grade. For example, I included a residence on ocean-side Oregon on the sleep lot in tillamook county. The maximum height is 35 feet on existing grades. Based on existing grades. See attachment 6. There are two floors above the street grade and two floors below for four floors. The height requirement did not stifle design again. On attachment 6 and 7, a residence in manzanita, Oregon, has a maximum height limit of 24 feet, even lower. Tillamook county has a variable maximum height limit to respond to various situations throughout the county. A two-story home was designed with a height 3 ½ feet less than the required 24 feet. Also is a development height limit of 16 feet. This home met that requirement even. So the home in king county in Washington also have a height restriction based on existing grade. How can you have height regulations on based on a street elevation of the mid-point only and not on existing grades of the actual site, itself. And how would a lot bereaved? Would the height, even though the building area is 100 feet away from the street, would

it be able to go the 23 feet, which might then create a 53-foot high building? I support the position of the neighborhood association. One last comment in response to the staff report today. In response to the staff report today, the ubc defines grade in four ways. Grade, existing grade, rough grade, and finished grade. Existing grade is defined as, quote, "the grade prior to grading." We are proposing that mod 2, that uses lot grades for analysis, define grade as existing grade. And existing grade is at the time that the plan is submitted. And normally if the height is in question, opdr staff will require a to-pog site plan and we can then analyze the house.

Gail Ingalsbe: 7312 SW Fulton Park Rd., 97219. I am gale, and I live on fulton park boulevard, and our house sits below the street, and I have a vacant lot next door to me which is one away from the monstrosity. If we were to measure from the center of the street to build on the vacant lot, we would have another monstrosity, even if we limited the height of it, and I failed to see why we can't go down below the street on the original property as has been done in the past, and the house that previously set on that lot, though it did go to ruin, will a very gentle slope down the stairs, a lovely yard in front, and set way below on the original property obstructing no one's view and creating no problems with fill and run-off. Thank you.

Katz: Thank you. All right.

Katz: Anybody else want to testify? Come on up and then I am going to close the hearing. There are good days and there are bad days. Jerry, go ahead.

Jerry Powell, Goose Hollow Foothills League: I am jerry powell, the land use chair, the planning chair of the goose hollow foothills league and live at 1441 southwest harrington street. In a neighborhood with few sites that are less than 30% slope, and many of them are more than 50% slope, a condition that wasn't studied by the staff. In this case, the cure that is suggested is maybe worse than the illness that it is supposed to correct. What's the problem with height on a sloping lot? I am not going to tough the flat lot situation. Yeah, you can build up anything. The problem is that a building on a sloping lot projects out from the slope, regulating the height as best a surrogate for regulating that projection out from the slope. I don't know of any place that's trying to do that. We do have a technology to do it, with any confident gis system, and I understand that the city has a new corporate system that is very competent, you can project a plain that's above the slope that exists, and you can determine whether a building is going to pierce that plain. Maybe that's relying too much on technology, but it—it is a plausible alternative. The idea of regulating the height by the base-point 2 method that's in place right now, came about in a desire to make planning regulation of building height, which is concerned with neighborhood compatibility, consistent with building bureau regulation of height, which is concerned with the height and safety of buildings. Two different purposes, and it probably is desirable to have one user public, the developer, using one system for measuring the height of the building. There is less confusion there. On the other hand, you have to reconcile the two different purposes for addressing height of buildings in the first place. One, neighborhood compatibility. Compatibility with structures in the area. And not just a little bit of public interest. When you regulate the projection of a building from the slope, you are actually constraining buildings to stay out of public and incidentally, private but mostly public views. The view from any of the streets in sloping terrain, is a public asset. It is part of the stuff that makes up livability. When you permit buildings to project further out into the—that view shed, you are limiting that public value. well, what I suggest is that you not adopt this amendment. That you use the regulation as it exists, and imperfect as it is, and then look at the issue of projection into the view shed and try to decide how you are going to deal with it.

Connie Kiener: 7327 SW LaView Drive, 97219. I am connie and I live on laview drive below the big house, and pretty much everything that I wanted to say has been said so I will keep this really brief. But, I was thinking about that house, I think about it a lot. And it is—the part where it was built is not on a steep lot at all. Where the lot was steep was below to the east of it, and steep towards the street. And the actual building platform had very little grade to it, at all. So, that's why I don't understand

how you can fit something like that into a big general code. And there was—was there one other thing? Naa, that's it. Everybody else said it. Thank you.

Knut Eie, President, Southwest Hills Residential League (SWHRL): madam mayor and commissioner Hales, Francesconi, and Sten, I am the precedent—president of swirl, and I am here just to share with you that I think that something is going to come out of this, you all made a commitment to the neighborhood involvement and inclusion. You hired a new director of the long-range planning and the neighborhood involvement. And at the same time, you said today we don't like this. I would feel really good if you would send this back to the neighborhoods and give them a solution, and I don't know if that is a consideration, but I don't feel the neighborhoods have had ample input. If your mission is to make our neighborhoods the most livable in the northwest, you know, then I think that we got off on the wrong track.

Katz: Thank you. All right. Ms. Feldman and arnette, will you please come up? Did you want to come up, susan? No? Did we hear anything that needs to be corrected? First, and then my sense is to send this back and not see it until—

Hartnett: I would say to—yeah, unless the council feels that they want some clarification, I would rather not respond to any of it. The only thing that I would and is that we do have that second amendment in front of you for the odor, and I really would like to feel like the code maintenance 2000 project as a whole is finished and does what it says it was going to do, which was clean up the code.

Katz: Okay. What we will do—

Hartnett: please, send the height back to us but pass the odor standards.

Katz: This all goes to second, and so we will take care of it next week. And my recommendation would be to table or not even to bring back the height one and pass the odor one. Yeah. As I said, this is not easy. We had a long discussion about a couple of things. One, we will see more buildings like this, just because of land scarcity, and we have, we have some tools, we have environmental zone tools and some tools to protect the neighborhoods, but I am very concerned about the proliferation of these kinds of structures. Staff was not happy with the solution. We will fold it into the work that we are doing on the infill, and you have a group that is represented?

Hartnett: yeah. Gil has pulled together a group of, about, I think, 25 people all together, that includes representation from—

Katz: From the neighborhoods, okay. So that will be—is that—is that okay? Okay. All right. Thank you. Now, for those of you who live in southwest, stay here for a second because you are going to hear some good news. Okay? Thank you. This will come back to second and we will take care of it that there. Item 1036.

Item 1036.

Katz: All right, this is where I thought that we were going do start the afternoon with. This is a second reading. We are going to adopt the southwest community plan vision policies and objectives. But, I thought if anybody wanted to say anything, this might be a good opportunity to say something. Anybody want to say anything? If not, roll call. And we are going to party then. [laughter]

Francesconi: Hang on just a second here. I am coming. Well, this is terrific. I am going to leave it for the mayor to kind of put the final touches on this plan. I do think, though, that there have been a lot of folks that have worked on it for a very long time, and it has been a painful process. I think that we should acknowledge it from pain, comes better relationships and through painful experiences, we learn more. And so, I think it is better to just admit it, that it was painful, but it is also good to recognize people that helped. Amanda fritz described it as heroic efforts. Some of this is even before my time, but sheila and ellen, I think, deserve some special acknowledgement so I wanted to do that. The planning commission spent a whole lot of time on this. And a whole lot of effort, as did many citizens, and I will leave others to recognize, but I think that we should give them some, some special recognition, as well. I guess that that's all I want to say. I guess I will conclude by saying that there are a lot of terrific folks in southwest. It has been a pleasure for me personally to get to know them on

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this park's project that we just talked about and many others, and I look forward to at least four more years—four more years of working together with you on these things, aye.

Sten: I want to thank everybody. It has been an up and down process, and I think that the product is terrific. I knew that we could get here. At times I waived but I knew that we could get it done. I particularly want to thank marie for her hard work on this. I think that you have really made a big difference and we are probably the factor that allowed the change to happen. So I appreciate your hard work, and next, let's implement some of these great plan ideas. Aye.

Katz: I need to thank a lot of folks, but I know that before I do that, the budget for next year includes funding for the plan to finish up the map and possibly other elements, and marie is going to present that to the council. But, I do need to thank deborah stein and marie johnson, especially from the bureau of planning. They have done a very, very extraordinary job. They have been adaptable. They have been creative. They have been supportive of both the council vision, as well as the community's vision. And also, the bureau of planning staff, who worked before them. I want to thank them, as well. They laid the foundation for this, and as I said, we always learn from things that we do, just this afternoon. We learn from our errors, so I want to thank them. Members of the sweeney task force, who volunteered hundreds and hundreds of hours, who came into my office and actually walked every piece of land in the southwest community, who knew everything about every piece of property that existed, and who will their own ideas and many of them, we did adopt. So, let's—lois, who was the first chair of the force task, mark seiber, the—second chair, who went on to do other things. Jerry ritzer, the current chair who took on the responsibilities of leadership. Patti lee who served as an important role of sweeney, and all the citizens who worked very, very hard to make this a reality. I also want to acknowledge the planning commission's work. They did a fine job, and adopted many of the elements long before they came to us. Betsy aimes, betsy, I think that you spent hours and hours on the previous item. This one, I think, you are going to see a little bit more success, but she spent hours and hours working with marie and with deborah to make sure that we were on track with the community. Conflict, compromise, consensus, some people think that those are not very pretty words, and that the way that we should be doing things in the city. I think that they are wrong. A little bit of conflict helps building consensus, so people feel good about what they are doing and how they are spending their time. And the final product is absolutely critical. It is the Portland way, and we are known for planning and we are known for talking and we are known for planning and talking. And whether it takes three years, whether it takes four months, 99% of the time, the product is much better. And in this particular case, it is. So, all of you who are here, if I didn't mention your name, my apologies. I know, and this council, knows who you are. Thank you so much. Thank you for being with us, thank you for showing us the way, thank you for introducing words that we never even had an inkling of what they meant and we are privileged to have you continue working with us as we move on to probably something a little bit more difficult than this, which is the map, and then hopefully elements of some of the neighborhood plans. So, everybody appreciate. What time are we going to party? 5:00, and where?

== in the lovejoy room.

Katz: We will have some refreshments and say some thank yous and talk maybe a little bit about what we envision next. Aye. Thank you, everybody, and we stand adjourned.

At 3:40 p.m., Council adjourned.